

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 2552 Council District: 5

For Meeting of January 25, 2010
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM A-1 AND A-2 (FLOOD CONTROL AND RURAL AGRICULTURE, 1981 ZONING CODE) TO R-1A (SINGLE-FAMILY MEDIUM DENSITY), OS-NC (OPEN SPACE-NATURAL CONSERVATION), AND C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 23.45 ± ACRES OF PROPERTY LOCATED EAST OF DEL REY BOULEVARD AND SOUTH OF TUCSON AVENUE. THE PURPOSE OF THE ZONE CHANGE IS TO FACILITATE A SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL MASTER-PLANNED DEVELOPMENT KNOWN AS DESERT ISLES AS WELL AS BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY PILLAR ENGINEERING FOR JEAN WRIGHT MARTIN IRREVOCABLE TRUST. (CASE Z2788).

PURPOSE(S) OF ACTION: A request for a change in zoning from A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code) to R-1a (Single-Family Medium Density), OS-NC (Open Space-Natural Conservation), and C-3C (Commercial High Intensity-Conditional).

Name of Drafter: Jennifer Robertson <i>JR</i>		Department: Community Development		Phone: 528-3226	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>CR for MW</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Desert Isles Master Plan area encompasses approximately 23.45 ± acres of land and is vacant. The purpose of the zone change request is to facilitate a proposed single-family residential and commercial development. The property is located on the southeast corner of Del Rey Boulevard and Tucson Avenue. Del Rey Boulevard is considered a Principal Arterial by the MPO Thoroughfare Plan requiring 120 feet total of right of way. Tucson Avenue is considered a Major Local by the MPO Thoroughfare Plan requiring 60 feet total of right of way. The property is adjacent to the city limit, which is located along the northern boundary of Tucson Avenue. The zoning of the Master Plan area must adhere to the boundaries of the proposed residential uses, commercial uses and open-space.

The proposed zoning includes 14.24 ± acres of R-1a (Single-Family Medium Density), 2.76 ± acres of OS-NC (Open Space-Natural Conservation) and 6.46 ± acres of C-3C (Commercial High Intensity-Conditional). The R-1a area is master-planned for 30 to 48 single-family

dwelling units. The open-space, also known as the Split Fork Arroyo, is proposed to remain in its natural state. The C-3C request includes the use of C-3 development standards, i.e. lot size, setbacks, building height, etc. However, the uses proposed are C-2 (Commercial Medium Intensity) uses and those C-2 uses with some use prohibitions as noted on Exhibit "B" of the Zoning Ordinance. There are separation (buffer) and landscaping requirements between the C-3C and R-1a zones for which the commercial development will have to adhere.

On October 27, 2009, the Planning and Zoning Commission recommended conditional approval for the zone change by a vote of 4-0 (two Commissioners were absent and one seat is vacant) and also approved the Master Plan by a vote of 4-0 (two Commissioners were absent and one seat is vacant). The first condition states that all newly installed utilities will be placed underground. The second condition states that the C-3 uses allowed are those found in Exhibit "B" Zone Change Request Allowed Land Use List for C-3C. The conditions are stated in the attached Ordinance. Public comment received at the hearing included neighboring property owners concerns for the drivability of the road while the required subdivision improvements are constructed.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Ordinance.
2. Exhibit "A" Zoning Map.
3. Exhibit "B" Zone Change Request Allowed Land Use List for C-3C.
4. Exhibit "C" Findings and Comprehensive Plan Analysis.
5. Attachment "A" Staff Report for October 27, 2009 Planning and Zoning Commission Meeting for Case Z2788.
6. Attachment "B" Minutes for October 27, 2009 Planning and Zoning Commission Meeting.
7. Attachment "C" Vicinity Map.

OPTIONS / ALTERNATIVES:

1. Vote **YES** to approve the proposed Ordinance. This action would approve the proposed zone changes for 23.45 ± acres of land as recommended by the Planning and Zoning Commission. The property will be rezoned from A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code) to R-1a (Single-Family Medium Density) for 14.24 ± acres, OS-NC (Open Space-Natural Conservation) for 2.76 ± acres and C-3C (Commercial High Intensity-Conditional) for 6.46 ± acres.
2. Vote **NO** and deny the proposed Ordinance. Such action would prevent the proposed 23.45 ± acres being rezoned to R-1a (Single-Family Medium Density), OS-NC (Open Space-Natural Conservation), and C-3C (Commercial High Intensity-Conditional). The current zoning of A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code) will remain in place. The applicant will have to submit an alternative development proposal to develop the subject property as well as amend the recently approved Desert Isles Master Plan.

3. Modify the proposed Ordinance and vote **YES** to approve. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-023
ORDINANCE NO. 2552

AN ORDINANCE APPROVING A ZONE CHANGE FROM A-1 AND A-2 (FLOOD CONTROL AND RURAL AGRICULTURE, 1981 ZONING CODE) TO R-1A (SINGLE-FAMILY MEDIUM DENSITY), OS-NC (OPEN SPACE-NATURAL CONSERVATION), AND C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 23.45 ± ACRES OF PROPERTY LOCATED EAST OF DEL REY BOULEVARD AND SOUTH OF TUCSON AVENUE. THE PURPOSE OF THE ZONE CHANGE IS TO FACILITATE A SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL MASTER-PLANNED DEVELOPMENT KNOWN AS DESERT ISLES AS WELL AS BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY PILLAR ENGINEERING FOR JEAN WRIGHT MARTIN IRREVOCABLE TRUST. (CASE Z2788)

The City Council is informed that:

WHEREAS, the Jean Wright Martin Irrevocable Trust, the property owner, has submitted a request for multiple zone changes for 23.45 ± acres located east of Del Rey Boulevard and south of Tucson Avenue, also known as Desert Isles Master Plan Area; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on October 27, 2009, recommended that said zone change request be conditionally approved by a vote of 4-0 (two Commissioners were absent and one seat is vacant).

NOW THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT the tracts more particularly described in Exhibit "A", attached hereto and made part of this Ordinance, is hereby conditionally zoned as follows for the Desert Isles Master-Planned Area:

- a. From A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code) to R-1a (Single-Family Medium Density) for 14.24 ± acres,
- b. From A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code) to OS-NC (Open Space-Natural Conservation) for 2.76 ± acres,
- c. And from A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code) to C-3C (Commercial High Intensity-Conditional) for 6.46 ± acres.

(II)

THAT the conditions be stipulated as follows:

1. All newly installed utilities to be placed underground.
2. Allowed land uses per Exhibit "B" Zone Change Request Allowed Land Use List for C-3C.

(III)

THAT the zoning is based on the findings contained in Exhibit "C" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(IV)

THAT the zoning of said properties 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 _____ day of _____ 2010.

APPROVED:

(SEAL)

Mayor

ATTEST:

VOTE:

City Clerk

- Mayor Miyagishima: _____
- Councillor Silva: _____
- Councillor Connor: _____
- Councillor Pedroza: _____
- Councillor Small: _____
- Councillor Sorg: _____
- Councillor Thomas: _____

Moved by: _____

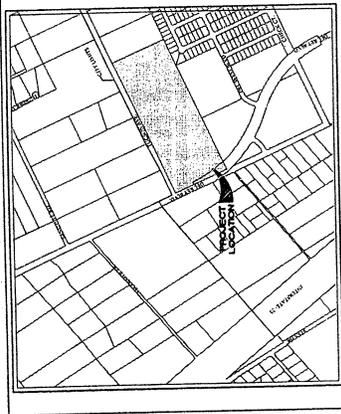
Seconded by: _____

APPROVED AS TO FORM:



City Attorney

DESERT ISLES ZONE CHANGE AUGUST 2009



VICINITY MAP
SCALE: 1" = 600'

SUBDIVIDER: MARTIN FAMILY TRUST
DON MARTIN
11526 TROTTING DOWN DRIVE
ODESSA, FLORIDA
813-765-3006

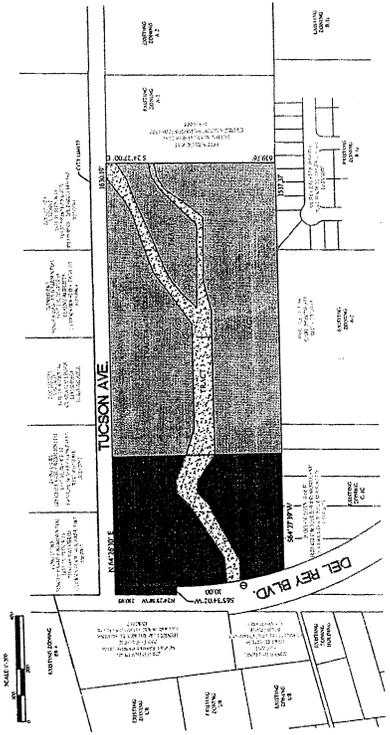
ENGINEER: PILLAR ENGINEERING, LLC
280 E. FOSTER SUITE B
LAS CRUCES, NM 88005
575-647-1927
martin@pillarpc.com

SURVEYOR: CORONADO LAND SURVEYING
P.O. BOX 6314
LAS CRUCES, NM 88006
575-644-6239

TRACT	ACREAGE	EXISTING ZONE	PROPOSED ZONE
TRACT 1	1.88 ACRES	A-2	C-3C
TRACT 2	3.89 ACRES	A-2	C-3C
TRACT 3	2.55 ACRES	A-1	OS-NC
TRACT 4	5.48 ACRES	A-2	RL-4
TRACT 5	5.48 ACRES	A-2	RL-4
TRACT 6	7.77 ACRES	A-2	RL-4

LEGEND

- C-3C COMMERCIAL MEDIUM INTENSITY
- RL-4 SINGLE FAMILY MEDIUM DENSITY
- OS-NC OPEN SPACE RESERVATION ZONING DISTRICT
- RIGHT OF WAY TO BE DEDICATED WITH SUBDIVISION PLAT



GENERAL LEGAL DESCRIPTION:
LOTS 1-5, BLOCK 15, ELEPHANT BUTTE LAND AND TRUST CO. AMENDMENT #2 OF SUBDIVISION 'C', BLOCKS #12, 13, 14, AND 15 AS CORRECTED, RECORDED IN JULY 17, 1967 IN PLAT BOOK 10, PAGES 10-12 OF THE DONA ANA COUNTY RECORDS 23,453 ACRES

COURTNEY
R-1-130-00
D-1-130-00
D-1-130-00
D-1-130-00

THE DESERT ISLES DEVELOPMENT SHALL MEET C-3 DEVELOPMENT STANDARDS WITH THE FOLLOWING RESTRICTIONS:
ZONING: RESTRICTED USES ARE SHOWN WITH STRIKE THROUGH.

RESTRICTIONS: RESTRICTED USES ARE SHOWN IN

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL: LAND USES (See Section 18.11 and Section 18.31)
 - Single-Family Detached, Attached, and Townhomes
 - Accessory Dwelling Units (ADUs)
 - Homebased Businesses (See Section 18.11 and Section 18.31)
 - Homebased Professional Offices (See Section 18.11 and Section 18.31)
 - Homebased Retail (See Section 18.11 and Section 18.31)
 - Homebased Services (See Section 18.11 and Section 18.31)
 - Homebased Professional Offices (See Section 18.11 and Section 18.31)
 - Homebased Retail (See Section 18.11 and Section 18.31)
 - Homebased Services (See Section 18.11 and Section 18.31)

COMMERCIAL: LAND USES (See Section 18.11 and Section 18.31)
 - Retail (See Section 18.11 and Section 18.31)
 - Office (See Section 18.11 and Section 18.31)
 - Professional Office (See Section 18.11 and Section 18.31)
 - Restaurant (See Section 18.11 and Section 18.31)
 - Bar (See Section 18.11 and Section 18.31)
 - Nightclub (See Section 18.11 and Section 18.31)
 - Entertainment (See Section 18.11 and Section 18.31)
 - Amusement (See Section 18.11 and Section 18.31)
 - Recreation (See Section 18.11 and Section 18.31)
 - Storage (See Section 18.11 and Section 18.31)
 - Warehouse (See Section 18.11 and Section 18.31)
 - Distribution (See Section 18.11 and Section 18.31)
 - Manufacturing (See Section 18.11 and Section 18.31)
 - Industrial (See Section 18.11 and Section 18.31)
 - Professional Office (See Section 18.11 and Section 18.31)
 - Restaurant (See Section 18.11 and Section 18.31)
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 - Distribution (See Section 18.11 and Section 18.31)
 - Manufacturing (See Section 18.11 and Section 18.31)
 - Industrial (See Section 18.11 and Section 18.31)

RECREATION: LAND USES (See Section 18.11 and Section 18.31)
 - Park (See Section 18.11 and Section 18.31)
 - Recreation (See Section 18.11 and Section 18.31)
 - Amusement (See Section 18.11 and Section 18.31)
 - Entertainment (See Section 18.11 and Section 18.31)
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INDUSTRIAL: LAND USES (See Section 18.11 and Section 18.31)
 - Industrial (See Section 18.11 and Section 18.31)
 - Manufacturing (See Section 18.11 and Section 18.31)
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 - Industrial (See Section 18.11 and Section 18.31)

UTILITIES: LAND USES (See Section 18.11 and Section 18.31)
 - Utility (See Section 18.11 and Section 18.31)
 - Storage (See Section 18.11 and Section 18.31)
 - Warehouse (See Section 18.11 and Section 18.31)
 - Distribution (See Section 18.11 and Section 18.31)
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 - Distribution (See Section 18.11 and Section 18.31)
 - Manufacturing (See Section 18.11 and Section 18.31)
 - Industrial (See Section 18.11 and Section 18.31)

REVISIONS

NO.	DATE	DESCRIPTION
1	08-01-11	ISSUED FOR PERMITS

PROJECT NO. 08-011

DESIGNER: PILLAR ENGINEERING, LLC
280 E. FOSTER SUITE B
LAS CRUCES, NEW MEXICO 88005
Phone: (575) 647-1927
martin@pillarpc.com

CLIENT: DON MARTIN

DRAWING NO.: C-101
SHEET NO.: 1

Coronado Land Surveying

6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239



March 30, 2009

DESCRIPTION OF A 3.854 ACRE TRACT

"TRACT I"

A tract of land situate within Lots 1 and 2, Block 15, Elephant Butte Land and Trust Co. Amendment #2 of Subdivision "C", Blocks #12, 13, 14 and 15 as Corrected, recorded July 17, 1967 in Plat Book 10, Pages 10-12 of the Dona Ana County records, within the corporate limits of the City of Las Cruces, and being more particularly described as follows:

BEGINNING at an iron pipe found at the southeast corner of the intersection of Del Rey Boulevard (existing right of way width varies) and Tucson Avenue (an existing 60 foot wide right of way) for the northwest corner of this Tract, Whence an aluminum cap found for City of Las Cruces G.I.S. Station #56 bears S50°18'23"E, 3589.23 feet;

THENCE from the point of beginning, along the south right of way line of Tucson Avenue, N64°26'30"E, 517.85 feet to a point;

THENCE leaving said right of way, S25°32'21"E, 277.08 feet to a point;

THENCE S82°17'54"W, 45.45 feet to a point;

THENCE N89°42'54"W, 56.89 feet to a point;

THENCE S59°11'06"W, 47.95 feet to a point;

THENCE S20°17'34"W, 59.27 feet to a point;

THENCE S31°31'53"W, 239.71 feet to a point;

THENCE S59°51'05"W, 96.79 feet to a point on the west right of way line of Del Rey Boulevard;

THENCE along said right of way line, around the arc of a curve to the right, having a radius of 1340.00 feet, an arc length of 190.93 feet, whose central angle is 8°9'50" and whose long chord bears N28°31'05"W, 190.77 feet to a point;

THENCE S65°34'02"W, 30.00 feet to a point;

THENCE N24°25'58"W, 230.95 feet, to the point of beginning, containing 3.854 acres, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc.

This description is of a portion of an existing tract of land and is not an approved subdivision according to the City of Las Cruces Subdivision Regulations and the New Mexico Subdivision Act. This description is for zoning purposes only.

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 3/30/09
Justin W. Miller, PS 17572 Date

08078 zoning.doc



Coronado Land Surveying

6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239

March 30, 2009

DESCRIPTION OF A 2.606 ACRE TRACT

"TRACT 2"

A tract of land situate within Lots 1 and 2, Block 15, Elephant Butte Land and Trust Co. Amendment #2 of Subdivision "C", Blocks #12, 13, 14 and 15 as Corrected, recorded July 17, 1967 in Plat Book 10, Pages 10-12 of the Dona Ana County records, within the corporate limits of the City of Las Cruces, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set on the west right of way line of Del Rey Boulevard (existing right of way width varies) for the southwest corner of this Tract, Whence an aluminum cap found for City of Las Cruces G.I.S. Station #56 bears S54°2'38"E, 2981.39 feet;

THENCE from the point of beginning, along said right of way line, around the arc of a curve to the right, having a radius of 1340.00 feet, an arc length of 171.95 feet, whose central angle is 7°21'08" and whose long chord bears N38°25'06"W, 171.83 feet to a point;

THENCE N63°53'23"E, 75.02 feet to a point;

THENCE N36°34'20"E, 131.52 feet to a point;

THENCE N34°16'38"E, 42.73 feet to a point;

THENCE N40°03'21"E, 59.01 feet to a point;

THENCE N23°13'33"E, 72.14 feet to a point;

THENCE N67°27'08"E, 39.23 feet to a point;

THENCE S82°52'04"E, 60.59 feet to a point;

THENCE S79°31'48"E, 60.50 feet to a point;

THENCE S25°32'21"E, 252.87 feet to a point on the south line of Block 15;

THENCE along the south line of Block 15, S64°27'39"W, 437.01 feet to the point of beginning, containing 2.606 acres, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc.

This description is of a portion of an existing tract of land and is not an approved subdivision according to the City of Las Cruces Subdivision Regulations and the New Mexico Subdivision Act. This description is for zoning purposes only.

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 3/30/09
Justin W. Miller, PS 17572 Date

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Coronado Land Surveying

6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239



March 30, 2009

DESCRIPTION OF A 5.416 ACRE TRACT

"TRACT 3"

A tract of land situate within Lots 2-5, Block 15, Elephant Butte Land and Trust Co. Amendment #2 of Subdivision "C", Blocks #12, 13, 14 and 15 as Corrected, recorded July 17, 1967 in Plat Book 10, Pages 10-12 of the Dona Ana County records, within the corporate limits of the City of Las Cruces, and being more particularly described as follows:

BEGINNING at a point on the south line of Tucson Avenue (an existing 60 foot wide right of way) for the northwest corner of this Tract, Whence an aluminum cap found for City of Las Cruces G.I.S. Station #56 bears S42°22'04"E, 3405.07 feet;

THENCE from the point of beginning, along the south right of way line of Tucson Avenue, N64°26'30"E, 1057.88 feet to a point;

THENCE leaving said right of way line, S27°46'11"W, 116.89 feet to a point;

THENCE S38°35'56"W, 60.42 feet to a point;

THENCE S46°24'07"W, 112.36 feet to a point;

THENCE S44°26'23"W, 117.60 feet to a point;

THENCE S28°23'04"W, 122.29 feet to a point;

THENCE S30°00'04"W, 117.22 feet to a point;

THENCE S64°27'39"W, 346.98 feet to a point;

THENCE S64°28'30"W, 50.00 feet to a point;

THENCE S82°17'54"W, 105.05 feet to a point;

THENCE N25°32'21"W, 277.08 feet to the point of beginning, containing 5.416 acres, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc.

This description is of a portion of an existing tract of land and is not an approved subdivision according to the City of Las Cruces Subdivision Regulations and the New Mexico Subdivision Act. This description is for zoning purposes only.

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 3/30/09
Justin W. Miller, PS 17572 Date

08078 zoning.doc



Coronado Land Surveying

6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239



March 30, 2009

DESCRIPTION OF A 1.548 ACRE TRACT

"TRACT 4"

A tract of land situate within Lots 4-5, Block 15, Elephant Butte Land and Trust Co. Amendment #2 of Subdivision "C", Blocks #12, 13, 14 and 15 as Corrected, recorded July 17, 1967 in Plat Book 10, Pages 10-12 of the Dona Ana County records, within the corporate limits of the City of Las Cruces, and being more particularly described as follows:

BEGINNING at a point on the east line of Lot 5 for the northeast corner of this Tract, Whence an aluminum cap found for City of Las Cruces G.I.S. Station #56 bears S23°18'8"E, 3224.77 feet;

THENCE from the point of beginning, along the east line of Lot 5, S24°25'49"E, 122.78 feet to a point;

THENCE leaving said Lot line, S54°27'30"W, 51.07 feet to a point;

THENCE S30°21'53"W, 63.65 feet to a point;

THENCE S20°00'33"W, 189.09 feet to a point;

THENCE S65°33'00"W, 316.28 feet to a point;

THENCE N19°57'57"E, 73.05 feet to a point;

THENCE N25°21'27"E, 64.89 feet to a point;

THENCE N36°57'05"E, 57.65 feet to a point;

THENCE N43°18'34"E, 87.37 feet to a point;

THENCE N42°03'29"E, 63.15 feet to a point;

THENCE N41°28'45"E, 121.70 feet to a point;

THENCE N43°28'49"E, 53.75 feet to a point;

THENCE N45°36'10"E, 49.54 feet to a point;

THENCE N30°20'21"E, 65.25 feet to the point of beginning, containing 1.548 acres, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc.

This description is of a portion of an existing tract of land and is not an approved subdivision according to the City of Las Cruces Subdivision Regulations and the New Mexico Subdivision Act. This description is for zoning purposes only.

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 3/30/09
Justin W. Miller, PS 17572 Date

08078 zoning.doc



Coronado Land Surveying

6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239



March 30, 2009

DESCRIPTION OF A 7.273 ACRE TRACT

"TRACT 5"

A tract of land situate within Lots 2-5, Block 15, Elephant Butte Land and Trust Co. Amendment #2 of Subdivision "C", Blocks #12, 13, 14 and 15 as Corrected, recorded July 17, 1967 in Plat Book 10, Pages 10-12 of the Dona Ana County records, within the corporate limits of the City of Las Cruces, and being more particularly described as follows:

BEGINNING at a point on the east line of Lot 5 for the northeast corner of this Tract, Whence an aluminum cap found for City of Las Cruces G.I.S. Station #56 bears S23°14'57"E, 3080.79 feet;

THENCE from the point of beginning, along the east line of Lot 5, S24°27'00"E, 458.43 feet to a 1/2" iron rod found for the southeast corner of Lot 5, for the southwest corner of this Tract;

THENCE the south line of Block 15, S564°27'39"W, 1100.18 feet to a point;

THENCE leaving the south line of Block 15, N25°32'21"W, 252.87 feet to a point;

THENCE N64°27'39"E, 100.00 feet to a point;

THENCE N62°01'25"E, 50.05 feet to a point;

THENCE N64°27'39"E, 400.00 feet to a point;

THENCE N49°59'40"E, 107.03 feet to a point;

THENCE N65°33'00"E, 245.08 feet to a point;

THENCE N14°12'39"E, 91.27 feet to a point;

THENCE N9°43'29"E, 89.74 feet to a point;

THENCE N34°52'07"E, 56.97 feet to a point;

THENCE N53°35'43"E, 51.44 feet to the point of beginning, containing 7.273 acres, more or less. . Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc.

This description is of a portion of an existing tract of land and is not an approved subdivision according to the City of Las Cruces Subdivision Regulations and the New Mexico Subdivision Act. This description is for zoning purposes only.

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 3/30/09
Justin W. Miller, PS 17572 Date





March 30, 2009

DESCRIPTION OF A 2.755 ACRE TRACT

"TRACT 6"

A tract of land situate within Lots 1-5, Block 15, Elephant Butte Land and Trust Co. Amendment #2 of Subdivision "C", Blocks #12, 13, 14 and 15 as Corrected, recorded July 17, 1967 in Plat Book 10, Pages 10-12 of the Dona Ana County records, within the corporate limits of the City of Las Cruces, and being more particularly described as follows:

BEGINNING at a point on the west right of way line of Del Rey Boulevard (existing right of way width varies) for the southwest corner of this Tract, for the northwest corner of this Tract, Whence an aluminum cap found for City of Las Cruces G.I.S. Station #56 bears S52°54'3"E, 3194.47 feet;

THENCE from the point of beginning, leaving the west line of Del Rey Boulevard, N59°51'05"E, 96.79 feet to a point;

THENCE N31°31'53"E, 239.71 feet to a point;

THENCE N20°17'34"E, 59.27 feet to a point;

THENCE N59°11'06"E, 47.95 feet to a point;

THENCE S89°42'54"E, 56.89 feet to a point;

THENCE N82°17'54"E, 150.50 feet to a point;

THENCE N64°28'30"E, 50.00 feet to a point;

THENCE N64°27'39"E, 346.98 feet to a point;

THENCE N30°00'04"E, 117.22 feet to a point;

THENCE N28°23'04"E, 122.29 feet to a point;

THENCE N44°26'23"E, 117.60 feet to a point;

THENCE N46°24'07"E, 112.36 feet to a point;

THENCE N38°35'56"E, 60.42 feet to a point;

THENCE N27°46'11"E, 116.89 feet to a point on the north line of Lot 5;

THENCE N64°26'42"E, 54.46 feet to a 1/2" iron rod found for the northeast corner of Lot 5, for the northeast corner of this Tract;

THENCE along the east line of Lot 5, S24°31'06"E, 37.31 feet to a point;

THENCE leaving the east line of Lot 5, S30°20'21"W, 65.25 feet to a point;

THENCE S45°36'10"W, 49.54 feet to a point;

THENCE S43°28'49"W, 53.75 feet to a point;

(continued on sheet 2)

(continued from sheet 1)

THENCE S41°28'45"W, 121.70 feet to a point
THENCE S42°03'29"W, 63.15 feet to a point;
THENCE S43°18'34"W, 87.37 feet to a point;
THENCE S36°57'05"W, 57.65 feet to a point;
THENCE S25°21'27"W, 64.89 feet to a point;
THENCE S19°57'57"W, 73.05 feet to a point;
THENCE N65°33'00"E, 316.28 feet to a point;
THENCE N20°00'33"E, 189.09 feet to a point;
THENCE N30°21'53"E, 63.65 feet to a point;
THENCE N54°27'30"E, 51.07 feet to a point on the east line of Lot 5;
THENCE along the east line of Lot 5, S24°27'00"E, 21.23 feet to a point;
THENCE leaving said Lot line, S53°35'43"W, 51.44 feet to a point;
THENCE S34°52'07"W, 56.97 feet to a point;
THENCE S9°43'29"W, 89.74 feet to a point;
THENCE S14°12'39"W, 91.27 feet to a point;
THENCE S65°33'00"W, 245.08 feet to a point;
THENCE S49°59'40"W, 107.03 feet to a point;
THENCE S64°27'39"W, 400.00 feet to a point;
THENCE S62°01'25"W, 50.05 feet to a point;
THENCE S64°27'39"W, 100.00 feet to a point;
THENCE N79°31'48"W, 60.50 feet to a point;
THENCE N82°52'04"W, 60.59 feet to a point;
THENCE S67°27'08"W, 39.23 feet to a point;
THENCE S23°13'33"W, 72.14 feet to a point;
THENCE S40°03'21"W, 59.01 feet to a point;
THENCE S34°16'38"W, 42.73 feet to a point;

(continued on sheet 3)

(continued from sheet 2)

THENCE S36°34'20"W, 131.52 feet to a point;

THENCE S63°53'23"W, 75.02 feet to a point on the west right of way line of Del Rey Boulevard;

THENCE along the west line of Del Rey Boulevard, around arc of a curve to the right, having a radius of 1340.00 feet, an arc length of 50.10 feet, whose central angle is 2°8'31" and whose long chord bears N33°40'16"W, 50.09 feet to the point of beginning, containing 2.755 acres, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc.

This description is of a portion of an existing tract of land and is not an approved subdivision according to the City of Las Cruces Subdivision Regulations and the New Mexico Subdivision Act. This description is for zoning purposes only.

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 3/30/09
Justin W. Miller, PS 17572 Date

08078 zoning.doc



C-2 – COMMERCIAL MEDIUM INTENSITY: The C-2 district facilitates and encourages development of those uses which provide retail, and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000. **PROPOSED RESTRICTED USES ARE SHOWN IN STRIKETHROUGH**

LAND USES ALLOWED

RESIDENTIAL – RELATED LAND USES (See Section 38-33B)

Accessory Uses and Structures
Greenhouse (Non-Commercial), Garden Shed or Tool Shed
Recreational Courts, Tennis, etc, Private

AGRICULTURAL & EQUESTRIAN (See Section 38-33C)

Veterinary Facility

INSTITUTIONAL LAND USES (See Section 38-33D)

Child Care Center or Preschool
Community Buildings – Uses
Hospital
Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)

~~Arcade/Game Room~~
Batting Cages
~~Billiard/Pool Hall~~
Bowling Alley
Country Club
~~Golf Course~~
Golf Course, Miniature
~~Golf Driving Range~~
Health/Exercise Club/Gymnasium/Sports Instruction
~~Racetrack, Mini, e.g. go-carts~~
Recreational Courts, e.g. Tennis (Public)
~~Skating Rink~~
Zoo/Botanical Park

SERVICE LAND USES (See 38-33F)

Accounting, Auditing & Bookkeeping
Architectural, Engineering, Planning & Surveying Services
Art Studio
Bank, Bonding & Financial Institution/Facility (No Drive Thru)
Barber/Beauty/Hair Salon & Related Personal Care
Business Offices
Consulting
Counseling Services
~~Funeral Home~~
Credit Reporting & Collection
Desktop Publishing & Graphic Design
~~Hotel/Motel~~
Institutional Office: Public, Private, Educational, Religious & Philanthropic
Insurance
Laboratory
Legal Services

Lessons (Art, Dance, Music, etc.)
 Mailing & Stenographic Services
 Medical/Dental Office
 Motion Picture Production
 Noncommercial Research Organization
 Pharmacy
 Photography Studio
 Real Estate
 Tax Preparation

RETAIL LAND USES (See Section 38-33G)

Auto/Truck Parts Store
 Auto/Truck Self-Service/Automated or Full Service Wash/Wax/Detailing
 Auto/Truck/Motorcycle Dealers
 Auto/Truck/Trailer Rental
 Bar, Pub Tavern (No Dancing)
 Building Material
 Café, Cafeteria, Coffee Shop, Restaurant, etc.
 Carpet/Window Treatments
 Cleaning & Maid Services
 Clothing Store
 Convenience Store
 Delicatessen, Produce/Meat Market
 Department Store
 Equipment Rental
 Furniture Store
 Garden Supply
 Gas Station
 Grocery Store
 Hardware Store
 Health Care Clinic (Non-Hospital)
 Home Furnishings
 Laundry/Dry Cleaning Services
 Newspaper Distribution
 Pawn Shop
 Private Club or Lodge
 Plant Nursery
 Radio/TV Studio/Station
 Small Item Repair Shop
 Specialty Foods (Bakeries, Confectionaries, etc.)
 Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
 Telephone & Communications Ctr.
 Theatre
 Tire Sales/Repair
 Upholstery Shop
 Variety Store
 Video Tape Rental/Sales

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H)

~~Cab Stand~~
 Mini-Storage Units
 Parking Facilities, Commercial (Garage & Private Parking Lots)

MANUFACTURING & RELATED LAND USES (see Section 38-331)

Crematorium

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

Apartments (Any configuration/grouping and may include condominiums. Must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)

Bed and Breakfast

Detached, Site-built, Single Family Dwelling Unit

Dwelling Use (Non Primary)

Manufactured Dwelling Unit

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

Home Occupation

Kennel/Cattery (Private Residential)

Storage of recreational vehicles and motor vehicle appurtenances

Swimming Pool, Private

Temporary Uses

Institutional Land Uses (See Section 38-33D and Section 38-53)

Religious Institution/Columbarium

School, (K-12) Public, Private, Parochial

School, College or University

School, Commercial, Trade or Technical

RECREATIONAL LAND USES ((See Section 38-33E and Section 38-53)

Amusement Park (temporary)

Park

Swimming Pool, Commercial or Public

SERVICE LAND USES (See Section 38-33F and Section 38-53)

Bank, Bonding & Financial Institution/Facility (Drive-thru including ATM & other electronic banking)

RETAIL LAND USES (See Section 38-33G and Section 38-53)

Auto/Truck Repair Service

Firewood Sales

Kennel/Cattery, Commercial

Large Equipment Repair & Service (Non-vehicular)

Petroleum/Propane Sales

Seasonal Sales—Non-Temporary (Fireworks, Agricultural Products, Snowcone Stand, etc.)

Telemarketing/Mail Order/Call Center

Temporary Use, (Non-Seasonal)

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H and Section 38-53)

Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas

Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)

Storage outside of buildings of materials, equipment, and supplies not for sale

Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (see Section 38-33I, Section 38-53)

~~Construction Yard or Building(s), Temporary
Cottage Industry – Retail or Service~~

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

~~Antenna, Towers, Communication Structures, and other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation~~

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (see Section 38-33H and Section 38-54)

~~Airport, Privately or Publicly Owned
Heliport/Helistop~~

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

~~Antenna, Towers, Communications Structures, and Other Vertical Structures~~

FINDINGS

1. This is a request for zone changes to 23.45 ± acres of land of a Master-Planned area known as Desert Isles.
2. The adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	ER5 (ETZ)	Residential and Vacant
South	A-2, C-2 and R-1a	Residential and Vacant
East	A-2	Vacant
West	Holding	Vacant

3. The request for Zone Change is consistent with the following goals, objectives, and policies of the Comprehensive Plan:

Land Use Element, Residential Uses, Goal 1, Objective 3

Establish land use policy, for the purposes of the Land Use Element, for urban and rural residential uses which supports the unique lifestyles of these areas.

Policy 3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.

Policy 3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

Policy 3.14 The City shall encourage urban residential cluster development along major arroyos where such development lends to the preservation of arroyos in their natural state.

Land Use Element, Commercial Uses, Goal 1, Objective 5.2

Medium intensity commercial uses shall be defined as those commercial uses which provide retail and service activities within a neighborhood area. Medium intensity commercial uses shall generally serve a population of 5,000 to 30,000 people and shall be established according to:

Policy 5.2h The City shall encourage the development of medium intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment related conflicts to adjacent uses.

Policy 5.2i Low intensity commercial uses are permitted in medium intensity commercial areas.

Land Use Element, Open Space, Goal 1, Objective 11

Establish urban and rural open space networks in the area.

Policy 11.1 The City shall encourage the preservation and provide a system of open space on the mesas and in the valley in order to provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

Policy 11.2 The City shall work with the Bureau of Land Management and the State of New Mexico to preserve arroyos on the east and west mesas as open space.

Policy 11.5 The City shall encourage the dedication of undeveloped open space. Undeveloped open space shall include all types of sensitive areas, such as arroyos.

Policy 11.8 The City may consider offering density bonuses, or waivers to park fees, for development in exchange for dedications of land for open space where such dedications lend to open space networks.

Policy 11.9 Arroyos in urban and rural areas shall be protected from development where such arroyos lend positively to an open space network. Preservation of arroyos shall be consistent with the Storm Water Management Policy Plan.

Land Use Element, Growth Management, Goal 2, Objective 1

Establish an integrated and coordinated approach to meet all established and proposed development-related policy.

Policy 1.11 When new development, redevelopment, and/or special uses place potentially incompatible uses adjacent to one another, spacing between land uses, screening/buffering, site design, architectural controls, and other mitigation controls shall be considered. The intent is to encourage flexibility in land use, but reflect and ensure both compatibility and quality design.

Urban Design Element, Goal 2, Objective 5

Protect those natural resources and features unique to our region.

Policy 5.1 Advocate an appropriate balance between physical development and open space that will provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

Policy 5.3 Encourage the protection of arroyos and other sensitive lands from development so that they remain in their natural state especially where such areas lend to an open space network.

Urban Design Element, Goal 3, Objective 9

Enhance our community's natural environment, physical environment, and character through quality design.

Policy 9.4 Encourage creative site planning for all new development and redevelopment.

- a. The topography and slope of a site should be maintained in its natural state.
- b. Encourage a balance between open space and development.

- 4. Staff has reviewed the proposed zone changes and no significant outstanding issues exist. The zone change request is consistent with the master plan.



TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Jennifer Robertson, Planner JR

DATE: October 27, 2009

SUBJECT: Desert Isles Master Plan and Zone Change (S-09-014, Z2788)

RECOMMENDATION: Approval of Master Plan
Approval of Zone Change w/Conditions

Case S-09-014: A request for approval of a master plan known as Desert Isles. The subject property comprises 23.45 ± acres and is zoned A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code). The applicant is seeking a zone change for the subject property to R-1a (Single-Family Medium Density), OS-NC (Open Space-Natural Conservation), and C-3C (Commercial High Intensity-Conditional). The master plan proposes 14.24 ± acres of single-family residential with a maximum of 48 dwelling units, 6.46 ± acres of commercial, and 2.76 ± acres for open space-natural/conservation uses. The subject property is located east of Del Rey Boulevard, a Principal Arterial, and Tucson Avenue, a major local roadway. Submitted by Pillar Engineering for Jean Wright Martin Irrevocable Trust.

Case Z2788: A request for a zone change from A-1 and A-2 (Flood Control and Rural Agriculture Districts, 1981 Zoning Code) to R-1a (Single-Family Medium Density) for 14.24 ± acres, OS-NC (Open Space-Natural Conservation) for 2.76 ± acres, and C-3C (Commercial High Intensity-Conditional) for 6.46 ± acres for a total of 23.45 ± acres of land located at the southeast corner of Del Rey Boulevard and Tucson Avenue. The purpose of the zone change request is to facilitate a proposed single-family residential and commercial development known as Desert Isles. Submitted by Pillar Engineering for Jean Wright Martin Irrevocable Trust.

BACKGROUND

The proposed Desert Isles Master Plan area encompasses approximately 23.45 ± acres and is currently vacant located at the southeast corner of Del Rey Boulevard and Tucson Avenue. This proposed master plan contains two (2) phases which are identified with specific land use, acreage, proposed minimum and maximum density and proposed minimum and maximum number of dwelling units if applicable.

Phase 1 incorporates the proposed residential area and consists of Planning Parcels 1 and 2. Phase 1 proposes a maximum of 48 single-family dwelling units total, a regional pond (for residential runoff) and incorporates 14.24 ± acres. Phase 1 will incorporate dedication of Del Rey Boulevard and the access to the subdivision will require improvements and is being provided through Del Rey Boulevard and Tucson Avenue. Del Rey Boulevard is a Principal Arterial, requiring 120 feet of right-of-way according to the MPO Thoroughfare Plan. Tucson

"A" Memorandum

Avenue is unimproved and is also a major local roadway requiring 60 feet of right-of-way. In addition, Phase 1 will incorporate a combination of on-lot and regional ponding will be provided for the run-off created by the residential development. The pond is to be built to City Design Standards and the developer intends to dedicate the pond to the City. The pond will be the responsibility of the developer until the City accepts the dedication and maintenance of the pond. Park impact fees will be assessed for this development during the first phase.

Phase 2 incorporates the commercial area and consists of Planning Parcels 4, 5 and 6. Phase 2 comprises of commercial uses and dedicated right-of-way for Del Rey Boulevard and incorporates 6.46 ± acres. The developer intends to utilize on-lot ponding to contain runoff from the commercial development in Phase 2. In addition, the developer may utilize the alternate summary process for future subdivision of the commercial tracts in Phase 2 only.

The open-space, also known as the Split Fork Arroyo, is proposed to remain in its natural state and incorporates 2.76 ± acres. The developer intends to dedicate the open-space to the City at a later date. Until the City accepts the dedication of this open-space, it will be the developer's responsibility for maintenance of the open-space.

In addition, the zoning of the Master Plan area must adhere to the boundaries of the residential uses, commercial uses and open-space. The land is currently vacant and zoned A-1 and A-2 (Flood Control and Rural Agriculture Districts, 1981 Zoning Code). The proposed zoning includes 14.24 ± acres of R-1a (Single-Family Medium Density), 2.76 ± acres of OS-NC (Open Space-Natural Conservation) and 6.46 ± acres of C-3C (Commercial High Intensity-Conditional). The purpose of the zone change request is to facilitate a proposed single-family residential and commercial development.

The C-3C request includes the use of C-3 development standards, i.e. lot size, setbacks, building height, etc., however, the uses proposed are C-2 (Commercial Medium Intensity) uses and those C-2 uses distinguished with a strike-through are prohibited. For the allowed uses see Attachment 4 'Zone Change Request Allowed Land Use List for C-3C'.

The City of Las Cruces Utilities Department has reviewed and approved the concept of the master plan submittal. All utility connections and extensions will be coordinated with the Utilities Department. Utilities will be provided as follows:

Gas: City of Las Cruces
 Water: Moongate Water Company
 Sewer: City of Las Cruces

FINDINGS

1. The adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	ER5 (ETZ)	Residential and Vacant
South	A-2, C-2 and R-1a	Residential and Vacant
East	A-2	Vacant
West	Holding	Vacant

2. The proposed master plan is in conformance with the City Subdivision Code, Zoning Code, Design Standards, Transportation Plan, and Stormwater Management Policy Plan.
3. The request for Zone Change is consistent with the following goals, objectives, and policies of the Comprehensive Plan:

Land Use Element, Residential Uses, Goal 1, Objective 3

Establish land use policy, for the purposes of the Land Use Element, for urban and rural residential uses which supports the unique lifestyles of these areas.

Policy 3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.

Policy 3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

Policy 3.14 The City shall encourage urban residential cluster development along major arroyos where such development lends to the preservation of arroyos in their natural state.

Land Use Element, Commercial Uses, Goal 1, Objective 5.2

Medium intensity commercial uses shall be defined as those commercial uses which provide retail and service activities within a neighborhood area. Medium intensity commercial uses shall generally serve a population of 5,000 to 30,000 people and shall be established according to:

Policy 5.2h The City shall encourage the development of medium intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment related conflicts to adjacent uses.

Policy 5.2i Low intensity commercial uses are permitted in medium intensity commercial areas.

Land Use Element, Open Space, Goal 1, Objective 11

Establish urban and rural open space networks in the area.

Policy 11.1 The City shall encourage the preservation and provide a system of open space on the mesas and in the valley in order to provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

Policy 11.2 The City shall work with the Bureau of Land Management and the State of New Mexico to preserve arroyos on the east and west mesas as open space.

Policy 11.5 The City shall encourage the dedication of undeveloped open space. Undeveloped open space shall include all types of sensitive areas, such as arroyos.

Policy 11.8 The City may consider offering density bonuses, or waivers to park fees, for development in exchange for dedications of land for open space where such dedications lend to open space networks.

Policy 11.9 Arroyos in urban and rural areas shall be protected from development where such arroyos lend positively to an open space network. Preservation of arroyos shall be consistent with the Storm Water Management Policy Plan.

Land Use Element, Growth Management, Goal 2, Objective 1

Establish an integrated and coordinated approach to meet all established and proposed development-related policy.

Policy 1.11 When new development, redevelopment, and/or special uses place potentially incompatible uses adjacent to one another, spacing between land uses, screening/buffering, site design, architectural controls, and other mitigation controls shall be considered. The intent is to encourage flexibility in land use, but reflect and ensure both compatibility and quality design.

Urban Design Element, Goal 2, Objective 5

Protect those natural resources and features unique to our region.

Policy 5.1 Advocate an appropriate balance between physical development and open space that will provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

Policy 5.3 Encourage the protection of arroyos and other sensitive lands from development so that they remain in their natural state especially where such areas lend to an open space network.

Urban Design Element, Goal 3, Objective 9

Enhance our community's natural environment, physical environment, and character through quality design.

Policy 9.4 Encourage creative site planning for all new development and redevelopment.

- a. The topography and slope of a site should be maintained in its natural state.
- b. Encourage a balance between open space and development.

4. Staff has reviewed the proposed master plan and zone change and no significant outstanding issues exist. The zone change request is consistent with the proposed amendment to the master plan.

RECOMMENDATION FOR CASE S-08-106

On October 7, 2009, the Development Review Committee (DRC) reviewed the proposed master plan. The DRC reviews master plans from an infrastructure, utilities and public improvement standpoint. The DRC had no issues with this proposal and after discussion recommended approval of the Master Plan.

RECOMMENDATION FOR CASE Z2792

Staff has reviewed the zone change, and based on the preceding findings recommends approval with the following conditions:

1. All new utilities shall be underground.
2. C-3 zoning is conditioned with the allowed uses provided for in the Attachment 4 'Zone Change Request Allowed Land Use List for C-3C'.

Please note: The Planning and Zoning Commission is the final authority on Master Plans and their decision may be appealed to City Council. 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.

OPTIONS

1. Approve the Master Plan and Zone Change request as recommended by DRC and staff.
2. Approve the Master Plan and Zone Change request as recommended by DRC and staff with additional conditions as determined appropriate by the Planning and Zoning Commission.
3. Deny the Master Plan and Zone Change request.

Please note: A denial would need to be based on findings other than those identified by staff or the Development Review Committee.

ATTACHMENTS

1. Development Statement
2. Copy of the Master Plan
3. Copy of Zoning Plat
4. Zone Change Request Allowed Land Use List for C-3C
5. DRC Agenda and Minutes (Draft) – October 7, 2009
6. Certified Mailing List
7. Zoning map
8. Vicinity Map

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: Jean Wright Martin Revocable Trust
Contact Person: Don Martin/ Martin Pillar
Contact Phone Number: 813-765-3006/ 575-647-1927
Contact e-mail Address: caymanbrz@aol.com/ martin@pillarpe.com
Web site address (if applicable): _____

Proposal Information

Location of Subject Property SE corner of Del Rey Blvd – Tucson Ave Intersection
(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: A-1 & A-2
Proposed Zoning: OS-NC, C-2C, R-1a
Acreage of Subject Property: 23.453 Ac.

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

Existing Split Fork Arroyo to remain in natural condition and zoned as OS-NC, a regional ponding area for the residential increased runoff is proposed to be located in a portion of the property zoned commercial. The size of the regional pond is not determined at this time. The ponding area will be shown as a separate tract of land when the commercial/residential subdivision plat is prepared and submitted. The commercial property will be required to have on-lot ponding to accommodate the increased runoff due to development. The regional ponding area shall not be used for the commercial runoff. Portion of property fronting along Del Rey Blvd to be developed as commercial. Remainder of property to be developed as single family residential with min lot size of 8,350F.

Proposed square footage and height of structures to be built (if applicable): ⁵¹

Conform to existing requirements of requested zoning

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

8:00am - 5:00pm

Anticipated traffic generation 480 trips for residential development trips per day (if known).

Anticipated development schedule: Work will commence on or about 1-10
and will take approximately 24 months to complete.

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

Combination of on-lot ponding & regional meeting CLC Design Standards

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:

Attachments

Please attach the following: (* indicates optional item)

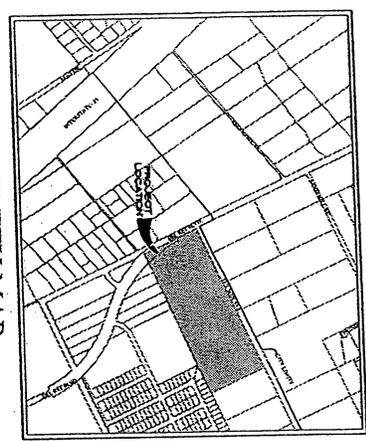
Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*



VICINITY MAP
SCALE: 1" = 600'

DESERT ISLES

AUGUST 2009

SUBDIVIDER: MARTIN FAMILY TRUST
DON MARTIN
11526 TROTTLING DOWN DRIVE
ODESSA, FLORIDA
813-765-3006

ENGINEER: PILLAR ENGINEERING, LLC
280 E. FOSTER, SUITE B
LAS CRUCES, NM 88005
575-647-1927
martin@pillarpe.com

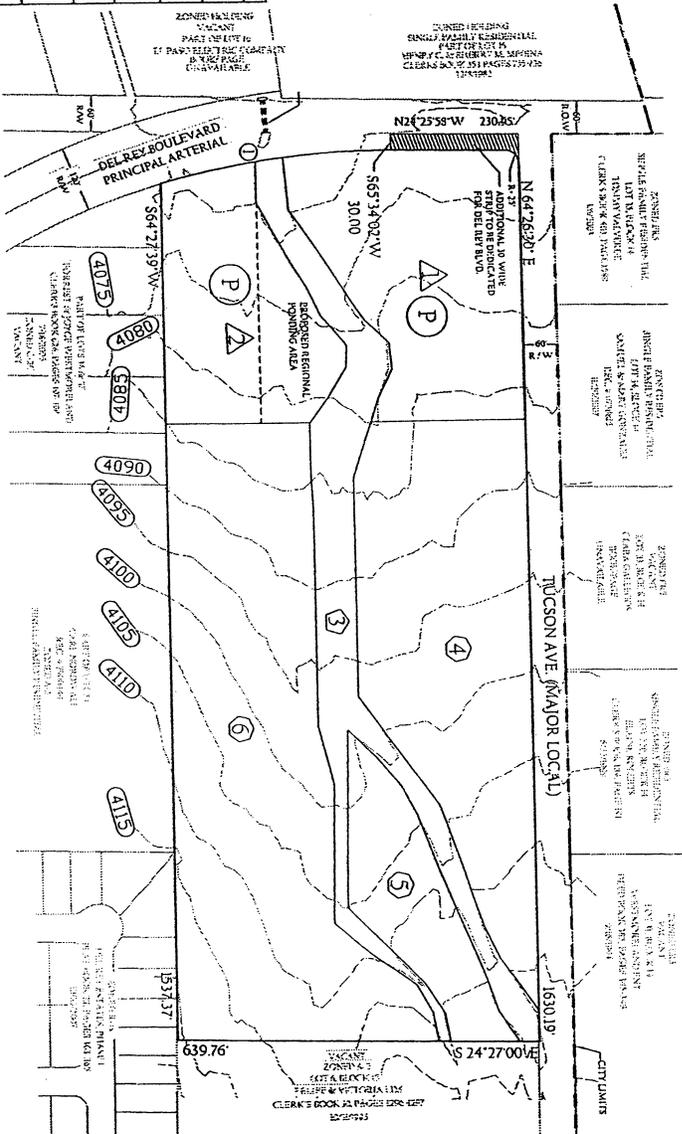
SURVEYOR: CORONADO LAND SURVEYING
P.O. BOX 6314
LAS CRUCES, NM 88006
575-644-6239

GENERAL LEGAL DESCRIPTION:
LOTS 1-3, BLOCK 13, EMBRIANT BUTTE LAND AND TRUST CO.
AMENDMENT #2 OF SUBDIVISION 'C', BLOCKS #12, 13, 14, AND 15 AS CORRECTED,
RECORDED IN JULY 17, 1987 IN PLAT BOOK 10, PAGES 10-12
OF THE DONA ANA COUNTY RECORDS
21.453 ACRES

CONCEPTUAL DRAINAGE PLAN
THE PROPERTY IS LOCATED IN ZONE X, AREAS DETERMINED TO BE OUTSIDE OF THE 300 YEAR FLOOD PLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP SMC0905R, MAY REVISED SEPTEMBER, 1993.
HYDROLOGIC ANALYSIS WILL BE ADDRESSED BY ALLOWING THE EXISTING SPILT FORK ARROYO TO REMAIN IN ITS ORIGINAL CHANNEL. THE PROPERTY IS NOT IN AN UNDESIRABLE FLOOD HAZARD AREA. THE PROPOSED DEVELOPMENT WILL BE DESIGNED TO MAINTAIN THE ORIGINAL CHANNEL OF LAS CRUCES DESIGN STANDARDS. ALL COMMERCIAL PROPERTY WILL UTILIZE INDIVIDUAL ON-LOT ROUNDING TO MAINTAIN ROUNDING.
THE REGIONAL ROUNDING AREA WILL BE LOCATED SOUTH OF THE MAIN ARROYO IN THE COMMERCIAL PROPERTY. THE REGIONAL ROUNDING AREA WILL BE LOCATED SOUTH OF THE MAIN ARROYO AT THE POINT OF FINAL PLACEMENT OF THE SPILT FORK ARROYO. THE REGIONAL ROUNDING AREA WILL BE LOCATED SOUTH OF THE MAIN ARROYO AT THE POINT OF FINAL PLACEMENT OF THE SPILT FORK ARROYO. THE REGIONAL ROUNDING AREA WILL BE LOCATED SOUTH OF THE MAIN ARROYO AT THE POINT OF FINAL PLACEMENT OF THE SPILT FORK ARROYO.

SYMBOL	PARCEL	LAND USE	LAND USE TABLE		RESIDENTIAL UNITS MAX	PROPOSED
			ACREAGE	EXISTING ZONING		
△	COMMERCIAL PARCEL 1	COMMERCIAL AND RETAIL	1.81 ACRES	A-2	C-1C	N/A
△	COMMERCIAL PARCEL 2	COMMERCIAL AND RESIDENTIAL	1.67 ACRES	A-2	C-1C	N/A
○	OPEN SPACE	SPILT FORK ARROYO	1.11 ACRES	A-1	OS-1C	N/A
○	RESIDENTIAL PARCEL 4	SINGLE FAMILY MEDIUM DENSITY	3.06 ACRES	A-1	R-1A	17
○	RESIDENTIAL PARCEL 5	SINGLE FAMILY MEDIUM DENSITY	1.14 ACRES	A-1	R-1A	4
○	RESIDENTIAL PARCEL 6	SINGLE FAMILY MEDIUM DENSITY	1.21 ACRES	A-2	R-1A	7
		TOTAL	11.01 ACRES			

ESTIMATED DEDICATED RIGHT OF WAY TO CITY OF LAS CRUCES FOR ROADS - 1.157 ACRES
MAXIMUM POPULATION - 48 X 2.46 PPH - 118
ANTICIPATED TRAFFIC - 48 LOTS X 10 TRIPS - 480 TRIPS
SEE TRAFFIC STUDY FOR DETAILED INFORMATION



- NOTES:
- 1) THE DEVELOPER SHALL PROVIDE A DETAILED PLAN AT THE TIME OF SUBMITTING THE FINAL PLAN TO THE CITY OF LAS CRUCES.
 - 2) THE DEVELOPER SHALL PROVIDE A DETAILED PLAN AT THE TIME OF SUBMITTING THE FINAL PLAN TO THE CITY OF LAS CRUCES.
 - 3) THE DEVELOPER SHALL PROVIDE A DETAILED PLAN AT THE TIME OF SUBMITTING THE FINAL PLAN TO THE CITY OF LAS CRUCES.
 - 4) THE DEVELOPER SHALL PROVIDE A DETAILED PLAN AT THE TIME OF SUBMITTING THE FINAL PLAN TO THE CITY OF LAS CRUCES.
 - 5) THE DEVELOPER SHALL PROVIDE A DETAILED PLAN AT THE TIME OF SUBMITTING THE FINAL PLAN TO THE CITY OF LAS CRUCES.

CITY OF LAS CRUCES SUBDIVISION ADMINISTRATION APPROVAL
THIS MASTER PLAN HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATION OF THE CITY OF LAS CRUCES AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE MASTER PLAN HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES. THE CITY OF LAS CRUCES CONSENTS TO THE MASTER PLAN AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE MASTER PLAN HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES.

PILLAR ENGINEERING, LLC 280 E. Foster, Suite B Las Cruces, New Mexico 88005 Phone: (575) 647-1927 martin@pillarpe.com		Sheet Title: MASTER PLAN LAYOUT Project Name: DESERT ISLES Client: DON MARTIN	DEVELOPER: MARTIN FAMILY TRUST ENGINEER: PILLAR ENGINEERING, LLC SURVEYOR: CORONADO LAND SURVEYING
DATE: _____ DRAWN BY: _____ CHECKED BY: _____ APPROVED BY: _____	REVISIONS No. Date Description 1 08-01-11 NEW DESERT ONE CALL STATEWIDE (575) 647-1927 Call for working files before the 08-01-11	PROJECT NO: 08-01-11 DRAWING NO: C-101 SHEET NO: 3	DATE: _____

C-2 – COMMERCIAL MEDIUM INTENSITY: The C-2 district facilitates and encourages development of those uses which provide retail, and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000. **PROPOSED RESTRICTED USES ARE SHOWN IN STRIKETHROUGH**

LAND USES ALLOWED

RESIDENTIAL – RELATED LAND USES (See Section 38-33B)

Accessory Uses and Structures
Greenhouse (Non-Commercial), Garden Shed or Tool Shed
Recreational Courts, Tennis, etc, Private

AGRICULTURAL & EQUESTRIAN (See Section 38-33C)

Veterinary Facility

INSTITUTIONAL LAND USES (See Section 38-33D)

Child Care Center or Preschool
Community Buildings – Uses
Hospital
Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)

~~Arcade/Game Room~~
Batting Cages
~~Billiard/Pool Hall~~
Bowling Alley
Country Club
~~Golf Course~~
Golf Course, Miniature
~~Golf Driving Range~~
Health/Exercise Club/Gymnasium/Sports Instruction
~~Racetrack, Mini, e.g. go-carts~~
Recreational Courts, e.g. Tennis (Public)
~~Skating Rink~~
Zoo/Botanical Park

SERVICE LAND USES (See 38-33F)

Accounting, Auditing & Bookkeeping
Architectural, Engineering, Planning & Surveying Services
Art Studio
Bank, Bonding & Financial Institution/Facility (No Drive Thru)
Barber/Beauty/Hair Salon & Related Personal Care
Business Offices
Consulting
Counseling Services
~~Funeral Home~~
Credit Reporting & Collection
Desktop Publishing & Graphic Design
~~Hotel/Motel~~
Institutional Office: Public, Private, Educational, Religious & Philanthropic
Insurance
Laboratory
Legal Services

Lessons (Art, Dance, Music, etc.)
 Mailing & Stenographic Services
 Medical/Dental Office
 Motion Picture Production
 Noncommercial Research Organization
 Pharmacy
 Photography Studio
 Real Estate
 Tax Preparation

RETAIL LAND USES (See Section 38-33G)

Auto/Truck Parts Store
 Auto/Truck Self-Service/Automated or Full Service Wash/Wax/Detailing
 Auto/Truck/Motorcycle Dealers
 Auto/Truck/Trailer Rental
 Bar, Pub Tavern (No Dancing)
 Building Material
 Café, Cafeteria, Coffee Shop, Restaurant, etc.
 Carpet/Window Treatments
 Cleaning & Maid Services
 Clothing Store
 Convenience Store
 Delicatessen, Produce/Meat Market
 Department Store
 Equipment Rental
 Furniture Store
 Garden Supply
 Gas Station
 Grocery Store
 Hardware Store
 Health Care Clinic (Non-Hospital)
 Home Furnishings
 Laundry/Dry Cleaning Services
 Newspaper Distribution
 Pawn Shop
 Private Club or Lodge
 Plant Nursery
 Radio/TV Studio/Station
 Small Item Repair Shop
 Specialty Foods (Bakeries, Confectionaries, etc.)
 Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
 Telephone & Communications Ctr.
 Theatre
 Tire Sales/Repair
 Upholstery Shop
 Variety Store
 Video Tape Rental/Sales

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H)

~~Cab Stand~~
 Mini-Storage Units
~~Parking Facilities, Commercial (Garage & Private Parking Lots)~~

MANUFACTURING & RELATED LAND USES (see Section 38-33I)

Crematorium

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

Apartments (Any configuration/grouping and may include condominiums. Must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)

Bed and Breakfast

Detached, Site-built, Single Family Dwelling Unit

Dwelling Use (Non Primary)

Manufactured Dwelling Unit

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

Home Occupation

~~Kennel/Cattery (Private Residential)~~~~Storage of recreational vehicles and motor vehicle appurtenances~~~~Swimming Pool, Private~~

Temporary Uses

Institutional Land Uses (See Section 38-33D and Section 38-53)

Religious Institution/Columbarium

School, (K-12) Public, Private, Parochial

School, College or University

School, Commercial, Trade or Technical

RECREATIONAL LAND USES ((See Section 38-33E and Section 38-53)

~~Amusement Park (temporary)~~

Park

~~Swimming Pool, Commercial or Public~~

SERVICE LAND USES (See Section 38-33F and Section 38-53)

Bank, Bonding & Financial Institution/Facility (Drive-thru including ATM & other electronic banking)

RETAIL LAND USES (See Section 38-33G and Section 38-53)

~~Auto/Truck Repair Service~~

Firewood Sales

~~Kennel/Cattery, Commercial~~~~Large Equipment Repair & Service (Non-vehicular)~~~~Petroleum/Propane Sales~~~~Seasonal Sales— Non-Temporary (Fireworks, Agricultural Products, Snowcone Stand, etc.)~~

Telemarketing/Mail Order/Call Center

Temporary Use, (Non-Seasonal)

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H and Section 38-53)

~~Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas~~

Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)

~~Storage outside of buildings of materials, equipment, and supplies not for sale~~~~Storage, warehousing accessory to Office, Retail Service or Industry~~

MANUFACTURING & RELATED LAND USES (see Section 38-33I, Section 38-53)

~~Construction Yard or Building(s), Temporary
Cottage Industry – Retail or Service~~

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

~~Antenna, Towers, Communication Structures, and other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation~~

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT**TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (see Section 38-33H and Section 38-54)**

~~Airport, Privately or Publicly Owned
Heliport/Helistop~~

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

Antenna, Towers, Communications Structures, and Other Vertical Structures



City of Las Cruces

DEVELOPMENT REVIEW COMMITTEE (DRC) AGENDA FOR WEDNESDAY, OCTOBER 7, 2009

The Development Review Committee (DRC) will consider the following agenda on **Wednesday, October 7, 2009 at 9:00 A.M.**, in the City Council Chambers located at City Hall, 200 North Church Street, Las Cruces, New Mexico.

I. CALL TO ORDER

II. APPROVAL OF MINUTES – September 2, 9 and 16, 2009

III. OLD BUSINESS– None

IV. NEW BUSINESS

1. S-09-014: Desert Isles Master Plan

- The master plan proposal includes 23.45 ± acres of which 6.46 ± acres are proposed for commercial uses, 2.76 ± acres for open space-flood control and 14.24 ± acres for residential uses. The number of dwelling units proposed for the residential use is 48 total; however, at the time of development more than 30 residential dwelling units shall require secondary access.
- The property is currently zoned A-1 and A-2 (Flood Control and Rural Agricultural from the 1981 Zoning Code) for which a zone change request was submitted for C-3C (Commercial High Intensity with conditions), OS-NC (Open Space-Natural/Conservation) and R-1a (Single-Family Residential Medium Density).
- The property is located on the southeast corner of Del Rey Boulevard and Tucson Avenue.
- Submitted by Pillar Engineering for the Jean Wright Martin Irrevocable Trust.

2. S-09-049: Arroyo Road Variance Request

- The applicant is requesting a variance to the cross-section for a Principal Arterial per the City's Design Standards.
- Arroyo Road is designated a Principal Arterial on the MPO Thoroughfare Plan requiring 120 feet right-of-way.
- The proposal includes an alternative cross-section for a Principal Arterial, Arroyo Road, within the 120 feet of right-of-way from Jornada Road to Settler's Pass.
- The subject property is located in the Sierra Norte Master Plan area.

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodation for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 48 hours before the meeting by calling 528-3043 (voice) or 528-3016 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers list above.

3. Metro Verde PUD Amendment – Discussion Item Only

- The developer wishes to discuss concepts relative to a potential PUD Amendment for the Metro Verde area.
- Located south of the future extension of Dragonfly north of Arroyo Road and traversing the future extension of Sonoma Ranch Boulevard and located within the Sierra Norte master planned area.
- Requested by Denton Ventures, Inc. for Brightview Land Company.

V. ADJOURNMENT

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodation for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 48 hours before the meeting by calling 528-3043 (voice) or 528-3016 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers list above.

DEVELOPMENT REVIEW COMMITTEE

1
2
3
4 Following are the verbatim minutes of the City of Las Cruces Development Review
5 Committee meeting held on Wednesday, October 7, 2009 at 9:00 a.m. in the Las
6 Cruces City Council Chambers, 200 North Church Street, Las Cruces, New Mexico.

7
8 **DRC PRESENT:** Cheryl Rodriguez, Community Development
9 Vince Banegas for Tom Murphy, MPO
10 Meei Montoya, Utilities
11 Mark Johnston, Facilities
12 Mark Dubbin for Travis Brown, Fire Dept.
13 Loretta Reyes, Public Works

14
15 **STAFF PRESENT:** Jennifer Robertson, Community Development
16 Natasha Billy, Public Works
17 Catherine Duarte, Land Management
18 Gary Hembree, Community Development
19 Adam Ochoa, Community Development
20 Claudia Diaz, Public Works
21 Michael Hernandez, Public Works
22 Jaime Rodriguez, Public Works
23 Lora Dunlap, Recording Secretary

24
25 **OTHERS PRESENT:** Marty Pillar, Pillar Engineering
26 Matt Kenney, DVI
27 John Moscato, Bright View Land Company

I. CALL TO ORDER (9:08 am)

28
29
30
31 Rodriguez: Let's go ahead and call this meeting to order for 9:08 this morning for
32 Wednesday, October 7th.

II. APPROVAL OF MINUTES – September 2, 9 and 16, 2009

33
34
35 Rodriguez: The first of the business is the approval of the minutes for September
36 2nd, 9th and the 16th. Do we have any discussion on those minutes,
37 changes? Seeing none, do I have a motion to approve those
38 minutes?
39

40
41 Reyes: So moved. Loretta Reyes.

42
43 Dubbin: Second. Mark Dubbin.

44
45 Rodriguez: All those in favor?

46
47 Members: Aye.

1
2 III. OLD BUSINESS - NONE

3
4 IV. NEW BUSINESS

5
6 1. S-09-014: Desert Isles Master Plan

- 7 • The master plan proposal includes 23.45 ± acres of which 6.46 ± acres
- 8 are proposed for commercial uses, 2.76 ± acres for open space-flood
- 9 control and 14.24 ± acres for residential uses. The number of dwelling
- 10 units proposed for the residential use is 48 total; however, at the time of
- 11 development more than 30 residential dwelling units shall require
- 12 secondary access.
- 13 • The property is currently zoned A-1 and A-2 (Flood Control and Rural
- 14 Agricultural from the 1981 Zoning Code) for which a zone change request
- 15 was submitted for C-3C (Commercial High Intensity with conditions), OS-
- 16 NC (Open Space-Natural/Conservation) and R-1a (Single-Family
- 17 Residential Medium Density).
- 18 • The property is located on the southeast corner of Del Rey Boulevard and
- 19 Tucson Avenue.
- 20 • Submitted by Pillar Engineering for the Jean Wright Martin Irrevocable
- 21 Trust.

22
23 Rodriguez: We have three items on today's agenda; two of them are action items
24 and one of them is a discussion item only. The MPO is not available
25 to attend today's DRC meeting so I'd like to go ahead and call the
26 applicant for the Desert Isles case to the table please and I will have
27 staff introduce the case.

28 If we can put the master plan on the table so we can all see. We
29 did discuss this case for an interpretation of meaning at the last DRC
30 meeting on September 16th. Essentially I know what we are going to
31 do for the master plan is DRC on September 16th did vote to identify
32 Tucson Avenue as a Major Local so for the purposes of the master
33 plan you will have the road labeled as a Major Local but for the
34 purpose of road improvements for Tucson Avenue we will defer that to
35 the submittal of the preliminary plat when we can actually see the lot
36 layout for the residential subdivision as well as proposed layout for the
37 commercial activity and we will examine the requirements for road
38 improvements upon the submittal of the preliminary plat and then
39 facilitate any changes or requirements at that point. I just wanted to
40 state that for the record as a follow up from the September 16th DRC
41 meeting.

42 On that note, I'd like to turn it over to Jennifer, if you could please
43 introduce the master plan and then Marty if at the end of Jennifer's
44 presentation if you can state your name for the record and present
45 your case then we'll go around the table for the DRC members.
46 Jennifer?
47

- 1 Robertson: This master plan proposal known as S-09-014, Desert Isles Master
 2 Plan includes 23.45 ± acres of which 6.46 ± acres are proposed for
 3 commercial uses, 2.76 ± acres are proposed for open space. It's
 4 actually natural conservation, I apologize and the 14.24 ± acres for
 5 residential uses. The number of dwelling units proposed for residential
 6 use is 48 total. However at the time of development more than 30
 7 residential dwelling units shall require secondary access.
 8 The property is located on the southeast corner of Del Rey
 9 Boulevard and Tucson Avenue. This was submitted by Pillar
 10 Engineering for the Jean Wright Martin Irrevocable Trust.
 11
- 12 Rodriguez: Marty.
- 13
- 14 Pillar: Marty Pillar, representing the owners of the property. We are before
 15 the committee today to look at obtaining approval, recommendation
 16 for approval of our master plan and rezoning of the property. The
 17 property is currently zoned A-1, A-2 and we looking at three different
 18 zonings, commercial, residential and then the open space for the
 19 existing arroyo, split fork arroyo. We've gone through many meetings
 20 and reviews with the City staff and we have approval of everything. If
 21 there's any questions, I'd be happy to answer any.
 22
- 23 Rodriguez: Go around the table, start with Fire.
- 24
- 25 Dubbin: Mark Dubbin, Las Cruces Fire Department. There was a couple of
 26 notes that were supposed to be added to the plat. The note about the
 27 30 residential units requiring a secondary access to meet the IFC and
 28 a technical water report to be required from Moongate Water for this
 29 project, are you familiar with that?
 30
- 31 Pillar: The comment on the 30 residential lots, that note has been added to
 32 the plan but the note concerning the technical water report you know
 33 when we come in preliminary plat that'd be no problem to prepare one
 34 of those... have one of those prepared and presented to the City.
 35
- 36 Dubbin: Can we add a note about that to the master plan and the plat?
 37
- 38 Pillar: To the master plan?
 39
- 40 Dubbin: Yes sir.
 41
- 42 Pillar: Okay, to the master plan we could add that note, sure.
 43
- 44 Dubbin: And to the final plat?
 45
- 46 Rodriguez: We'll make sure that those notes get carried through the development
 47 application process.

1
2 Dubbin: Okay.
3
4 Pillar: Okay because I don't think a note like that goes on the final plat. You
5 know it would be part of the review process to obtain approval for the
6 preliminary and final plat but I don't think you'd put a note on the final
7 plat saying that a water report is required.
8
9 Dubbin: I'm only conveying the notes from Lt. Gonzales, his review.
10
11 Rodriguez: The technical water report will be a submittal requirement upon the
12 submittal of a final plat. We will also make sure that that note is
13 carried forward when the applicant is ready to submit the preliminary
14 plat that can easily be taken care of for fire.
15
16 Dubbin: That'll be fine.
17
18 Rodriguez: Facilities.
19
20 Johnston: Mark Johnston, Facilities. We are pretty well good to go on this and
21 we are interested in receiving the dedicated property as soon as
22 possible.
23
24 Pillar: Which dedicated property would that be?
25
26 Johnston: The 2.76 acres, the park land and ponding.
27
28 Pillar: Madam Chair, that's not part of this development. That's part of the
29 Westmoreland's Del Rey Estates. We have nothing to do with that.
30
31 Johnston: My apologies on that, I'm reading my secondary note. At this time on
32 this particular parcel no comments, no issues.
33
34 Rodriguez: Thank you very much. Utilities.
35
36 Montoya: Meei Montoya. We already approve this plan and we don't have
37 comments.
38
39 Rodriguez: Thank you. Public Works.
40
41 Reyes: Loretta Reyes, Public Works. We had approved review number three
42 with conditions and I believe from looking at the master plan, those
43 three items on that list have been changed and found right. Is that
44 correct?
45
46 Pillar: Madam Chair, Ms. Reyes. Yes, those notes have been added and I
47 reviewed those with Natasha.

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Reyes: Thank you.

Rodriguez: And Jennifer, Community Development, all other outstanding comments have been resolved and the zoning has been resolved?

Robertson: Yes.

Rodriguez: Okay, thank you. On that note, do I have a motion to approve Case S-09-014, the Desert Isles Master Plan?

Reyes: So moved. Loretta Reyes.

Dubbin: Second. Mark Dubbin

Rodriguez: All those in favor?

Members: Aye.

Rodriguez: Those opposed? None. This will be forwarded with an approval recommendation to the Planning and Zoning Commission for the October P&Z hearing.

Pillar: Thank you.

2. S-09-049: Arroyo Road Variance Request

- The applicant is requesting a variance to the cross-section for a Principal Arterial per the City's Design Standards.
- Arroyo Road is designated a Principal Arterial on the MPO Thoroughfare Plan requiring 120 feet right-of-way.
- The proposal includes an alternative cross-section for a Principal Arterial, Arroyo Road, within the 120 feet of right-of-way from Jornada Road to Settler's Pass.
- The subject property is located in the Sierra Norte Master Plan area.

Rodriguez: The next item on the agenda is the Arroyo Road variance request. I'd like to invite the applicant to the table. For the purposes of public record, the applicant did submit a variance to the cross section for the Principal Arterial to deviate from the City's Design Standards. This request was forwarded to the Public Works Director. The Public Works Director has recommended that this case come before the Development Review Committee to receive a recommendation of approval or denial.

Staff did meet with the applicant a few weeks ago, Public Works staff, Community Development staff, and we discussed the variance to the cross section at that time and I understand that there are still outstanding issues regarding utilities and a landscaping plan regarding

1 the protection of the 18 inch water line. I know Utilities and the
 2 applicant need to work to resolve the comments. I don't want the DRC
 3 venue to be where we resolve... where we do a review for the
 4 landscaping plan to make sure that they meet the Utilities
 5 requirements so I'm going to ask that the applicant please meet with
 6 the Utilities staff and/or the Utilities Director to resolve the landscaping
 7 plan for the protection of the 18 inch water line and those requirements
 8 and I think that those can be mitigated in the course of the next week
 9 and the variance request can come back at the following DRC
 10 meeting. That is what staff is going to ask so we don't use this venue
 11 as a... we don't use the DRC as a venue to look at a landscaping plan
 12 for the Utilities comments and I'll let Utilities, if you could please
 13 *(inaudible)* right now.

14
 15 Montoya: Yes Cheryl, we denied the second review of this variance request and
 16 I fully support that your decision table this item until next week and
 17 allow the Utility Department and the Developer to have some time to
 18 review what our comments and I am comfortable that we can resolve
 19 our comments and then this item can come back to DRC next week.
 20 Like you, I do not want to use this time to discuss an item there are still
 21 have you know few comments that from our department so I support to
 22 table this to next week.

23
 24 Rodriguez: And Public Works since the Public Works Director has deferred this to
 25 DRC, would the Public Works Director be comfortable if we tabled this
 26 to a week to resolve all of the outstanding comments?

27
 28 Reyes: Yes.

29
 30 Rodriguez: On that note, I'd like the chance for the applicant to respond to this. I
 31 know the next item is a discussion item that talks in a larger scope of
 32 how this variance request will work into the larger PUD amendment. I
 33 still want the opportunity to have the discussion item of the PUD
 34 amendment. I just don't want to take official action on the variance
 35 request at this point because of the outstanding issues between the
 36 applicant and the Utilities Department so I'd like to turn it over to the
 37 applicant right now if you'd like to comment.

38
 39 Moscato: John Moscato, Bright View Land Company. Regarding the request to
 40 table, we have made what we believe our reasonable efforts to reach
 41 an understanding on the requirements that the Utilities Department
 42 has for the landscaping protection.

43
 44 *(People speaking away from microphone)*

45
 46 Rodriguez: I apologize, I was trying just... for MPO, thank you.

47

- 1 Moscato: We're not entirely confident that we can resolve the differences with
2 the Utilities Department. We think that the condition that a department
3 sets need to meet a certain test of reasonableness and when you look
4 at what the email exchange has been and the conditions that the
5 Utilities Department representative is attempting to require, we don't
6 think they meet a test of reasonableness. I would ask what if at this
7 point next week we're in the same position we are today. Will the DRC
8 then go forward and hear it? I mean we don't have an objection in
9 taking one more week if that's what you're asking but I'm not confident
10 that one more week will get us anywhere closer than we are now.
11
- 12 Rodriguez: Mr. Moscato I know a couple of weeks ago we met with both Public
13 Works Director and Community Development Director. Have you met
14 with Utilities Director yet?
15
- 16 Moscato: Not on this matter.
17
- 18 Rodriguez: Then I think if I can ask then since you have met with two previous
19 Directors on the variance request and the concurrence was to go to
20 DRC but the outstanding Utilities issue can as part of the discussion
21 for the next week, can you please meet with the Utilities Director to
22 resolve this so we can come back to DRC, is that amenable to both
23 parties?
24
- 25 Montoya: Well Cheryl, I cannot promise that you know... I mean the time of the
26 Utility Directors, what he has on his calendar but contrary to what the
27 developer has said that I think we can work out the differences of what
28 he want to place within our 18 inch water line plus that 18 inch water
29 line, if any major work will need to be done, a joint 20 foot section of
30 that 18 inch water line weigh 1100 pounds. You need some major
31 equipment to be able to move that water line. Hopefully we will never
32 have to do that and that's what we're trying to prevent to get some
33 condition put it on the request in here so that later on we don't have to
34 move trees or anything that is difficult to move. And that's all we trying
35 to do and this morning when I talk to Mr. John Reid I think that he feel
36 comfortable that we have a meeting and we attempt to resolve the
37 differences that can be achieved.
38
- 39 Rodriguez: Okay.
40
- 41 Kenney: Madam Chair, Matt Kenny with DVI. Just for the record we did ask for
42 a meeting with the Utilities Department at the beginning of the email
43 exchange that took three weeks and we were told that there wasn't a
44 need for a meeting and then we proved the need for the meeting with
45 three weeks of emails.
46

- 1 Montoya: I would like to respond to that. Matt Kenney did ask for a meeting
2 sometime in mid to probably early to mid September and at that time
3 John Reid was out of office so I don't think so just because of a staff is
4 out of office won't be able to meet his meeting for you know, his
5 request for meeting is you know resolve and there's no meeting at all.
6 So but we are available to meet with you, you just have to make a call
7 and make sure that John Reid's there and whatever because we have
8 talked to Jorge about this yesterday. I believe whatever that John
9 Reid decide and be able to work out with you I think Jorge's in full
10 support of that.
11
- 12 Rodriguez: Okay and I have seen the exchange of emails and I think the
13 outstanding issues can be resolved in a meeting. So I'm going to ask
14 if we could please table this and then have the applicant and Utilities
15 staff following this meetings schedule that meaning quickly. And if the
16 Utilities Director is available I'd encourage the Utilities Director to be
17 involved with that based on his... on... I'm not sure what his calendar
18 is like but if that could be facilitated I'd recommend it.
19 So on that note, do I have a motion to table this case...? Public
20 Works?
21
- 22 Reyes: Madam Chair, Loretta Reyes, Public Works. I have a question just
23 about the variance itself and what's the purpose of approving the
24 variance at this point and not bringing it in with the construction
25 drawing?
26
- 27 Moscato: Well, I don't think we want to create a construction drawing; drawings
28 go through that full review process and then have comments that the
29 cross section isn't approved. I think we'd rather resolve the issue of
30 what the cross section is going to entail before going through what's
31 usually a fairly lengthy review process.
32
- 33 Reyes: Okay well my thought you know and I don't know, this may be a moot
34 point or I you know and I'm not sure the negotiation with Utilities
35 Department will go this next week but you know is there... is it a
36 possibility that the DRC could agree to the concept of what you're
37 doing with the cross section and then you actually get the approval of
38 the variance when you bring in the construction drawings because
39 then, because I guess there's this issue with the landscaping plan and
40 what the landscape is gonna look like relative to the 18 inch water line
41 so I don't know I just wanted to kind of just throw that out there.
42
- 43 Rodriguez: I think I'd like to see the Utilities comments resolved because I know
44 the previous discussion is where the location of that 18 inch water line,
45 Matt had previously said that the path was going to have to meander.
46 I understand Utilities comments for the protection of that water line so
47 there is a proposed in cross section the 35 foot area for landscaping

1 so I think if we can resolve those differences we can come back. I
 2 don't want to do it conceptually. We can have the conceptual
 3 discussion in terms for the entire PUD and proposed amendment for
 4 the next item but I don't... I'm not comfortable moving forward with a
 5 conceptual...

6
 7 Reyes: Okay and I'm not sure if... Loretta Reyes, Public Works... I'm not sure
 8 if things will change with regard to the cross section or anything like
 9 that as far as when the construction drawings are developed but I
 10 guess you know if there are opportunities or the need for discussions
 11 to discuss the cross section even after the variance has been
 12 approved, is that going to still be a possibility or are we gonna be held
 13 to you know you approved this variance and sorry City but you're just
 14 gonna have to live with it kind of thing.

15
 16 Kenney: Well I think one of the points of resolving the issue of the 18 inch water
 17 line is so that we can give direction to the landscape architect so that
 18 the landscaping plans can be finalized in compliance with that
 19 approved cross section. So the idea would be to have an
 20 understanding of how things are going to go before the plans are
 21 finalized so that what you receive is consistent with what has already
 22 been agreed to.

23
 24 Rodriguez: Utilities.

25
 26 Montoya: Just to expand on Matt's last sentence, what we receive has been
 27 agreed to agreed by... by who? Because we receive the cross look
 28 like this and that's what we receive in the email after the first review.
 29 And we have just few comments on this on the note that they put in
 30 here to make sure that we have to move that 18 inch water line. We
 31 do not have to take down any major trees that you put in there and
 32 then so is this the cross section that you know, we don't have problem
 33 with the cross section, just the note here has to be clear that if you
 34 place a major tree over there the roots zone will not be you know the
 35 area that we need to remove because after you cut down the roots of
 36 the tree, the tree die. And so that's what our experience is and that's
 37 why that when you say the cross section has been agreed on by who?
 38 I'm just...

39
 40 Kenney: I haven't said that it has been agreed to. I'm saying that we want to
 41 get to a place where we have an agreement on the cross section
 42 before we finalized landscape plans and construction drawings.

43
 44 Montoya: So if we approve this variance request 20:40 we are approving a cross
 45 section look like this. Because we got this in the email you know
 46 regarding this variance request and we are okay with this cross
 47 section. I have five copies in there. We agree with that cross section,

1 just have a comment about the note and that's why we try to resolve.
 2 But since we already say we're gonna table this I think we should just
 3 go ahead table this and for you to make appointment for us to you
 4 know resolve that.
 5

6 Moscato: Well, as Matt said we were trying to do that. I guess the only point I'd
 7 like to make is if the Chair insists on tabling this I'd like a commitment
 8 that it's going to be heard next week. We'll certainly make every effort
 9 to be available for a meeting with Utilities. But if a meeting can't take
 10 place or if the meeting doesn't resolve and resolution of the issue, then
 11 we would like an opportunity to have it heard by DRC next week.
 12

13 Rodriguez: The commitment will be made that it will be placed on the agenda with
 14 the understanding that there will be a meeting taking place with
 15 Utilities regardless of whether or not the Utilities Director can attend
 16 but as long as right now there can be some level of understanding
 17 between Utilities and the applicant regarding the cross section and
 18 how the deviating of that cross section in the City Design Standards,
 19 what impact it has to that 18 inch water line. I think that issue needs to
 20 be resolved and I'm understanding that from Utilities that that meeting
 21 can take place and this will be... come back to next Wednesday's
 22 DRC.

23 On that note, do I have a motion to table this to the October 14th
 24 DRC meeting?
 25

26 Johnston: Mark Johnston, so moved.
 27

28 Dubbin: Second, Mark Dubbin.
 29

30 Rodriguez: It's been tabled to October 14th. All those in favor?
 31

32 Members: Aye.
 33

34 Rodriguez: Those opposed? None. Okay, it'll be tabled to October 14th and then
 35 following this meeting if we can schedule that accordingly so we can
 36 get the outstanding issues resolved I'd appreciate it.
 37

38 3. Metro Verde PUD Amendment – Discussion Item Only

- 39 • The developer wishes to discuss concepts relative to a potential PUD
 40 Amendment for the Metro Verde area.
- 41 • Located south of the future extension of Dragonfly north of Arroyo Road
 42 and traversing the future extension of Sonoma Ranch Boulevard and
 43 located within the Sierra Norte master planned area.
- 44 • Requested by Denton Ventures, Inc. for Brightview Land Company.
 45

46 Rodriguez: On the next item is a discussion item just for the Metro Verde PUD
 47 amendment. We do have an approved concept plan for Metro Verde.

1 The applicant is wishing to expand the boundaries of that PUD
 2 amendment and I think on the nature and the scope of the PUD
 3 amendment and how it will impact various departments in the City,
 4 we've placed on the DRC just for discussion. This is just conceptual
 5 right now. We can weigh in comments so they can... they have not
 6 officially submitted this PUD amendment so I'm going to hand it over to
 7 Matt, if you can discuss the elements contained within the PUD
 8 amendment and it's relationships to the different reviewing
 9 departments.

10
 11 Kenney: Thank you Madam Chair, Matt Kenny with DMI. Just for the record we
 12 did bring this to the pre-application last week and because of the
 13 complexity of the application we were asked to come to this meeting
 14 so that all the different departments could hear it. I just want to make
 15 sure that this will satisfy the requirements of the pre-application
 16 meeting.

17
 18 Rodriguez: It will.

19
 20 Kenney: So we have a major amendment to the Metro Verde Planned Unit
 21 Development. It starts with kind of the original Metro Verde as the
 22 base but then it includes... it expands from 187 acres to 600 acres and
 23 includes the new golf course as part of that acreage because the
 24 owner now has an interest in a larger land area than what was
 25 originally the original 187 acres.

26 So on the vicinity map you'll see the original Metro Verde
 27 boundary and then a hatched area that shows the expanded area and
 28 the two areas together are the approved Planned Unit Development.
 29 We have a number of sheets here to go through and I think what I'll do
 30 is go through them fairly quickly one time just so you can see the
 31 information that's here and I'll give a brief description of each sheet
 32 and then maybe we can go back through and discuss items that
 33 pertinent and relevant to each department. The first sheet is an
 34 overview sheet which is kind of the description of the project and what
 35 we're trying to accomplish with the PUD. There is a vicinity map and
 36 then a list of the amendments to the original PUD. We kind of list
 37 some of the more detailed or important changes that you might find in
 38 this amendment compared to what was originally approved so that you
 39 don't have to weed through and try to figure out some of the things
 40 that may have changed. So that's the overview sheet.

41 Second sheet is our concept plan with our land use designations.
 42 It shows the entire area and each one of the different colors
 43 represents a land use and the land uses are given a name such as U4
 44 or SUA and then there's a chart that tells you what's on there. Since
 45 the requirements of the City code say that we're supposed to show all
 46 of the land areas that the owner owns contiguous we have an area
 47 here and since it's such a large land area we did just an overview

1 diagram to show the limits of that and you know we can expand on
 2 that as staff sees fit but we just felt that it was a reasonable way of
 3 demonstrating what land areas are contiguous and what land areas
 4 are more widely detailed within this PUD amendment.
 5

6 Rodriguez: Matt, on that note, how are the land uses shifting from the approved
 7 Sierra Norte Master Plan to what is being proposed here?
 8

9 Kenney: They are entirely different. I don't have the approved zoning that was
 10 done with the annexation but there are some fairly significant changes
 11 to the existing zoning.
 12

13 Rodriguez: MPO?
 14

15 Banegas: Vincent Banegas, Acting MPO. Matt, just a little bit of a flavor for the
 16 land uses when you say U3, U4, what are you talking about there?
 17

18 Kenney: Well let's go to the next sheet. So we have a sheet called the land use
 19 guidelines and it has a description of each one of the land uses and
 20 some of the bulk requirements of just setbacks and building heights
 21 and some of those things. Parking requirements, on-lot ponding,
 22 descriptions for each one of the land uses and then there's a land use
 23 table that says which land uses are specifically allowed in that land
 24 use so for instance U3 is more of a single family housing type area
 25 and you go to the chart and it's pretty much limited to residential uses.
 26 AS you get into the other land uses you start to get a transition to a
 27 more mixed use so you start in U3 with single family and you transition
 28 through U4 that starts to get a few more mixed uses and then you get
 29 to U5 and you get to a place that's highly intense mixed use which is
 30 consistent with the original village center of the Metro Verde PUD.
 31 And there are some what we call special use districts where we have
 32 business parks and other things like that. And then there's one tract
 33 that is simply to set a sideline for the waste water treatment plant for
 34 the future City waste water treatment plant.
 35

36 Banegas:
 37
 38
 39

40 **V. ADJOURNMENT (10:27 am)**
 41

42 Rodriguez: Do I have a motion to adjourn?
 43
 44
 45
 46
 47

- 1
- 2
- 3

Chairperson

DRAFT

Attachment 6

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Article Number	Actual Value If Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
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2937								
2944								
2951								
2968								
2975								
2982								
2999								
3002								
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S Form 3877, February 2002 (Page 1 of 2)

S-09-014 / 22788 JR

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CITY OF LAS CRUCES
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700518200005821	HOUSTON, JERODA & DESIRAE CARRILLO 1713 AVA AVE LAS CRUCES, NM 88012											
3019	JIMENEZ YVONNE 4764 KERRY ANN PL LAS CRUCES, NM 88012											
3026	JOY P BISHOP 4721 DEL REY LAS CRUCES, NM 88012-9764											
3033	LIMELIPE N & VICTORIA C REV TR 1812 REGAL RDG LAS CRUCES, NM 88011-4924											
3040	MARQUEZ RICHARD & RAMONA PO BOX 33 HATCH, NM 87937											
3057	MARTIN JEAN WRIGHT REV TR 11526 TROTTING DOWN DR ODESSA, FL 33356											
3064	MEDINA HENRY C & SHERRY M 4755 DEL REY BLVD LAS CRUCES, NM 88012-9784											
3071	NORDWALL CARL N ET UX 4440 DEL REY BLVD LAS CRUCES, NM 88012-7305											
3088												

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3095	ROBERTS ELAINE 1705 TUCSON LAS CRUCES, NM 88012-9708											
3101	STEPHENS RICHARD W ET UX 4731 DEL REY BLVD LAS CRUCES, NM 88012-9784											
3118	STRADER-PETER ET UX 4733 DEL REY BLVD LAS CRUCES, NM 88012-9784											
3125	SUMMIT DEVEL OF LAS CRUCES LLC 7805 ARROYO RD LAS CRUCES, NM 88012											
3132	THOMPSON DAN B PO BOX 1618 LAS CRUCES, NM 88004-1618											
3149	TIERRA DEL SOL HOUSING CORPORATION PO BOX 2626 ANTHONY, NM 88021											
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3163												

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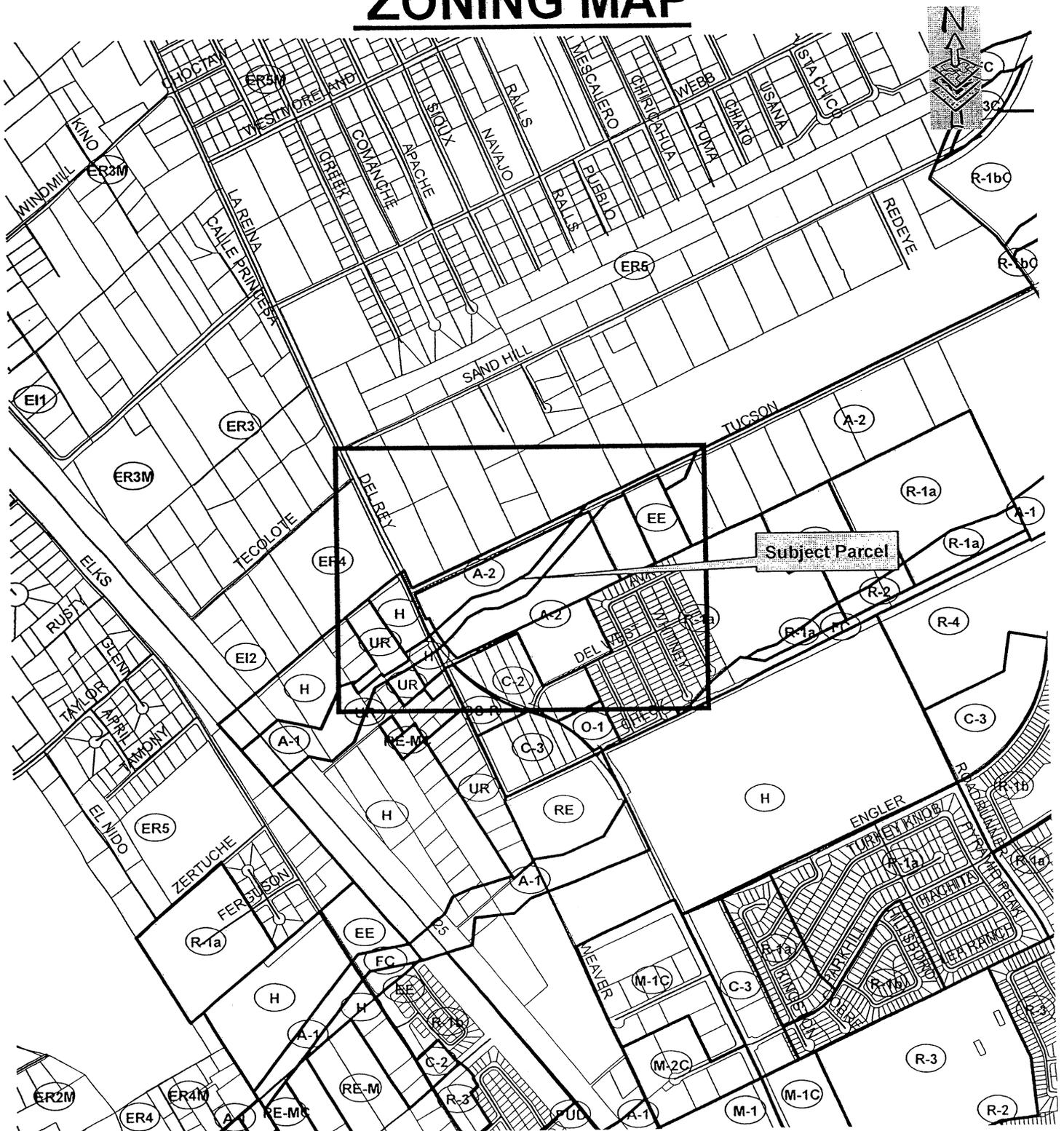
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ZONING MAP

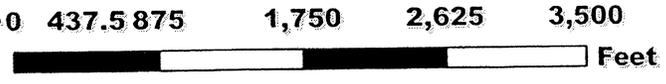


CASE NO. S-06-017 and Z2788

PARCEL: 02-20754

OWNER: JEAN WRIGHT MARTIN IRREVOCABLE TRUST

ZONING: A-1 and A-2



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.

Community Development Department
575 S Alameda Blvd.
Las Cruces, NM 88001
(505) 528-3222

VICINITY MAP



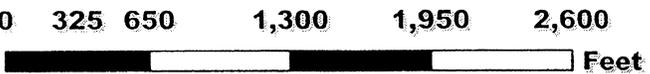
Subject Parcel

CASE NO. S-06-017 and Z2788

PARCEL: 02-20754

OWNER: JEAN WRIGHT MARTIN IRREVOCABLE TRUST

ZONING: A-1 and A-2



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Community Development Department
 575 S Alameda Blvd.
 Las Cruces, NM 88001
 (505) 528-3222



City of Las Cruces
PEOPLE HELPING PEOPLE

**PLANNING AND ZONING COMMISSION
AGENDA
OCTOBER 27, 2009**

AMENDED

The following agenda will be considered by the Planning and Zoning Commission of the City of Las Cruces, New Mexico, at a public hearing held on **Tuesday, October 27, 2009 beginning at 6:00 p.m. at the City Council Chambers, City Hall, 200 North Church Street, Las Cruces, New Mexico.**

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodation for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 48 hours before the meeting by calling 528-3043 (voice) or 528-3016 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers listed above.

- I. **CALL TO ORDER**
- II. **APPROVAL OF MINUTES – September 22, 2009**
- III. **POSTPONEMENTS - NONE**
- IV. **WITHDRAWALS - NONE**
- V. **CONSENT AGENDA****

**Those items on the consent agenda will be voted by one motion with the acceptance of the agenda. Any Planning and Zoning Commissioner, Staff or member of the public may remove an item from the consent agenda for discussion by the commission.

- 1. **Case Z2802:** A request for a zone change from M-1/M-2 (Industrial Standard) to C-3 (Commercial High Intensity) for 0.7494 +/- acres located at 250 N. Telshor. The purpose of the zone change is to allow the use of a furniture store. Submitted by property owner Scott H. Achen, Tir Na Draiochta Properties, LLC.
- 2. **Case Z2804:** A request for a zone change from R-1a (Single-Family Medium Density) to O-2 (Office, Professional-Limited Retail Service) for 0.576 +/- acres located at 2145 El Paseo Road. The purpose of the zone change is to allow the use of the existing home as a professional mental health office. Submitted by property owners Stuart S. Kelter & Leora R. Zeitlin.

VII. NEW BUSINESS

1. **Case IDP-37:** A request for approval of an Infill Development Proposal (IDP) for property located at the southeast corner of Virginia Street and Picacho Avenue. The subject property comprises 0.169 ± acres and is zoned R-2 (Multi-Dwelling Low Density). The applicant proposes to replat the subject property from three lots to two lots for the purposes of new construction of two attached single-family structures. The applicant proposes to deviate from the R-2 development standards. The request is for (1) a 10.14 ± foot variance to the 20-foot required rear yard setback; and (2) a 25-foot variance to the required 25-foot garage setback. Submitted by Mesilla Valley Habitat for Humanity, property owner.
2. **Case SUP-09-02:** A request for a Special Use Permit to allow the construction of a new antenna on property located at 3500 Sedona Hills Parkway. The subject property is currently zoned C-3 (Commercial High Intensity) and encompasses approximately 1.006 +/- acres. The proposed new sixty-five (65) foot antenna will be disguised as a flag pole. Submitted by Crafton Communication, Inc. on behalf of Sonoma Ranch Subdivision LTD., property owner.
3. **Case Z2801:** A request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 4.080 +/- acres located at 1886 West Picacho Ave. The purpose of the zone change is to allow the use of a bus terminal on the subject property. The zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended. Submitted by Fiesta Properties for Billie Ruth Ritter Simpson, property owner.
4. **Case Z2788:** A request for a zone change from A-1 and A-2 (Flood Control and Rural Agriculture Districts, 1981 Zoning Code) to R-1a (Single-Family Medium Density) for 14.24 ± acres, OS-NC (Open Space-Natural Conservation) for 2.76 ± acres, and C-3C (Commercial High Intensity-Conditional) for 6.46 ± for a total of 23.45 ± acres of land located at the southeast corner of Del Rey Boulevard and Tucson Avenue. The purpose of the zone change request is to facilitate a proposed single-family residential and commercial development known as Desert Isles. Submitted by Pillar Engineering for Jean Wright Martin Irrevocable Trust.
5. **Case S-09-014:** A request for approval of a master plan known as Desert Isles. The subject property comprises 23.45 ± acres and is zoned A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code). The applicant is seeking a zone change for the subject property to R-1a (Single-Family Medium Density), OS-NC (Open Space-Natural Conservation), and C-3C (Commercial High Intensity-Conditional). The master plan proposes 14.24 ± acres of single-family residential with a maximum of 48 dwelling units, 6.46 ± acres of commercial, and 2.76 ± acres for open space-natural/conservation uses. The subject property is located east of Del Rey Boulevard, a Principal Arterial, and Tucson Avenue, a major local roadway. Submitted by Pillar Engineering for Jean Wright Martin Irrevocable Trust.

VIII. OTHER BUSINESS

IX. PUBLIC PARTICIPATION

X. STAFF ANNOUNCEMENTS

XI. ADJOURNMENT

1 **MEETING OF PLANNING AND ZONING COMMISSION**
 2 **FOR THE**
 3 **CITY OF LAS CRUCES**
 4 **City Council Chambers**
 5 **October 27, 2009 at 6:00 p.m.**

6
 7 **BOARD MEMBERS PRESENT:**

8 Charles Scholz, Chairman
 9 Donald Bustos, Secretary
 10 Godfrey Crane, Vice Chair
 11 Charles Beard, Member

12
 13 **BOARD MEMBERS ABSENT:**

14 Shawn Evans, Member
 15 Ray Shipley, Member

16
 17 **STAFF PRESENT:**

18 Cheryl Rodriguez, Development Services Administrator
 19 Adam Ochoa, Associate Planner
 20 Jennifer Robertson, Planner
 21 Robert Gonzales, Las Cruces Fire
 22 Jared Abrams, CLC Legal Staff
 23 Becky Eich, Recording Secretary

24
 25 **I. CALL TO ORDER 6:00**

26
 27 Scholz: Good evening, and welcome to the October 27th meeting of the Planning
 28 and Zoning Commission. I'm Charlie Scholz the Chair. I want to introduce
 29 the members of our Commission. On my far right is Commissioner Crane,
 30 he represents district 4. To my near right it is Commissioner Bustos, who
 31 represents district 3. Next to him is Commissioner Beard, who represents
 32 council district 2. And I represent Council District 6.

33
 34 **II. APPROVAL OF MINUTES – September 22, 2009**

35
 36 Scholz: Our first order of business is the approval of the minutes of September 22,
 37 2008. Any additions or corrections gentlemen? Commissioner Crane.

38
 39 Crane: Mr. Chairman on line 14 I'm shown as absent, on line 30 I'm present.
 40 Perhaps I was late.

41
 42 Scholz: Perhaps you were or maybe you did a vanishing act, I'm not sure which. I
 43 don't recall frankly. Were you here?

44
 45 Crane: I must've been, I said something.
 46

1 Scholz: Obviously. So we'll move you up to board members present. I have a
 2 correction too, it says under call to order that I represent district 1, I
 3 actually represent district 6. And I know that and I don't know why I said
 4 that. Any other additions or corrections? Okay, I'll entertain a motion to
 5 accept the minutes.

6
 7 Bustos: I make a motion.

8
 9 Scholz: Is there a second?

10
 11 Crane: On point of order, the minutes as amended.

12
 13 Scholz: The minutes as amended. Thank you.

14
 15 Crane: Second.

16
 17 Scholz: Okay. All those in favor, say aye.

18
 19 ALL COMMISSIONERS - AYE.

20
 21 Scholz: Those opposed same sign. The minutes are approved as amended.

22
 23 **III. POSTPONEMENTS - NONE**

24
 25 Scholz: Staff, are there any postponements? No postponements.

26
 27 **IV. WITHDRAWALS - NONE**

28
 29 Scholz: Any withdrawals?

30
 31 Rodriguez: None.

32
 33 Scholz: No withdrawals. All right.

34
 35 **V. CONSENT AGENDA**

36
 37 **1. Case Z2802:** A request for a zone change from M-1/M-2 (Industrial
 38 Standard) to C-3 (Commercial High Intensity) for 0.7494 +/- acres located at
 39 250 N. Telshor. The purpose of the zone change is to allow the use of a
 40 furniture store. Submitted by property owner Scott H. Achen, Tir Na
 41 Draiochta Properties, LLC.

42
 43 **2. Case Z2804:** A request for a zone change from R-1a (Single-Family Medium
 44 Density) to O-2 (Office, Professional-Limited Retail Service) for 0.576 +/-
 45 acres located at 2145 El Paseo Road. The purpose of the zone change is to

1 allow the use of the existing home as a professional mental health office.
 2 Submitted by property owners Stuart S. Kelter & Leora R. Zeitlin.
 3 **MOVED TO NEW BUSINESS.**
 4

5 Scholz: Then we move to the consent agenda. This is how the consent agenda
 6 works folks: we have two items on the consent agenda today, Case Z2802
 7 and Case Z2804; both are requests for zone change. And if there is
 8 anyone who wants to speak to this or anybody who opposes it I'd like
 9 them to indicate that now. Staff, any comments?

10
 11 Rodriguez: If there is any member of the public who wishes this removed from the
 12 consent agenda I invite them to the podium to state their name for the
 13 record and ask for them to remove it.

14
 15 Scholz: Right, I was just going to say that, thank you. Yes, sir, which item are you
 16 referring to, sir?

17
 18 Hays: My name is John Hays. I'm a resident of Heritage Farm Subdivision.
 19 We'd like to talk to the Case Z2804.

20
 21 Scholz: Okay, fine. I'll put that at the top of the new business agenda. So we'll
 22 remove Case Z2804 from the consent agenda. Anyone else? All right. I'll
 23 entertain a motion to accept the consent agenda which consists of Case
 24 Z2802.

25
 26 Crane: So moved.

27
 28 Scholz: Is there a second?

29
 30 Beard: Second.

31
 32 Bustos: Second.

33
 34 Scholz: All those in favor say aye.

35
 36 **ALL COMMISSIONERS - AYE.**

37
 38 Scholz: Those opposed same sign. All right the consent agenda is approved.

39
 40 **VI. OLD BUSINESS - NONE**

41
 42 **VII. NEW BUSINESS**

43
 44 **Case Z2804:** A request for a zone change from R-1a (Single-Family Medium
 45 Density) to O-2 (Office, Professional-Limited Retail Service) for 0.576 +/-
 46 acres located at 2145 El Paseo Road. The purpose of the zone change is to

1 allow the use of the existing home as a professional mental health office.
2 Submitted by property owners Stuart S. Kelter & Leora R. Zeitlin
3

4 Scholz: So new business, the first item of new business then is going to be Z2804.
5 Now here's how it works: the staff presents first, then the applicant
6 presents, then we open it to public comment, and then we decide ... the
7 Commissioners talk about it and then we have a vote. So, Mr. Ochoa
8 you're going to speak for Case Z2804.
9

10 Ochoa: That is correct. Good evening gentlemen. Adam Ochoa, Community
11 Development Department. First Case tonight is Z2804, a request for a
12 zone change from R-1a single-family medium density to O-2 office
13 professional limited retail service for approximately 0.576 acres located at
14 2145 El Paseo Road. Next item here we have our vicinity map of the
15 subject property, it is a triangular shaped lot right here located on El Paso
16 between Farney and Sandell, located on a principal arterial roadway as
17 designated by the MPO.

18 The subject property like I said is a triangular shaped lot
19 approximately 0.576 acres in size that is the current location of a single-
20 family dwelling. Zone change will allow the applicant to convert the single-
21 family dwelling into an office building for 4-5 mental health practitioners.
22 This includes anywhere between psychologists, clinical social workers,
23 counselors, and/or marriage and family therapists. The dwelling would no
24 longer serve as a principal dwelling unit on the property. The subject
25 property is located along El Paseo Road which is classified by the
26 Metropolitan Planning Organization as an existing principal arterial
27 roadway. Based on the gross floor area of the existing building, a range of
28 four to six parking spaces are required with one of the stalls being ADA
29 compliant. The applicant has proposed a total of seven improved parking
30 stalls with the one ADA compliant parking stall at the northern portion of
31 the property where a vacant dirt area currently exists on the property. The
32 applicant will also be required to provide one bicycle parking stall for the
33 subject property. No additional screening or landscaping is required for
34 the subject property.

35 Here's an aerial photo of the triangular lot. As you can see here
36 this is the dirt lot that I talked about earlier where the parking will be
37 located at. As you can see there is already sufficient amount of
38 landscaping all around the building with a wooden fence around certain
39 areas as well. There is also I believe it is about a six foot rock wall behind
40 here separating it from the subdivision to the north. And there is a small
41 dead end alley that is right here as well.

42 Here's a site plan of the property. Like I said there is a 20-foot alley
43 that ends abruptly right here. Again the proposed parking area and the
44 dwelling as it exists right now. Staff recommendation for Case Z2804,
45 staff has reviewed this zone change and recommends approval without
46 conditions based on the preceding findings. The recommendation tonight

1 of the Planning and Zoning Commission will be forwarded to the City
2 Council for final consideration. Gentlemen tonight your options will be to
3 vote yes to approve the request as recommended by staff for Case Z2804,
4 or vote yes to approve the request with additional conditions, vote no to
5 deny the request, or to table or postpone the case. That is the end of my
6 presentation. I stand for questions. And the applicant is present for any
7 questions as well.

8
9 Scholz: Okay. Do you have questions for this gentleman? Commissioner Crane.

10
11 Crane: You mentioned in our written materials that there was a previous attempt
12 to change the zoning in 2004 from R-1a to C-2. The staff recommended
13 R-1a to O-2, Planning and Zoning agreed but City Council failed to pass
14 that change. Do you anticipate any problems along those lines this time?

15
16 Ochoa: I received no public comment after public letters were sent out and
17 basically public was made aware of the case. I received no written or e-
18 mails, written letters against the case, nor phone calls about the case.
19 Basically, we see no problems with it as now. I believe previously in 2001
20 it didn't pass by a vote of 3-3 at City Council, so it just failed is what it did.

21
22 Crane: Thank you.

23
24 Scholz: Okay, other questions? I have two. When you say improved parking, are
25 we talking about paving that lot?

26
27 Ochoa: Mr. Chairman, that is correct.

28
29 Scholz: Okay. And what about the alley. What's to be done with the alley,
30 anything? Is there development there, you know do we require it be
31 paved or curbed or something like this?

32
33 Ochoa: Chairman Scholz the alley is not an issue for this case. They will not be
34 allowed to use the alley any more for access to the building or to the
35 subject property anymore because it will no longer be a dwelling. Now
36 that it will be an actual office, if this case gets approved, since it'll be an
37 office, the alley will no longer be able to be used by the applicant.

38
39 Scholz: Okay. Thank you. May we hear from the applicant please?

40
41 Kelter: My name is Stuart Kelter, I'm a psychologist. And the property in question
42 I believe wouldn't introduce any kind of noise or much additional traffic.
43 It's really a very quiet type of business. I think it'll be much quieter than
44 what I understand was the previous use which was as a rental to college
45 students, because I have a friend who used to live in the Heritage Farm
46 and told me about some of the wild parties. It's a daytime usage so I

1 really don't see what objection there might be. It's a very accessible for
2 parking and very busy thoroughfare.
3
4 Scholz: Okay, questions for this applicant? All right. Thank you. We'll open it to
5 the public for comment. Sir, you had a comment, question?
6
7 Hays: Yes.
8
9 Scholz: Please identify yourself again.
10
11 Hays: John Hays.
12
13 Scholz: Thank you.
14
15 Hays: I'm an owner/resident of Heritage Farms.
16
17 Scholz: And that's the development right in back of this?
18
19 Hays: It's on the other ... yeah I think the subdivision owns that wall he talked
20 about.
21
22 Scholz: Thank you.
23
24 Hays: We're concerned about the security of the neighborhood. We have been
25 for some time and (*inaudible*) of this kind of a business in a residential
26 neighborhood. One of things that we are really interested in knowing is,
27 are there sex offenders to be a part of the clients that will be seen at any
28 point in time in this office? That's what I have.
29
30 Scholz: That's your concern. All right. Well let's ask the applicant.
31
32 Kelter: It's not personally one of my specialities. It's really hard to say for sure.
33 But it's not going to be a residential treatment facility. It's strictly
34 outpatient. And I don't really quite see what the danger would be any
35 more than if someone is using the bank down the street. I mean there are
36 two banks on the block and as you know there are businesses up and
37 down El Paseo and that whole area. So it's certainly not a big interest of
38 mine. Whether a particular person might come in, I mean I can't imagine I
39 could organize a practice by saying everyone's welcome except sex
40 offenders.
41
42 Scholz: Okay. Thank you. Any other comment from the public? Okay, I'm going
43 to close this to public comment then and Commissioner's I'll entertain a
44 motion. Commissioner Crane, you're contemplating something here.
45
46 Crane: Yes, I'm not sure if this is addressed in our written materials but it occurs

- 1 to me a point might be how many hours a day is there going to be patients
 2 in and out of this facility? What's the latest in the evening, what's the
 3 earliest in the morning?
 4
- 5 Kelter: Typically the earliest in the morning is about 8:00 a.m. and the latest is
 6 about 7:00 p.m.
 7
- 8 Crane: And typically somebody will be staying for an hour or so?
 9
- 10 Kelter; Yes, that's.
 11
- 12 Crane: Thank you.
 13
- 14 Scholz: Okay. All right gentlemen, I'll entertain a motion to accept.
 15
- 16 Crane: So move.
 17
- 18 Scholz: Okay. It's been moved. Is there a second?
 19
- 20 Bustos: Second.
 21
- 22 Scholz: It's been moved and seconded. I'll call the roll. Commissioner Crane.
 23
- 24 Crane: Aye findings, discussion, and site visit.
 25
- 26 Scholz: Commissioner Bustos.
 27
- 28 Bustos: Aye findings, discussion, and site visit.
 29
- 30 Scholz: Commissioner Beard.
 31
- 32 Beard: Aye findings and discussions.
 33
- 34 Scholz: And the Chair votes aye for findings, discussions, and site visit. So the
 35 motion is approved.
 36
- 37 **1. Case IDP-37:** A request for approval of an Infill Development Proposal (IDP)
 38 for property located at the northeast corner of Virginia Street and Picacho
 39 Avenue. The subject property comprises 0.169 ± acres and is zoned R-2
 40 (Multi-Dwelling Low Density). The applicant proposes to replat the subject
 41 property from three lots to two lots for the purposes of new construction of two
 42 attached single-family structures. The applicant proposes to deviate from the
 43 R-2 development standards. The request is for (1) a 10.14 ± foot variance to
 44 the 20-foot required rear yard setback; and (2) a 25-foot variance to the
 45 required 25-foot garage setback. Submitted by Mesilla Valley Habitat for
 46 Humanity, property owner.

1
2 Scholz: All right, that brings us to our regular new business. Our first case is Case
3 IDP-37. And Mr. Ochoa you're up again. I see you're the acting planner.
4 That's interesting. I didn't know you were an actor. And Ms. Robertson
5 you're going to substitute?
6

7 Robertson: Yes.
8

9 Scholz: Okay.
10

11 Robertson: I'll act for now. Jennifer Robertson, Community Development. Good
12 evening Commission, Chairman Scholz, Commissioners. This is Case
13 IDP-37, an infill development proposal for a property located at the
14 southeast corner of Picacho Avenue and Virginia Street. Currently the
15 land use on the site is vacant. The total land size is 0.169 plus or minus
16 acres. The current zoning is R-2 multi-dwelling low density use. The
17 property is located within the infill development overlay district and the
18 current infill development proposal includes a request to deviate from the
19 R-2 development standards on both of the proposed lots, with 1) a 10.14
20 plus or minus foot variance to the 20-foot required rear yard setback, and
21 2) a 25-foot variance to the required 25-foot garage/carport setback. The
22 applicant proposes to also replat the subject property from three lots to
23 two lots for the purposes of new construction of two attached single-family
24 structures which shall have access from Virginia Street. Each unit will
25 provide first time homeownership to a low income family. The applicant
26 and the property owner is Mesilla Valley Habitat for Humanity. The
27 developer is proposing to provide utilities in the following manner; gas,
28 sewer, and water will all be provided by the city of Las Cruces.
29

30 This is a site plan of the development. As you can see here circled
31 in red is the area for the first variance for the 10.14 plus or minus foot rear
32 yard setback, and then the 25-foot front carport/garage setback. All other
33 setback and development standards are met by this proposal. This
34 proposal is utilizing the townhome subdivision method as well. This is a
35 copy of the replat showing lot one and lot two here. Both have access
36 from Virginia Street here. And this area right here is an area that is
37 currently utilized as roadway. It was given to the city a long time ago and
38 is now being dedicated. This is a vicinity map of the area. As you can see
39 north, south, east, and west are all R-2 residential developments. To the
40 northwest is the North Mesquite Overlay zone and to the southwest is the
41 South Mesquite Overlay zone; some historical residential neighborhoods.

42 This is an aerial photograph of the property and surrounding
43 properties as well as you can see a majority are residential. And this
44 property as I said is currently vacant. This is an existing thoroughfare
45 map, as you can see there are thoroughfares directly involved in this
subdivision proposal. The surroundings are noted on this map. Picacho

1 and Virginia are both minor local roads and are completely improved and
2 developed.

3 Staff has reviewed the proposed townhouse subdivision known as
4 Cox's subdivision replat number three, and no significant outstanding
5 issues exist with that subdivision proposal. The proposal is consistent
6 with the subdivision code design standards and the comprehensive plan.
7 On October 14, 2009 the DRC or Development Review Committee
8 reviewed the proposed infill development and after some discussion
9 regarding some notes on the plat, the DRC recommended approval of the
10 infill development proposal as a whole. The Commission's options tonight
11 for Case IDP-37 are to 1) approve the infill development proposal as
12 recommended by DRC, to 2) approve the infill development proposal as
13 recommended by DRC and staff with additional conditions as determined
14 appropriate by P&Z, or to 3) deny the infill development proposal as a
15 whole. And staff stands for any questions if the Commission has any
16 questions for staff.

17
18 Scholz: All right, Commissioner Crane.

19
20 Crane: Comment and a question. On your attachment three, this may sound
21 trivial to some, but to those who have problems with their orientation, this
22 is not trivial. Compass Rose is misoriented by 90 degrees and it should
23 be pointing north of Virginia Street not north down the alley. My question
24 is, are you going to put parking pads out front instead of garages or
25 Habitat is going to?

26
27 Robertson: I would like for the applicant to go ahead and elaborate on their building
28 plan. But what I will tell you in the site plan as proposed and driveways
29 were looked at by traffic and also public works, but yes the driveways are
30 proposed, no garage, no carport is proposed at this particular time in the
31 current building plan proposal.

32
33 Crane: And would you tell me again or perhaps you want to leave this to the
34 applicant, how far back from the street, from Virginia Street the front of the
35 building is? It faces Virginia Street, correct?

36
37 Robertson: Yes, that's correct.

38
39 Crane: All right. Okay. Do you have an answer to that or should we wait for
40 somebody else?

41
42 Robertson: Maybe. Just one second please.

43
44 Crane: Doesn't seem to be on attachments one or two.

45
46 Scholz: No, I don't see it either.

1
2 Johnson: My name is Ed Johnson. I'm executive director for Habitat for Humanity.
3 Good evening to you all. I don't have the exact dimension on this plan
4 here, but it's approximately 18-feet sir. I looked at it yesterday and I
5 measured it. I didn't write it down because I didn't know that was
6 something you were going to ask.
7
8 Crane: Thank you.
9
10 Scholz: Okay. Thanks. I have another question for the staff. Anything else for
11 staff? Commissioner Beard? No, okay. Commissioner Bustos? My
12 question was also, did you say there was going to be a carport?
13
14 Robertson: No, it's in anticipation in the future. That's what the variance is for.
15
16 Scholz: Okay.
17
18 Robertson: If the drive pad is placed, in the future it's seen that perhaps someone
19 would try to place a structure like that, attach it to the building in the form
20 of a carport or a garage.
21
22 Scholz: Okay. So the driveway then comes right to the sidewalk?
23
24 Robertson: Yes. And in relation to Commissioner Crane's question earlier, regardless
25 of what the building plan says now, we're asking for certain variances so
26 that the building profile can fit within the development standards. Now
27 anything that's not included in these variances will have to meet the
28 development standards. So if the building plan as of right now doesn't
29 meet the 20-foot required setback it will have to.
30
31 Scholz: Okay. I had two other questions. One is about the lot, there are three lots
32 there?
33
34 Robertson: Yes.
35
36 Scholz: I went and looked at it today, it doesn't look like there's room for three lots.
37 How big were they?
38
39 Robertson: I believe they were 25-feet wide and 100-feet long.
40
41 Scholz: Okay.
42
43 Robertson: It's very old subdivision.
44
45 Scholz: Yes, 1910 I think.
46

1 Robertson: Yeah and all of those subdivisions were platted like that. So we're seeing
2 a lot vacation so to speak of those fault lines now, what you're seeing now.
3

4 Scholz: Right. My other question was didn't the city create this lot by re-angling
5 Picacho? That's before my time but ...
6

7 Robertson: Absolutely Chairman Scholz. Right in this area right here.
8

9 Scholz: Right.
10

11 Robertson: There's a median, a triangular median right here and the road actually cuts
12 down and reconnects through here. And this area was deeded to the city
13 when the road was reconstructed, it just hasn't been formally dedicated as
14 of yet and will be with this plat.
15

16 Scholz: Yes, I saw in 2004. All right. Those are my questions. Any other
17 questions? Yes, Commissioner Crane.
18

19 Crane: Follow-up on the carport. You're saying then that if the residents wish to
20 put in carports later they will have to ask for a variance.
21

22 Robertson: If this variance request is processed and approved, then they will not have
23 to ask for a variance for the carport because they would have received it
24 during this infill development proposal.
25

26 Crane: So we are actually voting for a carport to run up to the sidewalk.
27

28 Robertson: A covered structure, yes, sir.
29

30 Crane: Thank you.
31

32 Scholz: Okay, may we hear from the applicant please? I realize Mr. Johnson
33 we've already heard from you, but talk to us again.
34

35 Johnson: As you know ...
36

37 Scholz: Introduce yourself again, please.
38

39 Johnson: I'm sorry. Ed Johnson, Habitat for Humanity. As you know we build
40 affordable homes for people here in Las Cruces and just recently this
41 week we started our 75th home for residents here. This is an opportunity
42 for us to reach two families. These are two bedroom units, a mother and a
43 single child, an elderly couple, someone who's in need of a home. And
44 this is a very unusual lot. It doesn't conform to anything. Had they left that
45 they took for the street, we could've stretched the house out and
46 everything would be fine.

1
2 Scholz: Yes, I was thinking the same thing.
3
4 Johnson: So you know we're kind of stuck with it the way it is. We just closed on it a
5 month ago from the city. We bought from the city for this purpose, to build
6 a home on it. Any questions that anyone has?
7
8 Scholz: Any questions of the applicant? Commissioner Bustos? No.
9 Commissioner Beard? Commissioner Crane?
10
11 Crane: The city posted yellow sign on the lot indicating that this was coming up
12 before Planning and Zoning no doubt.
13
14 Johnson: Yes, they did.
15
16 Crane: I'm a little concerned about the carport. If people put it in later are the
17 neighbors going to ask why a carport is now being run up into their line of
18 sight, right up to the sidewalk. I ask because my brother-in-law did
19 something like this quite legally down the street from us and he had to get
20 a variance to run a carport up to the front edge of the property line. It
21 happened that nobody objected, but this is a little bit more out in the open
22 on a more busy street than the one I'm thinking of. Do you anticipate a
23 problem later?
24
25 Johnson: Well the carport was recommendation from some of the people in the city,
26 so if we wanted to strike that item off I really don't have a problem with that
27 because I don't anticipate you know there being a carport. If the residents
28 want to do that in the future I mean that's really up to them. But we have
29 no plans for putting in a carport. We do everything we can to produce a
30 house that's as low cost as possible and a carport doesn't fit in that plan.
31 So Habitat is not going to do that.
32
33 Crane: Mr. Chairman does the city have to address the question of whether we
34 can exclude a carport, future permission for carport from the case?
35
36 Scholz: Well actually we could add that as a condition, that no carport be built.
37 That can be done, as a condition.
38
39 Crane: To not to be built.
40
41 Scholz: Yes. As a condition to granting the variance.
42
43 Robertson: May I interject, another alternative would be to modify the current proposal
44 in the way that you are speaking or to modify it to where it's an only open
45 structure, it's not an enclosed structure. There would be different ways to

- 1 modify it, but based on what you see modification-wise it would be done
2 under number two.
3
- 4 Scholz: Right. Okay. Commissioner Beard.
- 5
- 6 Beard: Well it says garage too in here as opposed to garage port.
7
- 8 Scholz: Right.
9
- 10 Beard: And I would oppose the garage even more than the garage port. I mean
11 you'd be right on the sidewalk opening up your door.
12
- 13 Scholz: Well Commissioner Beard I think it says 25-foot variance to the required
14 garage setback, but it doesn't specify that there would be a garage. It's
15 just talking about the setback for a garage.
16
- 17 Rodriguez: Mr. Chairman, if I may. Cheryl Rodriguez for the record.
18
- 19 Scholz: Yes.
20
- 21 Rodriguez: Staff recommended that that deviation from the 25-foot garage setback be
22 included for anticipation that if a homeowner at a future date was to add
23 an attached structure via a carport since there are no such items that
24 currently exist within the building plan, and if a homeowner wanted to add
25 on and they attached it to the structure, then that homeowner at a later
26 date can come and ask for a variance request, or as part of this infill
27 development proposal we could anticipate and address it today. P&Z can
28 modify it to where there is no permitting closures of that carport, or P&Z
29 may just choose to remove that condition in its entirety and then a
30 homeowner at a later date if they determine that they want to add a
31 carport either through the permitting process or through some other
32 means, then they can come through by this body at a future date and
33 anticipate that variance.
34
- 35 Scholz: Ask for a variance. All right. Thank you. Any other questions of the
36 applicant? Okay. Thank you Mr. Johnson. Any members of the public
37 that wish to speak to this? Yes, sir, would you come up and identify
38 yourself please.
39
- 40 Torres: My name is Ray Torres. I'm a property owner directly west of the said
41 property that we're discussing right now. That particular street on Virginia
42 where you were discussing this carport or garage or whatever, that's street
43 is only approximately 30-feet wide. What's going to happen with all that
44 traffic going back and forth there? That's one of my questions.
45
- 46 Scholz: Okay.

1
2 Torres: As I understand it when that property was sold to the city there was a
3 discussion, not in writing, but there was a discussion by the property
4 owner that sold that property to the city that they would widen Virginia
5 Street approximately where this garage thing that you're talking about is
6 going to be. It has never been done. I don't know if it's going to be done,
7 but 30 or so feet for a street is very narrow. Also, how far is one of the
8 buildings that's going to be on the Picacho side of the street, on the north
9 side of the property, how close is it going to be to the street as it is now?
10
11 Scholz: It's about 20-feet.
12
13 Crane: Mr. Chairman the plot seems to show 10-feet. Beg your pardon, my bad.
14 Orientation problem again.
15
16 Scholz: A little over 20-feet.
17
18 Crane: Right.
19
20 Torres: Okay. That particular area there, it has already had one fatality years
21 back. A motorcycle person drove into the block wall that's there now and
22 was killed.
23
24 Scholz: The block wall that's at the back of the property.
25
26 Torres: In the back, yes. He was killed. There was also on the furthest edge of
27 that property on the north also close to Picacho Street, there was a very
28 bad accident that happened there also, a little bit, maybe a year or so after
29 the motorcycle thing happened.
30
31 Scholz: Okay. I have two questions sir. One is, Virginia is a one way street, isn't
32 it?
33
34 Torres: No, sir. It is one way street from E. Picacho north, it is one way, going
35 north.
36
37 Scholz: I see. But it's two way south of Picacho.
38
39 Torres: South of Picacho is two way, yes.
40
41 Scholz: And when were the fatalities? Were they after they had realigned the
42 street or before? Because the street was ...
43
44 Torres: Before.
45

- 1 Scholz: Before. Okay. Yeah, well I can understand that. It was a very sharp
2 corner before.
3
- 4 Torres: It's not that much better now.
5
- 6 Scholz: Well it appears that way. I drove it this morning and it looked to me ...
7
- 8 Torres: Well I've lived there for quite a few years and well that's neither here nor
9 there.
10
- 11 Scholz: I understand. Okay. Well thank you, sir. Yes, sir.
12
- 13 Torres: There's also a stop sign right at the end of the Virginia and Picacho
14 intersection. Traffic going north on Virginia up to Picacho Street has to
15 stop or should stop at that stop sign. Now whenever there's a vehicle that
16 stops there, there is no room for anyone coming on Picacho to make a
17 right turn to Virginia. They have to stop in order to let the other vehicle
18 move so they can make a right turn there.
19
- 20 Scholz: And that's a 30-foot wide street?
21
- 22 Torres: Approximately 30-feet.
23
- 24 Scholz: Okay.
25
- 26 Torres: A lot of this and I know a lot of you probably have seen people texting and
27 talking on the telephone, cell phone while driving, it's very dangerous if a
28 person has to stop and make a turn on Virginia and there's somebody
29 coming on right behind the car that stopped either talking on the telephone
30 or texting or inattention, it's very dangerous.
31
- 32 Scholz: It certainly is, yes.
33
- 34 Torres: That portion of Virginia on that particular side well of course I'm only one
35 person but I highly recommend that that's a portion right there would be
36 widened.
37
- 38 Scholz: Okay. Well thank you for your input sir. Any questions for this
39 gentleman? All right. Anyone else from the public wish to speak to this?
40 Okay, we're going to close it for public discussion. Gentlemen what's your
41 pleasure? Commissioner Crane.
42
- 43 Crane: I move that the variance be granted with the condition that no carport be
44 erected on the property as part of its development.
45

- 1 Scholz: Okay. Let me find my page here. So you're going for option two, approve
2 the infill development with additional conditions as determined by the
3 Planning and Zoning Commission.
4
- 5 Crane: Right.
6
- 7 Scholz: Right.
8
- 9 Rodriguez: Mr. Chairman.
10
- 11 Scholz: Yes.
12
- 13 Rodriguez: For clarity I would recommend with the commentary provided by
14 Commissioner Crane, is that they ... on the infill development proposal
15 item number two, the 25-foot variance to the garage setback, just go
16 ahead and strike that variance. So therefore, the infill development
17 proposal is only a deviation to the rear yard setback.
18
- 19 Scholz: Okay. So this is in the first paragraph, we're striking number two, start
20 with "and" and strike the entire piece, and leave the last sustenance which
21 is submitted by. All right, everybody has that? Okay. So are we
22 approving it then with no conditions? Yes.
23
- 24 Robertson: You'll be doing number two, approve the infill proposal but with additional
25 conditions or modified conditions.
26
- 27 Scholz: With modified conditions. All right. And do we have to state the modified
28 conditions Ms. Rodriguez?
29
- 30 Robertson: You would just want to state the one condition as it stands. The rear
31 setback variance.
32
- 33 Scholz: Okay. All right, I'll entertain a motion to approve.
34
- 35 Crane: I withdraw my motion and shall I restate it?
36
- 37 Scholz: No. I'm entertaining a motion to approve.
38
- 39 Crane: Let me make sure I understand you, so the second condition has been
40 struck.
41
- 42 Scholz: Right.
43
- 44 Crane: We're now approving with simply the first condition.
45
- 46 Scholz: Exactly.

- 1
2 Crane: So moved.
3
4 Scholz: Okay. Is there a second?
5
6 Beard: Second.
7
8 Scholz: Okay it's been moved and seconded. I'll call the roll. Commissioner
9 Crane.
10
11 Crane: Aye findings, discussion, and site visit.
12
13 Scholz: Commissioner Bustos.
14
15 Bustos: Aye findings and discussion.
16
17 Scholz: Commissioner Beard.
18
19 Beard: Aye findings and discussions.
20
21 Scholz: And the Chair votes aye for findings, discussion, and site visit. Okay so
22 that's approved 4:0.
23
24 **2. Case SUP-09-02:** A request for a Special Use Permit to allow the
25 construction of a new antenna on property located at 3500 Sedona Hills
26 Parkway. The subject property is currently zoned C-3 (Commercial High
27 Intensity) and encompasses approximately 1.006 +/- acres. The proposed
28 new sixty-five (65) foot antenna will be disguised as a flag pole. Submitted by
29 Crafton Communication, Inc. on behalf of Sonoma Ranch Subdivision LTD.,
30 property owner.
31
32 Scholz: All right. Our next item is Case SUP-09-02. And Mr. Ochoa, you're up.
33
34 Ochoa: For the record Adam Ochoa, Community Development again. Next case
35 tonight gentlemen is SUP-09-02, it's a request for a special use permit to
36 allow the construction of a new antenna on a property located at 3500
37 Sedona Hills Parkway. Here is a vicinity map of the subject property. It is
38 a triangular shaped property here on Sedona Hills. Closest intersection to
39 this is corner of Sonoma Ranch and Sedona Hills. Sedona Hills is
40 classified as a collector roadway by the Metropolitan Planning
41 Organization. As you can see it is surrounded by C-3 zoning, commercial
42 high intensity zoning to the west and south, and C-2 to the southeast, and
43 a PUD C-2 to the north with a planned unit development to the eastern
44 corner of the subject property. A planned unit development for single-
45 family homes.

1 The subject property is currently zoned C-3 commercial high
2 intensity and it encompasses approximately 1.006 acres. Subject property
3 is the current location of a warehouse. The request is to permit the
4 installation of a new 65-foot tall antenna that will be disguised as a flag
5 pole. The applicant is required to submit a special use permit due to the
6 fact that the subject property is adjacent to single-family residential
7 property which is the PUD to the east. The proposed new antenna follows
8 all requirements as specified in the 2001 Zoning Code as amended.

9 Here's a site plan of the subject property with the building here.
10 The area that we're concentrating is the eastern side of the property if you
11 will. Here's more of a detailed more zoomed in picture of the site. The
12 flag will be going on the side front corner next to the building with all its
13 equipment either enclosed inside the building or outside enclosed by an
14 opaque wooden fence. It follows all setback requirements. It follows the
15 setback requirement of one-foot setback for every foot in height from a
16 single-family residential area. It follows the opaque buffer requirements
17 and the height requirements as set forth by the 2001 Zoning Code as
18 amended.

19 Here's an aerial photo of the subject property. Like I said, the
20 antenna/flag pole will be located here on this corner. Staff
21 recommendation for Case SUP-09-02 is ... staff reviewed the special use
22 permit and recommends approval based on the proceeding findings. Staff
23 received no public comment on the subject case. The Planning and
24 Zoning Commission options regarding this case tonight is either vote yes
25 to approve the request as recommended by staff for SUP-09-02; vote yes
26 to approve the request with additional conditions; or vote no to deny the
27 request, or to table and postpone special use permit. That concludes my
28 presentation. I stand for questions.

29
30 Scholz: Commissioner Crane.

31
32 Crane: Mr. Ochoa do you have any information from the applicant as to what flag
33 he plans to fly from the flag pole, or should we wait that?

34
35 Ochoa: The applicant is here, but I have been told by the applicant when it was
36 submitted that it will be an American flag sir.

37
38 Crane: And will there be arrangements made to raise the flag at the appropriate
39 time of day, lower appropriate time of day, and in inclement weather? I'm
40 a little picky about flag etiquette and your information says that somebody
41 will come to service the antenna every 60 days.

42
43 Scholz: Before we get to that, I do have a couple of questions about placement. If
44 we can get to those and then get to the flag etiquette question, may we do
45 that?
46

1 Crane: Right.
2
3 Scholz: Commissioner Beard, you had a question.
4
5 Beard: Well I just wondered if there was going to be any lights or signs attached
6 to this. I could wait for the applicant.
7
8 Scholz: Okay. My question was what's behind this? There's a large empty lot as I
9 can see when I drove through there. What's that?
10
11 Ochoa: This back here, if you go back to the vicinity map, there's actually a
12 planned unit development for commercial.
13
14 Scholz: For commercial?
15
16 Ochoa: Yes, sir.
17
18 Scholz: Okay. So it's not R-3.
19
20 Ochoa: No, sir.
21
22 Scholz: No. Okay. Somehow I saw that on a plan and I don't know if it was this
23 one or not, but I was misled. So the residential development is to the
24 east, right?
25
26 Ochoa: I believe the R-3 you may be referring to Mr. Chairman is the PUD to the
27 eastern side of the property that is single-family residential. It's a planned
28 unit development with underlying zoning of R-3. But the properties on
29 there are being used as single-family homes.
30
31 Scholz: Okay, but the land that's in back of it, directly in back of it, directly north of
32 it is zoned commercial?
33
34 Ochoa: Correct.
35
36 Scholz: Okay.
37
38 Ochoa: Underlying commercial.
39
40 Scholz: Yeah.
41
42 Ochoa: I can see your confusion Mr. Chairman because the site plan does show
43 that it is R-3 behind it.
44
45 Scholz: Right.
46

- 1 Ochoa: But to the city's knowledge that is zoned planned unit development
2 underlying zoning of commercial and it was part of the Las Alamedas
3 master plan.
4
- 5 Scholz: Right, yeah that's what I thought because I remember the developer
6 talking about that. Okay. My concern was the setback, you know if you
7 wanted to do 65-feet from a residential place then how would you do that if
8 there was a residential area in the back of it, you know, but not a problem.
9 All right. Any other questions for this gentleman. Okay, let's hear from the
10 applicant now.
11
- 12 Prayzon: Mr. Chairman, Commissioners, my name is David Prayzon. I represent
13 AT&T Mobility and the property owners. And we are proposing putting a
14 65-foot what we call a still flag pole at this location. We will be flying the
15 American flag there and it'll be ... the flag pole will be lit. The flag
16 condition will be monitored. We actually have hundreds of these across
17 the country and to my knowledge we never have had any complaints on
18 this. We think it is a wonderful way to blend in with the community and
19 also offer coverage plus the critical E911 coverage that we're mandated to
20 provide.
21
- 22 Scholz: Okay, questions for this gentleman? Commissioner Crane.
23
- 24 Crane: That's a good explanation. Thank you.
25
- 26 Scholz: Commissioner Beard.
27
- 28 Beard: There won't be any lights or signs on this antenna?
29
- 30 Prayzon: I don't understand, you mean as far as the pole itself being lit?
31
- 32 Beard: Yes.
33
- 34 Prayzon: It will not be lit. Well, there will be lighting per the appropriate flag protocol
35 to light the flag, but the pole itself will not be lit nor will there be any
36 advertising or anything like that on the pole. It will be what will look like a
37 flag pole with a flag on it. Our antennas will be encased inside of it.
38
- 39 Scholz: Okay. And you don't put a blinking light on top of those do you?
40
- 41 Prayzon: Well we do if we're required by the FAA.
42
- 43 Scholz: Okay, but I don't think you're in anybody's flight plan.
44
- 45 Prayzon: We are not required. Anything under 200-feet we're not required to unless
46 mandated by the FAA or unless there are some special conditions that we

1 feel like we want to light the pole or that we're asked to light it, but this is
2 not one of those conditions.
3
4 Scholz: All right. Any other questions for this gentleman? Commissioner Bustos.
5
6 Bustos: Yeah I was just wondering, someone might have said it already, but is the
7 American flag going to be up 24/7 flying?
8
9 Prayzon: Yes, it will. And it'll be appropriately lit per flag protocol.
10
11 Scholz: Okay. Thank you very much. Anyone from the public who wishes to
12 speak to this? Yes, ma'am. You have to come to the microphone and
13 identify yourself please. Would you adjust the microphone for her Mr.
14 Ochoa?
15
16 Kaufman: I live just about across the street.
17
18 Scholz: Right, and your name is?
19
20 Kaufman: Eta Kaufman.
21
22 Scholz: Thank you.
23
24 Kaufman: And I'm concerned about the lighting because I feel that it can affect me.
25 I'm not happy with the pole being there. I'm not happy with that
26 warehouse being there. It was my impression that that warehouse
27 eventually was going to be converted to something else. But my concern
28 is right now with how exactly that flag pole will be lit.
29
30 Scholz: Okay. Thank you. Someone else?
31
32 Crane: Mr. Chairman?
33
34 Scholz: Yes, Commissioner Crane.
35
36 Crane: May I ask Ms. Kaufman what street she lives on?
37
38 Kaufman: NOT AT PODIUM. Council Loop, Sedona Hills.
39
40 Crane: Near Sedona Hills? Thank you.
41
42 Ochoa: If I may interject Mr. Chairman.
43
44 Scholz: Yes.
45

- 1 Ochoa: The light that's going to be placed for the flag pole will still have to follow
2 the outdoor lighting ordinance of the city of Las Cruces.
3
- 4 Scholz: Okay. Anyone else from the public. All right. I'll close it to public input.
5 Commissioners, what is your pleasure?
6
- 7 Beard: I have no concerns.
8
- 9 Scholz: All right.
10
- 11 Crane: I assume that the city ordinances regarding lighting like this take account
12 the impact on the lots of surrounding residents. Ms. Kaufman seems to be
13 about 400 feet away. Is this pole in the city's view likely to be a problem
14 when it's lit?
15
- 16 Ochoa: Commissioner Crane, Chairman Scholz, that's a permitting issue if you
17 will. The proper permits will have to be taken out by the applicant and will
18 have to follow all protocols and I can't speak for that department but it
19 would still have to follow the outdoor lighting ordinance no matter where
20 it's facing I'm sure.
21
- 22 Crane: Thank you.
23
- 24 Scholz: Okay. All right, any other questions or comments? Okay gentlemen, I'll
25 entertain a motion to approve.
26
- 27 Beard: I so move.
28
- 29 Scholz: Okay it's been moved. Is there a second?
30
- 31 Bustos: Second.
32
- 33 Scholz: It's been moved and seconded. I'll call the roll. Commissioner Crane.
34
- 35 Crane: Aye findings, discussion, and site visit.
36
- 37 Scholz: Commissioner Bustos.
38
- 39 Bustos: Aye findings, discussion, and site visit.
40
- 41 Scholz: Commissioner Beard.
42
- 43 Beard: Aye findings and discussions.
44
- 45 Scholz: And the Chair votes aye for findings, discussions, and site visit. So it is
46 approved 4:0.

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3. **Case Z2801:** A request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 4.080 +/- acres located at 1886 West Picacho Ave. The purpose of the zone change is to allow the use of a bus terminal on the subject property. The zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended. Submitted by Fiesta Properties for Billie Ruth Ritter Simpson, property owner.

10 Scholz: All right. Next item of business is Case Z2801 and Mr. Ochoa you're up
11 again.

12
13 Ochoa: One more time. Next case tonight gentleman is Z2801. It's a request for
14 a zone change from C-2 commercial medium intensity to C-3C
15 commercial high intensity conditional for approximately 4.080 acres land
16 located at 1886 W. Picacho Avenue. Here is a vicinity map of the subject
17 property. Like I said a little over four acres in size located on Picacho
18 which is designated by the Metropolitan Planning Organization as a
19 principal arterial roadway. As you can see everything behind, to the east,
20 south, and west of the subject property is commercial with a planned unit
21 development to the east as well that is actually a planned unit
22 development for industrial.

23 The subject property like I said it encompasses 4.080 acres
24 approximately and currently consists of six different buildings. The current
25 zoning on the property is C-2 commercial medium intensity. Zone change
26 request is for C-3C commercial high intensity conditional. The zone
27 change will bring the property into compliance with the 2001 Zoning Code
28 as amended when it comes to the acreage requirement. As I'm sure you
29 remember from the past, C-2 ... any property over the one acre threshold
30 is required to go to C-3 that's zoned C-2. Property zoned over an acre in
31 size are not allowed to be C-2 in the city. The zone change will allow the
32 use of a bus terminal on the subject property as well.

33 Four of the buildings on subject property are vacant, while the other
34 two buildings are currently being used as a truck repair shop. There is a
35 correction on your packet, I called out one of the buildings, the front
36 building as a fruit and vegetable stand that is actually no longer there and
37 an upholstery store is there. A portion of the property is also being used
38 as an area for storage and sales of mobile homes and manufactured
39 dwellings. These three uses are allowed in the zoning district that
40 currently exists now and will be allowed in the C-3 zoning district as well.
41 The building being used as an upholstery store and the building being
42 used as a truck repair shop are currently encroaching onto required
43 setbacks of the subject property. Since these buildings were built pre-
44 1955 zoning code, they will be considered nonconforming to the setback
45 rule.

1 The vacant southwest building of the subject property is a building
 2 that is being proposed for the bus terminal. The multiple land uses on the
 3 subject property require the property to follow parking requirements for a
 4 shopping center. When the entire property is brought into compliance it'll
 5 have to follow those parking requirements. The parking lot around the bus
 6 terminal building was resurfaced and adequate parking was provided for
 7 the new bus terminal. Landscaping for the entire subject property will also
 8 be required whenever any additions or structure modifications are done to
 9 the existing buildings for the evaluation of \$25,000 or more.

10 Here's an aerial picture of the subject property. Here is a lot line
 11 running through the rear of the subject property that will have to be
 12 vacated before final action is taken by City Council on this case. Six
 13 buildings that currently exist are this one here, one here, here, there's one
 14 there, there, and there. This fence if you've all done your site visits, no
 15 longer exists and is now improved with a new area of asphalt and parking
 16 spaces. And as for this back chain fencing area no longer exists as well
 17 and this is the general area where the mobile home sales and display
 18 currently exist as well. Here's a site plan of the subject property. Again
 19 with all six buildings being shown and the improvements shown on the
 20 southwest building which will be used as a bus terminal. Currently the bus
 21 terminal does have a temporary CO and it has been temporarily allowed
 22 with a business registration. Basically, they're allowed there while they're
 23 trying to get their zone change for C-3. So that basically hangs in the
 24 balance for that.

25 Staff recommendation for the Case Z2801 is staff reviewed the
 26 zone change request and recommends approval with conditions based on
 27 the proceeding findings. Conditions, the property owner will be required to
 28 replat the subject property to eliminate the underlying property line that
 29 runs through the northern portion of the property. The replat will be
 30 required to be submitted before final action is taken by City Council on this
 31 case. The recommendation of the Planning and Zoning Commission will
 32 be forwarded to City Council for final consideration on this case. Tonight
 33 your options gentleman are to 1) vote yes to approve the request with
 34 conditions as recommended by staff for Case Z2801; vote yes to approve
 35 the request with additional conditions; or vote no to deny the request, or of
 36 course to table and postpone the case. That ends my presentation. I
 37 stand for questions. And the applicant is here to speak on behalf and I
 38 believe some property owners around that area are here to speak on that
 39 as well.

40
 41 Scholz: Okay. Commissioner Crane.

42
 43 Crane: This again may be something better answered by the applicant. I have a
 44 couple of points. One is that the asphalt paving seems to be completely
 45 inadequate. I don't know how long El Paso/LA buses has been stopping
 46 there, but already there are two large patches in that arc of paving at the

1 back of the building which have totally crumbled and are showing dirt
2 underneath. The asphalt only looks to be an inch, inch and a half thick
3 and there's no concrete base. And there's at least one other spot, those
4 patches are about five feet across and then there are some other spots
5 which are beginning to go. Secondly, the building that's being used for
6 truck repair that's immediately to the east.

7
8 Ochoa: Northeast, that's correct.

9
10 Crane: Okay, yeah, right. It has an inspection pit in it that's completely
11 unguarded. In fact the building looks disused. There's a long inspection
12 pit that you drive a truck over, somebody can walk down into it and
13 examine the underneath. I don't recall if there's any fencing between
14 these two lots. I wish I thought about it more when I went and looked at it,
15 but it seems to me a child for example got away from the bus station and
16 toddled over there, you have an accident. It's four feet deep and probably
17 you fall in and get hurt. I wonder if this is a consideration for the city or for
18 the property owner. In the case of the asphalt, I wonder whether the job
19 was done cheaply so it wouldn't cover over \$25,000. But I'm nasty like
20 that.

21
22 Scholz: Okay, other questions for Mr. Ochoa? All right, may we hear from the
23 applicant please?

24
25 Schroeder: My name is Max Schroeder. I'm the applicant on this issue.
26 Commissioner Crane I'll address your comments first. The asphalt where
27 the buses do make the turnaround has started to fail in an area where this
28 particular site is undergoing remediation by the state of New Mexico and
29 there are monitoring wells all throughout the property. They are
30 connected by some four-inch PVC pipe that then runs back to like an
31 incinerator if you will in the back, that has not been yet turned on line. And
32 what's happened there's actually quite a bit of pavement underneath from
33 years of that being a truck stop. In some instances eight inches or so
34 were dug up or more. And in that particular area they had made a cut to
35 put in one of those PVC pipe and didn't do the correct subgrade there. So
36 that's why you see, if you look at that it's cutting across that 20-foot or so
37 section of pavement and you can see the whole area has started to kind of
38 sink if you will. So that will have to be remedied.

39 The inspection pit is actually behind the upholstery location. There
40 is no fence, you are correct. And we certainly would be willing to either
41 you know back fill that, it has no use at this point, or put some sort of
42 fencing around it.

43 In regards to the application that's of course as you know from a
44 zone change from C-2 to C-3 to come in compliance with the current 2001
45 Zoning Code, the use of the bus station which seems to be kind of the
46 issue surrounding the neighborhood concern, the use will be definitely

1 consistent with the current uses in and among the area. The area is a
2 commercial neighborhood. The residences that are mixed in with
3 commercial uses are also zoned commercial. Some of the neighboring
4 businesses, I understand you've done a site visit so some of this will be
5 redundant. I'll make it quick. Transmission shop. Body shop. Sign
6 company. Several motels. Electrical contractor. El Paso Electric
7 substation. So it is an intense commercial area.

8 Some of the concerns that have been ... kind of come through the
9 grapevine to us from some of the neighborhood may be able to be
10 addressed by some actual facts. I know there have been some rumors of
11 a giant bus terminal Greyhound regional terminal and that's simply not the
12 case. There's also been some rumors that there's going to be a
13 manufacturing plant put in. Don't know where these started but obviously
14 it's not the case as well. The operators of the terminal are here and could
15 speak to specific questions that you may have. But basically some of the
16 facts in regards to the bus station; hours of operation are basically seven
17 days a week, 7:00 a.m. to 9:00 p.m. On Sunday they do take a break in
18 the middle of the day. The impact on the neighborhood, you know, there's
19 about on average 14 buses a day come in and out of there. It's about one
20 per hour if you looked at the average time that they're open. About four to
21 five people get on and off the buses as an average which equate to about
22 70 people. There's not a lot of impact to the area, specifically when
23 Picacho is basically a state highway and over 20,000 cars go by there a
24 day anyway. This is not a large impact.

25 The buses at the station are what they call express buses and they
26 go point to point. They do not have any transfers. So what happens is
27 typically passengers would be dropped off by family members, they get on
28 their bus that goes direct to a point, Phoenix, Los Angeles, Denver.
29 People getting off the bus are getting off the bus and they are not
30 transferring to another bus, so they get off the bus and they leave. They
31 don't wait around two or three hours for the bus as what might happen in a
32 transfer station. It's not a Greyhound bus station which kind of has some
33 negative connotations as we are finding out. Eight-five percent of the
34 tickets are sold in advance. We don't have a lot of people loitering which
35 seems to be a concern of the neighborhood, that there's going to be a
36 bunch of transient type people coming into the neighborhood. Eighty-five
37 percent of these tickets are sold days or weeks in advance. We don't
38 have a lot of people loitering around waiting on ticket sales. Passengers
39 are prescreened. They cannot buy a ticket on line or over the phone, they
40 have to buy it in person, which kind of eliminates potential for problem
41 customers. The bus company has a zero tolerance for loitering and in fact
42 they will not let their employees leave the premises until the last
43 passenger has left. The terminal operator is very experienced and again
44 he's here. He's been here in business for 15 years as an operator,
45 several different types of different carriers if you will. And the owner and

1 operator company, they're local business people in the community and
2 have a vested interest in improving the area.

3 That Picacho corridor is kind of in need of some reinvestment and
4 this is kind of a first step. Operating businesses you know, they help keep
5 the neighborhood safe. They are looking out for each other. Some of the
6 comments have been that this is going to be a detraction to the
7 neighborhood and be conducive to people that you may not want to be in
8 that area and I just don't see that as being factual. The business owners
9 have a vested interest in keeping those type of people away or out of the
10 area. And the Picacho corridor needs more quality businesses and
11 business activity to continue the transformation from kind of being a
12 rundown state to starting to flourish.

13 This is just to you know reiterate the fact that this is definitely a
14 commercial area. This is traffic count, 21,550 cars go by there in a day.
15 This was done in 2007. I understand there are neighborhoods kind of in
16 and around this area, but the station is on Picacho on one of the busiest
17 most traveled streets in Las Cruces. It's a state highway.

18 That's a picture of the subject property. If you recall the aerial view
19 of what was there before, it was essentially a junk yard for restaurant
20 equipment. There were several vacant buildings and now we have people
21 operating and keeping an eye on what's going on in the area. This is a
22 shot from basically the corner of Picacho and Quesenberry across the
23 street. You can see the paving there, the parking. And I know you all
24 have been to the site so I'll zoom through these quickly. Looking east and
25 looking west. Across the street we've got Aamco Transmission, one of the
26 businesses right there in our neighborhood. There is a sign company that
27 kind of is on the corner of Quesenberry and Picacho. Some hotels in the
28 area, across the street. Down Quesenberry there's a body shop. And this
29 is kind of in the area that residents are talking with us, so I just wanted to
30 point out that our use is not atypical to the neighborhood. There's a big
31 power station on Quesenberry. There are some residences as well and I
32 think this is where some of the concerned citizens are coming from. This
33 is a view from Quesenberry. There really is no view of the site, you can
34 barely make out a roof top right in here, so not a lot of issue from their
35 front yards and porches and things. Down the street on Quesenberry
36 there's an electrical contractor. Next door to him is a tile contractor, so
37 there's a mix of use, but it's predominantly commercial and some fairly
38 heavy commercial. I believe there's some industrial. The body shop is
39 zoned industrial which is right there on Quesenberry. In and around the
40 area are some more hotels, motels. On 17th Street right behind
41 Quesenberry there's the big Sonic kind of warehouse area there. So it's
42 definitely a commercial area.

43 In conclusion I just wanted to reiterate that we're here to bring the
44 site into current city compliance. I'm not sure why it's not automatic when
45 they change the code, but that's probably a debate for a later time. So
46 that's one point. The bus station is not going to have an adverse affect on

1 the neighborhood. There's just not the traffic going in and out of the site
2 that you might perceive, 14 buses a day, it's about one an hour, it's just
3 not a lot. Certainly I would think almost everybody would agree that it's an
4 improvement over what was there. And in an effort to you know further
5 that transformation of the Picacho area we're trying to take some steps. I
6 do have some letters, I think you've gotten from some businesses
7 supporting. Also have talked to ... I'm not sure, I understand there's a
8 petition that was going around the neighborhood talking about you know
9 people that may be against this. I don't know what was said but we talked
10 to some people and they were told that the ... and this is a letter that you
11 have from Holguin's Electric, that it was going to be an M-2, I haven't seen
12 the position, in fact if I quoting it says "I know now I was misled into
13 signing such a petition. I would like to withdrawal my name from the
14 petition." So, I don't know if it's lack of information that was going around.
15 We had made an effort to contact businesses up and down Picacho. We
16 did not go over to Quesenberry prior to you know applying for the use
17 permit or the business licence for the bus station. And didn't really get any
18 adverse comments at that time. It seems like the majority of them are
19 from the adjoining street.

20 I know there were some points that were brought up by and
21 probably will be brought up in the public discussion regarding the public
22 safety, a concern that was cited in a letter that was addressed, I think you
23 have that as well, about crime and bus stop hot spots and it's a study
24 apparently done in Los Angeles. And I have a copy of the study and if you
25 read it it's clearly talking about bus stops not terminals and transit type
26 areas and subway areas in Los Angeles. I don't think that there's a public
27 safety issue here. There has been some concern about the remediation
28 that's been undergoing for probably the last 10 years or so by the state of
29 New Mexico. They've installed monitoring wells and monitoring the
30 ground water I guess. I have books and books of studies I don't pretend
31 to understand it. They keep sending me. But the last stage of this
32 remediation is this incinerator vacuum pump that has been installed by the
33 state and that will continue to ... you know we're not standing in anybody's
34 way. In fact we're encouraging it. At some point in time the property will
35 be deemed clean and then you know the potential for a larger shopping
36 center or something that you know may come into play.

37 Traffic safety, I think I touched on that. We just don't have a lot of
38 additional traffic. Neighborhood integrity and property value concerns, I
39 just don't see given the other uses that are in the neighborhood that the
40 station is going to have any adverse affect and in fact that neighborhood is
41 kind of ... you know that Picacho area is kind of in need of people to look
42 out what's going on and additional business certainly would help there.

43
44 Scholz: Okay, Mr. Schroeder, I'm sure we have some questions, I know I do.
45 Commissioner Crane.
46

1 Crane: No, he already answered by questions. Thank you.
2
3 Scholz: He did? Okay. Commissioner Beard. All right. I have a couple of
4 questions. How else will this property be improved right now? You said
5 they're doing remediation, how long will that take?
6
7 Schroeder: Well they say once they fire up this burner essentially which draws the
8 vacuum, it draws air over the tops of these monitoring wells, they're all
9 interconnected with this piping, and draws I guess the bad stuff out and
10 burns it on the way out. They're saying approximately one year. But no
11 one will guarantee anything.
12
13 Scholz: Okay.
14
15 Schroeder: So you know Souder Miller is the engineering company that is doing this
16 on behalf of the state.
17
18 Scholz: Is this what we're calling brown land? You know land that's been
19 contaminated and is being rehabilitated.
20
21 Schroeder: It could be.
22
23 Scholz: Mr. Ochoa is nodding his head.
24
25 Schroeder: I heard that term. But before we purchased the property about two and a
26 half years ago, this has been ongoing. It has been a long, I know if you
27 drive around and look at some of the older filling stations and look around
28 in the back they all have this same kind of set up. This part is
29 remediation.
30
31 Scholz: Right. Because of leaking tanks and things. We haven't seen any petition
32 here at the Commission nor have we seen any letter about public safety.
33
34 Schroeder: Okay.
35
36 Scholz: Any other questions for this gentleman? Commissioner Beard.
37
38 Beard: What were you going to do with the pit, the four foot pit?
39
40 Schroeder: Well I certainly see the concern there, so you know we could fence it off. I
41 don't know, we would probably want to talk to the state people to find out if
42 it's all right if we just back fill it. Just fill it up. No one's ever going to use it
43 again. Either back fill it or fence it off.
44
45 Beard: So you would be committed to doing something to make that safe?
46

1 Schroeder: Sure. Absolutely. It's about a four foot by 50-foot long maybe five foot
2 deep or so lined with concrete and just fills up with water. We just need to
3 probably fill it in.
4

5 Scholz: Okay. We were just given ... this is a request to maintain C-2 zoning for
6 reasons of public safety, environmental safety and so on, and I assume
7 that's the petition that was mentioned.
8

9 Schroeder: I think a narrative of some of the oppositions concerns. Sure.
10

11 Scholz: Okay. All right. Any other questions? Okay, could we hear from the
12 operator please?
13

14 Marshall: Good afternoon gentlemen. My name is Tim Marshall. I'm the owner/
15 operator for El Paso/Los Angeles Limousine by contract. Our business
16 locally is an independent corporation, Las Cruces Bus Station
17 Incorporated.
18

19 Scholz: My concern is you know you have a temporary operating permit, is that
20 right?
21

22 Marshall: That's my understanding, yes sir.
23

24 Scholz: Okay. Is this the same operation that was over on Valley before?
25

26 Marshall: 490 N. Valley.
27

28 Scholz: Right. Okay.
29

30 Marshall: Correct.
31

32 Scholz: What was the problem there?
33

34 Marshall: The lease was due to expire and the facility was too small for the
35 purposes that we needed. We did not have enough waiting room. People
36 were having to wait outside in inclement weather or in their cars.
37

38 Scholz: Okay. And so you have enough waiting room now in this place?
39

40 Marshall: Absolutely.
41

42 Scholz: Okay. All right. Any other questions for the operator? I just wanted to
43 know about those things. Thank you very much.
44

45 Marshall: Thank you.
46

1 Scholz: Okay, we'll hear from the public on this. Who would like to speak? Yes,
2 ma'am.

3

4 Mando: Good evening Commissioners, Chairman Scholz.

5

6 Scholz: Make sure you stay close to the microphone please.

7

8 Mando: I'll do that. Okay. My name is Bonnie Mando. I'm a resident of the
9 neighborhood across the street, south of the bus station. It's not really a
10 proposed bus station at this point it exists there and has been operating
11 ... was operating before the yellow sign went up and we were notified.
12 So, as a resident of the area and there are perhaps 50% residents down
13 Quesenberry Street, I speak for those residents and I speak for
14 approximately 25 families and businesses in the area. And I think you're
15 getting a copy of the petition with the names of those businesses.

16

17 Scholz: Yes, it's just been delivered.

18

19 Mando: Okay. So I'm going to read the petition aloud here if you don't mind before
20 we begin the opposition.

21

22 Scholz: Go ahead.

23

24 Mando: Regarding the proposed change of zoning from C-2 to C-3 at 1886 W.
25 Picacho, please find the following residents and businesses opposed to
26 such zoning change for reasons of environmental, air, and noise quality,
27 as well as neighborhood traffic and security concerns. Further, please
28 notice this neighborhood is in the process of redefining itself with new
29 businesses such as Citizen's Bank and Walgreens. Existing businesses
30 have suffered from the installation of a central median on Picacho making
31 left turns difficult. As a residential as well as a commercial neighborhood,
32 we're attempting to curtail transiency and the associated problems which
33 can be referenced in area police reports. We do not need another
34 obstacle to overcome. A bus station in this neighborhood will reverse the
35 efforts and hard won improvements our local community is making. And
36 the petition includes signatures of approximately 15 businesses and 10
37 families.

38 And as I speak for these businesses and families I'd like to tell you
39 that it took significant time with each of these families and businesses to
40 discuss the situation. And one of our concerns of course is that the bus
41 station was up and operating before we were informed. At any rate 96%
42 of the people that we asked to sign the petition did sign and I guess we
43 might have to remove one name, but regarding what I heard about it being
44 proposed as an M-3 zoning, you can see in our petition there was nothing
45 of the sort. We talked about the proposed change of zoning from C-2 to
46 C-3, that's all we mentioned and I don't know where the rest came from.

1 But the request to maintain the C-2 zoning is for reasons of public
2 safety, environmental safety, traffic safety, neighborhood integrity,
3 property value concerns, and then we also have the question of order of
4 operations. So as I make my presentation to you, I'm going to be asking
5 questions. They're not rhetorical questions, but I'd like to make the
6 complete presentation and then have the questions answered at the end if
7 that's.

8
9 Scholz: Excuse me, you want to read the entire presentation to us?

10
11 Mando: No, I'm just going to go over a few points.

12
13 Scholz: Okay.

14
15 Mando: Okay.

16
17 Scholz: We have a limited amount of time I just wanted to point out.

18
19 Mando: I understand.

20
21 Scholz: Thank you.

22
23 Mando: Regarding public safety, and regarding the report that is called hot spots
24 of bus stop crime, and also the difference between a bus stop and a bus
25 terminal, the word terminal to the best of my knowledge means
26 termination as in end or stop. A bus terminal is a bus stop. It is where the
27 bus stops in fact. It's where the bus starts. It where the bus stops. It is
28 out of zoned at present and it is also located directly next door to a vacant
29 lot and a boarded up motel. These kind of businesses abandon buildings
30 and questionable motels dot Picacho in our neighborhood and even the
31 business across the street, Aamco, which is in support of the bus stop,
32 they told me last week that one of their customers in the parking lot was
33 solicited by a prostitute. We have trouble in the neighborhood with
34 transiency. We have trouble with drugs. We have trouble with
35 prostitution. We've been working very diligently with the police to rid our
36 neighborhood of these elements.

37 I would like to quote you some of the UCLA report. In recent years
38 we've witnessed a resurgence of interest in the role of the built
39 environment to exacerbate or mitigate crime. The commercial strip
40 environment, this is what we have along Picacho, is particularly vulnerable
41 to crime because the linearity of the commercial strip thins out the
42 intensity of the activity, making it easier for individuals to commit crime.
43 And they go on to say that dilapidated buildings and social behaviors such
44 as boisterousness, loitering, and panhandling contribute to a higher
45 incidence of crime. This is our neighborhood. We have panhandling. We
46 have loitering. And they go on to say the type of surrounding land uses

1 can have an effect on crime, with certain land uses, vacant lots, and
 2 abandoned buildings considered as crime generators. I'm quoting directly
 3 from the UCLA report. They say various land uses including seedy motels
 4 can generate crime because they concentrate potentially criminal
 5 elements. I'm not going to read the whole thing, but it does say siting a
 6 bus stop near these establishments should be avoided. They also
 7 mention other features of the environment that are a hazard such as ...
 8 that offer opportunities for hiding and can create entrapment spots. We
 9 have got the Mesilla ditch running right next to ... I'm so glad to know that
 10 you Commissioners do on site reports. You've seen, there's an
 11 abandoned motel next door. There's the Mesilla ditch which runs under
 12 Picacho. It's an ideal place for criminals to escape. They mention that in
 13 the report. And it says if it's costly to avoid that. It may be preferable to
 14 move the bus stop to a more appropriate site.

15 Let me back track for a moment. I have nothing against bus
 16 stations. I really don't. I ...

17
 18 Scholz: Stay on the mike please.

19
 20 Mando: My children have ridden the bus. I don't have anything against bus
 21 stations. And I don't have anything against the people on this site. It's
 22 absolutely not a personal issue. What I'm seeing here in the UCLA report
 23 is this location is the ideal spot not to have a bus station. So it's not
 24 personal. It's about the safety of our neighborhood.

25 Okay. Here are some of the questions on the environmental safety.
 26 Now we've addressed public safety. We know that this site is under a
 27 toxic cleanup.

28
 29 Scholz: Right.

30
 31 Mando: And this is not yet begun, however, it should be begun soon. It will take at
 32 least a year. I've spoken with Dilbert Utes who is in charge of the
 33 petroleum storage tank reformation in Silver City and he said to me, well
 34 we can't by law require prohibiting a bus station on a cleanup site, but we
 35 do have a major concern if this brings about any tampering with our
 36 equipment. Well the equipment is located right there behind the bus stop
 37 and we have this element in our area already and I just ... I really don't
 38 see that we need to bring more of this kind of activity to our neighborhood,
 39 especially when we're already on a toxic site.

40 I also have an issue with the ownership of the property and I'm sure
 41 it's just that I don't understand, but I was told that the property was owned
 42 by Steve Lohman who did introduce himself as a property owner to me
 43 and as an aside I thank you Steve for moving that big bus ...

44
 45 Scholz: Please stay on the microphone ma'am, otherwise we can't record you.
 46

1 Mando: Excuse me. I thank you all for moving the bus that was an eyesore in the
2 neighborhood. On the paper that came with the public notice it said that a
3 Billie Ruth Ritter Simpson is the property owner. And I'm not exactly sure
4 who the property owner is, but if there is some kind of a situation where
5 the current property owner is selling to Mr. Lohman, I'm wondering what
6 will happen when this elderly and infirm woman passes away and who will
7 be responsible for the toxic cleanup. I want to know this. And I want to
8 know before the bus station was installed when the lot was paved, was
9 that covered ground checked for contamination? I don't know this. We
10 weren't informed in time to find this out so I want to know if any of the test
11 wells were covered. I wish so much that this hadn't happened without our
12 knowledge, prior knowledge.

13 Okay, on to traffic safety. And I think that we have a case in point
14 when we know that there's over 20,000 cars passing by Picacho there on
15 this two lane highway where a parade of buses from the schools comes
16 down going toward 17th Street at 5 o'clock in the afternoon, and I can tell
17 you I've seen that parade of buses held up by a bus coming out of the
18 station and I've seen the traffic back up to Valley. So yes, it is a main
19 thoroughfare, but I don't think it's the place to put a bus station when
20 you've got that kind of traffic. And also were the zoning change to C-3 we
21 could have more buses there. I mean we have 14 now I understand and
22 that's fine, not really fine because it does back the traffic up as is. But the
23 potential for many, many more buses would exist with the C-3 zoning.
24 That would not be good for traffic on Picacho.

25 I'd like to speak about our neighborhood integrity. Quesenberry
26 Street is a little short block. That road used to be private. It was the
27 entrance to the Quesenberry farm. I live in the old Quesenberry farm
28 house. So we have residences on our street and we have a neighborhood
29 on our street. We have problems in the area but we don't have problems
30 on our street and I don't want problems on our street. The UCLA report
31 talks about poor siting of a bus stop or station at a convergence of streets.
32 And if that map were up here, the site map, you would see you have
33 Picacho going in two directions, you have the ditch going in two directions,
34 you have a neighborhood to the northwest with many houses, and you
35 have Quesenberry Street heading south. It is a nexus of escape routes
36 for any kind of criminal and believe me I'm not saying that we have
37 criminals on this bus any more than anywhere else. But there are
38 criminals in the population and we do know that buses are ridden by
39 people who don't have cars or don't choose to use cars. So, the question
40 is wide open, who will be in our neighborhood. Seventy people a day I
41 hear. That's a lot of new people coming in and out of my neighborhood. I
42 live a block away. I live a stone's throw away. You could see the wall and
43 the bus station right over there.

44 Okay, Quesenberry Street has character. It's not like 14th Street.
45 It's not like 17th Street. It has big trees and it has character. And I find
46 that nonconforming element of our street charming. That's why I live

1 there. And we are mostly zoned C-2 in that area and I think a C-2 zoning
 2 is absolutely adequate. What I understand to come into conformance with
 3 the code, that there are two options on that subject property; one is to
 4 have the C-3 zoning and the other is to subdivide into four one-acre lots
 5 which would each be zoned C-2. That would be much more in keeping
 6 with the spirit of our neighborhood.

7 Property value concerns. I spoke to a relator, she said ... when I
 8 said what does a bus stop in the neighborhood do, a bus station do to
 9 property values and she said, well let's put it this way, I wouldn't want one
 10 in my neighborhood. And I don't know anyone who would, but that's not
 11 our only property value concern. We're also concerned about the toxicity
 12 of the site and we know that there are underground plumes of toxicity.
 13 Where they come from, I don't know. Nobody knows. You can't look
 14 under there, but we know that it's very difficult if at all possible to get a
 15 mortgage on a property that's been contaminated. And the bus station is
 16 sitting on a contaminated property and it's already uncomfortable because
 17 of that. We don't want to make it more so.

18 Finally, I do want to say that it is a big concern to us that we weren't
 19 informed a priori so we could have this discussion before anyone had
 20 invested time or money in setting up a business. And I ask most
 21 respectfully is this common policy or is this an aberration? And if it's an
 22 aberration from policy that a business be allowed to run before a proposed
 23 zoning change is even announced to the community then why? I really
 24 want to know this and is there anybody here who can answer it?

25
 26 Scholz: Okay, this is a question you're directing to the Commission?

27
 28 Mando: Yes, it is.

29
 30 Scholz: Well I think I would probably toss this back to the staff because we're not
 31 in charge of zoning codes and the like, that is we don't make them, we
 32 don't make policy. What we do is we look at the code and see if there's a
 33 compliance or a variance needed, and then we make a decision. And I'll
 34 yield to Ms. Rodriguez.

35
 36 Rodriguez: Mr. Chairman, Commissioners, the applicant, the property owner of the
 37 property who is running the bus facility was issued a temporary business
 38 registration. Under the auspices of that they can proceed with caution.
 39 They knew that they needed to get a zone change. If they were not
 40 successful in receiving a zone change then they will have to relocate to
 41 another said property. So, a temporary business registration has been
 42 issued and a temporary certificate of occupancy has been issued for this
 43 site. But not a permanent certificate of occupancy.

44
 45 Scholz: Okay. So in other words if this isn't approved then they have to move?
 46

1 Rodriguez: Mr. Chairman, Commissioners, P&Z's decision tonight is a
2 recommendation to City Council. If City Council denies the zone change
3 request, then the business will have to relocate to a parcel that permits
4 bus terminals in a C-3 zoning district.
5

6 Scholz: Okay. Good. All right. Some questions for this lady. Excuse me, I've
7 forgotten your name is ...
8

9 Mando: Bonnie.
10

11 Scholz: Mando.
12

13 Mando: Correct.
14

15 Scholz: Okay. Commissioner Crane.
16

17 Crane: I don't have any for this lady but her statement has generated some
18 questions I have for the operator when the time comes.
19

20 Scholz: Sure. Commissioner Beard.
21

22 Beard: You were talking about running that area down as far as having drifters or
23 crime, do you have any examples of the present location that they're at in
24 which that has been a problem?
25

26 Mando: Yes, Commissioner I do. It was during the second week of operation of
27 the bus that my neighbor who has the sign company, EEI on the corner of
28 Picacho and Quesenberry had a man come in to the business and he
29 said, it's Tom, it's Tom. And the workers came out from the back and
30 what did the guy want, do you have five bucks. And he proceeded to
31 panhandle on the property and I am not saying this is associated with the
32 bus station. I do not know if it is associated with the bus station, but
33 incidents of panhandling in the neighborhood have increased.
34

35 Scholz: Okay, and how long has the bus station been in operation there?
36

37 Mando: It's your bus station, I don't know. Three weeks.
38

39 Scholz: Three weeks. And so there's a higher incidence of panhandling in the last
40 three weeks.
41

42 Mando: Yes there has.
43

44 Scholz: Okay.
45

1 Mando: I don't know if we've ever had anyone come inside the business doing it
2 before.
3
4 Scholz: I don't know either. Okay. Commissioner Bustos, questions? All right.
5 Okay, anyone else from the public wants to speak to this?
6
7 Mando: Thank you very much.
8
9 Scholz: Thank you for your presentation.
10
11 Ponder: Chairman and Commissioners, my name is Rachel Ponder. I'm the owner
12 and operator of Aamco Transmissions. It's a business that has been at
13 the corner of Picacho and Quesenberry since August 1968. The business
14 was founded by my father, Jean Pue. About two years ago he retired, it'll
15 be two years this coming May and I bought the business from him. When
16 we first opened up the business there I was about five or six years old and
17 there was a truck stop across the street and I remember walking across
18 Picacho to go eat pie every afternoon with my dad. He would have coffee
19 and I would have water or ice tea in the café where the bus has moved
20 into that building that was the café in 1968. And so I kind of grew up in the
21 business. And when I was in junior high I'd walk from Alameda Junior
22 High on the corner of Alameda and Picacho down to the shop after school
23 to work and I worked there all through high school and all through college.
24 So I've kind of grown up in the neighborhood and I'm a native Las Cruces
25 and I'm proud to be. And I'm proud to be a W. Picacho business owner.
26 And I've seen a lot of changes on W. Picacho when the truck bypass
27 came through or I-10 came through, and Picacho was no longer the
28 highway that it was and the fine hotels or motels that were in the
29 neighborhood, I remember going to my senior party at the Palms and I
30 remember going to parties at the Ramada Inn. The Palms is now the
31 Palms Center and the people that own the Palms, the Curry's that have
32 remodeled that and made that no longer an eyesore but a fine property on
33 W. Picacho, I commend them. And where the Ramada used to be is now
34 the America's Best Value Inn. They've done a lot of clean up on that
35 property and made it no longer an eye sore and it was when I first came
36 back to work for my dad in 2000, it was an eyesore. There are still some
37 eyesores on the property. And yeah we've had a lot of problems with
38 panhandlers and drug dealers, and prostitutes in our neighborhood. And
39 yes, one of my customers was propositioned by a prostitute two weeks
40 ago in the parking lot west of the building. But after work I saw her walk
41 into the parking lot of the Imperial Sky Motel, so I know that she's not
42 somebody that got off the bus and came across the street.
43 My front door faces the parking lot of the bus place and I have not
44 ... I have only seen one person get off the bus and come across the street
45 and not get in a car or a taxi or something and leave their property. And
46 that guy walked down and got ... went to the bus stop which is a city bus

1 stop and he got on a city bus and left the neighborhood. So that's been
2 my experience. And because my front desk sits and looks over into their
3 parking lot, I see a lot of the activity that goes on over there. I also
4 appreciate the clean up that they've done over there. It was a huge
5 eyesore when the fence was around it and the restaurant junk was over
6 there. It was an eyesore and a problem. They have problems with people
7 breaking into that fence and stealing copper and metal out of the
8 equipment that was back behind that chain link fence. So it's nice that that
9 temptation isn't there for the vagrants and panhandlers anymore.

10 Occasionally I will be back in the neighborhood after dark or after
11 business hours. It happened a couple of weeks ago, that I had to be back
12 down there on a Friday night and it was nice to have activity across the
13 street. There are lights on, there are people out there. So I'm not as
14 afraid to go back into my business after hours because there's activity in
15 the neighborhood, it's clean, there are lights, there are people milling
16 around. It's not vacant, it's not scary to me the way it was before the bus
17 went in. Picacho needs a lot of work. And my feeling is that the bus
18 station being across the street is a step in the right direction for our
19 neighborhood. And as a member of the Las Cruces Rotary club, as
20 president of Keep New Mexico Beautiful, it's important to me that we clean
21 up the sites that have contamination under them and to get our
22 neighborhood going in the right direction, and I think this property across
23 the street is going in the right direction. Thank you.

24
25 Scholz: Thank you. Anyone else from the public wish to speak to this? Okay, I'm
26 going to close it for public discussion. Gentlemen.

27
28 Crane: Can I get some clarification from the owner?

29
30 Scholz: You bet.

31
32 Crane: I beg your pardon, the operator.

33
34 Scholz: You want to talk to the operator or the owner of the property?

35
36 Crane: The operator.

37
38 Scholz: The operator, okay.

39
40 Marshall: Yes, sir.

41
42 Crane: Do any buses actually terminate at Las Cruces? Are they all passing
43 through?

44
45 Marshall: They're all passing through. All buses that come through our station
46 originate from three points; El Paso, Denver, and Los Angeles.

1
2 Crane: Is it arranged that there should be any interchange there? In other words
3 people come from LA, get off the bus in Las Cruces and wait for a Denver
4 bus.
5
6 Marshall: We're not a transfer point. We're a point to point bus system. So if you're
7 getting on a bus in say Denver and your final destination is Las Cruces,
8 that's the end of your trip. The bus continues on. The rest of the
9 passengers will debark in El Paso.
10
11 Crane: You don't have any particular arrangements for people to wait in Las
12 Cruces and then take a bus from El Paso to LA, coming down from
13 Denver, transferring in Las Cruces?
14
15 Marshall: No, sir.
16
17 Crane: That doesn't happen.
18
19 Marshall: No. If they're transferring, they're going to be transferring in El Paso.
20
21 Crane: Okay. Do you do any maintenance of buses there?
22
23 Marshall: No, sir. The work terminal has been used, we're actually a bus agency.
24 We're a ticketing agency. A terminal has facilities to take care of
25 maintenance, store buses. We do have one bus that we store as a
26 breakdown bus. But it's just there in case a bus breaks down in our
27 parking lot, rather than having to wait for a replacement bus to come from
28 El Paso, we already have a bus there. So we're not a terminal, we're a
29 ticket agency.
30
31 Crane: Okay, and you mentioned that the average or maybe the other gentleman
32 mentioned the average of one bus per hour, but they're not spread out
33 through the day, what's your worst, your busiest traffic time?
34
35 Marshall: That would probably be in the evening after 6:30 p.m., that's our biggest
36 cluster of buses. So in the morning hours we have buses at 8:45 a.m.,
37 10:45 a.m. and then again at 11:15 a.m. We have a long break in the
38 afternoon, we don't have another bus until 2:30 p.m. and then we begin
39 our evening schedules at 5:45 p.m. and run on through up to at least 8:30
40 to 9:00. We're off peak from the traffic hours as well.
41
42 Crane: Thank you.
43
44 Scholz: Okay. Other questions for clarification gentlemen? Well, hearing none.
45 Mr. Ochoa did you have another comment? Okay. Okay gentlemen, what
46 is your pleasure? Commissioner Beard.

- 1
2 Beard: No, no I don't.
3
4 Scholz: You don't have any pleasure here. Okay. All right. Okay, I'll entertain a
5 motion to approve.
6
7 Crane: So moved.
8
9 Scholz: Okay, it's been moved. Is there a second?
10
11 Beard: Second.
12
13 Scholz: Okay it's been moved and seconded. I'll call the roll. Commissioner
14 Crane.
15
16 Crane: Aye findings, discussion, and site visit.
17
18 Scholz: Commissioner Bustos.
19
20 Bustos: Aye findings, discussion, and site visit.
21
22 Scholz: Commissioner Beard.
23
24 Beard: Aye findings and discussions.
25
26 Scholz: And the Chair votes aye for findings, discussion, and site visit. So the
27 zoning change is approved 4:0. Thank you very much folks for
28 participating. Thank you for your patience. Appreciate it.
29
30 4. **Case Z2788:** A request for a zone change from A-1 and A-2 (Flood Control
31 and Rural Agriculture Districts, 1981 Zoning Code) to R-1a (Single-Family
32 Medium Density) for 14.24 ± acres, OS-NC (Open Space-Natural
33 Conservation) for 2.76 ± acres, and C-3C (Commercial High Intensity-
34 Conditional) for 6.46 ± for a total of 23.45 ± acres of land located at the
35 southeast corner of Del Rey Boulevard and Tucson Avenue. The purpose of
36 the zone change request is to facilitate a proposed single-family residential
37 and commercial development known as Desert Isles. Submitted by Pillar
38 Engineering for Jean Wright Martin Irrevocable Trust.
39
40 5. **Case S-09-014:** A request for approval of a master plan known as Desert
41 Isles. The subject property comprises 23.45 ± acres and is zoned A-1 and A-
42 2 (Flood Control and Rural Agriculture, 1981 Zoning Code). The applicant is
43 seeking a zone change for the subject property to R-1a (Single-Family
44 Medium Density), OS-NC (Open Space-Natural Conservation), and C-3C
45 (Commercial High Intensity-Conditional). The master plan proposes 14.24 ±
46 acres of single-family residential with a maximum of 48 dwelling units, 6.46 ±

1 acres of commercial, and 2.76 ± acres for open space-natural/conservation
2 uses. The subject property is located east of Del Rey Boulevard, a Principal
3 Arterial, and Tucson Avenue, a major local roadway. Submitted by Pillar
4 Engineering for Jean Wright Martin Irrevocable Trust.

5
6 Scholz: Okay, our final consideration tonight is Case S-09-014, a request for
7 approval of a master plan and then a request for a zone change from A-1
8 to A-2. And what we're planning to do here is ... what's the term?
9

10 Robertson: Suspend the rules.

11
12 Scholz: Suspend the rules. Thank you. So we vote to suspend the rules so we
13 can discuss these together and then we will reinstate the rules so we can
14 vote on them separately. All right, I'll entertain a motion to suspend the
15 rules.

16
17 Beard: So moved.

18
19 Scholz: Is there a second?

20
21 Bustos: Second.

22
23 Scholz: All those in favor say aye.

24
25 ALL COMMISSIONERS - AYE.

26
27 Scholz: Those opposed same sign. Okay the rules are suspended. Ms.
28 Robertson, you're up.

29
30 Robertson: Chairman Scholz, Commissioners, Jennifer Robertson for Community
31 Development. This is Case S-09-014 and Case Z2788. Desert Isles
32 master plan and zone change request. Case specifics. Generally
33 speaking there are two phases. We'll go over phase one first and phase
34 two second, and then add in some of the other improvement related
35 infrastructure to each particular phase. Phase one is proposed for
36 residential development and consists on your master plan of planning
37 parcels one and two. Master plan you'll see in just a moment on my next
38 slide. You also have it available in your staff report. Phase one proposes
39 a maximum of 48 single-family dwelling units total. A regional pond for the
40 residential run off, and the developers pro rata share of dedication for Del
41 Rey Boulevard. This incorporates a total of 14.24 acres of this property.

42 In addition, it incorporates a combination of on lot and regional
43 ponding. The regional ponding was just mentioned in the point before.
44 The lot owners are also going to be utilizing for residential run off a
45 combination of the regional ponding and on lot ponding. The access to
46 the subdivision and internal roads do require improvement and they will be

1 ... the access is being provided through Del Rey Boulevard and Tucson
 2 Avenue. The residential development will only have access from Tucson
 3 Avenue. If more than 30 lots are created in the subdivision, secondary
 4 access is a requirement per the fire code. Again the access is proposed
 5 from Del Rey Boulevard and Tucson Avenue. Del Rey Boulevard is a
 6 principal arterial requiring a total of 120-foot right-of-way or 60-feet of the
 7 pro rata share for this particular development. Tucson Avenue was
 8 recently designated as a major local roadway requiring 60-feet of
 9 dedicated right-of-way which currently exists per the original EBLNT
 10 Subdivision. Park impact fees will also be assessed for this residential
 11 development in the first phase.

12 Going on to phase two. Phase two incorporates commercial
 13 development and consists of planning parcels four, five, and six on your
 14 master plan. Phase two comprises of commercial uses and incorporates
 15 6.46 plus or minus acres. The developer intends to use on lot ponding
 16 and on lot ponding only for this commercial development. In addition, the
 17 developer may utilize the alternate summary process for the division of
 18 these commercial lots.

19 And finally the third zoning or use designation that's being proposed
 20 here is open space. It's also known as the Split Fork Arroyo. So the open
 21 spaces overlaid on the arroyo and it's an open space designation which
 22 allows for natural or conservation areas. The developer intends to
 23 dedicate the open space and the ponding at a future date, the regional
 24 ponding, and the city is going to have to decide whether or not when they
 25 want to accept that dedication and that maintenance at the time it's
 26 constructed. Utilities will be provided, gas and sewer the city will be
 27 providing, and Moongate water will be providing water for the
 28 development.

29 There's a picture of the master plan. And I was a little bit reverse
 30 so I'm going to correct myself and say, planning parcels one and two are
 31 for the commercial development which are right here up front and along
 32 Del Rey Boulevard.

33
 34 Scholz: I was just going to ask you about that.

35
 36 Robertson: I'm sorry. My mind is catching up to my eyeballs. So I apologize. And
 37 four, five, and six are for the residential development area. As you can
 38 see here the Split Fork Arroyo runs through the middle of the property
 39 here. And the residential development that's in phase one here will have
 40 access to Tucson Avenue and have offset access to Del Rey Boulevard
 41 from there.

42 The case specifics for the zoning element of this proposal, the
 43 zoning of the master plan area obviously must adhere to the boundaries of
 44 the residential uses, commercial uses, and open space uses. The land is
 45 currently vacant. It's zoned A-1/A-2 which are defunct use categories from
 46 the 1981 Zoning Code. The proposed zoning includes 4.24 plus or minus

1 acres of R-1a which is single-family medium density residential. And 2.76
2 plus or minus acres of open space, natural conservation for the Split Fork
3 Arroyo area. And 6.46 plus or minus acres of the C-3C or commercial
4 high intensity with conditions. To go into the C, of the C-3C, the
5 conditions are as follows; the development would like to utilize obviously
6 the development standards for the C-3 because the parcels are rather
7 large and as we saw in the previous zoning case C-3 needs to have an
8 acre or more and these are currently very large commercial parcels. The
9 C, however, downgrades the use list to a C-2 use list which is a
10 neighborhood commercial use list. And that C-2 use list has furthermore
11 been restricted by strikethroughs. You can find this use list in attachment
12 four of your staff report. And it's basically the entire C-2 use list that has
13 strikethroughs for the restricted uses or those uses that will not be allowed
14 per this zoning proposal. The range from limited recreational service,
15 retail, transportation, wholesale trade, allowed and conditional uses. And I
16 believe also those uses allowed under special use permit have also been
17 restricted.

18 These prohibited uses are based on public input from other
19 development proposals that have occurred in the area over the past few
20 years. The city utilities department has reviewed the approved concept of
21 the master plan and zoning submittal. All utility connections and
22 extensions will be coordinated with the utilities department. And again
23 they'll be provided, the city will provide gas and sewer, and water will be
24 provided by Moongate Water Company.

25 Here's a copy of the zoning proposal. In front here is the
26 commercial. The darker shaded area is the commercial area, the C-3C.
27 The area in the back that's lightly shaded is the residential area and then
28 of course we have the Split Fork Arroyo or the open space natural
29 conservation area. There's a small little area right here, this is the area
30 30-feet wide that's to be dedicated to the city for Del Rey Boulevard.

31 This is a vicinity map of the area. Just north of Tucson Avenue is
32 the county or something that we lovingly refer to as the ETZ. And south is
33 a development called Del Rey Estates that's currently being developed.
34 Here's an aerial photograph of the property. You can see a dominant
35 feature, the arroyo passing through. This is the property as a whole. It is
36 currently vacant and there are a few more houses over to this side I
37 believe. I think this is a 2004 aerial. Here's an MPO thoroughfare map
38 showing Del Rey Boulevard as the only thoroughfare in the vicinity of this
39 development. It is a principal arterial on the MPO thoroughfare plan
40 requiring 120-feet of total dedicated right-of-way. The pro rata share for
41 this particular development is of course the 60-feet.

42 Staff and DRC recommendation, I'd like to make another correction
43 on my PowerPoint. October 7th was the date that DRC took this proposal
44 and the master plan and sent their recommendation. They did
45 recommend approval of the master plan. In addition, with the zoning
46 proposal, staff has reviewed the zone change and recommends approval

1 with the following conditions; the typical condition that all new utilities be
2 placed underground, and the second condition being that use list that you
3 have in your packet for the restricted uses for the C-2 zoning. The
4 Commission options at this time are to approve the master plan and zone
5 change request as recommended by DRC and staff, to approve the
6 master plan and zone change request as recommended by DRC and staff
7 with additional conditions or modifications, or to deny the master plan and
8 zone change request all together. Staff stands for any questions that you
9 may have. The applicant is also prepared to make a presentation at this
10 time.
11
12 Scholz: Okay, questions. Commissioner Crane.
13
14 Crane: I'm glad I noticed this. I perhaps should've been a lawyer instead of a
15 chemist. The end of the first paragraph ...
16
17 Scholz: That picky.
18
19 Crane: Well, (*inaudible*).
20
21 Scholz: Go ahead.
22
23 Crane: Moving right along. The last sentence in the first paragraph of our
24 material says submitted by Pilar Engineering for Jean Wright Martin
25 Irrevocable Trust. Development statement it's the Jean Wright Martin
26 Revocable Trust. I hope Jean Wright Martin knows how she set up the
27 trust. Maybe Mr. Abrams has a view on this. You can't be revocable and
28 irrevocable simultaneously, can you? This probably doesn't matter to us
29 but I get my two bits worth in.
30
31 Abrams: Jared Abrams, city legal. No, it can't be both revocable and irrevocable. I
32 don't think it terribly germane to our issue tonight.
33
34 Crane: Not terribly, no.
35
36 Scholz: Thank you for that opinion. Okay, did you have a question or a comment
37 sir?
38
39 Crane: No that's as good as it gets.
40
41 Scholz: That was it, all right. Commissioner Bustos, a question?
42
43 Bustos: Actually the only question I would have is on the utilities part. I notice the
44 city's providing the gas and sewer, why not the water?
45

1 Robertson: Water providers have their own district areas and they have service areas
2 that they and only they are able to provide for. So in this instance the city
3 doesn't provide water in this area. Moongate has the jurisdiction in this
4 area.
5

6 Scholz: Okay. Commissioner Beard a question, comment? No, okay. I had two
7 questions; one, where would the secondary access be from if in fact it's
8 needed?
9

10 Robertson: I'll let the fire department ... the fire department has been working with the
11 applicant to figure out this potential issue.
12

13 Scholz: All right.
14

15 Robertson: Lt. Gonzales will be here just momentarily.
16

17 Gonzales: Lt. Gonzales Las Cruces Fire.
18

19 Scholz: Nice to give you some work tonight sir.
20

21 Gonzales: Second time up here in my whole career. Okay, Chairman,
22 Commissioners, the secondary access is a problem. This project was
23 brought to us first as a residential and commercial subdivision. And when
24 it came down to creating the secondary access, they're kind of stuck.
25 They have to either pave Tucson Avenue all the way down to Del Rey or
26 they have to wait until some other property gets developed and
27 Roadrunner goes all the way up to Tucson Avenue. So right now that's
28 why they decided to go with the master plan.
29

30 Scholz: I see. Okay.
31

32 Gonzales: And hopefully try and either wait to see if somebody wants to buy the
33 property or they decide what they're going to do with it.
34

35 Scholz: Okay. Thank you. That was my question. So my question to you Ms.
36 Robertson, will they be required to pave Tucson Avenue?
37

38 Robertson: It is currently unimproved, so they will be required to pave it.
39

40 Scholz: Pave their half of it, I assume.
41

42 Robertson: At this point ...
43

44 Scholz: The reason I raise this question is because two months ago we had a
45 person here petitioning for a rezoning to divide a specific property so they
46 could build two houses on it and we said because they're developing

- 1 they're going to have pave Tucson Avenue all the way to Del Rey. Well it
2 was you know it was a ridiculous expense, half million dollars or
3 something which they obviously couldn't afford. I'm wondering if this ...
4 will this benefit them? I mean ...
5
- 6 Rodriguez: Mr. Chairman, when we get to the preliminary plat stage, at that time we
7 will start working on the design of Tucson Avenue as a major local.
8 Because it's unimproved, the design standards state that if access to a
9 subdivision must be from an improved and dedicated roadway. If it's
10 unimproved it has to be built to local roadway standards.
11
- 12 Scholz: Okay.
13
- 14 Rodriguez: So even though it's classified as a major local, it is still unimproved, so it'll
15 have to be brought up to the local standards which you know what is it 37-
16 feet back to curb, back to curb, sidewalks, parkway, street lights. But what
17 we'll do at the preliminary plat stages, we will sit with the developer and
18 their engineer rep and staff and look at access to the site and property
19 boundaries and determine where we will get 100% improvements for a
20 local roadway and then where we can start to deviate from major local,
21 perhaps on the more easterly boundary of the property. But that all will be
22 taken into consideration when we get to the preliminary plat level.
23
- 24 Scholz: Okay, so all we're concerned here with is the dedication of the right-of-
25 way.
26
- 27 Rodriguez: Dedication of right-of-way will actually come at the final plat stage. So the
28 master plan, what it requires is basically the designation of the network,
29 the transportation system in the area, in this case Del Rey being the
30 principal arterial and then Tucson Avenue now being designated as a
31 major local. So just got that classification on the master plan. In terms for
32 road improvements, the specificity of that will begin at the preliminary plat
33 stage when we come back to this body for approval and then we'll finalize
34 when we get to the final plat and construction drawings.
35
- 36 Scholz: Okay. Thank you. Commissioner Crane you had a puzzled look on your
37 face? No, okay. All right. May we hear from the applicant please?
38
- 39 Pillar: Good evening. My name is Marty Pillar. And I'm representing the Jean
40 Wright Martin Irrevocable Trust. I apologize for the typo on the
41 application. The Martin's are from Odessa, Florida, so they are not with us
42 tonight, but I am representing them. Desert Isles is located at the
43 southeast corner of Del Rey Boulevard and Tucson Avenue. Tonight we
44 are before the P&Z staff to seek recommendation for approval of a zone
45 change and for master plan for the proposed Desert Isles Development.
46 The Desert Isles project is approximately 23.453 acre parcel. What just

1 popped up on the screen is what would be a 30-foot wide strip of property
2 that would be additional right-of-way that would have to be dedicated for
3 Del Rey Boulevard to make the 120-foot right-of-way for that principal
4 arterial. And that would be occurring at the time of the preliminary plat
5 and final plat proceedings. But we do have to show those things on the
6 master plan. The existing Split Fork Arroyo splits the property. It is the
7 intent of the developer to leave the arroyo in its natural state and zone that
8 as the OS and C so that nothing can be built to block the arroyo or
9 anything like that. So it will stay as open space.

10 What came up now is the portion of the property that we are looking
11 to zone as R-1a. It's going to be approximately 14.237 acres. This
12 property will ... the residential is proposed to have approximately 48 lots
13 and as discussed before, get over 30 lots there will have to be secondary
14 access. Secondary access will be taken care of as the time of preliminary
15 plat and final plat with construction drawings and that is something that I
16 have discussed with Lt. Gonzales and we do have a solution worked out,
17 it's just at the timing when that occurs we will be able to provide the
18 secondary access for the development.

19 The commercial property is going to be fronting on Del Rey
20 Boulevard and Tucson Avenue. And this is going to be approximately
21 6.46 acres. Now prior to submitting all of the zone change requests to the
22 city, we did have a public meeting with surrounding property owners. We
23 sent out little flyers and put on their doors to let them know that we are
24 proposing this and we had a public meeting and discussed the zone
25 change. At this meeting there were a lot of the same people that were in
26 attendance for the meeting of the Del Rey Estates property which is just to
27 the south of us, for that zone change. During that meeting there was a list
28 of restricted uses for the commercial zoning. The area residents stated
29 that they would like to have the same type of restrictions applied to the
30 commercial zoning for this development. And that is how we came about
31 with the restricted C-2 list that has been submitted. So the surrounding
32 property owners, we have met with them and talked with them about the
33 zoning. At this time I'd be happy to answer any questions that you might
34 have.

35
36 Scholz: Okay. Questions for this gentleman. Okay, I have two. Are you bridging
37 the arroyo in several places to accommodate the residential areas?

38
39 Pillar: Yes, sir.

40
41 Scholz: I assumed you would because otherwise there'd be no way to get access
42 to that.

43
44 Pillar: Right. When we looked at our residential development what we're looking
45 at to have is ... there will be as it's proposed right now a loop drive that will

- 1 come around like this. So yes, they'll be crossing structures for the arroyo
2 in this area, and crossing structure in this area.
3
- 4 Scholz: Okay.
- 5
- 6 Pillar: This area we have ... there is a cul-de-sac up against this and this is a
7 very small arroyo. (*inaudible*).
8
- 9 Scholz: All right. And I assume the commercial development is as you said with
10 the restrictions that's because of the nature of Del Rey. Del Rey is
11 supposed to be a commercial corridor.
12
- 13 Pillar: The restrictions that were put on the commercial property were from the
14 residents surrounding the area and their desires for what type of uses they
15 would like to have next to their existing homes.
16
- 17 Scholz: Okay.
- 18
- 19 Pillar: And so that's how we restricted uses on the C-2.
20
- 21 Scholz: Okay. Thank you. All right. Thank you very much sir. Are there people
22 from the ... someone from the public who wants to speak to this? Yes, sir,
23 would you come up to the microphone, identify yourself.
24
- 25 Dr. Gross: Evening, Chairman, Commissioners. I'm Dr. Gross and I live on Tucson
26 Avenue on the county side. I am not always in town, but I go through my
27 mail pretty carefully when I do get back into town and I didn't receive
28 anything. I don't know when this meeting was. But, I'm just trying to get
29 up to speed right now with it. I don't have the luxury of seeing what you're
30 looking at right now and definitions of what this zoning is, so I guess the
31 first thing I'd like to know is what sort of commercial enterprises would be
32 allowed by this zoning if you do vote in favor of it?
33
- 34 Scholz: Okay, Ms. Robertson, can you supply him with a list? Good.
35
- 36 Dr. Gross: And my next question is regarding disruption for those who depend upon
37 getting up and down Tucson to go to work, you know commute, you know
38 do our shopping and so forth. I'm concerned about how long the
39 development project will take place. Heavy equipment. It's already a very
40 dusty road because it's unimproved. It would be my hope that maybe I
41 can find the cursor here ... it would be my hope that a lot of heavy
42 equipment and so forth could find access on their property back through
43 here instead of creating a dust bowl for who knows how many months up
44 and down here. We have children over here, we have an asthmatic over
45 here, and I don't know up here if that would be affected, but that's one
46 concern that I have. Another thing about disruption is the width of Tucson

1 Avenue, I would take issue regarding the ability of this artery, small as it is
2 here to be able to handle the traffic even after all the construction is done.
3 They're just talking about one turn out here, so that we don't get rear
4 ended collisions over here. But my concern is, is right here we've got for
5 instance a bunch of old mailboxes and we depend upon them over here,
6 up here, and down here to get our mail. Currently that's an accident
7 waiting to happen, particularly when we get a flood as we'll occasionally
8 get them. We got a mud pool over on that side. As soon as all this is
9 done, then I'll be calling the post office and see where they can plan to put
10 in a kiosk for us so we don't have people getting run over or other crashes
11 occurring here. To my knowledge I don't think there's been one in the last
12 six years since I've been there. But that is one concern.

13 Now we know that Del Rey is undergoing a transformation in
14 cutting out the dog leg here and making this curve through. We wonder at
15 what point in time and whether there is a ... I don't really have the word, a
16 ... looking ahead of time so that there is a contingency for widening Del
17 Rey, will this be possible in the future. It's pretty narrow. We've got a lot
18 of traffic on that road right now as it is. I think those are my main
19 concerns. I know that when I bought out there in the wide open that it
20 wasn't going to stay that way forever and I understand that, but I think that
21 there does need to be some concern regarding quality of life. We don't
22 want to design and live in neighborhoods that are built for vehicles, we
23 want them designed for two-footed creatures like yourselves to be able to
24 take our walks in the early morning and then the sunset and so forth
25 without risking our lives. So I hope that you take all of those things into
26 consideration. And if I could get some answers to those. Thank you.

27
28 Scholz: Thank you.

29
30 Robertson: Jennifer Robertson, Community Development. I notice two issues or two
31 areas for questioning, one was how long is it going to take for Tucson to
32 get improved once everything's begun? And I can generally state for
33 master plans the timeline for a master plan before it expires is five years.
34 So in five years they have to submit preliminary plats. Within two years
35 after those preliminary plats they have to submit final plats. That's what
36 eventually creates the lot lines, that's where you submit your construction
37 drawings, and after that subsequently you get your permits. Now all of
38 this is wrapped up in subdivision jargon into a document or into an
39 agreement called a guarantee of performance. Currently that guarantee
40 of performance requires the developer once they have final plat and
41 construction drawing approval, 22 months for them to complete the
42 improvements to the subdivision. Meaning for the residential phase one
43 Tucson Avenue, all of the internal streets, and any ingress/egress,
44 anything that needs to happen at the intersection of Tucson and Del Rey
45 to create a safer traffic transition. And that's all detailed within design
46 standards. So during all these processes, this particular development has

1 to adhere to traffic standards, roadway safety design standards,
2 improvements including sidewalks that you would be of course able to use
3 once they're put in as you take your walk to your mailboxes.

4 At this point in time it is unknown what the exact improvement of
5 Tucson Avenue is because we typically deal with the construction plans or
6 the conceptual construction plans at preliminary plat. So that information
7 will be more defined during the next phase. Basically, a master plan is to
8 see whether or not land use, and the potential traffic generated from that
9 land use and these are all kind of round numbness, so if they have a
10 commercial use and it's intense to this degree, you could have this many
11 people frequenting that area as any moment in time. Now again these are
12 all really round numbness. And kind of vague numbers at this point in
13 time until you actually get a real use in there to where you can actually
14 detail the real traffic and the real ... the amount of visitors that come in.
15 But in the end that all gets detailed step by step through the process. So
16 by the time we get to construction drawings we technically know exactly
17 what's going to be built and how traffic can be facilitated through that
18 development. Plus it has to meet all kinds of design standards and pass
19 muster in terms of minimum requirements, minimum development
20 requirements.

21
22 Scholz: Ms. Robertson what you're saying if I may interpret is that the roads will be
23 built before the houses go in.

24
25 Robertson: Well absolutely.

26
27 Scholz: Yes, okay.

28
29 Robertson: In addition, the mailboxes, you had mentioned your own mailbox situation,
30 but for major subdivisions all new subdivisions have to have cluster
31 mailboxes. So the mailboxes will be contained in a cluster within the
32 residential development itself.

33
34 Scholz: Okay.

35
36 Dr. Gross: Thank you. Access for construction at all phases, is it going to be required
37 that in order to alleviate the obstruction on Tucson Avenue that there be at
38 least a temporary artery way on the south boundary of the development to
39 allow for construction vehicles etc?

40
41 Scholz: Could we ask the applicant about that?

42
43 Pillar: At this time right now to get into discussion about how the subdivision is
44 going to be built, we don't even have construction plans put together on
45 this, so I think we're jumping way ahead of ourselves.

46

- 1 Scholz: So that's premature. Okay. Thank you. Okay, anyone else from the
2 public who wishes to speak to this? Okay I'm going to close it to public
3 discussion. Gentlemen. Entertain a motion to approve. I'm sorry we have
4 to unsuspend the rules first. Let us unsuspend the rules.
5
- 6 Crane: Restore.
- 7
- 8 Scholz: Thank you, restore the rules. There we go.
- 9
- 10 Crane: I move that rules be restored.
- 11
- 12 Scholz: Is there a second?
- 13
- 14 Bustos: Second.
- 15
- 16 Scholz: All those in favor say aye.
- 17
- 18 ALL COMMISSIONERS - AYE.
- 19
- 20 Scholz: Those opposed same sign. Okay, the rules are restored. Then we're to
21 Case S-09-014, a request for approval of the master plan known as
22 Desert Isles. I'll entertain a motion to approve.
23
- 24 Crane: So moved.
- 25
- 26 Scholz: It's been moved. Is there a second?
- 27
- 28 Bustos: Second.
- 29
- 30 Scholz: I'll call the roll. Commissioner Crane.
- 31
- 32 Crane: Aye findings, discussion, and site visit.
- 33
- 34 Scholz: Commissioner Bustos.
- 35
- 36 Bustos: Aye findings and discussion.
- 37
- 38 Scholz: Commissioner Beard.
- 39
- 40 Beard: Aye findings and discussions.
- 41
- 42 Scholz: And the Chair votes aye for findings, discussion, and site visit. So the
43 master plan is approved. Now the request for zone change. Some move
44 approval of the zone change, that's Case Z2788.
45
- 46 Beard: I move to approve Z2792.

- 1
2 Scholz: I'm sorry, Z2788.
3
4 Beard: Okay. I move to approve Case Z2788.
5
6 Scholz: And the utilities, it's a typo in our copy here. There you go. And would
7 you read the conditions.
8
9 Beard: And there was another condition wasn't there?
10
11 Scholz: No.
12
13 Beard: And with the following conditions, all new utilities be underground and C-3
14 zoning is conditioned with the allotted uses provided for in the attachment
15 four zone change request allowed land use list for C-3C.
16
17 Scholz: Very good. Is there a second?
18
19 Bustos: Second.
20
21 Scholz: Okay, it's been moved and seconded. I'll call the roll. Commissioner
22 Crane.
23
24 Crane: Aye findings, discussion, and site visit.
25
26 Scholz: Commissioner Bustos.
27
28 Bustos: Aye findings and discussion.
29
30 Scholz: Commissioner Beard.
31
32 Beard: Aye findings and discussions.
33
34 Scholz: And the Chair votes aye for findings, discussion, and site visit. So it
35 passes 4:0. All right.
36
37 **VIII. OTHER BUSINESS**
38
39 Scholz: That ends our regular business. Is there other business?
40
41 **IX. PUBLIC PARTICIPATION**
42
43
44 **X. STAFF ANNOUNCEMENTS**
45
46 Scholz: Ms. Rodriguez.

- 1
2 Rodriguez: Mr. Chairman, Commissioners, just staff comments, each of you received
3 tonight the final report of the Las Cruces Affordable Housing Strategies. I
4 have provided you those copies. And going into holiday season for
5 Planning and Zoning Commission meetings for the month of November
6 and December. The month of November we did not abbreviate any of the
7 meeting dates, so you will have your meeting the fourth Tuesday of
8 November, which will be November 24th I believe. That Tuesday of
9 Thanksgiving week. If there are going to be quorum issues, if you're going
10 to be out of town for the Thanksgiving Holidays, I will need to know that
11 right away so we can plan accordingly with the applicants that are lined up
12 for our November Planning and Zoning Commission meeting.
13
14 Scholz: Okay.
15
16 Rodriguez: Your December Planning and Zoning Commission has been moved up a
17 week, so it will take place the third Tuesday of that month.
18
19 Scholz: And what day is that? I don't have my calendar here.
20
21 Crane: Hold on, I've got an electronic one.
22
23 Scholz: Okay.
24
25 Crane: The third Tuesday would be the ...
26
27 Bustos: 15th.
28
29 Crane: 15th.
30
31 Rodriguez: Yes.
32
33 Scholz: Okay, and the fourth Tuesday in November is the 24th or the 23rd.
34
35 Crane: That would be the 22nd.
36
37 Bustos: No the fourth Tuesday would be November the 24th.
38
39 Scholz: 24th. Thank you very much. All right.
40
41 Rodriguez: Thank you.
42
43 **XI. ADJOURNMENT 8:21**
44
45 Scholz: Anything else? All right, I declare this session adjourned at 8:21.
46

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Charm B. Sy 11/24/09
Chairperson

135
VICINITY MAP



CASE NO. S-06-017 and Z2788

PARCEL: 02-20754

OWNER: JEAN WRIGHT MARTIN IRREVOCABLE TRUST

ZONING: A-1 and A-2

440 880 1,760 2,640 3,520

Feet

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