

**COUNCIL BILL NO.** 06-048  
**ORDINANCE NO.** 2258

**AN ORDINANCE APPROVING A ZONING CONVERSION FROM C-2 (COMMERICAL MEDIUM INTENSITY) TO M-2C (INDUSTRIAL STANDARD - CONDITIONAL) FOR APPROXIMATELY TEN ACRES OF PROPERTY LOCATED SOUTH OF HIGHWAY 70, ALONG BATAAN MEMORIAL EAST AND IMMEDIATELY WEST OF JORNADA SOUTH. SUBMITTED BY ADAM ZELLER, PROPERTY OWNER (CASE Z2634).**

The City Council is informed that:

**WHEREAS**, Adam Zeller, property owner, has submitted a request for a zoning conversion from C-2 (Commercial Medium Intensity) to M-2 (Industrial Standard) for property located along Bataan Memorial East, and west of Jornada South containing approximately ten acres of land, and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on October 25, 2005, recommended that the said zone change be approved, with conditions, by a vote of 5-0 (2 Commissioners absent).

**NOW, THEREFORE**, Be it Ordained by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** the property shown on Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned M-2C (Industrial Standard - Conditional).

**(II)**

**THAT** the conditions be stipulated as follows:

- No billboards will be placed on the property,
- New electric underground utilities will be placed underground,
- Communication structures will be subject to review and approval by Council,
- The properties be replatted into one lot,
- The M-2C zoning is limited only to offices with warehouses, along with mini-storage units or storage units of any type (interior or exterior access),
- The existing drainage problems be resolved on the property through the building permit process (proposed new development) and that said method be reviewed and approved by applicable City staff, and
- Drainage due to additional impervious area be contained on site and not allowed to flow onto adjacent properties.

(III)

**THAT** the zoning is based on the findings stated in Exhibit "B," attached hereto and made part of this Ordinance.

(IV)

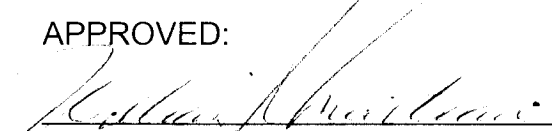
**THAT** the zoning of said property be shown accordingly on the City Zoning Atlas.

(V)

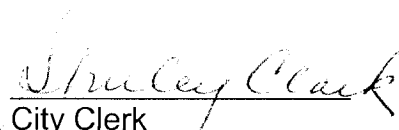
**THAT** City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

**DONE AND APPROVED** this 19th day of December, 2005.

APPROVED:

  
Mayor William Mattiace

ATTEST:

  
City Clerk  
(SEAL)

VOTE:

Mayor Mattiace: \_\_\_\_\_ aye \_\_\_\_\_

Councillor Fietze: \_\_\_\_\_ aye \_\_\_\_\_

Councillor Connor: \_\_\_\_\_ aye \_\_\_\_\_

Councillor Archuleta: \_\_\_\_\_ aye \_\_\_\_\_

Councillor Trowbridge: \_\_\_\_\_ aye \_\_\_\_\_

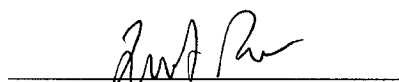
Councillor Jones: \_\_\_\_\_ aye \_\_\_\_\_

Councillor Miyagishima: \_\_\_\_\_ aye \_\_\_\_\_

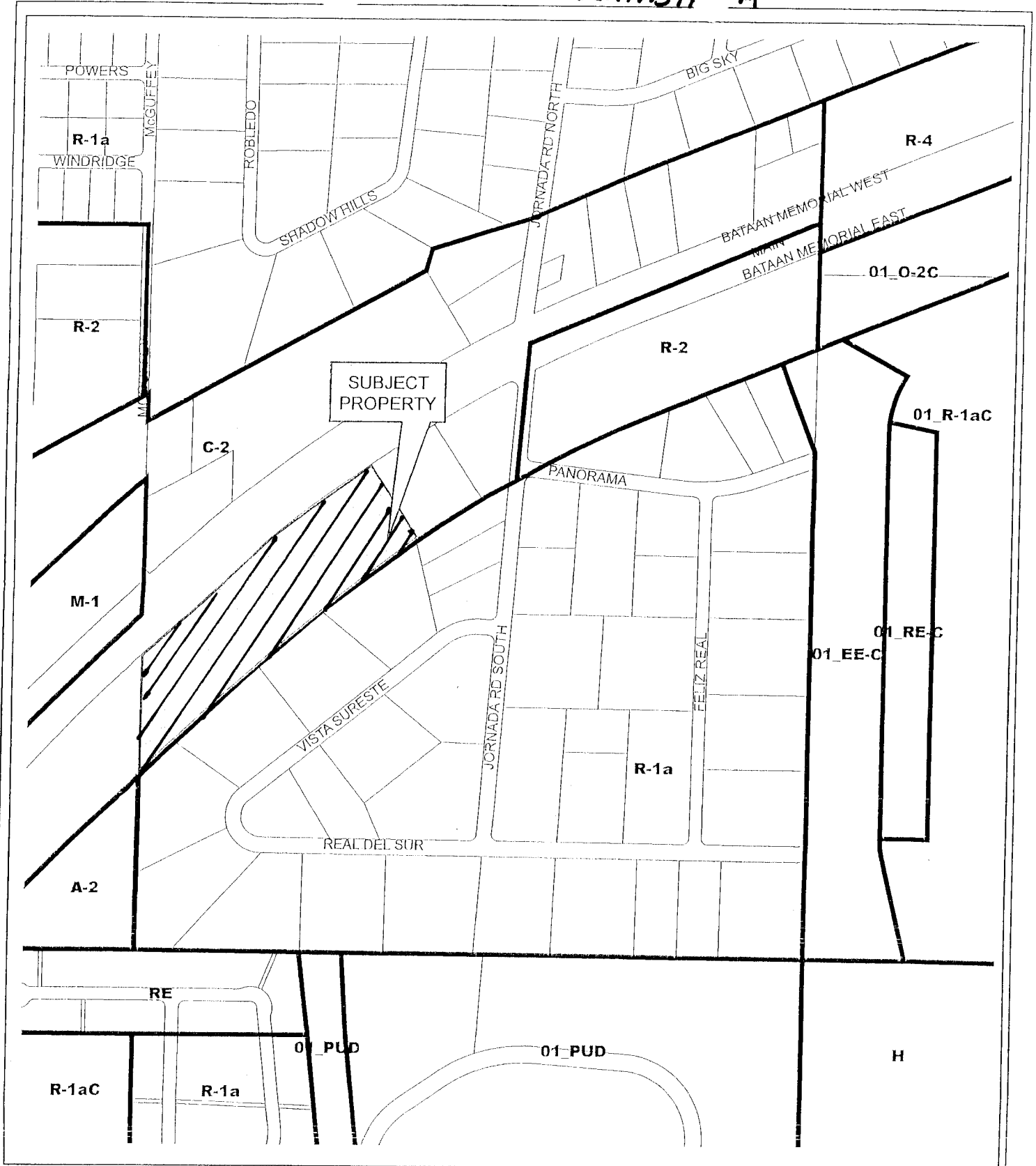
Moved by: Frietze

Seconded by: Archuleta

APPROVED AS TO FORM:

  
City Attorney

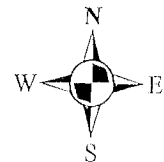
# EXHIBIT "A"



MAP GENERATED BY  
INFORMATION TECHNOLOGY DEPT  
GIS  
BJM  
05-G-139

## EXISTING ZONING

LOCATION: 4400 BATAAN MEMORIAL EAST  
CASE: Z2634  
ZONING: CHANGE C-2 TO M-2  
DATE: 08-31-2005



## EXHIBIT “B”

### FINDINGS

1. This is a request for a zoning conversion from C-2 (Commercial Medium Intensity) to M-2 (Industrial Standard) for a 4.4 acre lot and a 5.7 acre lot located at Bataan Memorial East, just west of Jornada South.

2. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-2	Highway 70/frontage road
South	R-1a	single-family residential
East	C-2	misc. commercial
West	C-2	vacant

3. This request for zone changes is consistent with the following goals, objectives and policies of the Comprehensive Plan:

Land Use Element, Commercial Uses, Goal 1, Objective 5, Policy 5.3

High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people...


Land Use Element, Commercial Uses, Goal 1, Objective 5, Policy 5.3b

High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street.

4. This zone change will bring the subject properties' zoning into compliance with the 2001 Zoning Code, as amended.



TO: Planning and Zoning Commission

FROM: Lani Ruth McCarson, Planner 

DATE: October 18, 2005

SUBJECT: Z2634

RECOMMENDATION: Approval, conditional\*

\*Conditions not only include the three standard City Council conditions, but also other Staff recommended conditions

**Case Z2634:** A request for a zone change from C-2 (Commercial Medium Intensity) to M-2 (Industrial Standard) for a 4.4 acre lot and a 5.7 acre lot located south of Highway 70, along Bataan Memorial East, and west of Jornada South. The purpose of the zone change is to allow the applicant to continue the construction of offices with warehouses and separate self-storage units; and to bring the subject properties' zoning into compliance with the 2001 Zoning Code, as amended. Submitted by Adam Zeller, property owner.

### **BACKGROUND**

The subject property is actually comprised of two individual properties, totaling approximately ten acres. The property is partially developed with two large indoor RV type storage facilities, with the applicant currently making plans to develop the remainder of the property into similar storage units and office warehouses. Office warehouse, according to the applicant will include both an office and a warehouse in each unit. They are designed to provide more of a warehouse type of environment and will not accommodate large retail businesses. To note, the Zoning Code limits office space within warehouses to 5,000 square feet or 49% of the total building square footage, whichever is less.

The property is currently zoned C-2, which does not permit mini-storage units or any other type of storage facility. Interestingly, the C-2 zoning district from the previous, 1981 Zoning Code, as amended, allowed mini-storage units and similar uses. However, when the 2001

P.O. BOX 20000

LAS CRUCES

NEW MEXICO

88004-9002

505.541.2000

AN EQUAL OPPORTUNITY EMPLOYER

Zoning Code was adopted, these uses were removed from the commercial zoning districts and moved to the industrial zoning districts.

As a side note, if the Commission will recall, staff is in the process of working on a major amendment to the Zoning Code regarding the non-residential zoning districts. As part of this amendment, staff is exploring restoring the clean storage use back into some of the commercial zoning districts. But, until this amendment is approved by City Council, this change to M-2 is necessary to allow the development of the remainder of this property into storage units. In this case, due to the property's size being over two acres, the M-2 zoning designation is necessary. The M-1 zoning district is limited to properties two acres or less. The applicant is willing to condition the M-2 zoning to allow offices with warehouse, mini-storage units, and/or storage facilities only. To note also, the applicant currently is in the process of acquiring a building permit for the development of the remainder of the property.

Staff has received a few phone calls regarding this request and while those who have called have not indicated any objection to the storage unit use of the property; they have indicated that currently severe drainage problems exist on the property. The applicant has assured staff that the drainage problems will be corrected through the development of the remainder of the property. Regardless, staff is recommending a condition on this zoning case regarding the resolution of the drainage problems on the property to ensure this occurs.

Additionally, a bufferyard and landscape screen is required adjacent to the residential land uses. According to Matrix 1 of the Zoning Code, either a 20' bufferyard with a type A landscape screen; a 40' bufferyard with a type B landscape screen; or a 60' bufferyard with a type C landscape screen is required along the south side of the subject property. This will assist in mitigating potential compatibility issues between the proposed use of the property and the single-family residential uses. This bufferyard/landscape screen will be required to be installed at the time of development of the property.

## **FINDINGS**

1. This is a request for a zoning conversion from C-2 (Commercial Medium Intensity) to M-2 (Industrial Standard) for a 4.4 acre lot and a 5.7 acre lot located at Bataan Memorial East, just west of Jornada South.

2. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-2	Highway 70/frontage road
South	R-1a	single-family residential
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3. This request for zone changes is consistent with the following goals, objectives and policies of the Comprehensive Plan:

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High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people...

Land Use Element, Commercial Uses, Goal 1, Objective 5, Policy 5.3b

High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street.

4. This zone change will bring the subject properties' zoning into compliance with the 2001 Zoning Code, as amended.

**RECOMMENDATION**

Staff has reviewed this zone change and recommends approval, based on the preceding findings, with the City Council's "standard" conditions, along with two other conditions:

- No billboards will be placed on the property,
- New electric underground utilities will be placed underground,
- Communication structures will be subject to review and approval by Council,
- The properties be replatted into one lot,
- The M-2C zoning is limited only to offices with warehouses, along with mini-storage units or storage units of any type (interior or exterior access),
- The existing drainage problems be resolved on the property through the building permit process for the new development and in cooperation with the City Public Works Department, and
- Drainage due to additional impervious area expansion is not permitted to flow onto adjacent properties or negatively affect adjacent properties.

The majority of these conditions, as previously discussed with the Commission are "standard" conditions the City Council has been placing on all development requests. Conditioning this zone change will be consistent with all other development proposals.

The Comprehensive Plan does encourage a mixed land use policy, encouraging land uses that would not traditionally be found next to one another. Through the requirements found in the Zoning Code's matrix regarding buffering and screening, staff found them to be an acceptable use on the property, with the aforementioned conditions, based on the preceding findings.

## OPTIONS

1. Approve the request.
2. Approve the request with added conditions.
3. Deny the request.

**NOTE:** Decisions must be based on “findings”. The findings presented in this document can be used to support **APPROVAL** decisions only. Other findings may be based on the Comprehensive Plan, Zoning Code, or other City plans and policies. Findings may also be based on information presented at public hearings, information obtained through site inspections, etc.

The Planning and Zoning Commission is a recommending body to the City Council regarding zone change cases. The City Council has final authority over zoning cases.

## ATTACHMENTS

1. Existing Zoning Map
2. Applicant’s Development Statement
3. Other pertinent information, i.e. site plan, use information



DEVELOPMENT STATEMENT for Zoning Applications  
(Use for Zone Changes, SUP's and PUD's)  
Please type or print legibly

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission or City Council may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

**Applicant Information**

Name of Applicant: ADAM Zeller  
Contact Person: ADAM Zeller  
Contact Phone Number: (704) 929-0827  
Contact e-mail Address: AZELLERCAD@YAHOO.COM  
Web site address (if applicable): \_\_\_\_\_

**Proposal Information**

Location of Subject Property BATAAN MEMORIAL (FRONTAGE RD) + SAGINA RANCH  
(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: C-2

Proposed Zoning: M-2

Acreage of Subject Property: ~~5.7~~ 5.7 + 4.4 (TWO ADJOINING PARCELS)

Detailed description of intended use of property. (Use separate sheet if necessary).

WE (CONTROLLED AIR INC.) ARE PLANNING TO BUILD  
A MIXTURE OF OFFICE WHAREHOUSE & SELF STORAGE  
TOTAL SQUARE FT 144,500.

Proposed square footage and height of structures to be built (if applicable):

144,500 Sq Ft - Height NOT To Exceed 30' Ft

Anticipated hours of operation (if proposal involves non-residential uses):

9:00 AM - 6:00 PM

Anticipated traffic generation 8 trips per day (if known).

Anticipated development schedule: Work will commence on or about 1st to Middle of OCT and will take approximately 10 months to 1 year to complete.

How will stormwater runoff be addressed (on-lot ponding, detention facility, etc.)?

SMALL DETENTION FACILITY

Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

Right Now There is no Rendering!

There will be EIFS Facades on  
Several Elevations Facing Hwy 70

#### Attachments

Please attach the following: (\* indicates optional item)

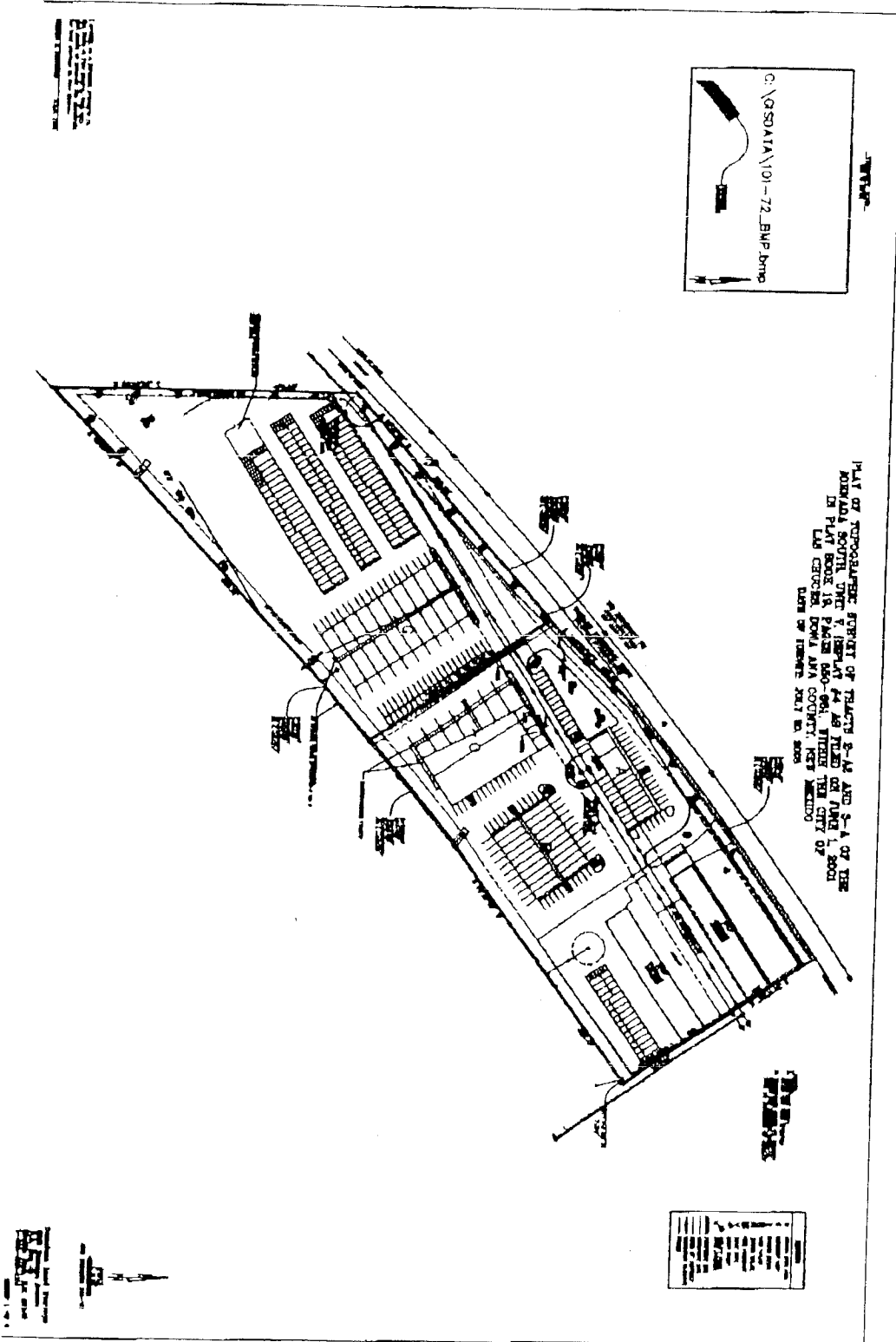
Location map

Detailed site plan

Proposed building elevations\*

Renderings or architectural or site design features\*

Other pertinent information\*



## Proposed Office Warehouse

Lani,

This is a complete definition of office warehouse. We are proposing to build 50 units that have both an office and a warehouse in each unit. These units will fluctuate in size but will all have both (office and warehouse). This is really perfect for a small business such as: inventory, delivery companies, Tuxedo company, pharmaceutical company, HVAC/Plumbing company ECT...

These businesses will be required to follow the hours to be open and will not be making any noise after closing hours.

The offices we are proposing are at most 1410sqft and the majority of them are less than 1000sqft. Once again, they all have storage space attached to them.

I hope this answers any questions you may have. Please feel free to call me at (704)-929-0827 or you can e-mail me at [adam@aandkzellerdevelopment.com](mailto:adam@aandkzellerdevelopment.com).

Thank you

Adam Zeller

**COPY**

REGULAR MEETING  
OF THE  
PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
October 25, 2005  
6:00 p.m.

**BOARD MEMBERS PRESENT:**

Bruce Buchman, Chair	William Ludtke, Member
Nancy Binneweg, Vice-Chair	Al Perez, Member
Elizabeth Camuñez, Secretary	

**BOARD MEMBERS ABSENT:**

Donald Bustos, Member	Harry Sanchez, Member
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**STAFF PRESENT:**

Lani McCarson, Planner  
James White, Planner  
Sandra Gaiser, Planner  
Cheryl Rodriguez, Planner  
Harry "Pete" Connelly, Deputy City Attorney  
Jared Abrams, Assistant City Attorney  
Pat Hill, Recording Secretary

**I. CALL TO ORDER**

**CHAIR BUCHMAN:** Good evening, ladies and gentlemen. I'd like to call to order the Planning and Zoning Commission meeting for October 25, 2005. On our agenda tonight, we have six zone changes, one Infill request, one Master Plan request, one Preliminary Plat, one item has been withdrawn, and one item has been

1       **IV.     OLD BUSINESS**

2       **CHAIR BUCHMAN:** Old Business and New Business. We have some ground rules.

3       It's obvious some of you came to make your voice heard. Some of you came just to

4       hear what's going on. We encourage you on these cases... from this point on, if you

5       have something to say when we open it to the public, by all means, give us your

6       input. The decisions we have to make come from the staff, from the applicant, and

7       from your input. And then the Commission will discuss the items and vote on it. So,

8       please, give us your input, but if you have input limit it to three minutes per person.

9       And we can't go on and on and on over the same thing time and time again. So, I'll

10      kind of help you along the way, but if you want to say something when I open it to

11      the public...when I close it to the public, we won't be able to come back and open it

12      back up again. Okay, so the first case is Old Business. In other words, it was heard

13      before. This is a request for a zone change from C-2 (Commercial Medium ~~A~~ -- ~~Start~~

14      Intensity) to M-2 (Industrial Standard) for a 4.4 acre lot and a 5.7 acre lot located

15      south of Highway 70, along Bataan Memorial East, just west of Jornada South. Is

16      the applicant ready to make the presentation?

17      **APPLICANT:** Yes, I am. I've done several of these. Is this on?

18      **CHAIR BUCHMAN:** Pull it up and...

19      **APPLICANT:** Hello...

20      **CHAIR BUCHMAN:** There you go.

21      **APPLICANT:** Okay. I've done several of these in Albuquerque. Do I have

22      to...name and address and swear in, or...?

23      **CHAIR BUCHMAN:** Yes, please.

24      **APPLICANT:** Okay.

25      **CHAIR BUCHMAN:** And we can't hear you. Go straight up with it.

26      **APPLICANT:** Can we raise the podium?

27      **CHAIR BUCHMAN:** Well, as a matter of fact, we can raise the podium.

28      **APPLICANT:** Wow.

29      **CHAIR BUCHMAN:** Are you impressed?

30      **APPLICANT:** I am impressed. My name is Adam Zeller. My address is 3911

31      Crystal Place, Las Cruces, New Mexico, 88012.

1 **CHAIR BUCHMAN:** Go ahead.

2 **ADAM ZELLER:** Is that sufficient? Okay. This is a presentation for Mountainview...  
3 it's actually going to be called Mountainview Storage Complex. And we're doing the  
4 presentation for a zone change. The current zone right now is C-2, okay, which we  
5 know. Now, we don't necessarily need this zone change to construct the project.  
6 When we turned in for permitting, we actually made the 1981 Land Use Code  
7 deadline, so the reason we're really requesting for the zone change is ten years  
8 down the road after this is built out, if we wanted to sell the land it's not going to be  
9 an encumbrance and someone's going to say, hey, wait a minute, the zoning's not  
10 current. So, if you also...I'll show you, as you'll see here in a minute, what we're  
11 looking at doing is, after talking to staff we're looking at putting limitations on the M-  
12 2. It's not going to be just a full M-2, we're looking at doing M-2 limited to any type of  
13 storage use. So, basically, if we did sell the land in ten years, somebody couldn't  
14 come in here, demolish some buildings and put a manufacturing plant or something  
15 of that nature on the land. (Inaudible) Now, as far as neighborhood, there is not a  
16 whole lot of neighborhood around that property. There are several homes, I believe,  
17 to the southeast of the property, and there's going to be some positive impact by us  
18 putting this development there. Number one is obviously, you know, the type of use  
19 we're proposing is very low traffic. As far as commercial development goes, it's  
20 going to be hard to find something lower in traffic. Right now, with the buildings that  
21 we're proposing to put there, the sound buffer we're going to provide for Highway 70  
22 for the homeowners that do live there, they're probably going to notice it's going to  
23 be considerably quieter, you know, with traffic going on 70. You know, if someone  
24 were to come in there and, by chance it were to be approved, and put a gas station  
25 on this property, it would obviously...you know, the property owners probably  
26 wouldn't be too thrilled, especially...it would probably decrease property value. As  
27 far as property values go, the type of use that we're looking at doing here, it's not  
28 going to demolish property values. If anything, it will increase them somewhat.  
29 We're looking at 25+ cameras on-site and some of these cameras are going to be  
30 looking at the fence adjacent to the southeast for these residential properties, so  
31 they actually are going to be getting increased security. And we also are looking at

1 having a manager that lives on site, so they're going to have someone there along  
2 with the security. It's going to be well maintained with the people that live there and  
3 obviously, like I said before, with the cameras the security is going to be a huge  
4 benefit for the residential adjacent to us. Right now, the drainage on the  
5 property...there is a 24" drain going underneath 70 and that water rushes straight off  
6 right now and goes into a small, little retention pond and then it drains off onto one of  
7 the residential properties adjacent to us. What we're actually proposing on doing,  
8 which I'll show you here in a minute, is we're actually putting a really large pond on-  
9 site to make sure that any water that is drained on-site stays on-site. Now, the  
10 current water that's currently draining, we're going to keep that the same, so  
11 nothing's going to change there. But any additional water will be put into a pond that  
12 we're going to be providing on-site. This is the daily and weekly traffic counts. Now,  
13 these numbers, these fluctuate. We do storage development actually nationwide  
14 and depending on the market, depending on how many people are there, this  
15 fluctuates. But, as you can see, just for storage use your daily trips are going to  
16 average 12-20 and what that basically is based on is at an 80% occupancy. Okay,  
17 so if we're 80% full, the most you're probably ever going to see as far as storage is  
18 20 people there at one time, which you'll probably never see that. But, we have had  
19 it happen, so I have to put it in there. And then you've got the daily trips for your  
20 office/warehouse, which is obviously slightly elevated. We have, we're proposing 50  
21 office suites, so if we had one person there then you're looking at 50, you know, a  
22 day. The thing about it is, when you see my site plan here in a minute, there  
23 probably won't be 50 people there ever. And then I have the weekly trips for storage  
24 and office also in there. This is a 3-D rendering of the actual site plan. Now, if you  
25 look...well, that doesn't come out on the projector real good, does it? If you look on  
26 the far side...do you guys have a pointer?

27 **SANDRA GAISER:** Use the mouse.

28 **ADAM ZELLER:** Okay. This side right here is currently where the residential homes  
29 are and this right here is Bataan Memorial. Now, these two buildings over  
30 here...there's one here and I didn't catch this one quite good enough, but there's  
31 one here and one here. Those buildings right now exist. That's Dale's RV/Indoor



1 Storage. Okay, we're purchasing those two buildings and we're keeping them as is,  
2 and, where's my cursor? There it is. And then we're adding this building right here.  
3 This building's going to be just storage. This building you're looking at is  
4 office/warehouse. Office/warehouse... and I'm going to explain in-depth. I'm going  
5 to show you guys a layout of what I mean by office/warehouse. Where's my cursor?  
6 Okay, this building right here, we're doing a mixed-use. There'll be indoor, climate-  
7 controlled storage along with office suites and warehouse. And this is a bi-level,  
8 okay, so what we're doing here...this cursor keeps disappearing on me. There we  
9 are. This side over here, you can access the top floor and then when you come  
10 down the hill, you can access the bottom floor over here. Now, obviously, I don't  
11 know if anyone's familiar with the land, but if you've looked at it the dirt is relatively  
12 challenging, so this is actually the most viable solution to keep construction costs  
13 down. At the same time, what it's doing is, this is not putting a huge building, you  
14 know, in front of these people who live there. We're building down, essentially,  
15 instead of up. This building right here, you're looking at the same thing. This is  
16 going to be a bi-level. And as you can see, too, from this side over here we have  
17 elevated walkways so that people can walk upstairs as well, because there is going  
18 to be some access of some storage exterior, non climate-controlled storage units on  
19 the top. So, they obviously have to be able to access them. And then once we  
20 come up here, you've got your three...these are just plain-Jane storage buildings.  
21 Now, one thing that has changed, just so you know, too, is these are going to be  
22 about 11' lower than you see on here. We're going to actually be putting a retaining  
23 wall in there just so we don't have to bring in 50,000 yards of dirt. This is a close-up  
24 right here of the bi-levels. It's kind of sad that this projector's not really doing it  
25 justice, but this right here, as you can see, this is the elevated walkway I was talking  
26 about. You can see the landscaping right here. This is a poor version of  
27 landscaping, but....okay, this is the elevations for the bi-level. As you can see, the  
28 top floor is 8'6" from finished floor up here to the roof. Then we're building down 11',  
29 so once again, the tallest building we're going to have here is eave height of 10'  
30 which is one of the office/warehouse buildings. Okay, here we go. This is a floor  
31 plan for the office/warehouse. Come on, cursor. Here we go. Okay, right here, this

1 is...this one, these three and those right there, those are all office/warehouse. Now,  
2 when I say office/warehouse, we have one small little office much the same size as  
3 a bedroom, okay, and then we have this big warehouse. Now this is really excellent  
4 for small businesses, non-retail. If you're an HVAC company and you just need  
5 somewhere to put your ductwork or your brakes, but at the same time you want to  
6 have an office you can answer phone calls at or take faxes at, this is a perfect  
7 solution for that kind of business. Just so everyone's clear here, too, we're not by  
8 any means condoning any manufacturing on-site. This is mainly for storage and for  
9 personal office use or a small business. And then back here you can see that we've  
10 split it up. This is going to be, these are corridors right here and these are storage  
11 units and then obviously we have our common bathroom area right here with a  
12 drinking fountain. This one right here, don't pay attention to anything on here except  
13 this. This is the sign that we're proposing to put out at Bataan Memorial. It's  
14 actually going to be stucco and backlit, so we're not looking at serious illumination  
15 here. It's going to be really classy looking. And that's all I have for the presentation.

16 **CHAIR BUCHMAN:** Thank you, Mr. Zeller. We'll come back to you later if we have  
17 questions. Staff?

18 **LANI MCCARSON:** Chairman, Commissioners, as you stated, this is Case Z2634.  
19 It's a zoning conversion case from C-2 to M-2 Conditional. The subject property is  
20 located at 4400 Bataan Memorial East. The subject property is located here in blue.  
21 Highway 70 is running in the middle of the screen along with the frontage road just to  
22 the south and Jornada South is located here and the property is just two properties  
23 to the west of Jornada South. It is an existing C-2 zoned property. It actually  
24 currently is two properties that will be replatted into one at a later date. The two  
25 properties total approximately 10 acres in size. There are, as Mr. Zeller indicated,  
26 two existing storage facilities currently on the property and the applicant does have  
27 plans, as you just heard, of expansion of the property with additional development of  
28 office warehouses and the self-storage units. The 2001 Zoning Code does limit C-2  
29 properties to one acre in size and it did eliminate the storage use from the  
30 commercial zoning districts. As such, in order to bring this property zoning into  
31 compliance based on its size and the current use as well as future use of the

1 property, the M-2 zoning conversion is necessary. Staff is recommending, however,  
2 due to the proximity of the residential uses to the south, as Mr. Zeller indicated, that  
3 the M-2 be conditioned to allow storage use, both interior and exterior access, with  
4 the offices and warehouses uses only. This is the site plan similar to what Mr. Zeller  
5 just showed you. The two blue blocks located here are the two existing facilities and  
6 then everything to the west is the future facilities development that he just explained.  
7 This is the aerial photo of the property. The single-family residential area that he  
8 was discussing is immediately south of this property. A substantial landscape  
9 screen between the subject property and this residential area will be required as well  
10 as a buffer area to eliminate any mitigation or issues between the two properties.  
11 Staff was also contacted by several of the single-family residential property owners  
12 to the south who were concerned about the existing drainage problems on the  
13 property as well as any future problems with the drainage that could occur through  
14 the future development of the property. And I'll get to that a little bit later, but staff is  
15 recommending two conditions be placed on the zone change to address that also.  
16 This is the MPO Transportation Plan. The subject property is outlined here in red.  
17 The frontage road is designated as the Collector and the other closest arterial is  
18 Sonoma Ranch Boulevard, further to the west, designated as a Principal Arterial.  
19 This is a site photo again of the existing facilities currently present on the property,  
20 and this is a photo of the vacant areas to the west and to the south. You can see a  
21 little bit on the top slide some of the residential rooftops to the south. Staff is  
22 recommending approval of the zone change request primarily because it does bring  
23 the property zoning into compliance with the 2001 Zoning Code. The conditions,  
24 however, that staff is recommending would be placed on the M-2 zoning. Again, it's  
25 limited to the use of offices with warehouses and mini-storage units or storage units  
26 of any type, interior or exterior access and all existing drainage issues be resolved  
27 on the property as well as future drainage not being permitted to run onto the  
28 adjacent properties. The three standard City Council conditions also do apply in this  
29 case. As I indicated earlier, staff was contacted by several residents in the area who  
30 were concerned about the drainage. And the Planning and Zoning Commission is

1 recommending body to the City Council. And with that, I can answer any questions  
2 you might have or go back to any of the other slides.

3 **CHAIR BUCHMAN:** Real quick, Mrs. McCarson, before you leave. Our packet  
4 contains four additional conditions besides the two you mentioned, and just to clear  
5 those up, one of the other conditions is the properties be replatted into one lot, and  
6 then the last one, drainage due to additional impervious area expansion is not  
7 permitted to flow onto adjacent properties.

8 **MCCARSON:** Right. Chairman and Commissioners, what's in the packet is what  
9 actually needs to be conditioned. I just ran out of space on the overhead, so I was  
10 trying to summarize.

11 **CHAIR BUCHMAN:** Okay. We'll make sure we mention all four of those. Thank  
12 you.

13 **MCCARSON:** Okay. Thank you.

14 **CHAIR BUCHMAN:** At this time, we'll open this to the public. Anyone wish to make  
15 any comments or have any questions? Please raise your hand, we'll call on you,  
16 come up to the podium, and identify yourself. So, open at this time to the public.  
17 Anybody wish to make a comment on this? Please raise your hand. No comments?  
18 All right, in that case we'll turn it over to Commissioners. Questions,  
19 Commissioners? Commissioner Binneweg.

20 **BINNEWEG:** I'm confused along the south border there. It looks like they're going  
21 to be building a third building. There's two existing. The third building looks like it's  
22 going to be fairly near the property line. Is the developer going to bring in dirt and  
23 raise the whole level? Because there's quite a grade drop there from the existing  
24 buildings down to the bottom of their property. Are you going to bring in dirt and  
25 then build a humongous rock wall or what?

26 **ADAM ZELLER:** Okay, first of all, to answer the dirt question. Yes, we are going to  
27 be bringing dirt in. We're going to actually be...there's enough dirt on-site to do what  
28 we want to do, but we're going to actually have to bring in 10,000 yards. That's one  
29 question. Now, as far as the south side, what we're going to be doing is, we're going  
30 to be having a retaining wall going pretty much that whole south side.

31 **BINNEWEG:** That's what I...yeah.

1 **ADAM ZELLER:** Okay, and actually what we're doing as well...we've turned in for  
2 permitting, we've already gotten our comments back, and we're addressing those  
3 right now and one of the comments was on the landscaping that...they've given us a  
4 choice on which kind of buffer we can use. We can use the 10' landscape buffer  
5 and then there's...they have two different screenings and then the other buffer is a  
6 15', so I believe we're doing the 10' but there is more than enough room. There is  
7 going to be beautiful landscaping there. And we're also, which I didn't mention  
8 earlier, is we are going to be putting up a fence there going all the way around on  
9 the other side of the retaining wall with razor wire on top. Because I just want to  
10 make sure, I mean, I want to make sure it's so secure for the residences next to us.  
11 I don't want them to have to worry about anybody coming from our side to their side.

12 **BINNEWEG:** How big is...how tall is that retaining wall going to be along the south  
13 boundary there?

14 **ADAM ZELLER:** It fluctuates. On the north end up here, I believe it gets up to 9'  
15 and on the middle right here where the buildings are, we're going to actually have an  
16 11', and then it goes to 5'. So, it fluctuates from 5-11'.

17 **BINNEWEG:** Wow.

18 **CHAIR BUCHMAN:** Excuse me, if I may interrupt Commissioner Binneweg.  
19 According to staff notes here on Page 2, the...according to Matrix 1 of the Zoning  
20 Code, you will put up either a 20' bufferyard with type A landscape screen, a 40'  
21 bufferyard with type B landscape screen, or a 60' bufferyard with type C. So, what  
22 the staff is telling us is a little bit different than what you're telling us.

23 **ADAM ZELLER:** And the reason you guys are probably getting that is because we  
24 turned these plans in for permitting before September 2<sup>nd</sup>, which was the deadline,  
25 where C-2 is a permissive use for what we're building. So, like I said before, I don't  
26 need the zone change to construct the project. And when I turned it in for permitting  
27 these are the comments that they gave back to me, was that I have to do a 10' or 15'  
28 landscape buffer and then they gave me the choice of the two screenings. I think  
29 what you're getting there was, if I hadn't made that deadline I would have to get this  
30 zone change to construct the project and that would be in a condition for me to be  
31 able to construct the project.

1 **BINNEWEG:** Hm.

2 **CHAIR BUCHMAN:** I'd like to call up staff and have an explanation of this please,  
3 Mr. Zeller.

4 **MCCARSON:** Chairman, Commissioners, I don't know how anyone else feels about  
5 it, but I...that's really a building permit issue and I'm not sure it's something we  
6 should really get into, the details. The way I read the Code is exactly what it says in  
7 the packet with the 20, 40, or 60' bufferyards with the A, B, or C landscape screen.  
8 Now, I'm not a Plans Examiner, and so I don't know what their interpretation of the  
9 Matrix 1 is, and that's something that we'll have to address with them tomorrow  
10 through the Building Permit process. So, I mean, again, I would prefer that we not  
11 get into building permit issues. That was more just there as an FYI for you to...just  
12 to note that there was going to be some mitigation techniques between the single-  
13 family residential and the proposed mini-storage units, or storage facility. Again, if  
14 you want to postpone the case again, that is something that we could look into and  
15 get back to you on.

16 **CHAIR BUCHMAN:** Okay. Hold that thought for a minute. Commissioner Ludtke,  
17 go ahead.

18 **LUDTKE:** I thought we were bringing this Code...we were requiring the zone  
19 change. This is a zone change, correct?

20 **MCCARSON:** Right. Chairman Buchman...

21 **LUDTKE:** And they were going from C-2 to M-2?

22 **MCCARSON:** Right. Chairman Buchman, Commissioner Ludtke, every zoning  
23 action that we do is a zone change, but we've been calling certain cases zoning  
24 conversions because of...it's due solely to the enactment of the 2001 Zoning Code.

25 **LUDTKE:** Right.

26 **MCCARSON:** We've been calling those zoning conversions. And this is a zoning  
27 conversion.

28 **LUDTKE:** Right.

29 **MCCARSON:** As I explained in my presentation, the mini-storage units are not an  
30 allowable use in the commercial zoning districts any longer, and that was only  
31 changed because of the 2001 Zoning Code. So, as the property exists today, in

1 order to get it into a complying zoning district...even if you take away all the  
2 construction that he's planning on doing, just to get it where it is today it would need  
3 to be in one of the "M" zoning districts.

4 **LUDTKE:** Right. I mean, the applicant's wrong. We have to have a zone change  
5 here.

6 **MCCARSON:** Well, no, Chairman, Commissioners...

7 **LUDTKE:** No?

8 **MCCARSON:** He's not wrong.

9 **LUDTKE:** I mean, he's...misinformed or...

10 **MCCARSON:** No, not at all. He's perfectly correct. If you recall, in the 2001 Zoning  
11 Code, at the very, very end, it's one of the last paragraphs that you'll find in the  
12 Code. Maybe you didn't get that far through reading it, but there is discussion in  
13 there about a grace period, and when the 2001 Zoning Code was adopted, there  
14 was a grace period between when you could use certain provisions from the old  
15 Code and when you couldn't. And what he's talking about, the September 2<sup>nd</sup>, that  
16 was the very last day...

17 **LUDTKE:** Right.

18 **MCCARSON:** Where you could get your building permit in where you were still  
19 under the grace period provisions.

20 **LUDTKE:** Okay.

21 **MCCARSON:** So, he did that and so he's perfectly legitimate and perfectly legal  
22 completing his construction under the commercial zoning districts. However, to get it  
23 into a complying zoning district, he needs the M-2 zoning.

24 **LUDTKE:** Okay, you're...I remember that now. I remember that grace period now,  
25 in talking.

26 **CHAIR BUCHMAN:** Okay. Commissioner Perez?

27 **AL PEREZ:** Ms. McCarson, were you aware of the...what Mr. Zeller mentioned, as  
28 far as... there was a property owner, there's somebody going to live on-site and  
29 does that zoning...can you have someone live on that property?

1 **MCCARSON:** Right. I actually was not aware of that. It seems like every time we  
2 come here, I find out one more thing about the property, which is why it got delayed  
3 last time.

4 **PEREZ:** Right.

5 **MCCARSON:** But, Chairman, Commissioner Perez, to answer your question, the  
6 residential use as a caretaker or night watchman is a permitted use in the M-2  
7 zoning district.

8 **CHAIR BUCHMAN:** Commissioner Ludtke, another question? You have that look.

9 **LUDTKE:** Mine wasn't about that. I was...where is the water...where will the water  
10 retention be again? Just the...not the water coming off, that we're talking about  
11 flowing under 70 to go over to the south side. I'm talking about off your...where  
12 you're going to pave everything and...

13 **ADAM ZELLER:** Okay, where does that go? Can I put the site plan back on or...?  
14 Yeah, I want to be able to show him. Okay, if you look at this right here, the  
15 current...just so you know where you are...the current 24" under 70 that comes out  
16 right here. And right now, that water's flowing down this low spot and there's a little  
17 pond there right now with a pipe going off to the residential property. What we're  
18 looking at doing is, this whole section over here is going to be pond. And we're  
19 looking...it's relatively large. It's a 100-year storm pond that we're putting in and I  
20 actually got a variance to get it deeper than the 4' allowed. I've got it to 5'. So this is  
21 going to hold a lot of water. And if you want to, I did bring a hard copy with the....we  
22 just did some revisions due to our comments, so I have a hard copy here with me  
23 showing the civil engineer's work with the pond on it. If you guys would like me to  
24 hand that to you...

25 **CHAIR BUCHMAN:** Well, no, I have a question just from your picture. Where you're  
26 locating the pond is in higher ground than those two buildings, which are basically  
27 two-story buildings. What's going to prevent the water from doing the same thing it's  
28 doing now, the low-lying area between those two large buildings and flowing back  
29 into the neighborhood?

30 **ADAM ZELLER:** If you remember earlier I told you that this wasn't up to date.  
31 Within the last couple of days we went ahead and dropped these three buildings 11'



1 and we're putting in a 11' retaining wall, so we're actually going underground with  
2 the water in several spots and draining it. Like I said, we've dropped that. It's the  
3 lowest point now.

4 **CHAIR BUCHMAN:** Okay. All right.

5 **ADAM ZELLER:** Like I said, I have the civil engineer drawings.

6 **CHAIR BUCHMAN:** Okay. That's fine by me. Any other Commissioner comments  
7 or questions? Commissioner Ludtke, go ahead.

8 **LUDTKE:** Are the residents in that area right there aware of everything that's going  
9 on here? I mean, you've had a meeting with them, or...?

10 **ADAM ZELLER:** I've met with one person from there. Other than that, we've really  
11 had no contact from anybody.

12 **LUDTKE:** Thank you.

13 **CHAIR BUCHMAN:** Hearing no other comments, I will accept a motion on Case  
14 Z2634.

15 **BINNEWEG:** Mr. Chair, I move we approve Case Z2634 with the conditions outlined  
16 by staff which are: no billboards will be placed on the property, new electric  
17 underground utilities will be placed underground, communication structures will be  
18 subject to review and approval by Council, the properties will be replatted into one  
19 lot, the M2-C zoning is limited only to offices with warehouses along with mini-  
20 storage units or storage units of any type (interior or exterior access), the existing  
21 drainage problems be resolved on the property through the building permit process  
22 for the new development and in cooperation with the City Public Works Department,  
23 and drainage due to additional impervious area expansion is not permitted to flow  
24 onto adjacent properties or negatively affect adjacent properties.

25 **CHAIR BUCHMAN:** Thank you. Is there a second?

26 **LUDTKE:** Question.

27 **CHAIR BUCHMAN:** Is there a second?

28 **CAMUÑEZ:** I second it.

29 **CHAIR BUCHMAN:** Okay. Go ahead, Mr. Ludtke. You have a question?

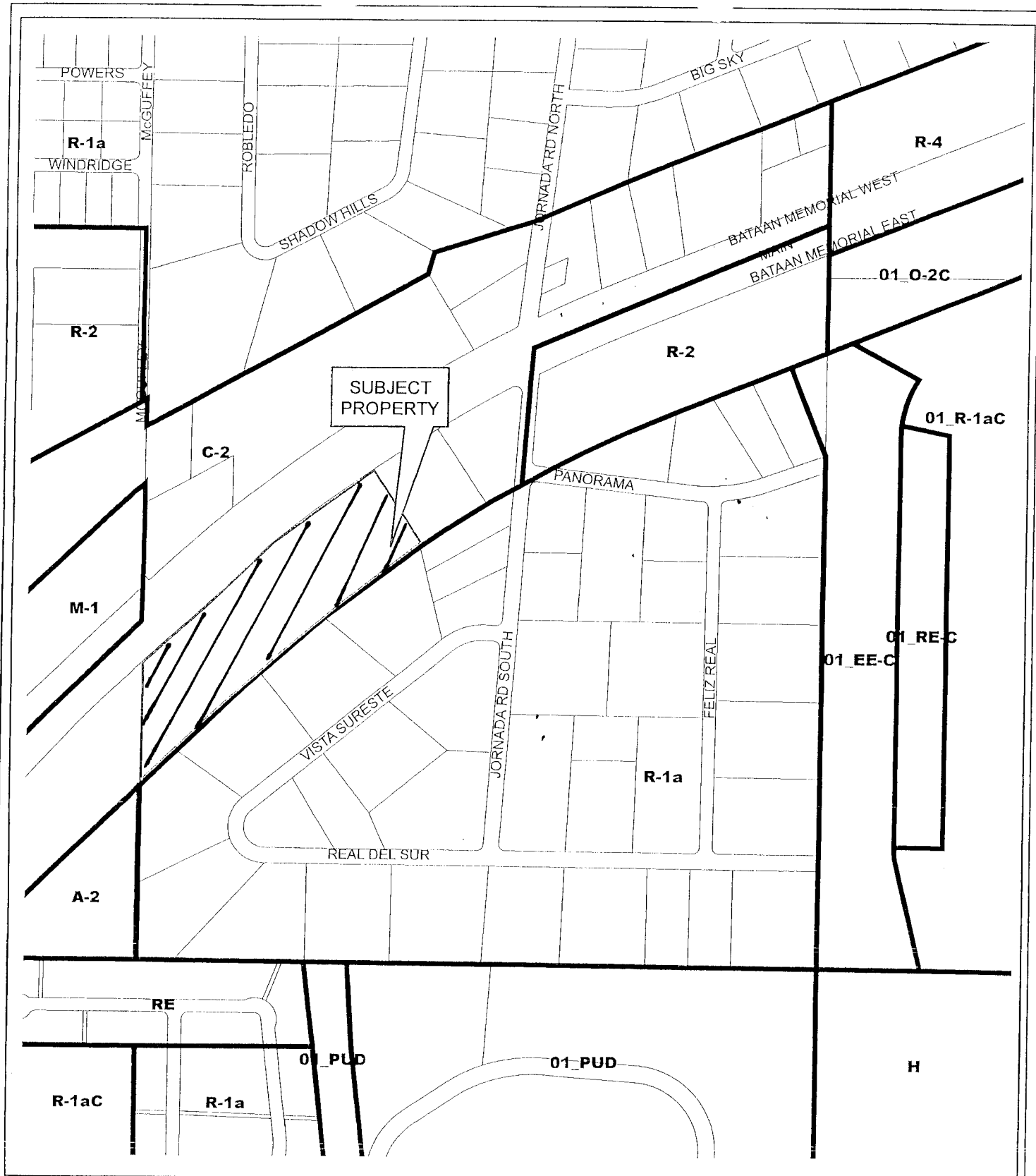
30 **LUDTKE:** I was just wondering. We were talking about one resident on this property  
31 or these offices could house...

1 **CHAIR BUCHMAN:** They could house a couple.  
2 **LUDTKE:** Just one person's going to live there? Not a family of five?  
3 **CHAIR BUCHMAN:** It has no bearing on the zoning, I think, Mr. Ludtke.  
4 **ADAM ZELLER:** It's going to be a husband and wife. That's what we're aiming to  
5 get. A husband for maintenance and wife for managing.  
6 **CHAIR BUCHMAN:** If you will remember or are aware of other similar type storage  
7 facilities, they do have people living at the facility for security. This would be nothing  
8 new. We have other places in the City. And I don't think, as Mrs. McCarson said,  
9 the people living there for security reasons have any bearing on the zoning. I'll call  
10 the roll. Commissioner Binneweg.  
11 **BINNEWEG:** Aye, based on site visits, findings, and discussion.  
12 **CHAIR BUCHMAN:** Commissioner Perez.  
13 **PEREZ:** Aye, on findings and discussion.  
14 **CHAIR BUCHMAN:** Commissioner Ludtke.  
15 **LUDTKE:** Aye, findings.  
16 **CHAIR BUCHMAN:** Commissioner Camuñez.  
17 **CAMUÑEZ:** Aye, findings.  
18 **CHAIR BUCHMAN:** And the Chair votes "aye," based on discussion and site visits.  
19 This passes 5-0 (Commissioners Bustos and Sanchez absent). Thank you very  
20 much.

5-0

21 **V. NEW BUSINESS**

22 **CHAIR BUCHMAN:** All right, now onto New Business. Case number one, which is  
23 Z2649, a request for a zone change from M-1 (Industrial Light) to M-2 (Industrial  
24 Standard) for a .55 acre parcel located at 614 West Amador. Submitted by  
25 Chisholm's Warehouse, LLC, property owners. Is the applicant ready?  
26 **APPLICANT:** Chairman, Commissioners, my name is Matt Kenney with Denton  
27 Ventures. I'm representing the applicant. The property is located on Amador just  
28 east of where the railroad tracks cross Amador. The current use of the property is  
29 Crescent Electric Supply. The reason for the application is simply to bring the  
30 property into compliance with the 2001 Zoning Code. In your packet there's a list of  
31 conditions on the zoning uses that will not be allowed. The applicant has voluntarily



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05-G-139

## EXISTING ZONING & VICINITY

LOCATION: 4400 BATAAN MEMORIAL EAST  
CASE: Z2634  
ZONING: CHANGE C-2 TO M-2  
DATE: 08-31-2005





# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action Form For Meeting of December 19, 2005 (Adoption Date)

### TITLE:

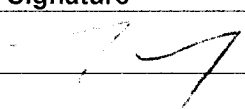
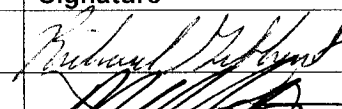
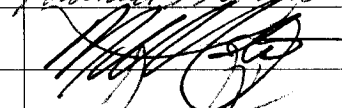
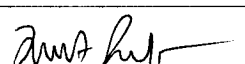
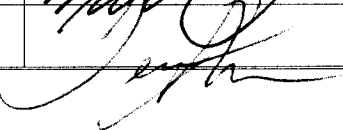
AN ORDINANCE APPROVING A ZONING CONVERSION FROM C-2 (COMMERICAL MEDIUM INTENSITY) TO M-2C (INDUSTRIAL STANDARD - CONDITIONAL) FOR APPROXIMATELY TEN ACRES OF PROPERTY LOCATED SOUTH OF HIGHWAY 70, ALONG BATAAN MEMORIAL EAST AND IMMEDIATELY WEST OF JORNADA SOUTH. SUBMITTED BY ADAM ZELLER, PROPERTY OWNER (CASE Z2634).

### BACKGROUND:

The subject property is comprised of two individual properties totaling approximately ten acres. The property is partially developed with two large indoor RV type storage facilities, with the applicant currently making plans to develop the remainder of the property into similar storage units and office warehouses. Office warehouse, according to the applicant, will include both an office and a warehouse in each unit. They are designed to provide more of a warehouse type of environment and will not accommodate large retail businesses. For reference, the Zoning Code limits office space within warehouses to 5,000 square feet or 49% of the total building square footage, whichever is less.

The property is currently zoned C-2, which does not permit mini-storage units or any other type of storage facility. The C-2 zoning district from the previous, 1981 Zoning Code, as amended, allowed mini-storage units and similar uses. When the 2001 Zoning Code was adopted, these uses were removed from the commercial zoning district designations and moved to the industrial zoning districts. Please be advised that staff is in the process of working on a major amendment to the Zoning Code regarding the non-residential zoning districts. As part of this amendment, staff is exploring restoring the "clean" storage use (similar to what's being proposed) back into some of the commercial zoning districts. But, until this amendment is approved by City Council,

(Continue on additional sheets as required)

<b>Name of Drafter: Vincent Banegas</b>		<b>Department: Community Development</b>		<b>Phone: 528-3066</b>	
<b>Account Number</b>		<b>Amount of Expenditure</b>		<b>Budget Amount</b>	
N/A		N/A		N/A	
<b>Strategic Plan Goal / Objective / Strategy addressed:</b> A,1,b					
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Community Development		528-3066	Budget		2300
			Assistant City Manager		2270
Legal		541-2128	City Manager		2070

this change to M-2 is necessary to allow the development of the remainder of this property into storage units.

In this case, due to the property's size being over two acres, the M-2 zoning designation is necessary. The M-1 zoning district is limited to properties two acres or less. The applicant is willing to condition the M-2 zoning to allow offices with warehouse, mini-storage units, and/or storage facilities only. Staff is in support of this and as such, the condition affecting this measure has been made part of the attached Ordinance. The applicant is currently in the process of acquiring a building permit for the development of the remainder of the property with similar uses. In that the permit was submitted prior to the expiration of the nonconforming zoning "window" (September 3, 2005) identified in the current code, construction plans may continue provided all other relevant development requirements are met.

Staff has received a few phone calls regarding this request and while those who have called have not indicated any objection regarding the use of the property, they have indicated that severe drainage problems presently exist on the property and they would like them remedied. The applicant has assured staff that the drainage problems will be corrected through the development of the remainder of the property. Regardless, staff is recommending two conditions on this zoning case regarding the resolution of the drainage concerns. These conditions are also made part of the attached Ordinance.

Finally, staff must advise that a bufferyard and landscape screen is required adjacent to the residential land uses along the south side of the subject property. This is required pursuant to Matrix 1 of the 2001 Zoning Code, as amended, and is applied at the building permit stage. This will assist in mitigating potential compatibility issues between the proposed use of the property and the single-family residential uses.

The Comprehensive Plan encourages a mixed land use policy, encouraging land uses that would not traditionally be found next to one another. Through the requirements found in the Zoning Code's matrix regarding buffering and screening, staff found the proposed use to be an acceptable land use of the property even though residential uses were located adjacent to the subject development. Given this issue and application of the proposed conditions previously discussed, both staff and the Planning and Zoning Commission felt comfortable with recommending approval of this case.

This case was heard and approved, with conditions, by the Planning and Zoning Commission at their regular meeting on October 25, 2005, by a vote of 5-0 (two members absent). As previously mentioned, staff was contacted numerous times regarding the drainage problems existing on the property.

**SUPPORT INFORMATION:**

1. Proposed Ordinance, including attached Exhibit "A" and "B"
2. Staff Report to the Planning and Zoning Commission for Case Z2634
3. Minutes from the October 25, 2005, Planning and Zoning Commission Hearing
4. Vicinity Map

**COUNCIL OPTIONS:**

1. Vote YES to approve the Ordinance and change the zoning from C-2 to M-2C. This action affirms the Planning and Zoning Commission recommendation, and allows the applicant to develop the tract in conformance with the stated zone and specified conditions. The "standard" conditions have been included in the Ordinance.
2. Vote NO to deny the Ordinance. Such action does not affirm the Planning and Zoning Commission recommendation, and results in the property retaining its current, nonconforming zoning designation of C-2. The property owner, however, may continue construction plans pursuant to the previously submitted building permit.
3. Modify the Ordinance and vote YES. The Council may modify the Ordinance to add conditions to address concerns that may exist. The "standard" conditions were included with the Planning and Zoning Commission recommendation, along with several others regarding the use of the property and resolution of drainage issues, but the Council could add further conditions as deemed appropriate. These may be made via a substitute Ordinance.
4. Table/Postpone the Ordinance and direct staff accordingly.



## City of Las Cruces

### AD FORM

LAS CRUCES SUN NEWS <input checked="" type="checkbox"/>	<input type="checkbox"/> LAS CRUCES BULLETIN
CLASSIFIED LEGAL AD <input checked="" type="checkbox"/>	DISPLAY AD <input type="checkbox"/>
DATE TO PUBLISH: 12-4-05	
CITY CONTACT & PHONE#: SHIRLEY CLARK 541-2118	BILL TO: CITY CLERK P O BOX 20000 LAS CRUCES, NM 88004
PROOF OF PUBLICATION REQUIRED. PLEASE INITIAL AD FORM, AND FAX IT BACK TO 541-2117 TO INDICATE RECEIPT. FOLLOW UP TO EMAIL	

COPY TO PUBLISH:

### Notice of Intent to Adopt

The City Council of The City of Las Cruces, New Mexico Hereby Gives Notice of Its Intent to Adopt The Following Ordinances at the Regular City Council Meeting of Monday, December 19, 2005.

1. Council Bill No. 06-047; Ordinance No. 2257: An Ordinance Approving a Zoning Conversion From C-2C (Commercial Medium Intensity - Conditional) to C-3C (Commercial High Intensity - Conditional) for a 17.87 Acre Parcel Located at 2834 North Telshor Boulevard. Submitted by the City of Las Cruces, Property Owner (Case Z2600)
2. Council Bill No. 06-048; Ordinance No. 2258: An Ordinance Approving a Zoning Conversion From C-2 (Commercial Medium Intensity) to M-2C (Industrial Standard - Conditional) for Approximately Ten Acres of Property Located South of Highway 70, Along Bataan Memorial East and Immediately West of Jornada South. Submitted by Adam Zeller, Property Owners (Case Z2634)
3. Council Bill No. 06-049; Ordinance No. 2259: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 0.66 Acres of Land Located at 805 El Molino Boulevard. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2644).
4. Council Bill No. 06-050; Ordinance No. 2260: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 1.02 Acres of Land Located at 755 West Amador Avenue. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2645).
5. Council Bill No. 06-051; Ordinance No. 2261: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 0.55 Acres of Land Located at 614 West Amador Avenue. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2649).

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk.

Witness My Hand and Seal of the City of Las Cruces on this the 29<sup>th</sup> day of November, 2005.

Shirley Clark, MMC  
City Clerk

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3. Council Bill No. 06-049; Ordinance No. 2259: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 0.66 Acres of Land Located at 805 El Molino Boulevard. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2644).

4. Council Bill No. 06-050; Ordinance No. 2260: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 1.02 Acres of Land Located at 755 West Amador Avenue. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2645).

5. Council Bill No. 06-051; Ordinance No. 2261: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 0.55 Acres of Land Located at 614 West Amador Avenue. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2649).

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 29<sup>th</sup> day of November, 2005.

Shirley Clark, MMC  
City Clerk

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following Ordinances at the Regular City Council Meeting December 19, 2005.



## City of Las Cruces

### AD FORM

LAS CRUCES SUN NEWS <input checked="" type="checkbox"/>	LAS CRUCES BULLETIN <input type="checkbox"/>
CLASSIFIED LEGAL AD <input checked="" type="checkbox"/>	DISPLAY AD <input type="checkbox"/>
DATE TO PUBLISH: 12-25-2005	
CITY CONTACT & PHONE#: SHIRLEY CLARK 541-2118	BILL TO: CITY CLERK P O Box 20000 LAS CRUCES, NM 88004
<b>PROOF OF PUBLICATION REQUIRED. PLEASE INITIAL AD FORM, AND FAX IT BACK TO 541-2117 TO INDICATE RECEIPT. FOLLOW UP TO EMAIL</b>	

COPY TO PUBLISH:

### Notice of Adoption

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following Ordinances at the Regular City Council Meeting December 19, 2005.

1. Council Bill No. 06-047; Ordinance No. 2257: An Ordinance Approving a Zoning Conversion From C-2C (Commercial Medium Intensity - Conditional) to C-3C (Commercial High Intensity - Conditional) for a 17.87 Acre Parcel Located at 2834 North Telshor Boulevard. Submitted by the City of Las Cruces, Property Owner (Case Z2600).
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Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 20th day of December, 2005.

Shirley Clark, MMC  
City Clerk



## PROOF OF PUBLICATION

Wayne Barnard, being duly sworn, deposes and says that he is the Classified Manager of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice 35501 per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive week(s)/day(s), the first publication was in the issue dated Dec 25, 2005 and the last publication was Dec 25, 2005.

Deponent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed

  
Classified Manager  
Official Position

STATE OF NEW MEXICO

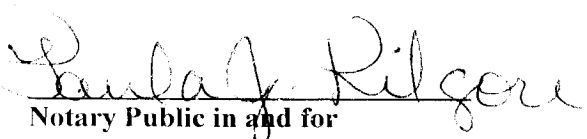
ss.

County of Dona Ana

Subscribed and sworn before me this

27<sup>th</sup> day of December

2005

  
Notary Public in and for  
Dona Ana County, New Mexico

December 12, 2009  
My Term Expires

### Notice of Adoption

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following Ordinances at the Regular City Council Meeting December 19, 2005.

1. Council Bill No. 06-047; Ordinance No. 2257: An Ordinance Approving a Zoning Conversion From C-2C (Commercial Medium Intensity - Conditional) to C-3C (Commercial High Intensity - Conditional) for a 17.87 Acre Parcel Located at 2834 North Telshor Boulevard. Submitted by the City of Las Cruces, Property Owner (Case Z2600).

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3. Council Bill No. 06-049; Ordinance No. 2259: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 0.66 Acres of Land Located at 805 El Molino Boulevard. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2644).

4. Council Bill No. 06-050; Ordinance No. 2260: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 1.02 Acres of Land Located at 755 West Amador Avenue. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2645).

5. Council Bill No. 06-051; Ordinance No. 2261: An Ordinance Approving a Zoning Conversion From M-1 (Industrial Light) to M-2C (Industrial Standard - Conditional) for Approximately 0.55 Acres of Land Located at 614 West Amador Avenue. Submitted by Denton Ventures, Inc. For Chisholm's Warehouse, LLC, Property Owner (Case Z2649).

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 20th day of December, 2005.

Shirley Clark, MMC  
City Clerk

## PROOF OF PUBLICATION

Wayne Barnard, being duly sworn, deposes and says that he is the Classified Manager of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice of 35418 per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive week(s)/day(s), the first publication was in the issue dated 12-4-05 and the last publication was 12-4-06.

Deponent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed

  
Classified Manager  
Official Position

STATE OF NEW MEXICO

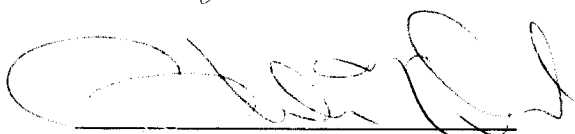
ss.

County of Dona Ana

Subscribed and sworn before me this

7 day of December

2005



Notary Public in and for  
Dona Ana County, New Mexico

10/28/06  
My Term Expires

### Notice of Intent to Adopt

The City Council of The City of Las Cruces, New Mexico Hereby Gives Notice of Its Intent to Adopt The Following Ordinances at the Regular City Council Meeting of Monday, December 19, 2005.

1. Council Bill No. 06-047; Ordinance No. 2257: An Ordinance Amending a Zoning Ordinance From C-2C (Commercial Medium Intensity - Conditional) to C-3C (Commercial High Intensity - Conditional) for a 17.87 Acre Parcel Located at 2834 North Telshor Boulevard. Submitted by the City of Las Cruces, Property Owner (Case Z2600).

2. Council Bill No. 06-048; Ordinance No. 2258: An Ordinance Amending a Zoning Ordinance From C-2 (Commercial Medium Intensity) to M-2C (Industrial Standard - Conditional) for Approximately Ten Acres of Property Located South of Highway 70, Along Bataan Memorial East and Immediately West of Jornada South. Submitted by Adam Zeller, Property Owners (Case Z2634).

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Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 29th day of November, 2005.

Shirley Clark, MMC  
City Clerk