Case #SU18-008: Submitted by Victor Huff, a request for a Special Use Permit to operate and provide food services from a mobile food truck. The 5-acre parcel is located at 2 Girasol Road in Mesquite and is within Section 35, Township 24 South, Range 2 East, and was recorded on July 1, 2013, under Instrument #1316667, in the Office of the Doña Ana County Clerk and can be further identified by Parcel # R0309229

REPORT CONTENTS: (1) Case Analysis and Staff Recommendation (2) GIS Information & Maps (3) Application and Supporting Documents
Surrounding Zoning and Land Uses

<table>
<thead>
<tr>
<th>SITE</th>
<th>ZONING</th>
<th>LAND USE</th>
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<td>North</td>
<td>T3 (Neighborhood Edge)</td>
<td>Rural residential</td>
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<tr>
<td>South</td>
<td>T3 (Neighborhood Edge) Zone consists of low-density single-family residential dwelling areas, with some mix of uses, home occupations and outbuildings.</td>
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BACKGROUND:
Existing Conditions/Zoning

The 5-acre parcel is located at 2 Girasol Road, in Mesquite, NM. The property is primarily being used for farming/education as NMSU students are being provided the opportunity to grow crops on approximately 4 acres in order to further their studies. The property is nestled between residential development immediately to the north and south that is also zoned T3 (Neighborhood Edge). A Commercial Septic Tank Permit No. DA140113 was issued on April 4, 2014 that indicates the purpose is for public restrooms and greenhouses. A building permit was issued on July 30, 2015 for site built public restrooms. The SUP site plan depicts the project area of less than 1 acre being developed with the rest of the property as existing farmland. A total of 6 parking spaces with one accessible space are being provided with a cement side walk leading to the restrooms. The driveway apron is cement and the parking and traffic areas are of crusher fine aggregates. Access is from NM 478, Permit, No. 1-3361 was issued on November 7, 2014 by NMDOT. Twenty five (25’) foot landscape buffers are shown in the front perimeter including a ponding area.

The Request:
The applicants are requesting to operate and provide food services from a Mobile Food Truck. Hours of operation are: opened Thursday through Sunday from 10:30 a.m. to 6:30 p.m. The mobile food will be removed from the site in the evenings and will not be left overnight.

APPLICABLE PLANS, POLICIES, AND CRITERIA FOR APPROVAL

1. Ordinance No. 287-2016, Unified Development Code
   § 350-204 Special use permits (SUP).
   A. General provisions and procedures. An applicant has the option of either applying for an administrative SUP or proceeding directly to the P&Z to consider the SUP at a public hearing. The Zoning Administrator may administratively approve a special use permit if no written objections are received within 21 days from the date that notice is provided consistent with § 350-204C provided all

...
agency review comments are satisfactorily addressed. The notice shall identify the property and state the nature of the SUP requested, and shall also state that if no written objections to the SUP are received within 21 days of the date of the notice, the SUP may be granted administratively without a hearing. If written objections are received within the twenty-one-day period, the SUP will be submitted to the P&Z for a public hearing. Special use permits shall not be considered a zone change.

C. Notice procedure for special use permits.

(2) SUPs decided by public hearing:

(a) Signs supplied by the CDD shall be posted for a minimum of 21 days on the subject property, in conspicuous locations, in a manner that is reasonably calculated to notify adjacent property owners and passersby of the hearing for the proposed special use permit.

(b) Notice of public hearing shall be published one time at least 21 days prior to the date of the hearing in a newspaper of general circulation in the jurisdiction of the County.

(c) Notice of the SUP shall be mailed by first-class mail to the adjacent property owners, as shown by the records of the County Assessor, of properties within 300 feet of any lot line of the site in question, excluding streets, alleys, channels, canals or other public rights-of-way and railroad rights-of-way. A minimum of 10 different owners shall be required to be notified.

D. Decisional criteria for special use permits. A proposed SUP must be consistent with the health, safety, and general welfare of the residents of the County per the intent of this chapter. The Zoning Administrator, P&Z, and BOCC shall use the following general criteria when reviewing special use permits but are not limited to:

(1) Potential traffic flows and impacts;

(2) Need for new commercial or residential activity;

(3) Potential water and sewer needs;

(4) Existing infrastructure capacities and the ability of existing systems to accommodate new development;

(5) Environmentally sensitive areas in the vicinity, areas of historical significance, or areas that contain endangered or rare species of animal and plant life;

(6) The impact of a proposed SUP because of its size and intensity on surrounding properties; and

(7) Implementation of best management practices for the development.

E. Approval procedures and conditions. The Zoning Administrator, P&Z or the BOCC may approve, conditionally approve or deny the SUP with right of appeal in accordance with the provisions of § 350-216. Appeals. Approval may be granted with conditions that are deemed necessary to ensure that the purpose and intent of this chapter are met and to mitigate potentially detrimental effects of the SUP to surrounding properties. In addition to the conditions, a time limitation on the SUP may be imposed. If a special use has not commenced within, or is discontinued for, a period of one year, said permit shall automatically expire. All improvements shall be in accordance with the development standards applicable to the zoning district or community type, and Article VI, except as otherwise authorized by the SUP.

F. SUP site plan revisions. Minor revisions to a detailed site plan, following final approval, may be subsequently approved by the Zoning Administrator without a public hearing. Major revisions to the detailed site plan are subject to the same requirements as an original application and may require a public hearing. Minor and major revisions to site plans are defined in § 350-208E, Site plan revisions.
AGENCY COMMENTS

DAC Engineering: Access shall be from a NMDOT approved driveway permit.

DAC Flood Commission: A positive opinion is issued.

DAC Fire Marshal: Special Use Permit approved only, any future structures will be required to meet all fire code requirements.

DAC Building Services: A building permit was issued for the public restrooms.

DAC Zoning Codes: No zoning violations found.

NMED: Commercial Septic Tank Permit No. DA140113 on file.


Mesilla Valley MPO: A positive opinion is issued.

NOTICE / NOTIFICATION

- Twelve (12) letters of notification mailed to area properties on October 16, 2018.
- Agenda was posted in the Las Cruces Sun-News on October 17, 2018.
- Signs were posted on the property in a timely manner.
- Five letter of opposition were received.
- One e-mail of support was received.

§ 350-204D Decisional Criteria
Staff analysis in bold, applicant’s narrative on page 10.

a. Potential traffic flows and impacts:
The applicant has an access permit from the NMDOT, Permit No. 1-3361. Any potential flows and traffic impacts have been evaluated by NMDOT.

b. Need for new commercial or residential activity;
The proposed type of use and its scale provide a unique community eatery service to the local residents, the traveling public and those students whom farm the remainder 4 acres.

c. Potential water and sewer needs;
The Lower Rio Grande Public Works Authority is the provider for the domestic water usage. A New Mexico Environment Department Septic system is in place, Permit # DA140113.

d. Existing infrastructure capacities and the ability of existing systems to accommodate new development;
There is no new proposed development. The existing infrastructure required is minimal for the farming activity and the traffic generated by the mobile food truck is serviced by NM 478.

e. Environmentally sensitive areas in the vicinity, areas of historical significance, or areas that contain endangered or rare species of animal and plant life;
The property is surrounded rural residential development. There has been no evidence submitted that there are endangered or rare species of animal and plant life in the area.

f. The impact of a propose SUP on surrounding properties;
The impact on the surrounding properties would be minimal. The existing farming activity type on the 4 acres does not generate intense farming and the mobile food truck will closed Monday through Wednesday, and be opened Thursday through Sunday from 10:30 a.m. to 6:30 p.m. The mobile food truck is removed from the site in the evenings.

No new structures are being proposed.

STAFF ANALYSIS

A request, submitted by Victor Huff, for a Special Use Permit to operate and provide food services from a Mobile Food Truck on a 5 acre parcel. Staff’s evaluation of the Decisional Criteria is supportive of a mobile food truck as the impact to the health, safety, and general welfare of the residents in the surrounding area will be minimal. The hours of operation are limited and will be open only 4 days out of the week. The mobile food truck does not generate heavy traffic, it does not generate loud noises and will benefit the public as a whole to the local residents in the area and the traveling public.

STAFF FINDINGS:

1. The property is outside of any incorporated municipal zoning authority and is within Doña Ana County, therefore the Planning & Zoning Commission has jurisdiction to hear this case.
2. Pursuant to § 350-104 Administrative Authority and Duties. (2) The Planning and Zoning Commission may receive, hear, and make final determinations to approve, approve with conditions, or deny applications for variances and special use permits, as prescribed by, and subject to, the procedures established herein;
3. Public notice requirements have been met as prescribed in § 350-204 Special use permits (SUP). C. Notice procedure for special use permits.
4. The Special Use Permit meets the Decisional Criteria for § 350-204.D. as the impact to the health, safety, and general welfare of the residents in the surrounding area will be minimal.

STAFF RECOMMENDATION:

Based on the Findings of Fact, staff analysis, and the proposed Special Use Permit meeting § 350-204CDecisional Criteria staff recommends Conditional Approval of Case #SU18-008 with the following conditions:

The hours of operation will be:
- Thursday through Sunday, open 10:30 a.m. to 6:30 p.m.
- Closed Monday through Wednesday.
- The mobile food truck is removed from the site in the evenings.
- Only one mobile food truck will operate on the property.
SURROUNDING PROPERTIES
IMMEDIATE SURROUNDING PROPERTIES
To whom it may concern;

I, Ofelia Cadena have a mobile kitchen which will be driven to and from the following address: 2 Grasol Mesquite NM daily. The working hours on this mobile kitchen with the name of Vic's BBQ are as following: Tuesday thru Saturday 9am to 8pm. This establishment will allow customers to dine in or carry out; for customers convenience benches are available. This establishment is also fully equipped with restrooms. The mobile kitchen has all requirements needed by city regulations. If any questions or concerns please feel free to call me at (915)309-8899. Thank you for your time.

Sincerely,
Ofelia Cadena

Business Manager and Owner
AREA OF NOTIFICATION
### NOTIFICATION LIST

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NOTICE OF OPPOSITION

September 26, 2018

Mr. Luis Marmolejo,

We completely disapprove and oppose for a permit to be granted for a Mobile Food Truck to be placed in our community.

Sincerely,

Antonio Gonzalez
7586 Royal View Ln
(R0309220)
September 26, 2018

Mr. Luis Marmolejo,

We completely disapprove and oppose for a permit to be granted for a Mobile Food Truck to be placed in our community.

Sincerely,

Ralph Martinez
Laura Martinez

9 Indian Lane

DONA ANA COUNTY
COMMUNITY DEVELOPMENT

DONA ANA COUNTY
COMMUNITY DEVELOPMENT
Mr. Luis Marmolejo,

We completely disapprove and oppose for a permit to be granted for a Mobile Food Truck to be placed in our community.

Sincerely,

[Signature]

[Stamp: DONA ANA COUNTY COMMUNITY DEVELOPMENT]
Mr. Luis Marmolejo,

We completely disapprove and oppose for a permit to be granted for a Mobile Food Truck to be placed in our community.

Sincerely,

[Signature]

Hwy 475 Girasol Rd H21

[Stamp: DONA ANA COUNTY COMMUNITY DEVELOPMENT]
September 26, 2018

Mr. Luis Marmolejo,

We completely disapprove and oppose for a permit to be granted for a Mobile Food Truck to be placed in our community.

Sincerely,

Fausto C. Salinas
19 Atlantica Lane

[Signature]

DONA ANA COUNTY
COMMUNITY DEVELOPMENT
NOTICE OF SUPPORT

Hi Luis,

I hope it's not too late, I forgot to get this to you.

I reside at 7 Carnation next to the Huff property. A food truck has been operating at that location for several months now. Since starting the operation there has been no negative affects to the neighborhood. I have no opposition to the special use permit that has been submitted. If you have any further questions please feel free to contact me at 915-491-7795.

Thanks,

Kellen Tarkington - District Chief
Chamberino Fire District # 16
Dona Ana County Fire and Emergency Services