

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 15 Ordinance/Resolution# 2586 Council District: 5

For Meeting of August 23, 2010  
(Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM C-3 (COMMERCIAL HIGH INTENSITY) TO R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) FOR 2.787 +/- ACRES OF LAND LOCATED SOUTH OF VALVERDE LOOP ON MARS AVENUE, WEST OF DEL REY BOULEVARD. THE PURPOSE OF THE ZONE CHANGE IS TO ALLOW A PROPOSED ASSISTED-LIVING DEVELOPMENT KNOWN AS THE BEEHIVE VILLAGE OF LAS CRUCES. SUBMITTED BY PAUL MILLER, PROPERTY OWNER. (CASE Z2800)

**PURPOSE(S) OF ACTION:** Approval of a zone change that will facilitate the development of an assisted-living complex known as the Beehive Village of Las Cruces.

<b>Drafter and Staff Contact:</b> Jennifer Robertson <i>JR</i>		<b>Department:</b> Community Development		<b>Phone:</b> 528-3226	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Department Director	<i>JW</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
Other			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 applicant, Paul Miller, is requesting a zone change from C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for approximately 2.787 ± acres located south of Valverde Loop on Mars Avenue, west of Del Rey Boulevard. The purpose of the zone change is to facilitate the development of an assisted-living complex known as the Beehive Village of Las Cruces.

A Master Plan for the Beehive Village of Las Cruces was reviewed and approved by the Planning and Zoning Commission on June 22, 2010. The subject property is vacant and zoned C-3 (Commercial High Intensity). The Master Plan area incorporates five (5) planning parcels. Planning parcels one (1) through five (5) are proposed assisted-living facilities. There is one facility proposed per planning parcel. Each facility is proposed to have fifteen (15) to eighteen (18) beds. Planning parcels range in size from 0.53 to 0.61 ± acre lots. The underlying single parcel is proposed to be further subdivided into five (5) lots, consistent with the proposed dimensions of each proposed planning parcel in five (5) phases. The facilities will follow all design and development standards of the City of Las Cruces.

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Access to the planning parcels is proposed from two access points and a shared parking area off Mars Avenue, a local roadway. Emergency access provisions in relation to the phasing of the development shall be fulfilled with parking lot development and will be verified during the preliminary platting process. An assisted living facility is required to provide 0.5 to 1.25 auto parking stalls per unit. The applicant is also required to provide one (1) bicycle parking space for every twenty (20) employees on maximum shift. Parking requirements for the subject property shall be verified during the building permit process.

Landscaping shall be required for all new construction and the parking area will determine the amount of landscaping required for the proposed development. A minimum area of 15 percent of the total parking area, which includes the entire tract of land except for the building pad, shall be landscaped for each parcel. A landscaping proposal for the proposed development shall be required and verified during the building permit process. The parking lot shall also be visually screened or buffered from the right-of way (Mars Avenue). In addition, a buffer yard shall be required for the area of the subject property adjacent to the commercial zoning district. Park impact fees shall be assessed for all phases of the development during the building permit process.

The property is located south of Valverde Loop on Mars Avenue, west of Del Rey Boulevard. On June 9, 2010, the MPO Policy Committee adopted Transport 2040, which included changes to the MPO Thoroughfare Plan. Prior to June 9, 2010, the MPO Thoroughfare Plan designated all of Mars Avenue as a Collector roadway. The recommended access to R-4 zoning districts is from a Collector roadway. The current designation of Mars Avenue that is adjacent to the subject property is a local road. The intersection north of the subject property, Valverde Loop, is a local roadway as well. MPO reviewed and supported the Master Plan and zone change proposals.

To the north of the subject property, the land use is residential, also known as Los Contentos Subdivision. Directly east and south, the land is vacant. To the west of the property is a commercial storage use. Adjacent zoning to the subject property includes (see Attachment "C" Vicinity Map):

	<u>Zoning</u>	<u>Land Use</u>
North	PUD and R-4	Residential
South	C-3	Vacant
East	C-3	Vacant
West	C-3	Commercial

The proposed zone change is supported by several Land Use Elements and Urban Design Goals found in the 1999 Comprehensive Plan (refer to Exhibit "B" Findings and Comprehensive Analysis). The proposed zone change would allow for a multi-family development, proposed as assisted-living facilities, with a density of approximately five (5) to six (6) units per acre and a minimum lot size of 8,500 square feet. Per the 1999 Comprehensive Plan, an urban residential use shall be designated for uses occurring at a density of greater than two (2) dwelling units per acre. The proposed zone change would qualify as an urban residential use.

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In addition, high density uses, i.e. R-4 (Multi-Dwelling High Density & Limited Retail and Office), are encouraged by the Comprehensive Plan to concentrate in and around transportation corridors, such as Del Rey Boulevard. High-density residential uses should also be located and designated to minimize traffic flow through adjacent neighborhoods and should locate on or near transit routes. The proposed development is a high-density residential use that is located near existing transit routes. The new development will also help preserve the character found in the existing northern, single-family and multi-family residential development by serving as a buffer between the commercial development to the south of the subject property.

On June 22, 2010, the Planning and Zoning Commission recommended conditional approval for the zone change by a vote of 4-0-0 (two Commissioners were absent and one seat is vacant) and also approved the Master Plan by a vote of 4-0-0 (two Commissioners were absent and one seat is vacant). The condition states that all newly installed utilities will be placed underground. The condition is made part of the attached Ordinance. Public comment was received at the Planning and Zoning Commission meeting on January 26, 2010 from one person who wanted to convey to the applicant, high-intensity commercial uses were planned in the future for the property to the south and had no further comment.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A" Zoning Exhibit.
3. Exhibit "B" Findings and Comprehensive Plan Analysis.
4. Attachment "A" Staff Report for June 22, 2010 Planning and Zoning Commission Meeting for Case Z2800.
5. Attachment "B" Minutes for June 22, 2010 Planning and Zoning Commission Meeting.
6. Attachment "C" Vicinity Map.

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>	<b>N/A</b>	
	Yes <input type="checkbox"/>	See fund summary below
	No <input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i> <input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
<b>Does this action create any revenue?</b>	<b>N/A</b>	
	Yes <input type="checkbox"/>	Funds will be deposited into this fund: _____
	No <input type="checkbox"/>	There is no new revenue generated by this action.

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**FUND SUMMARY:**

<b>Fund Name(s)</b>	<b>Account Number(s)</b>	<b>Expenditure Proposed</b>	<b>Available Budgeted Funds in Current FY</b>	<b>Remaining Funds</b>	<b>Purpose for Remaining Funds</b>
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "YES" to approve the proposed Ordinance. This action would approve the proposed zone change for 2.787 ± acres of land as recommended by the Planning and Zoning Commission. The property will be rezoned from C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density & Limited Retail and Office).
2. Vote "NO" and deny the proposed Ordinance. Such action would prevent the proposed 2.787 ± acres being rezoned to R-4 (Multi-Dwelling High Density & Limited Retail and Office). The current zoning of C-3 (Commercial High Intensity) will remain in place. The applicant will have to submit an alternative development proposal to develop the subject property as well as amend the recently approved Beehive Village of Las Cruces Master Plan.
3. Modify the proposed Ordinance and vote "YES" to approve. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance No. 2151

COUNCIL BILL NO. 11-006  
ORDINANCE NO. 2586

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-3 (COMMERCIAL HIGH INTENSITY) TO R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) FOR 2.787 +/- ACRES OF LAND LOCATED SOUTH OF VALVERDE LOOP ON MARS AVENUE, WEST OF DEL REY BOULEVARD. THE PURPOSE OF THE ZONE CHANGE IS TO ALLOW A PROPOSED ASSISTED-LIVING DEVELOPMENT KNOWN AS THE BEEHIVE VILLAGE OF LAS CRUCES. SUBMITTED BY PAUL MILLER, PROPERTY OWNER. (CASE Z2800)**

The City Council is informed that:

**WHEREAS**, Paul Miller, the property owner, has submitted a request for a zone change from C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for 2.787 ± acres located south of Valverde Loop on Mars Avenue, west of Del Rey Boulevard, also known as the Beehive Village of Las Cruces Master Plan Area; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on June 22, 2010, recommended that said zone change request be conditionally approved by a vote of 4-0-0 (two Commissioners were absent and one seat is vacant).

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

(I)

**THAT** the tracts more particularly described in Exhibit "A", attached hereto and made part of this Ordinance, is hereby conditionally zoned as follows for the Beehive Village of Las Cruces Master Plan Area:

- a. From C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density & Limited Retail and Office),

(II)

THAT the condition be stipulated as follows:

1. All newly installed utilities to be placed underground.

(III)

THAT the zoning 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 said properties be shown accordingly on the City Zoning Atlas.

(V)

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

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

APPROVED:

\_\_\_\_\_  
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:

  
\_\_\_\_\_  
City Attorney

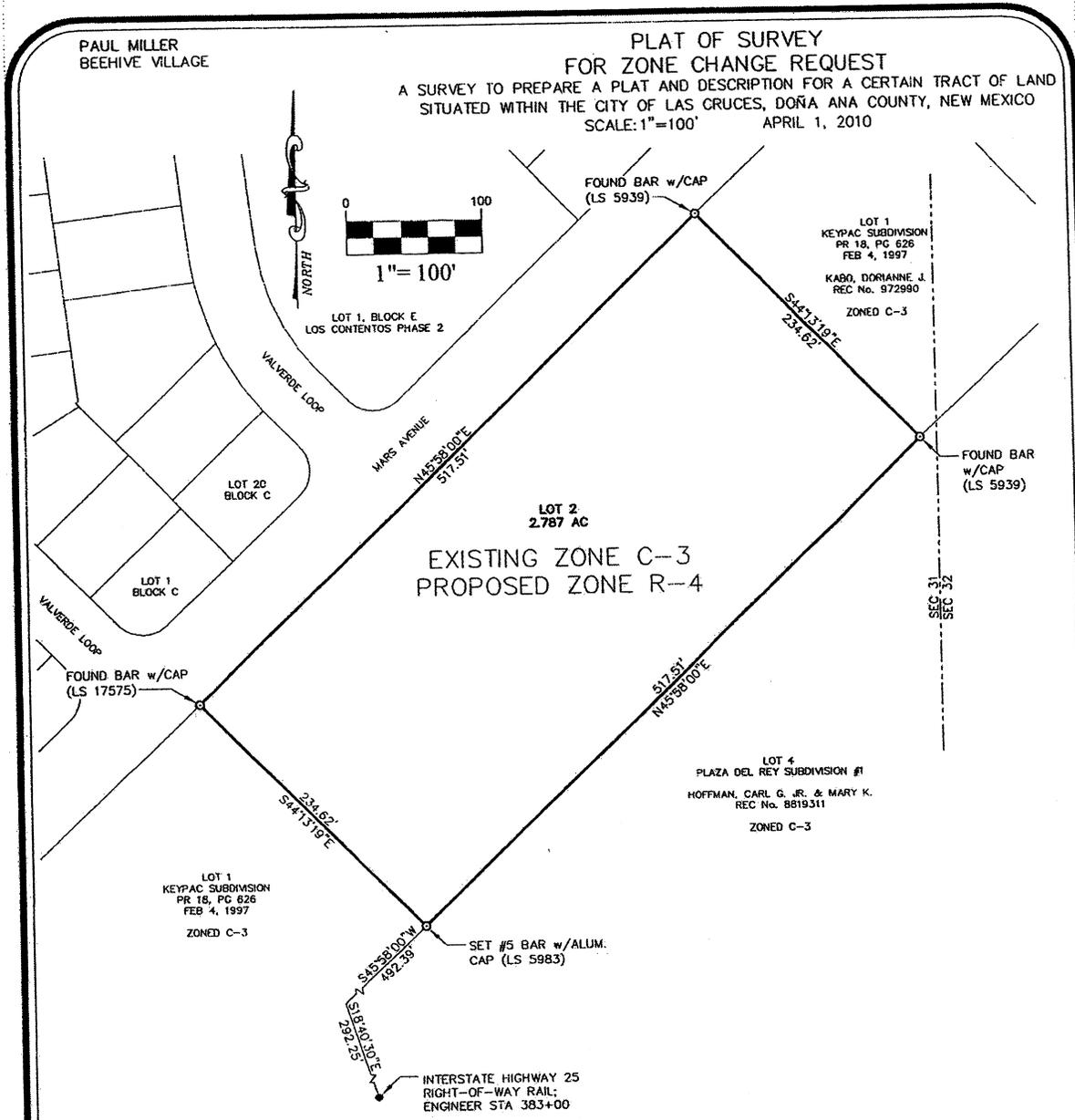
**EXHIBIT "A"**

ZONE CHANGE DESCRIPTION  
FOR LOT 2 OF THE KEYPAC SUBDIVISION  
APRIL 1, 2010

TRACT DESCRIPTION  
PROPOSED R-4 ZONE

A TRACT OF LAND BEING THAT LOT 2 OF THE KEYPAC SUBDIVISION AS FILED FEBRUARY 4, 1997, IN PLAT RECORD 18, PAGE 626 OF THE DOÑA ANA CLERK RECORDS; SAID TRACT BEING LOCATED IN SECTION 31, T22S, R2E, NMPM, ALL IN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; AND WHICH TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND BAR w/CAP (LS 17572) IDENTICAL TO THE WESTERLY CORNER OF SAID LOT 2 FOR A CORNER OF THIS TRACT; THENCE N45°58'00"E, ALONG A LINE COINCIDENT WITH BOTH THE SOUTHERLY RIGHT-OF-WAY LINE OF MARS AVENUE AND THE NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 517.51 FEET TO A FOUND BAR w/CAP (LS 5939) IDENTICAL TO THE NORTHERLY CORNER OF SAID LOT 2 FOR A CORNER OF THIS TRACT; THENCE S44°13'19"E, ALONG A LINE COINCIDENT WITH THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 234.62 FEET TO A FOUND BAR w/CAP (LS 5939) IDENTICAL TO THE EASTERLY CORNER OF SAID LOT 2 FOR A CORNER OF THIS TRACT; THENCE S45°58'00"W, ALONG A LINE COINCIDENT WITH THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 517.51 FEET TO A CORNER OF THIS TRACT, WHICH POINT IS IDENTICAL TO THE SOUTHERLY CORNER OF SAID LOT 2; THENCE N44°13'19"W, ALONG A LINE COINCIDENT WITH THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 234.62 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 2.787 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO AN EXISTING 12' WIDE UTILITY EASEMENT PARALLEL TO AND ADJOINING THE NORTHERLY LINE OF THIS TRACT AND TO OTHER EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.



**DESCRIPTION.**  
 A TRACT OF LAND BEING THAT LOT 2 OF THE KEYPAC SUBDIVISION AS FILED FEBRUARY 4, 1997, IN PLAT RECORD 18, PAGE 626 OF THE DOÑA ANA CLERK RECORDS; SAID TRACT BEING LOCATED IN SECTION 31, T22S, R2E, NMPM, ALL IN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; AND WHICH TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND BAR w/CAP (LS 17572) IDENTICAL TO THE WESTERLY CORNER OF SAID LOT 2 FOR A CORNER OF THIS TRACT; THENCE N45°58'00"E, ALONG A LINE COINCIDENT WITH BOTH THE SOUTHERLY RIGHT-OF-WAY LINE OF MARS AVENUE AND THE NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 517.51 FEET TO A FOUND BAR w/CAP (LS 5939) IDENTICAL TO THE NORTHERLY CORNER OF SAID LOT 2 FOR A CORNER OF THIS TRACT; THENCE S44°13'19"E, ALONG A LINE COINCIDENT WITH THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 234.62 FEET TO A FOUND BAR w/CAP (LS 5939) IDENTICAL TO THE EASTERLY CORNER OF SAID LOT 2 FOR A CORNER OF THIS TRACT; THENCE S45°58'00"W, ALONG A LINE COINCIDENT WITH THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 517.51 FEET TO A CORNER OF THIS TRACT, WHICH POINT IS IDENTICAL TO THE SOUTHERLY CORNER OF SAID LOT 2; THENCE N44°13'19"W, ALONG A LINE COINCIDENT WITH THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 234.62 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 2.787 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO AN EXISTING 12' WIDE UTILITY EASEMENT PARALLEL TO AND ADJOINING THE NORTHERLY LINE OF THIS TRACT AND TO OTHER EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

**SURVEYOR'S CERTIFICATION**  
 I, LARRY O. UNDERWOOD, A NEW MEXICO PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THIS PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT THIS PLAT & SURVEY IS NOT A SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

*Larry O. Underwood*  
 LARRY O. UNDERWOOD, N.M.P.S. No. 5983  
 REGISTERED PROFESSIONAL SURVEYOR  
 DATE 4/1/10

**UNDERWOOD ENGINEERING INC.**  
 1430 W. AMADOR AVE.  
 LAS CRUCES, NM 88005  
 PH: (575) 647-4329  
 PROJECT No. 0936

## EXHIBIT "B"

**FINDINGS AND COMPREHENSIVE PLAN ANALYSIS**

1. This is a request for zone changes to 2.787 ± acres of land of a Master-Planned area known as the Beehive Village of Las Cruces.
2. The adjacent land use and zoning include:

	Zoning	Land Use
North	PUD and R-4	Residential
South	C-3	Vacant
East	C-3	Vacant
West	C-3	Commercial

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

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

**Policy 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.

**Policy 1.3.4.** High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

**Policy 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.

**Policy 1.3.10.** High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.

**Urban Design Element, Goal 1, Objective 4**

**Policy 1.4.1c.** In addition to landscape buffering requirements necessitated by Matrix 1, parking lots should be visually screened/buffered from the right-of-way to soften their over-all impact. This may be accomplished through the use of required landscaping and/or various landscaping elements (berms, low walls, etc).

4. Staff has reviewed the proposed zone change and no significant outstanding issues exist. The zone change request is consistent with the master plan.
5. Development of the property is subject to the Las Cruces Development Code including provisions and standards for building, design standards, subdivisions and zoning.

**City of Las Cruces**

TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Jennifer Robertson, Planner *JR*

DATE: June 10, 2010

SUBJECT: Beehive Village of Las Cruces, Master Plan and Zone Change  
(S-09-044, Z2800)

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

**Case Z2800:** A request for a zone change from C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for 2.787 +/- acres of land located south of Valverde Loop on Mars Avenue, west of Del Rey Boulevard. The proposed use for this property is assisted living facilities. The application was submitted by Paul Miller, property owner.

**Case S-09-044:** A request for approval of a master plan known as the Beehive Village of Las Cruces. The subject property is comprised of 2.787 ± acres and is zoned C-3 (Commercial High Intensity). The master plan proposes 2.787 ± acres of assisted-living facility uses with a proposed 15 to 18 beds per facility. It is proposed that the development will be subdivided in phases into five, 0.53 to 0.61± acre lots with one facility proposed per lot. The subject property is located south of Val Verde Loop on Mars Avenue, west of Del Rey Boulevard. The application was submitted by Paul Miller, property owner.

### BACKGROUND

#### **Proposed Beehive Village of Las Cruces Master Plan:**

The proposed Beehive Village of Las Cruces Master Plan area encompasses approximately 2.787 ± acres and the current land use is vacant located south of Valverde Loop on Mars Avenue, west of Del Rey Boulevard. This proposed Master Plan contains five (5) planning parcels that are identified with specific land use, acreage, proposed minimum and maximum density and proposed number of dwelling units.

Planning parcels one (1) through five (5) are proposed assisted-living facilities. There is one facility proposed per planning parcel. Each facility is proposed to have fifteen (15) to eighteen (18) beds. Planning parcels range in size from 0.53 to 0.61± acre lots. The underlying parcel is proposed to be further subdivided into five (5) lots, consistent with the proposed dimensions of each proposed planning parcel. In order to accommodate drainage, the developer is proposing a shared, privately maintained regional pond for all five (5)

planning parcels. Shared use and maintenance agreements shall be required for shared drainage and parking areas at the time of platting.

Emergency access provisions shall be fulfilled with parking lot development. In addition, landscaping requirements shall be fulfilled upon individual lot development. Park impact fees will be assessed for all phases of the development. Access to the planning parcels is proposed through two access points and a shared parking area off Mars Avenue, a local roadway. Local roadways require at least 50 feet of right-of-way.

#### **Proposed Zone Change:**

The zoning request for the subject property proposes a zone change from C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) in order to accommodate the Master Plan proposal. The land included in the zoning request, which is owned by Paul Miller, is currently vacant and zoned C-3 (Commercial High Intensity). The applicant is requesting to change the current zoning to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for a total of 2.787 ± acres of land located south of Val Verde Loop on Mars Avenue, west of Del Rey Boulevard. The purpose of the zone change request is to facilitate a proposed assisted living development known as the Beehive Village of Las Cruces as assisted living facilities are allowed without conditions in R-4 zoning districts.

On June 9, 2010 the MPO Policy Committee adopted Transport 2040, which included changes to the MPO Thoroughfare Plan. Prior to June 9, 2010, the MPO Thoroughfare Plan designated all of Mars Avenue as a Collector roadway. The recommended access to R-4 zoning districts is from a Collector roadway. The current designation of Mars Avenue, which is adjacent to the subject property, is a local road. Intersection north of the subject property, Valverde Loop, is a local roadway as well. MPO reviewed and supported the Master Plan and zone change proposals.

#### **Utility Service:**

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

Electric: El Paso Electric  
 Gas: Rio Grande Natural Gas Association  
 Water: City of Las Cruces  
 Sewer: City of Las Cruces

#### **FINDINGS**

1. The adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	PUD and R-4	Residential
South	C-3	Vacant
East	C-3	Vacant
West	C-3	Vacant

2. The proposed Master Plan is in conformance with the City Subdivision Code, Zoning Code, Design Standards, Transportation Plan, and Stormwater Management Policy Plan.
3. Mars Avenue and Valverde Loop are both local roads according to the MPO Thoroughfare Plan.
4. The request for Zone Change is consistent with the following goals, objectives, and policies of the Comprehensive Plan:

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

Policy 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.

Policy 1.3.4. High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

Policy 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.

Policy 1.3.10. High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.

Urban Design Element, Goal 1, Objective 4

Policy 1.4.1c. In addition to landscape buffering requirements necessitated by Matrix 1, parking lots should be visually screened/buffered from the right-of-way to soften their over-all impact. This may be accomplished through the use of required landscaping and/or various landscaping elements (berms, low walls, etc).

5. Staff has reviewed the proposed master plan and zone change and no significant outstanding issues exist. The zone change request is consistent with the proposed master plan.
6. No public comment has been received as of the date of this report.

**RECOMMENDATION FOR CASE S-09-044**

On June 2, 2010 the Development Review Committee (DRC) reviewed the proposed Master Plan. The DRC reviews master plans from an infrastructure, utilities and public improvement standpoint. The DRC had no issues with this proposal and after discussion recommended approval of the Master Plan.

**RECOMMENDATION FOR CASE Z2800**

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

1. All new utilities shall be underground.

**Please note:** The Planning and Zoning Commission is the final authority on Master Plans and their decision may be appealed to City Council. The Planning and Zoning Commission is a recommending body to the City Council regarding zone change cases. The City Council has final authority over zoning cases.

**OPTIONS**

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

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

**ATTACHMENTS**

1. Development Statement
2. Copy of the Master Plan
3. Copy of Site Plan
4. DRC Agenda and Draft Minutes – June 2, 2010
5. Zoning Map
6. Vicinity Map

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

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

Applicant Information

Name of Applicant: PAUL A.G. MILLER  
Contact Person: PAUL A.G. MILLER  
Contact Phone Number: 575-644-6911  
Contact e-mail Address: PAULAGMILLER@NETSCAPE.NET  
Web site address (if applicable): NA

Proposal Information

Location of Subject Property KEYPACK SUBDIVISION, LOT 2, MARS AVE., LAS CRUCES  
(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: C-3

Proposed Zoning: R-4

Acreage of Subject Property: 2.787 ACRES

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

THE INTENDED USE OF THE PROPERTY IS FOR THE DEVELOPMENT OF ASSISTED LIVING FACILITIES. SEE SITE PLAN, MASTER PLAN, AND MASTER PLAN REPORT FOR ADDITIONAL DETAIL.

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

~ 7,000 - 7,500 FT<sup>2</sup> & 17 FT HIGH

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

24-HOUR OPERATION

Anticipated traffic generation 6.3 PM PEAK trips per day (if known).

6.3 PM PEAK TRIPS/DAY/BUILDING

Anticipated development schedule: Work will commence on or about JUNE 1, 2010

and will take approximately 6 MONTHS to complete.

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

REGIONAL PONDING (SEE MASTER PLAN REPORT)

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:

ALL BUILDINGS WILL BE OF A SOUTHWESTERN-STYLE ARCHITECTURE WITH ASSOCIATED LANDSCAPING CONSISTING OF A SUSTAINABLE AND ENVIRONMENTALLY SENSITIVE XERISCAPE DESIGN FOCUSING ON NATIVE DESERT PLANTS AND ASSOCIATED DESERT MATERIALS (ROCKS AND CRUSHED STONE). THE INCLUSION OF ONE OR MORE OUTDOOR FOUNTAINS IS ANTICIPATED AS WELL.

#### Attachments

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

Location map

Detailed site plan

Proposed building elevations\*

Renderings or architectural or site design features\*

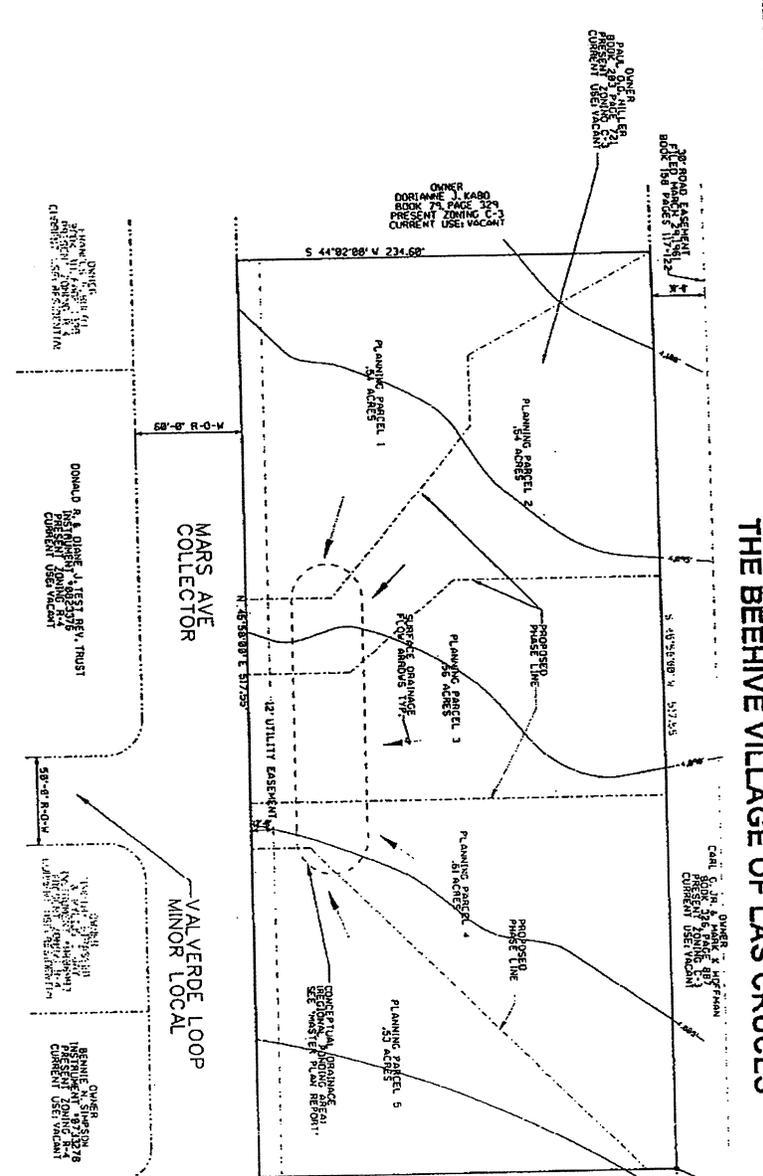
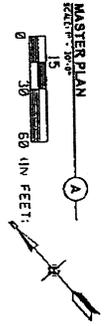
Other pertinent information\*

Attachment 2

# THE BEEHIVE VILLAGE OF LAS CRUCES

**LAND USE TABLE**

LAND USE	PLANNING PANEL 1	PLANNING PANEL 2	PLANNING PANEL 3	PLANNING PANEL 4	PLANNING PANEL 5
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				
ASSISTED LIVING FACILITY	UP TO 10 UNITS				



**VICINITY MAP**



**LEGAL DESCRIPTION**

**GENERAL LEGAL DESCRIPTION**

LOT 1 OF THE BEHIVE SANITATION, LOCATED IN THE CITY OF LAS CRUCES, DONALD COUNTY, NEW MEXICO, BEING MORE OR LESS THE SAME AS SHOWN AND DESCRIBED IN THE COUNTY OFFICE OF SAID COUNTY RECORDS IN BOOK 18, PAGE 288 OF THE PUBLIC RECORDS.

**METES AND BOUNDS DESCRIPTION**

BEING THAT CERTAIN TRACT OF LAND, MORE OR LESS THE SAME AS SHOWN AND DESCRIBED IN THE COUNTY OFFICE OF SAID COUNTY RECORDS IN BOOK 18, PAGE 288 OF THE PUBLIC RECORDS.

**NOTE**

SHARED USE AND MAINTENANCE AGREEMENTS SHALL BE REQUIRED FOR SPACES SHOWN ON THIS PLAN. THESE AGREEMENTS SHALL BE FILED WITH THE CITY ENGINEER'S OFFICE AND THE CITY PLANNING DEPARTMENT FOR RECORD AND APPROVAL.

**BEEHIVE HOMES**  
QUALITY HOMES FOR THE FUTURE

**THE BEEHIVE VILLAGE OF LAS CRUCES**

MASTER PLAN

OWNER/DEVELOPER: BEEHIVE HOMES, INC.  
1000 N. I-10, SUITE 100  
LAS CRUCES, NM 88001  
PHONE: (505) 644-8111

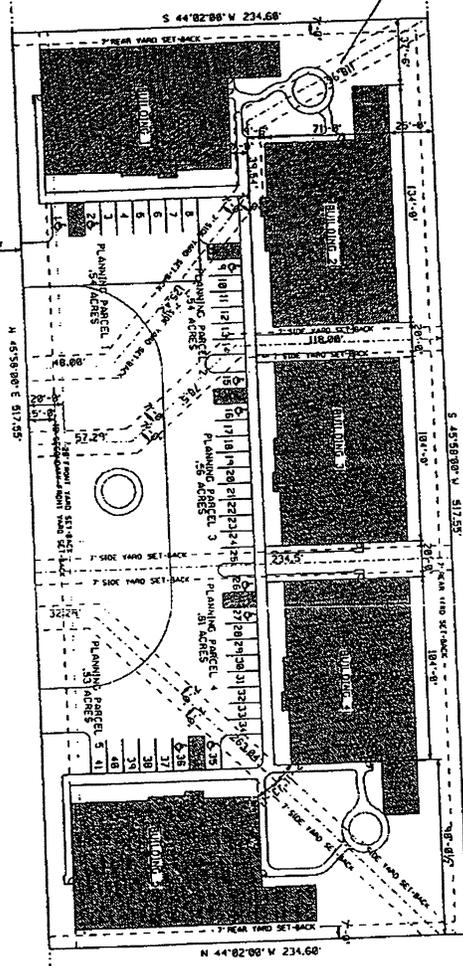
GENERAL USES PROPOSED:  
ASSISTED LIVING FACILITIES



**LEGAL DESCRIPTION**

GENERAL LEGAL DESCRIPTION  
 METERS AND BOUNDS DESCRIPTION

**THE BEEHIVE VILLAGE OF LAS CRUCES**



**PROPOSED USE TABLE**

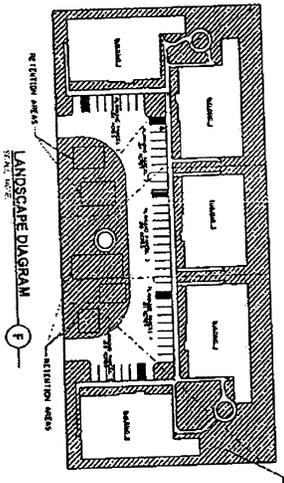
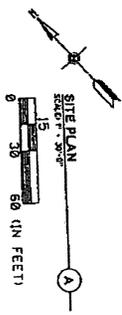
Building #	Proposed Use	Approximate Square Footage
Building 1	Assisted Living Facility	17,000 S.F.
Building 2	Assisted Living Facility	17,000 S.F.
Building 3	Assisted Living Facility	17,000 S.F.
Building 4	Assisted Living Facility	17,000 S.F.
Building 5	Assisted Living Facility	17,000 S.F.

**PROPOSED PARKING TABLE**

Building #	Number of Anticipated Spaces	Total # of Proposed Spaces
Building 1	4-8	7
Building 2	4-8	16
Building 3	4-8	16
Building 4	4-8	16
Building 5	4-8	16

**AREA CALCULATIONS**

Parcel #	Approximate Area	Proposed Building Area	Landscaping Required
Parcel 1	20,000 S.F.	17,000 S.F.	3,000 S.F.
Parcel 2	20,000 S.F.	17,000 S.F.	3,000 S.F.
Parcel 3	20,000 S.F.	17,000 S.F.	3,000 S.F.
Parcel 4	20,000 S.F.	17,000 S.F.	3,000 S.F.
Parcel 5	20,000 S.F.	17,000 S.F.	3,000 S.F.



**OWNER/DEVELOPER:**  
 PAUL MILLER  
 P.O. BOX 124  
 HONOLULU, HI 96808  
 PHONE: (808) 444-8811

**GENERAL USES PROPOSED:**  
 ASSISTED LIVING FACILITIES

**DATE:** OCTOBER 2008  
**SCALE:** 1/8" = 1'-0"  
**BY:** J.S. SIMON

**THE BEEHIVE VILLAGE OF LAS CRUCES**

**SITE PLAN**

**SITE**





**City of Las Cruces**

**DEVELOPMENT REVIEW COMMITTEE (DRC)  
AGENDA FOR  
WEDNESDAY, JUNE 2, 2010**

The Development Review Committee (DRC) will consider the following agenda on **Wednesday, June 2, 2010 at 9:00 A.M.**, in the City Council Chambers located at the City Hall, 700 North Main Street, Las Cruces, New Mexico.

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES – March 24, 2010**

**III. OLD BUSINESS - NONE**

**IV. NEW BUSINESS**

**1. S-09-044 Beehive Village of Las Cruces (a.k.a. Keypack Subdivision, Lot 2), Master Plan**

- A request for approval of a master plan known as the Beehive Village of Las Cruces. The subject property is comprised of 2.787 ± acres and is zoned C-3 (Commercial High Intensity).
- The master plan proposes 2.787 ± acres of assisted-living facility uses with a proposed 15 to 18 beds per facility. It is proposed that the development will be subdivided into five, 0.53 to 0.61± acre planning parcels with one facility proposed per planning parcel.
- The subject property is located south of Val Verde Loop on Mars Avenue (Major Local), west of Del Rey Boulevard.
- Submitted by Paul Miller, property owner.

**V. ADJOURNMENT**

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



## City of Las Cruces

### DEVELOPMENT REVIEW COMMITTEE (DRC)

WEDNESDAY, JUNE 2, 2010

Following are summary\* minutes for the Development Review Committee (DRC) meeting on Wednesday, June 2, 2010 at 9:00 A.M., in the Conference Room #1158 located at the City Hall, 700 North Main Street, Las Cruces, New Mexico.

**DRC PRESENT:** Cheryl Rodriguez, Community Development  
Tom Murphy, MPO  
Meei Montoya, Utilities  
Mark Johnston, Facilities  
Mark Dubbin for the Fire Marshal  
Loretta Reyes, Public Works

**STAFF PRESENT:** Gary Hembree, Community Development  
Jennifer Robertson, Community Development  
Catherine Duarte, Land Management  
Bonnie Ennis, Recording Secretary

**OTHERS PRESENT:** Owen West, Beehive Homes

#### I. CALL TO ORDER (9:03 am)

Cheryl Rodriguez called the meeting to order.

#### II. APPROVAL OF MINUTES – March 24, 2010 (APPROVED)

Ms. Rodriguez asked if there were any corrections to the minutes. There were none. She then requested a motion to approve the minutes.

Loretta Reyes made the motion to approve the minutes.

Tom Murphy seconded the motion.

All in favor.

#### III. OLD BUSINESS - NONE

#### IV. NEW BUSINESS

##### 1. S-09-044 Beehive Village of Las Cruces (a.k.a. Keypack Subdivision, Lot 2), Master Plan (APPROVED)

- A request for approval of a master plan known as the Beehive Village of Las Cruces. The subject property is comprised of 2.787 ± acres and is zoned C-3 (Commercial High Intensity).

- 1 • The master plan proposes 2.787 ± acres of assisted-living facility uses with a  
2 proposed 15 to 18 beds per facility. It is proposed that the development will be  
3 subdivided into five, 0.53 to 0.61± acre planning parcels with one facility proposed  
4 per planning parcel.
- 5 • The subject property is located south of Val Verde Loop on Mars Avenue (Major  
6 Local), west of Del Rey Boulevard.
- 7 • Submitted by Paul Miller, property owner.

8  
9 Jennifer Robertson reviewed the proposed Master Plan for Beehive Village of Las Cruces  
10 including specific location and details as noted above. She stated there would be five  
11 separate facilities, one per parcel, on the property.

12  
13 Owen West had nothing further to add to Ms. Robertson's presentation.

14  
15 Ms. Rodriguez requested comments from reviewing departments' Staff members.

16  
17 Mark Dubbin stated there were no specific issues to address at this time but noted that the  
18 facilities must be built to ICC and IFC standards. He stated that as the new phasing is done  
19 the parking lot should be constructed in its entirety for each phase. He also stated the need  
20 for a turnaround for fire equipment.

21  
22 Mr. Murphy had no comments.

23  
24 Mark Johnston stated park impact fees may apply for the facilities. He noted 50% discounts  
25 may be available for the dwelling units if park facilities are provided for either public or  
26 private use.

27  
28 Meei Montoya said that Utilities had approved the application with the condition that a Utility  
29 Plan would be required for five buildings on the five separate parcels if the property is to be  
30 subdivided. Currently the plans indicate water and sewer for the five facilities but there is  
31 only one gas line. She stated the property will require a replat in order to continue the  
32 approval process.

33  
34 Ms. Rodriguez stated the applicant will subdivide the parcel and request a replat.

35  
36 Loretta Reyes stated the Public Works Staff had approved the Master Plan but noted that it:  
37 1) must meet the most current Design Standards; 2) if the plan is to subdivide into five  
38 parcels it may need to adjust the ponding available; and 3) a drainage agreement may be  
39 required indicating who will be responsible for maintenance of the ponding area. She asked  
40 if the front parking would be delegated for the individual facilities or for the general area.

41  
42 Mr. West said visitors would be allowed to access all of the buildings and there would be no  
43 designated parking at this time.

44  
45 Ms. Reyes asked if a Parking Agreement would be necessary.

46  
47 Ms. Robertson stated that after Master Plan approval various agreements would be  
48 outlined; particularly with the potential of multiple replats.

1 Ms. Reyes asked if there would be one or multiple replats. She stressed that each replat  
2 must include a note detailing who would maintain the ponding and drainage areas to  
3 prevent such problems as silt, weeds, etc.  
4

5 Ms. Rodriguez said details could be provided in the general notes. Ms. Reyes asked if any  
6 notes were given on the current Master Plan.  
7

8 Ms. Robertson said no notes were available at this time but that she would draft language  
9 for the notes and e-mail it to Ms. Reyes. The approved note would then accompany the final  
10 copy of the Master Plan to Engineering for their approval.  
11

12 Ms. Reyes and Mr. West agreed to Ms. Robertson's suggestion.  
13

14 Ms. Rodriguez expressed concerns regarding the phasing of the project.  
15

16 Mr. Dubbin noted that all appropriate guidelines for phasing are in the Building Code.  
17

18 There was no further discussion so Ms. Rodriguez asked for a motion to approve S-09-044  
19 BeeHive Village of Las Cruces with conditions.  
20

21 Mr. Dubbin made the motion to approve the Master Plan with the following condition: that  
22 language regarding ponding and drainage maintenance responsibility is detailed on the  
23 Master Plan.  
24

25 Ms. Reyes seconded the motion.  
26

27 All in favor.  
28

29 Ms. Rodriguez informed Mr. West that the case will come before the Planning and Zoning  
30 Commission in their June 22nd meeting.  
31

32 **ADJOURNMENT (9:15 am)**  
33

34 Ms. Rodriguez requested a motion to adjourn.  
35

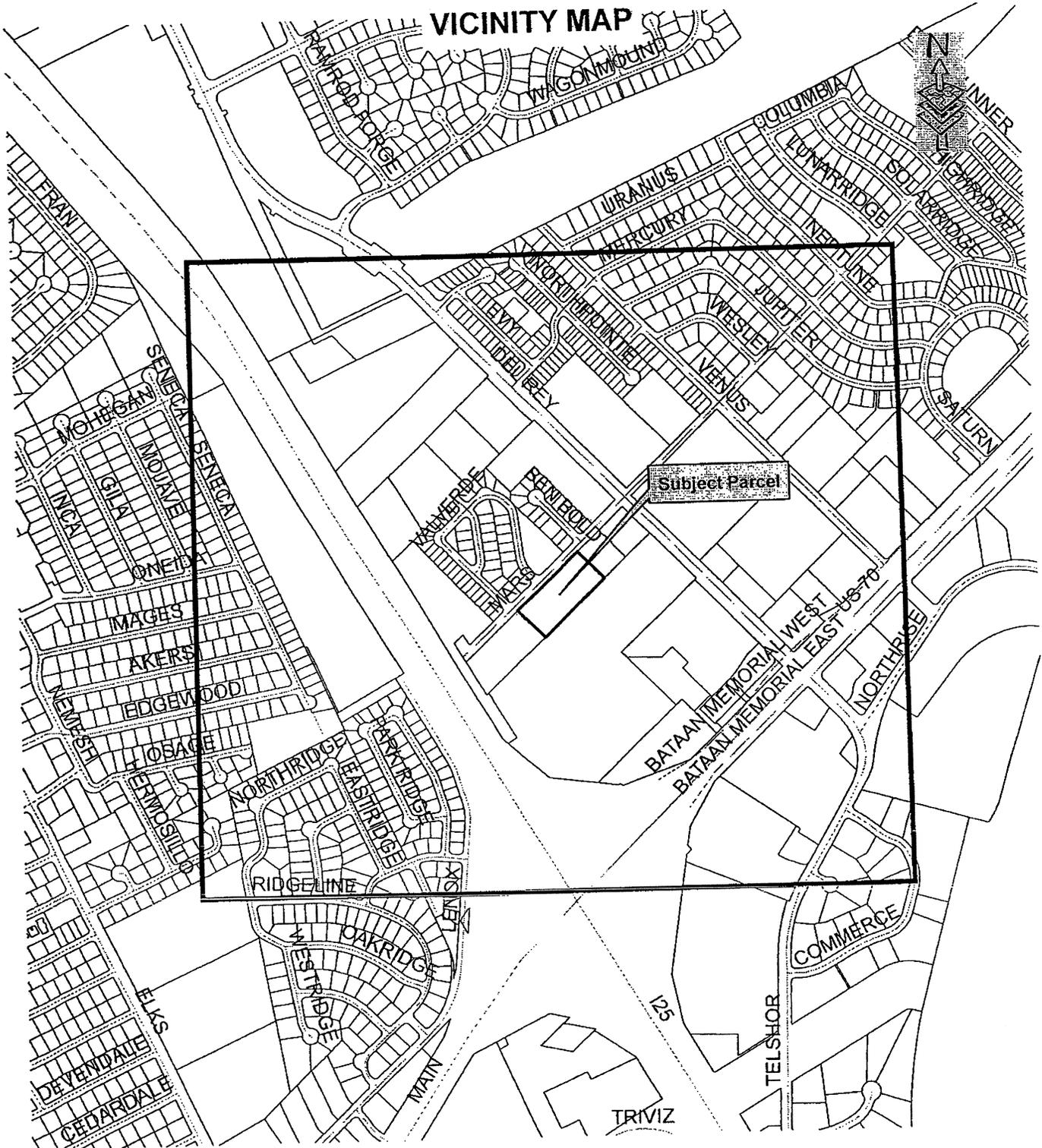
36 Mr. Murphy made the motion.  
37

38 Mr. Johnston seconded the motion.  
39

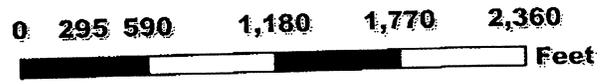
40 All in favor.  
41  
42

43 \_\_\_\_\_  
44 Chairperson

45 Due to technical difficulties the recorder did not work properly. The situation has been addressed and should not  
46 occur again at future meetings.



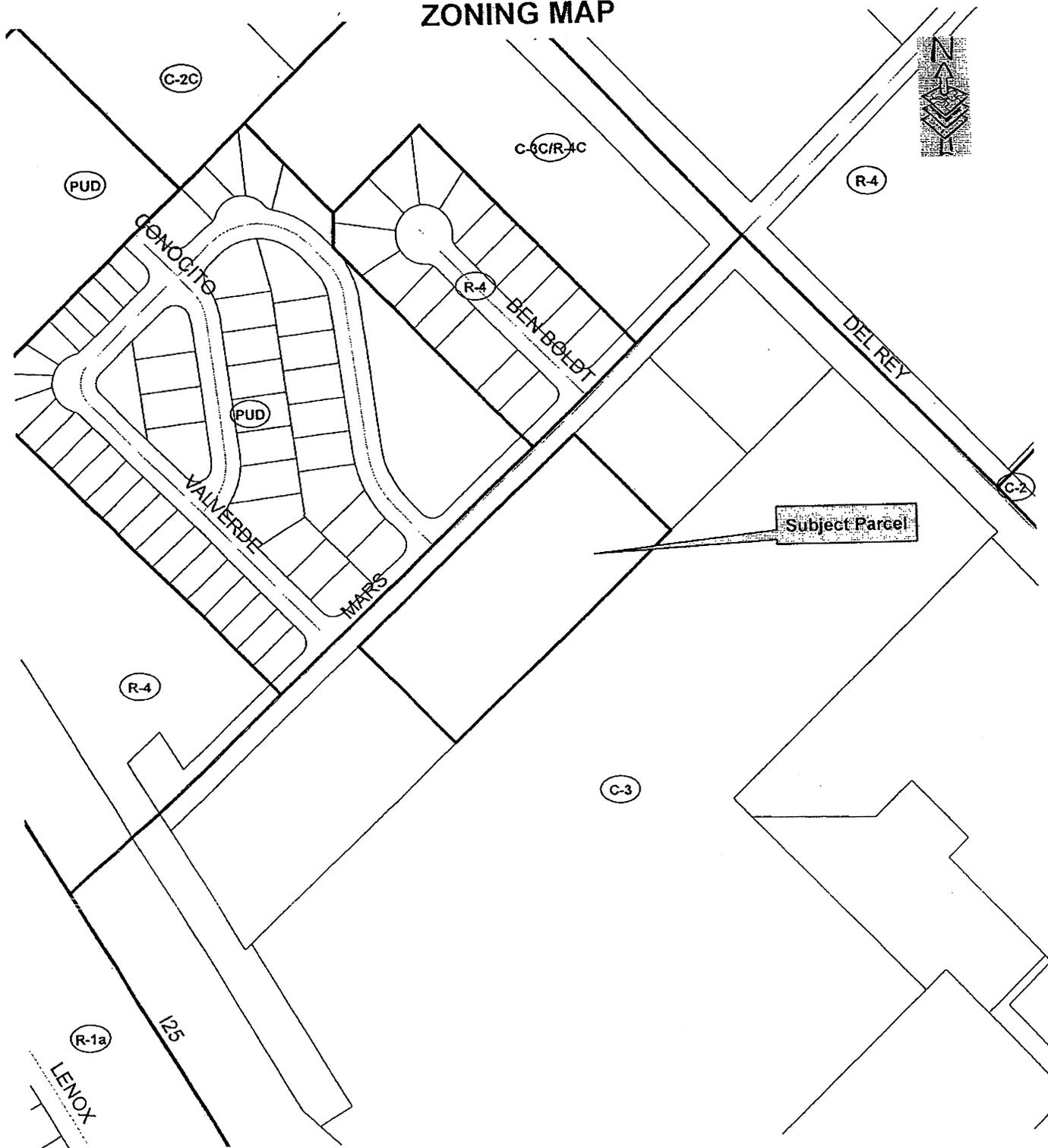
**CASE NOS. Z2800 AND S-09-044**  
**PARCEL: 02-25909**  
**OWNER: PAUL MILLER**  
**ZONING: C-3**



*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

# ZONING MAP

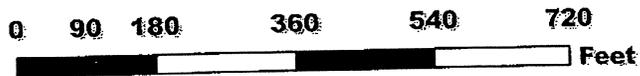


**CASE NOS. Z2800 AND S-09-044**

**PARCEL: 02-25909**

**OWNER: PAUL MILLER**

**ZONING: C-3**



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



**City of Las Cruces®**  
PEOPLE HELPING PEOPLE

**PLANNING AND ZONING COMMISSION  
AGENDA**

The following agenda will be considered by the Planning and Zoning Commission of the City of Las Cruces, New Mexico, at a public hearing held on **Tuesday, June 22, 2010 beginning at 6:00 p.m. at the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico.**

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

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – May 25, 2010
- III. POSTPONEMENTS - NONE
- IV. WITHDRAWALS - NONE
- V. CONSENT AGENDA\*\*

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

- 1. **Case Z2800:** A request for a zone change from C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for 2.787 +/- acres of land located south of Valverde Loop on Mars Avenue, west of Del Rey Boulevard. The proposed use for this property is assisted living facilities. The application was submitted by Paul Miller, property owner.
2. **Case S-09-044:** A request for approval of a master plan known as the Beehive Village of Las Cruces. The subject property is comprised of 2.787 ± acres and is

park for Habitat for Humanity on the subject property. The purpose of the request is to provide a location for traveling volunteers of Habitat for Humanity to reside at while in the City of Las Cruces building homes. The IDP is a request to deviate from the City of Las Cruces Recreational Vehicle Park development standards (i.e. zoning, minimum lot size, roadway designation, minimum space size, setbacks, etc.) Submitted by Ed Johnson of Mesilla Valley Habitat for Humanity, property owner.

**VII. OTHER BUSINESS**

**VIII. PUBLIC PARTICIPATION**

**IX. STAFF ANNOUNCEMENTS**

**X. ADJOURNMENT**

1 Crane: Moved by Commissioner Shipley. Do I have a second?

2  
3 Evans: I second.

4  
5 Crane: All in favor aye.

6  
7 ALL COMMISSIONERS - AYE.

8  
9 → Crane: Against? We will suspend the rules and discuss Case Z2800 and Case S-09-044 pertaining to a zone change and approval of a master plan for the Beehive Village up just off of Del Rey. You have the floor, ma'am.

10  
11  
12  
13 Robertson: Thank you, Chairman. As Commissioner Crane said, this is Case S-09-044, Z2800. Case specifics for the master plan, also known as S-09-044. The proposed Beehive Village of Las Cruces master plan area encompasses approximately 2.787 acres. The current land use is vacant and it's located south of Valverde Loop, which is also part of Los Contentos subdivision, west of Del Rey Boulevard. Planning parcels one through five and we'll get to a picture of the master plan in just a moment, so bear with me. Planning parcels one through five are proposed assisted living facility uses. There is one facility proposed per planning parcel and each facility is proposed to have 15 to 18 beds. The underlying parcel is proposed to be further subdivided into these five planning parcels consistent with the proposed dimensions on the master plan. And again bear with me and we'll see a picture of it in a moment. In order to accommodate drainage, the developer is proposing a shared privately maintained regional pond for all five of the planning parcels. Access to the planning parcels is proposed through two access points, and a shared parking area off of Mars Avenue, which is a Local roadway.

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28  
29 Case specifics for the master plan continuing: the shared use and maintenance agreement shall be required for the shared drainage and parking areas at the time of platting. Emergency access provisions shall be fulfilled with parking lot development. In addition, landscaping requirements including buffer yards will be fulfilled upon individual lot development. Park impact fees will also be assessed for each lot in the development. Utilities will be provided: electric will be provided by El Paso Electric and the City of Las Cruces will be providing gas, water, and sewer.

30  
31  
32  
33  
34  
35  
36  
37 As stated earlier, here's a picture of the master plan and as shown here, here's planning parcel one through five in numeric order. The ponding area is proposed in this front area here. And as you can see this is Mars Avenue here, just in front of the property.

38  
39  
40  
41 And we'll jump into the case specifics for the zoning case, Case Z2800. The applicant proposes a zone change from C-3 which is Commercial High Intensity, to R-4 which is Multi-Dwelling High Density and Limited Retail and Office in order to accommodate the master plan proposal which I just discussed with you. On June 9, 2010, the MPO Policy Committee made a bit of a policy change. They adopted something called Transport 2040 which included changes to the MPO Thoroughfare Plan. Prior to June 9, 2010, which this application was submitted prior to this date, the MPO Thoroughfare Plan designated Mars as a Collector. With that change, with

42  
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49

1 that policy change on June 9th it turned it into a Local road. The  
 2 recommended access to R-4 zoning districts is from a Collector roadway.  
 3 The current designation of Mars Avenue which is adjacent to the subject  
 4 property is a Local road. MPO reviewed this proposal and also  
 5 recommended approval and supported the zone change request.

6 This is a picture of the site plan. If I can remind you, the site plan is  
 7 really something essentially that shows that the applicant can do what they're  
 8 asking for. What you'll see here is the setbacks relative to the buildable area  
 9 on each of the five planning parcels that were proposed in the master plan,  
 10 lines shown here. The landscape areas are also shared and between some  
 11 of the building facilities here on each side of the building and then also here in  
 12 the front will be a landscape area, including the ponding area, as well. Here  
 13 you'll see in the front the parking area, a shared parking area for all five lots.  
 14 And the access points; there are two of them from Mars Avenue, here and  
 15 here.

16 Here's a vicinity map of the subject property, and as you'll notice here,  
 17 here's Valverde Loop here. This area here is known as the Los Contentos  
 18 Subdivision. It's zoned PUD, and R-4 as well. All of the subject properties  
 19 south of this lot are all zoned C-3. This lot is also currently, obviously, zoned  
 20 C-3 as well.

21 Here's an aerial photo of the property. As you can see it's vacant.  
 22 There have been some buildings placed on several properties, I know, in the  
 23 recent history which is 3381 and 1620, but otherwise the lot to the northeast  
 24 is still vacant. Here's an MPO Thoroughfare Map that has been recently  
 25 updated to show the changes in the Transport 2040 Policy Change. And  
 26 here you'll see that the subject property is located here.

27 Staff and DRC recommendation for Case S-09-044, the master plan:  
 28 on June 2, 2010 the DRC, or the Development Review Committee, reviewed  
 29 the proposed master plan. The DRC reviews master plans from an  
 30 infrastructure, utilities, and public improvements standpoint. The DRC had no  
 31 outstanding issues with this proposal and after discussion recommended  
 32 approval of the master plan.

33 The recommendation for Case Z2800 includes the zone change  
 34 request is consistent with the proposed master plan. Staff has reviewed this  
 35 zone change and recommends approval with the following conditions, 1) that  
 36 all utilities be placed underground. I'd like to also make a note that no public  
 37 comment, written or other has been received prior to this public meeting,  
 38 although I don't know if you'll be receiving some tonight, there hasn't been  
 39 any prior.

40 To go into the Commissions options, as you've seen this slide I'm sure  
 41 a few times tonight; the options are for the Commission to: 1) approve the  
 42 master plan and zone change request as recommended by DRC and staff; 2)  
 43 to approve the master plan and zone change request with additional  
 44 conditions as determined by you all; or 3) to deny the master plan and zone  
 45 change request. And staff stands for questions. The applicant is also here if  
 46 you have any questions for them.

47  
 48 Crane: Thank you.

1 Robertson: Thank you.

2  
3 Crane: Any questions for Ms. Robertson? Commissioner Shipley.

4  
5 Shipley: Good evening. I was really ... when I got this particular case I was pleased to  
6 see that there's some activity taken in this neighborhood - needs to be done.  
7 I was really kind of taken by the Beehive concept, especially for assisted  
8 living. One of the things in the ...

9  
10 Crane: I can't resist saying this. I hope they don't get an attack of colony "what's it"  
11 disorder.

12  
13 Shipley: I don't think that's going to be a problem. In here it did state though there was  
14 like ... they only gave the traffic for up to 18 people and 6.3 p.m. peak per  
15 building. So we're really looking at 31.5 and peak for the facility. Because  
16 we're really trying to look at the entire facility, even though it may be  
17 happening over time, we're planning for traffic on this street throughout the  
18 life of this facility. So, there should be, you know, we're looking at the  
19 development of up to 90 people and 31.5 peak trips per day.

20 The other thing I wanted to be curious about was: why don't we have  
21 some kind of picture that shows us what this is going to look like? What's the  
22 architecture going to look like? Is this going to fit in with the neighborhood?  
23 You know, you've given us, you know, all of this information about how the  
24 drainage is going to be and all that but, you know, we want to see is it going  
25 to fit into the neighborhood and there are different uses around, for  
26 architecture-wise that's something that planning; that's why we have planning  
27 on there, should look at. It says phase one in June, phase two through five.  
28 What's the timing? Are we looking at next year, the year after? And the  
29 applicant can obviously answer that.

30 There is also a comment in there by the Board that said there was a  
31 concern the Fire Department had with the turnaround. Has that been  
32 resolved? And that's a question I need to have the Fire Department answer.  
33 I think the use is appropriate. I think it's a great idea as I get older, closer to  
34 70, and I'm starting to look at these places with a lot more interest knowing  
35 that I'm going to be in one of these places pretty soon. And so I looked very  
36 closely at the parking arrangements and I looked at the front yard setbacks,  
37 and I don't understand quite... it says 15-foot secondary, but it doesn't look  
38 like the building five and building one are far enough back, is that correct?

39  
40 Robertson: As the site plan was proposed, these buildings, the actual... for building  
41 setbacks, I can give you the actual setbacks for R-4 zoning which are, if it's a  
42 multi-family, it's 20-feet in the front, seven-feet on the side and the rear. Now  
43 there maybe some buffer yard components in there, so that seven-feet may  
44 actually be a little more to accommodate. And it's shown as such on the site  
45 plan. They're showing that they've got the buildings in the rear 25-feet forward  
46 from the rear property line.

47  
48 Shipley: Yes.

49

- 1 Robertson: In the front ...  
2
- 3 Shipley: They're only showing 15-feet on the front.  
4
- 5 Robertson: Yeah. Well. these lots are little odd, if I may. They're not quite flag lots, but  
6 the front yard would actually be, this would be a secondary front and then this  
7 would be the primary front, same here. This would be the primary front here,  
8 see the little ...  
9
- 10 Shipley: Right.  
11
- 12 Robertson: Little bitty space there. So in terms of applying the setbacks it's a little, with  
13 odd shaped lots it's a little odd.  
14
- 15 Shipley: But, building one and five, although the front of the building is facing in, you're  
16 actually looking at ... the front yard would still be along the street, even  
17 though it's on the side of the building.  
18
- 19 Robertson: It would be considered a secondary front yard, yes.  
20
- 21 Shipley: And that has to be 15-feet.  
22
- 23 Robertson: Fifteen-feet, yes.  
24
- 25 Shipley: Okay. And this doesn't ... does it have to be 15 or ... okay.  
26
- 27 Robertson: It has to be 15 now when they come in for a building permit application. They  
28 don't necessarily get vested where these buildings are placed on the site  
29 plan. So when they come in for a building permit application we're going to  
30 check per lot exactly where that building sits and the setbacks and they're  
31 going to have to meet the R-4 setbacks.  
32
- 33 Shipley: Okay. And the height on these buildings again was how high?  
34
- 35 Robertson: One story.  
36
- 37 Shipley: Okay. Good no stairs.  
38
- 39 Robertson: I would like to make a comment about your architecture question. And then  
40 also the timing question about when the phases are coming in.  
41
- 42 Shipley: Okay.  
43
- 44 Robertson: These are kind of more procedural questions so I believe I can answer them ,  
45 Commissioner Shipley. Architecture normally comes in when there's an  
46 overlay zone. Typically zoning, general zoning districts don't have  
47 architectural standards associated with them. In terms of the timing and the  
48 phases of the development, there are still two more processes that have to  
49 really occur before they actually get anything finally platted or filed with the

1 clerk and they get a lot. One of those things is a preliminary plat, which  
2 requires your approval before it can move forward with final platting.

3  
4 Shipley: Okay, but when we look at a master plan you know you like to see ... if we're  
5 going to approve a master plan, you know we shouldn't just be approving the  
6 shape of the building. We ought to be looking at the building there. And if  
7 they've done any kind of business plan to put this together, then they ought to  
8 have an idea of what their building's going to look like and it would be ... you  
9 know I think that's one of the things that we need to update in our procedure  
10 is that we look at those things when we're approving a master plan. If you're  
11 just looking at footprints and it's not going to fit in, in the neighborhood, then  
12 you don't want to go approve something and then disappoint them later on  
13 when it comes back. And any company that's going to spend money to do all  
14 these plans and the lay of things, they have an idea of what kind of  
15 architecture they're going to put on there and it would be very easy for us to  
16 look at. And then it sets the flavor for what we're trying to do in the  
17 neighborhood. Okay?

18  
19 Crane: Any other questions from the Commission for Ms. Robertson? Okay, thank  
20 you, Ms. Robertson. I believe there was ... let me see, I think we should hear  
21 next from the applicant and then from the other person who had some  
22 comments.

23  
24 West: Good evening, Chairman, Commissioners. My name is Owen West. I am not  
25 Paul, Miller who is the applicant. I'm here on his behalf; but I'm a part of  
26 Beehive Homes and I will be the operator here locally in Las Cruces.  
27 Currently living at 2854 San Lorenzo, over on the west side of town there in  
28 the Legends West North.

29 In regards to your comment, Chairman, Commissioner Shipley, the  
30 timing, obviously we'd like to get started with phase one which would be you  
31 know the building on the northeast there as soon as we can. So that would  
32 be, you know, with due process and all of that, I would hope to get started in  
33 the next 3-4 months. As you rightfully assessed, we do have a business plan.  
34 I do have a full set of construction building plans that do include the  
35 elevations. At this time I apologize I didn't bring any with me tonight, but we  
36 are planning on doing a Santa Fe motif with flat roof to blend in with the  
37 neighborhood there.

38 Beehive Homes is the largest small provider in the United States for  
39 assisted living. Part of our niche market is to blend in with local communities.  
40 Really for us even though this was zoned C-3, when we started looking at this  
41 and still is a couple of years ago, we do like to be close to residential  
42 neighborhoods. The homes that we build they look very homey, very nice,  
43 nice outdoor, nice, you know, veranda to walk on, and we do really try to  
44 blend in nicely with our surrounding neighbors. As you can see here, I think  
45 it's been brought up the parking, is definitely because of the five phase  
46 approach, you know it will be a rather large parking lot by the time we finish.  
47 The Fire Department did have some concerns in that with phase one. They  
48 may require us to complete the entire roundabout just so they can get on in  
49 there if they need to. Timing for phases two, three, four, and five; typically,

- 1 what we've seen is it takes about nine months to, once it is open, to get the  
2 home cash flow positive. Construction takes anywhere between four to six  
3 months, so with those estimates and, again, they're ballparks, depending on  
4 the neighborhood and on the market, approximately phase two would begin in  
5 about a year and a half. Are there any other questions?  
6
- 7 Crane: Questions for Mr. West, Commissioners? Appears not, I'll thank you, Mr.  
8 West.
- 9
- 10 West: Thank you.
- 11
- 12 Crane: There was a member of the public.
- 13
- 14 McMillan: My name is Randy McMillan. And I have a letter here from the owner. Could  
15 we put back up the aerial? It would be helpful to me? Thank you.
- 16
- 17 Crane: Maybe Ms. Robertson should see your physical therapist, Commissioner  
18 Shipley.
- 19
- 20 McMillan: Okay, let me see if I can ... I represent the owner of this property here. It's 22  
21 acres. And as you can see it's at the corner of Highway 70 and Interstate 25.  
22 It's zoned C-3 and we are currently working with some very large big box  
23 retail developers. I don't have an objection to the Beehive going where they  
24 want to go. But I don't want to come back here a year from now and say,  
25 "Whoa, whoa, whoa, you guys can't do your commercial development  
26 because we have assisted living, retirement people living next door to you." I  
27 mean, this is at the corner of two Major Thoroughfares. It is C-3, should be  
28 C-3, and will be C-3 and it's going to be ... it's not going to be offices. It's not  
29 going to be ... I mean, this will be major retail with big parking lots and a lot of  
30 lights, a lot of signs and right in their back yard. So if they can live with that, I  
31 don't have a problem. But I don't want to come back here a year from now  
32 and people say, "Whoa, whoa, whoa." You know that's the tail wagging the  
33 dog as far as I'm concerned.
- 34
- 35 Crane: Mr. McMillan, what would you anticipate might be the objection? The little old  
36 ladies will say they don't want K-Mart there or...?
- 37
- 38 McMillan: I don't know, sir. Again, I'm not here to object. I am here just to make sure  
39 everybody's aware that I am working with some significant retailers who can  
40 by right come to this site and, I think will, and you know I just want to go on  
41 record as letting everybody know that that's in the process and we'll be good  
42 neighbors and happy to have them there as long as you guys know what's  
43 coming next door and they know what's coming next door.
- 44
- 45 Crane: Mr. West, will you pledge that you're residents will never object to having a  
46 large store there or something?
- 47
- 48 West: I can't pledge for anything they do.
- 49

- 1 Crane: I know what you mean. Okay, any questions for Mr. McMillan? No one?  
2 Thank you, sir. In that case, discussion's closed. I'll entertain ... we have to  
3 restore the rules I believe.  
4
- 5 Shipley: We asked the question about the Fire Department.  
6
- 7 Crane: Go ahead, Mr. Shipley.  
8
- 9 Shipley: It was the fact that, you know, was concern about the turnaround in the front,  
10 so we wanted to know how that was resolved.  
11
- 12 Gonzales: Okay, the turnaround will probably be needed when they're building the  
13 different phases. Once they're all complete you have the horseshoe driveway  
14 right there so it'll be okay. Mainly it was just for construction.  
15
- 16 Shipley: Thank you very much.  
17
- 18 Crane: Thank you, sir. All right, I believe we have to restore the rules do we not? So  
19 we vote on these separately, Mr. Abrams? My mental powers are flagging.  
20 It's past bedtime. Thank you. I'll entertain a motion that the rules be restored  
21 so that we may vote on these two items separately. Do I hear a motion to  
22 that affect, Mr. Beard?  
23
- 24 Beard: I move to approve Case Z2800.  
25
- 26 Crane: We have to restore the rules first.  
27
- 28 Beard: Then I move to restore the rules.  
29
- 30 Crane: Thank you. Is that seconded?  
31
- 32 Shipley: Second.  
33
- 34 Crane: Mr. Shipley. All in favor aye.  
35
- 36 ALL COMMISSIONERS - AYE.  
37
- 38 Crane: Any against? It passes 4:0. The rules are restored and let us take a vote on  
39 Case Z2800 for the zone change from C-3 to R-4. Do I hear a motion to  
40 approve?  
41
- 42 Evans: So moved.  
43
- 44 Crane: That was Mr. Evans. Second.  
45
- 46 Beard: Second.  
47
- 48 Crane: Mr. Beard. Mr. Shipley, your vote?  
49

- 1 Shipley: Aye findings, discussion, and site visit.  
2  
3 Crane: Mr. Evans.  
4  
5 Evans: Aye findings, discussion.  
6  
7 Crane: Mr. Beard.  
8  
9 Beard: Aye findings and discussions.  
10  
11 Crane: And the chair votes aye findings, discussion. Thank you. It passes 4:0.  
12  
13 Shipley: I move to approve case S-09-044 and with one condition. Is that the one that  
14 the conditions underground? Utilities are underground.  
15  
16 Robertson: That actually was a condition associated with the zoning request. That  
17 recommendation will be passed up to City Council with that condition for all  
18 new underground utilities, or all new utilities be underground.  
19  
20 Crane: Thank you. Is there a second for the motion?  
21  
22 Evans: I second.  
23  
24 Crane: Seconded by Mr. Evans. Mr. Shipley.  
25  
26 Shipley: Aye findings, discussion, and site visit.  
27  
28 Crane: Mr. Evans.  
29  
30 Evans: Aye findings, discussion.  
31  
32 Crane: Mr. Beard.  
33  
34 Beard: Aye findings and discussions.  
35  
36 Crane: And the chair votes aye findings and discussion. Passes 4:0. Thank you.  
37  
38 **VII. OTHER BUSINESS**  
39  
40 Crane: Is there any other business?  
41  
42 **VIII. PUBLIC PARTICIPATION**  
43  
44 Crane: Any other public participation?  
45  
46 **IX. STAFF COMMENT**  
47  
48 Crane: Does staff have any announcements?  
49

1 Rodriguez: Commissioners, there will not be a July work session. The Vision 2040  
2 update will be on your regular P&Z Commission meeting for the end of July.  
3

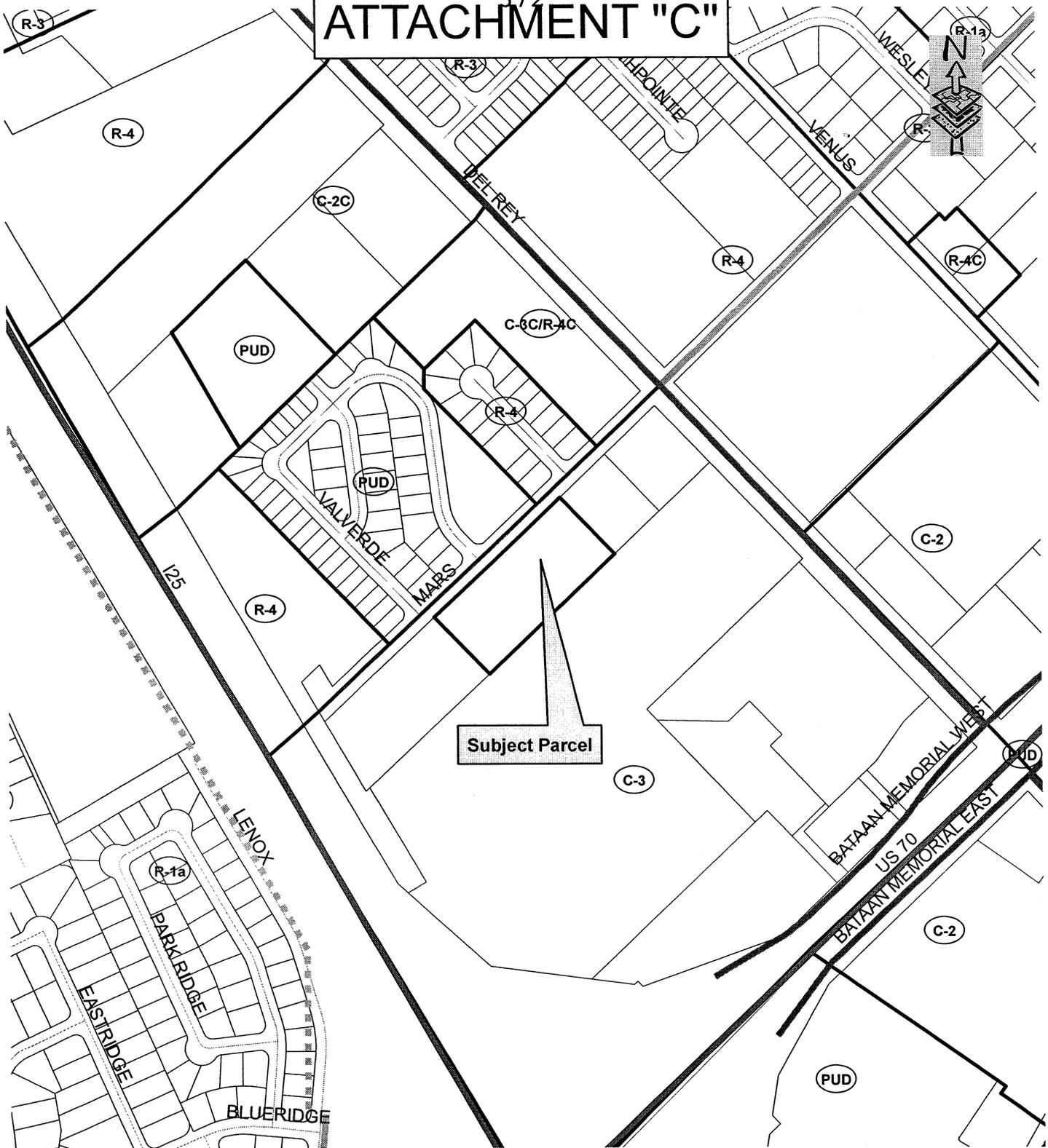
4 Crane: Thank you.  
5

6 **X. ADJOURNMENT 8:08**  
7

8 Crane: And I call the meeting adjourned at 8:08. Thank you all.  
9  
10  
11  
12  
13

14 \_\_\_\_\_  
15 Chairperson  
16

# 372 ATTACHMENT "C"



**CASE NO. Z2800**

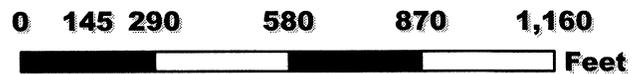
**PARCEL: 02-25909**

**OWNER: PAUL MILLER**

**CURRENT ZONING: C-3**

**PROPOSED ZONING: R-4**

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