

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 2580 Council District: 4

For Meeting of July 26, 2010
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM M-1/M-2 (INDUSTRIAL STANDARD) AND PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) INCLUDING A REQUEST FOR APPROVAL OF A CONCEPT PLAN FOR A PUD KNOWN AS VILLA AMADOR. THE SUBJECT PROPERTIES ARE LOCATED SOUTH OF AMADOR AVENUE, WEST OF VALLEY DRIVE, AND NORTHEAST OF BURN LAKE AND ARE CURRENTLY ZONED M-1/M-2 (INDUSTRIAL STANDARD) AND PUD (PLANNED UNIT DEVELOPMENT). THE PROPOSED PUD ENCOMPASSES 54.383 +/- ACRES AND ENTAILS THREE (3) PLANNING PARCELS: PARCEL 1 ENCOMPASSES 7.311 +/- ACRES AND PROPOSES INDUSTRIAL REDEVELOPMENT; PARCEL 2 ENCOMPASSES 18.263 +/- ACRES AND PROPOSES INDUSTRIAL USES; AND PARCEL 3 ENCOMPASSES 28.808 +/- AND PROPOSES A MOBILE HOME PARK. SUBMITTED BY SCANLON WHITE, INC. FOR IFL, LLC, PROPERTY OWNER.

PURPOSE(S) OF ACTION: The applicant is requesting approval of a zone change to PUD (Planned Unit Development) and concept plan for Villa Amador that encompasses 54.383 +/- acres and entails industrial uses and a mobile home park.

| | | | | | |
|---|--------------------|---|------------------------|------------------------|--------------|
| Name of Drafter: Adam Ochoa <i>AO</i> | | Department: Community Development | | Phone: 528-3204 | |
| Department | Signature | Phone | Department | Signature | Phone |
| Community Development | <i>[Signature]</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 proposed Planned Unit Development (PUD) known as Villa Amador is generally located south of Amador Avenue, west of Valley Drive, and northeast of Burn Lake. The proposed PUD encompasses 54.383 +/- acres and proposes standard industrial uses and a mobile home park. The subject properties consist of ten parcels of land. Currently six of the parcels encompass 36.98 +/- acres and are zoned M-1/M-2 (Industrial Standard), while the other four parcels encompass 17.44 +/- acres and are zoned PUD. These four parcels were annexed into the City of Las Cruces in 1978 with the initial zoning of Planned Community District (PC), which is the PUD zoning district under the existing 2001 Zoning Code, as amended. The actual intent of use for these four parcels was never determined through the annexation process. The existing ten parcels will be consolidated into three Planning Parcels for the proposed Villa Amador PUD.

Transportation

The proposed industrial area, Planning Parcels 1 and 2, proposes primary access from Pioneer Place, a minor local roadway. The proposed mobile home park in Planning Parcel 3 is proposed to have primary access to Valley Drive, a Principal Arterial, via a small (vacant) City-owned parcel. Secondary access for the mobile home park is proposed from Pioneer Place. City staff has identified some concerns with the proposed access off of Valley Drive using the vacant City-owned parcel. Specifically, the Public Works Department is not certain that the intended use of the property conveyed to the City was for roadway purposes. Presently, the City-owned parcel contains drainage facilities including a sizable box culvert, as part of the El Molino Drainage Project. During the February 10, 2010 DRC meeting, Public Works voiced concern regarding the allowance of primary access to Valley Drive via the City-owned parcel. A more detailed discussion of this concern can be found in the section below entitled "Development Review Committee and Planning and Zoning Commission."

A bus stop (sign only) is located approximately 100 +/- feet west of Pioneer Place on Amador Avenue and another bus stop (sign only) is located approximately 500 +/- feet north of the proposed access point for Villa Amador to Valley Drive along Valley Drive. The concept plan proposes that a bus shelter will be provided for the bus stop located on Amador Avenue west of Pioneer Place.

Development Standards

Planning Parcels 1 & 2 of the Villa Amador PUD contain 25.574 +/- acres and proposes standard industrial uses. Planning Parcel 1 contains existing buildings used for industrial purposes. Planning Parcel 2 is currently vacant. The permitted uses in the proposed industrial area of the Villa Amador PUD will be the same as those uses permitted in the 2001 Zoning Code, as amended, under the M-1/M-2 (Industrial Standard) zoning district. The proposed industrial area will follow the development standards stipulated by the applicant in the concept plan for the Villa Amador PUD. These development standards include a minimum lot size of 5000 square feet, a maximum building height of 60 feet, a minimum lot width of 60 feet, a minimum lot depth of 70 feet, a minimum front setback of 15 feet, and a minimum side and rear setback of 15 or 0 feet.

Planning Parcel 3 of the Villa Amador PUD contains the remaining 28.808 +/- acres of the proposed project and is intended to be developed as a mobile home park. The proposed development standards include a minimum space size of 3500 square feet, a minimum space width of 39 feet, a minimum space depth of 90 feet, a maximum building height of 35 feet, a minimum front and rear setback of 10 feet and a minimum side setback of 5 feet. The total number of dwelling units proposed for the mobile home park ranges from 165 to 200 units which is equivalent a dwelling unit range of 5.7 to 6.9 units per acre. All streets in the mobile home park are proposed to be privately maintained by the entity that owns the mobile home park. They are proposed to be constructed to a lesser width than a minor local roadway per the CLC Design Standards. All common areas, parks, landscaping and open space in the mobile home park are also proposed to be privately maintained by the owner of

the mobile home park. A 10-foot landscape buffer in addition to the PUD setback requirements is proposed between the mobile home park and the adjacent industrial uses. There is also a proposed 10-foot landscape buffer between the mobile home park and the southern adjacent single-family residential properties.

Landscaping requirements for the Villa Amador PUD will mostly follow the City of Las Cruces Design Standards, with the exception of the proposed redevelopment of the existing industrial building located in Planning Parcel 1. The concept plan identifies the intent to redevelop the existing industrial building in Planning Parcel 1 in phases. In lieu of bringing the existing property into compliance with parking, landscaping, and outdoor lighting requirements upon the initial redevelopment, the applicant is proposing to phase them. The applicant's intent is to separate the existing warehouse into multiple buildings. As a specific use is identified for each building, the parking requirements will adhere to the intended land use rather than a business center requirement. This allows the parking requirements to be met on a project basis rather than the entire parking area being improved with partial improvements of a building. The applicant further proposes that a minimum area of 10 percent of the total parking area shall be landscaped with each phase that is redeveloped. It is further proposed that outdoor lighting requirements shall apply to each phase of redevelopment. However, once 55 percent of the building has been redeveloped then the entire development shall comply with the Outdoor Lighting Ordinance.

Planning Parcels 1 & 2 of the Villa Amador PUD will require on-lot ponding for all post-development run-off at the time of industrial/commercial development. All post-development run-off from development within Planning Parcel 3 is proposed to drain into the newly expanded CLC drainage detention ponding facility located adjacent to Burn Lake. All drainage designs shall be in accordance with CLC Design Standards.

In lieu of providing park impact fees or park facilities within the Villa Amador development, the applicant is proposing to negotiate an amount of work in expanding the CLC Burn Lake Park Project as well as expanding the CLC drainage facility adjacent to Burn Lake with both the Facilities and Public Works Departments. The details of the amount and type of work proposed for both of the facilities are to be determined by both the Public Works and Facilities Department prior to the submittal of construction drawings. In addition, the applicant is proposing to provide a bus stop located on Amador Avenue, west of the intersection of Pioneer Place. The applicant is also proposing pedestrian trails and bikeways within the proposed Villa Amador development to Burn Lake to facilitate connectivity.

The industrial planning parcels will have the option to utilize the alternate summary process for future subdivision purposes in accordance with the CLC Subdivision Code. All utilities in the proposed PUD will follow the standards of the City of Las Cruces Utilities Department. All signage used throughout the proposed PUD will follow the City of Las Cruces Sign Code regulations.

Comprehensive Plan Analysis

From a land use perspective, the PUD is supported by several Land Use Elements & Urban Design Goals in the 1999 Comprehensive Plan. The proposed Villa Amador PUD encourages the use of alternative housing type (i.e. mobile homes, and manufactured homes) as a means of making available additional housing opportunities for those who may not otherwise obtain suitable housing through conventional means. The proposed PUD also provides a different type of single-family residential development that promotes a variety of lifestyles within the community. The Villa Amador PUD also helps focus development of light and standard industrial uses in an area with existing compatible industrial zoning.

Development Review Committee and Planning and Zoning Commission

On February 10, 2010, the Development Review Committee (DRC) reviewed the concept plan for the proposed Villa Amador PUD. The DRC reviewed the concept plan from an infrastructure, utilities, and public improvement standpoint. During the meeting, the Public Works Department voiced concern regarding the allowance of primary access to Valley Drive via the City-owned parcel. The Public Works Department requested the applicant to acquire letters of support and approval from the adjacent property owners to the City-owned parcel. In addition, the Public Works Department also requested that a Traffic Impact Analysis (TIA) be submitted to the City for review analyzing traffic operations for the use of the City-owned parcel for access to Valley Drive.

At the DRC meeting, the applicant was adamant that the proposal be placed on the agenda for the February 23, 2010 Planning and Zoning Commission meeting. As such, the applicant did not want to seek a postponement by the DRC to resolve the aforementioned issues. Consequently, the DRC recommended denial of the concept plan.

Following the DRC meeting on February 10, 2010, the applicant worked to address the concerns voiced by the Public Works Department. On February 23, 2010, the Public Works Department provided conditional approval of the proposed concept plan with the following conditions:

1. Until such time that it is decided that the City Parcel can be used as a roadway to access the development subdivision, the [Design] Engineer shall designate it as "proposed access" on the Concept Plan.
2. The TIA shall be provided at the time of Final Site Plan submittal.
3. Use of the City Parcel as a roadway/public R.O.W. is contingent upon the review of the TIA and further discussions with the Public Works Department to determine the feasibility of utilizing the City parcel due to existing City infrastructure. If it is decided that the City parcel can be used as a roadway, the [Design] Engineer must work with the adjacent property owners to ensure that there are no adverse impacts to their

property/businesses. The developer is responsible for replatting the parcel as public right-of-way.

4. Upon Final Site Plan submittal, the [Design] Engineer shall provide written confirmation that the [Design] Engineer has notified the property owners adjacent to the City parcel of the potential use of the City parcel as a roadway.
5. If the City parcel cannot be used for primary access to the private subdivision based on the listed conditions, the Developer must designate another access point as their primary access to their development and find another secondary access for their development.
6. There must be an agreement with the City to use the City's detention facility.

Despite the Public Works Department conditional approval, the DRC recommendation of denial to the Planning and Zoning Commission still stood. Community Development staff concurred with the DRC recommendation of denial despite the recommended conditional approval by the Public Works Department for the following reason: A PUD is a zoning district; by approving a concept plan, a zone change on the land occurs and the property owner has a vested right to develop the property in accordance with the concept plan.

On February 23, 2010, the Planning and Zoning Commission reviewed the proposed concept plan for Villa Amador. Comments and concerns from surrounding property owners against the proposed development were expressed at the public meeting. Topics that were discussed were traffic-related as well as the potential negative environmental effects the proposed development may have to the Burn Lake area. The Planning and Zoning Commission recommended **conditional approval** of the concept plan by a vote of 3-1-0 (two Commissioners absent, one vacant Commission seat). The conditions imposed by the Planning and Zoning Commission were the conditions identified by the Public Works Department as noted above.

Immediately following the February 23, 2010, Planning and Zoning Commission hearing, the applicant presented to Community Development staff a request to modify the concept plan for the sole purpose of identifying a phasing plan for parking, landscaping, and outdoor lighting for the redevelopment of the existing industrial building located on Planning Parcel 1. The phasing plan was discussed in the "Development Standards" section of this CAES. Due to the nature of the proposed change, the applicant was advised that the modified concept plan must be reconsidered by the Planning and Zoning Commission in its totality prior to City Council final consideration.

On April 27, 2010, the modified concept plan was considered by the Planning and Zoning Commission. Similar comments and concerns from the February 23, 2010 hearing were received from surrounding property owners. The Planning and Zoning Commission

recommended **denial** of the modified concept plan by a vote of 2-4-0 (one vacant Commission seat).

SUPPORT INFORMATION:

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

1. Ordinance
2. Exhibit "A"- Villa Amador Concept Plan
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report for the April 27, 2010 Planning & Zoning Commission meeting
5. Attachment "B" – Minutes from the April 27, 2010 Planning & Zoning Commission meeting
6. Attachment "C"- Staff Report from the February 23, 2010 Planning & Zoning Commission meeting
7. Attachment "D" – Minutes from the February 23, 2010 Planning & Zoning Commission meeting
8. Attachment "E" – February 23, 2010 email from Public Works Department
9. Attachment "F"- Minutes from the February 10, 2010 DRC Meeting
10. Attachment "G"- Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote **YES** to approve the Ordinance. This action reverses the recommendation by the Planning and Zoning Commission at the April 27, 2010 public hearing. The subject property will be rezoned from M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development) to PUD (Planned Unit Development) and the Villa Amador concept plan is approved. The applicant may continue with the development plans as set forth in the concept plan.
2. Vote **NO** to deny the Ordinance. This action affirms the recommendation made by the Planning and Zoning Commission at the April 27, 2010 public hearing. The current zoning designations for the subject properties will remain in effect. Industrial development can continue on the subject properties zoned M-1/M-2 (Industrial Standard) and will be developed in accordance with the CLC Development Codes.
3. Modify the Ordinance and vote **YES** to approve the modified Ordinance. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-051
ORDINANCE NO. 2580

AN ORDINANCE APPROVING A ZONE CHANGE FROM M-1/M-2 (INDUSTRIAL STANDARD) AND PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) INCLUDING A REQUEST FOR APPROVAL OF A CONCEPT PLAN FOR A PUD KNOWN AS VILLA AMADOR. THE SUBJECT PROPERTIES ARE LOCATED SOUTH OF AMADOR AVENUE, WEST OF VALLEY DRIVE, AND NORTHEAST OF BURN LAKE AND ARE CURRENTLY ZONED M-1/M-2 (INDUSTRIAL STANDARD) AND PUD (PLANNED UNIT DEVELOPMENT). THE PROPOSED PUD ENCOMPASSES 54.383 +/- ACRES AND ENTAILS THREE (3) PLANNING PARCELS: PARCEL 1 ENCOMPASSES 7.311 +/- ACRES AND PROPOSES INDUSTRIAL REDEVELOPMENT; PARCEL 2 ENCOMPASSES 18.263 +/- ACRES AND PROPOSES INDUSTRIAL USES; AND PARCEL 3 ENCOMPASSES 28.808 +/- AND PROPOSES A MOBILE HOME PARK. SUBMITTED BY SCANLON WHITE, INC. FOR IFL, LLC, PROPERTY OWNER.

The City Council is informed that:

WHEREAS, Scanlon White, Inc. on behalf of IFL, LLC, the property owner, has submitted a request for a zone change and concept plan approval for a Planned Unit Development (PUD) known as Villa Amador; and

WHEREAS, the concept plan will guide the development of the Villa Amador Planned Unit Development (PUD); and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on April 27, 2010, recommended that said zone change request and concept plan be denied by a vote of 2-4-0 (one vacant Commission seat).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned PUD (Planned Unit Development).

(II)

THAT the concept plan for the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby approved.

(III)

THAT the concept plan for the PUD known as Villa Amador is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(IV)

THAT the zoning of Planned Unit Development (PUD) for said property be shown accordingly on the City Zoning Atlas.

(V)

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

DONE AND APPROVED this _____ day of _____ 2010.

APPROVED:

Mayor

(SEAL)

ATTEST:

City Clerk

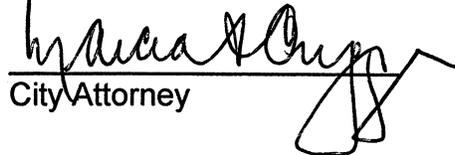
VOTE:

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

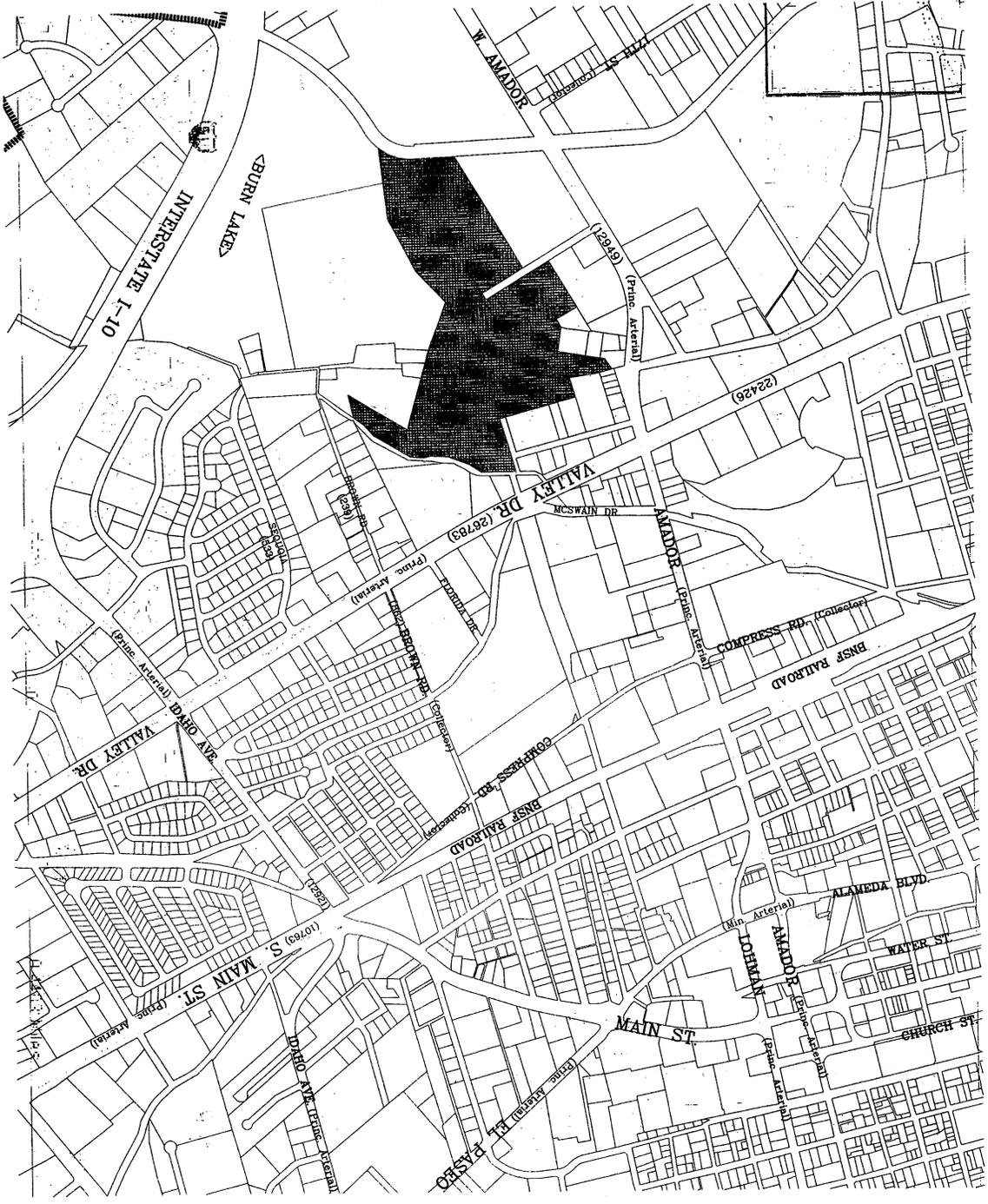
Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

ASST


 City Attorney



CONCEPTUAL ANTICIPATED TRAFFIC

| TRACT # | Location | ESTIMATED TRAFFIC (Veh/Day) | ADDITIONAL TRAFFIC (Veh/Day) | TOTAL TRAFFIC (Veh/Day) | ADDITIONAL TRAFFIC (Veh/Day) | TOTAL TRAFFIC (Veh/Day) |
|---------|------------------------|-----------------------------|------------------------------|-------------------------|------------------------------|-------------------------|
| 1 | 13242 (13242 of 13242) | 1000 | 0 | 1000 | 0 | 1000 |
| 2 | 13243 (13243 of 13243) | 1000 | 0 | 1000 | 0 | 1000 |
| 3 | 13244 (13244 of 13244) | 1000 | 0 | 1000 | 0 | 1000 |
| 4 | 13245 (13245 of 13245) | 1000 | 0 | 1000 | 0 | 1000 |

DEVELOPMENT STANDARDS

| TRACT # | Location | ESTIMATED TRAFFIC (Veh/Day) | ADDITIONAL TRAFFIC (Veh/Day) | TOTAL TRAFFIC (Veh/Day) | ADDITIONAL TRAFFIC (Veh/Day) | TOTAL TRAFFIC (Veh/Day) |
|---------|------------------------|-----------------------------|------------------------------|-------------------------|------------------------------|-------------------------|
| 1 | 13242 (13242 of 13242) | 1000 | 0 | 1000 | 0 | 1000 |
| 2 | 13243 (13243 of 13243) | 1000 | 0 | 1000 | 0 | 1000 |
| 3 | 13244 (13244 of 13244) | 1000 | 0 | 1000 | 0 | 1000 |
| 4 | 13245 (13245 of 13245) | 1000 | 0 | 1000 | 0 | 1000 |

** (538) DOWNS: Existing Traffic Counts shown on map from the City of Las Cruces 2008 Traffic Flow Map.

Notes: 1. Estimated traffic flow is based on existing traffic flow in the area. 2. Estimated traffic flow is based on existing traffic flow in the area. 3. Estimated traffic flow is based on existing traffic flow in the area.

VILLA AMADOR P.U.D.

LOCATION/ZONING/TRANSPORTATION MAP

A 53.82 ACRE TRACT LOCATED IN SECTIONS 13 AND 14, T2S, R1E, OF THE USRS SURVEY BEING PART OF USRS TRACT 94-1253, 94-160A, 94-160B, 94-160F, 94-160J, AND TRACT 94-160D, ROUNDTRIBE SUBURBAN FARM TRACTS REPLAT NO.1 JANUARY, 2010

Name of Development: Villa Amador
 Developer: Barron Commercial, L.L.C.
 Albuquerque, New Mexico 87112

Engineer: Thompson Hill Road, Site C
 Las Cruces, New Mexico 88011
 575-525-2112

Surveyor: Scanlon White, Inc.
 3780 Foothills Road, Ste. G
 Las Cruces, New Mexico 88011
 575-525-2112

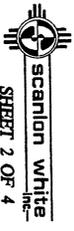
Proposed Land Use: P.U.D. Mixed Land Use
 Mobile Home Community
 Industrial Standard

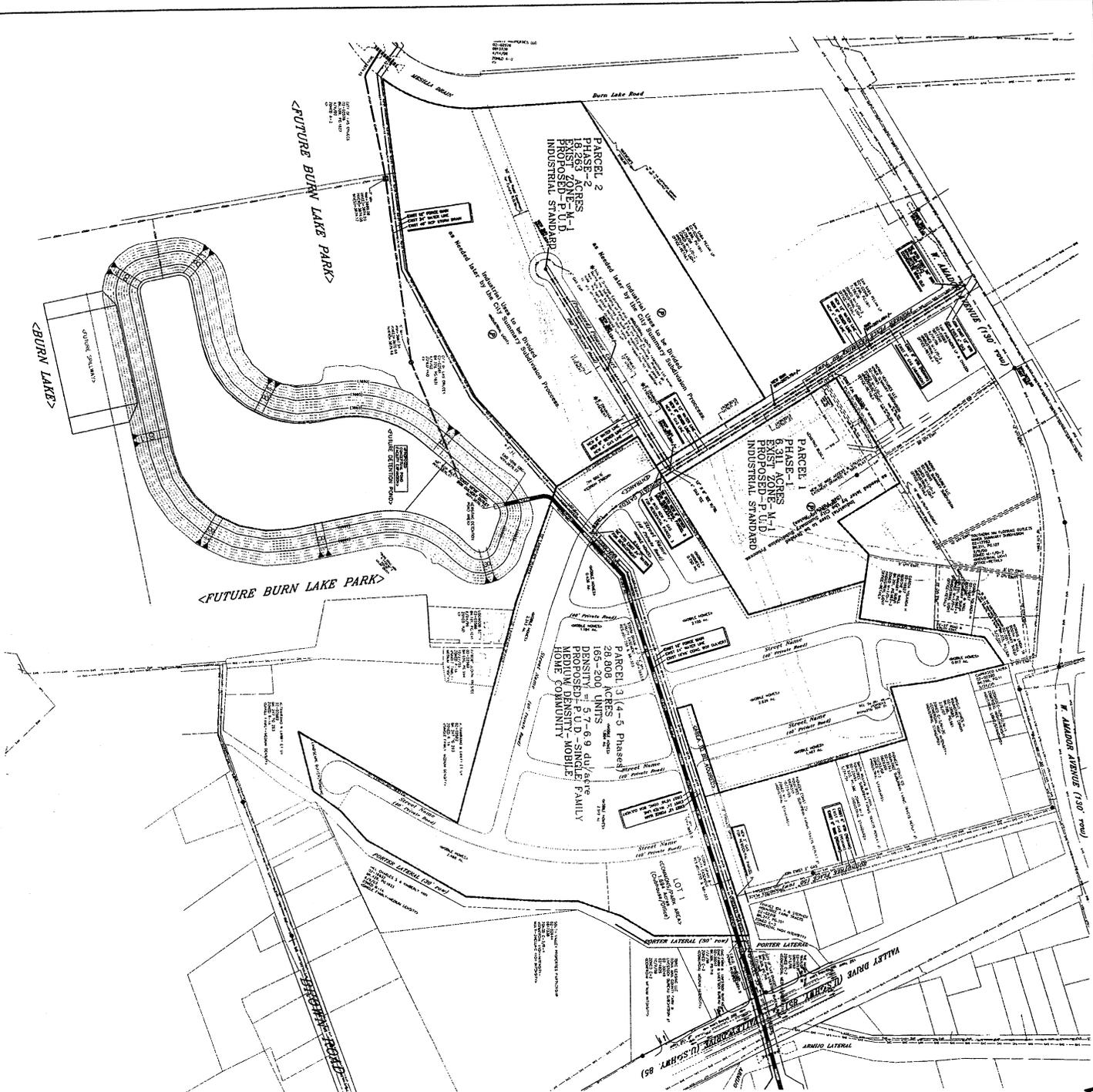
Location: Sections 13&14, T2S, R1E, City Of Las Cruces, Dona Ana County, New Mexico

Jurisdictional Authority: City of Las Cruces
 Applicable Codes: City of Las Cruces Zoning Code
 City of Las Cruces Subdivision Regulations
 City of Las Cruces Utility Specifications
 City of Las Cruces Road Specifications
 All other Applicable City Codes in Effect

Proposed Utility Services:
 Water - City of Las Cruces
 Natural Gas - City of Las Cruces
 Electric Service - El Paso Electric Co.
 Telephone - Qwest
 Cable - VU, Comcast

DISCLAIMER: The information contained herein is for informational purposes only and does not constitute an offer of insurance or any other financial product. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.





VILLA AMADOR P.U.D.

MASTER UTILITY PLAN
A 5382 ACRE TRACT
 LOCATED IN SECTIONS 13 AND
 24 T13S R1E OF THE USFS
 SURVEY, BEING PART OF
 USFS TRACT 9C-123 USFS
 TRACT 9C-123B1 9A-1004 9A-100E
 9A-160F 9A-160D AND TRACT
 7A ROUNDHIRE SUBURBAN
 FARM TRACTS REPLAT NO1
 JANUARY 2000

Name of Development: Villa Amador
 Developer: Hema Commercial, L.L.C.
 10701 Lomas NE
 Albuquerque, New Mexico 87112
 Engineer: J. R. White, Inc.
 3780 Foothills Road, Ste. C
 Las Cruces, New Mexico 88011
 575-525-2112

Proposed Land Use: P.U.D. Mixed Land Use
 Mobile Home Community
 Industrial Standard

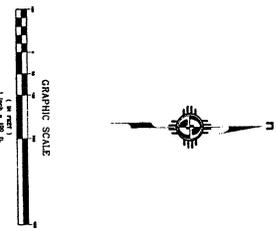
Location: Sections 13&24, T13S, R1E,
 City of Las Cruces, Dona Ana County, New Mexico
 Jurisdictional Authority: City of Las Cruces

Applicable Codes: City of Las Cruces Zoning Code
 City of Las Cruces Planning Standards
 City of Las Cruces Utility Specifications
 City of Las Cruces Road Specifications
 All other Applicable City Codes in Effect

Proposed Utility Services:
 Water - City of Las Cruces
 Sewer - City of Las Cruces
 Natural Gas - City of Las Cruces
 Electric Service - El Paso Electric Co.
 Cable TV - Comcast

PROJECT DATA NOTES:
 1. This plan was prepared by J. R. White, Inc. for the use of the City of Las Cruces and the State of New Mexico. It is not to be construed as a contract or warranty of any kind.
 2. The City of Las Cruces and the State of New Mexico are responsible for the accuracy and completeness of the information provided to the Engineer.
 3. The Engineer is not responsible for the accuracy and completeness of the information provided to the City of Las Cruces and the State of New Mexico.
 4. The Engineer is not responsible for the accuracy and completeness of the information provided to the City of Las Cruces and the State of New Mexico.
 5. The Engineer is not responsible for the accuracy and completeness of the information provided to the City of Las Cruces and the State of New Mexico.
 6. The Engineer is not responsible for the accuracy and completeness of the information provided to the City of Las Cruces and the State of New Mexico.
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 9. The Engineer is not responsible for the accuracy and completeness of the information provided to the City of Las Cruces and the State of New Mexico.
 10. The Engineer is not responsible for the accuracy and completeness of the information provided to the City of Las Cruces and the State of New Mexico.

UTILITY NOTES:
 1. All utility lines shown on this plan are based on field surveys and existing records.
 2. The City of Las Cruces is responsible for the accuracy and completeness of the utility information provided to the Engineer.
 3. The Engineer is not responsible for the accuracy and completeness of the utility information provided to the City of Las Cruces.
 4. The Engineer is not responsible for the accuracy and completeness of the utility information provided to the City of Las Cruces.
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 10. The Engineer is not responsible for the accuracy and completeness of the utility information provided to the City of Las Cruces.



FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The proposed Planned Unit Development (PUD) is generally located south of Amador Avenue and west of Valley Drive.
2. The Metropolitan Planning Organization (MPO) has classified Pioneer Place as an existing Local roadway and Valley Drive as a Principal Arterial roadway.
3. The proposed PUD encompasses 54.383 +/- acres and is being proposed for Industrial Standard uses and a Mobile Home Park. Approximately 25.574 +/- acres are being proposed for Industrial Standard uses, the remaining 28.808 +/- acres are being proposed for the use of a mobile home park.
4. The proposed Villa Amador PUD is made up of ten (10) existing parcels: six (6) parcels encompassing 36.98 +/- acres are zoned M-1/M-2 (Industrial Standard); the remaining four (4) parcels encompassing 17.44 +/- acres are currently zoned Planned Unit Development (PUD).
5. The proposed industrial area of the Villa Amador PUD is designated as Parcels 1 & 2, while the proposed mobile home park of the PUD is designated as Parcel 3.
6. The Villa Amador PUD will have a proposed total number of dwelling units ranging from 165 to 200 dwelling units.
7. Adjacent land use and zoning include:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|---------------------|-----------------------------------|
| North | M-1/M-2/O-2 | Industrial |
| South | PUD/R-1a | Vacant/Residential |
| East | M-1/M-2/C-2/C-3/R-4 | Industrial/Commercial/Residential |
| West | A-2/PUD/M-1/M-2 | Vacant/Industrial |

8. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policies:

- 1.3.1 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.
- 1.3.3. An assortment of lot sizes should be provided for single-family residential developments to promote a variety of lifestyles within the community. With small

urbanized lots (such as 3,500 square feet parcels) to large tracts of land (five acres in size), the City shall address all segments of the population.

- 1.3.5 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.
- 1.7.2 Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:
- a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.
 - b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for standard industrial uses and centers.
 - c. Standard industrial development shall address the following urban design criteria: compatibility in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for standard industrial uses shall be established in the Comprehensive Plan Urban Design Element.
 - d. The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
 - e. The City shall encourage focusing development of light, standard, and heavy industrial uses in areas with existing compatible industrial zoning where these areas comply with industrial land use policies.

Land Use Element Goal 2 (Growth Management)

- 2.5.1. The Planned Unit Development process shall observe growth management policy as established in the Land Use Element, other applicable elements and all companion documents.
- 2.5.2. Planned Unit Developments will only be used for those developments which can be created to benefit both the community and the developer.
- 2.5.3. The PUD process shall be required for those subdivided, multi-phased developments which generally request more than two (2) planning-related variances.

- 2.5.4. Those developments which request variances to engineering standards (non-planning-related issues) will be considered and acted upon by the Development Review Committee (DRC).
- 2.5.5. PUD's are required to follow an appropriate process for the review and subsequent action by applicable City staff and boards/committees. PUD's shall be similar to Master Plans and special use permits in terms of the time-frame as well as the process itself. The PUD process requires the following information:
- a. Submittal of a concept plan. The concept plan is similar to a Master Plan in that it is intended to serve as a tool which can assist in identifying the appropriateness of a proposed development in context with its surroundings. This plan shall address at minimum, the purpose and intent of the development (including the explanation/justification for submitting a PUD), method for providing utilities, phasing data, density information, land use information, description of how proposed land uses will be integrated within the immediate and adjacent study areas, transportation impact information, treatment of open space and recreational areas, environmental/geologic impacts, schematic site plan showing land uses, parking areas, walkways and landscaping, and a vicinity map showing the location of the site.
- 2.5.6 The City realizes that there must be an advantage and genuine interest for developers to initiate the PUD process. The City also realizes that it must make some inducements to motivate the developer to use the PUD's flexibility to create a unique, quality development. In return, a developer should provide a meaningful benefit to the community by providing specific types of development. Consequently, standard housing developments (typical R-1, single family zoning) shall not use the PUD process. In order to accomplish this, only particular types of development may utilize PUD's as a means to an end.
- a. The types of developments or areas in which development may occur (or combinations of) which may utilize the PUD process, are as follows:
 - High density residential development
 - Low density residential development
 - Affordable housing development
 - Environmentally sensitive area development
 - Redevelopment
 - Infill development
 - Historic District development
 - Clustering development
 - Social (quasi-public) development
 - Commercial/Business development
 - Industrial development

b. Incentives which may be used through the PUD

- Setbacks
- Building height
- Density
- Lot width
- Lot size
- Street width
- Development-related fees
- Signage
- Parking

c. A developer may not be granted a variation in design elements without providing a benefit to the City/community which, in turn, may only be accomplished with quality design principles. Such benefits to the City/community include:

- Distinctiveness and excellence in design and landscaping per the Urban Design Element
- Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
- Preservation of major arroyos as per the Storm Water Management Policy Plan
- Preservation of important cultural resources such as known or potential archaeological sites
- Provision of affordable housing and/or subsidized housing
- Provide architectural variety
- Clustering of buildings
- Provide alternative transportation facilities
- Increased park fees
- Increased landscaping, including higher quality landscaping deeper vegetative buffers; or increased planting along roadways, in open spaces and recreational areas, and along the perimeter of the project
- Use of greenways or landscaped corridors linking various uses.
- Screening of or rear placement of parking areas
- Use of sidewalks/footpaths or pedestrian bicycle circulation networks
- Segregation of vehicular and pedestrian/bicycle circulation networks
- Traffic mitigation measures
- Other public benefits such as provision of a community center or day care center
- Development of active or passive recreational areas
- Public access to community facilities in PUD
- Supply recreational facilities for owners/residents
- Advancement of City policy or plan

2.5.7 The applicant shall clearly state that any deviations from required zoning and development standards are deserving of such waivers. The City shall not experience a decrease in level-of-service, increase tax burden or maintenance

burden beyond typical development. Justification for waivers shall be in the form of traffic analysis, land use assumptions, or any other source which clearly demonstrates that such variations would not adversely impact the health, safety, and welfare of residents. Impacts resulting from code deviations must be thoroughly addressed and mitigation strategies provided before the City may grant any waivers.

- 2.5.8 A developer will not be granted a waiver to the City's design standards that may pose a threat to public health, safety, and welfare. Waivers must also be consistent with City policies found in all City documents and plans.

Housing Element Goal 1

- 1.1.2. Encourage the use of alternative housing types, styles, and living arrangements (i.e. Conventional Single Family Homes, Apartments, Mobile Homes, Modular Homes, Group Homes, Housing for Older Persons, Accessory Units, Transitional Housing etc.) as a means of making available additional housing opportunities for those who may not otherwise obtain suitable housing through conventional means.
- b. Mitigation techniques as outlined in the Land Use Element and/or other appropriate design strategies should be utilized in the development of alternative housing sites to ensure and/or increase overall compatibility with surrounding properties



TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Adam Ochoa, Acting Planner *AO*

DATE: April 27, 2010

SUBJECT: Villa Amador (Concept Plan)

RECOMMENDATION: Denial (Case PUD-09-04)

Case PUD-09-04: A request for approval of a concept plan for a Planned Unit Development (PUD) known as Villa Amador. The subject properties are located south of Amador Avenue and west of Valley Drive. The subject property encompasses 54.383 +/- acres and is zoned M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development). The proposed PUD will entail three (3) parcels: Parcel 1 will encompass 7.311 +/- acres and is proposed for Industrial Standard uses; Parcel 2 will encompass 18.263 +/- acres and is also proposed for Industrial Standard uses; and, Parcel 3 which will encompass 28.808 +/- acres and is proposed for a Mobile Home Park. The applicant is proposing that redevelopment of the existing industrial area of the proposed PUD be phased and that parking, landscape, and outdoor lighting improvements be implemented pursuant to the phasing of industrial redevelopment. Submitted by Scanlon White, Inc. for IFL, LLC, property owner.

BACKGROUND

The Planning and Zoning Commission heard the applicant's request for Concept Plan approval for Villa Amador on February 23, 2010. The Commission recommended approval of the Concept Plan with a 3-1 (2 Commissioners absent, 1 Commissioner vacancy) vote with a series of conditions stipulated by the City's Public Works Department as follows:

1. Until such time that it is decided that the City Parcel can be used as a roadway to access the development subdivision, the Engineer shall designate it as "proposed access" on the Concept Plan.
2. The TIA shall be proved at the Final Plan submittal.
3. Use of the City Parcel as a roadway/public R.O.W. is contingent upon the review of the TIA and further discussions with the Public Works Department to determine the feasibility of utilizing the City parcel due to existing City

infrastructure. If it is decided that the City parcel can be used as a roadway, the Engineer must work with the adjacent property owners to ensure that there are no adverse impacts to their property/businesses. The developer is responsible for replatting the parcel as public right-of-way.

4. At Final Site Plan submittal, the Engineer shall provide written confirmation that the Engineer has notified the property owners adjacent to the City parcel of the potential use of the City parcel as a roadway.
5. If the City parcel cannot be used for primary access to the private subdivision based on the listed conditions, the Developer must designate another access point as their primary access to their development and find another secondary access for their development.
6. There must be an agreement with the City to use the City's detention facility.

Subsequent to the February 23, 2010 hearing, the applicant presented to staff a request that the Concept Plan be reheard with a modified development proposal as pertains to the industrial area. The applicant is now proposing that redevelopment of the existing industrial area contained within the industrial area of the Concept Plan for the proposed PUD be phased and that parking, landscaping, and outdoor lighting improvements be implemented pursuant to the phasing of industrial redevelopment. **All other aspects of the applicant's request remain unchanged.**

The proposed Planned Unit Development (PUD) known as Villa Amador is generally located south of Amador Avenue and west of Valley Drive. The proposed PUD encompasses 54.383 +/- acres and is being proposed for Industrial Standard Uses and a Mobile Home Park. The proposed Villa Amador PUD is made up of ten (10) existing parcels. Currently six (6) parcels encompassing 36.98 +/- acres are zoned M-1/M-2 (Industrial Standard), while the other four (4) parcels encompassing 17.44 +/- acres are currently zoned PUD. The four (4) parcels zoned PUD were annexed into the City of Las Cruces in 1978 with the initial zoning of Planned Community District (PC). The actual intent of use for these parcels was never determined through the annexation process. The proposed Villa Amador PUD is in close proximity to Burn Lake.

CONCEPT PLAN

The proposed concept plan for the Villa Amador PUD includes industrial uses and a mobile home park. All utilities in the PUD will follow the standards of the City of Las Cruces Utilities Department. Landscaping and street lighting requirements for the Villa Amador PUD will follow the City of Las Cruces Design Standards. All signage used throughout the proposed PUD will follow the City of Las Cruces Sign Code regulations.

The proposed industrial area will have access off of Pioneer Place, while the proposed mobile home park is proposed to have access to Valley Drive via a small (vacant) City-owned parcel, and secondary access off of Pioneer Place. City staff has identified

some issues with the proposed access off of Valley Drive with using the City owned vacant area. Specifically, it is not clear that the intended use of the property conveyed to the City was for dedicated right-of-way for roadway purposes. Presently, this parcel contains drainage facilities including a sizable box culvert. Further discussion follows in a subsequent section of this report recapping the issues and concerns brought forward by Public Works staff during the February 10, 2010 deliberations of the DRC.

Parcels 1 & 2 of the Villa Amador PUD contain 25.574 +/- acres and are being proposed for Industrial Standard uses. The permitted uses in the proposed industrial area of the Villa Amador PUD will be the same as those uses permitted in the 2001 Zoning Code, as amended, under the M-1/M-2 (Industrial Standard) zoning district. The proposed industrial area will follow the development standards created by the applicant for the Villa Amador PUD when it comes to minimum lot size, maximum height, setbacks, etc. Parcels 1 & 2 of the Villa Amador PUD will also require on-lot ponding for all post-development run-off at the time of development. All drainage designs shall be in accordance with City of Las Cruces Development Standards. Parcels 1 & 2 will have the option to utilize the alternate summary process for future subdivision in accordance with the City of Las Cruces Subdivision Code. The applicant is also proposing to redevelop the existing structures in Phase 1 of the Villa Amador PUD in phases. The required improvements for parking, landscaping and outdoor lighting will be brought into compliance in phases with every part of the building that is redeveloped.

Parcel 3 of the Villa Amador PUD contains the remaining 28.808 +/- acres of the proposed project to be developed as a mobile home park. This phase of the Villa Amador PUD will also follow the development standards created and put in place by the applicant regarding minimum lot size, maximum height, setbacks, etc. A dwelling unit range of 5.7 to 6.9 units per acre is being proposed for Parcel 3 with a total number of dwelling units ranging from 165 to 200 dwelling units. All streets in Parcel 3 will be privately maintained by the entity that owns the mobile home/manufactured home park. All common areas, parks, landscaping and open space in Parcel 3 will also be privately maintained by the owner of the mobile home/manufactured home park. A ten (10) foot landscape buffer will be installed between the Parcel 3 mobile home park and the adjacent industrial uses proposed for Parcels 1 & 2. This landscape buffer will be maintained by the owner of the mobile home park.

The Villa Amador PUD will have direct access from Pioneer Place and Valley Drive, respectively. The Metropolitan Planning Organization (MPO) has classified Pioneer Place as an existing local roadway and Valley Drive as a principal arterial roadway. A bus stop (sign only) is located approximately 100 +/- feet west of Pioneer Place on Amador Avenue and another bus stop (sign only) is located approximately 500 +/- feet north of the proposed access point for Villa Amador to Valley Drive along Valley Drive.

FINDINGS

1. The proposed Planned Unit Development (PUD) is generally located south of Amador Avenue and west of Valley Drive.
2. The Metropolitan Planning Organization (MPO) has classified Pioneer Place as an existing Local roadway and Valley Drive as a Principal Arterial roadway.
3. The proposed PUD encompasses 54.383 +/- acres and is being proposed for Industrial Standard uses and a Mobile Home Park. Approximately 25.574 +/- acres are being proposed for Industrial Standard uses, the remaining 28.808 +/- acres are being proposed for the use of a mobile home park.
4. The proposed Villa Amador PUD is made up of ten (10) existing parcels: six (6) parcels encompassing 36.98 +/- acres are zoned M-1/M-2 (Industrial Standard); the remaining four (4) parcels encompassing 17.44 +/- acres are currently zoned Planned Unit Development (PUD).
5. The proposed industrial area of the Villa Amador PUD is designated as Parcels 1 & 2, while the proposed mobile home park of the PUD is designated as Parcel 3.
6. The Villa Amador PUD will have a proposed total number of dwelling units ranging from 165 to 200 dwelling units.
7. Adjacent land use and zoning include:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|---------------------|-----------------------------------|
| North | M-1/M-2/O-2 | Industrial |
| South | PUD/R-1a | Vacant/Residential |
| East | M-1/M-2/C-2/C-3/R-4 | Industrial/Commercial/Residential |
| West | A-2/PUD/M-1/M-2 | Vacant/Industrial |

8. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policies:

- 1.3.1 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.
- 1.3.3. An assortment of lot sizes should be provided for single-family residential developments to promote a variety of lifestyles within the community. With small

urbanized lots (such as 3,500 square foot parcels) to large tracts of land (five acres in size), the City shall address all segments of the population.

- 1.3.5 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.
- 1.7.2 Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:
- a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.
 - b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for standard industrial uses and centers.
 - c. Standard industrial development shall address the following urban design criteria: compatibility in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for standard industrial uses shall be established in the Comprehensive Plan Urban Design Element.
 - d. The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
 - e. The City shall encourage focusing development of light, standard, and heavy industrial uses in areas with existing compatible industrial zoning where these areas comply with industrial land use policies.

Land Use Element Goal 2 (Growth Management)

- 2.5.1. The Planned Unit Development process shall observe growth management policy as established in the Land Use Element, other applicable elements and all companion documents.
- 2.5.2. Planned Unit Developments will only be used for those developments which can be created to benefit both the community and the developer.
- 2.5.3. The PUD process shall be required for those subdivided, multi-phased developments which generally request more than two (2) planning-related variances.

2.5.4. Those developments which request variances to engineering standards (non-planning-related issues) will be considered and acted upon by the Development Review Committee (DRC).

2.5.5. PUD's are required to follow an appropriate process for the review and subsequent action by applicable City staff and boards/committees. PUD's shall be similar to Master Plans and special use permits in terms of the time-frame as well as the process itself. The PUD process requires the following information:

- a. Submittal of a concept plan. The concept plan is similar to a Master Plan in that it is intended to serve as a tool which can assist in identifying the appropriateness of a proposed development in context with its surroundings. This plan shall address at minimum, the purpose and intent of the development (including the explanation/justification for submitting a PUD), method for providing utilities, phasing data, density information, land use information, description of how proposed land uses will be integrated within the immediate and adjacent study areas, transportation impact information, treatment of open space and recreational areas, environmental/geologic impacts, schematic site plan showing land uses, parking areas, walkways and landscaping, and a vicinity map showing the location of the site.

2.5.6 The City realizes that there must be an advantage and genuine interest for developers to initiate the PUD process. The City also realizes that it must make some inducements to motivate the developer to use the PUD's flexibility to create a unique, quality development. In return, a developer should provide a meaningful benefit to the community by providing specific types of development. Consequently, standard housing developments (typical R-1, single family zoning) shall not use the PUD process. In order to accomplish this, only particular types of development may utilize PUD's as a means to an end.

- a. The types of developments or areas in which development may occur (or combinations of) which may utilize the PUD process, are as follows:
 - High density residential development
 - Low density residential development
 - Affordable housing development
 - Environmentally sensitive area development
 - Redevelopment
 - Infill development
 - Historic District development
 - Clustering development
 - Social (quasi-public) development
 - Commercial/Business development
 - Industrial development

- b. Incentives which may be used through the PUD
- Setbacks
 - Building height
 - Density
 - Lot width
 - Lot size
 - Street width
 - Development-related fees
 - Signage
 - Parking
- c. A developer may not be granted a variation in design elements without providing a benefit to the City/community which, in turn, may only be accomplished with quality design principles. Such benefits to the City/community include:
- Distinctiveness and excellence in design and landscaping per the Urban Design Element
 - Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
 - Preservation of major arroyos as per the Storm Water Management Policy Plan
 - Preservation of important cultural resources such as known or potential archaeological sites
 - Provision of affordable housing and/or subsidized housing
 - Provide architectural variety
 - Clustering of buildings
 - Provide alternative transportation facilities
 - Increased park fees
 - Increased landscaping, including higher quality landscaping deeper vegetative buffers; or increased planting along roadways, in open spaces and recreational areas, and along the perimeter of the project
 - Use of greenways or landscaped corridors linking various uses.
 - Screening of or rear placement of parking areas
 - Use of sidewalks/footpaths or pedestrian bicycle circulation networks
 - Segregation of vehicular and pedestrian/bicycle circulation networks
 - Traffic mitigation measures
 - Other public benefits such as provision of a community center or day care center
 - Development of active or passive recreational areas
 - Public access to community facilities in PUD
 - Supply recreational facilities for owners/residents
 - Advancement of City policy or plan

2.5.7 The applicant shall clearly state that any deviations from required zoning and development standards are deserving of such waivers. The City shall not experience a decrease in level-of-service, increase tax burden or maintenance

burden beyond typical development. Justification for waivers shall be in the form of traffic analysis, land use assumptions, or any other source which clearly demonstrates that such variations would not adversely impact the health, safety, and welfare of residents. Impacts resulting from code deviations must be thoroughly addressed and mitigation strategies provided before the City may grant any waivers.

- 2.5.8 A developer will not be granted a waiver to the City's design standards that may pose a threat to public health, safety, and welfare. Waivers must also be consistent with City policies found in all City documents and plans.

Housing Element Goal 1

- 1.1.2. Encourage the use of alternative housing types, styles, and living arrangements (i.e. Conventional Single Family Homes, Apartments, Mobile Homes, Modular Homes, Group Homes, Housing for Older Persons, Accessory Units, Transitional Housing etc.) as a means of making available additional housing opportunities for those who may not otherwise obtain suitable housing through conventional means.

b. Mitigation techniques as outlined in the Land Use Element and/or other appropriate design strategies should be utilized in the development of alternative housing sites to ensure and/or increase overall compatibility with surrounding properties.

DRC RECOMMENDATION

On February 10, 2010, the Development Review Committee (DRC) reviewed the concept plan for the proposed Villa Amador PUD. The DRC reviews PUD's from an infrastructure, utilities, and public improvement stand point. The DRC voted to recommend denial for the Concept Plan request.

During the meeting the Public Works Department did not feel comfortable moving the proposed PUD forward with an affirmative recommendation. Specifically, Public Works voiced concern regarding the allowance of primary access to Valley Drive via the City-owned parcel without satisfying additional requirements deemed necessary by Public Works. The Public Works Department requested the applicant to acquire letters of support and approval from adjacent property owners to the City property being proposed for primary access for the mobile home park off of Valley Drive. The Public Works Department also requested that a Traffic Impact Analysis (TIA) be submitted to the City for review analyzing traffic operations for the use of the City-owned access point off of Valley Drive; Public Works will require the submittal of the TIA before considering recommending approval to the Planning & Zoning Commission.

From a land use perspective, the PUD is supported by several Land Use Elements & Urban Design Goals in the 1999 Comprehensive Plan. The proposed Villa Amador PUD

encourages the use of alternative housing type (i.e. Mobile Homes, and Manufactured Homes) as a means of making available additional housing opportunities for those who may not otherwise obtain suitable housing through conventional means. The proposed PUD provides a different type of single-family residential development that promotes a variety of lifestyles within the community. The Villa Amador PUD also helps focus development of light, standard, and heavy industrial uses in an area with existing compatible industrial zoning where these areas comply with industrial land use policies.

Although the proposed PUD is supported from a land use perspective, the concerns with the access point off of Valley Drive is a major issue that may inhibit the development of the proposed PUD and City Staff is not supportive of approving and moving forward the concept plan without having the Public Works Department's issues addressed. Community Development staff, at this time recommends denial of the proposal, and would alternatively suggest that the concept plan for Villa Amador be tabled until all issues dealing with access are addressed by the applicant. If the Planning & Zoning Commission recommends approval, Community Development staff strongly recommends that the Commission condition the approval, requiring that all issues dealing with access be resolved prior to the zone change request being heard by the City Council.

The DRC recommends denial for the proposed concept plan for the PUD known as Villa Amador.

The recommendation of the Planning and Zoning Commission for the concept plan will be forwarded to City Council for final consideration.

OPTIONS

1. Approve the request for case PUD-09-04.
2. Approve the request with additional conditions as determined appropriate by the Planning and Zoning Commission.
3. Deny the request as recommended by DRC for case PUD-09-04.
4. Table/Postpone the request and direct staff accordingly.

ATTACHMENTS

1. Development Statement
2. Transcripts from the February 10, 2010 DRC Meeting
3. Transcripts from the February 23, 2010 Planning & Zoning Commission Meeting.
4. Traffic Information from the Public
5. Vicinity Map
6. Villa Amador Concept Plan

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: Ted Scanton
 Contact Person: Same
 Contact Phone Number: 575-525-2112
 Contact e-mail Address: tscanton@
 Web site address (if applicable): _____

Proposal Information

Location of Subject Property West of Valley Dr. South of W. Amador
 (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: Mixed - M-1 and P.U.D
 Proposed Zoning: P.U.D.
 Acreage of Subject Property: 54.382
 Detailed description of intended use of property. (Use separate sheet if necessary):
Mixed use, Planned Unit Development with
Light Industrial and A Private Manufactured
Home Community in multiple phases
 Proposed square footage and height of structures to be built (if applicable):
T.B.D.
 Anticipated hours of operation (if proposal involves non-residential uses):
T.B.D.

Anticipated traffic generation See Concept Plan trips per day (if known).

Anticipated development schedule: Work will commence on or about Phase I ASAP and will take approximately T.B.D. to complete.

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

Existing Detention Facilities (Barn Lake) and On-Lot ponding

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:

T.B.D.

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*

DEVELOPMENT REVIEW COMMITTEE

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Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, February 10, 2010 at 9:00 a.m. in the Las Cruces City Council Chambers, 200 North Church Street, Las Cruces, New Mexico.

DRC PRESENT: Tom Murphy, for Cheryl Rodriguez, Community Development
Meei Montoya, Utilities
Mark Johnston, Facilities
Mark Dubbin for Travis Brown, Fire Dept.
Loretta Reyes, Public Works

STAFF PRESENT: Gary Hembree, Community Development
Helen Revels, Community Development
Adam Ochoa, Community Development
Natashia Billy, Public Works
Claudia Diaz, Public Works
Dan Soriano, Public Works
Bill Hamm, Land Management
Catherine Duarte, Land Management
Lora Dunlap, Recording Secretary

OTHERS PRESENT: Ted Scanlon, Scanlon White, Inc.
Steve Peale, Scanlon White Inc.
Matt Kenney, DVI
John Moscato, Bright View Land Co.
Kurt Clifton, DVI

I. CALL TO ORDER (9:03 am)

Murphy: I'm going to get started here everyone; 9:03 call to order the Wednesday, February 10, 2010 meeting of the Development Review Committee.

II. APPROVAL OF MINUTES – NONE

Murphy: We have no approval of minutes.

III. OLD BUSINESS

1. CASE PUD-09-04: Villa Amador

A request for approval of a concept plan for a Planned Unit Development (PUD) known as Villa Amador. The subject properties are located south of Amador Avenue and west of Valley Drive. The subject property encompasses 54.383 +/- acres and is zoned M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development). The proposed PUD will entail three

A

- 1 (3) parcels: Parcel 1 will encompass 7.311 +/- acres and is proposed for
 2 Industrial Light; Parcel 2 will encompass 18.263 +/- acres and is also
 3 proposed for Industrial Light; and, Parcel 3 which will encompass 28.808 +/-
 4 acres and is proposed for a Mobile Home/Manufactured Home Subdivision.
 5 Submitted by Scanlon White, Inc. for IFL, LLC, property owner.
 6
- 7 Murphy: The first item on the agenda is old business Case PUD-09-04, Villa
 8 Amador. We entertained this case last week. We were... we
 9 deferred... we continued it to this meeting and for the applicant to put
 10 together some additional information for this committee. Staff could
 11 you give us an update on the... on what's new with this case?
 12
- 13 Ochoa: Adam Ochoa, Community Development. The letter was turned into
 14 staff for the NMDOT approval. From the last meeting I believe that
 15 was one of the issues from the last meeting with Community
 16 Development. I was not present at the last meeting so any other
 17 issues I guess I'll defer to Gary or anybody else that had any other
 18 issues that were discussed at that meeting.
 19
- 20 Murphy: And would the applicant I guess care to also update us on the case?
 21
- 22 Scanlon: I wouldn't have recognized you until you started talking.
 23
- 24 Murphy: I look the same from the front.
 25
- 26 Scanlon: The only other issue that we had last week was with respect to the
 27 strip of land that we are planning on using for a roadway from Valley
 28 Drive into the development. We did find the original deeds to... from
 29 Westmoreland and others to the City on that and there is nothing in
 30 those deeds that would preclude using that as a roadway so we
 31 believe it's fine for that purpose.
 32
- 33 Murphy: Okay, let's I guess go around the table, start with Public Works.
 34
- 35 Reyes: Loretta Reyes, Public Works. Those are Quit Claim deeds and there
 36 was... we were told that there was a statement of intent and there was
 37 no statement of intent on those deeds that that particular parcel was
 38 reserved for a roadway, so I want to make that for the record.
 39 I brought this forward to the Public Works Director, actually
 40 myself and Bill Hamm, the Land Manager, at our staff meeting
 41 yesterday. We explained the situation to the director and basically the
 42 director feels that there are still unanswered questions. He would like
 43 to see a TIA to show that this access works, as well as probably
 44 consider the Pioneer access. He would also like to know what the
 45 adjacent property owners think and basically he's stating that the
 46 engineer needs to meet with the adjacent property owners and he'd
 47 like written comments from the property owners with regard to what

- 1 they think about this, having this access at this location. And these
 2 are written comments from the owners themselves, not from the
 3 engineer.
- 4 And with that Public Works feels that this cannot proceed until we
 5 have this information and until these questions can be answered.
- 6
- 7 Murphy: Okay. Utilities, you have anything new on...?
- 8
- 9 Montoya: No.
- 10
- 11 Murphy: Community Development?
- 12
- 13 Hembree: No further comments.
- 14
- 15 Murphy: Facilities?
- 16
- 17 Johnston: Mark Johnston, Facilities. No comments.
- 18
- 19 Murphy: Fire?
- 20
- 21 Dubbin: Mark Dubbin, Las Cruces Fire. The access issue is something that is
 22 of importance to us so we're... we'd would like to know how that's
 23 resolved; otherwise the developer has addressed all of our comments
 24 from last week's meeting.
- 25
- 26 Murphy: Okay, Mr. Scanlon I guess we're at the point where would you be
 27 willing to accept an indefinite deferral until those items...?
- 28
- 29 Scanlon: No, I wouldn't. I want this to go forward and I don't understand why
 30 Public Works is taking it upon themselves to stand in the way of it
 31 because we're at the concept plan stage right now of the PUD, that's
 32 what we're doing. We've got everything in order, that strip of land is
 33 the City's; it's theirs to do whatever they want with it. The... they've
 34 already built a storm drain it once and there's nothing in the deeds or
 35 in the conveyance documents that preclude that being used as a
 36 roadway. It's not appropriate to do a TIA at this time. It would be
 37 appropriate to do a TIA at the final site plan stage; that's what we have
 38 talked about all along in this process. We don't agree at all with this
 39 standing in the way of this thing and I don't understand why Public
 40 Works is doing that but no, we want to move forward. And we want a
 41 consensus of at this table that we can do that. We plan on having a
 42 neighborhood meeting next Tuesday at the developer... the
 43 developer's (*inaudible*), he is the one that's going to be bringing that
 44 forward and we don't see any reason whatsoever why that... why this
 45 thing cannot move forward at this stage of the game.
- 46
- 47 Murphy: At this point I'd like to hear from Dan Soriano on the TIA.

1
2 Soriano: Thank you, Dan Soriano, Public Works. Ted didn't we... I realize that
3 we had talked about the TIA and the idea that we're early in the stages
4 but remind me, refresh my memory just a little bit. Didn't we talk about
5 at least some... providing some preliminary report, a trip generation
6 based on just the most conservative guess as to what the land uses
7 are going to be for this subdivision...?
8
9 Scanlon: We talked about doing that at the final site plan stage. We need to...
10 we need to... we need to establish the land uses first.
11
12 Soriano: Okay, this...
13
14 Scanlon: Once we know what the land uses are that have, are approved by the
15 City then we can do the TIA and that's what we had proposed to do all
16 along.
17
18 Soriano: We're at the concept plan at this point? Does this go to P and Z?
19
20 Ochoa: Yes it does.
21
22 Soriano: Goes this month?
23
24 Ochoa: Mr. Scanlon is pushing for this month.
25
26 Soriano: Well Ted I can tell you that if I'm reading the P and Z the way I think I
27 read the P and Z, they're gonna want some kind of information before
28 them at P and Z and that was kind of... that was kind of the message I
29 was trying to convey to you. You've seen from previous cases that
30 that becomes a very, very...
31
32 Scanlon: Sure, and if you look at the... if you look at the PUD drawings, look at
33 the drawings that we turned in, there are preliminary trip generation
34 values given on there based on the ranges that we have... ranges of
35 population density that we've estimated on there and we've already
36 done that.
37
38 Soriano: That's on the concept plan?
39
40 Scanlon: Yes.
41
42 Peale: Steve Peale with Scanlon White. Yeah, the... and we had discussed
43 those at the... on out in the field there at that time that we met out in
44 the field, that had been discussed what those ADT's were on the
45 plans. They're all based off the IT trip generations. They've been
46 there since day one.
47

1 Murphy: One moment while Mr. Soriano reviews the trip generation.
2
3 (Mr. Soriano reviewing paperwork away from the microphones.)
4
5 Murphy: Mr. Soriano...?
6
7 Soriano: Well they do have some trip generation information based on what's
8 planned for the area. Now it does give trip generation only, does not
9 move to level of service and that is some of... that is I mean that is
10 some things Ted and I talked about; that we needed at least some
11 preliminary information before we went to P and Z because I know P
12 and Z was going to turn around and table it or just not want to act on it
13 until we had some kind of volume information out. Of course the
14 director is the director and he's got some other ideas on what exactly
15 he wants with the TIA. If he wants a more detailed TIA I guess we'll
16 have to defer to him to see what he thinks but this seems to be falling
17 in line with what Ted and I did talk about that we needed to at least
18 have some preliminary information. Something that we could at least
19 show the P and Z that there was at least some consideration of the
20 traffic generation from this site and that further analysis level of service
21 determination etcetera, etcetera was going to come with a final report
22 at I guess final, the site plan stage. So this seems to be falling in line
23 with what the conversation that Ted and I have had. Now again, Mr.
24 Johnson has now interjected with some additional requests so I'd have
25 to defer to that.
26
27 Murphy: Mr. Scanlon, and how long would it take to assemble the necessary
28 information for the TIA?
29
30 Scanlon: Take a long time, probably at least two or three weeks.
31
32 Murphy: And Adam, what's the date of the Planning and Zoning?
33
34 Ochoa: That'd be February 23rd.
35
36 Murphy: Twenty third so were less than two weeks out on that.
37
38 Scanlon: I'd like to see in the code where that requirement for that TIA is in the
39 code. I'm looking for uniform administration of the code here.
40
41 Murphy: The... I don't know whether you refer to the design you know the
42 design guidelines or the codes but many places it is referenced as
43 those are the minimum and nothing can preclude staff from requesting
44 additional information. I do believe that a TIA was an early on request
45 from Public Works. There was certainly you, you know, you know, you
46 knew that...
47

- 1 Scanlon: I don't think that's the case, I think this TIA idea just came up
2 yesterday.
3
- 4 Murphy: No...
- 5
- 6 Scanlon: I don't understand why, what they're afraid of what and over there and
7 why they're standing in the way of this thing and what they're throw...
8 reaching around in the dark trying to find reasons to deny this or to
9 keep it from going forward.
- 10
- 11 Reyes: Mr. Chairman, Loretta Reyes, Public Works. We're not trying to keep
12 this from going forward, Ted. It's a concern over that parcel of land as
13 to whether or not it should be reserved for, for just the drainage
14 purposes to have because that box culvert is there or whether it
15 should be used as a roadway and that's the questions. I don't have
16 the authority to say yes you can use that piece of property as a
17 roadway. I believe that that authority is above me...
- 18
- 19 Scanlon: Show me in the documents then where it says that it can be used for
20 drainage. You know you guys used it for drainage; you chose to use it
21 for whatever you wanted back then...
- 22
- 23 Murphy: Mr. Scanlon. Mr. Scanlon. We don't need to; we don't need to delve
24 into that. I believe at this point...
- 25
- 26 Scanlon: We do need to delve into that.
- 27
- 28 Murphy: I think the applicant's not willing to accept a deferral. I think what we
29 need... the committee needs to move this on to P and Z with a
30 recommendation and you know based, based on, based on the
31 concerns raised by Public Works and you know the impacts we have
32 for Fire, I believe I'm going to look for a recommendation of denial to
33 the Planning and Zoning Commission. Can I have the motion?
34
35 *Someone speaking away from the microphone.*
- 36
- 37 Murphy: Motion to move this case forward to the P and Z with a recommended
38 denial.
- 39
- 40 Reyes: Mr. Chair we wouldn't just vote on the question and then voice our
41 whether we deny or... or say yes to take it?
42
- 43 Murphy: Do you think it would be more... it would be better if we have a motion
44 for approval and then explain no votes?
45
- 46 Reyes: I would think that... that's what we've done in other cases we have...
47

- 1 Murphy: Okay I'm not used to being in the Chair position. Okay, may I have a
2 motion for... a motion to approve?
3
- 4 Dubbin: Mark Dubbin, Fire Department. Make a motion to approve the case.
5
- 6 Johnston: Mark Johnston, Facilities. Second.
7
- 8 Murphy: Okay, let's go ahead and vote. Public Works?
9
- 10 Reyes: No.
11
- 12 Murphy: Utilities?
13
- 14 Montoya: We'll vote no because during the conversation that I'm hearing right
15 now although right now that we have state the utility plan is only a
16 con... concept only but if the connection to Valley Drive is not going to
17 be happening that I think Ted that you have place two utility line
18 through that tract of land then how we going to move those utility line if
19 the road is not going to go through so I have... I have the concern that
20 if the road, if it's not going to go through so...
21
- 22 Scanlon: The road has to go through Meei.
23
- 24 Montoya: Okay, I don't know at this time so anyway and meantime I will support
25 my colleague because would like to see this going to P and Z without
26 a major question ideas, so the Utility vote no.
27
- 28 Murphy: Alright, Community Development?
29
- 30 Hembree: Community Development defers to Public Works and vote no.
31
- 32 Murphy: Facilities?
33
- 34 Johnston: Facilities votes yes.
35
- 36 Murphy: Fire?
37
- 38 Dubbin: Mark Dubbin, Las Cruces Fire. If the... if the utilities and the road go
39 through as in the concept plan, the Fire Department has no issue with
40 the development. I think based on the questions raised by Public
41 Works and Utilities I have to deny at this time.
42
- 43 Murphy: Okay and MPO votes no. Reason being that the... the access point is
44 I believe a very key factor to the development and that there's not
45 been adequate you know adequate you know notification as far as
46 when... how to use that (*inaudible*) tract.
47

1 Scanlon: Fine you'll hear from my attorney.

2
3 Murphy: So the motion fails 5-1.

4
5 IV. NEW BUSINESS

6
7 **2. CASE S-07-056: Rancho Del Valle (Preliminary Plat), Variance Request**
8 A request for approval of a variance to the cross-section for a minor local
9 roadway per the City's Design Standards. In addition, the applicant is
10 requesting a variance to the street lighting requirement per the City's
11 Design Standards. Subject property is located north Thurmond (also known
12 as Engler) Road and south of Peachtree Hills Road. The application was
13 submitted by DVI for Bright View Land Company, property owner.

14
15 Murphy: Okay, next...

16
17 *Someone speaking away from microphone*

18
19 Murphy: Next case. Case S-07-056, Rancho Del Valle preliminary plat and
20 variance request. Helen, can you go ahead and brief us on that?

21
22 Revels: Helen Revels for the record. We're here today because the applicant
23 is in the process of getting ready to submit the final plat and
24 construction drawings for Rancho Del Valle Subdivision. The
25 preliminary plat was approved in November 2007. It was granted a
26 one year extension November 10, 2009. The applicant is here today.
27 The first variance request is for no street lighting as per design
28 standard requirements and the second request is for a cross section
29 deviation from the City Design Standard. The applicant is seeking a
30 31 feet back-of-curb, back-of-curb cross section. The subject property
31 is located north of Thurmond Road and south of Peachtree Hills Road
32 and the applicant is Bright View Land Company. DVI is here for as a
33 representative for the applicant.

34
35 Murphy: And does the applicant have anything to add to that?

36
37 Moscato: Matt Kenney will be here momentarily.

38
39 Revels: Also I'd like to add that the reason I believe for the deviations is that
40 the applicant is also in the process of working on amending the Metro
41 Verde concept plan and eventually Rancho Del Valle Subdivision will
42 be part of that PUD and so that they're requesting the design
43 standards that will be featured in the Metro Verde PUD.

44
45 Kenney: Matt Kenney, DVI, thank you Helen. I wanted to go ahead and start by
46 reading something from the American Association State Highway and
47 Transportation Officials which is ASHTO. Their... they publish a

1 Scholz: Okay. All right if there's no additional discussion, once again I'll entertain
2 a motion to approve.

3
4 Crane: Once again I will move.

5
6 Bustos: I'll second.

7
8 Scholz: Okay. It's been moved and seconded. I'll call the roll. Commissioner
9 Crane.

10
11 Crane: Aye findings and discussion.

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 and discussion. All right, it's
22 approved. Thank you very much Ms. Murphy, Mr. Dunham.

- 23
24 2. **Case PUD-09-04:** A request for approval of a concept plan for a Planned
25 Unit Development (PUD) known as Villa Amador. The subject properties are
26 located south of Amador Avenue and west of Valley Drive. The subject
27 property encompasses 54.383 +/- acres and is zoned M-1/M-2 (Industrial
28 Standard) and PUD (Planned Unit Development). The proposed PUD will
29 entail three (3) parcels: Parcel 1 will encompass 7.311 +/- acres and is
30 proposed for Industrial Standard uses; Parcel 2 will encompass 18.263 +/-
31 acres and is also proposed for Industrial Standard uses; and, Parcel 3 which
32 will encompass 28.808 +/- acres and is proposed for a Mobile Home Park.
33 Submitted by Scanlon White, Inc. for IFL, LLC, property owner

34
35 Scholz: Okay, our next case is Case PUD-09-04, a request for approval of a
36 concept plan for a Planned Unit Development. And Mr. Ochoa I see
37 you're up again. What was the problem with the computer? Did it crash?

38
39 Ochoa: I guess it just decided to take some time off.

40
41 Scholz: Oh yes, I can understand that. I'm in favor of that myself.

42
43 Ochoa: Next case tonight gentlemen is PUD-09-04. It is a request for approval for
44 a concept plan for a Planned Unit Development or PUD known as Villa
45 Amador. You can see right here, this is the vicinity map here highlighted
46 in the light green line if you will which encompasses all parcels that would

1 be part of this Planned Unit Development. Located south of Amador right
2 here and west of Valley right here. The proposed Planned Unit
3 Development known as Villa Amador is generally located south of Amador
4 and west of Valley like I said. The proposed Villa Amador PUD is made
5 up of 10 existing parcels. Currently six parcels encompassing
6 approximately 36.98 acres are zoned M-1/M-2 which is industrial
7 standard, while the other four encompassing approximately 17.44 acres
8 are currently zoned PUD or Planned Unit Development. The four acres
9 zoned PUD were annexed into the City of Las Cruces in 1978 with the
10 initial zoning of a planned community district, is what a PUD used to be
11 known as. The actual intent for the use of these parcels was never
12 determined through the annexation process.

13 Concept plan, case specifics, the proposed PUD encompasses
14 54.38 acres and is being proposed for industrial standard uses and a
15 mobile home park/community. The proposed industrial area will have
16 access off of Pioneer Place where the proposed mobile home park/
17 community is proposed to have access to Valley via a small vacant City-
18 owned parcel and secondary access off of Pioneer Place. All utilities in
19 the PUD will follow standards of the City of Las Cruces Utility Department.
20 Landscape and street lighting requirements for the Villa Amador PUD will
21 follow City of Las Cruces Design Standards as well as the signage use
22 throughout the proposed PUD will follow the sign code regulations as well.

23 Here's a concept plan of the proposed PUD separating the three
24 parcels, parcel 1, 2 and 3 here. Parcel 1 and 2 is what is being proposed
25 for industrial uses while parcel 3 right here would be proposed for the
26 mobile home park/community. Parcels 1 and 2 of the Villa Amador
27 contain about 25.576 acres and are being proposed for the industrial
28 standard uses. The permitted uses in the proposed industrial area will be
29 the same as those uses permitted in the 2001 Zoning Code under the M-
30 1/M-2 or Industrial Standard Zoning District. The proposed industrial area
31 will follow development standards created by the applicant for the Villa
32 Amador PUD when it comes to minimum lot size, maximum height,
33 setbacks, and so on. Parcels 1 and 2 of the Villa Amador PUD will also
34 require on-lot ponding for all post development runoff that shall be in
35 accordance with the City of Las Cruces Development Standards.

36 The residential area which would be parcel 3 of the Villa Amador
37 PUD contains approximately 28.808 acres and is proposed for a mobile
38 home park/community. Parcel 3 will also follow the development
39 standards created and put in place by the applicant regarding the
40 minimum lot size, maximum height, setbacks, and so on. The dwelling
41 unit range for this area would be 5.7 to 6.9 units per acre and is being
42 proposed for a total of anywhere between 165 to 200 dwelling units in the
43 entire parcel 3. All streets, common areas, landscaping, and open space
44 in parcel 3 will be privately maintained by the entity that owns the mobile
45 home park/manufactured home park. Ten foot landscape buffer that will
46 also be maintained by the mobile home park owner will be installed

1 between the mobile home park/community and the adjacent industrial
2 uses proposed in parcels 1 and 2.

3 Here's an aerial of the proposed area. As you can see most of it is
4 vacant with some industrial uses already in existence and what is being
5 proposed as parcel 1. And access points would be here off of Pioneer
6 Place and the other proposed access would be here off of Valley.

7 On February 10th, 2010, the Development Review Committee or
8 DRC reviewed the conceptual plan for the proposed Villa Amador PUD.
9 During the meeting public works department did not feel comfortable
10 moving the proposed PUD forward with any affirmative recommendation.
11 Public works voiced concerns regarding the allowance of primary access
12 to Valley Drive via the City owned parcel without satisfying additional
13 requirements deemed necessary by Public Works. Public Works
14 Department requested the applicant to require a letter to support an
15 approval from adjacent property owners to the City property being
16 proposed for primary access for the mobile home park off of Valley Drive.
17 Public Works Department also required that a traffic impact analysis or
18 TIA be submitted to the City for review for the use of the City-owned
19 access point off of Valley Drive.

20 Although the proposed PUD is supported from a land use
21 perspective, the concerns with the access point off of Valley Drive is a
22 major issue that may inhibit the development of the proposed PUD. And
23 City staff at that point was not supportive of approving and moving forward
24 with the concept plan without having the Public Works Department's
25 issues addressed. With that, DRC at that time recommended denial for
26 the proposed concept plan for the PUD known as Villa Amador. Just
27 recently since then the applicant has been in contact with the Public
28 Works Department trying to I guess finish out whatever concerns they
29 might've had with the access and so forth. Just today Community
30 Development staff received a letter from Public Works basically stating
31 that a conditional approval ... that they're recommending approval with
32 conditions for the Planned Unit Development. I'd like to read off those
33 conditions now. One is that until such time that it is decided that the City
34 parcel can be used as a roadway to access the development subdivision;
35 the engineer shall designate it as a proposed access on the concept plan.
36 Two is a TIA shall be provided at the final site plan submittal. Three, use
37 of the City parcel as a roadway/public right-of-way is contingent upon the
38 review of the TIA. And further discussions with the Public Works
39 Department to determine the feasibility of utilizing the City parcel due to
40 existing City infrastructure. If it is decided that the City parcel can be used
41 as a roadway, the engineer must work with the adjacent property owners
42 to ensure that there are no adverse impacts on their property/businesses.
43 The developer is also responsible for replatting the parcel as public right-
44 of-way. Four is that final site plan submittal; the engineer shall provide
45 written confirmation that the engineer has notified the property owners
46 adjacent to the City parcel of the potential use of the City parcel as a

1 roadway. Five, if the City parcel cannot be used for primary access to the
 2 private subdivision based on the list of conditions, the developer must
 3 designate another access point as their primary access to their
 4 development and find another secondary access for the development.
 5 And six, there must be an agreement with the City to use the City's future
 6 retention facility.

7 With that, Community Development staff still feels that there are
 8 issues for the concept plan to move forward with the actual approval
 9 because of the access issue. Tonight gentlemen your options are to vote
 10 yes to approve the request for Case PUD-09-04, two to vote yes to
 11 approve the request with additional conditions as deemed appropriate by
 12 the P&Z, one of those conditions may be which was recommended by
 13 staff, is possibly allowing it with the condition that the issues with the
 14 access for the concept plan be dealt with prior to moving forward to City
 15 Council for final action. Three is to vote no, to deny the request as
 16 recommended by the DRC for Case PUD-09-04, or four is to table and
 17 postpone the request and direct staff accordingly. That is the end of my
 18 presentation. The applicant is here for questions. I stand for questions as
 19 well.

20
 21 Scholz: Okay, questions. Commissioner Crane.

22
 23 Crane: In view of the statement that we have in front of us by the Public Works
 24 Department, what is the position of the DRC or are they out of the loop
 25 now?

26
 27 Ochoa: No, sir. DRC's recommendation is still denial. We cannot change that
 28 since it was voted on by different departments of the City. So it still stays
 29 as denial.

30
 31 Crane: Thank you.

32
 33 Scholz: Okay. Commissioner Beard.

34
 35 Beard: Could you go to that map again and show me where the soccer fields are
 36 and the Burn Lakes are?

37
 38 Ochoa: The soccer field/Burn Lake area is somewhere to the southwest this way.

39
 40 Beard: Where's Amador on that one?

41
 42 Ochoa: Amador is right up here.

43
 44 Beard: Okay. And then the access road?

45

- 1 Ochoa: This is Pioneer Place here, the access being proposed for the industrial
2 area. This over here would be the access point to get to Bum Lake I
3 believe.
4
- 5 Scholz: Yes. Okay. All right. I just had ... I hate to throw a wet blanket on this
6 you know and stop the process, but it seems to me we don't have enough
7 information right now, particularly about the access. And when I was out
8 there today looking at the property, it occurred to me that there's no way to
9 get to Valley and almost no way to get to Amador though obviously that
10 Pioneer Road would do the trick. And I'm looking at the number of
11 dwellings that they're talking about which is about 165 to 200 I think they
12 estimated. Well it seems to me that we need a definite access to Valley of
13 some sort. We need an agreement on that from Public Works or from the
14 City from whoever gives that permission. And it seems to me we also
15 need a traffic impact study to see how we can put that many vehicles out
16 through that road onto Valley which is a very busy road. I always
17 remember that when I go to Scoopy's, I'm sorry Caliche's. I don't mean to
18 be retro. And when I have to turn on there and go across the traffic on
19 Valley or pull out of Caliche's and get back into traffic lane, it's difficult. I
20 can't imagine what it would be like to have a couple hundred cars you
21 know pulling out on that. So it seems to me that what we need before we
22 can act on this is some guaranteed access on those roads and a traffic
23 impact assessment. Commissioner Crane.
24
- 25 Crane: The Public Works has said it will provide a conditional approval with the
26 following conditions and there's a string of conditions that have to be met.
27 What then can the developer do if we vote to approve? What progress
28 can the developer make? Can ground be broken?
29
- 30 Scholz: Well it seems to me that the developer would have to meet these
31 conditions in order to get the approval. And it seems to me that ... it's my
32 feeling anyway that it would be better for the developer to meet those
33 conditions initially and then bring it up for approval instead of you know
34 doing it in kind of a patchwork process. But since the applicant is here I'm
35 certainly willing to listen to the applicant. Mr. Scanlon.
36
- 37 Scanlon: Yes, sir, Mr. Chairman, members of the Commission. Thank you for the
38 opportunity to speak to you tonight. The parcel of land in question and I
39 don't know for the life of me understand why the Public Works staff got so
40 scared of this thing, but they seem to have and I've been dealing with this
41 for several weeks now and I thought coming in here tonight that I had it
42 completely cleared up because I have complied with everything that
43 they've asked me to do with respect to it. But there is a parcel of land right
44 here between the property line which is located in this area over to the
45 Valley Drive right-of-way. That piece of property was acquired by a prior
46 developer that was getting a development approval on this property. He

1 got a PUD back in 1986. His name was Forest Westmoreland. He
2 acquired that piece of property for the sole purpose of providing access
3 into this property. And he deeded it to the City and the City has owned it
4 ever since. The City has used it for a storm drain structure that traverses
5 underneath Valley Drive and comes right through that parcel of property.
6 So the City acknowledges it. It was given to them for a road. It was never
7 prohibited from any use and it was very specifically not prohibited from
8 any use, so that it could be used for utilities. It could be used for drainage
9 structure. It could be used for a roadway. Now I did go out and meet with
10 representative from the Caliche's property and the fellow of the name of
11 Javier Morales and he told me that the owner of Caliche's has told him
12 from day one that that piece of property belongs to the City and they're
13 going to build a road in there whenever they develop that property. That's
14 always been the plan. I don't understand why Public Works has decided
15 that there is some sort of ambiguity or some sort of issue with that
16 because that's what that tract of land was given to the City for and that's
17 what it has always been reserved for, and now is the time that it should be
18 used.

19 We have met with the DOT, and we have met with the City traffic
20 engineers. We've met with as I said the adjacent landowner there and
21 there isn't any problems with that piece of ... with that little strip of land
22 becoming a roadway. It was always meant to be a roadway and that's
23 what it's going to be. Obviously, with respect to the conditions that Public
24 Works staff has asked us to comply with, we don't have any issues with
25 complying with any of those things. I mean those are just things that we
26 have to do.

27 At this stage of the PUD process, the concept plan is put in place to
28 establish land use. The details as to how the access works and how the
29 traffic impact analysis, the utility, actual utility layouts and all those things
30 are done at the time of the final site plan which is way more detailed
31 document that comes back to this board after approval of the concept
32 plan. In other words we take the concept plan, we put together the land
33 uses and density ranges and what is going to go on the property as far as
34 uses, just like you would if you were rezoning the parcels to R-1 and M-1
35 or MT or whatever different zoning districts you might do. It's the same
36 way, except in the PUD you establish those land uses on those parcels as
37 part of the concept plan. Then the final site plan comes back to you guys
38 and that takes the place of a preliminary plat. So that's a very detailed
39 document and it addresses all kinds of things like water pressures, and
40 capacities, and fire flows, and more detailed drainage calculations and all
41 sorts of things. The traffic impact analysis is done at that time, just like
42 when a subdivision process, you do the traffic impact analysis at the time
43 of the preliminary plat. Final plans, site plan in a PUD and a preliminary
44 plat in a subdivision is very much the same document. And they were
45 designed to be that way, because when you do a PUD and you get final

1 site plan approval, you don't have to go through the preliminary plat
2 process. You've already done it with the final site plan.

3 At the stage we're at tonight, all we're doing is trying to establish
4 the land use. Is the land use appropriate for the property? And if there
5 are any conditions or anything like that that come out of the meeting, then
6 we incorporate those into the final site plan and bring that forward back to
7 this body. We'll come back with a lot more detail on this. But as I stated
8 the purpose of the concept plan is to establish some land uses, to
9 establish some public benefit, basic concepts as to how the property's
10 going to be accessed and how it's going to be developed. In a very basic,
11 preliminary form.

12
13 Scholz: Okay. Some questions for Mr. Scanlon? Commissioner Beard.

14
15 Beard: That access that you're talking about off of Valley.

16
17 Scanlon: Yes, sir.

18
19 Beard: How wide is that access?

20
21 Scanlon: It's 50-feet wide. It meets the requirements of a City street.

22
23 Beard: 50-feet wide. Okay.

24
25 Scanlon: It was ...

26
27 Beard: And that right now is an irrigation ditch?

28
29 Scanlon: I'm sorry?

30
31 Beard: Is that right now an irrigation ditch you said?

32
33 Scanlon: No, it's a paved area between the Caliche's property and the Farm Bureau
34 property to the south of Caliche's.

35
36 Beard: To the south, okay.

37
38 Scanlon: So it lies ... it's a 50-foot wide strip that lies right in between those two
39 properties.

40
41 Beard: I got you. I was thinking about north. Okay.

42
43 Scanlon: Right now there's a dumpster sitting right on the end of it.

44
45 Beard: Okay.

46

- 1 Crane: Mr. Chairman.
2
- 3 Scholz: Yes, Commissioner Crane.
4
- 5 Crane: In the Public Works paragraph three of their letter of today, mentions
6 determining feasibility of utilizing City parcel due to existing City
7 infrastructure. And I wonder if they're talking about that drain you
8 mentioned?
9
- 10 Scanlon: They are talking about that storm drain and it's very feasible to build this
11 roadway over the top of that. In fact we're going to build a roadway over
12 the top of that ... that box culvert enters the ... comes under Valley Drive
13 right here and enters our property right here inside an easement. We're
14 going to build a road right over the top of it all the way to here. And then
15 there would be a drainage easement which will provide some access to ...
16 cross access between this development and Burn Lake for pedestrian and
17 bicycle access so that they can access the recreational facilities and so
18 forth in there. The plan is to build right over the top of that box culvert.
19 The box culvert is designed in such a way that that's not a hindrance to it
20 at all. In fact makes it very convenient to build drop inlets and let storm
21 water go right into the box culvert.
22
- 23 Crane: Thank you.
24
- 25 Scholz: Okay. I just have two questions. I don't have ... thank you for explaining
26 the access point by the way.
27
- 28 Scanlon: Yes, sir.
29
- 30 Scholz: That was confusing and I don't think we were enlightened by Public Works
31 there in their memo. My question is why put a subdivision ... that is, why
32 put a residential subdivision in what is basically an industrial area?
33
- 34 Scanlon: Well it's kind of a transitional area. There is to the south is Brown Road
35 which is a quite old and very well established rural sort of neighborhood.
36 We will transition from that area with somewhat higher density residential
37 area in here, transitioning then over to the industrial area. The idea in this
38 day and age and this is a concept of what the buzz word they call new
39 urbanism, is to try to keep traffic down by allowing people to live close to
40 where they would work. And that's one of the newer concepts in planning
41 that's kind of going around the country now is to get commercial areas and
42 industrial areas closer to each other so you don't have them sprawled out
43 in great big areas but they're in these pockets and people can live and
44 work very close to, or work very close to where they live.
45
- 46 Scholz: Right, I can understand that.

- 1
2 Scanlon: And there's another issue, we're trying to provide a development as far as
3 the residential area that's very affordable. And this is one of the driving
4 forces of that and the land area and being within the industrial area and
5 having the ability to combine that with the industrial area allows us to
6 make this residential development more affordable than we would be if we
7 had to go out here on the East Mesa and buy vacant land and do it out
8 there.
9
- 10 Scholz: I see. Well, the other part of smart growth of course is to have commercial
11 areas nearby and I don't see any commercial areas nearby.
12
- 13 Scanlon: Well Wal-Mart right down the street. Fairly close.
14
- 15 Scholz: Where is the Wal-Mart? It's on ...
16
- 17 Scanlon: It's just on the other side of Avenida de Mesilla which is about right here.
18 About right there.
19
- 20 Scholz: Okay. Well I don't see that as a neighborhood. It's certainly not within
21 walking distance. Okay. Well those were my concerns Mr. Scanlon. Any
22 other questions for Mr. Scanlon? Okay, we'll open this to the public for
23 discussion.
24
- 25 Scanlon: Thank you.
26
- 27 Scholz: And several people want to speak. What I'd like you to do is come up and
28 identify yourself and then tell us what you think.
29
- 30 Schwebke: My name is John Schwebke. I represent the Doña Ana County Farm
31 Bureau which is the building south. And we have never been asked to talk
32 to or anything about this development. I'm very well aware that road ...
33 when I moved here in 1997 and I occupied that building it was a gravel
34 spillway and City came through and put what do call, you dig up the
35 blacktop on the street and you put another top, top coating or whatever
36 they did and it became nice cause the dust didn't blow any more in that
37 area.
38 My concerns are a couple. It doesn't seem that this has to happen
39 and have access to Valley Drive. I mean we're talking minimum 200 to
40 300 to 400 cars daily basis in and out, in and out, in and out. And that
41 already has a lot of cars in Caliche's and I'll speak to that in a minute
42 because that I think is an institution we should not disturb in Las Cruces.
43 But as far as we're concerned as a business, our entryway into our
44 parking lot would be right adjacent to the street where it would come out. I
45 just do not see how I can turn left going out when there are cars coming
46 out turning right. We have enough space there with Caliche's that we've

1 developed patterns and people that use that, there's enough space that
2 they come out, they're about 20-feet away from where we are, 25-feet
3 away. So that's one concern. But I'm not opposed to development at all.
4 I really am for development. I see the drainage ditch or whatever we call
5 the lateral as a perfect buffer between Valley Drive and the businesses
6 along there and the development. And be able to use some other way to
7 get in and out of this property onto Amador which the perfect way would
8 be connecting with Seventeenth Street where there's a stop light already
9 and have that go across. And that would be a perfect place, stop light's
10 already there and somehow figure out how that could work, because that
11 would allow all the traffic to go onto Amador, left, right, straight across,
12 and whatever else. So that's my comment that that might be a possible
13 way to do something.

14 Also adding the buffer zone there with the lateral because you also
15 have a daycare center which is right next to our office and that was Farm
16 Bureau property which was sold so the daycare center could be put in
17 there. Again, I'm opposed to this only for the reason of the Valley Drive
18 entrance. And it may be possible and again I've tried to think of ways not
19 to be totally negative because I think that if you have a negative comment
20 you also should have a solution, try to come up with a solution. And I
21 think it may be acceptable to have a smaller street that would be one-way
22 into it. An entrance only, in, not coming out and in both. That would tend
23 to limit some of the traffic. As far as right now and what we have not
24 heard, nobody's sat down with us and talked to us about it, but we have a
25 lot of people in and out of that, in our parking lot every day. Right now I'd
26 like to see that eliminated from at the Valley Drive entrance. Other than
27 that I can see working with the person to develop the other property.

28
29 Scholz: Okay. Thank you Mr. Schwebke.

30
31 Crane: Mr. Chairman.

32
33 Scholz: Can you hold off until we hear from other people Mr. Scanlon?

34
35 Crane: May I ask Mr. Schwebke a question?

36
37 Scholz: Yes, certainly. Mr. Schwebke Commissioner Crane needs to ask you a
38 question. Sorry about that.

39
40 Crane: If there were a traffic light there would that meet your objections?

41
42 Schwebke: Well I guess except if there was a traffic light there how do we get out of
43 our driveway with the traffic light right next to it?

44
45 Crane: Maybe you could ... could you get access onto this new road that's
46 suggested? Could you come out ...?

- 1
2 Schwebke: It might be possible. I mean it's ... you're going right out to it within 30-feet
3 of the highway. In other words anywhere you come along there would be
4 to the north and it would be right out. I mean that's just you know ...
5
6 Crane: You're on the corner of this suggested access road and Valley Drive?
7
8 Schwebke: We basically are between ... our parking lot and then there's that access
9 road which I was told that was a right-of-way, City right-of-way which was
10 ... and that what it was was a right-of-way. Initially it was for farm, farm
11 equipment went down, across there and across the lateral to use that as
12 farm land a lot of times and then also EBID uses it for work on the lateral.
13
14 Crane: Thank you.
15
16 Scholz: Okay. Yes, ma'am.
17
18 Fiebert: I'm Jude Fiebert. And Adam's going to show you where my house is. I
19 think I'm the closest one to this proposal. I've got a swimming pool out
20 back. I wrote a little blurb and a few of the neighbors got together with me
21 and I'd like to read it to you. And I would also like for all our neighbors to
22 stand up when I'm done, if they would.
23 We the undersigned feel the quality of our lives will be drastically
24 changed in a negative manner by this proposal. Most of us are retired and
25 homebodies and have difficulties with the increasing traffic on Valley
26 Drive. We feel the natural resources of the area are insufficient for the
27 amount of industry and living conditions you are seeking. And I got a few
28 of the neighbors that couldn't attend tonight; Bertie Douglas, she's at
29 1407; Margaret Deen 1431; Elsie I think I see you here; Nelda Mansel
30 1410; Rupert Mansel 1410; Cheryl Verdugo 1461; Susan Cranel 1906;
31 and myself Jude Fiebert 1906. Paul (*inaudible*) is here and he told me to
32 sign it but I don't think you should sign anybody else's name. We're
33 worried about sewage and traffic and just living comfortably the way we
34 have been for many many years. Thank you.
35
36 Scholz: Okay, ma'am. Would you ...
37
38 Crane: Mr. Chairman.
39
40 Scholz: Ma'am before you leave, yes, Commissioner Crane had a question and I
41 also have a question. Would you spell your last name for me please?
42
43 Fiebert: F as in Frank, i e b e r t.
44
45 Scholz: Say again. Fi.
46

1 Fiebert: E.
2
3 Scholz: E.
4
5 Fiebert: B for boy, ert. I used to have Jude's Birkenstock on Main Street.
6
7 Scholz: There we go. And you're address is?
8
9 Fiebert: 1906 Brown.
10
11 Scholz: Oh, you're on Brown, there we go. Thank you very much.
12
13 Fiebert: I'm on West Brown. It's a dirt road off of Brown.
14
15 Scholz: Right, I missed that. Okay. Commissioner Crane.
16
17 Crane: That was my question. I live on the poor side of Brown Road.
18
19 Fiebert: Poor side. I think I'm on the poor side.
20
21 Crane: Wrong side of the tracks. But it's nice to be in your neighborhood.
22
23 Fiebert: Thank you.
24
25 Crane: As I understand it there's no connection between Brown Road and I'm not
26 suggesting there being any connection between Brown Road, West Brown
27 Road and the new development, suggested development, right?
28
29 Fiebert: Well it's my backyard.
30
31 Crane: I see that, but the traffic is not going to come down Brown Road as far as
32 you know.
33
34 Fiebert: Oh no but we can't get out of Brown Road now. My biggest fear, I wrote to
35 Nathan Small and I said you know I think I'm going to starve to death in
36 my car while I'm trying to go to the grocery cause I can't get out of the
37 road.
38
39 Crane: Yeah, I've given up ...
40
41 Fiebert: I had a traffic ticket.
42
43 Crane: I turn north up Valley, do a U-turn and go south.
44
45 Fiebert: Well I was in the middle. I'm in the middle and a man was speeding and
46 he went up onto the used car lot, got hung up, took the sign down, the

1 street sign, and I got the ticket. They said I didn't yield the right-of-way. It
2 was dismissed.

3

4 Scholz: Okay. Thank you. Is there somebody else from the public? Yes, sir.

5

6 Avalon: I think I have a solution to your problem.

7

8 Scholz: Okay, you'll have to identify yourself first.

9

10 Avalon: My name is Anthony Avalon. I filed a memorandum today. I hope you
11 folks ...

12

13 Scholz: You did. We got a copy of that sir. Yes. Thank you.

14

15 Avalon: The access problem is to take a careful look at Roundtree Place. You see
16 that? Where's the ...

17

18 Scholz: You know the details on the map that we've been given are so small I
19 couldn't identify most of the roads.

20

21 Avalon: Roundtree Place runs from ...

22

23 Scholz: Okay, you'll have to stay on the mike sir in order to be heard.

24

25 Avalon: Okay. You see Roundtree Place there?

26

27 Scholz: Yes.

28

29 Avalon: Okay, we own a parcel, a half acre parcel on the east side right about
30 there.

31

32 Scholz: Okay.

33

34 Avalon: Roundtree Place was supposed to be completed by the owners of the
35 property ... how do I get this to go? On the west side of Roundtree Place.
36 And it includes a portion of the ... how do I get the arrow to go?

37

38 Scholz: Adam would you help this gentleman please?

39

40 Avalon: How do I get the arrow? Got to keep shaking it. Okay. The arrow is
41 presently on a parcel identified in a replat filed by four owners. The replat
42 was filed in 1990. And the owners on that replat was this triangular piece
43 here. That triangular piece.

44

45 Scholz: Why does that arrow keep disappearing? Magic.

46

1 Avalon: That triangular piece there and these three pieces to the east; one, two,
2 three. The plat filed in 1990 proposed that what had originally been
3 individual lots, 50 by 100-foot lots bordering on Roundtree be changed to
4 this configuration. And my point here is to suggest to you that there is a
5 solution to the access problem by using what should've been done on
6 Roundtree Place. In 1990 or shortly thereafter when the City accepted the
7 replat of this particular area, the replat was proposed by the owner of that
8 triangular piece and those three lots that are on the west side of
9 Roundtree. The legend on the replat simply stated that the, fine print once
10 again, I can't find it in there. It's long winded and it says simply that these
11 owners of the replat would do all the work required on Roundtree Place.
12 The utilities being put in, the sewer line being put in; and unfortunately that
13 was never followed up. These owners got the replat filed but the City
14 never enforced the provision on the replat that these owners would do the
15 job that they said they would do on Roundtree Place.

16 Now the reason why I'm here is that we're having difficulty
17 developing on the east side of Roundtree. The problem is that the sewer
18 line doesn't go all the way. It ends approximately where the pavement
19 ends on Roundtree Place. It was never completed and it could be
20 completed all the way down to the road that travels more or less east and
21 west that they propose to cross over that City property and enter Valley
22 Drive. Instead of that, do what they should've done on Roundtree Place.
23 Make a turn on the road they propose now and feed the property that
24 they're proposing as a mobile home park. That would solve the problem
25 with a lot of concern, your concerns about access to Valley Drive, the
26 need perhaps of a traffic light at that location, the problems that the Farm
27 Bureau has. I've been on that site and I know they are concerned. You
28 take 50-feet and make a roadway out of it and you put a light to any kind
29 of traffic there, you've got a problem coming in and out of the Farm Bureau
30 office. I think Caliche's will also have a problem with access in and out of
31 their place although they have a quite a bit of frontage on Valley Drive.
32 And so I tried to discover whether there's a way, a legal way of forcing the
33 issue of requiring the owner of that triangular piece and those three
34 parcels that face on Roundtree, they promised the City when they filed the
35 replat that they would do what was required in Roundtree place. What
36 was required was to continue the sewer line with the gas line, put the
37 water line in and complete the paving. They never did. And I've inquired
38 of the planning office and there's no way of enforcing that at this late
39 stage. When I saw this proposal, it came to me as a way of requiring
40 them now to do what they should've done shortly after 1990. Solved
41 several problems with one simple solution. Do the job they should've
42 done in 1990 or shortly thereafter, do a proper job on Roundtree. Use that
43 as access to the rest of the property, and avoid any use of that 50-foot
44 piece of land that takes you out to Valley Drive.

45 Scholz: Okay, I have a question for you. Commissioner Crane.
46

1
2 Crane: You're suggesting then that instead of having that access onto Valley
3 Drive that we were speaking about a few minutes ago. That the second
4 access to the parcel will be on Roundtree?
5
6 Avalon: I think so.
7
8 Crane: Yes, it would solve the one problem and I'm not sure it doesn't raise a
9 worse one because of how close the junction of Roundtree to Amador is.
10 You know they have a sign there telling traffic to stop to the light on Valley
11 Drive, not to block Roundtree and that distance from the end of Roundtree
12 to Valley Drive must be no more than 20, 25 yards I'd guess. If you have
13 substantial amount of traffic coming out of there and trying to join Valley
14 Drive and go right and left it's not going to be an improvement on what
15 we've been discussing at the lower end.
16
17 Avalon: Yeah.
18
19 Crane: Regarding the rest of your proposal, yes, I think that whoever undertook to
20 make improvements to Roundtree Drive should be held to do it, but it's
21 probably too late now.
22
23 Avalon: I guess the Texans would say a rock and a hard place. That's where we
24 are.
25
26 Crane: Something like that, yeah.
27
28 Scholz: Well, that's exactly what I was going to bring up Mr. Avalon. I've been at
29 that intersection many times coming back from the landfill or the gas
30 station out there and I've always tried to avoid blocking the street. But I
31 realize that there would be no way for people coming out to go west on
32 Amador. They have to cross Amador's traffic, and I think that would be
33 impossible. There are just too many cars there.
34
35 Avalon: I think one of the solutions to that problem; I'm not a traffic engineer so I
36 offer with (*inaudible*).
37
38 Scholz: We have a traffic engineer sitting in the back as a matter of fact.
39
40 Avalon: Well great, maybe he'll solve it. A one-way street there would do the trick.
41 In other words, just come in, travel from north to south and then you come
42 out and go through whatever roads they proposed in the subdivision. And
43 I think that would probably be a solution to a lot of other problems.
44

1 Scholz: Well Mr. Schwebke suggested the same thing I think for that strip of land
2 that the City owns, the 50-foot wide parcel. Anyway, I appreciate your
3 information. Thank you very much.
4

5 Avalon: Right.
6

7 Scholz: And someone else from the public? Yes, sir.
8

9 Turner: Yes, my name is Paul Turner. I've resided at 1510 Brown Road for well in
10 excess of 30 years. I moved there in '75. What attracted me to it of
11 course is the semi-rural nature of it and the pecan trees and things like
12 that. But I can guarantee you that things have changed since 1986 in
13 terms of traffic on Valley Drive. In terms of north, south, certainly Wal-
14 Mart coming in and a few other things taking place. County building out
15 on ...
16

17 Scholz: Stay closer to the mike please, sir.
18

19 Turner: I'll try to.
20

21 Scholz: Thank you.
22

23 Turner: But any way traffic has become extremely heavy. Anyone trying to exit
24 out of this area onto Valley Drive and going north would have to turn right.
25 They would not realistically be able to turn left and turn back to the north
26 most of the time or at least during heavy traffic times. Which basically
27 means they would go south and then try to find a place to make a U-turn
28 back onto Valley which is essentially what we have to do on Brown Road
29 already. Everybody going north from the car dealerships essentially that
30 want to go back south make a U-turn at Brown Road to go back to the
31 south. So that's already a real congested area in there. It's going to get
32 worse. I can guarantee you. If you put that development in and you put
33 an access to Valley Drive, I would predict you will have accidents galore.
34 You have police and fire access. If you have that access there, that's the
35 logical place for them to come in. They will have difficulty coming in I
36 would think under many circumstances simply because of the heavy
37 traffic. Now granted they're supposed to yield to those people but the
38 traffic going north and south on Valley at this point is becoming extremely
39 heavy. You have an ambulance site just south of Amador, or south of
40 Brown Road on Valley that has to come and go north on Valley commonly.
41 So you've got a real congested area there. The idea of putting a
42 light in and I agree with Commissioner Crane is impractical at that point.
43 The traffic commonly backs up for a block or more trying to turn right to go
44 south on Valley off of Amador already. You add 200 homes in there and
45 try to figure out a way to get them in and out of there, I can't imagine how
46 that would work. If I were looking at living in a mobile home and looked at

1 this area realistically and I used to live in a mobile home for several years
 2 when I was a student and when I first moved to Las Cruces, I don't think
 3 they would be very happy with the idea of how they would be able to get in
 4 and out of that high density area in terms of a lot of people in those areas.
 5 They might think it was okay to start with until they tried to do it during the
 6 times that they needed to get to school or get to business or get to work or
 7 whatever. So I just feel that the concentration of units there and the
 8 number of people that would be there way exceed the ability, using any
 9 solution and I commend the City works and the traffic people associated
 10 with that, of trying to figure out a way to do it. I defy them to be able to do
 11 it in a way that would be safe and efficient. I would be extremely surprised
 12 if the City or anyone else could find a way to access that area safely
 13 without creating a lot more congestion that already exists. And I would
 14 recommend that you table the issue at this point until you see what the
 15 City feels is possible or traffic thinks is possible to do there. But I certainly
 16 don't think that you can put them onto Amador close to that Amador/Valley
 17 intersection and trying to put them in between Caliche's and the Farm
 18 Bureau with the nursery immediately to the south where there's already a
 19 barrier for making left turns already and expect people to be able to go
 20 north and south there is unrealistic.

21 Scholz: Okay. Thank you Mr. Turner. Someone else?

22
 23 Hutchinson: Mr. Chair, Commissioners. My name is Tom Hutchinson. I own the
 24 property on the north side of this proposed unit development right about in
 25 here. It's a little 10,000 square foot warehouse that was part of the old
 26 Border foods. I've taken a look at this project. It looks pretty well thought
 27 out to me. There's obvious some misuse regarding access that need to
 28 be explored and looked at, but in terms of land use, you know this is
 29 probably not a bad idea for an area that needs redevelopment. You know
 30 it's pretty much of an eyesore now. I would very much urge you to support
 31 this land concept with the caveat that we understand these access issues
 32 a little bit better.

33
 34 Now, I will tell you there's a neighborhood down to the south of this
 35 that has access out onto Valley. You know it's a neighborhood just north
 36 of the old Dairy Queen. Where Murphy's is now. And it has access there
 37 and it also has access by McDonald's. And there are probably a couple
 38 hundred homes there. No light supports it on Valley. There is a light at
 39 McDonald's now, but it wasn't when that neighborhood was put in. So as
 40 an example of how you can have residential property in and around this
 41 area, I would urge you to get out and take a look at how that worked and
 42 see what the issues were in regard to that. But I would respectfully urge
 43 the Commission to adopt this concept. Thank you.

44
 45 Scholz: Okay. Thank you Mr. Hutchinson.

46

- 1 Hill: My name is Scott Hill. I own the property, the batwing property there and I
 2 live at 1550 Brown Road. You know we'd all like to keep the same open
 3 space that we've always had but I realize that's not feasible you know
 4 forever. But I don't believe you can put six units per acre in there
 5 effectively without doing a lot more study than has already been done.
 6 And I would strongly recommend that you get a study done that would
 7 impact the traffic analysis and all that before we move forward. The man
 8 spends a lot more money doing what he's doing. So we can actually have
 9 some feeling that it's going to happen. Put 200 more homes in that area is
 10 just not workable. You know all along Brown there's one house per three-
 11 quarter's acre, that sort of thing. Now you're going to put six units per
 12 acre. That's not reasonable transition zone if you want. Thank you.
- 13
- 14 Scholz: Thank you. All right. If there's no one else to speak for the public, I'm
 15 going to ... Mr. Schwebke you had a second bite at the apple here. All
 16 right. Yes, speak right to the microphone please.
- 17
- 18 Schwebke: Explained that one development ...
- 19
- 20 Scholz: Stay on the mike please Mr. Schwebke.
- 21
- 22 Schwebke: Explained that one development, but they also have access out into
 23 Avenida de Mesilla through the back roads and around. So they can get
 24 out by McDonald's there. Cause I sometimes cut that way to get around
 25 the corner of Valley and Avenida de Mesilla because that's a busy corner
 26 now a days. I do think there's also another piece of property to the north
 27 of Caliche's. If you look along Valley Drive there it's about 75 feet wide or
 28 less they've got an ice making place there now and a place that sells
 29 cheap tobacco or whatever. But if an access could come out there, I
 30 mean it's really nothing along in that area and maybe make it just one turn
 31 only. Right turn going south would be the access that could be gotten that
 32 way. Again, the access to Valley is really a problem. I do think Amador is
 33 the solution, especially on Seventeenth Street coming across. There's
 34 already a stop light there and that would improve the access to the Burn
 35 Lake, to the soccer fields, everything would be accomplished with one
 36 road. So that's my comment.
- 37
- 38 Scholz: Okay. Mr. Scanlon you had a comment or a question, I don't recall.
- 39
- 40 Scanlon: I did, some clarifications Mr. Chairman, and try to answer some of the
 41 questions and concerns that the public has brought out. Starting with Mr.
 42 Schwebke's concerns about access. His property is this piece right here.
 43 This is the strip, the City right-of-way right here. In building a roadway in
 44 and out of the development at this location, we're going to be required to
 45 do a lot of work to Valley Drive. We're going to have to build new curb and
 46 gutters and some new sidewalks and new traffic lanes, right turn lanes

1 and so forth in Valley Drive. At the time that we do that, we will be
2 compelled to work with the Farm Bureau and with the owners of the
3 Caliche's property to basically completely rebuild their access. And in
4 building this new street, we'll build them new drive pads along this part of
5 their property where they can get out, in and out of their property
6 accessing this street. New drive pads along Valley Drive where their
7 existing accesses are, and just really clean up that whole thing. As you
8 may be aware, if you've been out there, there are no curb and gutters
9 along here in front of Caliche's and it's kind of a free for all because there's
10 no median out in the middle of Valley Drive either. And so cars just turn
11 willy-nilly wherever they are. So there's no channelization or control of
12 where the cars turn, and where they ingress and egress the properties.
13 And this'll be a golden opportunity for us to be able to clean up that
14 situation and get more control over how traffic actually flows and how
15 access in and out of these properties actually occurs.

16 As far as his issue with the lateral, the Porter Lateral runs along the
17 property where I'm tracing the cursor right now. It has been recently
18 buried in a pipe by the EBID but a right-of-way exists in there of varying
19 widths. This right-of-way has become part of the City's proposed and trail
20 system that they're working on for pedestrian trails, and bike trails and so
21 forth. We have agreed to work with the Facilities Department and with the
22 MPO people on helping to develop cross access between this
23 development and that trail system so it could be utilized also. Just like
24 we're going to be doing toward the area where we can access directly to
25 the Burn Lake recreational area and make a real nice situation where
26 people can actually access these amenities and these trail systems and
27 recreational areas.

28 As far as the access from Seventeenth Street. This is the
29 Seventeenth Street intersection right here and it does have a traffic signal
30 on it. And there are talks underway between the City, between the
31 Facilities Department, Parks and Recreation, and Public Works and the
32 property owner on this property right here to actually extend Seventeenth
33 Street down through that property and down in here into Burn Lake as the
34 primary access to the Burn Lake recreation area. And that would be a
35 major roadway. Our plan is designed to account for that and you'll see
36 within this ... this is our industrial area right here. Right now we've got a
37 cul-de-sac here but we've also got an easement that if this roadway
38 Seventeenth Street is extended in there, we can actually then access in
39 the future over to that roadway from within this development. That would
40 take some of the load off of Pioneer Place and could feasibly you know
41 affect all the patterns within here.

42 As far as it was brought up there was a mention or a question as to
43 whether or not we would be trying to send any traffic back and forth to
44 Brown Road. And that is absolutely not the case. This concept plan
45 shows a cul-de-sac terminating on this lower piece of the property right
46 down in this area. I would want to clarify though that we had a

1 neighborhood meeting with a number of the people from the neighborhood
2 about a week ago. In fact, it was a week ago tonight. And at that meeting
3 a couple of the property owners expressed an interest in perhaps
4 purchasing this entire parcel of land right here so that it could be kept in
5 farm land. The gentleman, Mr. Hill I believe, lives on this side of the
6 lateral and has a pecan orchard, and then Mr. Altimirano has a farm that
7 he occupies that's in this area and he's actually been farming this piece of
8 property for a number of years because it lies at a lower elevation and
9 really isn't attached topographically very well to the rest of the property up
10 in this area. And right now my client is working with his bank on trying to
11 determine a release price because this land is part of the overall mortgage
12 of the entire 50 some acres and determining a release price that the bank
13 will agree with so that he could sell this property to one or more of these
14 adjacent owners and at which time then we could eliminate it completely
15 from the development and our property development then would not be
16 any closer than that point right there to Brown Road at all. It would also
17 presuppose any possibility of traffic or roadway ever being extended down
18 to Brown Road by any developers or the City or anyone else. So that's a
19 real strong possibility that we'll be able to sell this piece of this overall
20 development to one or more of these adjacent property owners and clear
21 that up. And then they can utilize it as farm land and it would just be a
22 better use. It's not a real very, real good piece of development property
23 anyways, cause single loaded on one side of the street and would be
24 pretty expensive to develop that piece of property right there for the yield it
25 would get out of it.

26 With respect to Mr. Avalon's idea about Roundtree Place. This was
27 discussed very early on and Commissioner Crane and Commissioner
28 Scholz are absolutely correct about the fact that it's only about 80 feet
29 from this intersection over to Valley Drive and it's just an absolute
30 nightmare trying to get in and out of there. Right now there's very little
31 traffic in and out of Roundtree Place and it works fairly well with the fact
32 that they've got a sign there that says don't block the intersection, so that
33 people can actually can get out into there when the light's red. But if you
34 added a significant amount of traffic to that intersection right there it would
35 become an absolute nightmare. It'd be absolutely unusable and wouldn't
36 work at all.

37 I think the other concerns that were expressed really have to do
38 with traffic on Valley Drive. And you know we're a growing community and
39 with that we get more and more traffic on our streets all the time. I mean if
40 we're growing at two and half percent per year or somewhere in that area,
41 we're going to have two and half percent more traffic on our streets as
42 time goes by. That's why we build new roadways in areas that relieve the
43 traffic. I can remember just not too long ago the traffic on Roadrunner
44 Parkway between Lohman and Highway 70 was just a lot of traffic. They
45 built Sonoma Ranch Boulevard to connect between Lohman and Highway
46 70 and that just relieved a lot of that traffic and now it balances out. So,

1 you know all around town in areas where ... if traffic became so congested
 2 on Valley Drive that it became unmanageable or dangerous, then the City
 3 or the state highway department would start looking for alternative routes
 4 to move that traffic on. It hasn't gotten to that point yet. It's kind of
 5 onerous at certain times of the day I think for the people, the times of day
 6 that they're wanting to enter and exit is the time of day where you have the
 7 most traffic on adjacent streets. And so it's part of being in an urban
 8 environment I think. But as I said I think as the City grows and as traffic
 9 grows then we start looking for alternatives to those roadways that are
 10 becoming too congested to work.

11
 12 Scholz: Okay. Thank you Mr. Scanlon. I haven't closed this to the public yet. I
 13 think we're running a little slow tonight. Ms. Geiger you had a comment?

14
 15 Geiger: Sandy Geiger. Good evening Commissioners. I just have a couple of
 16 observations. Planned Unit Development is a zone change. This was
 17 originally zoned industrial I believe, M-1, M-2. So with the zone change
 18 there has to be some indication of a change in condition or a change in
 19 circumstance or a change in the neighborhood to give rationale for why
 20 the change should occur. Secondly, with a PUD it's my understanding
 21 with the City that along with a PUD, a Planned Unit Development comes
 22 some offering by the developer of amenities to the City. Now Mr. Scanlon
 23 mentioned some trails that would connect, but I think in a concept plan if
 24 you're moving forward with a Planned Unit Development that you should
 25 show ... I mean this should be the basis for convincing a Commissioner or
 26 Council that your plan is indeed a good one for the City, to show those
 27 amenities. Where are the parks, where are the trails, etc. He's asking for
 28 177 or 200 mobile homes, roughly six to the acre, 400 people, 1,770
 29 vehicles trips per day. I think the Commission is in its right to ask for a
 30 traffic impact analysis and to figure out the traffic with a development like
 31 this. Thank you very much.

32
 33 Scholz: Thank you. Okay, I'm going to close this for public comment. Mr. Scanlon
 34 you had a rebuttal?

35
 36 Scanlon: I do. Just very quickly. Ms. Geiger is correct. This is a zone change.
 37 However, the areas that were zoned industrial are not changing. We're
 38 still staying with the exact same land use as those areas that were zoned
 39 industrial. We're changing a parcel that was previously zoned PUD to an
 40 industrial parcel. These areas in here, the existing zoning on this is
 41 actually PUD. There was a PUD done on this in 1986 I believe and it was
 42 for an apartment use. Seems to me like it was some 700 apartments that
 43 they were planning on putting in this area right here and through this
 44 access. Obviously, we've reduced that impact by a factor of three or
 45 more. But that was actually what the PUD was on this residential area,
 46 was for, I believe it was around 700 apartment units.

1 As far as public benefit, if you read the documents and the notes
2 that are on the documents there are a number of public benefits that we
3 have agreed to provide as a part of this development. One of them being
4 working with the City on expanding ... right now there's a little drainage
5 area, or little drainage pond right here in the Burn Lake area. The overall
6 master plan for Burn Lake contemplates expanding that pond to this much
7 larger area where it would hold some 80 or 83 acre feet I believe. Part of
8 our public benefit is to work with the City on expanding that ponding area.
9 Another public benefit that we will be doing, is adding a bus stop and a
10 bus shelter right here at the corner of Pioneer Place and Amador. There
11 are some others that we've looked at doing some landscaping in the form
12 of a large berm with earth material that's taken out of this pond, build a
13 large berm across here and landscape that in a manner where it would
14 screen the recreation area from the residential areas in a nice way and
15 provide another amenity in the means of some trails and things on that.
16 So there are a number of things that we've been working with the facilities
17 and parks and recreation people as well as with the MPO people and
18 facilities people, others, public works people, on some benefits in
19 exchange for the PUD zoning. So we've done a lot of work on that. And
20 those benefits and options are all outlined on this concept plan within the
21 notes on that.

22
23 Scholz: Okay. Thank you Mr. Scanlon. All right, I'm going to close this to public
24 discussion. Commissioners, what is your will? Commissioner Crane.
25 You have that look on your face.

26
27 Crane: What look is that Mr. Chairman?

28
29 Scholz: It's sort of like a deep thought I think.

30
31 Crane: It seems appropriate. Yeah.

32
33 Scholz: Go ahead.

34
35 Crane: Perhaps Mr. Ochoa can help us out here. There are all kinds of concerns
36 on the part of the public and the Commission about this suggested PUD.
37 I'm wondering what harm is done if we vote to approve it at present given
38 that there are all kinds of conditions already hanging on it, so that the
39 process can proceed. I imagine at the moment it is more detailed design,
40 and then later on there'll be other opportunities for before ground is broken
41 for the City, possibly this Commission to decide whether or not it meets
42 the needs of the public. If things can proceed without going in a direction
43 that nobody wants for the moment, then I'm inclined to vote for this, but I
44 need a little guidance. Do you get my drift Mr. Ochoa?
45

- 1 Ochoa: I believe so. Mr. Chairman, Commissioner Crane if you do vote this to go
2 forward it may be something to possibly like I said before condition for any
3 access issues to be ... for the Villa Amador PUD proposal be I guess if
4 you will fixed and in compliance with what Public Works has in mind prior
5 to City Council or something like that, other than that ... the main issue is
6 basically the access issue. So as long as that gets taken care of I believe
7 we should be fine sir.
8
- 9 Crane: Thank you.
- 10
11 Scholz: Other Commissioners? Commissioner Beard.
- 12
13 Beard: I'm ... I really don't know. I would like to see Seventeenth Street extended
14 across, several of us would like to see that, but that's only a pipe dream
15 right now. And if we go ahead and approve this it means sort of we're
16 going to proceed with these mobile homes.
17
- 18 Crane: And that would be two accesses off Amador and none off Valley Drive,
19 right?
20
- 21 Beard: Right. Right. With a stop, yeah.
- 22
23 Crane: It seems to me it's got to have an access to the north and access to the
24 east.
25
- 26 Beard: Yeah.
- 27
28 Crane: I feel that this Valley Drive situation can be solved as Mr. Scanlon said,
29 they've got to redesign that intersection so that there will be right turn
30 lanes and possibly acceleration lanes and perhaps a light. As I said my
31 inclination is to let them proceed with the understanding and I think I have
32 it right that there will be another stopping point at which approval is
33 granted before ground gets broken, concrete gets poured, asphalt gets
34 rolled, right?
35
- 36 Scholz: Commissioner Bustos, I haven't heard from you.
- 37
38 Bustos: Well I just ... I'm sitting here wondering ... I just don't know. I know the
39 access points are the issues, but I think until they're solved ... I mean I
40 would like to see Seventeenth Street you know be factored in, but like
41 Commissioner Crane said I mean if we can get something hooked up with
42 Valley Drive I think that would solve a lot of it.
43
- 44 Scholz: Well I see the problem as access as well and I'm not sure that the
45 reassurances that I've gotten from Mr. Scanlon or the possibilities of
46 extending Seventeenth Street and the like, have convinced me that this is

- 1 workable. I don't see any problem with the industrial development, you
2 know that can certainly have access off of Pioneer Place, but I really can't
3 see that this residential development has the kind of access that it should
4 have. I think, I know what traffic on Valley is like, I've driven it many times.
5 I've always been very cautious pulling out of Caliche's so I don't get you
6 know hit by somebody who's cutting across the median and doesn't see
7 me. And you know this is a continuing problem and I don't see that we've
8 actually figured out how to do this. I'm inclined to wait for a traffic impact
9 analysis. I would as a matter of fact vote to postpone this until we see
10 such a traffic impact analysis and then act accordingly. I'm not sure
11 there's time pressure on this to do this development, at least I didn't get
12 that impression. Commissioner Beard.
- 13
14 Beard: I agree with you wholeheartedly. One of our ... not only do we look at the
15 codes, see if people are doing their codes right, but we do listen to the
16 people and we had a lot of people complain about the future if this were to
17 go ahead without making proper access into and out of this development.
18 I think tabling it would be in order also.
- 19
20 Scholz: Well either tabling it or postpone. We could postpone to a specific date
21 you know if in fact some of these things could be resolved by the next
22 meeting, that would be fine with me. Then we could you know bring it
23 back. Mr. Abrams, you have an opinion, a legal opinion I trust.
- 24
25 Abrams: Well probably less than that. Jared Abrams, City Legal. The applicant's
26 indicated that he's not interested in postponement. He does have a right
27 to an up and down vote. I mean it's a due process issue. So even if it
28 looks like it's going to fail.
- 29
30 Scholz: Okay. Stay closer to the mike would you Jared please.
- 31
32 Beard: I didn't hear that.
- 33
34 Crane: Couldn't hear you Mr. Abrams.
- 35
36 Scholz: Yeah, say again.
- 37
38 Abrams: Okay. It appears the applicant wishes an up or down vote. I mean he has
39 that right, it's a due process issue.
- 40
41 Scholz: Okay.
- 42
43 Abrams: You know unless he allows you to postpone it, you've got to vote on it.
- 44
45 Scholz: Yes, I understand. Okay gentlemen. I'll entertain a motion to approve.
46 Mr. Ochoa has a word to give us here.

1
2 Ochoa: Yes, sir, if I may interject Mr. Chairman. When it comes to the traffic
3 impact analysis it has been stated that a TIA will be done during the final
4 site plan approval for this concept plan I believe some preliminary
5 numbers were done for traffic for the concept plan so a Traffic Impact
6 Analysis will be in the works for the final site plan.
7
8 Scholz: Okay.
9
10 Ochoa: Required, better yet. Sorry.
11
12 Scholz: Commissioner Beard.
13
14 Beard: A question on that.
15
16 Scholz: Mr. Ochoa.
17
18 Beard: The Traffic Impact study will be based on this number of mobile homes
19 that are going into this particular project?
20
21 Soriano: Commissioners, Dan Soriano, Traffic Engineer for the City. Yes, to
22 answer your question, Commissioner Beard, yes. The final Traffic Impact
23 Analysis will be based on basically the number of units he's planning to
24 put into the development and the industrial area as well. He has provided
25 some ... Mr. Scanlon has provided preliminary numbers at my request per
26 the concept plan and he has given us an idea of what traffic is going to do
27 at the Amador access as well as the Valley access. Now keep in mind
28 that we are not going to allow any access that's operating at an
29 unacceptable level of service. We won't do that. If the TIA demonstrates
30 that there are problems with certain movements in and out at a certain
31 access, there are a number of things we can require; we can require
32 medians being built so that it prohibits lefts out or only right in, right out.
33 Any kind of combination of things like that. But we haven't gotten to that
34 point as far as traffic analysis because the final TIA has not been
35 developed yet. Now he'll have an opportunity to do that with the final site
36 plan. And again, that'll give another point to catch and basically work with
37 the developer on improving access points. I understand the issues around
38 Valley Drive because it is a very busy street during peak hour, but then
39 there are a lot of arterials around the City that operate at a level of service
40 probably E or worse during peak hours. So, that's the whole basis for the
41 TIA. It's going to give us an idea or it's basically going to give a little better
42 idea of how well the access points are going to operate. Now we have a
43 standard of C or better. Level of service C or better is what they have to
44 demonstrate and if they can't demonstrate level service C or better they
45 have to make some changes; downsize the development, make
46 improvements on the roadway, whatever it takes to bring it to a level of

1 service C or better. We will not allow an access to operate at a level of
2 service D or lower when the development is fully built out. If that hopefully
3 answers your question. But there is going to be an opportunity again for
4 City staff to review the traffic impacts on Amador and Valley Drive when
5 Mr. Scanlon develops the final Traffic Impact Analysis.

6
7 Beard: And then that would come back to us for approval?

8
9 Soriano: Yes, sir.

10
11 Scholz: Okay, thanks Mr. Soriano. All right, I'll entertain a motion to approve with
12 the conditions. The conditions as sited were ... I didn't see the conditions.

13
14 Crane: How about the ones in the memo from Public Works dated today, from
15 Loretta Reyes?

16
17 Scholz: Mr. Ochoa, we need an opinion here. Do we include the conditions if we
18 are voting to approve this project, do we include the conditions of the
19 memo of Tuesday the 23rd, that's today, from Public Works?

20
21 Hembree: Chairman Scholz, Commissioners, that is correct. So, basically the TIA
22 would actually be analyzed as we've discussed, during the final site plan
23 process. As we stated based upon the public works review of the project,
24 and evidenced by the letter that you received via e-mail, that the
25 Community Development Department would be comfortable moving
26 forward with it conditioning that access issues be dealt with prior to this
27 concept plan going forth to City Council, and that would be a condition that
28 we would be comfortable with. I just wanted to clarify that for you
29 Chairman.

30
31 Scholz: Okay. All right I'll entertain a motion to approve.

32
33 Crane: So moved with the condition that the six concerns of Public Works in the
34 Loretta Reyes memo of February 23rd be addressed.

35
36 Scholz: Okay, is there a second?

37
38 Beard: I second it.

39
40 Scholz: Okay, it's been moved and seconded. I'll call the role. Commissioner
41 Crane.

42
43 Crane: Aye findings, discussion, and site visit.

44
45 Scholz: Commissioner Bustos.

46

1 Bustos: Aye findings and discussion.

2

3 Scholz: Commissioner Beard.

4

5 Beard: Aye findings, discussions, and site visit.

6

7 Scholz: And the chair votes no for findings, discussion, and site visit. So it passes
8 three to one. Because of the time I'm going to call a 15-minute recess
9 here. We're going to reconvene at 10 minutes after eight.

10

11 15 MINUTE RECESS/BREAK.

12

13 3. **Case IDP-39:** A request for an infill development for 0.224 +/- acres zoned R-
14 1a (Single-Family Medium Density) and located at 1680 E. Griggs. The
15 applicant is proposing to replat the subject property comprised of three (3)
16 lots into two (2) single-family residential lots. One of the replatted lots will
17 contain an existing single-family dwelling. The remaining replatted lot is
18 vacant and is proposed to have a single-family dwelling constructed on it.
19 The proposed vacant lot will be 4617 +/- square feet in size and will require a
20 variance of 383 +/- square feet from the minimum required lot size of 5000
21 square feet. Submitted by Jose L. & Haydee L. Martinez, property owners

22

23 Scholz: All right, I'm going to call this meeting back to order. If you'd please take
24 your seats gentlemen. Our next case is Case IDP-39 and Mr. Ochoa,
25 you're up.

26

27 Ochoa: For the record Adam Ochoa, Community Development. Next case tonight
28 gentlemen is Case IDP-39, it's an infill development proposal for property
29 located at 1680 E. Griggs Avenue. The subject property is located like I
30 said at 1680 E. Griggs Avenue and is zoned R-1A which is single-family
31 medium density. The subject property currently exists of three underlying
32 separate lots that encompass a total of 0.224 acres. The applicant seeks
33 to replat the three existing lots. Lot 13, 14, and 15 of the Gramercy Park
34 tract into two new lots, lot 15A and 15B. The first lot, lot 15A will contain
35 an existing single-family dwelling that has access to Griggs Avenue. Lot
36 15A will follow all development standards for R-1a pursuant to the 2001
37 Zoning Code as amended. The second lot, lot 15B will be a vacant lot that
38 will be used for the purpose of constructing a new single-family dwelling.
39 Lot 15B will have direct access to Doña Ana Street since this property is
40 located on the corner of Doña Ana and Griggs.

41

42

43

44

45

46

The applicant seeks a deviation tonight from the R-1a development standards for the new vacant lot 15B. R-1a zoning district requires a minimum lot size of 5,000 square feet. The applicant is proposing that lot 15B be approximately 4,617 square feet in size. The proposed new lot will deviate approximately 383 square feet from the required minimum lot size of 5,000 square feet. The applicant has stated that all other development

From the Las Cruces Police Department Crime Analysis

Highlighted in yellow are all traffic accidents on Valley Avenue between Amador and Avenida de Mesilla in the past two years.

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> 129 | <u>INTERSECT STREET</u> |
|---------------------|----------------|--|-------------------------|
| 9/26/2008 4:12:53PM | L200822229 | AVENIDA DE MESILLA | S VALLEY DR |
| 5/18/2008 4:26:45PM | L200811578 | AVENIDA DE MESILLA | VALLEY DRIVE |
| | | TOTAL 2 | |
| 6/25/2009 3:15:03PM | L200914600 | S MAIN ST | VALLEY DR. ST |
| | | TOTAL 1 | |
| 12/5/2008 10:05:21A | L200828280 | W AMADOR AVE | S VALLEY DR |
| 2/3/2009 3:27:56PM | L200902636 | W AMADOR AVE | S VALLEY DR |
| 5/6/2009 11:45:22AM | L200910296 | W AMADOR AVE | S VALLEY DR |
| | | TOTAL 3 | |
| 9/2/2009 11:56:26AM | L200920544 | W AMADOR AVEL | VALLEY |
| | | TOTAL 1 | |
| 2/10/2009 3:48:18PM | L200903180 | W BOUTZ RD | S VALLEY DR |
| | | TOTAL 1 | |
| 10/22/2009 7:52:08A | L200924810 | W HADLEY AVE | 495 N VALLEY DR |
| | | TOTAL 1 | |
| 10/9/2008 2:56:36PM | L200823397 | W PICACHO AVE | N VALLEY DR |
| 1/6/2009 3:30:11PM | L200900405 | W PICACHO AVE | N VALLEY DR |
| 8/2/2009 7:59:00PM | L200917867 | W PICACHO AVE | VALLEY |
| | | TOTAL 3 | |
| 9/7/2008 6:02:30PM | L200820312 | 1550 S VALLEY | VALLEY |
| | | TOTAL 1 | |
| 4/13/2009 5:32:44PM | L200908298 | 1550 S VALLEY DR | VALLEY DR |
| | | TOTAL 1 | |
| 10/22/2009 6:17:03P | L200924808 | 190 E UNIVERSITY AVE | N. VALLEY DR |
| | | TOTAL 1 | |
| 8/9/2008 4:19:37AM | L200817942 | 190 E UNIVERSITY AVE :@WHAT-A-BURGER :@WHA | VALLEY |
| | | TOTAL 1 | |
| 9/3/2008 10:59:39AM | L200819921 | 700 SOUTH TELSHOR | MESILLA VALLEY MALL |
| | | TOTAL 1 | |
| 12/11/2009 1:45:55F | L200928725 | AVE DE MESILLA | VALLEY |

| | | | |
|----------------------|------------|--------------------|--------------------|
| 3/29/2008 8:21:22PM | L200807327 | AVE. DE MESILLA 30 | VALLEY |
| TOTAL 1 | | | |
| 4/10/2008 3:36:17PM | L200808378 | AVENIDA DE MESILLA | VALLEY DR |
| 5/5/2008 12:18:32PM | L200810446 | AVENIDA DE MESILLA | S VALLEY DR |
| 2/6/2009 4:51:09PM | L200902897 | AVENIDA DE MESILLA | VALLEY DR |
| 4/11/2009 8:21:19AM | L200908095 | AVENIDA DE MESILLA | VALLEY |
| 8/6/2009 7:36:38AM | L200918128 | AVENIDA DE MESILLA | S VALLEY DR |
| 9/16/2009 3:20:27PM | L200921761 | AVENIDA DE MESILLA | S VALLEY DR |
| 9/28/2009 3:58:10PM | L200922819 | AVENIDA DE MESILLA | S VALLEY DR |
| 12/3/2008 2:46:45PM | L200828133 | AVENIDA DE MESILLA | VALLEY |
| 3/7/2009 12:13:57PM | L200905267 | AVENIDA DE MESILLA | S VALLEY DR |
| 3/14/2009 12:42:05PM | L200905773 | AVENIDA DE MESILLA | VALLEY |
| 1/31/2010 4:29:19PM | L201002404 | AVENIDA DE MESILLA | VALLEY |
| 11/18/2008 11:26:00 | L200826938 | AVENIDA DE MESILLA | S VALLEY DR |
| TOTAL 12 | | | |
| 8/5/2008 12:30:25AM | L200817603 | BARKER RD | VALLEY |
| TOTAL 1 | | | |
| 5/13/2008 5:53:08PM | L200811195 | BOUTZ | S VALLEY |
| TOTAL 1 | | | |
| 1/29/2009 12:21:13PM | L200902224 | BOUTZ DRIVE | VALLEY DRIVE |
| TOTAL 1 | | | |
| 3/28/2008 4:13:47PM | L200807245 | BOUTZ ROAD | SOUTH VALLEY DRIVE |
| TOTAL 1 | | | |
| 1/15/2010 12:07:33AM | L201001052 | BROWNLEE AVE | NORTH VALLEY DR |
| TOTAL 1 | | | |
| 2/27/2009 8:55:12AM | L200904610 | BRUINS LN | VALLEY |
| TOTAL 1 | | | |
| 12/5/2009 6:12:47PM | L200928275 | E UNIVERSITY AVE | S VALLEY DR |
| 1/29/2010 5:12:11PM | L201002260 | E UNIVERSITY AVE | S VALLEY DR |
| 2/4/2010 9:10:33AM | L201002716 | E UNIVERSITY AVE | SOUTH VALLEY DRIVE |
| TOTAL 3 | | | |
| 4/25/2009 3:46:21PM | L200909348 | HADLEY | VALLEY |

| | | | | |
|----------------|------------|------------|---------------------|------------------|
| 6/30/2008 | 2:08:47PT | L200815034 | HOAGLAND RD | N VALLEY DR |
| 12/4/2009 | 6:40:58AI | L200928146 | HOAGLAND RD 131 | N VALLEY DR |
| TOTAL 2 | | | | |
| 3/8/2009 | 3:21:09AM | L200905308 | MAIN ST | VALLEY |
| TOTAL 1 | | | | |
| 5/7/2008 | 4:22:37PM | L200810677 | MAYFIELD LN | VALLEY |
| TOTAL 1 | | | | |
| 10/20/2009 | 12:37:06I | L200924680 | MCCLURE RD | N VALLEY DR |
| TOTAL 1 | | | | |
| 10/29/2008 | 8:44:30A | L200825225 | N VALLEY DR | 455 N. VALLEY DR |
| 12/1/2008 | 4:24:46PT | L200827957 | N VALLEY DR | 1300 N. VALLEY |
| TOTAL 2 | | | | |
| 2/17/2009 | 3:40:44PT | L200903751 | NAVENIDA DE MESILLA | S VALLEY DR |
| TOTAL 1 | | | | |
| 2/25/2009 | 2:47:39PT | L200904449 | PARKER RD | N. VALLEY |
| TOTAL 1 | | | | |
| 2/25/2009 | 3:00:57PT | L200904453 | PARKER RD & | N VALLEY DR |
| TOTAL 1 | | | | |
| 1/20/2009 | 8:10:11AI | L200901442 | PICACHO | VALLEY |
| 11/11/2009 | 11:41:29. | L200926373 | PICACHO | VALLEY |
| TOTAL 2 | | | | |
| 8/18/2009 | 11:24:37A | L200919177 | PICACHO AVE | VALLEY DR |
| 2/19/2010 | 9:24:34AI | L201003932 | PICACHO AVE | N. VALLEY DR |
| TOTAL 2 | | | | |
| 4/1/2008 | 12:27:41PN | L200807543 | S MAIN ST | S VALLEY DR |
| 9/3/2008 | 4:30:22PM | L200819973 | S MAIN ST | S VALLEY DR |
| 11/19/2008 | 7:39:11A | L200827005 | S MAIN ST | S VALLEY DR |
| 11/29/2008 | 7:26:33F | L200827805 | S MAIN ST | VALLEY DR |
| 9/17/2009 | 3:47:25PT | L200921871 | S MAIN ST | S VALLEY DR |
| 9/19/2009 | 10:21:18A | L200922034 | S MAIN ST | VALLEY |
| 3/18/2010 | 5:53:46PT | L201006205 | S MAIN ST | VALLEY |

| | | | | | |
|------------|------------|------------|-----------------|-------|--------------------|
| 10/23/2008 | 4:22:24F | L200824721 | S MAIN ST | | S. VALLEY |
| 1/16/2009 | 7:04:29PM | L200901220 | S MAIN ST | 1 3 2 | VALLEY |
| 7/6/2009 | 5:33:19PM | L200915572 | S MAIN ST | | S VALLEY DR |
| 12/2/2009 | 6:39:04PM | L200928043 | S MAIN ST | | S VALLEY DR |
| | | | TOTAL 11 | | |
| 12/3/2009 | 5:14:40PM | L200928119 | S MAIN ST & | | SOUTH VALLEY |
| | | | TOTAL 1 | | |
| 6/3/2008 | 1:53:06PM | L200812927 | S VALLEY DR | | 1550 S. VALLEY |
| | | | TOTAL 1 | | |
| 2/12/2010 | 7:39:45PM | L201003454 | S. MAIN | | VALLEY |
| 8/23/2008 | 9:35:26PM | L200819050 | S. MAIN | | VALLEY |
| | | | TOTAL 2 | | |
| 4/12/2008 | 11:58:54A | L200808533 | TASHIRO DR | | N VALLEY DR |
| 5/10/2008 | 10:03:08A | L200810925 | TASHIRO DR | | N VALLEY |
| 1/8/2009 | 7:43:50AM | L200900524 | TASHIRO DR | | N VALLEY DR |
| | | | TOTAL 3 | | |
| 3/27/2009 | 10:14:02A | L200906848 | UNIVERSITY | | VALLEY DR. |
| | | | TOTAL 1 | | |
| 4/10/2008 | 1:29:21PM | L200808359 | VALLEY | | VALLEY |
| | | | TOTAL 1 | | |
| 11/24/2009 | 1:31:47F | L200927428 | W AMADOR | | N VALLEY |
| | | | TOTAL 1 | | |
| 4/11/2008 | 12:29:53P. | L200808452 | W AMADOR AVE | | S VALLEY DR |
| 6/11/2008 | 5:40:46PM | L200813574 | W AMADOR AVE | | S VALLEY DR |
| 7/26/2008 | 3:38:03PM | L200816899 | W AMADOR AVE | | VALLEY |
| 11/7/2008 | 7:45:04AM | L200826064 | W AMADOR AVE | | S VALLEY DR |
| 1/10/2009 | 5:54:31PM | L200900749 | W AMADOR AVE | | SOUTH VALLEY DRIVE |
| 1/28/2009 | 2:35:40PM | L200902149 | W AMADOR AVE | | S VALLEY DR |
| 3/17/2009 | 6:15:00PM | L200906038 | W AMADOR AVE | | S VALLEY DR |
| 3/20/2009 | 3:34:28PM | L200906304 | W AMADOR AVE | | S VALLEY DR |
| 4/1/2009 | 11:14:16AM | L200907264 | W AMADOR AVE | | S VALLEY DR |
| 4/14/2009 | 4:39:14PM | L200908404 | W AMADOR AVE | | VALLEY DR |
| 6/18/2009 | 1:27:50PM | L200913917 | W AMADOR AVE | | VALLEY DRIVE |
| 6/18/2009 | 2:11:05PM | L200913920 | W AMADOR AVE | | VALLEY DR |

| | | | |
|----------------------|------------|------------------|-------------|
| 9/5/2009 4:01:29PM | L200920824 | W AMADOR AVE | S VALLEY DR |
| 12/7/2009 1:13:57PM | L200928391 | W AMADOR AVE 133 | S VALLEY DR |
| 12/18/2009 11:31:34L | L200929316 | W AMADOR AVE | S VALLEY DR |
| 1/6/2010 3:15:51PM | L201000404 | W AMADOR AVE | S VALLEY DR |
| 3/3/2010 5:10:11PM | L201004957 | W AMADOR AVE | VALLEY DR |
| 5/30/2008 2:11:04PM | L200812623 | W AMADOR AVE | S VALLEY DR |
| 2/10/2009 4:07:34PM | L200903185 | W AMADOR AVE | S VALLEY DR |
| 9/23/2009 9:09:00AM | L200922375 | W AMADOR AVE | S VALLEY DR |
| 1/9/2010 10:14:16AM | L201000643 | W AMADOR AVE | S VALLEY DR |

TOTAL 21

| | | | |
|---------------------|------------|----------------|-------------|
| 7/28/2008 10:33:24P | L200817039 | W AMADOR AVE & | S VALLEY DR |
|---------------------|------------|----------------|-------------|

TOTAL 1

| | | | |
|---------------------|------------|------------|-------------|
| 6/21/2008 4:57:59PM | L200814309 | W BOUTZ RD | S VALLEY |
| 7/18/2008 3:19:51PM | L200816341 | W BOUTZ RD | S VALLEY DR |
| 12/17/2008 7:10:40F | L200829348 | W BOUTZ RD | S VALLEY DR |
| 6/2/2009 8:25:21AM | L200912517 | W BOUTZ RD | S VALLEY DR |
| 12/17/2009 6:44:52F | L200929270 | W BOUTZ RD | VALLEY |
| 2/23/2010 4:40:36PM | L201004321 | W BOUTZ RD | S VALLEY DR |
| 3/19/2010 2:14:21PM | L201006249 | W BOUTZ RD | S VALLEY DR |
| 7/31/2009 5:47:53PM | L200917737 | W BOUTZ RD | S VALLEY DR |
| 10/19/2009 1:42:43F | L200924588 | W BOUTZ RD | S VALLEY DR |

TOTAL 9

| | | | |
|---------------------|------------|---------------|-------------|
| 10/13/2008 4:29:13F | L200823737 | W PICACHO AVE | N VALLEY DR |
| 10/18/2008 9:31:21F | L200824244 | W PICACHO AVE | N VALLEY DR |
| 5/4/2009 1:29:00PM | L200910083 | W PICACHO AVE | N VALLEY DR |
| 8/3/2009 3:27:48PM | L200918027 | W PICACHO AVE | N VALLEY DR |
| 10/12/2009 8:51:58P | L200923974 | W PICACHO AVE | N VALLEY DR |
| 10/20/2009 3:37:47F | L200924695 | W PICACHO AVE | N VALLEY DR |
| 1/6/2010 7:41:30AM | L201000364 | W PICACHO AVE | N VALLEY DR |
| 4/19/2008 10:54:45A | L200809118 | W PICACHO AVE | N VALLEY DR |
| 5/30/2008 2:11:11PM | L200812624 | W PICACHO AVE | N VALLEY DR |
| 5/31/2008 2:54:48PM | L200812707 | W PICACHO AVE | N VALLEY DR |
| 12/2/2008 9:20:28AM | L200828008 | W PICACHO AVE | VALLEY DR. |
| 1/7/2009 9:46:15AM | L200900449 | W PICACHO AVE | N VALLEY DR |
| 2/23/2009 4:59:35PM | L200904261 | W PICACHO AVE | N VALLEY DR |
| 5/15/2009 5:32:04PM | L200911079 | W PICACHO AVE | VALLEY DR |
| 9/19/2009 5:33:53PM | L200922057 | W PICACHO AVE | N VALLEY DR |
| 10/26/2009 4:01:23F | L200925166 | W PICACHO AVE | N VALLEY DR |

1/24/2010 4:11:19PT L201001803
2/5/2010 7:38:47PM L201002888
2/11/2010 12:19:09P L201003329

W PICACHO AVE
W PICACHO AVE¹³⁴
W PICACHO AVE

N VALLEY DR
N VALLEY DR
N VALLEY DR

TOTAL 19

9/15/2008 5:43:51PT L200821103

W PICACHO AVE & N VALLEY DR

PICACHO AND VALLEY DRIVE

TOTAL 1

2/12/2010 8:14:19AL L201003391

W. PICACHO

VALLEY DR.

TOTAL 1

8/11/2008 9:58:59PT L200818131

WEST AMADOR

VALLEY DR

TOTAL 1

3/12/2010 11:29:18A L201005652

WEST AMADOR AVE

SOUTH VALLEY DRIVE

TOTAL 1

8/2/2009 11:23:51AM L200917847

WEST BOUTZ RD

SOUTH VALLEY DR

TOTAL 1

7/31/2008 5:22:57PT L200817258

WILSON AVE

NORTH VALLEY DRIVE

6/21/2008 3:56:50PT L200814304

WILSON AVE

N. VALLEY DR

TOTAL 2

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|----------------------|----------------|------------------|-------------------------|
| 4/8/2008 11:10:46AM | L200808164 | N VALLEY DR | W PICACHO AVE |
| 4/17/2008 7:52:39PM | L200808993 | N VALLEY DR | W PICACHO |
| 7/12/2008 6:23:20PM | L200815928 | N VALLEY DR | PICACHO |
| 7/15/2008 11:02:31A | L200816090 | N VALLEY DR | CASA DR |
| 8/22/2008 4:30:12PM | L200818944 | N VALLEY DR | MAYFIELD RD |
| 12/15/2008 8:26:46A | L200829082 | N VALLEY DR | MCCLURE RD |
| 3/10/2009 6:58:04PM | L200905513 | N VALLEY DR | MCCIURE RD |
| 4/18/2009 3:48:55PM | L200908724 | N VALLEY DR | PARKER |
| 4/24/2009 12:28:07P | L200909238 | N VALLEY DR | HOAGLAND DR |
| 5/6/2009 11:18:10AM | L200910292 | N VALLEY DR | W PICACHO AVE |
| 5/8/2009 2:36:28PM | L200910495 | N VALLEY DR | WILSON |
| 5/19/2009 8:08:24A | L200911356 | N VALLEY DR | MAYFIELD RD |
| 8/8/2009 6:02:51PM | L200918370 | N VALLEY DR | MCCLURE |
| 9/3/2009 12:31:34PM | L200920636 | N VALLEY DR | BRUINS |
| 5/5/2008 7:28:30AM | L200810414 | N VALLEY DR | ISAACKS LN |
| 5/30/2008 4:08:28PM | L200812639 | N VALLEY DR | BROWNLEE |
| 7/18/2008 11:11:46A | L200816318 | N VALLEY DR | PARKER DRIVE |
| 7/20/2008 1:01:24PM | L200816460 | N VALLEY DR | MAYFIELD LN |
| 1/8/2009 2:13:56PM | L200900574 | N VALLEY DR | VAN PATTEN |
| 1/30/2009 8:51:24A | L200902291 | N VALLEY DR | ISAACKS LANE |
| 2/3/2009 4:38:01PM | L200902645 | N VALLEY DR | |
| TOTAL 21 | | | |
| X 4/4/2008 4:39:43PM | L200807872 | S VALLEY DR | FLORIDA |
| 9/4/2008 8:32:04AM | L200820024 | S VALLEY DR | |
| 2/27/2009 8:02:52A | L200904606 | S VALLEY DR | AVE DE MESILLA |
| 11/4/2009 4:46:01PM | L200925889 | S VALLEY DR | W AMADOR AVE |
| 11/28/2009 11:44:17. | L200927680 | S VALLEY DR | W. AMADOR |
| 12/14/2009 1:09:04F | L200928965 | S VALLEY DR | BROWN RD |
| 11/17/2009 12:45:52I | L200926857 | S VALLEY DR | AVENIDA DE MESILLA |
| TOTAL 7 | | | |
| 4/24/2009 6:34:27PM | L200909272 | VALLEY DR | STEWART LN |
| 8/8/2008 11:45:04AM | L200817882 | VALLEY DR | AVENIDA DE MESILLA |
| 10/10/2008 8:42:31F | L200823529 | VALLEY DR | MADFERO |
| 10/16/2009 2:38:12F | L200924355 | VALLEY DR | BARKER |
| TOTAL 4 | | | |
| 1/27/2009 9:04:23PM | L200902097 | 1062 N VALLEY DR | STEWART |

TOTAL 1 136

7/8/2009 2:55:09PM L200915746

1115 S VALLEY DR

TOTAL 1

8/31/2009 2:31:46PM L200920334

1131 S VALLEY DR

TOTAL 1

7/31/2009 6:28:54AM L200917691

1155 S VALLEY DR OLD TOWN REST.

TOTAL 1

10/25/2008 11:14:55. L200824887

1250 N VALLEY DR

1/19/2009 9:14:37PM L200901429

1250 N VALLEY DR

3/9/2010 4:00:09PM L201005434

1250 N VALLEY DR

TOTAL 3

6/19/2009 4:38:08PM L200914019

1290 S VALLEY

3/9/2010 5:34:04PM L201005444

1290 S VALLEY

TOTAL 2

12/1/2009 5:55:21PM L200927954

1340 S VALLEY DR

TOTAL 1

7/17/2008 2:13:05PM L200816263

1550 S VALLEY

9/7/2008 6:02:30PM L200820312

1550 S VALLEY

VALLEY

4/27/2009 9:07:08PM L200909524

1550 S VALLEY

5/20/2009 3:41:46PM L200911499

1550 S VALLEY

7/20/2009 12:23:51P L200916742

1550 S VALLEY

9/21/2009 4:25:57PM L200922237

1550 S VALLEY

2/13/2009 6:25:32PM L200903472

1550 S VALLEY

8/10/2009 1:14:09PM L200918508

1550 S VALLEY

TOTAL 8

4/13/2009 5:32:44PM L200908298

1550 S VALLEY DR

VALLEY DR

11/5/2008 2:08:49PM L200825918

1550 S VALLEY DR

2/2/2009 2:04:52PM L200902532

1550 S VALLEY DR

2/13/2009 11:02:29A L200903431

1550 S VALLEY DR

RIGSBY

2/21/2009 10:36:43A L200904095

1550 S VALLEY DR

3/5/2009 9:47:00AM L200905086

1550 S VALLEY DR

3/27/2009 12:39:46P L200906867

1550 S VALLEY DR

4/2/2009 12:55:00PM L200907353

1550 S VALLEY DR

6/30/2009 5:33:10PM L200915055

1550 S VALLEY DR

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|----------------------|----------------|---|-------------------------|
| | | TOTAL 2 | 137 |
| 12/19/2008 10:54:34I | L200829547 | 2500 S VALLEY DR | |
| | | TOTAL 1 | |
| 4/10/2008 10:05:29P | L200808408 | 2500 S VALLEY DR :@THE LIQUOR COMPANY/THE I | MAIN |
| | | TOTAL 1 | |
| 6/30/2009 3:53:36P | L200915046 | 2600 S VALLEY DR | |
| | | TOTAL 1 | |
| 12/20/2008 10:00:19 | L200829571 | 2645 S VALLEY DR | |
| 5/27/2009 3:28:36P | L200912097 | 2645 S VALLEY DR | |
| | | TOTAL 2 | |
| 3/3/2009 9:24:10PM | L200904974 | 300 VALLEY VIEW AVE | BROADVIEW |
| | | TOTAL 1 | |
| 10/10/2009 12:06:49I | L200923819 | 350 S VALLEY DR | |
| | | TOTAL 1 | |
| 10/9/2008 9:34:21AI | L200823354 | 355 S VALLEY DR @The Car Connection | |
| | | TOTAL 1 | |
| 8/2/2008 7:44:49PM | L200817410 | 390 N VALLEY DR :@LCFD FIRE STATION 3 :@STATI | |
| | | TOTAL 1 | |
| 8/10/2009 12:20:26A | L200918469 | 401 S. VALLEY | AMADOR |
| | | TOTAL 1 | |
| 2/13/2009 12:15:00P | L200903442 | 420 S VALLEY DR | |
| | | TOTAL 1 | |
| 2/7/2010 4:43:33AM | L201002989 | 490 N VALLEY | HADLEY |
| | | TOTAL 1 | |
| 7/13/2009 10:03:19A | L200916126 | 490 S. VALLEY | |
| | | TOTAL 1 | |
| 11/15/2008 7:10:22P | L200826702 | 495 N VALLEY DR | |
| 12/10/2008 6:52:08F | L200828741 | 495 N VALLEY DR | |
| 9/2/2009 12:20:49PN | L200920541 | 495 N VALLEY DR | |
| | | TOTAL 3 | |

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|-----------------------|----------------|--|-------------------------|
| 3/14/2010 9:21:39PT | L201005839 | 495 N. VALLEY 138 | |
| | | TOTAL 1 | |
| 8/6/2009 11:46:57AM | L200918157 | 495 NORTH VALLEY SAV MART | |
| | | TOTAL 1 | |
| 12/23/2008 5:37:52F | L200829850 | 495 VALLEY DR. | |
| | | TOTAL 1 | |
| 2/18/2010 4:08:10PT | L201003879 | 521 N VALLEY DR | |
| | | TOTAL 1 | |
| 6/11/2009 3:38:37PT | L200913306 | 525 N VALLEY DR | MCFIE |
| | | TOTAL 1 | |
| 7/8/2008 3:56:30PM | L200815626 | 555 S VALLEY DR :{ | |
| | | TOTAL 1 | |
| X 7/23/2009 4:17:00PT | L200917060 | 590 S VALLEY DR | |
| | | TOTAL 1 | |
| X 9/3/2008 12:47:17PM | L200819931 | 590 S VALLEY DR :@CALICHE'S :@CALICHES | AMADOR |
| | | TOTAL 1 | |
| 4/7/2008 12:18:55PM | L200808087 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL | |
| 4/26/2008 7:12:50PT | L200809749 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL | |
| 4/27/2008 1:21:10PT | L200809803 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL | |
| 6/6/2008 1:53:10PM | L200813189 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL | |
| 6/20/2008 3:39:35PT | L200814237 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL | |
| 7/22/2008 11:31:06A | L200816591 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL | |
| 8/26/2008 6:58:43PT | L200819270 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL | |
| 9/22/2008 2:43:08PT | L200821740 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL | |
| | | TOTAL 8 | |
| 8/22/2008 7:57:40PT | L200818968 | 700 S TELSHOR BLVD :@MESILLA VALLEY MALL :@M | |
| | | TOTAL 1 | |
| 9/7/2008 3:59:44PM | L200820306 | 700 S TELSHOR BLVD :[BARNES AND NOBLE] :@MES | |
| | | TOTAL 1 | |
| 12/24/2009 1:04:38F | L200929737 | 700 S TELSHOR BLVD MESILLA VALLEY MALL | |
| | | TOTAL 1 | |
| 12/23/2008 10:37:32L | L200829794 | 700 SOUTH TELSHOR MESILLA VALLEY MALL | |

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|---------------------|----------------|--|-------------------------|
| | | 139 | |
| 2/6/2009 12:16:46PM | L200902862 | 700 SOUTH TELSHOR MESILLA VALLEY MALL | |
| 7/8/2009 1:22:45PM | L200915732 | 700 SOUTH TELSHOR MESILLA VALLEY MALL | |
| 8/5/2009 1:42:28PM | L200918063 | 700 SOUTH TELSHOR MESILLA VALLEY MALL | |
| 1/6/2010 4:18:03PM | L201000417 | 700 SOUTH TELSHOR MESILLA VALLEY MALL | |
| | | TOTAL 5 | |
| 9/27/2008 12:08:02P | L200822297 | 745 NORTH VALLEY | PICACHO |
| | | TOTAL 1 | |
| 3/14/2009 2:40:42PM | L200905777 | 745 N VALLEY DR | |
| 5/31/2009 5:37:05PM | L200912402 | 745 N VALLEY DR | PICACHO |
| | | TOTAL 2 | |
| 3/31/2008 2:28:38PM | L200807468 | 745 N. VALLEY DR | |
| | | TOTAL 1 | |
| 8/1/2008 12:20:45PM | L200817305 | 900 S VALLEY DR :@SISBARRO AUTO WORLD | |
| | | TOTAL 1 | |
| 4/22/2008 4:34:56PM | L200809402 | 903 NORTH VALLEY DRIVE | |
| | | TOTAL 1 | |
| 4/27/2008 2:12:30PM | L200809804 | 915 CALIFORNIA AVE :@VALLEY VIEW ELEMENTAF | |
| | | TOTAL 1 | |
| 5/19/2008 2:46:10PM | L200811660 | 915 CALIFORNIA AVE :@VALLEY VIEW ELEMENTAF | |
| | | TOTAL 1 | |
| 11/16/2009 1:45:29F | L200926791 | 919 N VALLEY DR | |
| | | TOTAL 1 | |
| 2/25/2009 2:50:09PM | L200904448 | 919 N. VALLEY | |
| | | TOTAL 1 | |
| 8/1/2009 12:52:30AM | L200917763 | 930 N VALLEY DR | |
| | | TOTAL 1 | |
| 8/29/2008 8:44:11PM | L200819625 | 930 N VALLEY DR :@SONIC DRIVE IN :@SONIC | |
| | | TOTAL 1 | |
| 12/1/2008 4:57:01PM | L200827960 | 935 S VALLEY DR | |
| | | TOTAL 1 | |
| 9/3/2008 5:48:19PM | L200819981 | 955 S VALLEY DR :@SANDOVAL DODGE | |

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|----------------------|----------------|--|-------------------------|
| 10/9/2009 3:03:17PM | L200923737 | 140 N VALLEY DR & PARKER RD | |
| | | TOTAL 1 | |
| 11/12/2009 5:49:21F | L200926485 | N VALLEY DR & TASHIRO DR | |
| | | TOTAL 1 | |
| 5/5/2008 6:28:15AM | L200810413 | N VALLEY DR & VAN PATTEN | VAN PATTEN |
| | | TOTAL 1 | |
| 7/17/2009 11:37:05A | L200916495 | N VALLEY DR & VAN PATTEN AVE | |
| | | TOTAL 1 | |
| 9/16/2008 5:35:04PM | L200821192 | N VALLEY DR & W AMADOR AVE. | |
| | | TOTAL 1 | |
| 8/29/2008 10:59:17A | L200819552 | N VALLEY DR & W PICACHO AVE | W PICACHO AVE |
| 2/7/2009 1:34:00AM | L200902930 | N VALLEY DR & W PICACHO AVE | |
| 2/15/2010 10:47:39P. | L201003620 | N VALLEY DR & W PICACHO AVE | |
| | | TOTAL 3 | |
| 1/17/2009 10:49:44A | L200901267 | N VALLEY DR (PARKING LOT OF 930 N VALLEY DR) | |
| | | TOTAL 1 | |
| 1/16/2009 6:12:50PM | L200901218 | N VALLEY DR. | MCCLURE RD |
| 10/19/2009 5:20:29F | L200924617 | N VALLEY DR. | BROWNLEE AVE |
| | | TOTAL 2 | |
| 1/3/2009 11:52:24AM | L200900170 | NORTH VALLEY | BARKER |
| | | TOTAL 1 | |
| 3/14/2010 9:52:10PM | L201005840 | S MAIN ST & S VALLEY DR | |
| | | TOTAL 1 | |
| 5/12/2009 10:57:34A | L200910784 | S S. VALLEY DR | AVENIDA DE MESILLA |
| | | TOTAL 1 | |
| 7/19/2009 5:05:29PM | L200916658 | S VALLEY | W AMADOR |
| 4/11/2008 8:19:25AM | L200808419 | S VALLEY | AVE DE MESILLA |
| | | TOTAL 2 | |
| 4/11/2008 3:37:03PM | L200808474 | S VALLEY DR | AVENIDA BLANCO |
| 4/14/2008 4:35:36PM | L200808694 | S VALLEY DR | E UNIVERSITY AVE |
| 4/17/2008 3:15:16PM | L200808975 | S VALLEY DR | S MAIN ST |
| 4/25/2008 8:01:33AM | L200809616 | S VALLEY DR | RIGSBY RD |

REPORT DATE EVENTID

LOCATION

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INTERSECT STREET

5/20/2008 12:30:08P L200811743 S VALLEY DR
5/21/2008 2:51:49PM L200811865 S VALLEY DR
6/3/2008 1:53:06PM L200812927 S VALLEY DR
6/7/2008 12:46:55PM L200813236 S VALLEY DR
6/22/2008 10:38:17A L200814347 S VALLEY DR
6/25/2008 1:29:41PM L200814634 S VALLEY DR
6/30/2008 11:57:52A L200815016 S VALLEY DR
7/2/2008 11:16:01AM L200815181 S VALLEY DR
7/3/2008 3:15:35PM L200815270 S VALLEY DR
7/28/2008 12:52:14P L200817004 S VALLEY DR
8/20/2008 4:31:09PM L200818778 S VALLEY DR
8/21/2008 3:57:27PM L200818848 S VALLEY DR
9/2/2008 2:31:00PM L200819866 S VALLEY DR
10/15/2008 8:22:46A L200823827 S VALLEY DR
12/2/2008 6:49:19PM L200828070 S VALLEY DR
12/9/2008 4:25:42PM L200828639 S VALLEY DR
12/17/2008 1:27:36F L200829306 S VALLEY DR
2/11/2009 11:48:09A L200903251 S VALLEY DR
2/17/2009 1:16:04PM L200903733 S VALLEY DR
3/5/2009 11:05:07AM L200905100 S VALLEY DR
3/6/2009 4:52:28PM L200905214 S VALLEY DR
3/25/2009 3:57:48PM L200906719 S VALLEY DR
3/25/2009 5:30:01PM L200906726 S VALLEY DR
5/7/2009 1:55:27PM L200910401 S VALLEY DR
5/10/2009 2:31:46PM L200910646 S VALLEY DR
5/21/2009 12:27:57P L200911585 S VALLEY DR
7/1/2009 5:02:28PM L200915162 S VALLEY DR
7/10/2009 9:57:56PM L200915929 S VALLEY DR
7/11/2009 7:15:00PM L200915990 S VALLEY DR
7/13/2009 10:28:52A L200916117 S VALLEY DR
7/18/2009 9:05:49PM L200916610 S VALLEY DR
7/21/2009 4:45:49PM L200916874 S VALLEY DR
7/31/2009 7:42:11PM L200917743 S VALLEY DR
8/17/2009 12:44:42P L200919082 S VALLEY DR
9/4/2009 12:15:11PM L200920723 S VALLEY DR
9/23/2009 8:39:23A L200922371 S VALLEY DR
10/12/2009 7:59:09A L200923971 S VALLEY DR
11/5/2009 3:31:40PM L200925953 S VALLEY DR
11/30/2009 5:13:04F L200927857 S VALLEY DR
12/3/2009 7:57:07A L200928073 S VALLEY DR

RIGSBY RD
E UNIVERSITY AVE
1550 S. VALLEY
W AMADOR
W BOUTZ
S MAIN ST
W AMADOR AVE
S MAIN ST
ASPEN
AVENIDA DE MESILLA
S MAIN ST
AVE DE MESILLA
S MAIN ST
W AMADOR AVE

E UNIVERSITY AVE
W AMADOR AVE

W FARNEY LN
W BOUTZ RD
S MAIN ST
BOUTZ RD
AVENIDA DE MESILLA

E UNIVERSITY AVE
BOUTZ RD
S MAIN

BOUTZ
S. MAIN ST.
W AMADOR
AVENIDA DE MESILLA
UNIVERSITY
S MAIN ST

AVENIDA DE MESILLA
S MAIN ST
AVENIDA DE MESILLA
SEQUOIA
W. BOUTZ

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|-----------------------|----------------|-----------------|-------------------------|
| 12/5/2009 4:39:31PM | L200928266 | S VALLEY DR | BROWN |
| 12/9/2009 2:48:14PM | L200928561 | S VALLEY DR | ASPEN AVE |
| 12/18/2009 4:07:57F | L200929342 | S VALLEY DR | AVE DE MESILLA |
| 1/16/2010 8:05:40PM | L201001218 | S VALLEY DR | BROWN RD |
| 1/25/2010 7:46:10AM | L201001839 | S VALLEY DR | AVENIDA DE MESILLA |
| 2/3/2010 7:33:25AM | L201002634 | S VALLEY DR | W BOUTZ RD |
| 2/14/2010 2:15:40PM | L201003544 | S VALLEY DR | AVENIDA DE MESILLA |
| 2/18/2010 12:56:17P | L201003864 | S VALLEY DR | AVENIDA DE MESILLA |
| 2/18/2010 6:02:08PM | L201003897 | S VALLEY DR | CAMPBELL DR |
| 2/19/2010 3:52:07PM | L201003992 | S VALLEY DR | RIGSBY RD |
| 4/22/2008 2:37:41PM | L200809378 | S VALLEY DR | AVENIDA DE MESILLA |
| 4/24/2008 1:51:39PM | L200809549 | S VALLEY DR | AMADOR |
| 5/13/2008 7:55:19AM | L200811127 | S VALLEY DR | S. MAIN ST. |
| 5/20/2008 2:08:40PM | L200811751 | S VALLEY DR | W AMADOR AVE |
| 7/14/2008 1:12:11PM | L200816025 | S VALLEY DR | W AMADOR AVE |
| 7/25/2008 5:19:09PM | L200816833 | S VALLEY DR | S MAIN ST |
| 8/10/2008 11:35:04A | L200818014 | S VALLEY DR | W BOUTZ |
| 8/26/2008 11:32:56A | L200819226 | S VALLEY DR | W BOUTZ RD |
| 9/10/2008 12:44:48P | L200820598 | S VALLEY DR | |
| 10/4/2008 6:00:44PM | L200822984 | S VALLEY DR | W. AMADOR |
| 10/17/2008 3:48:29F | L200824134 | S VALLEY DR | MAIN |
| 10/30/2008 1:16:18F | L200825343 | S VALLEY DR | W AMADOR AVE |
| 11/5/2008 6:54:25PM | L200825949 | S VALLEY DR | MAIN ST |
| 12/1/2008 1:36:16PM | L200827937 | S VALLEY DR | S MAIN ST |
| 12/15/2008 4:53:50F | L200829153 | S VALLEY DR | & W AMADOR AVE |
| 12/18/2008 6:35:55F | L200829440 | S VALLEY DR | W AMADOR AVE |
| 1/9/2009 5:32:24PM | L200900682 | S VALLEY DR | AVE DE MESILLA |
| 1/11/2009 10:30:19A | L200900789 | S VALLEY DR | AVE. DE MESILLA |
| 1/15/2009 4:47:51PM | L200901134 | S VALLEY DR | E UNIVERSITY AVE |
| 1/29/2009 5:10:09PM | L200902250 | S VALLEY DR | W AMADOR AVE |
| 1/31/2009 3:08:18PM | L200902416 | S VALLEY DR | AVE DE MESILLA |
| X 2/19/2009 4:24:10PM | L200903954 | S VALLEY DR | FLORIDA DR |
| 3/3/2009 8:12:35PM | L200904968 | S VALLEY DR | AVENIDA DE MESILLA |
| 6/18/2009 4:34:02PM | L200913933 | S VALLEY DR | RIGSBY RD |
| 7/4/2009 4:11:18PM | L200915412 | S VALLEY DR | BOUTZ RD |
| 7/7/2009 12:16:30AM | L200915599 | S VALLEY DR | AVENIDA DE MESILLA |
| 8/6/2009 5:07:33PM | L200918190 | S VALLEY DR | W. AMADOR AVE |
| 8/14/2009 8:55:00PM | L200918902 | S VALLEY DR | S. MAIN ST |
| 8/28/2009 10:38:43A | L200920086 | S VALLEY DR | W AMADOR AVE |
| 9/2/2009 10:37:45PM | L200920588 | S VALLEY DR | E UNIVERSITY AVE |

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|----------------------|----------------|-----------------|-------------------------------------|
| 9/11/2009 8:04:47A | L200921303 | S VALLEY DR | SEQUOIA AVE |
| 9/11/2009 11:37:18A | L200921334 | S VALLEY DR | RIGSBY ROAD |
| 9/26/2009 3:54:40P | L200922677 | S VALLEY DR | |
| 10/2/2009 10:45:41P | L200923231 | S VALLEY DR | S MAIN ST |
| 10/11/2009 2:38:02F | L200923907 | S VALLEY DR | RIGSBY RD |
| 11/21/2009 10:56:18L | L200927210 | S VALLEY DR | MARQUESS ST |
| 12/19/2009 5:03:15F | L200929414 | S VALLEY DR | MAIN |
| 2/9/2010 7:24:43PM | L201003189 | S VALLEY DR | In front of Sandoval Dodge at 955 S |
| 9/10/2008 7:51:21A | L200820580 | S VALLEY DR | S MAIN ST |
| 12/29/2008 9:50:40A | L200830144 | S VALLEY DR | AVENIDA DE MESILLA |

143

TOTAL 94

| | | | |
|---------------------|------------|----------------------------------|--------------------|
| 5/28/2008 10:01:44P | L200812471 | S VALLEY DR & AVENIDA DE MESILLA | |
| 6/16/2008 5:52:58PM | L200813915 | S VALLEY DR & AVENIDA DE MESILLA | |
| 7/29/2008 9:32:13PM | L200817117 | S VALLEY DR & AVENIDA DE MESILLA | |
| 12/12/2008 9:05:55F | L200828935 | S VALLEY DR & AVENIDA DE MESILLA | |
| 11/13/2009 7:50:21A | L200926523 | S VALLEY DR & AVENIDA DE MESILLA | |
| 3/11/2010 4:13:09PM | L201005598 | S VALLEY DR & AVENIDA DE MESILLA | |
| 3/11/2010 4:22:02PM | L201005597 | S VALLEY DR & AVENIDA DE MESILLA | |
| 3/18/2010 2:33:55PM | L201006171 | S VALLEY DR & AVENIDA DE MESILLA | AVENIDA DE MESILLA |

TOTAL 8

| | | | |
|---------------------|------------|--------------------------------|--|
| 8/27/2008 9:22:46PM | L200819408 | S VALLEY DR & E UNIVERSITY AVE | |
|---------------------|------------|--------------------------------|--|

TOTAL 1

| | | | |
|---------------------|------------|-------------------------|-----------|
| 9/15/2008 4:05:48PM | L200821094 | S VALLEY DR & RIGSBY RD | RIGSBY RD |
| 10/31/2008 9:53:48F | L200825481 | S VALLEY DR & RIGSBY RD | |

TOTAL 2

| | | | |
|---------------------|------------|-------------------------|---------|
| 6/29/2008 4:31:10PM | L200814951 | S VALLEY DR & S MAIN ST | S. MAIN |
| 5/6/2009 10:21:33PM | L200910370 | S VALLEY DR & S MAIN ST | |
| 9/24/2009 11:53:18A | L200922511 | S VALLEY DR & S MAIN ST | |
| 10/18/2009 1:36:58F | L200924508 | S VALLEY DR & S MAIN ST | |
| 2/24/2010 6:31:59PM | L201004413 | S VALLEY DR & S MAIN ST | |

TOTAL 5

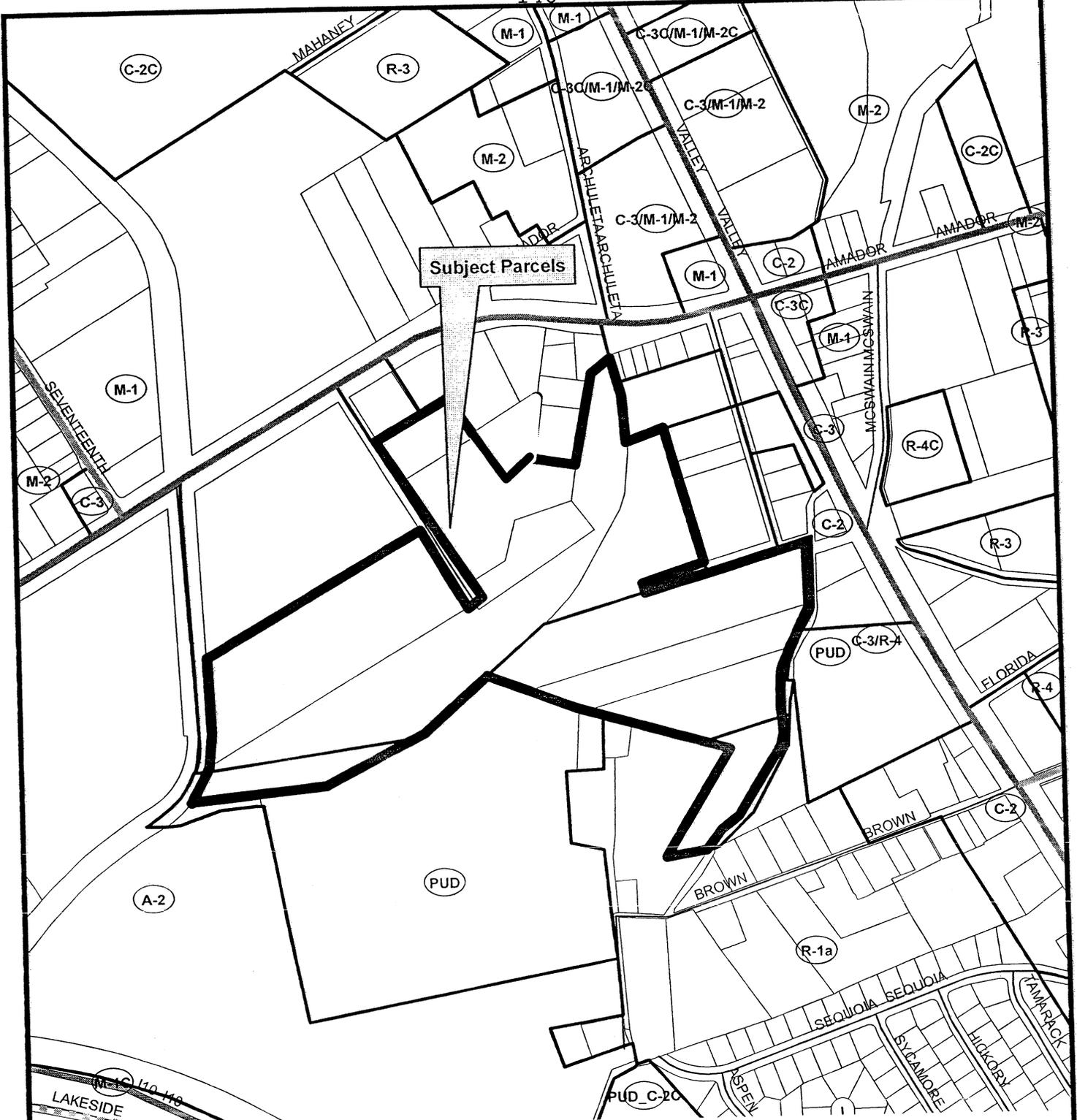
| | | | |
|---------------------|------------|----------------------------|--|
| 8/26/2008 10:03:29P | L200819278 | S VALLEY DR & W AMADOR AVE | |
| 10/31/2009 1:52:02F | L200925544 | S VALLEY DR & W AMADOR AVE | |

TOTAL 2

| | | | |
|--------------------|------------|--------------------------|--|
| 1/4/2010 9:53:32AM | L201000205 | S VALLEY DR & W BOUTZ RD | |
|--------------------|------------|--------------------------|--|

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|----------------------|----------------|---|-------------------------|
| | | TOTAL 1 | 144 |
| 3/31/2008 12:14:02P | L200807453 | S VALLEY DR (IN FRONT OF 350 S VALLEY DR) | |
| | | TOTAL 1 | |
| 6/28/2008 10:22:30P | L200814903 | S VALLEY DRIVE | AVENIDA DE MESILLA |
| | | TOTAL 1 | |
| 4/18/2008 8:08:40A | L200809017 | S. VALLEY | S. MAIN |
| 11/16/2009 5:34:57F | L200926814 | S. VALLEY | RIGSBY |
| | | TOTAL 2 | |
| 1/3/2009 7:44:11PM | L200900196 | S. VALLEY DR | AVENIDA DE MESILLA |
| | | TOTAL 1 | |
| 3/5/2010 12:44:35AM | L201005079 | SOUTH VALLEY DRIVE | RIGSBY |
| | | TOTAL 1 | |
| 5/1/2009 8:15:22PM | L200909865 | STEWART LN & N VALLEY DR | |
| | | TOTAL 1 | |
| 4/10/2008 1:29:21PM | L200808359 | VALLEY | VALLEY |
| 10/16/2008 4:52:17F | L200824030 | VALLEY | TASHIRO |
| 11/10/2008 8:07:05P | L200826266 | VALLEY | TASHIRO |
| 12/20/2008 11:12:19. | L200829577 | VALLEY | AVENEDA DE MESILLA |
| 2/24/2009 10:34:15A | L200904315 | VALLEY | MARQUESS |
| 8/27/2009 8:16:16A | L200919987 | VALLEY | S MAIN ST |
| 2/3/2010 3:05:19AM | L201002628 | VALLEY | MAIN |
| 12/5/2008 2:50:10PM | L200828314 | VALLEY | SEQUOIA |
| 1/22/2009 8:47:40A | L200901624 | VALLEY | HOAGLAND |
| 12/27/2009 9:22:26P | L200929864 | VALLEY | AMADOR |
| | | TOTAL 10 | |
| 1/19/2010 4:15:21PM | L201001435 | VALLEY & MAYFIELD | |
| | | TOTAL 1 | |
| 6/13/2008 1:54:46PM | L200813696 | VALLEY & UNIVERSITY | |
| | | TOTAL 1 | |
| 4/24/2008 4:26:40PM | L200809563 | VALLEY DR | PARKER |
| 6/16/2008 2:14:54PM | L200813885 | VALLEY DR | AVE DE MESILLA |
| 8/7/2008 10:15:40AM | L200817779 | VALLEY DR | PICACHO AVE |
| 8/26/2008 3:34:41PM | L200819252 | VALLEY DR | |

| <u>REPORT DATE</u> | <u>EVENTID</u> | <u>LOCATION</u> | <u>INTERSECT STREET</u> |
|----------------------|----------------|---|--------------------------|
| 9/16/2008 2:56:51P | L200821179 | VALLEY DR | HOAGLAND AVE |
| 10/2/2008 5:12:09P | L200822822 | VALLEY DR | BROWNLEE |
| 10/30/2008 10:08:32I | L200825390 | VALLEY DR | RIGSBY |
| 3/19/2009 4:19:27P | L200906212 | VALLEY DR | TASHIRO |
| 5/8/2009 3:14:17PM | L200910499 | VALLEY DR | E PICACHO AVE |
| 6/20/2009 11:49:04A | L200914084 | VALLEY DR | MAYFIELD |
| 10/7/2009 9:24:19AI | L200923570 | VALLEY DR | MCLURE RD |
| 10/15/2008 6:14:56F | L200823912 | VALLEY DR | PARKER AVE |
| TOTAL 12 | | | |
| 12/15/2008 9:11:10A | L200829086 | VALLEY DR (PARKED IN FRONT OF 1550 S VALLEY I | |
| TOTAL 1 | | | |
| 6/21/2009 12:45:07P | L200914151 | VALLEY DR. | AVENIDA DE MESILLA |
| 8/19/2009 2:32:31P | L200919293 | VALLEY DR. | AVENIDA DE MESILLA |
| TOTAL 2 | | | |
| 11/20/2008 9:23:28A | L200827100 | VALLEY DRIVE | HOAGLAND STREET |
| 11/16/2009 8:17:34A | L200926757 | VALLEY DRIVE | MAYFIELD ROAD |
| TOTAL 2 | | | |
| 12/7/2008 2:03:21AI | L200828431 | W BOUTZ RD & S VALLEY DR | |
| TOTAL 1 | | | |
| 12/26/2009 7:54:11F | L200929833 | W HADLEY AVE & N VALLEY DR | |
| TOTAL 1 | | | |
| 7/8/2008 8:31:59PM | L200815642 | W PICACHO AVE & N VALLEY DR | |
| 9/11/2008 9:09:32P | L200820769 | W PICACHO AVE & N VALLEY DR | |
| 9/15/2008 5:43:51P | L200821103 | W PICACHO AVE & N VALLEY DR | PICACHO AND VALLEY DRIVE |
| 3/22/2009 4:35:42AI | L200906429 | W PICACHO AVE & N VALLEY DR | |
| 3/22/2009 10:44:00A | L200906440 | W PICACHO AVE & N VALLEY DR | |
| 10/10/2009 3:10:02F | L200923835 | W PICACHO AVE & N VALLEY DR | |
| 11/19/2009 6:05:36A | L200927011 | W PICACHO AVE & N VALLEY DR | |
| 2/1/2010 1:05:50PM | L201002476 | W PICACHO AVE & N VALLEY DR | |
| TOTAL 8 | | | |



VICINITY MAP

VILLA AMADOR PLANNED UNIT DEVELOPMENT
CASE NO. PUD-09-04
OWNER: IFL, LLC.
LOCATION: SOUTH OF AMADOR AVENUE,
WEST OF VALLEY DRIVE

ZONING: PUD
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



VILLA AMADOR P.U.D.
DEVELOPMENT CONCEPT PLAN

A 33.382 ACRE TRACT LOCATED IN SECTIONS D AND 24 T.38. R.1E. OF THE U.S.R.S. SURVEYS BEING PART OF U.S.R.S. TRACT 9C-125R, 9A-160R, 9A-160R, 9A-160R AND TRACT 24, 24-160R JUNDREHER SUBURBAN FARM TRACTS REPLAT NO.1

JANUARY, 2001

Name of Development: Villa Amador
Developer: Home Commercial, L.L.C.
10701 Lomas NE, Mexico 8712
Albuquerque, NM 87112

Engineer: Scoring White, Inc.
3780 Foothills Road, Ste. C
595, Ceres, NE, 68581
Surveyor: Stanton White, Inc. C
3780 Foothills Road, Ste. C
595, Ceres, NE, 68581

Proposed Land Use: P.U.D. Mixed Land Use
Single Home Community
Industrial Standard
Location: Sections 13&24, T.38. R.1E.
City: Las Cruces, Dona Ana County, New Mexico
City Additional Authority: City of Las Cruces
Applicable Codes: City of Las Cruces Zoning Code
City of Las Cruces Subdivision Regulations
City of Las Cruces Utility Specifications
City of Las Cruces Road Specifications
All other Applicable City Codes in Effect

Proposed Utility City of Las Cruces
Sewer - City of Las Cruces
Natural Gas - El Paso Electric Co.
Telephone - Qwest
Cable TV - Comcast

Typical Parcel 1 Section Street Section
Typical Parcel 2 Section Street Section
Typical Parcel 3 Section Street Section

Index to Sheets:
1. DEVELOPMENT CONCEPT PLAN
2. TRANSPORTATION/ZONING MAP
3. UTILITIES MASTER PLAN
4. DRAINAGE MASTER PLAN

Subdivision Administrator _____ Date _____

Subdivision Administrator Approval

This Concept Plan has been approved by the Subdivision Administrator of the City of Las Cruces, and all the required information of the City of Las Cruces Subject to any and all conditions required by the Planning Authority, for approval of this Concept Plan.

Scanton White
SHEET 1 OF 4

| NO. | DESCRIPTION | DATE | BY | FOR |
|-----|---------------------------|----------|----|-----|
| 1 | PRELIMINARY PLANS | 12/15/00 | SW | SCW |
| 2 | CONCEPT PLAN | 1/10/01 | SW | SCW |
| 3 | TRANSPORTATION/ZONING MAP | 1/10/01 | SW | SCW |
| 4 | UTILITIES MASTER PLAN | 1/10/01 | SW | SCW |
| 5 | DRAINAGE MASTER PLAN | 1/10/01 | SW | SCW |

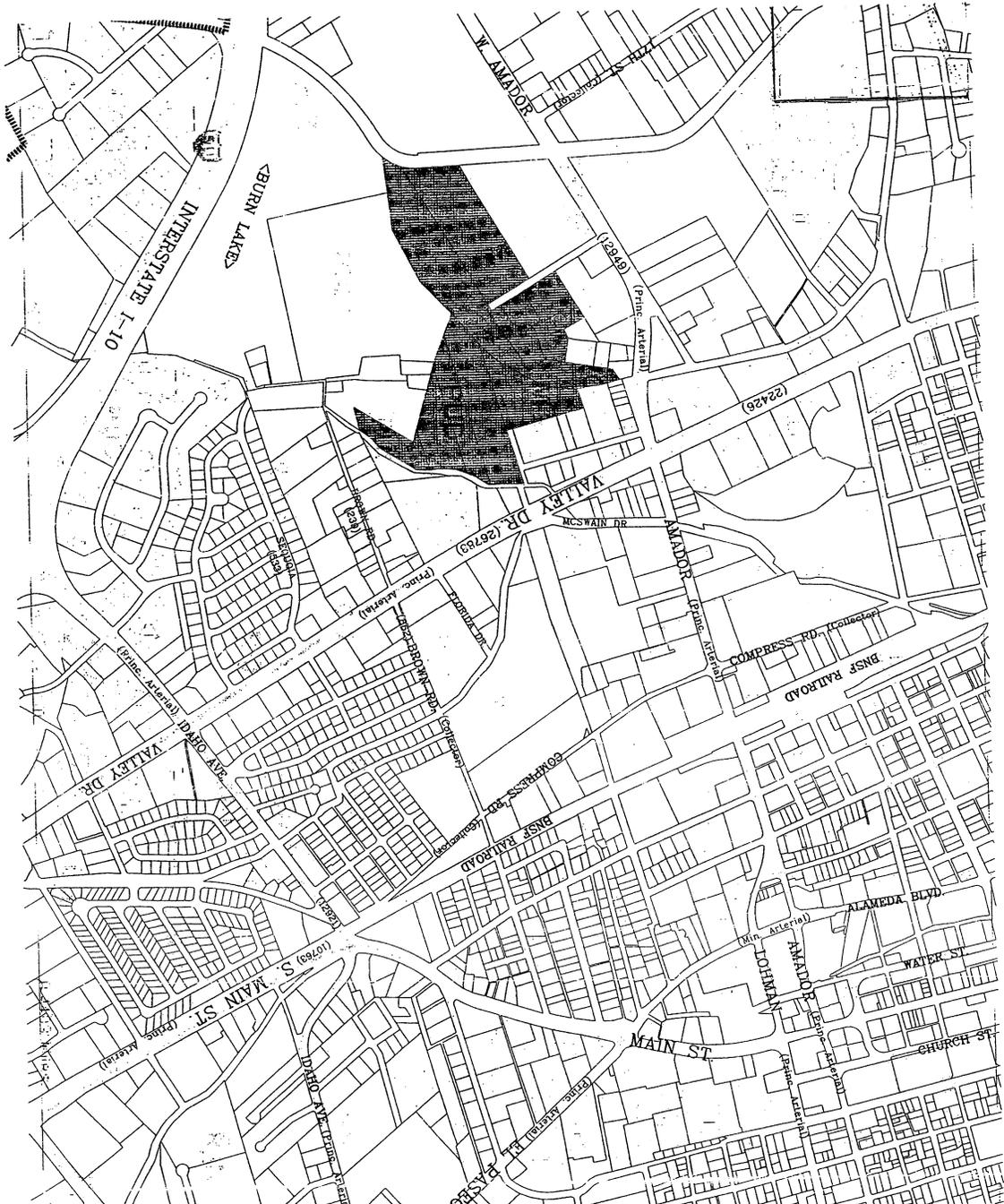
CONCEPTUAL ANTICIPATED TRAFFIC

| TRAFFIC | EXISTING | EXISTING + DEVELOPMENT | EXISTING + DEVELOPMENT + TRAFFIC SIGNAL |
|------------------------|----------|------------------------|---|
| 1. AMADOR (12426) | 1,200 | 1,200 | 1,200 |
| 2. VALLEY DR. (126793) | 1,200 | 1,200 | 1,200 |
| 3. MAIN ST. (107863) | 1,200 | 1,200 | 1,200 |
| 4. BURN LAKES | 1,200 | 1,200 | 1,200 |
| 5. INTERSTATE I-10 | 1,200 | 1,200 | 1,200 |

DEVELOPMENT STANDARDS

| STANDARD | EXISTING | EXISTING + DEVELOPMENT | EXISTING + DEVELOPMENT + TRAFFIC SIGNAL |
|------------------------|----------|------------------------|---|
| 1. AMADOR (12426) | 1,200 | 1,200 | 1,200 |
| 2. VALLEY DR. (126793) | 1,200 | 1,200 | 1,200 |
| 3. MAIN ST. (107863) | 1,200 | 1,200 | 1,200 |
| 4. BURN LAKES | 1,200 | 1,200 | 1,200 |
| 5. INTERSTATE I-10 | 1,200 | 1,200 | 1,200 |

VILLA AMADOR P.U.D.
LOCATION/ZONING/TRANSPORTATION MAP
A 33.382 ACRE TRACT
LOCATED IN SECTIONS B AND
24 T2S, R1E, OF THE USRS,
SURVEYS BEING PART OF
USRS TRACT 9C-12, USRS
TRACT 9C-12B3, 9A-160A, 9A-160E,
9A-160F, 9A-160D, AND TRACT
7A, ROUNDREE SUBURBAN
FARM TRACTS REPEAT NOI
JANUARY, 2010



NAME OF DEVELOPMENT: Villa Amador
DEVELOPER: Herma Commercial, L.L.C.
ADDRESS: Albuquerque New Mexico 87112
505-312-0522
ENGINEER: Scanton White, Inc. S.W. C
LOS CUCOS, NEW MEXICO 85011
575-525-2112
SURVEYOR: Scanton White, Inc.
3780 FOOTING ROAD, STE. C
LOS CUCOS, NEW MEXICO 85011
575-525-2112

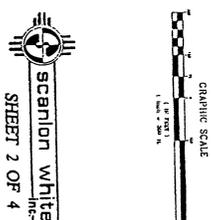
PROPOSED LAND USE: P.U.D. Mixed Land Use
NEIGHBORHOOD: Villa Amador
MOBILE HOME COMMUNITY:
INDUSTRIAL STANDARD

LOCATION: Sections 12&24, T2S, R1E.
JURISDICTIONAL AUTHORITY: City of Las Cucos

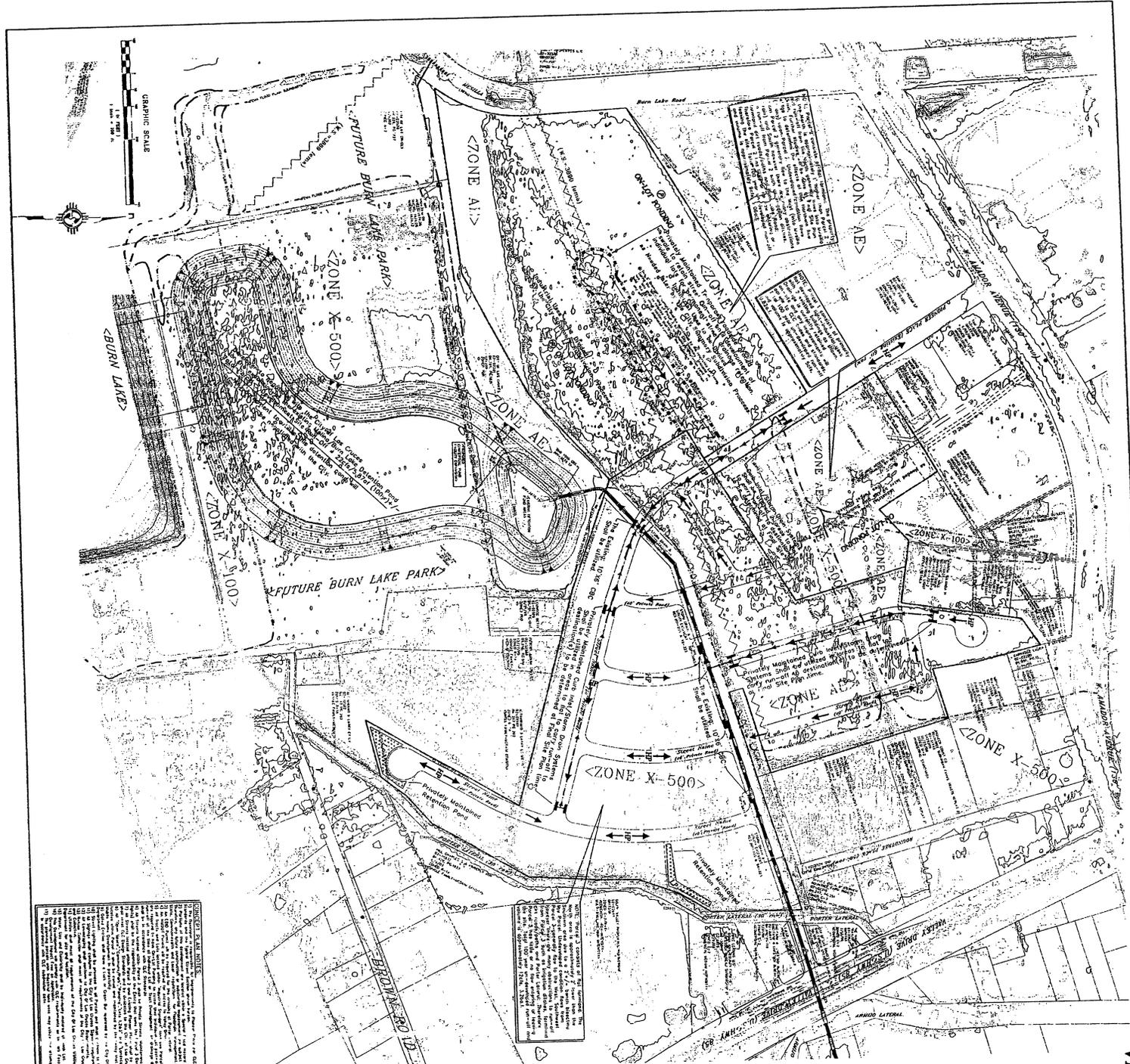
APPLICABLE CODES: City of Las Cucos Zoning Code
 City of Las Cucos Design Standards
 City of Las Cucos Utility Specifications
 City of Las Cucos Subdivision Ordinance
 All other applicable City Codes in Effect

PROPOSED UTILITY SERVICES:
 Sewer - City of Las Cucos
 Natural Gas - City of Las Cucos
 Telephone - Pasa Electric Co.
 Cable TV - Comcast

TITLE BLOCK NOTES:
 1. This map is a location/zoning/transportation map for the Villa Amador P.U.D. project, located in Sections B and 24, T2S, R1E, of the USRS, Surveys Being Part of USRS Tract 9C-12, USRS Tract 9C-12B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, and Tract 7A, Roundree Suburban Farm Tracts Repeat NOI, Albuquerque, New Mexico. The project is owned by Herma Commercial, L.L.C., and is being developed by Scanton White, Inc. The map shows the proposed land use, neighborhood, mobile home community, industrial standard, location, jurisdictional authority, applicable codes, proposed utility services, and proposed land use. The map is oriented with North at the top.



scanton white
 SHEET 2 OF 4



GENERAL NOTES:

1. THIS PLAN IS A CONCEPTUAL DRAINAGE PLAN AND IS NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURES OR UTILITIES WITHOUT THE APPROVAL OF THE CITY OF LOS ANGELES.
2. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
3. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
4. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
5. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
6. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
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9. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
10. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.

PLANNING NOTES:

1. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
2. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
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10. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.

CONSTRUCTION NOTES:

1. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
2. THE CITY OF LOS ANGELES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
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GENERAL NOTES:

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VILLA AMADOR P.U.D.

CONCEPTUAL DRAINAGE
 A 53.82 ACRE TRACT
 LOCATED IN SECTIONS 13 AND
 24, T28N, R12E, OF THE USFS
 SURVEY, BEING PART OF
 USFS TRACT 9C-423, USFS
 TRACT 9C-0283, 9A-160A, 9A-180E,
 9A-160F, 9A-160D, AND TRACT
 7A, ROUNDTRIE SUBURBAN
 FARM TRACTS REPLAT NO.1
 JANUARY, 2010

Name of Development: Villa Amador
 Developer: Marina Commercial, LLC
 10701 Lomax NE, Suite 3112
 Bellevue, WA 98004
 206-835-0522

Engineer: Scanlon White, Inc. Site C
 13800 Canyon Blvd., Suite 200
 Littleton, CO 80120
 303-741-2112

Surveyor: Scanlon White, Inc.
 13800 Canyon Blvd., Suite 200
 Littleton, CO 80120
 303-741-2112

Proposed Land Use: Medium Density
 Single-Family Detached
 Medium-Density Residential

Local Ordinance: 12.33, 12.35, R.I.C.,
 Code of Los Angeles, and County of Los Angeles
 Jurisdictional Authority: City of Los Angeles
 Applicant: Marina Commercial, LLC
 City of Los Angeles Department of Public Works
 City of Los Angeles Department of Water
 All other applicable City Codes in Effect

Project: Villa Amador
 Street: City of Los Angeles
 Electric Service: El Paso Electric Co.
 Telephone: 505-941-1111

Owner: Marina Commercial, LLC
 10701 Lomax NE, Suite 3112
 Bellevue, WA 98004
 206-835-0522

City of Los Angeles
 Department of Public Works
 1200 N. G Street
 Los Angeles, CA 90012
 213-473-3111

City of Los Angeles
 Department of Water
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- 1 Scholz: And the Chair votes aye. So it is 6:0 approved. Thank you gentlemen.
 2 Please turn off your mikes again.
 3
- 4 2. **Case PUD-09-04:** A request for approval of a concept plan for a Planned
 5 Unit Development (PUD) known as Villa Amador. The subject properties are
 6 located south of Amador Avenue and west of Valley Drive. The subject
 7 property encompasses 54.383 +/- acres and is zoned M-1/M-2 (Industrial
 8 Standard) and PUD (Planned Unit Development). The proposed PUD will
 9 entail three parcels: Parcel 1 will encompass 7.311 +/- acres and is
 10 proposed for Industrial Standard uses; Parcel 2 will encompass 18.263 +/-
 11 acres and is also proposed for Industrial Standard uses; and, Parcel 3 which
 12 will encompass 28.808 +/- acres and is proposed for a Mobile Home Park.
 13 The applicant is proposing that redevelopment of the existing industrial area
 14 of the proposed PUD be phased and that parking and landscape
 15 improvements be implemented pursuant to the phasing of industrial
 16 redevelopment. Submitted by Scanlon White, Inc. for IFL, LLC, property
 17 owner.
 18
- 19 Scholz: Okay, our second item of old business is Case PUD-09-04, a request for
 20 approval of a concept plan. And we've had this one before us. And I see,
 21 here it is. It's the heavy weight. Mr. Ochoa.
 22
- 23 Ochoa: Thank you. Next case tonight gentlemen is PUD-09-04. It is a concept
 24 plan for a proposed Planned Unit Development known as Villa Amador. It
 25 is seen here in the vicinity map in front of you highlighted in the green that
 26 would basically make up the entire area of the Villa Amador PUD. A little
 27 bit of background on this, the proposed Planned Unit Development known
 28 as Villa Amador is generally located south of Amador Avenue and west of
 29 Valley Drive. The proposed Villa Amador PUD is made up of 10 existing
 30 parcels, currently six parcels encompassing 35.98 acres are zoned M-1/
 31 M-2 which is industrial standard, while the other four parcels
 32 encompassing approximately 17.44 acres are currently zoned PUD or
 33 Planned Unit Development. These four parcels were annexed into the
 34 City in 1978 with the initial zoning of Planned Community District. The
 35 actual intent for the use of these parcels was never determined through
 36 the annexation process.
 37
- 38 Scholz: That was the air conditioning coming on folks.
 39
- 40 Ochoa: Yes, it was.
 41
- 42 Scholz: Don't hide under your seats.
 43
- 44 Ochoa: Subsequent to the February 23, 2010 hearing, the applicant presented to
 45 staff a request that the concept plan be re-heard with the modified
 46 development proposal as pertaining to the existing industrial area. The

1 applicant is now proposing that the redevelopment of the existing
2 industrial area contained within the industrial area of the concept plan for
3 the proposed PUD be phased and that parking, landscaping, and outdoor
4 lighting improvements be implemented pursuant to the phasing of the
5 industrial redevelopment. So, basically it's the same Planned Unit
6 Development that you've heard before with a minor tweak of doing a
7 redevelopment phasing plan for the existing industrial area. All other
8 aspects of the applicant's request remain unchanged.

9 Like before the proposed PUD encompasses 53.38 acres and is
10 being proposed for an industrial park uses and ... industrial standard uses,
11 excuse me, and a mobile home park. The proposed industrial area will
12 have access off of Pioneer Place. While the proposed mobile home park
13 is proposed to have access to Valley Drive via a small vacant City owned
14 parcel and secondary access off of Pioneer Place. Landscaping and
15 street lighting requirements for the Villa Amador PUD will follow the City of
16 Las Cruces Design Standards. And all signage used throughout the PUD
17 will follow the City of Las Cruces Sign Code Regulations as well.

18 Here's the concept plan of the Villa Amador Planned Unit
19 Development, again highlighted in the darker black writing. This area here
20 would be industrial area and this place as well, while the remainder of this
21 over here will be used for the mobile home park or manufactured home
22 community. Parcels 1 and 2 of the Villa Amador PUD contain
23 approximately about 24.574 acres and are being proposed for industrial
24 standard uses. The permitted uses in the proposed industrial area will be
25 the same as those uses permitted in the 2001 Zoning Code, as amended
26 under the M-1/M-2 industrial standard zoning district. The proposed
27 industrial area will follow the development standards created by the
28 applicant for the Villa Amador PUD when it comes to minimum lot size,
29 maximum height, and setbacks etc, etc, and so on.

30 The applicant is also proposing to redevelop the existing structures
31 in Phase 1 of the Villa Amador PUD and phases the required
32 improvements for parking, landscaping, and outdoor lighting will be
33 brought into compliance in phases with every part of the building that is
34 redeveloped. Parcel 3 of the Villa Amador contains the remaining 28.808
35 acres of the proposed project that will be developed as a mobile home
36 park. Parcel 3 will also follow the development standards created and put
37 in place by the applicant regarding minimum lot size, maximum height,
38 setbacks and so on and so forth. A dwelling unit range of 5.7 to 6.9 units
39 per acre is being proposed for Parcel 3, making a total of 165 to 200
40 dwelling units for Parcel 3. All streets, common areas, landscaping, and
41 open space in Parcel 3 will be privately maintained by the entity that owns
42 the mobile home/manufactured home park. A 10-foot landscape buffer
43 that will be maintained by the mobile park owner will be installed between
44 the mobile home park and the adjacent industrial uses proposed for Parcel
45 1 and 2.

1 On February 10th, 2010 the Development Review Committee
2 reviewed the concept plan for the proposed Villa Amador PUD. During the
3 meeting, the Public Works Department did not feel comfortable moving the
4 proposed PUD forward with an affirmative recommendation. Public Works
5 voiced concerns regarding the allowance of primary access to Valley Drive
6 via the City owned parcel without satisfying additional requirements
7 deemed necessary by Public Works. Public Works Department requested
8 the applicant to acquire letters of support and approval from adjacent
9 property owners to the City property being proposed for primary access for
10 the mobile home/manufactured home community park off of Valley Drive.
11 The Public Works Department also requested that a traffic impact analysis
12 be submitted to the City for review analyzing traffic operations for the use
13 of the City owned access point off of Valley Drive. Although the proposed
14 PUD is supported from a land use prospective, the concerns with the
15 access point off of Valley Drive is a major issue that may inhibit the
16 development of the proposed PUD and City staff is not supportive of
17 approving and moving forward with the concept plan without having the
18 Public Works Department's issues addressed. The DRC recommended
19 denial for the proposed concept plan for the PUD known as Villa Amador.

20 During the February P&Z meeting Commission recommended
21 approval for the concept plan with a 3:1 vote with two Commissioners
22 absent and one Commissioner vacancy. A series of conditions stipulated
23 by the City's Public Works Department as follows were added to the actual
24 approval of it is; until such time that it is decided that the City parcel can
25 be used as a roadway to access the development subdivision, the
26 engineer shall be designated as proposed access on the concept plan.
27 Use of the City parcel as a roadway/public right-of-way is contingent upon
28 the review of the TIA and future discussions with the Public Works
29 Department to determine the feasibility of utilizing the City parcel due to
30 existing City infrastructure. If it is decided that the City parcel can be used
31 as a roadway, the engineer must work with the adjacent property owners
32 to assure that there are no adverse impacts on their operation and
33 businesses. The developer is responsible for replatting the parcel as
34 public right-of-way.

35 Three, the TIA shall be provided at the final site plan submittal. At
36 final site plan submittal the engineer shall provide written confirmation that
37 the engineer has notified the property owners adjacent to the City parcel
38 of the potential use of the City parcel as a roadway. If the City Parcel
39 cannot be used for primary access to the private subdivision based on the
40 list of conditions, the developer must designate another access point as a
41 primary access to their development and find another secondary access
42 for their development. And finally, there must be an arrangement with the
43 City to use the City's retention facilities.

44 Planning and Zoning Commission's options tonight gentlemen is (1)
45 to vote yes to approve the request for Case PUD-09-04; (2) to vote yes
46 and approve the request with additional conditions as deemed appropriate

- 1 by the P&Z; (3) to vote no to deny the request as recommended by the
 2 DRC for Case PUD-09-04; and (4) to table and postpone and direct staff
 3 accordingly. The applicant is present for any more questions. That is the
 4 conclusion of my presentation. I stand for questions as well.
 5
- 6 Scholz: Okay, Commissioners you have questions for this gentleman? No. Okay,
 7 I just have two questions. Could you go back a slide? Are we talking on
 8 number six, is that the City's retention facility or detention facility?
 9
- 10 Ochoa: I believe that should read retention facility.
 11
- 12 Scholz: Retention. That's what I thought. Yeah we're talking about water
 13 retention aren't we? We're not talking about the jail. Okay, just wanted to
 14 clear that up. My other question was the approval that this Commission
 15 gave this two months ago was based on the same application? What's
 16 the difference?
 17
- 18 Ochoa: Mr. Chairman, the only difference is that now he will be ... he's proposing
 19 the phasing of the improvements required on Parcel 1 of the industrial
 20 area which would be this one right here sir. Currently there are existing
 21 warehouses and so forth like that industrial uses in place on this parcel.
 22 So basically, the only difference is now with the PUD it gives them an
 23 opportunity to kind of redevelop the property into phases with being
 24 allowed to phase out the requirements of parking and landscaping and the
 25 outdoor lighting as well.
 26
- 27 Scholz: Okay and the applicant wants to do this in phases instead of doing this at
 28 the same time with the rest of the development? Well I'll ask Mr. Scanlon
 29 is here to speak to this so I can ask him. Excuse me; I did have one more
 30 question. Sorry Mr. Ochoa. And that was did we get comment from
 31 Public Works on this, or did the applicant resolve the differences that
 32 Public Works brought up?
 33
- 34 Ochoa: Unfortunately Mr. Chairman I haven't heard anything from either parties as
 35 of yet.
 36
- 37 Scholz: Okay. Well, let's hear from the applicant. Mr. Scanlon.
 38
- 39 Scanlon: Thank you Mr. Chairman, members of the Commission. My name is Ted
 40 Scanlon. Address is 3780 Foothills Road, Las Cruces. And I represent
 41 the applicant. You're probably going what the heck. Ted Scanlon likes to
 42 come to these meetings so much that he gets a case approved and then
 43 comes back with exactly the same case the next month and so he can do
 44 it again. But that's basically what we're doing. The approval that we got
 45 on the February 23rd meeting was for a concept plan approval for this
 46 exact same PUD. We have made no changes to it whatsoever. What we

1 did discover right after that approval was that with respect to this existing
2 45,000 square foot building that lies within this parcel right here, that
3 building is being redeveloped and leased for specific industrial uses and is
4 being offered as such and there are a couple of uses that are getting
5 ready to go in that building, that would like to go in that building. It turns
6 out that the building code allows us to redevelop an existing industrial
7 building like that in phases by just going in and building whatever
8 infrastructure, whatever plumbing, utilities, fire walls, those kind of things
9 as for each individual new use that goes inside that building.

10
11 Scholz: Excuse me. Instead of doing it all at once?

12
13 Scanlon: Yes.

14
15 Scholz: Okay.

16
17 Scanlon: Okay, we get a use that comes in; we can build just the space that's
18 needed for that use.

19
20 Scholz: Okay.

21
22 Scanlon: The issue that came up though, there is no mechanism in the Zoning
23 Code to allow you to phase the site of pertinences for each one of those
24 uses in the same manner that you can do for the building. In other words,
25 I've got a 45,000 square foot building, if I come in with a 5,000 square foot
26 small industrial use that requires X amount of parking for that use, then
27 there's no mechanism that allows me to do that in the Zoning Code. The
28 Zoning Code says if I redevelop any part of that building, I have to do all of
29 the parking and landscaping and ponding and everything for the entire
30 45,000 square foot building. So that doesn't make sense because we
31 don't know what the land uses are.

32 As you know, the Zoning Code requires different parking
33 requirements based upon different land uses. So what we need to be able
34 to do in order to redevelop that building is to build the parking,
35 landscaping, ponding, those site work of pertinences for each individual
36 phase of the building that redevelop as we go along until the whole thing is
37 developed out and then all the parking requirements make sense for the
38 land uses. The ponding requirements are taken care of. The landscaping
39 requirements are taken care of, on an individual, almost like an individual
40 parcel basis based upon redevelopment of the individual spaces within the
41 building. Now since there's no mechanism in the Zoning Code that allows
42 us to do that and we're doing a PUD that means that we can write our own
43 development standards. So I asked the staff if we could modify the PUD
44 just to allow us to insert language that will let us redevelop that building in
45 phases and redevelop the site work in phases along with those building
46 phases. That's the only change that we have made to the PUD. I want to

- 1 kind of emphasize that the concept plan approval that we got in February
2 still stands. That's a valid approval and we've got that approval on the
3 books. But we would like to get a vote tonight to approve the amended
4 concept plan, adding in this language that lets us redevelop that building
5 in a logical fashion as I just explained. And that's basically it.
6
- 7 Scholz: Okay, Commissioner Beard.
- 8
9 Beard: Do you know any other time or place that this has been done before
10 where they sequentially approve parts of it as you put in the various parts
11 of it?
12
- 13 Scanlon: I'm sorry can you repeat that. I have no hearing in this ear and only about
14 60% in this one and this room is really getting to me.
15
- 16 Beard: Are you aware that this has been done before with the City, this type of
17 approval where you sequentially approve parts of the building as its being
18 built?
19
- 20 Scanlon: I don't know of any industrial buildings in a similar situation that would be
21 redeveloped in phases like this and how the City would've applied that
22 because I'm not aware of any in the past. This is the first time this has
23 come up as far as I know.
24
- 25 Scholz: Commissioner Shipley.
- 26
27 Shipley: Mr. Scanlon I would say I think the requirement for ponding would be
28 based on the entire building cause the building footprint is there, you're
29 going to have water coming off the entire building. You can't do that in;
30 you know you can't segregate that based upon a 5,000 foot user or a
31 10,000 foot user. If you have a 45,000 foot building and it rains on it then
32 you get 45,000 square foot of rain going down on the ground and it's got to
33 be allowed for. Once the building's up, you know that's the way it goes. If
34 you're building a 5,000 foot building and then a 20,000 foot addition to it,
35 then I could see that working, but if the 45,000 foot building is there, there
36 ought to be ... the ponding requirement ought to be satisfied.
37
- 38 Scanlon: That's correct Commissioner Shipley, Mr. Chair. And we will provide
39 ponding for the building, but what we'll also be doing as we redevelop the
40 building, is building new parking area. And so we'll have to build some
41 additional ponding to take care of the new pavement and the parking
42 areas that go along with that. But yes, we will take into account the
43 drainage for the existing building, but we will also be required to take into
44 account the additional ponding that will be required due to the new
45 pavement that we'll be putting down.
46

- 1 Shipley: Additionally the landscaping requirements for the building. There weren't
2 any landscaping requirements. How long has the building been there?
3
- 4 Scanlon: The building's been there for as long as I've been in Las Cruces I think
5 which is ...
6
- 7 Shipley: But our code says if you expend more than \$25,000 then you've got to
8 bring it up to code.
9
- 10 Scanlon: Now if you expend more than \$25,000 or 10%.
11
- 12 Shipley: Correct.
13
- 14 Scanlon: You've got to bring it up to code. I believe that's so.
15
- 16 Shipley: Okay.
17
- 18 Scholz: Other questions for this gentleman? Commissioner Crane.
19
- 20 Evans: Yes.
21
- 22 Scholz: Or Commissioner Evans. You can arm wrestle for this if you like.
23
- 24 Crane: I see no problem with the phasing suggestion that you've come up with,
25 but I'm not sure how we can vote on that if it's imbedded in the overall plan
26 here which we had difficulties with a month ago probably because of this
27 secondary entrance question that has not yet been resolved. The matter
28 of that right-of-way, City owned property, onto Valley Drive. So, perhaps
29 this is more of a procedural matter but I'm not sure how we can approve
30 what you want without also approving the whole plan.
31
- 32 Scholz: Well, Commissioner Crane we actually have approved the whole plan. It
33 was approved 3:1 two months ago.
34
- 35 Crane: But unless I'm very confused, we voted to table it last time.
36
- 37 Scholz: No, the applicant wasn't here last time so we didn't deal with it.
38
- 39 Crane: Thank you.
40
- 41 Hembree: Chairman, Commissioners, you did approve it with conditions as well, and
42 the conditions dealt to and with the access issue as well.
43
- 44 Scholz: Right, the conditions still apply. Right and the conditions were about the
45 access that was our general concern. Commissioner Evans.
46

- 1 Evans: Yes, Mr. Scanlon. As an alternative to coming before the board and
2 asking for variance for this, couldn't you have developed this in parcels
3 like doing ... subdividing the piece of property and developing that and
4 then moving on to the next parcel as your plans developed?
5
- 6 Scanlon: Not according to Robert Kyle and Cheryl Rodriguez. They determined
7 that the best way for us to be able to accomplish what we need to do in
8 order to redevelop that building is to go ahead and write it into the PUD
9 because that's the best vehicle that we have to develop our own standards
10 that are different from Zoning Code. And they've acknowledges that they
11 need to look at the Zoning Code again to try to figure out how to write in a
12 vehicle that would make this make sense.
13
- 14 Evans: So, and maybe staff can help me answer that question as to why that
15 wasn't a recommendation from the City? And secondly, if ... to elaborate
16 a little bit on Commissioner Crane's question, what's the staff's
17 recommendation on this? I mean because this addresses the whole plan
18 and ...
19
- 20 Hembree: It's technically ...
21
- 22 Evans: I'm not real clear on what's being asked.
23
- 24 Scholz: Step back a little bit from the microphone would you Mr. Hembree. Thank
25 you.
26
- 27 Hembree: Sorry. It's difficult to get kind of exactly where you need to be on this
28 thing. Basically you're bringing this forward as it's a new case, okay? But
29 it's a new case that includes the single modification from the old case,
30 which is the phasing of the industrial improvements. So that's the only
31 change, with the conditions that you've placed on it last time that you
32 approved it relative to access, and the other conditions placed on it by
33 Public Works. So, I mean that's the only ... the only modification is just to
34 allowing this phasing plan which doesn't ... Mr. Scanlon did indicate and is
35 correct, our Subdivision Code and Zoning Code don't really address this
36 very well. So this is probably the most effective way to handle it, write it
37 into the actual PUD in terms of phasing of the site improvements relative
38 to the actual take down of the component parts of the building.
39
- 40 Scholz: Does that answer your question Mr. Evans?
41
- 42 Evans: So, well I guess I'm still ... so I think we should've probably had a new
43 case because what I'm looking at is the Public Works Department did not
44 feel comfortable moving forward with this proposal. And you're saying that
45 that's no longer valid because this case is as a whole was already
46 approved.

1
2 Hembree: The case was approved with conditions and that's how the Public Works
3 Department got comfortable with it.
4
5 Evans: Right. And so the staff's recommendation to go forward on tonight's
6 motion ...
7
8 Hembree: Is still based upon those conditions as being necessary and required to
9 get Public Works authorization and approval to move forward. The only
10 change that the Commission is really reviewing tonight is just the phasing
11 aspect of the site improvements.
12
13 Evans: Got it. Thank you.
14
15 Scholz: Okay, I have one other question Mr. Scanlon. What if you never develop
16 the entire property?
17
18 Scanlon: I'm sorry.
19
20 Scholz: What if you never develop the entire property?
21
22 Scanlon: Well then the ... if we never develop the entire building, the existing
23 building, then the part that would be developed would still have all of the
24 required improvements, required by the Zoning Code and the rest of it
25 would just sit there and it wouldn't require any additional ... there wouldn't
26 be any impact so there wouldn't be any need for any improvements on the
27 part that wasn't redeveloped.
28
29 Scholz: Okay. Thank you. Any other questions for this gentleman?
30 Commissioner Evans? All right. Okay, thank you Mr. Scanlon.
31
32 Crane: Not for Mr. Scanlon, no. I don't have a question for you.
33
34 Scholz: A comment.
35
36 Crane: Pardon.
37
38 Scholz: A comment sir.
39
40 Crane: A comment. Like Mr. Evans, I'm a little confused about the staff
41 recommendation and my confusion probably arises from the fact that I
42 didn't understand even 50% of what Mr. Hembree said which is not his
43 fault. I think the acoustic problems might be solved by putting architects
44 on the wall, but we won't go that wacky.
45

- 1 Scholz: All of us wearing headphones perhaps. Like they do for translations in the
2 U.N.
3
- 4 Crane: Seriously, I'm not sure it wouldn't be better if the people at the podium did
5 not use the PA system. It couldn't be worse.
6
- 7 Hembree: Well then the problem is we don't pick up for the transcriptionist.
8
- 9 Crane: She looks like a woman having a nervous breakdown from where I am.
10 Anyway, the City is recommending denial of this, correct?
11
- 12 Hembree: The Community Development Department is, but the conditions that have
13 been placed on it mitigate that from the Public Works side of it, which
14 really is kind of an operable issue here in terms of access. We from the
15 Community Development perspective would have preferred to have all of
16 these issues taken care of right up front. But with the conditions that were
17 placed on it in the last approval, the Public Works Department is
18 comfortable with it. So, basically before the Commission tonight is
19 basically a reaffirmation of the concept plan with the only modification
20 being the phasing aspect of the site improvements.
21
- 22 Crane: I see. Thank you.
23
- 24 Scholz: And it's my understanding Mr. Hembree that the Community Development
25 people are recommending against this phasing.
26
- 27 Hembree: Well we basically are recommending that these issues with access be
28 taken care of prior to approval of the concept plan. However, like I said,
29 Public Works is comfortable moving forward with the actual concept plan
30 approval with the conditions as previously endorsed by the Commission
31 which will also be ... hopefully we are recommending will be a part of this
32 approval as well.
33
- 34 Scholz: Well yes, but it says here recommendation denial. You're denying what
35 he's proposing right now, right?
36
- 37 Hembree: Actually, we from a staff perspective from Community Development are
38 supportive of the phasing process. We are concerned about the whole
39 access issue not being take care early on, as we were last time when it
40 was approved by the Planning Commission. But with the conditions being
41 placed on it by Public Works the concept plan approval did move forward.
42
- 43 Scholz: Well I'd like a legal opinion on this Mr. Abrams. I'm confused here. It
44 seems to me that this was passed two months ago 3:1, so the concept
45 plan is approved, is that your understanding too Mr. Scanlon? Yeah,

1 that's what I thought. All right. And now what you're asking for is a
2 modification of that plan, of the phasing in, right?
3
4 Scanlon: That is correct.
5
6 Scholz: And that's the only modification you're asking for?
7
8 Scanlon: And that's the only modification. And I'll try to explain. There was ...
9 Public Works was ... there was some confusion over whether or not this
10 small tract of land that I'm encircling now was available to be used as
11 access.
12
13 Scholz: That's what I understood. Yes.
14
15 Scanlon: And that's the one thing that the public works department was
16 uncomfortable with. And at the time that we went to the DRC meeting
17 they were unsure as whether or not we could use that and that was the
18 only reason that they recommended denial of the case. From between the
19 time that the DRC met and we came before you in February, we met
20 subsequently with some of the existing property owners in the area as well
21 as with Public Works staff again and they then agreed that if we would
22 accept certain conditions with respect to that access, they would be in
23 concurrence with it.
24
25 Scholz: Which are written into it. Yeah.
26
27 Scanlon: And those were the conditions that were placed on the prior approval
28 which we agreed with.
29
30 Scholz: Yes. So the only thing we're talking about gentlemen is whether we
31 approve the phasing in process. All right, that's all we're talking about
32 tonight.
33
34 Crane: All right, if we like, Mr. Chairman, we're inclined to approve the phasing
35 process then we vote to deny the denial? What are we going to do?
36
37 Scholz: No.
38
39 Crane: We've already approve this thing except for the phasing.
40
41 Scholz: Right. So what we're doing is we're voting to approve a modification of
42 what we did two months ago.
43
44 Crane: That's not quite what's in front of us, but I agree.
45

- 1 Scanlon: The way it works. The way it has to work with the PUD conception plan is
2 we're asking you to reapprove the entire concept plan again with the
3 added language with respect to the phasing of the improvements on the
4 building. And with the same conditions and the same everything as
5 before, but only with the added language about the phasing of
6 improvements on the building, but it has to be imbedded within that
7 document. You see what I'm saying? That language has to be imbedded.
8
- 9 Scholz: Because this is the way PUDs work. Commissioner Crane, excuse me,
10 Commissioner Shipley.
- 11
- 12 Shipley: I have a comment but I'd like to wait till after the public has had a chance
13 to speak.
- 14
- 15 Scholz: Okay. Sure. All right, is there anyone from the public who wishes to
16 speak to this? Yes, sir. Please come up to the microphone and identify
17 yourself.
- 18
- 19 Hill: My name is Scott Hill at 1515 Brown Road. I'm just a little confused. I
20 thought we approved ... you guys approved it last time with a lot of
21 conditions and I thought those conditions had to be met before we went
22 forward. Is that true or false?
- 23
- 24 Scholz: Yes, that's true.
- 25
- 26 Hill: Okay, so what progress has been made towards those conditions?
- 27
- 28 Scholz: I don't know. Mr. Hembree can you speak to that?
- 29
- 30 Hembree: Chairman, Commissioners, the approval was conditioned in such that
31 these items have to be addressed prior to the final site plan being
32 approved.
- 33
- 34 Scholz: I'm sorry, prior to ...?
- 35
- 36 Hembree: Final site plan. I believe that's the ...
- 37
- 38 Scholz: The final site plan. Thank you. Okay.
- 39
- 40 Hill: So if you allow this to go forward and this gentleman invests all this money
41 and makes this change, we get more and more imbedded in the process
42 of approving this thing without ... do we not? I mean isn't that the way it
43 goes?
- 44
- 45 Scholz: Well, yes. It's a step in that direction.
- 46

- 1 Hill: So why do we want to make that step? I guess is my question. You know
2 I would like to see the traffic access and the other things resolved before
3 he spends 45 cents more and we get further imbedded in getting this thing
4 turned around or not turned around one way or the other. And I don't see
5 any point in allowing incremental progress all the way around and then we
6 suddenly say well now it's all done so now we have to ... might as well just
7 let it go.
8
- 9 Scholz: Yes, I understand your point. Thank you. Someone else? Yes, the
10 gentleman in the back.
11
- 12 Hilberg: Yes, my name is Eric Hilberg and live at 1701 Brown Road which is
13 across the street from the adjacent properties to this proposed
14 development. My understanding is the situation, the way the PUD works
15 is we're back actually to ground zero. You're granting approval of denial
16 of the whole request because of the changes that have been made. And
17 given that, I stand here tonight to ... I'm concerned about the planned
18 development, it's impact on the lives of those of Brown Road, but
19 particularly about the access to Valley Avenue. And you should have in
20 your packets and Mr. Ochoa ... I brought these last month and it was
21 tabled, some information we acquired on traffic accidents on Valley
22 Avenue.
23
- 24 Scholz: We did get that.
25
- 26 Hilberg: In the near area.
27
- 28 Scholz: Yes, thank you.
29
- 30 Hilberg: I just want to talk a little bit about what that is for a moment.
31
- 32 Scholz: Okay.
33
- 34 Hilberg: One thing, from that information you heard two months ago when this was
35 discussed, that there was a subdivision south of Brown Road which had
36 multiple accesses and access on Valley Avenue where there really was no
37 problem. I just want to point out that that subdivision while being used to
38 compare with this proposed subdivision, actually there were fewer
39 dwelling units in that than are proposed for the residential use of the PUD
40 and they have not a single, but two streets that come out on Valley
41 Avenue as well as a third street that comes out on Avenida de Mesilla with
42 a traffic light. And there are still traffic accidents at those intersections as
43 indicated in the information I gave you. That information by the way and
44 the way it was prepared, we got that from the Las Cruces Police
45 Department and that was ... the best they could provide us was two files
46 with all the traffic accidents on Valley Avenue in the last two years. We've

1 highlighted in yellow for you all of those between Amador and Avenida de
 2 Mesilla which are the stop lights just north and south of this proposed
 3 access on to Valley. There are also some asterisks on there which are
 4 those directly at that address or across the street from it, the accidents
 5 during that period. So it's one of those things that you just look at and see
 6 the volume of the kinds of accidents and with more people coming in and
 7 out this proposed access it would obviously be more accidents up along
 8 that street.

9 The traffic light at Valley Avenue and Avenida de Mesilla, there was
 10 the famous traffic cameras installed there because that's considered one
 11 of the five worst intersections in the City. And certainly increasing the
 12 traffic flow on Valley Avenue is not going to make that a safer and better
 13 intersection. There's an ambulance service just south of Brown Road on
 14 Valley Avenue which currently has to make a U-turn and cross all the
 15 traffic to get out, again increasing the traffic flow by potentially a couple of
 16 hundred vehicles a day is not going improve their ability to respond. And I
 17 didn't hear any information and I talked to staff and they hadn't really
 18 thought about the issue of school buses and whether school buses will be
 19 in this division or if that's not true, if the school buses will be stopping on
 20 Valley Avenue if that's the primary access. And if they are stopping on
 21 Valley Avenue what that will do to traffic as well as what it will mean to
 22 have potentially 80-100 school children waiting every morning and getting
 23 dropped off every afternoon on this busy road. So it's those concerns and
 24 the information I provided, I would like to ask that those be considered as
 25 part of the problem with the primary access being proposed under the
 26 development being called Villa Amador, but looks like all the access is
 27 going to be off of Valley Avenue as proposed. Until that be done that I
 28 recommended or hope that the Commissioners could side with the City
 29 and deny the request.

30
 31 Scholz: Okay. Thank you. Someone else.

32
 33 Abrams: Gentlemen before we go any farther, I'm not sure this is clear to the public
 34 either. This project has already been approved. Now we're hearing a very
 35 minor modification. If you vote no, the item is still approved. So there isn't
 36 much point in hearing citizen comment or debating about anything other
 37 than this one modification concerning developing (*inaudible*) as opposed
 38 to one fell swoop. So it might make things shorter if you ...

39
 40 Scholz: I appreciate your concern Mr. Abrams. We have plenty of time tonight. I
 41 do anyway; I've already had my dinner. Yes, ma'am.

42
 43 Turner: Catherine Turner, 1510 Brown Road. I just wanted to remind you that you
 44 had planned to not approve this plan until Mr. Abrams, the attorney came
 45 up and said that you had to approve, if you recall, because of his due
 46 process rights. So I think we're just blowing in the wind, but let me blow

1 some more. I just want to let everyone know that the portal lateral that is
 2 adjacent to the proposed mobile home park was described as an eyesore
 3 by property owner that has (*inaudible*) house and that plan the day it was
 4 approved. It's not an eyesore. The walks I've taken along portal lateral
 5 are very ... I mean it's beautiful. You see beautiful sunsets, (*inaudible*),
 6 great horned owls, egrets, quail coveys, coveys of quail, they're just
 7 beautiful. Great blue herons there. They're just so pretty. Sand hill
 8 cranes. Is it a wetlands? Those birds almost think so and maybe we
 9 better check that out. Don't know if it is a flood plain but I enjoy my walks
 10 back there seeing the beauty.

11 But another thing that traffic on Valley Drive, the proprietors on this
 12 side of town with their restaurants where we live won't have business
 13 coming from the East Mesa just like ... or from Hatch, just like I don't go to
 14 the mall right now even though I have a Hallmark coupon to get a free
 15 card or five dollars worth of rebate free. I just don't do it. I don't shop at
 16 the mall right now. And they won't be going to Mesilla either because of
 17 the traffic, the safety issues between Amador and Avenida de Mesilla.

18
 19 Scholz: Okay, I just have one comment ma'am. Mr. Abrams did not ask us to vote
 20 for the project, what he asked us to do two months ago was either vote the
 21 project up or down. It was my suggestion that we table the project and the
 22 applicant has to agree to the tabling of the project that is to delaying a vote
 23 on it, and the applicant did not agree to that. The applicant wanted us to
 24 either vote up or down, and so that's what we did. He wasn't forcing us to
 25 vote one way or the other.

26
 27 Turner: No, he didn't force you, but the due process that Mr. Abrams mentioned.

28
 29 Scholz: Yes, right the due process required us to do this. Yeah and Mr. Abrams is
 30 correct.

31
 32 Turner: So why are we here even? Why are we here?

33
 34 Scholz: Well we're here because he's asked for a modification of this plan. That's
 35 why we're here. Okay.

36
 37 Turner: Thank you.

38
 39 Scholz: Thank you. Anyone with additional information here? All right, I'm going
 40 to close this to public discussion. Commissioners? Commissioner
 41 Shipley you had a comment.

42
 43 Shipley: I just want to clarify one thing, the building the 25,000 square foot.

44
 45 Scholz: 45,000.

46

- 1 Shipley: 45,000, excuse me, was built when? How long has it been there? Twenty
2 years?
3
- 4 Scholz: It's been as long as he's been in Las Cruces, which is probably close to
5 what a hundred years now or something? I don't know, 35 years.
6
- 7 Shipley: But there is ... in our code for ... and its zoned commercial, or this is
8 actually zoned industrial.
9
- 10 Scholz: It's zoned industrial. It's M-1 or M-2.
11
- 12 Shipley: So there is a requirement for a building to have so much parking based
13 upon the size of the building right now. And I don't like piecemealing
14 things, number one, because when you piecemeal things then things get
15 done one standard today and then two years from now or five years from
16 now then something else happens and you have one piece of parking lot
17 that's falling apart and then you've got a new piece and it just doesn't look
18 good. If you're going to have a business and you're going to operate a
19 building then you have to step up and do those kinds of things. If you're
20 going to modify the building code requires you to do something, then I'm in
21 favor of doing that. There is, in my opinion, it's counterproductive to do
22 things a little bit at a time. We've got roads around town that are typical
23 examples of that where you can drive and you have to get off the road and
24 go on a shoulder road to get around and that's not the way we ought to
25 conduct business in this City.
26
- 27 Scholz: Okay, any other comments Commissioners? All right, I'll entertain a
28 motion to approve then.
29
- 30 Evans: Mr. Chairman I move that we approve Case PUD-09-04.
31
- 32 Scholz: Is there a second?
33
- 34 Bustos: I second.
35
- 36 Scholz: Okay, I'm going to call the roll. Commissioner Shipley.
37
- 38 Shipley: I vote nay findings, discussion, and site visit.
39
- 40 Scholz: Okay, Commissioner Crane.
41
- 42 Crane: Aye findings, discussion, and site visit.
43
- 44 Scholz: Commissioner Evans.
45

- 1 Evans: Nay findings and discussion and the difficulties that partial development
2 imposes on the work flow and how things you know should progress as
3 Commissioner Shipley had stated earlier.
4
- 5 Scholz: Okay. Commissioner Bustos.
6
- 7 Bustos: No findings and discussion.
8
- 9 Scholz: Commissioner Beard.
10
- 11 Beard: No findings and discussion.
12
- 13 Scholz: And the Chair votes aye for findings, discussion, and site visit. So the
14 motion fails 4:2.
15
- 16 Scanlon: Chairman as point of clarification, maybe I can ask legal, is this decision
17 tonight subject to appeal. Because what we have, we have the PUD
18 approved already.
19
- 20 Scholz: Yes.
21
- 22 Scanlon: Well what we've done now is we voted down the ability to redevelop that
23 existing building. Can't do it because you have made it impossible to
24 redevelop the building. So it's going to be a blight from now on and I
25 guess I'd like to know what my options are.
26
- 27 Abrams: I think probably the most logical way for the City Council to (*inaudible*)
28 would be to combine this decision and the last decision into a single item
29 or perhaps two adjacent items and then they can decide the two
30 simultaneously.
31
- 32 Scholz: Excuse me, you would ask the Council to do this?
33
- 34 Abrams: Well, yeah I think probably Community Development might want to
35 suggest that Council consider the last vote. I don't know if the City
36 Council's noted on the last item or not.
37
- 38 Scholz: They haven't.
39
- 40 Abrams: Probably most logical, the best thing to do would be to combine the two
41 into two adjacent items so they can consider the two together and then
42 they can decide if they want to reverse.
43
- 44 Scholz: Okay.
45
- 46 Crane: Mr. Chairman.

1
2 Scholz: Commissioner Crane.
3
4 Crane: Mr. Abrams is suggesting two documents be combined, two votes be
5 combined. I don't understand what's being advanced here.
6
7 Abrams: Well I'm assuming that Mr. Scanlon wished to appeal this decision, but not
8 the previous one. My recommendation to Community Development would
9 be to attempt to take the two items as a package for intense purposes and
10 let the City Council vote on them together so they know that the previous
11 decision and this decision at the same time, otherwise they're going to be
12 very confused. So Mr. Scanlon could appeal to the City Council and have
13 the two combined and they can vote either you know for one or for the
14 other both together. It's to make it a lot easier I think if they hear them
15 together.
16
17 Scholz: Mr. Abrams it's my understanding that the previous vote stands?
18
19 Abrams: Yes, that's correct, but from what Mr. Scanlon is saying unless he gets this
20 modification ...
21
22 Scholz: He can't proceed.
23
24 Abrams: Right. So if he's saying I'm not going to do it unless you approve it.
25
26 Scholz: Well then I think what he has to appeal is this decision, not the previous
27 decision. That would be my suggestion anyway. I only had one year of
28 business law, so I'm you know at a loss here.
29
30 Abrams: But the problem though is since it's technically a recommendation, they're
31 going to hear it anyway.
32
33 Scholz: No, variance is the subject of P&Z.
34
35 Abrams: Yeah, (*inaudible*) probably. Let Mr. Scanlon appeal this decision. The
36 other decision would stand in the meantime then so, if he can't do
37 anything with it, he can't do anything with it.
38
39 Scholz: Yeah, I think that's the sensible thing. There's a gentleman in the
40 audience, you have a legal opinion sir? I'm going to allow this Mr.
41 Abrams. Do have a legal opinion for us?
42
43 Gentleman: I have a question.
44
45 Scholz: Oh a question. Well ...
46

1 Gentleman: A question of legal.
2
3 Scholz: We're closed for public discussion did you want to ...
4
5 Gentleman: It's is a legal decision.
6
7 Scholz: Okay.
8
9 Gentleman: I believe the proposal was the case of PUD-09-04.
10
11 Scholz: Yes.
12
13 Gentleman: As proposed.
14
15 Scholz: Yes.
16
17 Gentleman: Not necessarily in total. It is in total, not ... there was nothing implied
18 there that it was to be changed. But this is another vote on the entire
19 case. I don't believe that you can just only take out a part of it. So it is a
20 denial of the entire PUD-09-04.
21
22 Scholz: Okay, thank you for your opinion.
23
24 Crane: I'm included to agree with that gentleman. We have had before us two
25 PUD-09-04s, one of which we passed and the second which contained a
26 slight modification in my view, we defeated. I'm glad I'm not a
27 parliamentarian. I'm going to step out of the way of this because it's
28 beyond me.
29
30 Scholz: I'll let the City Council and the Community Development work this out with
31 legal. All right. Okay, that was our concluding of old business. Now we
32 can start the new business. We're on ... Mr. Ochoa, Case S-09-063.
33
34 Scanlon: I've been advised by legal that I can ask the Commission to reconsider the
35 vote at this time. It's up to you if you would.
36
37 Scholz: I'm sorry, say again.
38
39 Scanlon: I've been advised by legal that right now in the process under Robert's
40 Rules of Order, I can ask the Commission to reconsider their vote on the
41 case if you wish to.
42
43 Scholz: All right, I'll poll the Commission and see if they wish to, is there anyone
44 who wishes to reconsider their vote? What happens parliamentarily is that
45 someone who voted against it has to reconsider his or her vote. We had
46 this situation about three years ago actually. I think it was on the West

1 Mesa annexation. And at that time I had voted against it and then I
2 listened to additional argument and I reconsidered my vote and we
3 changed it and we re-voted. So is there someone who opposed it, let's
4 see who supported it beside myself? That was Commissioner Crane. No
5 Commissioner Bustos you opposed it. Right.
6
7 Bustos: No, I voted for it.
8
9 Scholz: No, I have you down as in opposition. Right. Yeah it was 4:2, four
10 against, two for. So if someone who opposed it wants to reconsider you
11 can ask for that, we'll have a ruling on it.
12
13 Crane: I don't want to change my vote Mr. Chairman, but it seems to me we might
14 fix this if it would be appropriate for us to go ahead and vote strictly on the
15 modification required, requested for PUD-09-04, even though that is not
16 formally in front of us. Can we not add things to our agenda? It seems to
17 me the sense of this group is probably that the modification is okay, well
18 maybe not, but ...
19
20 Scholz: I don't think so.
21
22 Crane: Confusion's arisen because we've ...
23
24 Scholz: That wasn't my impression. Obviously we ...
25
26 Crane: Yeah, you're right. You're right. But the parliamentary confusion's arisen
27 because we negated what we did before. The whole of it. And we don't
28 want to negate the whole of it. I'm not speaking for the others but I think
29 that the people who voted against this did not want to negate the whole
30 package. After all, before we voted for it. So we might save the City
31 Council the same kind of confusion that we're involved in if we just
32 approved or disapproved up or down the requested modification.
33
34 Scholz: Well the only way to do this ... that is the only way to re-vote on this is to
35 have someone who voted against it agree to revote. Okay, that's the only
36 way.
37
38 Lt. Gonzales: Chairman Scholz.
39
40 Scholz: Yes, sir.
41
42 Lt. Gonzales: This building that he wants to repair, it's been common practice for us to...
43 we allow a shell to be built and then as new tenants are moving in,
44 improvements are made. Each tenant that moves in has to meet code
45 before it's approved. This building is the same way. I mean it's an old
46 warehouse. It's a 45,000 square foot warehouse. Right now it's got a

- 1 body shop in it which didn't meet code, so we closed it down. It won't
2 open up again until it gets a permit and it meets code. Every new tenant
3 in that warehouse will have to conform with the code. It's been done with
4 a lot of shells around town. It's true this is a bigger warehouse and we
5 have to make sure what type of occupancy is going to move in to it, but it'll
6 have to be separated with firewalls. It'll have to meet code before they
7 can move in.
8
- 9 Scholz: Right, and since that was my understanding, that's why I supported it.
10 Commissioner Shipley.
11
- 12 Shipley: The difference is and I understand what you're saying, but when you allow
13 the building inside to be built out the tenant pays for that. When the tenant
14 takes a structure normally the owner of the structure is responsible for the
15 exterior. And all these things that he's asking to be put off are exterior
16 things like parking lots, like shrubbery, landscaping, fencing, those kinds
17 of things. That's not the tenant's responsibility to pay for that as it goes.
18 That's figured in to his rent when he rents a part of that. So what we're
19 saying is he's got a 45,000 square foot building that he's modifying and
20 the code says that in order to bring that building up to standard, it has to
21 have the external things done at the time that he does that. And that's
22 what we voted on right here and now is that. Not based upon which
23 tenant pays their part, because they're paying it through their rent that he's
24 going to charge them.
25
- 26 Scholz: Okay, Commissioner Beard says he has a question.
27
- 28 Beard: So when we vote for this we're voting for the entire package?
29
- 30 Scholz: I believe that we were voting for the modification of the package.
31
- 32 Beard: We got to know.
33
- 34 Abrams: Let me put it this way. The previous approval stands regardless of what
35 you do today. So for all intents purposes, even though you're voting for
36 the whole package, all that's going to happen is it would result in this
37 modification. Now, part of the confusion may stem from the fact that only
38 four people were here last time, now there's six, so whatever's going on in
39 your mind you could conceivably vote against this, is you can think the
40 whole thing is terrible or just because the modification is terrible, but the
41 only thing you'll accomplish if you vote yes is that there will be a
42 modification. If you vote no, then the original vote still stands.
43
- 44 Beard: You vote no and what?
45

- 1 Abrams: The original vote still stands. So really all that will happen if there were
2 another vote and it were a yes vote, would be that the ... the legal affect
3 would be that the modification would be approved. That's all that would
4 happen. Is that any clearer?
5
- 6 Scholz: Okay. Thank you. All right, Commissioner Beard.
7
- 8 Beard: I do not change my vote.
9
- 10 Scholz: Well actually you want to vote to reconsider. Why are you shaking your
11 head Commissioner Shipley?
12
- 13 Shipley: You're asking him if he ... he said he did not want to change his vote so
14 he's saying ...
15
- 16 Scholz: No, he said he wanted to change his vote. So he wants to vote to
17 reconsider.
18
- 19 Beard: No, I'm staying with my original vote.
20
- 21 Scholz: Oh, okay. But you want us to reconsider? No. Okay, sorry, I
22 misunderstood. All right. I'm sorry Mr. Scanlon, no; there is no one who
23 wants to reconsider. So your recourse I assume is to appeal to the City
24 Council.
25
- 26 Shipley: Mr. Chairman.
27
- 28 Scholz: Yes, Commissioner Shipley.
29
- 30 Shipley: Just one comment and this basically is for Community Development. If in
31 the future we get another thing where there's something that's been
32 through and there's going to be an addition to that, this should be a
33 separate case. In other words this should've came to us as 08-A or
34 something so we could differentiate between the two and therefore you
35 wouldn't have ended up with this problem.
36
- 37 Hembree: I concur.
38

39 VII. NEW BUSINESS

- 40
- 41 **Case S-09-063:** A request for final plat approval for a development known as the
42 Original Townsite of Las Cruces, Block 79, Replat No. 1. The subject property is
43 generally located east of Mesquite Street and north of Court Avenue at 515 E.
44 Court Avenue and consists of 0.29 +/- acres. The proposed final plat will replat
45 one lot into two lots. The subject property is zoned C-2 (Commercial Medium


City of Las Cruces®

TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Adam Ochoa, Acting Planner *AO*

DATE: February 23, 2010

SUBJECT: Villa Amador (Concept Plan)

RECOMMENDATION: Denial (Case PUD-09-04)

CASE PUD-09-04: A request for approval of a concept plan for a Planned Unit Development (PUD) known as Villa Amador. The subject properties are located south of Amador Avenue and west of Valley Drive. The subject property encompasses 54.383 +/- acres and is zoned M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development). The proposed PUD will entail three (3) parcels: Parcel 1 will encompass 7.311 +/- acres and is proposed for Industrial Standard uses; Parcel 2 will encompass 18.263 +/- acres and is also proposed for Industrial Standard uses; and, Parcel 3 which will encompass 28.808 +/- acres and is proposed for a Mobile Home Park. Submitted by Scanlon White, Inc. for IFL, LLC, property owner.

BACKGROUND

The proposed Planned Unit Development (PUD) known as Villa Amador is generally located south of Amador Avenue and west of Valley Drive. The proposed PUD encompasses 54.383 +/- acres and is being proposed for Industrial Standard Uses and a Mobile Home Park. The proposed Villa Amador PUD is made up of ten (10) existing parcels. Currently six (6) parcels encompassing 36.98 +/- acres are zoned M-1/M-2 (Industrial Standard), while the other four (4) parcels encompassing 17.44 +/- acres are currently zoned PUD. The four (4) parcels zoned PUD were annexed into the City of Las Cruces in 1978 with the initial zoning of Planned Community District (PC). The actual intent of use for these parcels was never determined through the annexation process. The proposed Villa Amador PUD is in close proximity to Burn Lake.

CONCEPT PLAN

The proposed concept plan for the Villa Amador PUD includes industrial uses and a mobile home park. All utilities in the PUD will follow the standards of the City of Las Cruces Utilities Department. Landscaping and street lighting requirements for the Villa

Amador PUD will follow the City of Las Cruces Design Standards. All signage used throughout the proposed PUD will follow the City of Las Cruces Sign Code regulations.

The proposed industrial area will have access off of Pioneer Place, while the proposed mobile home park is proposed to have access to Valley Drive via a small (vacant) City-owned parcel, and secondary access off of Pioneer Place. City Staff has identified some issues with the proposed access off of Valley Drive with using the City owned vacant area. Specifically, it is not clear that the intended use of the property conveyed to the City was for dedicated right-of-way for roadway purposes. Presently, this parcel contains drainage facilities including a sizable box culvert. Further discussion follows in a subsequent section of this report recapping the issues and concerns brought forward by Public Works staff during the February 10, 2010 deliberations of the DRC.

Parcels 1 & 2 of the Villa Amador PUD contain 25.574 +/- acres and are being proposed for Industrial Standard uses. The permitted uses in the proposed industrial area of the Villa Amador PUD will be the same as those uses permitted in the 2001 Zoning Code, as amended, under the M-1/M-2 (Industrial Standard) zoning district. The proposed industrial area will follow the development standards created by the applicant for the Villa Amador PUD when it comes to minimum lot size, maximum height, setbacks, etc. Parcels 1 & 2 of the Villa Amador PUD will also require on-lot ponding for all post-development run-off at the time of development. All drainage designs shall be in accordance with City of Las Cruces Development Standards. Parcels 1 & 2 will have the option to utilize the alternate summary process for future subdivision in accordance with the City of Las Cruces Subdivision Code.

Parcel 3 of the Villa Amador PUD contains the remaining 28.808 +/- acres of the proposed project to be developed as a mobile home park. This phase of the Villa Amador PUD will also follow the development standards created and put in place by the applicant regarding minimum lot size, maximum height, setbacks, etc. A dwelling unit range of 5.7 to 6.9 units per acre is being proposed for Parcel 3 with a total number of dwelling units ranging from 165 to 200 dwelling units. All streets in Parcel 3 will be privately maintained by the entity that owns the mobile home/manufactured home park. All common areas, parks, landscaping and open space in Parcel 3 will also be privately maintained by the owner of the mobile home/manufactured home park. A ten (10) foot landscape buffer will be installed between the Parcel 3 mobile home park and the adjacent industrial uses proposed for Parcels 1 & 2. This landscape buffer will be maintained by the owner of the mobile home park.

The Villa Amador PUD will have direct access from Pioneer Place and Valley Drive, respectively. The Metropolitan Planning Organization (MPO) has classified Pioneer Place as an existing local roadway and Valley Drive as a principal arterial roadway. A bus stop (sign only) is located approximately 100 +/- feet west of Pioneer Place on Amador Avenue and another bus stop (sign only) is located approximately 500 +/- feet north of the proposed access point for Villa Amador to Valley Drive along Valley Drive.

FINDINGS

1. The proposed Planned Unit Development (PUD) is generally located south of Amador Avenue and west of Valley Drive.
2. The Metropolitan Planning Organization (MPO) has classified Pioneer Place as an existing local roadway and Valley Drive as a principal arterial roadway.
3. The proposed PUD encompasses 54.383 +/- acres and is being proposed for Industrial Standard Uses and a Mobile Home Park. Approximately 25.574 +/- acres are being proposed for Industrial Standard uses, the remaining 28.808 +/- acres are being proposed for the use of a mobile home park.
4. The proposed Villa Amador PUD is made up of ten (10) existing parcels: six (6) parcels encompassing 36.98 +/- acres are zoned M-1/M-2 (Industrial Standard); the remaining four (4) parcels encompassing 17.44 +/- acres are currently zoned Planned Unit Development (PUD).
5. The proposed industrial area of the Villa Amador PUD is designated as Parcels 1 & 2, while the proposed mobile home park of the PUD is designated as Parcel 3.
6. The Villa Amador PUD will have a proposed total number of dwelling units ranging from 165 to 200 dwelling units.
7. Adjacent land use and zoning include:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|---------------------|-----------------------------------|
| North | M-1/M-2/O-2 | Industrial |
| South | PUD/R-1a | Vacant/Residential |
| East | M-1/M-2/C-2/C-3/R-4 | Industrial/Commercial/Residential |
| West | A-2/PUD/M-1/M-2 | Vacant/Industrial |

8. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policies:

- 1.3.1 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.
- 1.3.3. An assortment of lot sizes should be provided for single-family residential developments to promote a variety of lifestyles within the community. With small

urbanized lots (such as 3,500 square feet parcels) to large tracts of land (five acres in size), the City shall address all segments of the population.

- 1.3.5 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.
- 1.7.2 Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:
- a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.
 - b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for standard industrial uses and centers.
 - c. Standard industrial development shall address the following urban design criteria: compatibility in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for standard industrial uses shall be established in the Comprehensive Plan Urban Design Element.
 - d. The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
 - e. The City shall encourage focusing development of light, standard, and heavy industrial uses in areas with existing compatible industrial zoning where these areas comply with industrial land use policies.

Land Use Element Goal 2 (Growth Management)

- 2.5.1. The Planned Unit Development process shall observe growth management policy as established in the Land Use Element, other applicable elements and all companion documents.
- 2.5.2. Planned Unit Developments will only be used for those developments which can be created to benefit both the community and the developer.
- 2.5.3. The PUD process shall be required for those subdivided, multi-phased developments which generally request more than two (2) planning-related variances.

2.5.4. Those developments which request variances to engineering standards (non-planning-related issues) will be considered and acted upon by the Development Review Committee (DRC).

2.5.5. PUDs are required to follow an appropriate process for the review and subsequent action by applicable City staff and boards/committees. PUDs shall be similar to Master Plans and special use permits in terms of the time-frame as well as the process itself. The PUD process requires the following information:

- a. Submittal of a concept plan. The concept plan is similar to a Master Plan in that it is intended to serve as a tool which can assist in identifying the appropriateness of a proposed development in context with its surroundings. This plan shall address at minimum, the purpose and intent of the development (including the explanation/justification for submitting a PUD), method for providing utilities, phasing data, density information, land use information, description of how proposed land uses will be integrated within the immediate and adjacent study areas, transportation impact information, treatment of open space and recreational areas, environmental/geologic impacts, schematic site plan showing land uses, parking areas, walkways and landscaping, and a vicinity map showing the location of the site.

2.5.6 The City realizes that there must be an advantage and genuine interest for developers to initiate the PUD process. The City also realizes that it must make some inducements to motivate the developer to use the PUD's flexibility to create a unique, quality development. In return, a developer should provide a meaningful benefit to the community by providing specific types of development. Consequently, standard housing developments (typical R-1, single family zoning) shall not use the PUD process. In order to accomplish this, only particular types of development may utilize PUDs as a means to an end.

- a. The types of developments or areas in which development may occur (or combinations of) which may utilize the PUD process are as follows:
 - High density residential development
 - Low density residential development
 - Affordable housing development
 - Environmentally sensitive area development
 - Redevelopment
 - Infill development
 - Historic District development
 - Clustering development
 - Social (quasi-public) development
 - Commercial/Business development
 - Industrial development

b. Incentives which may be used through the PUD

- Setbacks
- Building height
- Density
- Lot width
- Lot size
- Street width
- Development-related fees
- Signage
- Parking

c. A developer may not be granted a variation in design elements without providing a benefit to the City/community which, in turn, may only be accomplished with quality design principles. Such benefits to the City/community include:

- Distinctiveness and excellence in design and landscaping per the Urban Design Element
- Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
- Preservation of major arroyos as per the Storm Water Management Policy Plan
- Preservation of important cultural resources such as known or potential archaeological sites
- Provision of affordable housing and/or subsidized housing
- Provide architectural variety
- Clustering of buildings
- Provide alternative transportation facilities
- Increased park fees
- Increased landscaping, including higher quality landscaping deeper vegetative buffers; or increased planting along roadways, in open spaces and recreational areas, and along the perimeter of the project
- Use of greenways or landscaped corridors linking various uses.
- Screening of or rear placement of parking areas
- Use of sidewalks/footpaths or pedestrian bicycle circulation networks
- Segregation of vehicular and pedestrian/bicycle circulation networks
- Traffic mitigation measures
- Other public benefits such as provision of a community center or day care center
- Development of active or passive recreational areas
- Public access to community facilities in PUD
- Supply recreational facilities for owners/residents
- Advancement of City policy or plan

2.5.7 The applicant shall clearly state that any deviations from required zoning and development standards are deserving of such waivers. The City shall not experience a decrease in level-of-service, increase tax burden or maintenance

burden beyond typical development. Justification for waivers shall be in the form of traffic analysis, land use assumptions, or any other source which clearly demonstrates that such variations would not adversely impact the health, safety, and welfare of residents. Impacts resulting from code deviations must be thoroughly addressed and mitigation strategies provided before the City may grant any waivers.

- 2.5.8 A developer will not be granted a waiver to the City's design standards that may pose a threat to public health, safety, and welfare. Waivers must also be consistent with City policies found in all City documents and plans.

Housing Element Goal 1

- 1.1.2. Encourage the use of alternative housing types, styles, and living arrangements (i.e. Conventional Single Family Homes, Apartments, Mobile Homes, Modular Homes, Group Homes, Housing for Older Persons, Accessory Units, Transitional Housing etc.) as a means of making available additional housing opportunities for those who may not otherwise obtain suitable housing through conventional means.

b. Mitigation techniques as outlined in the Land Use Element and/or other appropriate design strategies should be utilized in the development of alternative housing sites to ensure and/or increase overall compatibility with surrounding properties.

DRC RECOMMENDATION

On February 10, 2010, the Development Review Committee (DRC) reviewed the concept plan for the proposed Villa Amador PUD. The DRC reviews PUD's from an infrastructure, utilities, and public improvement stand point. The DRC voted to recommend denial for the Concept Plan request. *(Please note that transcripts of February 10, 2010 DRC meeting are not included in this packet and will be provided to Commissioners on or before the February 23, 2010 P & Z meeting).*

During the meeting the Public Works Department did not feel comfortable moving the proposed PUD forward with an affirmative recommendation. Specifically, Public Works voiced concern regarding the allowance of primary access to Valley Drive via the City-owned parcel without satisfying additional requirements deemed necessary by Public Works. The Public Works Department requested the applicant to acquire letters of support and approval from adjacent property owners to the City property being proposed for primary access for the mobile home park off of Valley Drive. The Public Works Department also requested that a Traffic Impact Analysis (TIA) be submitted to the City for review analyzing traffic operations for the use of the City-owned access point off of Valley Drive; Public Works will require the submittal of the TIA before considering recommending approval to the Planning & Zoning Commission.

From a land use perspective, the PUD is supported by several Land Use Elements & Urban Design Goals in the 1999 Comprehensive Plan. The proposed Villa Amador PUD encourages the use of alternative housing type (i.e. Mobile Homes, and Manufactured Homes) as a means of making available additional housing opportunities for those who may not otherwise obtain suitable housing through conventional means. The proposed PUD provides a different type of single-family residential development that promotes a variety of lifestyles within the community. The Villa Amador PUD also helps focus development of light, standard, and heavy industrial uses in an area with existing compatible industrial zoning where these areas comply with industrial land use policies.

Although the proposed PUD is supported from a land use perspective, the concerns with the access point off of Valley Drive is a major issue that may inhibit the development of the proposed PUD and City Staff is not supportive of approving and moving forward the concept plan without having the Public Works Department's issues addressed.

The DRC recommends denial for the proposed concept plan for the PUD known as Villa Amador.

The recommendation of the Planning and Zoning Commission for the concept plan will be forwarded to City Council for final consideration.

OPTIONS

1. Approve the request for case PUD-09-04.
2. Approve the request with additional conditions as determined appropriate by the Planning and Zoning Commission.
3. Deny the request as recommended by DRC for case PUD-09-04.

ATTACHMENTS

1. Development Statement
2. Vicinity Map
3. Villa Amador Concept Plan

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: Ted Scanton
 Contact Person: Same
 Contact Phone Number: 575-525-2112
 Contact e-mail Address: tscanton@
 Web site address (if applicable): _____

Proposal Information

Location of Subject Property West of Valley Dr. South of W. Amador
 (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: Mixed - M-1 and P.U.D.
 Proposed Zoning: P.U.D.
 Acreage of Subject Property: 54.382
 Detailed description of intended use of property. (Use separate sheet if necessary):
Mixed use, Planned Unit Development with
Light Industrial and A Private Manufactured
Home Community in multiple phases
 Proposed square footage and height of structures to be built (if applicable):
T.B.D.
 Anticipated hours of operation (if proposal involves non-residential uses):
T.B.D.

Anticipated traffic generation See Concept Plan trips per day (if known).

Anticipated development schedule: Work will commence on or about Phase I ASAP and will take approximately T.B.D. to complete.

How will stormwater runoff be addressed (on-lot ponding, detention facility, etc.)?
Existing Detention Facilities (Bryn Lake) and On-Lot ponding

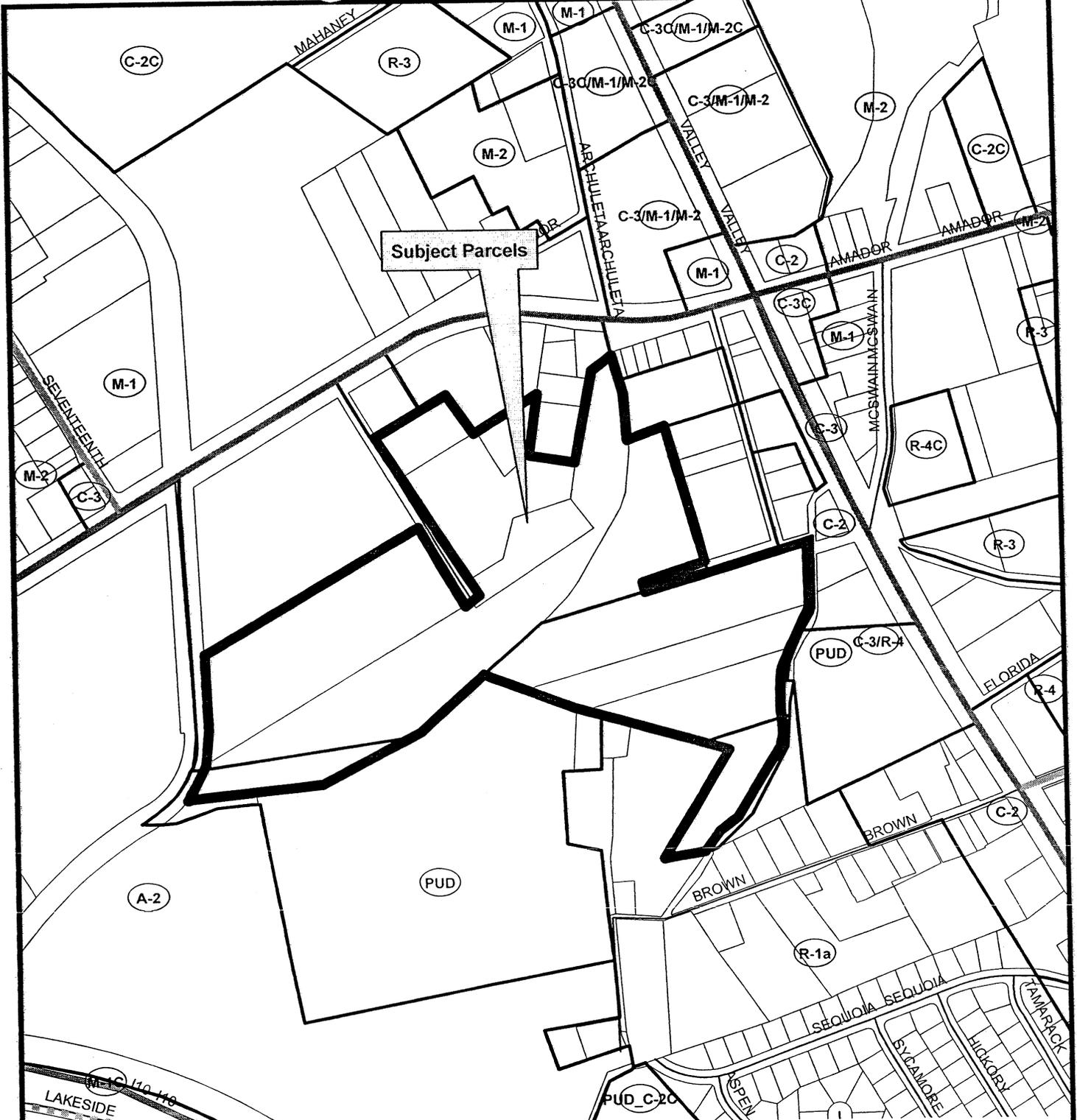
Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

T.B.D.

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

VILLA AMADOR PLANNED UNIT DEVELOPMENT

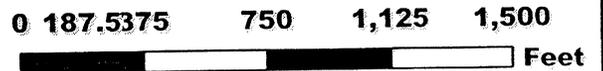
CASE NO. PUD-09-04

OWNER: IFL, LLC.

LOCATION: SOUTH OF AMADOR AVENUE,
WEST OF VALLEY DRIVE

ZONING: PUD

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.

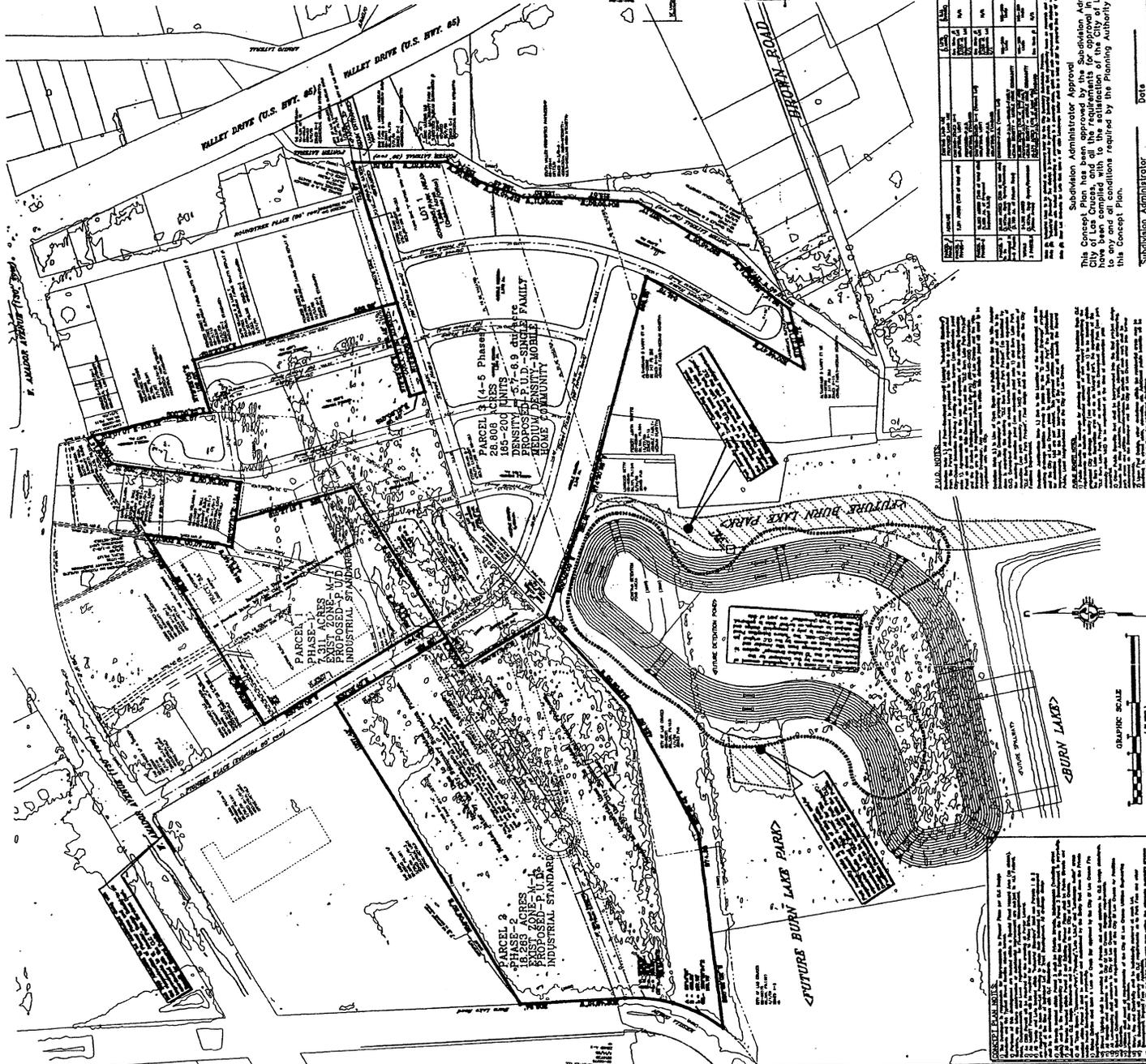


Community Development Department
575 S Alameda Blvd.
Las Cruces, NM 88001
(505) 528-3222

VILLA AMADOR P.U.D.
DEVELOPMENT CONCEPT PLAN

A 54.82 ACRE TRACT
LOCATED IN SECTIONS 18 AND
24, T22S, R12E, OF THE USBR
SURVEY, BEING PART OF
TRACT 9C-1263 84-60A, 84-60E,
84-60F, 84-60G, AND TRACT
"A", ROUNDTREE SUBURBAN
FARM TRACTS REPLAT NO. 1
JANUARY, 2000

Name of Development: Villa Amador
Developer: Nonno Commercial, LLC
10000 Alhambra, New Mexico 87112
505-332-0522
Engineer: [Redacted] Inc. C
Los Cruces, New Mexico 88011
3780 Foothills Road, Ste. C
Los Cruces, New Mexico 88011
Surveyor: Scanlon, White, Inc.
3780 Foothills Road, Ste. C
Los Cruces, New Mexico 88011
574-525-4112
Proposed Land Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Industrial Standalone
Location: Sections 18&24, T22S, R12E,
USBR Survey, Los Cruces, New Mexico
Jurisdictional Authority: City of Los Cruces
Applicable Codes: City of Los Cruces Zoning Code
City of Los Cruces Subdivision Regulations
City of Los Cruces Utility Specifications
City of Los Cruces Road Specifications
All other Utility Specifications in Effect
Provisional Utilities: City of Los Cruces
Water - City of Los Cruces
Sewer - City of Los Cruces
Electric Service: El Paso Electric Co.
Telephone: Quest
Cable TV: Comcast



- Index to Sheets:
1. DEVELOPMENT CONCEPT PLAN
 2. TRANSPORTATION/ZONING MAP
 3. UTILITIES MASTER PLAN
 4. DRAINAGE MASTER PLAN

| NO. | DESCRIPTION | DATE | BY | FOR |
|-----|--------------------------|----------|------------|------------|
| 1 | PRELIMINARY CONCEPT PLAN | 10/15/00 | [Redacted] | [Redacted] |
| 2 | CONCEPT PLAN | 11/15/00 | [Redacted] | [Redacted] |
| 3 | CONCEPT PLAN | 12/15/00 | [Redacted] | [Redacted] |
| 4 | CONCEPT PLAN | 1/15/01 | [Redacted] | [Redacted] |
| 5 | CONCEPT PLAN | 2/15/01 | [Redacted] | [Redacted] |
| 6 | CONCEPT PLAN | 3/15/01 | [Redacted] | [Redacted] |
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| 59 | CONCEPT PLAN | 8/15/05 | [Redacted] | [Redacted] |
| 60 | CONCEPT PLAN | 9/15/05 | [Redacted] | [Redacted] |
| 61 | CONCEPT PLAN | 10/15/05 | [Redacted] | [Redacted] |
| 62 | CONCEPT PLAN | 11/15/05 | [Redacted] | [Redacted] |
| 63 | CONCEPT PLAN | 12/15/05 | [Redacted] | [Redacted] |
| 64 | CONCEPT PLAN | 1/15/06 | [Redacted] | [Redacted] |
| 65 | CONCEPT PLAN | 2/15/06 | [Redacted] | [Redacted] |
| 66 | CONCEPT PLAN | 3/15/06 | [Redacted] | [Redacted] |
| 67 | CONCEPT PLAN | 4/15/06 | [Redacted] | [Redacted] |
| 68 | CONCEPT PLAN | 5/15/06 | [Redacted] | [Redacted] |
| 69 | CONCEPT PLAN | 6/15/06 | [Redacted] | [Redacted] |
| 70 | CONCEPT PLAN | 7/15/06 | [Redacted] | [Redacted] |
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| 76 | CONCEPT PLAN | 1/15/07 | [Redacted] | [Redacted] |
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| 88 | CONCEPT PLAN | 1/15/08 | [Redacted] | [Redacted] |
| 89 | CONCEPT PLAN | 2/15/08 | [Redacted] | [Redacted] |
| 90 | CONCEPT PLAN | 3/15/08 | [Redacted] | [Redacted] |
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| 98 | CONCEPT PLAN | 11/15/08 | [Redacted] | [Redacted] |
| 99 | CONCEPT PLAN | 12/15/08 | [Redacted] | [Redacted] |
| 100 | CONCEPT PLAN | 1/15/09 | [Redacted] | [Redacted] |

Subdivision Administrator Approval
This Concept Plan has been approved by the Subdivision Administrator of the City of Los Cruces with the satisfaction of the City of Los Cruces subject to any and all conditions required by the Planning Authority for approval of this Concept Plan.

Subdivision Administrator: _____ Date: _____

GRAPHIC SCALE
1" = 100'

LEGEND
[Redacted]

VILLA AMADOR P.U.D.
CONCEPTUAL DRAINAGE
 A 5432 ACRE TRACT
 LOCATED IN SECTIONS 9 AND
 24, T22E, R1E, OF THE USLA,
 SURVEYS BEING PART OF
 USLA TRACT 90-12A USLA
 TRACT 90-12B3 94-90A, 94-90B,
 94-90C, 94-90D, AND TRACT
 'A', ROUNDTREE SUBURBAN
 FARM TRACTS REPLAT NO.1

JANUARY, 2010
 Name of Development: Villa Amador
 Developer: C.A. Cantelero, LLC
 10701 Lemona, NE, Omaha, NE 68112
 505.333.3232

Engineer: Scanlon White, Inc., C
 13800 N. 10th Street, Suite 200
 Lincoln, Nebraska 68511
 575-535-3112

Surveyor: Scanlon White, Inc., C
 13800 N. 10th Street, Suite 200
 Lincoln, Nebraska 68511
 575-535-3112

Prepared for: P.U.D. Mixed Land Use
 Stakeholder: Community
 Location: Sections 18&24, T22E, R1E,
 City of Los Osos, Dona Ana County, New Mexico
 Jurisdiction: Authority: City of Los Osos, Code
 City of Los Osos Subdivision Regulations
 City of Los Osos Utility Specifications
 City of Los Osos Road Specifications
 City of Los Osos City Code or Ord.

Prepared Utility Services:
 Water - City of Los Osos
 Sewer - City of Los Osos
 Natural Gas - City of Los Osos
 Electric Service - El Paso Electric Co.
 Cable TV - Comcast

ALL NOTES: (See Sheet 1 for more information)
 1. This plan shows the proposed drainage system for the development.
 2. The drainage system is designed to collect and convey runoff from the development to the burn lake.
 3. The burn lake is located to the east of the development and is a natural feature of the site.
 4. The drainage system is designed to be installed in accordance with the City of Los Osos Utility Specifications.
 5. The drainage system is designed to be installed in accordance with the City of Los Osos Road Specifications.
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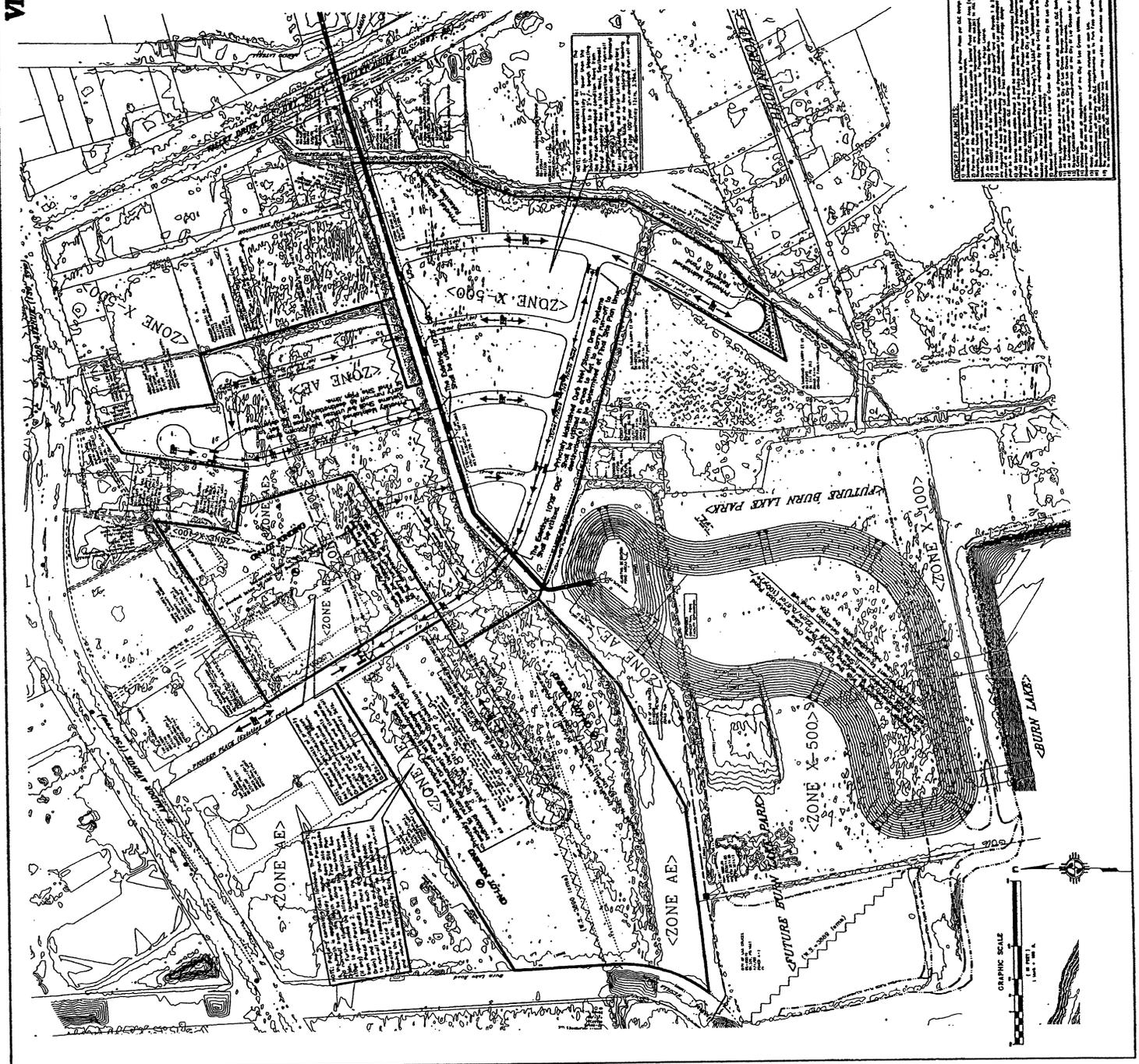
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SCANLON WHITE
 SHEET 4 OF 4

- 1 Scholz: Okay. All right if there's no additional discussion, once again I'll entertain
2 a motion to approve.
3
- 4 Crane: Once again I will move.
5
- 6 Bustos: I'll second.
7
- 8 Scholz: Okay. It's been moved and seconded. I'll call the roll. Commissioner
9 Crane.
10
- 11 Crane: Aye findings and discussion.
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 and discussion. All right, it's
22 approved. Thank you very much Ms. Murphy, Mr. Dunham.
23
- 24  2. **Case PUD-09-04:** A request for approval of a concept plan for a Planned
25 Unit Development (PUD) known as Villa Amador. The subject properties are
26 located south of Amador Avenue and west of Valley Drive. The subject
27 property encompasses 54.383 +/- acres and is zoned M-1/M-2 (Industrial
28 Standard) and PUD (Planned Unit Development). The proposed PUD will
29 entail three (3) parcels: Parcel 1 will encompass 7.311 +/- acres and is
30 proposed for Industrial Standard uses; Parcel 2 will encompass 18.263 +/-
31 acres and is also proposed for Industrial Standard uses; and, Parcel 3 which
32 will encompass 28.808 +/- acres and is proposed for a Mobile Home Park.
33 Submitted by Scanlon White, Inc. for IFL, LLC, property owner
34
- 35 Scholz: Okay, our next case is Case PUD-09-04, a request for approval of a
36 concept plan for a Planned Unit Development. And Mr. Ochoa I see
37 you're up again. What was the problem with the computer? Did it crash?
38
- 39 Ochoa: I guess it just decided to take some time off.
40
- 41 Scholz: Oh yes, I can understand that. I'm in favor of that myself.
42
- 43 Ochoa: Next case tonight gentlemen is PUD-09-04. It is a request for approval for
44 a concept plan for a Planned Unit Development or PUD known as Villa
45 Amador. You can see right here, this is the vicinity map here highlighted
46 in the light green line if you will which encompasses all parcels that would

1 be part of this Planned Unit Development. Located south of Amador right
2 here and west of Valley right here. The proposed Planned Unit
3 Development known as Villa Amador is generally located south of Amador
4 and west of Valley like I said. The proposed Villa Amador PUD is made
5 up of 10 existing parcels. Currently six parcels encompassing
6 approximately 36.98 acres are zoned M-1/M-2 which is industrial
7 standard, while the other four encompassing approximately 17.44 acres
8 are currently zoned PUD or Planned Unit Development. The four acres
9 zoned PUD were annexed into the City of Las Cruces in 1978 with the
10 initial zoning of a planned community district, is what a PUD used to be
11 known as. The actual intent for the use of these parcels was never
12 determined through the annexation process.

13 Concept plan, case specifics, the proposed PUD encompasses
14 54.38 acres and is being proposed for industrial standard uses and a
15 mobile home park/community. The proposed industrial area will have
16 access off of Pioneer Place where the proposed mobile home park/
17 community is proposed to have access to Valley via a small vacant City-
18 owned parcel and secondary access off of Pioneer Place. All utilities in
19 the PUD will follow standards of the City of Las Cruces Utility Department.
20 Landscape and street lighting requirements for the Villa Amador PUD will
21 follow City of Las Cruces Design Standards as well as the signage use
22 throughout the proposed PUD will follow the sign code regulations as well.

23 Here's a concept plan of the proposed PUD separating the three
24 parcels, parcel 1, 2 and 3 here. Parcel 1 and 2 is what is being proposed
25 for industrial uses while parcel 3 right here would be proposed for the
26 mobile home park/community. Parcels 1 and 2 of the Villa Amador
27 contain about 25.576 acres and are being proposed for the industrial
28 standard uses. The permitted uses in the proposed industrial area will be
29 the same as those uses permitted in the 2001 Zoning Code under the M-
30 1/M-2 or Industrial Standard Zoning District. The proposed industrial area
31 will follow development standards created by the applicant for the Villa
32 Amador PUD when it comes to minimum lot size, maximum height,
33 setbacks, and so on. Parcels 1 and 2 of the Villa Amador PUD will also
34 require on-lot ponding for all post development runoff that shall be in
35 accordance with the City of Las Cruces Development Standards.

36 The residential area which would be parcel 3 of the Villa Amador
37 PUD contains approximately 28.808 acres and is proposed for a mobile
38 home park/community. Parcel 3 will also follow the development
39 standards created and put in place by the applicant regarding the
40 minimum lot size, maximum height, setbacks, and so on. The dwelling
41 unit range for this area would be 5.7 to 6.9 units per acre and is being
42 proposed for a total of anywhere between 165 to 200 dwelling units in the
43 entire parcel 3. All streets, common areas, landscaping, and open space
44 in parcel 3 will be privately maintained by the entity that owns the mobile
45 home park/manufactured home park. Ten foot landscape buffer that will
46 also be maintained by the mobile home park owner will be installed

1 between the mobile home park/community and the adjacent industrial
2 uses proposed in parcels 1 and 2.

3 Here's an aerial of the proposed area. As you can see most of it is
4 vacant with some industrial uses already in existence and what is being
5 proposed as parcel 1. And access points would be here off of Pioneer
6 Place and the other proposed access would be here off of Valley.

7 On February 10th, 2010, the Development Review Committee or
8 DRC reviewed the conceptual plan for the proposed Villa Amador PUD.
9 During the meeting public works department did not feel comfortable
10 moving the proposed PUD forward with any affirmative recommendation.
11 Public works voiced concerns regarding the allowance of primary access
12 to Valley Drive via the City owned parcel without satisfying additional
13 requirements deemed necessary by Public Works. Public Works
14 Department requested the applicant to require a letter to support an
15 approval from adjacent property owners to the City property being
16 proposed for primary access for the mobile home park off of Valley Drive.
17 Public Works Department also required that a traffic impact analysis or
18 TIA be submitted to the City for review for the use of the City-owned
19 access point off of Valley Drive.

20 Although the proposed PUD is supported from a land use
21 perspective, the concerns with the access point off of Valley Drive is a
22 major issue that may inhibit the development of the proposed PUD. And
23 City staff at that point was not supportive of approving and moving forward
24 with the concept plan without having the Public Works Department's
25 issues addressed. With that, DRC at that time recommended denial for
26 the proposed concept plan for the PUD known as Villa Amador. Just
27 recently since then the applicant has been in contact with the Public
28 Works Department trying to I guess finish out whatever concerns they
29 might've had with the access and so forth. Just today Community
30 Development staff received a letter from Public Works basically stating
31 that a conditional approval ... that they're recommending approval with
32 conditions for the Planned Unit Development. I'd like to read off those
33 conditions now. One is that until such time that it is decided that the City
34 parcel can be used as a roadway to access the development subdivision;
35 the engineer shall designate it as a proposed access on the concept plan.
36 Two is a TIA shall be provided at the final site plan submittal. Three, use
37 of the City parcel as a roadway/public right-of-way is contingent upon the
38 review of the TIA. And further discussions with the Public Works
39 Department to determine the feasibility of utilizing the City parcel due to
40 existing City infrastructure. If it is decided that the City parcel can be used
41 as a roadway, the engineer must work with the adjacent property owners
42 to ensure that there are no adverse impacts on their property/businesses.
43 The developer is also responsible for replatting the parcel as public right-
44 of-way. Four is that final site plan submittal; the engineer shall provide
45 written confirmation that the engineer has notified the property owners
46 adjacent to the City parcel of the potential use of the City parcel as a

1 roadway. Five, if the City parcel cannot be used for primary access to the
2 private subdivision based on the list of conditions, the developer must
3 designate another access point as their primary access to their
4 development and find another secondary access for the development.
5 And six, there must be an agreement with the City to use the City's future
6 retention facility.

7 With that, Community Development staff still feels that there are
8 issues for the concept plan to move forward with the actual approval
9 because of the access issue. Tonight gentlemen your options are to vote
10 yes to approve the request for Case PUD-09-04, two to vote yes to
11 approve the request with additional conditions as deemed appropriate by
12 the P&Z, one of those conditions may be which was recommended by
13 staff, is possibly allowing it with the condition that the issues with the
14 access for the concept plan be dealt with prior to moving forward to City
15 Council for final action. Three is to vote no, to deny the request as
16 recommended by the DRC for Case PUD-09-04, or four is to table and
17 postpone the request and direct staff accordingly. That is the end of my
18 presentation. The applicant is here for questions. I stand for questions as
19 well.
20

21 Scholz: Okay, questions. Commissioner Crane.

22
23 Crane: In view of the statement that we have in front of us by the Public Works
24 Department, what is the position of the DRC or are they out of the loop
25 now?
26

27 Ochoa: No, sir. DRC's recommendation is still denial. We cannot change that
28 since it was voted on by different departments of the City. So it still stays
29 as denial.
30

31 Crane: Thank you.

32
33 Scholz: Okay. Commissioner Beard.

34
35 Beard: Could you go to that map again and show me where the soccer fields are
36 and the Burn Lakes are?
37

38 Ochoa: The soccer field/Burn Lake area is somewhere to the southwest this way.
39

40 Beard: Where's Amador on that one?

41
42 Ochoa: Amador is right up here.

43
44 Beard: Okay. And then the access road?
45

- 1 Ochoa: This is Pioneer Place here, the access being proposed for the industrial
2 area. This over here would be the access point to get to Burn Lake I
3 believe.
4
- 5 Scholz: Yes. Okay. All right. I just had ... I hate to throw a wet blanket on this
6 you know and stop the process, but it seems to me we don't have enough
7 information right now, particularly about the access. And when I was out
8 there today looking at the property, it occurred to me that there's no way to
9 get to Valley and almost no way to get to Amador though obviously that
10 Pioneer Road would do the trick. And I'm looking at the number of
11 dwellings that they're talking about which is about 165 to 200 I think they
12 estimated. Well it seems to me that we need a definite access to Valley of
13 some sort. We need an agreement on that from Public Works or from the
14 City from whoever gives that permission. And it seems to me we also
15 need a traffic impact study to see how we can put that many vehicles out
16 through that road onto Valley which is a very busy road. I always
17 remember that when I go to Scoopy's, I'm sorry Caliche's. I don't mean to
18 be retro. And when I have to turn on there and go across the traffic on
19 Valley or pull out of Caliche's and get back into traffic lane, it's difficult. I
20 can't imagine what it would be like to have a couple hundred cars you
21 know pulling out on that. So it seems to me that what we need before we
22 can act on this is some guaranteed access on those roads and a traffic
23 impact assessment. Commissioner Crane.
24
- 25 Crane: The Public Works has said it will provide a conditional approval with the
26 following conditions and there's a string of conditions that have to be met.
27 What then can the developer do if we vote to approve? What progress
28 can the developer make? Can ground be broken?
29
- 30 Scholz: Well it seems to me that the developer would have to meet these
31 conditions in order to get the approval. And it seems to me that ... it's my
32 feeling anyway that it would be better for the developer to meet those
33 conditions initially and then bring it up for approval instead of you know
34 doing it in kind of a patchwork process. But since the applicant is here I'm
35 certainly willing to listen to the applicant. Mr. Scanlon.
36
- 37 Scanlon: Yes, sir, Mr. Chairman, members of the Commission. Thank you for the
38 opportunity to speak to you tonight. The parcel of land in question and I
39 don't know for the life of me understand why the Public Works staff got so
40 scared of this thing, but they seem to have and I've been dealing with this
41 for several weeks now and I thought coming in here tonight that I had it
42 completely cleared up because I have complied with everything that
43 they've asked me to do with respect to it. But there is a parcel of land right
44 here between the property line which is located in this area over to the
45 Valley Drive right-of-way. That piece of property was acquired by a prior
46 developer that was getting a development approval on this property. He

1 got a PUD back in 1986. His name was Forest Westmoreland. He
2 acquired that piece of property for the sole purpose of providing access
3 into this property. And he deeded it to the City and the City has owned it
4 ever since. The City has used it for a storm drain structure that traverses
5 underneath Valley Drive and comes right through that parcel of property.
6 So the City acknowledges it. It was given to them for a road. It was never
7 prohibited from any use and it was very specifically not prohibited from
8 any use, so that it could be used for utilities. It could be used for drainage
9 structure. It could be used for a roadway. Now I did go out and meet with
10 representative from the Caliche's property and the fellow of the name of
11 Javier Morales and he told me that the owner of Caliche's has told him
12 from day one that that piece of property belongs to the City and they're
13 going to build a road in there whenever they develop that property. That's
14 always been the plan. I don't understand why Public Works has decided
15 that there is some sort of ambiguity or some sort of issue with that
16 because that's what that tract of land was given to the City for and that's
17 what it has always been reserved for, and now is the time that it should be
18 used.

19 We have met with the DOT, and we have met with the City traffic
20 engineers. We've met with as I said the adjacent landowner there and
21 there isn't any problems with that piece of ... with that little strip of land
22 becoming a roadway. It was always meant to be a roadway and that's
23 what it's going to be. Obviously, with respect to the conditions that Public
24 Works staff has asked us to comply with, we don't have any issues with
25 complying with any of those things. I mean those are just things that we
26 have to do.

27 At this stage of the PUD process, the concept plan is put in place to
28 establish land use. The details as to how the access works and how the
29 traffic impact analysis, the utility, actual utility layouts and all those things
30 are done at the time of the final site plan which is way more detailed
31 document that comes back to this board after approval of the concept
32 plan. In other words we take the concept plan, we put together the land
33 uses and density ranges and what is going to go on the property as far as
34 uses, just like you would if you were rezoning the parcels to R-1 and M-1
35 or MT or whatever different zoning districts you might do. It's the same
36 way, except in the PUD you establish those land uses on those parcels as
37 part of the concept plan. Then the final site plan comes back to you guys
38 and that takes the place of a preliminary plat. So that's a very detailed
39 document and it addresses all kinds of things like water pressures, and
40 capacities, and fire flows, and more detailed drainage calculations and all
41 sorts of things. The traffic impact analysis is done at that time, just like
42 when a subdivision process, you do the traffic impact analysis at the time
43 of the preliminary plat. Final plans, site plan in a PUD and a preliminary
44 plat in a subdivision is very much the same document. And they were
45 designed to be that way, because when you do a PUD and you get final

1 site plan approval, you don't have to go through the preliminary plat
2 process. You've already done it with the final site plan.

3 At the stage we're at tonight, all we're doing is trying to establish
4 the land use. Is the land use appropriate for the property? And if there
5 are any conditions or anything like that that come out of the meeting, then
6 we incorporate those into the final site plan and bring that forward back to
7 this body. We'll come back with a lot more detail on this. But as I stated
8 the purpose of the concept plan is to establish some land uses, to
9 establish some public benefit, basic concepts as to how the property's
10 going to be accessed and how it's going to be developed. In a very basic,
11 preliminary form.

12
13 Scholz: Okay. Some questions for Mr. Scanlon? Commissioner Beard.

14
15 Beard: That access that you're talking about off of Valley.

16
17 Scanlon: Yes, sir.

18
19 Beard: How wide is that access?

20
21 Scanlon: It's 50-feet wide. It meets the requirements of a City street.

22
23 Beard: 50-feet wide. Okay.

24
25 Scanlon: It was ...

26
27 Beard: And that right now is an irrigation ditch?

28
29 Scanlon: I'm sorry?

30
31 Beard: Is that right now an irrigation ditch you said?

32
33 Scanlon: No, it's a paved area between the Caliche's property and the Farm Bureau
34 property to the south of Caliche's.

35
36 Beard: To the south, okay.

37
38 Scanlon: So it lies ... it's a 50-foot wide strip that lies right in between those two
39 properties.

40
41 Beard: I got you. I was thinking about north. Okay.

42
43 Scanlon: Right now there's a dumpster sitting right on the end of it.

44
45 Beard: Okay.

46

- 1 Crane: Mr. Chairman.
2
- 3 Scholz: Yes, Commissioner Crane.
4
- 5 Crane: In the Public Works paragraph three of their letter of today, mentions
6 determining feasibility of utilizing City parcel due to existing City
7 infrastructure. And I wonder if they're talking about that drain you
8 mentioned?
9
- 10 Scanlon: They are talking about that storm drain and it's very feasible to build this
11 roadway over the top of that. In fact we're going to build a roadway over
12 the top of that ... that box culvert enters the ... comes under Valley Drive
13 right here and enters our property right here inside an easement. We're
14 going to build a road right over the top of it all the way to here. And then
15 there would be a drainage easement which will provide some access to ...
16 cross access between this development and Burn Lake for pedestrian and
17 bicycle access so that they can access the recreational facilities and so
18 forth in there. The plan is to build right over the top of that box culvert.
19 The box culvert is designed in such a way that that's not a hindrance to it
20 at all. In fact makes it very convenient to build drop inlets and let storm
21 water go right into the box culvert.
22
- 23 Crane: Thank you.
24
- 25 Scholz: Okay. I just have two questions. I don't have ... thank you for explaining
26 the access point by the way.
27
- 28 Scanlon: Yes, sir.
29
- 30 Scholz: That was confusing and I don't think we were enlightened by Public Works
31 there in their memo. My question is why put a subdivision ... that is, why
32 put a residential subdivision in what is basically an industrial area?
33
- 34 Scanlon: Well it's kind of a transitional area. There is to the south is Brown Road
35 which is a quite old and very well established rural sort of neighborhood.
36 We will transition from that area with somewhat higher density residential
37 area in here, transitioning then over to the industrial area. The idea in this
38 day and age and this is a concept of what the buzz word they call new
39 urbanism, is to try to keep traffic down by allowing people to live close to
40 where they would work. And that's one of the newer concepts in planning
41 that's kind of going around the country now is to get commercial areas and
42 industrial areas closer to each other so you don't have them sprawled out
43 in great big areas but they're in these pockets and people can live and
44 work very close to, or work very close to where they live.
45
- 46 Scholz: Right, I can understand that.

- 1
2 Scanlon: And there's another issue, we're trying to provide a development as far as
3 the residential area that's very affordable. And this is one of the driving
4 forces of that and the land area and being within the industrial area and
5 having the ability to combine that with the industrial area allows us to
6 make this residential development more affordable than we would be if we
7 had to go out here on the East Mesa and buy vacant land and do it out
8 there.
9
- 10 Scholz: I see. Well, the other part of smart growth of course is to have commercial
11 areas nearby and I don't see any commercial areas nearby.
12
- 13 Scanlon: Well Wal-Mart right down the street. Fairly close.
14
- 15 Scholz: Where is the Wal-Mart? It's on ...
16
- 17 Scanlon: It's just on the other side of Avenida de Mesilla which is about right here.
18 About right there.
19
- 20 Scholz: Okay. Well I don't see that as a neighborhood. It's certainly not within
21 walking distance. Okay. Well those were my concerns Mr. Scanlon. Any
22 other questions for Mr. Scanlon? Okay, we'll open this to the public for
23 discussion.
24
- 25 Scanlon: Thank you.
26
- 27 Scholz: And several people want to speak. What I'd like you to do is come up and
28 identify yourself and then tell us what you think.
29
- 30 Schwebke: My name is John Schwebke. I represent the Doña Ana County Farm
31 Bureau which is the building south. And we have never been asked to talk
32 to or anything about this development. I'm very well aware that road ...
33 when I moved here in 1997 and I occupied that building it was a gravel
34 spillway and City came through and put what do call, you dig up the
35 blacktop on the street and you put another top, top coating or whatever
36 they did and it became nice cause the dust didn't blow any more in that
37 area.
38 My concerns are a couple. It doesn't seem that this has to happen
39 and have access to Valley Drive. I mean we're talking minimum 200 to
40 300 to 400 cars daily basis in and out, in and out, in and out. And that
41 already has a lot of cars in Caliche's and I'll speak to that in a minute
42 because that I think is an institution we should not disturb in Las Cruces.
43 But as far as we're concerned as a business, our entryway into our
44 parking lot would be right adjacent to the street where it would come out. I
45 just do not see how I can turn left going out when there are cars coming
46 out turning right. We have enough space there with Caliche's that we've

1 developed patterns and people that use that, there's enough space that
 2 they come out, they're about 20-feet away from where we are, 25-feet
 3 away. So that's one concern. But I'm not opposed to development at all.
 4 I really am for development. I see the drainage ditch or whatever we call
 5 the lateral as a perfect buffer between Valley Drive and the businesses
 6 along there and the development. And be able to use some other way to
 7 get in and out of this property onto Amador which the perfect way would
 8 be connecting with Seventeenth Street where there's a stop light already
 9 and have that go across. And that would be a perfect place, stop light's
 10 already there and somehow figure out how that could work, because that
 11 would allow all the traffic to go onto Amador, left, right, straight across,
 12 and whatever else. So that's my comment that that might be a possible
 13 way to do something.

14 Also adding the buffer zone there with the lateral because you also
 15 have a daycare center which is right next to our office and that was Farm
 16 Bureau property which was sold so the daycare center could be put in
 17 there. Again, I'm opposed to this only for the reason of the Valley Drive
 18 entrance. And it may be possible and again I've tried to think of ways not
 19 to be totally negative because I think that if you have a negative comment
 20 you also should have a solution, try to come up with a solution. And I
 21 think it may be acceptable to have a smaller street that would be one-way
 22 into it. An entrance only, in, not coming out and in both. That would tend
 23 to limit some of the traffic. As far as right now and what we have not
 24 heard, nobody's sat down with us and talked to us about it, but we have a
 25 lot of people in and out of that, in our parking lot every day. Right now I'd
 26 like to see that eliminated from at the Valley Drive entrance. Other than
 27 that I can see working with the person to develop the other property.

28
 29 Scholz: Okay. Thank you Mr. Schwebke.

30
 31 Crane: Mr. Chairman.

32
 33 Scholz: Can you hold off until we hear from other people Mr. Scanlon?

34
 35 Crane: May I ask Mr. Schwebke a question?

36
 37 Scholz: Yes, certainly. Mr. Schwebke Commissioner Crane needs to ask you a
 38 question. Sorry about that.

39
 40 Crane: If there were a traffic light there would that meet your objections?

41
 42 Schwebke: Well I guess except if there was a traffic light there how do we get out of
 43 our driveway with the traffic light right next to it?

44
 45 Crane: Maybe you could ... could you get access onto this new road that's
 46 suggested? Could you come out ...?

1
2 Schwebke: It might be possible. I mean it's ... you're going right out to it within 30-feet
3 of the highway. In other words anywhere you come along there would be
4 to the north and it would be right out. I mean that's just you know ...
5
6 Crane: You're on the corner of this suggested access road and Valley Drive?
7
8 Schwebke: We basically are between ... our parking lot and then there's that access
9 road which I was told that was a right-of-way, City right-of-way which was
10 ... and that what it was was a right-of-way. Initially it was for farm, farm
11 equipment went down, across there and across the lateral to use that as
12 farm land a lot of times and then also EBID uses it for work on the lateral.
13
14 Crane: Thank you.
15
16 Scholz: Okay. Yes, ma'am.
17
18 Fiebert: I'm Jude Fiebert. And Adam's going to show you where my house is. I
19 think I'm the closest one to this proposal. I've got a swimming pool out
20 back. I wrote a little blurb and a few of the neighbors got together with me
21 and I'd like to read it to you. And I would also like for all our neighbors to
22 stand up when I'm done, if they would.
23 We the undersigned feel the quality of our lives will be drastically
24 changed in a negative manner by this proposal. Most of us are retired and
25 homebodies and have difficulties with the increasing traffic on Valley
26 Drive. We feel the natural resources of the area are insufficient for the
27 amount of industry and living conditions you are seeking. And I got a few
28 of the neighbors that couldn't attend tonight; Bertie Douglas, she's at
29 1407; Margaret Deen 1431; Elsie I think I see you here; Nelda Mansel
30 1410; Rupert Mansel 1410; Cheryl Verdugo 1461; Susan Cranel 1906;
31 and myself Jude Fiebert 1906. Paul (*inaudible*) is here and he told me to
32 sign it but I don't think you should sign anybody else's name. We're
33 worried about sewage and traffic and just living comfortably the way we
34 have been for many many years. Thank you.
35
36 Scholz: Okay, ma'am. Would you ...
37
38 Crane: Mr. Chairman.
39
40 Scholz: Ma'am before you leave, yes, Commissioner Crane had a question and I
41 also have a question. Would you spell your last name for me please?
42
43 Fiebert: F as in Frank, i e b e r t.
44
45 Scholz: Say again. Fi.
46

1 Fiebert: E.
2
3 Scholz: E.
4
5 Fiebert: B for boy, ert. I used to have Jude's Birkenstock on Main Street.
6
7 Scholz: There we go. And you're address is?
8
9 Fiebert: 1906 Brown.
10
11 Scholz: Oh, you're on Brown, there we go. Thank you very much.
12
13 Fiebert: I'm on West Brown. It's a dirt road off of Brown.
14
15 Scholz: Right, I missed that. Okay. Commissioner Crane.
16
17 Crane: That was my question. I live on the poor side of Brown Road.
18
19 Fiebert: Poor side. I think I'm on the poor side.
20
21 Crane: Wrong side of the tracks. But it's nice to be in your neighborhood.
22
23 Fiebert: Thank you.
24
25 Crane: As I understand it there's no connection between Brown Road and I'm not
26 suggesting there being any connection between Brown Road, West Brown
27 Road and the new development, suggested development, right?
28
29 Fiebert: Well it's my backyard.
30
31 Crane: I see that, but the traffic is not going to come down Brown Road as far as
32 you know.
33
34 Fiebert: Oh no but we can't get out of Brown Road now. My biggest fear, I wrote to
35 Nathan Small and I said you know I think I'm going to starve to death in
36 my car while I'm trying to go to the grocery cause I can't get out of the
37 road.
38
39 Crane: Yeah, I've given up ...
40
41 Fiebert: I had a traffic ticket.
42
43 Crane: I turn north up Valley, do a U-turn and go south.
44
45 Fiebert: Well I was in the middle. I'm in the middle and a man was speeding and
46 he went up onto the used car lot, got hung up, took the sign down, the

1 street sign, and I got the ticket. They said I didn't yield the right-of-way. It
2 was dismissed.

3

4 Scholz: Okay. Thank you. Is there somebody else from the public? Yes, sir.

5

6 Avalon: I think I have a solution to your problem.

7

8 Scholz: Okay, you'll have to identify yourself first.

9

10 Avalon: My name is Anthony Avalon. I filed a memorandum today. I hope you
11 folks ...

12

13 Scholz: You did. We got a copy of that sir. Yes. Thank you.

14

15 Avalon: The access problem is to take a careful look at Roundtree Place. You see
16 that? Where's the ...

17

18 Scholz: You know the details on the map that we've been given are so small I
19 couldn't identify most of the roads.

20

21 Avalon: Roundtree Place runs from ...

22

23 Scholz: Okay, you'll have to stay on the mike sir in order to be heard.

24

25 Avalon: Okay. You see Roundtree Place there?

26

27 Scholz: Yes.

28

29 Avalon: Okay, we own a parcel, a half acre parcel on the east side right about
30 there.

31

32 Scholz: Okay.

33

34 Avalon: Roundtree Place was supposed to be completed by the owners of the
35 property ... how do I get this to go? On the west side of Roundtree Place.
36 And it includes a portion of the ... how do I get the arrow to go?

37

38 Scholz: Adam would you help this gentleman please?

39

40 Avalon: How do I get the arrow? Got to keep shaking it. Okay. The arrow is
41 presently on a parcel identified in a replat filed by four owners. The replat
42 was filed in 1990. And the owners on that replat was this triangular piece
43 here. That triangular piece.

44

45 Scholz: Why does that arrow keep disappearing? Magic.

46

1 Avalon: That triangular piece there and these three pieces to the east; one, two,
2 three. The plat filed in 1990 proposed that what had originally been
3 individual lots, 50 by 100-foot lots bordering on Roundtree be changed to
4 this configuration. And my point here is to suggest to you that there is a
5 solution to the access problem by using what should've been done on
6 Roundtree Place. In 1990 or shortly thereafter when the City accepted the
7 replat of this particular area, the replat was proposed by the owner of that
8 triangular piece and those three lots that are on the west side of
9 Roundtree. The legend on the replat simply stated that the, fine print once
10 again, I can't find it in there. It's long winded and it says simply that these
11 owners of the replat would do all the work required on Roundtree Place.
12 The utilities being put in, the sewer line being put in, and unfortunately that
13 was never followed up. These owners got the replat filed but the City
14 never enforced the provision on the replat that these owners would do the
15 job that they said they would do on Roundtree Place.

16 Now the reason why I'm here is that we're having difficulty
17 developing on the east side of Roundtree. The problem is that the sewer
18 line doesn't go all the way. It ends approximately where the pavement
19 ends on Roundtree Place. It was never completed and it could be
20 completed all the way down to the road that travels more or less east and
21 west that they propose to cross over that City property and enter Valley
22 Drive. Instead of that, do what they should've done on Roundtree Place.
23 Make a turn on the road they propose now and feed the property that
24 they're proposing as a mobile home park. That would solve the problem
25 with a lot of concern, your concerns about access to Valley Drive, the
26 need perhaps of a traffic light at that location, the problems that the Farm
27 Bureau has. I've been on that site and I know they are concerned. You
28 take 50-feet and make a roadway out of it and you put a light to any kind
29 of traffic there, you've got a problem coming in and out of the Farm Bureau
30 office. I think Caliche's will also have a problem with access in and out of
31 their place although they have a quite a bit of frontage on Valley Drive.
32 And so I tried to discover whether there's a way, a legal way of forcing the
33 issue of requiring the owner of that triangular piece and those three
34 parcels that face on Roundtree, they promised the City when they filed the
35 replat that they would do what was required in Roundtree place. What
36 was required was to continue the sewer line with the gas line, put the
37 water line in and complete the paving. They never did. And I've inquired
38 of the planning office and there's no way of enforcing that at this late
39 stage. When I saw this proposal, it came to me as a way of requiring
40 them now to do what they should've done shortly after 1990. Solved
41 several problems with one simple solution. Do the job they should've
42 done in 1990 or shortly thereafter, do a proper job on Roundtree. Use that
43 as access to the rest of the property, and avoid any use of that 50-foot
44 piece of land that takes you out to Valley Drive.

45
46 Scholz: Okay, I have a question for you. Commissioner Crane.

1
2 Crane: You're suggesting then that instead of having that access onto Valley
3 Drive that we were speaking about a few minutes ago. That the second
4 access to the parcel will be on Roundtree?
5
6 Avalon: I think so.
7
8 Crane: Yes, it would solve the one problem and I'm not sure it doesn't raise a
9 worse one because of how close the junction of Roundtree to Amador is.
10 You know they have a sign there telling traffic to stop to the light on Valley
11 Drive, not to block Roundtree and that distance from the end of Roundtree
12 to Valley Drive must be no more than 20, 25 yards I'd guess. If you have
13 substantial amount of traffic coming out of there and trying to join Valley
14 Drive and go right and left it's not going to be an improvement on what
15 we've been discussing at the lower end.
16
17 Avalon: Yeah.
18
19 Crane: Regarding the rest of your proposal, yes, I think that whoever undertook to
20 make improvements to Roundtree Drive should be held to do it, but it's
21 probably too late now.
22
23 Avalon: I guess the Texans would say a rock and a hard place. That's where we
24 are.
25
26 Crane: Something like that, yeah.
27
28 Scholz: Well, that's exactly what I was going to bring up Mr. Avalon. I've been at
29 that intersection many times coming back from the landfill or the gas
30 station out there and I've always tried to avoid blocking the street. But I
31 realize that there would be no way for people coming out to go west on
32 Amador. They have to cross Amador's traffic, and I think that would be
33 impossible. There are just too many cars there.
34
35 Avalon: I think one of the solutions to that problem; I'm not a traffic engineer so I
36 offer with (*inaudible*).
37
38 Scholz: We have a traffic engineer sitting in the back as a matter of fact.
39
40 Avalon: Well great, maybe he'll solve it. A one-way street there would do the trick.
41 In other words, just come in, travel from north to south and then you come
42 out and go through whatever roads they proposed in the subdivision. And
43 I think that would probably be a solution to a lot of other problems.
44

1 Scholz: Well Mr. Schwebke suggested the same thing I think for that strip of land
2 that the City owns, the 50-foot wide parcel. Anyway, I appreciate your
3 information. Thank you very much.
4

5 Avalon: Right.
6

7 Scholz: And someone else from the public? Yes, sir.
8

9 Turner: Yes, my name is Paul Turner. I've resided at 1510 Brown Road for well in
10 excess of 30 years. I moved there in '75. What attracted me to it of
11 course is the semi-rural nature of it and the pecan trees and things like
12 that. But I can guarantee you that things have changed since 1986 in
13 terms of traffic on Valley Drive. In terms of north, south, certainly Wal-
14 Mart coming in and a few other things taking place. County building out
15 on ...
16

17 Scholz: Stay closer to the mike please, sir.
18

19 Turner: I'll try to.
20

21 Scholz: Thank you.
22

23 Turner: But any way traffic has become extremely heavy. Anyone trying to exit
24 out of this area onto Valley Drive and going north would have to turn right.
25 They would not realistically be able to turn left and turn back to the north
26 most of the time or at least during heavy traffic times. Which basically
27 means they would go south and then try to find a place to make a U-turn
28 back onto Valley which is essentially what we have to do on Brown Road
29 already. Everybody going north from the car dealerships essentially that
30 want to go back south make a U-turn at Brown Road to go back to the
31 south. So that's already a real congested area in there. It's going to get
32 worse. I can guarantee you. If you put that development in and you put
33 an access to Valley Drive, I would predict you will have accidents galore.
34 You have police and fire access. If you have that access there, that's the
35 logical place for them to come in. They will have difficulty coming in I
36 would think under many circumstances simply because of the heavy
37 traffic. Now granted they're supposed to yield to those people but the
38 traffic going north and south on Valley at this point is becoming extremely
39 heavy. You have an ambulance site just south of Amador, or south of
40 Brown Road on Valley that has to come and go north on Valley commonly.
41 So you've got a real congested area there. The idea of putting a
42 light in and I agree with Commissioner Crane is impractical at that point.
43 The traffic commonly backs up for a block or more trying to turn right to go
44 south on Valley off of Amador already. You add 200 homes in there and
45 try to figure out a way to get them in and out of there, I can't imagine how
46 that would work. If I were looking at living in a mobile home and looked at

1 this area realistically and I used to live in a mobile home for several years
2 when I was a student and when I first moved to Las Cruces, I don't think
3 they would be very happy with the idea of how they would be able to get in
4 and out of that high density area in terms of a lot of people in those areas.
5 They might think it was okay to start with until they tried to do it during the
6 times that they needed to get to school or get to business or get to work or
7 whatever. So I just feel that the concentration of units there and the
8 number of people that would be there way exceed the ability, using any
9 solution and I commend the City works and the traffic people associated
10 with that, of trying to figure out a way to do it. I defy them to be able to do
11 it in a way that would be safe and efficient. I would be extremely surprised
12 if the City or anyone else could find a way to access that area safely
13 without creating a lot more congestion that already exists. And I would
14 recommend that you table the issue at this point until you see what the
15 City feels is possible or traffic thinks is possible to do there. But I certainly
16 don't think that you can put them onto Amador close to that Amador/Valley
17 intersection and trying to put them in between Caliche's and the Farm
18 Bureau with the nursery immediately to the south where there's already a
19 barrier for making left turns already and expect people to be able to go
20 north and south there is unrealistic.

21
22 Scholz: Okay. Thank you Mr. Turner. Someone else?

23
24 Hutchinson: Mr. Chair, Commissioners. My name is Tom Hutchinson. I own the
25 property on the north side of this proposed unit development right about in
26 here. It's a little 10,000 square foot warehouse that was part of the old
27 Border foods. I've taken a look at this project. It looks pretty well thought
28 out to me. There's obvious some misuse regarding access that need to
29 be explored and looked at, but in terms of land use, you know this is
30 probably not a bad idea for an area that needs redevelopment. You know
31 it's pretty much of an eyesore now. I would very much urge you to support
32 this land concept with the caveat that we understand these access issues
33 a little bit better.

34 Now, I will tell you there's a neighborhood down to the south of this
35 that has access out onto Valley. You know it's a neighborhood just north
36 of the old Dairy Queen. Where Murphy's is now. And it has access there
37 and it also has access by McDonald's. And there are probably a couple
38 hundred homes there. No light supports it on Valley. There is a light at
39 McDonald's now, but it wasn't when that neighborhood was put in. So as
40 an example of how you can have residential property in and around this
41 area, I would urge you to get out and take a look at how that worked and
42 see what the issues were in regard to that. But I would respectfully urge
43 the Commission to adopt this concept. Thank you.

44
45 Scholz: Okay. Thank you Mr. Hutchinson.

46

- 1 Hill: My name is Scott Hill. I own the property, the batwing property there and I
 2 live at 1550 Brown Road. You know we'd all like to keep the same open
 3 space that we've always had but I realize that's not feasible you know
 4 forever. But I don't believe you can put six units per acre in there
 5 effectively without doing a lot more study than has already been done.
 6 And I would strongly recommend that you get a study done that would
 7 impact the traffic analysis and all that before we move forward. The man
 8 spends a lot more money doing what he's doing. So we can actually have
 9 some feeling that it's going to happen. Put 200 more homes in that area is
 10 just not workable. You know all along Brown there's one house per three-
 11 quarter's acre, that sort of thing. Now you're going to put six units per
 12 acre. That's not reasonable transition zone if you want. Thank you.
- 13
- 14 Scholz: Thank you. All right. If there's no one else to speak for the public, I'm
 15 going to ... Mr. Schwebke you had a second bite at the apple here. All
 16 right. Yes, speak right to the microphone please.
- 17
- 18 Schwebke: Explained that one development ...
- 19
- 20 Scholz: Stay on the mike please Mr. Schwebke.
- 21
- 22 Schwebke: Explained that one development, but they also have access out into
 23 Avenida de Mesilla through the back roads and around. So they can get
 24 out by McDonald's there. Cause I sometimes cut that way to get around
 25 the corner of Valley and Avenida de Mesilla because that's a busy corner
 26 now a days. I do think there's also another piece of property to the north
 27 of Caliche's. If you look along Valley Drive there it's about 75 feet wide or
 28 less they've got an ice making place there now and a place that sells
 29 cheap tobacco or whatever. But if an access could come out there, I
 30 mean it's really nothing along in that area and maybe make it just one turn
 31 only. Right turn going south would be the access that could be gotten that
 32 way. Again, the access to Valley is really a problem. I do think Amador is
 33 the solution, especially on Seventeenth Street coming across. There's
 34 already a stop light there and that would improve the access to the Burn
 35 Lake, to the soccer fields, everything would be accomplished with one
 36 road. So that's my comment.
- 37
- 38 Scholz: Okay. Mr. Scanlon you had a comment or a question, I don't recall.
- 39
- 40 Scanlon: I did, some clarifications Mr. Chairman, and try to answer some of the
 41 questions and concerns that the public has brought out. Starting with Mr.
 42 Schwebke's concerns about access. His property is this piece right here.
 43 This is the strip, the City right-of-way right here. In building a roadway in
 44 and out of the development at this location, we're going to be required to
 45 do a lot of work to Valley Drive. We're going to have to build new curb and
 46 gutters and some new sidewalks and new traffic lanes, right turn lanes

1 and so forth in Valley Drive. At the time that we do that, we will be
2 compelled to work with the Farm Bureau and with the owners of the
3 Caliche's property to basically completely rebuild their access. And in
4 building this new street, we'll build them new drive pads along this part of
5 their property where they can get out, in and out of their property
6 accessing this street. New drive pads along Valley Drive where their
7 existing accesses are, and just really clean up that whole thing. As you
8 may be aware, if you've been out there, there are no curb and gutters
9 along here in front of Caliche's and it's kind of a free for all because there's
10 no median out in the middle of Valley Drive either. And so cars just turn
11 willy-nilly wherever they are. So there's no channelization or control of
12 where the cars turn, and where they ingress and egress the properties.
13 And this'll be a golden opportunity for us to be able to clean up that
14 situation and get more control over how traffic actually flows and how
15 access in and out of these properties actually occurs.

16 As far as his issue with the lateral, the Porter Lateral runs along the
17 property where I'm tracing the cursor right now. It has been recently
18 buried in a pipe by the EBID but a right-of-way exists in there of varying
19 widths. This right-of-way has become part of the City's proposed and trail
20 system that they're working on for pedestrian trails, and bike trails and so
21 forth. We have agreed to work with the Facilities Department and with the
22 MPO people on helping to develop cross access between this
23 development and that trail system so it could be utilized also. Just like
24 we're going to be doing toward the area where we can access directly to
25 the Burn Lake recreational area and make a real nice situation where
26 people can actually access these amenities and these trail systems and
27 recreational areas.

28 As far as the access from Seventeenth Street. This is the
29 Seventeenth Street intersection right here and it does have a traffic signal
30 on it. And there are talks underway between the City, between the
31 Facilities Department, Parks and Recreation, and Public Works and the
32 property owner on this property right here to actually extend Seventeenth
33 Street down through that property and down in here into Burn Lake as the
34 primary access to the Burn Lake recreation area. And that would be a
35 major roadway. Our plan is designed to account for that and you'll see
36 within this ... this is our industrial area right here. Right now we've got a
37 cul-de-sac here but we've also got an easement that if this roadway
38 Seventeenth Street is extended in there, we can actually then access in
39 the future over to that roadway from within this development. That would
40 take some of the load off of Pioneer Place and could feasibly you know
41 affect all the patterns within here.

42 As far as it was brought up there was a mention or a question as to
43 whether or not we would be trying to send any traffic back and forth to
44 Brown Road. And that is absolutely not the case. This concept plan
45 shows a cul-de-sac terminating on this lower piece of the property right
46 down in this area. I would want to clarify though that we had a

1 neighborhood meeting with a number of the people from the neighborhood
2 about a week ago. In fact, it was a week ago tonight. And at that meeting
3 a couple of the property owners expressed an interest in perhaps
4 purchasing this entire parcel of land right here so that it could be kept in
5 farm land. The gentleman, Mr. Hill I believe, lives on this side of the
6 lateral and has a pecan orchard, and then Mr. Altimirano has a farm that
7 he occupies that's in this area and he's actually been farming this piece of
8 property for a number of years because it lies at a lower elevation and
9 really isn't attached topographically very well to the rest of the property up
10 in this area. And right now my client is working with his bank on trying to
11 determine a release price because this land is part of the overall mortgage
12 of the entire 50 some acres and determining a release price that the bank
13 will agree with so that he could sell this property to one or more of these
14 adjacent owners and at which time then we could eliminate it completely
15 from the development and our property development then would not be
16 any closer than that point right there to Brown Road at all. It would also
17 presuppose any possibility of traffic or roadway ever being extended down
18 to Brown Road by any developers or the City or anyone else. So that's a
19 real strong possibility that we'll be able to sell this piece of this overall
20 development to one or more of these adjacent property owners and clear
21 that up. And then they can utilize it as farm land and it would just be a
22 better use. It's not a real very, real good piece of development property
23 anyways, cause single loaded on one side of the street and would be
24 pretty expensive to develop that piece of property right there for the yield it
25 would get out of it.

26 With respect to Mr. Avalon's idea about Roundtree Place. This was
27 discussed very early on and Commissioner Crane and Commissioner
28 Scholz are absolutely correct about the fact that it's only about 80 feet
29 from this intersection over to Valley Drive and it's just an absolute
30 nightmare trying to get in and out of there. Right now there's very little
31 traffic in and out of Roundtree Place and it works fairly well with the fact
32 that they've got a sign there that says don't block the intersection, so that
33 people can actually can get out into there when the light's red. But if you
34 added a significant amount of traffic to that intersection right there it would
35 become an absolute nightmare. It'd be absolutely unusable and wouldn't
36 work at all.

37 I think the other concerns that were expressed really have to do
38 with traffic on Valley Drive. And you know we're a growing community and
39 with that we get more and more traffic on our streets all the time. I mean if
40 we're growing at two and half percent per year or somewhere in that area,
41 we're going to have two and half percent more traffic on our streets as
42 time goes by. That's why we build new roadways in areas that relieve the
43 traffic. I can remember just not too long ago the traffic on Roadrunner
44 Parkway between Lohman and Highway 70 was just a lot of traffic. They
45 built Sonoma Ranch Boulevard to connect between Lohman and Highway
46 70 and that just relieved a lot of that traffic and now it balances out. So,

1 you know all around town in areas where ... if traffic became so congested
2 on Valley Drive that it became unmanageable or dangerous, then the City
3 or the state highway department would start looking for alternative routes
4 to move that traffic on. It hasn't gotten to that point yet. It's kind of
5 onerous at certain times of the day I think for the people, the times of day
6 that they're wanting to enter and exit is the time of day where you have the
7 most traffic on adjacent streets. And so it's part of being in an urban
8 environment I think. But as I said I think as the City grows and as traffic
9 grows then we start looking for alternatives to those roadways that are
10 becoming too congested to work.

11
12 Scholz: Okay. Thank you Mr. Scanlon. I haven't closed this to the public yet. I
13 think we're running a little slow tonight. Ms. Geiger you had a comment?

14
15 Geiger: Sandy Geiger. Good evening Commissioners. I just have a couple of
16 observations. Planned Unit Development is a zone change. This was
17 originally zoned industrial I believe, M-1, M-2. So with the zone change
18 there has to be some indication of a change in condition or a change in
19 circumstance or a change in the neighborhood to give rationale for why
20 the change should occur. Secondly, with a PUD it's my understanding
21 with the City that along with a PUD, a Planned Unit Development comes
22 some offering by the developer of amenities to the City. Now Mr. Scanlon
23 mentioned some trails that would connect, but I think in a concept plan if
24 you're moving forward with a Planned Unit Development that you should
25 show ... I mean this should be the basis for convincing a Commissioner or
26 Council that your plan is indeed a good one for the City, to show those
27 amenities. Where are the parks, where are the trails, etc. He's asking for
28 177 or 200 mobile homes, roughly six to the acre, 400 people, 1,770
29 vehicles trips per day. I think the Commission is in its right to ask for a
30 traffic impact analysis and to figure out the traffic with a development like
31 this. Thank you very much.

32
33 Scholz: Thank you. Okay, I'm going to close this for public comment. Mr. Scanlon
34 you had a rebuttal?

35
36 Scanlon: I do. Just very quickly. Ms. Geiger is correct. This is a zone change.
37 However, the areas that were zoned industrial are not changing. We're
38 still staying with the exact same land use as those areas that were zoned
39 industrial. We're changing a parcel that was previously zoned PUD to an
40 industrial parcel. These areas in here, the existing zoning on this is
41 actually PUD. There was a PUD done on this in 1986 I believe and it was
42 for an apartment use. Seems to me like it was some 700 apartments that
43 they were planning on putting in this area right here and through this
44 access. Obviously, we've reduced that impact by a factor of three or
45 more. But that was actually what the PUD was on this residential area,
46 was for, I believe it was around 700 apartment units.

1 As far as public benefit, if you read the documents and the notes
2 that are on the documents there are a number of public benefits that we
3 have agreed to provide as a part of this development. One of them being
4 working with the City on expanding ... right now there's a little drainage
5 area, or little drainage pond right here in the Burn Lake area. The overall
6 master plan for Burn Lake contemplates expanding that pond to this much
7 larger area where it would hold some 80 or 83 acre feet I believe. Part of
8 our public benefit is to work with the City on expanding that ponding area.
9 Another public benefit that we will be doing, is adding a bus stop and a
10 bus shelter right here at the corner of Pioneer Place and Amador. There
11 are some others that we've looked at doing some landscaping in the form
12 of a large berm with earth material that's taken out of this pond, build a
13 large berm across here and landscape that in a manner where it would
14 screen the recreation area from the residential areas in a nice way and
15 provide another amenity in the means of some trails and things on that.
16 So there are a number of things that we've been working with the facilities
17 and parks and recreation people as well as with the MPO people and
18 facilities people, others, public works people, on some benefits in
19 exchange for the PUD zoning. So we've done a lot of work on that. And
20 those benefits and options are all outlined on this concept plan within the
21 notes on that.

22
23 Scholz: Okay. Thank you Mr. Scanlon. All right, I'm going to close this to public
24 discussion. Commissioners, what is your will? Commissioner Crane.
25 You have that look on your face.

26
27 Crane: What look is that Mr. Chairman?

28
29 Scholz: It's sort of like a deep thought I think.

30
31 Crane: It seems appropriate. Yeah.

32
33 Scholz: Go ahead.

34
35 Crane: Perhaps Mr. Ochoa can help us out here. There are all kinds of concerns
36 on the part of the public and the Commission about this suggested PUD.
37 I'm wondering what harm is done if we vote to approve it at present given
38 that there are all kinds of conditions already hanging on it, so that the
39 process can proceed. I imagine at the moment it is more detailed design,
40 and then later on there'll be other opportunities for before ground is broken
41 for the City, possibly this Commission to decide whether or not it meets
42 the needs of the public. If things can proceed without going in a direction
43 that nobody wants for the moment, then I'm inclined to vote for this, but I
44 need a little guidance. Do you get my drift Mr. Ochoa?
45

- 1 Ochoa: I believe so. Mr. Chairman, Commissioner Crane if you do vote this to go
2 forward it may be something to possibly like I said before condition for any
3 access issues to be ... for the Villa Amador PUD proposal be I guess if
4 you will fixed and in compliance with what Public Works has in mind prior
5 to City Council or something like that, other than that ... the main issue is
6 basically the access issue. So as long as that gets taken care of I believe
7 we should be fine sir.
8
- 9 Crane: Thank you.
- 10
11 Scholz: Other Commissioners? Commissioner Beard.
- 12
13 Beard: I'm ... I really don't know. I would like to see Seventeenth Street extended
14 across, several of us would like to see that, but that's only a pipe dream
15 right now. And if we go ahead and approve this it means sort of we're
16 going to proceed with these mobile homes.
- 17
18 Crane: And that would be two accesses off Amador and none off Valley Drive,
19 right?
- 20
21 Beard: Right. Right. With a stop, yeah.
- 22
23 Crane: It seems to me it's got to have an access to the north and access to the
24 east.
- 25
26 Beard: Yeah.
- 27
28 Crane: I feel that this Valley Drive situation can be solved as Mr. Scanlon said,
29 they've got to redesign that intersection so that there will be right turn
30 lanes and possibly acceleration lanes and perhaps a light. As I said my
31 inclination is to let them proceed with the understanding and I think I have
32 it right that there will be another stopping point at which approval is
33 granted before ground gets broken, concrete gets poured, asphalt gets
34 rolled, right?
- 35
36 Scholz: Commissioner Bustos, I haven't heard from you.
- 37
38 Bustos: Well I just ... I'm sitting here wondering ... I just don't know. I know the
39 access points are the issues, but I think until they're solved ... I mean I
40 would like to see Seventeenth Street you know be factored in, but like
41 Commissioner Crane said I mean if we can get something hooked up with
42 Valley Drive I think that would solve a lot of it.
- 43
44 Scholz: Well I see the problem as access as well and I'm not sure that the
45 reassurances that I've gotten from Mr. Scanlon or the possibilities of
46 extending Seventeenth Street and the like, have convinced me that this is

- 1 workable. I don't see any problem with the industrial development, you
2 know that can certainly have access off of Pioneer Place, but I really can't
3 see that this residential development has the kind of access that it should
4 have. I think, I know what traffic on Valley is like, I've driven it many times.
5 I've always been very cautious pulling out of Caliche's so I don't get you
6 know hit by somebody who's cutting across the median and doesn't see
7 me. And you know this is a continuing problem and I don't see that we've
8 actually figured out how to do this. I'm inclined to wait for a traffic impact
9 analysis. I would as a matter of fact vote to postpone this until we see
10 such a traffic impact analysis and then act accordingly. I'm not sure
11 there's time pressure on this to do this development, at least I didn't get
12 that impression. Commissioner Beard.
- 13
- 14 Beard: I agree with you wholeheartedly. One of our ... not only do we look at the
15 codes, see if people are doing their codes right, but we do listen to the
16 people and we had a lot of people complain about the future if this were to
17 go ahead without making proper access into and out of this development.
18 I think tabling it would be in order also.
- 19
- 20 Scholz: Well either tabling it or postpone. We could postpone to a specific date
21 you know if in fact some of these things could be resolved by the next
22 meeting, that would be fine with me. Then we could you know bring it
23 back. Mr. Abrams, you have an opinion, a legal opinion I trust.
- 24
- 25 Abrams: Well probably less than that. Jared Abrams, City Legal. The applicant's
26 indicated that he's not interested in postponement. He does have a right
27 to an up and down vote. I mean it's a due process issue. So even if it
28 looks like it's going to fail.
- 29
- 30 Scholz: Okay. Stay closer to the mike would you Jared please.
- 31
- 32 Beard: I didn't hear that.
- 33
- 34 Crane: Couldn't hear you Mr. Abrams.
- 35
- 36 Scholz: Yeah, say again.
- 37
- 38 Abrams: Okay. It appears the applicant wishes an up or down vote. I mean he has
39 that right, it's a due process issue.
- 40
- 41 Scholz: Okay.
- 42
- 43 Abrams: You know unless he allows you to postpone it, you've got to vote on it.
- 44
- 45 Scholz: Yes, I understand. Okay gentlemen. I'll entertain a motion to approve.
46 Mr. Ochoa has a word to give us here.

1
2 Ochoa: Yes, sir, if I may interject Mr. Chairman. When it comes to the traffic
3 impact analysis it has been stated that a TIA will be done during the final
4 site plan approval for this concept plan I believe some preliminary
5 numbers were done for traffic for the concept plan so a Traffic Impact
6 Analysis will be in the works for the final site plan.
7
8 Scholz: Okay.
9
10 Ochoa: Required, better yet. Sorry.
11
12 Scholz: Commissioner Beard.
13
14 Beard: A question on that.
15
16 Scholz: Mr. Ochoa.
17
18 Beard: The Traffic Impact study will be based on this number of mobile homes
19 that are going into this particular project?
20
21 Soriano: Commissioners, Dan Soriano, Traffic Engineer for the City. Yes, to
22 answer your question, Commissioner Beard, yes. The final Traffic Impact
23 Analysis will be based on basically the number of units he's planning to
24 put into the development and the industrial area as well. He has provided
25 some ... Mr. Scanlon has provided preliminary numbers at my request per
26 the concept plan and he has given us an idea of what traffic is going to do
27 at the Amador access as well as the Valley access. Now keep in mind
28 that we are not going to allow any access that's operating at an
29 unacceptable level of service. We won't do that. If the TIA demonstrates
30 that there are problems with certain movements in and out at a certain
31 access, there are a number of things we can require; we can require
32 medians being built so that it prohibits lefts out or only right in, right out.
33 Any kind of combination of things like that. But we haven't gotten to that
34 point as far as traffic analysis because the final TIA has not been
35 developed yet. Now he'll have an opportunity to do that with the final site
36 plan. And again, that'll give another point to catch and basically work with
37 the developer on improving access points. I understand the issues around
38 Valley Drive because it is a very busy street during peak hour, but then
39 there are a lot of arterials around the City that operate at a level of service
40 probably E or worse during peak hours. So, that's the whole basis for the
41 TIA. It's going to give us an idea or it's basically going to give a little better
42 idea of how well the access points are going to operate. Now we have a
43 standard of C or better. Level of service C or better is what they have to
44 demonstrate and if they can't demonstrate level service C or better they
45 have to make some changes; downsize the development, make
46 improvements on the roadway, whatever it takes to bring it to a level of

- 1 service C or better. We will not allow an access to operate at a level of
2 service D or lower when the development is fully built out. If that hopefully
3 answers your question. But there is going to be an opportunity again for
4 City staff to review the traffic impacts on Amador and Valley Drive when
5 Mr. Scanlon develops the final Traffic Impact Analysis.
6
- 7 Beard: And then that would come back to us for approval?
8
- 9 Soriano: Yes, sir.
10
- 11 Scholz: Okay, thanks Mr. Soriano. All right, I'll entertain a motion to approve with
12 the conditions. The conditions as sited were ... I didn't see the conditions.
13
- 14 Crane: How about the ones in the memo from Public Works dated today, from
15 Loretta Reyes?
16
- 17 Scholz: Mr. Ochoa, we need an opinion here. Do we include the conditions if we
18 are voting to approve this project, do we include the conditions of the
19 memo of Tuesday the 23rd, that's today, from Public Works?
20
- 21 Hembree: Chairman Scholz, Commissioners, that is correct. So, basically the TIA
22 would actually be analyzed as we've discussed, during the final site plan
23 process. As we stated based upon the public works review of the project,
24 and evidenced by the letter that you received via e-mail, that the
25 Community Development Department would be comfortable moving
26 forward with it conditioning that access issues be dealt with prior to this
27 concept plan going forth to City Council, and that would be a condition that
28 we would be comfortable with. I just wanted to clarify that for you
29 Chairman.
30
- 31 Scholz: Okay. All right I'll entertain a motion to approve.
32
- 33 Crane: So moved with the condition that the six concerns of Public Works in the
34 Loretta Reyes memo of February 23rd be addressed.
35
- 36 Scholz: Okay, is there a second?
37
- 38 Beard: I second it.
39
- 40 Scholz: Okay, it's been moved and seconded. I'll call the role. Commissioner
41 Crane.
42
- 43 Crane: Aye findings, discussion, and site visit.
44
- 45 Scholz: Commissioner Bustos.
46

1 Bustos: Aye findings and discussion.

2
3 Scholz: Commissioner Beard.

4
5 Beard: Aye findings, discussions, and site visit.

6
7 Scholz: And the chair votes no for findings, discussion, and site visit. So it passes
8 three to one. Because of the time I'm going to call a 15-minute recess
9 here. We're going to reconvene at 10 minutes after eight.

10
11 15 MINUTE RECESS/BREAK.

- 12
13 3. **Case IDP-39:** A request for an infill development for 0.224 +/- acres zoned R-
14 1a (Single-Family Medium Density) and located at 1680 E. Griggs. The
15 applicant is proposing to replat the subject property comprised of three (3)
16 lots into two (2) single-family residential lots. One of the replatted lots will
17 contain an existing single-family dwelling. The remaining replatted lot is
18 vacant and is proposed to have a single-family dwelling constructed on it.
19 The proposed vacant lot will be 4617 +/- square feet in size and will require a
20 variance of 383 +/- square feet from the minimum required lot size of 5000
21 square feet. Submitted by Jose L. & Haydee L. Martinez, property owners

22
23 Scholz: All right, I'm going to call this meeting back to order. If you'd please take
24 your seats gentlemen. Our next case is Case IDP-39 and Mr. Ochoa,
25 you're up.

26
27 Ochoa: For the record Adam Ochoa, Community Development. Next case tonight
28 gentlemen is Case IDP-39, it's an infill development proposal for property
29 located at 1680 E. Griggs Avenue. The subject property is located like I
30 said at 1680 E. Griggs Avenue and is zoned R-1A which is single-family
31 medium density. The subject property currently exists of three underlying
32 separate lots that encompass a total of 0.224 acres. The applicant seeks
33 to replat the three existing lots. Lot 13, 14, and 15 of the Gramercy Park
34 tract into two new lots, lot 15A and 15B. The first lot, lot 15A will contain
35 an existing single-family dwelling that has access to Griggs Avenue. Lot
36 15A will follow all development standards for R-1a pursuant to the 2001
37 Zoning Code as amended. The second lot, lot 15B will be a vacant lot that
38 will be used for the purpose of constructing a new single-family dwelling.
39 Lot 15B will have direct access to Doña Ana Street since this property is
40 located on the corner of Doña Ana and Griggs.

41 The applicant seeks a deviation tonight from the R-1a development
42 standards for the new vacant lot 15B. R-1a zoning district requires a
43 minimum lot size of 5,000 square feet. The applicant is proposing that lot
44 15B be approximately 4,617 square feet in size. The proposed new lot will
45 deviate approximately 383 square feet from the required minimum lot size
46 of 5,000 square feet. The applicant has stated that all other development

Adam Ochoa

From: Loretta Reyes
Sent: Tuesday, February 23, 2010 5:11 PM
To: Mike Johnson; Adam Ochoa
Cc: Natasha Billy
Subject: Villa Amador
Adam

Public Works will provide a conditional approval with the following conditions. If there are any questions or concerns, please direct them to Mike Johnson.

1. Until such time that it is decided that the City Parcel can be used as a roadway to access the development subdivision, the Engineer shall designate it as a "proposed access" on the concept plan.
2. The TIA shall be provided at the Final Site Plan submittal.
3. Use of the City parcel as a roadway/public ROW is contingent upon the review of the TIA and further discussions with the Public Works Department to determine the feasibility of utilizing the City parcel due to existing City infrastructure. If it is decided that the City parcel can be used as a roadway, the Engineer must work with the adjacent property owners to ensure that there are no adverse impacts to their property/businesses. The developer is responsible for replatting the parcel as public right-of-way.
4. At Final Site Plan submittal, the Engineer shall provide written confirmation that the Engineer has notified the property owners adjacent to the City parcel of the potential use of the City parcel as a roadway.
5. If the City parcel cannot be used for primary access to the private subdivision based on the listed conditions, the Developer must designate another access point as their primary access to their development and find another secondary access for their development.
6. There must be an agreement with the City to use the City's future detention facility.

Thank you.

Loretta M. Reyes, P.E.
Engineering Services Administrator

*City of Las Cruces, Public Works Department
P.O. Box 20000
Las Cruces, NM 88004
Voice (575) 528-3171 Fax (575) 528-3110*

1 **DEVELOPMENT REVIEW COMMITTEE**

2
3
4 Following are the verbatim minutes of the City of Las Cruces Development Review
5 Committee meeting held on Wednesday, February 10, 2010 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:** Tom Murphy, for Cheryl Rodriguez, Community Development
9 Meei Montoya, Utilities
10 Mark Johnston, Facilities
11 Mark Dubbin for Travis Brown, Fire Dept.
12 Loretta Reyes, Public Works

13
14 **STAFF PRESENT:** Gary Hembree, Community Development
15 Helen Revels, Community Development
16 Adam Ochoa, Community Development
17 Natasha Billy, Public Works
18 Claudia Diaz, Public Works
19 Dan Soriano, Public Works
20 Bill Hamm, Land Management
21 Catherine Duarte, Land Management
22 Lora Dunlap, Recording Secretary

23
24 **OTHERS PRESENT:** Ted Scanlon, Scanlon White, Inc.
25 Steve Peale, Scanlon White Inc.
26 Matt Kenney, DVI
27 John Moscato, Bright View Land Co.
28 Kurt Clifton, DVI

29
30 **I. CALL TO ORDER (9:03 am)**

31
32 Murphy: I'm going to get started here everyone; 9:03 call to order the
33 Wednesday, February 10, 2010 meeting of the Development Review
34 Committee.

35
36 **II. APPROVAL OF MINUTES – NONE**

37
38 Murphy: We have no approval of minutes.

39
40 **III. OLD BUSINESS**

41
42 **1. CASE PUD-09-04: Villa Amador**

43 A request for approval of a concept plan for a Planned Unit Development
44 (PUD) known as Villa Amador. The subject properties are located south of
45 Amador Avenue and west of Valley Drive. The subject property
46 encompasses 54.383 +/- acres and is zoned M-1/M-2 (Industrial Standard)
47 and PUD (Planned Unit Development). The proposed PUD will entail three

1 (3) parcels: Parcel 1 will encompass 7.311 +/- acres and is proposed for
 2 Industrial Light; Parcel 2 will encompass 18.263 +/- acres and is also
 3 proposed for Industrial Light; and, Parcel 3 which will encompass 28.808 +/-
 4 acres and is proposed for a Mobile Home/Manufactured Home Subdivision.
 5 Submitted by Scanlon White, Inc. for IFL, LLC, property owner.

6
 7 Murphy: The first item on the agenda is old business Case PUD-09-04, Villa
 8 Amador. We entertained this case last week. We were... we
 9 deferred... we continued it to this meeting and for the applicant to put
 10 together some additional information for this committee. Staff could
 11 you give us an update on the... on what's new with this case?

12
 13 Ochoa: Adam Ochoa, Community Development. The letter was turned into
 14 staff for the NMDOT approval. From the last meeting I believe that
 15 was one of the issues from the last meeting with Community
 16 Development. I was not present at the last meeting so any other
 17 issues I guess I'll defer to Gary or anybody else that had any other
 18 issues that were discussed at that meeting.

19
 20 Murphy: And would the applicant I guess care to also update us on the case?

21
 22 Scanlon: I wouldn't have recognized you until you started talking.

23
 24 Murphy: I look the same from the front.

25
 26 Scanlon: The only other issue that we had last week was with respect to the
 27 strip of land that we are planning on using for a roadway from Valley
 28 Drive into the development. We did find the original deeds to... from
 29 Westmoreland and others to the City on that and there is nothing in
 30 those deeds that would preclude using that as a roadway so we
 31 believe it's fine for that purpose.

32
 33 Murphy: Okay, let's I guess go around the table, start with Public Works.

34
 35 Reyes: Loretta Reyes, Public Works. Those are Quit Claim deeds and there
 36 was... we were told that there was a statement of intent and there was
 37 no statement of intent on those deeds that that particular parcel was
 38 reserved for a roadway, so I want to make that for the record.

39 I brought this forward to the Public Works Director, actually
 40 myself and Bill Hamm, the Land Manager, at our staff meeting
 41 yesterday. We explained the situation to the director and basically the
 42 director feels that there are still unanswered questions. He would like
 43 to see a TIA to show that this access works, as well as probably
 44 consider the Pioneer access. He would also like to know what the
 45 adjacent property owners think and basically he's stating that the
 46 engineer needs to meet with the adjacent property owners and he'd
 47 like written comments from the property owners with regard to what

- 1 they think about this, having this access at this location. And these
2 are written comments from the owners themselves, not from the
3 engineer.
- 4 And with that Public Works feels that this cannot proceed until we
5 have this information and until these questions can be answered.
- 6
- 7 Murphy: Okay. Utilities, you have anything new on...?
- 8
- 9 Montoya: No.
- 10
- 11 Murphy: Community Development?
- 12
- 13 Hembree: No further comments.
- 14
- 15 Murphy: Facilities?
- 16
- 17 Johnston: Mark Johnston, Facilities. No comments.
- 18
- 19 Murphy: Fire?
- 20
- 21 Dubbin: Mark Dubbin, Las Cruces Fire. The access issue is something that is
22 of importance to us so we're... we'd would like to know how that's
23 resolved; otherwise the developer has addressed all of our comments
24 from last week's meeting.
- 25
- 26 Murphy: Okay, Mr. Scanlon I guess we're at the point where would you be
27 willing to accept an indefinite deferral until those items...?
- 28
- 29 Scanlon: No, I wouldn't. I want this to go forward and I don't understand why
30 Public Works is taking it upon themselves to stand in the way of it
31 because we're at the concept plan stage right now of the PUD, that's
32 what we're doing. We've got everything in order, that strip of land is
33 the City's; it's theirs to do whatever they want with it. The... they've
34 already built a storm drain it once and there's nothing in the deeds or
35 in the conveyance documents that preclude that being used as a
36 roadway. It's not appropriate to do a TIA at this time. It would be
37 appropriate to do a TIA at the final site plan stage; that's what we have
38 talked about all along in this process. We don't agree at all with this
39 standing in the way of this thing and I don't understand why Public
40 Works is doing that but no, we want to move forward. And we want a
41 consensus of at this table that we can do that. We plan on having a
42 neighborhood meeting next Tuesday at the developer... the
43 developer's (*inaudible*), he is the one that's going to be bringing that
44 forward and we don't see any reason whatsoever why that... why this
45 thing cannot move forward at this stage of the game.
- 46
- 47 Murphy: At this point I'd like to hear from Dan Soriano on the TIA.

1
2 Soriano: Thank you, Dan Soriano, Public Works. Ted didn't we... I realize that
3 we had talked about the TIA and the idea that we're early in the stages
4 but remind me, refresh my memory just a little bit. Didn't we talk about
5 at least some... providing some preliminary report, a trip generation
6 based on just the most conservative guess as to what the land uses
7 are going to be for this subdivision...?
8
9 Scanlon: We talked about doing that at the final site plan stage. We need to...
10 we need to... we need to establish the land uses first.
11
12 Soriano: Okay, this...
13
14 Scanlon: Once we know what the land uses are that have, are approved by the
15 City then we can do the TIA and that's what we had proposed to do all
16 along.
17
18 Soriano: We're at the concept plan at this point? Does this go to P and Z?
19
20 Ochoa: Yes it does.
21
22 Soriano: Goes this month?
23
24 Ochoa: Mr. Scanlon is pushing for this month.
25
26 Soriano: Well Ted I can tell you that if I'm reading the P and Z the way I think I
27 read the P and Z, they're gonna want some kind of information before
28 them at P and Z and that was kind of... that was kind of the message I
29 was trying to convey to you. You've seen from previous cases that
30 that becomes a very, very...
31
32 Scanlon: Sure, and if you look at the... if you look at the PUD drawings, look at
33 the drawings that we turned in, there are preliminary trip generation
34 values given on there based on the ranges that we have... ranges of
35 population density that we've estimated on there and we've already
36 done that.
37
38 Soriano: That's on the concept plan?
39
40 Scanlon: Yes.
41
42 Peale: Steve Peale with Scanlon White. Yeah, the... and we had discussed
43 those at the... on out in the field there at that time that we met out in
44 the field, that had been discussed what those ADT's were on the
45 plans. They're all based off the IT trip generations. They've been
46 there since day one.
47

1 Murphy: One moment while Mr. Soriano reviews the trip generation.
2
3 *(Mr. Soriano reviewing paperwork away from the microphones.)*
4
5 Murphy: Mr. Soriano...?
6
7 Soriano: Well they do have some trip generation information based on what's
8 planned for the area. Now it does give trip generation only, does not
9 move to level of service and that is some of... that is I mean that is
10 some things Ted and I talked about; that we needed at least some
11 preliminary information before we went to P and Z because I know P
12 and Z was going to turn around and table it or just not want to act on it
13 until we had some kind of volume information out. Of course the
14 director is the director and he's got some other ideas on what exactly
15 he wants with the TIA. If he wants a more detailed TIA I guess we'll
16 have to defer to him to see what he thinks but this seems to be falling
17 in line with what Ted and I did talk about that we needed to at least
18 have some preliminary information. Something that we could at least
19 show the P and Z that there was at least some consideration of the
20 traffic generation from this site and that further analysis level of service
21 determination etcetera, etcetera was going to come with a final report
22 at I guess final, the site plan stage. So this seems to be falling in line
23 with what the conversation that Ted and I have had. Now again, Mr.
24 Johnson has now interjected with some additional requests so I'd have
25 to defer to that.
26
27 Murphy: Mr. Scanlon, and how long would it take to assemble the necessary
28 information for the TIA?
29
30 Scanlon: Take a long time, probably at least two or three weeks.
31
32 Murphy: And Adam, what's the date of the Planning and Zoning?
33
34 Ochoa: That'd be February 23rd.
35
36 Murphy: Twenty third so were less than two weeks out on that.
37
38 Scanlon: I'd like to see in the code where that requirement for that TIA is in the
39 code. I'm looking for uniform administration of the code here.
40
41 Murphy: The... I don't know whether you refer to the design you know the
42 design guidelines or the codes but many places it is referenced as
43 those are the minimum and nothing can preclude staff from requesting
44 additional information. I do believe that a TIA was an early on request
45 from Public Works. There was certainly you, you know, you know, you
46 knew that...
47

- 1 Scanlon: I don't think that's the case, I think this TIA idea just came up
2 yesterday.
3
- 4 Murphy: No...
5
- 6 Scanlon: I don't understand why, what they're afraid of what and over there and
7 why they're standing in the way of this thing and what they're throw...
8 reaching around in the dark trying to find reasons to deny this or to
9 keep it from going forward.
10
- 11 Reyes: Mr. Chairman, Loretta Reyes, Public Works. We're not trying to keep
12 this from going forward, Ted. It's a concern over that parcel of land as
13 to whether or not it should be reserved for, for just the drainage
14 purposes to have because that box culvert is there or whether it
15 should be used as a roadway and that's the questions. I don't have
16 the authority to say yes you can use that piece of property as a
17 roadway. I believe that that authority is above me...
18
- 19 Scanlon: Show me in the documents then where it says that it can be used for
20 drainage. You know you guys used it for drainage; you chose to use it
21 for whatever you wanted back then...
22
- 23 Murphy: Mr. Scanlon. Mr. Scanlon. We don't need to; we don't need to delve
24 into that. I believe at this point...
25
- 26 Scanlon: We do need to delve into that.
27
- 28 Murphy: I think the applicant's not willing to accept a deferral. I think what we
29 need... the committee needs to move this on to P and Z with a
30 recommendation and you know based, based on, based on the
31 concerns raised by Public Works and you know the impacts we have
32 for Fire, I believe I'm going to look for a recommendation of denial to
33 the Planning and Zoning Commission. Can I have the motion?
34
- 35 *Someone speaking away from the microphone.*
36
- 37 Murphy: Motion to move this case forward to the P and Z with a recommended
38 denial.
39
- 40 Reyes: Mr. Chair we wouldn't just vote on the question and then voice our
41 whether we deny or... or say yes to take it?
42
- 43 Murphy: Do you think it would be more... it would be better if we have a motion
44 for approval and then explain no votes?
45
- 46 Reyes: I would think that... that's what we've done in other cases we have...
47

1 Murphy: Okay I'm not used to being in the Chair position. Okay, may I have a
2 motion for... a motion to approve?
3
4 Dubbin: Mark Dubbin, Fire Department. Make a motion to approve the case.
5
6 Johnston: Mark Johnston, Facilities. Second.
7
8 Murphy: Okay, let's go ahead and vote. Public Works?
9
10 Reyes: No.
11
12 Murphy: Utilities?
13
14 Montoya: We'll vote no because during the conversation that I'm hearing right
15 now although right now that we have state the utility plan is only a
16 con... concept only but if the connection to Valley Drive is not going to
17 be happening that I think Ted that you have place two utility line
18 through that tract of land then how we going to move those utility line if
19 the road is not going to go through so I have... I have the concern that
20 if the road, if it's not going to go through so...
21
22 Scanlon: The road has to go through Meei.
23
24 Montoya: Okay, I don't know at this time so anyway and meantime I will support
25 my colleague because would like to see this going to P and Z without
26 a major question ideas, so the Utility vote no.
27
28 Murphy: Alright, Community Development?
29
30 Hembree: Community Development defers to Public Works and vote no.
31
32 Murphy: Facilities?
33
34 Johnston: Facilities votes yes.
35
36 Murphy: Fire?
37
38 Dubbin: Mark Dubbin, Las Cruces Fire. If the... if the utilities and the road go
39 through as in the concept plan, the Fire Department has no issue with
40 the development. I think based on the questions raised by Public
41 Works and Utilities I have to deny at this time.
42
43 Murphy: Okay and MPO votes no. Reason being that the... the access point is
44 I believe a very key factor to the development and that there's not
45 been adequate you know adequate you know notification as far as
46 when... how to use that (*inaudible*) tract.
47

1 Scanlon: Fine you'll hear from my attorney.

2

3 Murphy: So the motion fails 5-1.

4

5 **IV. NEW BUSINESS**

6

7 **2. CASE S-07-056: Rancho Del Valle (Preliminary Plat), Variance Request**

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Murphy: Okay, next...

Someone speaking away from microphone

Murphy: Next case. Case S-07-056, Rancho Del Valle preliminary plat and variance request. Helen, can you go ahead and brief us on that?

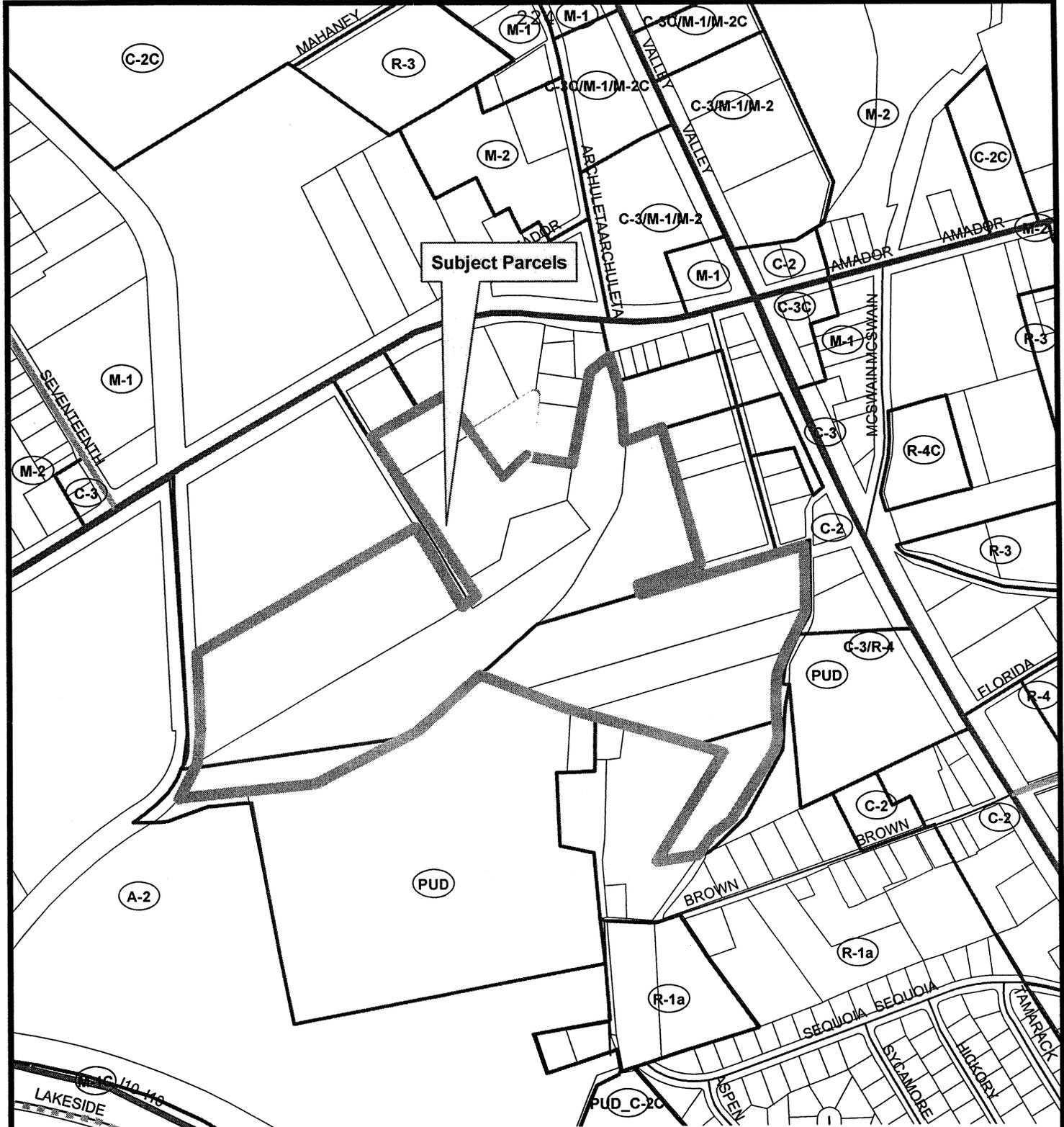
Revels: Helen Revels for the record. We're here today because the applicant is in the process of getting ready to submit the final plat and construction drawings for Rancho Del Valle Subdivision. The preliminary plat was approved in November 2007. It was granted a one year extension November 10, 2009. The applicant is here today. The first variance request is for no street lighting as per design standard requirements and the second request is for a cross section deviation from the City Design Standard. The applicant is seeking a 31 feet back-of-curb, back-of-curb cross section. The subject property is located north of Thurmond Road and south of Peachtree Hills Road and the applicant is Bright View Land Company. DVI is here for as a representative for the applicant.

Murphy: And does the applicant have anything to add to that?

Moscato: Matt Kenney will be here momentarily.

Revels: Also I'd like to add that the reason I believe for the deviations is that the applicant is also in the process of working on amending the Metro Verde concept plan and eventually Rancho Del Valle Subdivision will be part of that PUD and so that they're requesting the design standards that will be featured in the Metro Verde PUD.

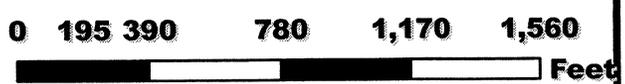
Kenney: Matt Kenney, DVI, thank you Helen. I wanted to go ahead and start by reading something from the American Association State Highway and Transportation Officials which is ASHTO. Their... they publish a



VICINITY MAP

VILLA AMADOR PLANNED UNIT DEVELOPMENT
CASE NO. PUD-09-04
OWNER: IFL, LLC.
LOCATION: SOUTH OF AMADOR AVENUE,
WEST OF VALLEY DRIVE

ZONING: PUD
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.



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