City of Las Cruces®
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Council Action and Executive Summary

Item # 19 **Ordinance/Resolution#** 2596 **Council District:** 4

For Meeting of November 15, 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. THE PROPOSED PUD ENCOMPASSES 53.382 ± ACRES AND ENTAILS THREE (3) PLANNING PARCELS: PARCEL 1 ENCOMPASSES 6.311 ± ACRES AND PROPOSES INDUSTRIAL USES; PARCEL 2 ENCOMPASSES 18.263 ± ACRES AND PROPOSES INDUSTRIAL USES; AND PARCEL 3 ENCOMPASSES 28.808 ± AND PROPOSES A SINGLE-FAMILY RESIDENTIAL SUBDIVISION THAT WILL ALLOW FOR SINGLE-FAMILY SITE-BUILT AND/OR MANUFACTURED HOUSES. SUBMITTED BY SCANLON WHITE, INC. FOR IFL, LLC, PROPERTY OWNER.

PURPOSE(S) OF ACTION: The applicant is requesting approval for a zone change to PUD (Planned Unit Development) and concept plan approval for a proposed development known as Villa Amador.

Drafter and Staff Contact: Cheryl Rodriguez CR		Department: Community Development		Phone: 528-3207	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Community Development		528-3066	Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On July 26, 2010, the Las Cruces City Council considered the proposed Planned Unit Development (PUD) known as Villa Amador. At the City Council meeting, there was considerable discussion regarding three key items: (1) access for the residential development to Valley Drive; (2) the nature of public benefits for the PUD; and (3) the nature of residential development planned for Planning Parcel 3. In regards to item number 3, the applicant modified the development proposal at the City Council meeting. Initially, the development application was reviewed by staff and the Planning and Zoning Commission with the proposal that Planning Parcel 3 was intended to be developed as a mobile home park. At the City

Council meeting, the applicant indicated that the planning parcel was intended to be developed as a single-family residential subdivision. With the change in land use for Planning Parcel 3, the City Council remanded the development application to the Planning and Zoning Commission for another review and recommendation back to the City Council. In addition, the City Council instructed the applicant to meet with staff and resolve all other outstanding issues, notably item number 2 and 3 as mentioned above.

CONCEPT PLAN

The proposed 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 53.382 ±acres and proposes both industrial and single-family residential land uses.

The subject property consists of nine (9) existing parcels. Presently, five (5) parcels encompassing 34.98 ± 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), which is equivalent to the PUD zoning district identified in the 2001 Zoning Code, as amended. Historical research indicates that the actual intent of use for these parcels was never identified through the annexation process.

Planning Parcel 1 and 2. The concept plan identifies Planning Parcels 1 and 2 for industrial uses with a combined acreage of 24.574 ± acres. The industrial area is to have access from Amador Avenue via Pioneer Place, a minor local roadway.

The permitted uses in the proposed industrial area of the Villa Amador PUD will be the same as those uses permitted in M-1/M-2 zoning district of the 2001 Zoning Code, as amended. The applicant has identified the following industrial development standards:

Minimum Lot Size:		5,000 square feet
Minimum Lot Depth:		70-feet
Minimum Lot Width:		60-feet
Maximum Building Height:		80-feet
Minimum Building Setbacks:		
	Front:	15-feet
	Rear:	15-feet or 0
	Side:	15-feet or 0

The applicant proposes to follow the CLC Design Standards for drainage requirements within the industrial area. All utility infrastructure will comply with the City's development codes and policies.

The concept plan also identifies a redevelopment plan for Planning Parcel 1. Planning Parcel 1 presently has existing structures, most notably, a large warehouse. The applicant proposes a redevelopment plan for the required improvements for parking, landscaping, and outdoor lighting as it pertains to the redevelopment of the warehouse. The applicant intends to

redevelop the warehouse in phases thus coordinating the parking, landscaping, and outdoor lighting improvements to each phase.

Planning Parcel is vacant. Any development within the planning parcel will be done in accordance with M-1/M-2 uses and development standards.

Planning Parcel 3. The concept plan identifies Planning Parcel 3 to be developed as a single-family residential subdivision. The area contains 28.808 ± acres and is intended to be developed in four or five phases. The applicant proposes a single-family medium density of approximately 5.7 to 6.9 units per acre with a dwelling unit range of 165 to 200 dwelling units. The applicant proposes a housing type of single-family site-built and/or manufactured housing.

The applicant has identified the following single-family residential development standards:

Minimum Lot Size:		3,600 square feet
Minimum Lot Depth:		90-feet
Minimum Lot Width:		40-feet
Maximum Building Height:		35-feet
Minimum Building Setbacks:		
	Front:	10-feet
	Rear:	10-feet
	Side:	5-feet
	Secondary Side:	10-feet

Access to the single-family residential subdivision is proposed from Valley Drive, a principal arterial roadway and New Mexico Department of Transportation (NMDOT) roadway. The single-family residential subdivision is proposed to be a gated community. All interior roads within the residential development are proposed to be privately maintained. Any utilities contained within the right-of-way will be maintained by the respective utility provider. Secondary access to the residential development is proposed to be from Pioneer Place, a minor local roadway.

The applicant is proposing a 10-foot landscaped buffer area within the residential development. The purpose of the landscaped buffer area is to mitigate the existing commercial and industrial development northwest and northeast of the proposed single-family residential development as well as provide an additional buffer to the established single-family residential neighborhood south of the proposed development. The applicant is also proposing additional amenities adjacent to the proposed residential development, most notably, trail connectivity to Burn Lake and the Porter Lateral.

Public Benefits. As part of the PUD process, the applicant is required to provide a public benefit for each private incentive. The concept plan identifies the following public benefits:

1. The developer will install a bus stop and its associated amenities on West Amador Avenue.
2. The developer will expand the additional capacity (minimum of 2x the volume) to the El Molino Drainage Pond. The additional capacity will be determined upon the final drainage

study for the residential development. The Public Works Department will coordinate this effort.

3. The developer will contribute to the re-development of the Burn Lake Park Project. The developer will either (1) pay the required park impact fees for the residential development and those fees will be used to leverage funds and associated improvements to Burn Lake or (2) perform work in equal value to the required park impact fees for the residential development to Burn Lake. The Facilities Department will coordinate this effort.

CONCEPT PLAN ANALYSIS

The revised development proposal appears to address the three key items that were of concern at the July 26, 2010 City Council meeting. The primary access for the residential development has been satisfactorily resolved. Research by both the applicant and City staff indicates that the City-owned parcel has a private road easement that runs with the property. This is supported by a warranty deed filed in January 1966. As such, the concept plan includes a notation that at the time of final platting of the residential development, a street construction and maintenance agreement will be completed with all affected property owners. The private road will remain private and will be maintained by a Homeowner's Association created for the purpose of the single-family residential development. The City of Las Cruces will not maintain the street improvements, but will maintain associated utility and drainage infrastructure that resides within the private road easement.

The applicant has worked with both Public Works and Facilities staff to resolve the nature of the public benefits for the proposed PUD. In addition, the applicant modified the development proposal for Planning Parcel 3 for the single-family residential development. The applicant has no intentions of developing a mobile home park. The applicant has clarified his intent to develop Planning Parcel 3 as a single-family residential subdivision. The concept plan identifies the land use, density, number of dwelling units, and development standards.

However, an item of concern to Community Development staff is the manner in which the applicant intends to develop the 10-foot landscaped buffer within the single-family residential development. The applicant intends to construct a six-foot opaque fence along the perimeter of the residential development. However, the 10-foot wide landscaped buffer will reside within the interior of the residential development, e.g., each platted lot will have a 10-foot wide easement that will serve as the landscaped buffer. The applicant intends each property owner of the residential lot to install the landscaping within the 10-foot wide easement. The applicant also notes that the Homeowner's Association will maintain that landscaped area that resides within each platted lot. The applicant further notes that no permanent structures will be allowed within the 10-foot wide landscaped buffer.

Community Development staff strongly encouraged the applicant to place the landscaped buffer area around the perimeter of the residential development, most importantly, outside of any proposed platted lot. Community Development staff noted that the landscaped buffer as proposed by the applicant will be difficult to both enforce and maintain by the Homeowner's Association. As illustrated by the applicant, if each property owner does not install the landscape requirements for the buffer area, then no buffer will exist. The applicant is required

to provide a buffer between the industrial and residential land uses to mitigate impact and provide good spatial separation.

Community Development staff does not support the landscaped buffer proposal by the applicant as "buffer area" may not have a positive aesthetic effect on the adjacent properties. Community Development staff recommends that a tract of land around the perimeter of the residential development be created to include the landscaped buffer area; the tract of land can then be dedicated and maintained by the Homeowner's Association.

On September 28, 2010, the Planning and Zoning Commission considered the revised concept plan for Villa Amador. Discussion at the public hearing focused on traffic concerns on Valley Drive as well as the proposed landscape buffer within the residential development. The Planning and Zoning Commission recommended ***conditional approval*** of the zone change and concept plan by a vote of 6-0-0 (one Commissioner absent). The condition recommended by the Planning and Zoning Commission is that the applicant is to place the 10-foot wide landscaped buffer area around the perimeter of the residential subdivision and not provide the landscaped buffer area within any proposed platted residential lots. The purpose of the condition is that the landscaped buffer area is to be maintained by a Homeowner's Association and the Commission determined that it may be difficult for the Homeowner's Association to access private residential lots for maintenance of the landscaped buffer area.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A" – Villa Amador Concept Plan
3. Exhibit "B" – Findings and Comprehensive Plan Analysis
4. Attachment "A" – September 28, 2010 P&Z Staff Report (includes all noted attachments)
5. Attachment "B" – September 28, 2010 DRAFT P&Z minutes

SOURCE OF FUNDING:

Is this action already budgeted?	**N/A**		
	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
N/A	*Budget Adjustment Attached*	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the *(# and Fund Name)* Fund.
Does this action create any revenue?	**N/A**		
	Yes	☐	Funds will be deposited into this fund: *(Fund #)* in the amount of $_____ for FY__.
N/A	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE:

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Ordinance. This action affirms the recommendation by the Planning and Zoning Commission from September 28, 2010. The subject properties will be rezoned from M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development) to PUD (Planned Unit Development). The concept plan for Villa Amador is approved with the condition that the 10-foot landscaped buffer area will be placed around the perimeter of the residential development outside of any proposed platted residential lot to allow for easier access and maintenance by the Homeowner's Association.
2. Vote "No"; this will deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission from September 28, 2010. The current zoning designations will remain on the subject properties. The concept plan for Villa Amador is denied.
3. Vote to "Amend"; this could allow the City Council to modify the Ordinance by adding conditions as deemed appropriate.
4. Vote to "Table"; this could allow the City Council to table or 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. N/A

COUNCIL BILL NO. 11-016
ORDINANCE NO. 2596

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. THE PROPOSED PUD ENCOMPASSES 53.382 ± ACRES AND ENTAILS THREE (3) PLANNING PARCELS: PARCEL 1 ENCOMPASSES 6.311 ± ACRES AND PROPOSES INDUSTRIAL USES; PARCEL 2 ENCOMPASSES 18.263 ± ACRES AND PROPOSES INDUSTRIAL USES; AND PARCEL 3 ENCOMPASSES 28.808 ± AND PROPOSES A SINGLE-FAMILY RESIDENTIAL SUBDIVISION THAT WILL ALLOW FOR SINGLE-FAMILY SITE-BUILT AND/OR MANUFACTURED HOUSES. 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 September 28, 2010, recommended that said zone change request and concept plan be approved conditionally by a vote of 6-0-0 (one Commissioner absent).

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 conditionally approved.

(III)

THAT the condition be stipulated as follows:

- The applicant is to place the 10-foot landscaped buffer area around the perimeter of the residential development outside of any proposed platted lot for easier access and maintenance by the Homeowner's Association of the buffer.

(IV)

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.

(V)

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

(VI)

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

DONE AND APPROVED this_____ day of _____ 2010.

APPROVED:

(SEAL)

_____
Mayor

ATTEST:

_____
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"

420

VILLA AMADOR P.U.D.

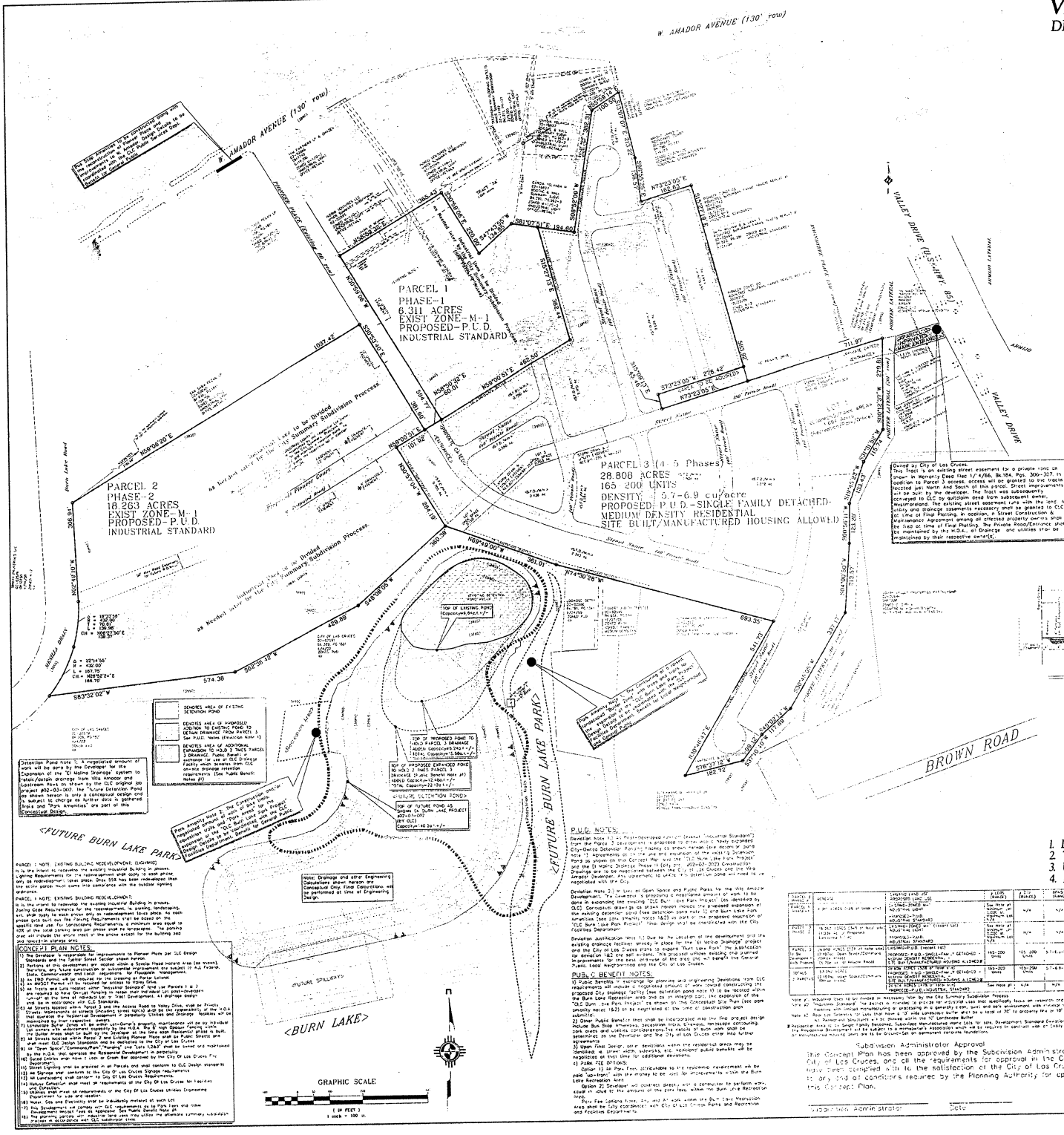
DEVELOPMENT CONCEPT PLAN

A 53.382 ACRE TRACT

LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010

Name of Development: Villa Amador
Developer: Harno Commercial, L.L.C.
1070 Lomas NE
Albuquerque, New Mexico 87102
505-432-0922
Engineer: Scanlon White, Inc.
2780 Foothills Road, Ste. C
Las Cruces, New Mexico 88011
575-525-2112
Surveyor: Scanlon White, Inc.
2780 Foothills Road, Ste. C
Las Cruces, New Mexico 88011
575-525-2112
Proposed Zoning Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Mobile Home Community
Industrial Standard
Location: Sections 13&24, T.23S., R.1E.,
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 Design 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.
Telephone: Qwest
Cable TV: Comcast



TYPICAL PARCEL 3 INTERIOR STREET SECTION

TYPICAL STREET SECTION - 60' RIGHT-OF-WAY (MAJOR LOCAL)

TYPICAL DOUBLE-WIDE LOT

INDEX TO SHEETS:

1. DEVELOPMENT CONCEPT PLAN
2. TRANSPORTATION/ZONING MAP
3. UTILITIES MASTER PLAN
4. DRAINAGE MASTER PLAN

Subdivision Administrator Approval

The Concept Plan has been approved by the Subdivision Administrator of the City of Las Cruces, and all the requirements for approval in the Concept Plan have been satisfied with to the satisfaction of the City of Las Cruces subject to any and all conditions required by the Planning Authority for approval of this Concept Plan.

Subdivision Administrator Date

scanlon white inc.

SHEET 1 OF 4

VILLA AMADOR P.U.D.

LOCATION/ZONING/TRANSPORTATION MAP

A 53.382 ACRE TRACT

LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010

CONCEPTUAL ANTICIPATED TRAFFIC

PARCEL # PHASE #	ACREAGE	EXISTING LAND USE PROPOSED LAND USE	# LOTS (RANGE)	# D.U. (RANGE)	DENSITY (RANGE)	PROJECTED POPULATION	PROJECTED A.D.T. **
PARCEL 1 PHASE-1	6.311 ACRES (13% of total site)	EXISTING-ZONED M-1 INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL LIGHT	See Note #1 Minimum Lot: 5,000 s' Maximum Lot: N/A	N/A	N/A	N/A	ITE CODE-110 AM PEAK (24hr) AB-enter, 3hr-exit PM PEAK (24hr) 13-enter, 44-exit
PARCEL 2 PHASE-2	18.263 ACRES (34% of total site) (1.039 Ac. of Proposed Dedicated R.O.W.)	EXISTING-ZONED M-1 (Vacant Lot) INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL LIGHT	See Note #1 Minimum Lot: 5,000 s' Maximum Lot: N/A	N/A	N/A	N/A	ITE CODE-110 AM PEAK (24hr) 33-enter, 22-exit PM PEAK (24hr) 48-enter, 17-exit
PARCEL 3 To Be Developed in 4-5 Phases*	28.808 ACRES (53% of total site) (2.107ac. Open Space/Commons/Office Areas) (5.758 Ac. of Private Road)	EXISTING-P.U.D. (Vacant Lot) PROPOSED-P.U.D.-SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL N.T.S. (MULTI-FAMILY DETACHED HOUSING ALLOWED)	103-200 Units	103-200 Units	3.7-7.0 DU/AC	328-640 2.3-2 persons	ITE CODE-230 AM PEAK (24hr Bus) 24-enter, 5-exit PM PEAK (24hr Bus) 84-enter, 47-exit
TOTALS 3 PARCELS	53.382 ACRES (2.107ac. Open Space/Commons/Office Areas)	28.808 ACRES (53% of total site) EXISTING-ZONED M-1 (Vacant Lot) INDUSTRIAL LIGHT PROPOSED-P.U.D. MIXED LAND USE (SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL, INDUSTRIAL/MANUFACTURING HOUSING ALLOWED)	103-200 Units	103-200 Units	3.7-7.0 DU/AC	328-640 2.3-2 persons	AM PEAK (24hr) 136-enter, 117-exit PM PEAK (24hr) 63-enter, 203-exit
		24.574 ACRES (47% of total site) PROPOSED-P.U.D.-INDUSTRIAL STANDARD	See Note #1	N/A	N/A		

** (533) DENOTES, Existing Traffic Counts shown hereon are from The City of Las Cruces 2006 Traffic Flow Map

DEVELOPMENT STANDARDS

PARCEL # PHASE #	ACREAGE	EXISTING LAND USE PROPOSED LAND USE	# LOTS (RANGE)	# D.U. (RANGE)	DENSITY (RANGE)	PROJECTED POPULATION	PROJECTED A.D.T. **	MINIMUM AREA DEVELOPMENT	MINIMUM BUILDING SETBACKS
PARCEL 1 PHASE-1	6.311 ACRES (13% of total site)	EXISTING-ZONED M-1 INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL STANDARD	See Note #1 Minimum Lot: 5,000 s' Maximum Lot: N/A	N/A	N/A	N/A	ITE CODE-110 AM PEAK (24hr) AB-enter, 3hr-exit PM PEAK (24hr) 13-enter, 44-exit	Minimum Area-INDUSTRIAL Maximum Height-60' 70' (max. Drive) 80' (max. Bldg.)	Front - 15' Rear - 15' or 0' Side - 5' or 0' Side (adjacent st.) - 15' Side (adjacent st.) - 15'
PARCEL 2 PHASE-2	18.263 ACRES (34% of total site) (1.039 Ac. of Proposed Dedicated R.O.W.)	EXISTING-ZONED M-1 (Vacant Lot) INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL STANDARD	See Note #1 Minimum Lot: 5,000 s' Maximum Lot: N/A	N/A	N/A	N/A	ITE CODE-110 AM PEAK (24hr) AB-enter, 33-exit PM PEAK (24hr) 48-enter, 17-exit	Minimum Area-INDUSTRIAL Maximum Height-60' 70' (max. Drive) 80' (max. Bldg.)	Front - 15' Rear - 15' or 0' Side - 15' or 0' Side (adjacent st.) - 15' Side (adjacent st.) - 15'
PARCEL 3 To Be Developed in 4-5 Phases*	28.808 ACRES (53% of total site) (2.107ac. Open Space/Commons/Office Areas) (5.758 Ac. of Private Road)	EXISTING-ZONED M-1 (Vacant Lot) PROPOSED-P.U.D.-SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL N.T.S. (MULTI-FAMILY DETACHED HOUSING ALLOWED) SITE INFRASTRUCTURE - CONTROL ALLOWED	103-200 Units	103-200 Units	3.7-7.0 DU/AC	328-640 2.3-2 persons	ITE CODE-230 AM PEAK (24hr Bus) 24-enter, 5-exit PM PEAK (24hr Bus) 84-enter, 47-exit	Minimum Area-MIXED USE Maximum Height-35'	Front - 15' (See note #3) Rear - 15' Side - 5' Side (adjacent st.) - 10'
TOTALS 3 PARCELS	53.382 ACRES (2.107ac. Open Space/Commons/Office Areas)	28.808 ACRES (53% of total site) EXISTING-ZONED M-1 (Vacant Lot) INDUSTRIAL LIGHT PROPOSED-P.U.D. MIXED LAND USE (SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL, INDUSTRIAL/MANUFACTURING HOUSING ALLOWED) 24.574 ACRES (47% of total site) PROPOSED-P.U.D.-INDUSTRIAL STANDARD	103-200 Units	103-200 Units	3.7-7.0 DU/AC	328-640 2.3-2 persons	AM PEAK (24hr) 136-enter, 117-exit PM PEAK (24hr) 63-enter, 203-exit		

Note #1: Industrial Uses to be divided as necessary from time to time through future subdivisions or lot splits, subject to the requirements of the City of Las Cruces Subdivision Ordinance.
Note #2: "Industrial Standard" the district is intended to provide for industrial uses (with specifications) "above and beyond" those permitted in the surrounding residential and M-1 uses.
Note #3: Field Lot Setbacks for Lots that have a 10' and an 8' utility easement (U.E.) on the front of the lot: Front - 18' (Garage Door Setback) Front of the structure the same.
No Permanent Structures will be placed within the 10' utility easement (U.E.).
Residential Area to be Single Family Detached, Townhomes, Condominiums, Apartments, etc. Development Standards shall be in accordance with the applicable Residential Development Standards of the City of Las Cruces Zoning Code.
The Industrial Development will be subject to a comprehensive subdivision plan which will include Restrictive Covenants to provide Design Standards for the Industrial Development.
All Manufactured Housing Units are to be Entirely Site Constructed (Stick Built) Units.

Name of Development: Villa Amador

Developer: Homing Commercial, L.L.C.
10701 Tomas NE
Albuquerque, New Mexico 87112
505-332-0522

Engineer: Scanlon White, Inc.
1790 Estrella Road, Ste. C
Las Cruces, New Mexico 88011
575-522-2112

Surveyor: Scanlon White, Inc.
1790 Estrella Road, Ste. C
Las Cruces, New Mexico 88011
575-522-2112

Proposed Land Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Mobile Home Community
Industrial Standard

Location: Sections 13 & 24, T.23S., R.1E.
N.M.P.M. Las Cruces, Dona Ana County, New Mexico

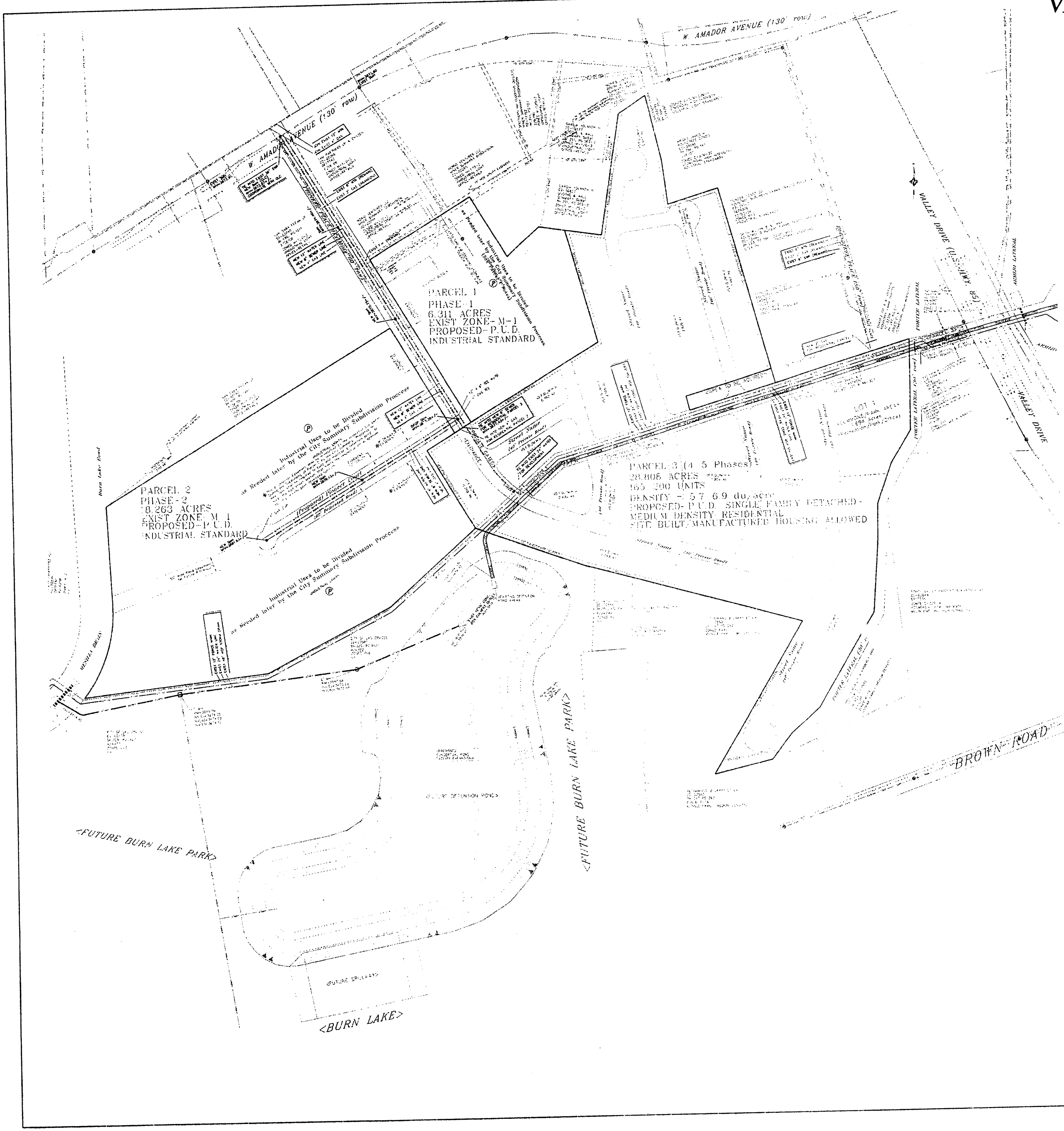
Jurisdiction: Extraterritorial Zone of Las Cruces

Applicable Codes: City of Las Cruces Zoning Code
City of Las Cruces Subdivision Regulations
City of Las Cruces Design 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.
Telephone - Qwest
Cable TV - Comcast

scanlon white inc.

SHEET 2 OF 4



VILLA AMADOR P.U.D.

MASTER UTILITY PLAN

A 53.382 ACRE TRACT

LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010

Name of Development: Villa Amador

Developer: Homco Commercial, LLC
10701 Lomas NE
Albuquerque, New Mexico 87112
505-332-0522

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

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

Proposed Land Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Mobile Home Community
Industrial Standard

Location: Sections 13&24, T.23S., R.1E.
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 Design Standards
City of Las Cruces UTIL 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.
Telephone: Qwest
Cable TV: Comcast

CONCEPT PLAN NOTES:

UTILITY NOTES:

GRAPHIC SCALE

(IN FEET)

scanlon white inc.

SHEET 3 OF 4

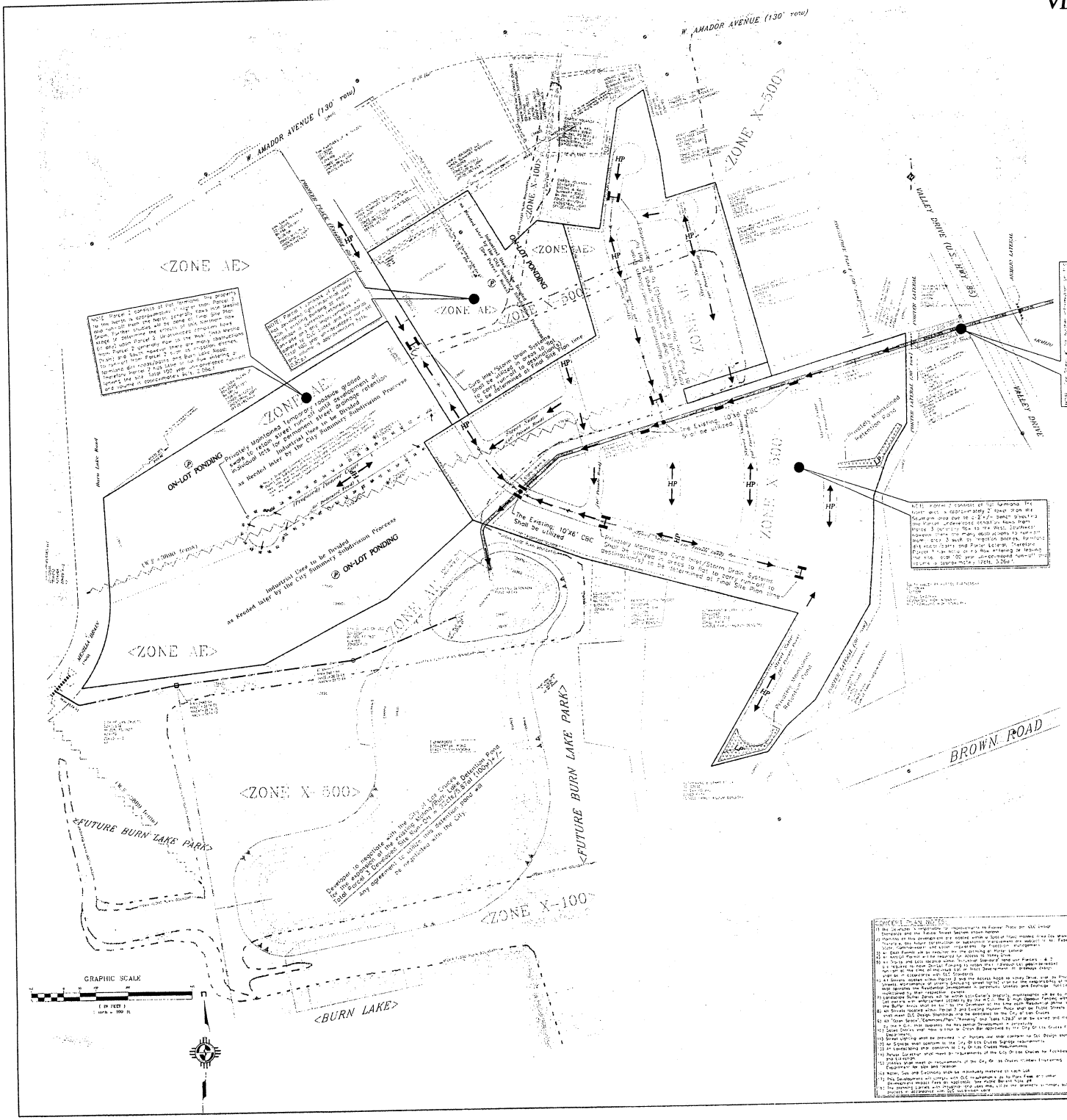
VILLA AMADOR P.U.D.

CONCEPTUAL DRAINAGE

A 53.382 ACRE TRACT

LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010



scanlon white inc.

SHEET 4 OF 4

423

EXHIBIT "B"
FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The proposed PUD is generally located south of Amador Avenue, west of Valley Drive, and northeast of Burn Lake and consists of 53.383 ± acres.

2. The subject properties are zoned M-1/M-2 (Industrial Standards) and PUD (Planned Unit Development). The subject properties comprise of nine parcels of land.

3. The Metropolitan Planning Organization (MPO) Valley Drive as a Principal Arterial roadway. Valley Drive is also a NMDOT roadway.

4. Pioneer Place is a minor local roadway.

5. The Porter Lateral is identified as a trail on the MPO's Trail System Priorities Plan.

6. The concept plan identifies industrial and single-family residential land uses.

7. The proposed construction and use of the PUD may not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood.

8. There is adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time of issuance of either a Certificate of Occupancy or Letter of Acceptance, as applicable.

9. The uses proposed within the PUD, including their density and intensity, are appropriate to the character of the neighborhood and may have a positive aesthetic effect on the neighborhood in which the PUD is located.

10. The proposed uses within the PUD will not subject surrounding properties and pedestrians to significant hazardous traffic conditions.

11. Adjacent land use and zoning include:

	Zoning	Land Use
North	M-1/M-2/O-2	Industrial
South	PUD/R-1a	Vacant/Single-Family 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

12. The PUD conforms to the intent, goals, objectives, policies, and standards of all City plans and codes.

13. The request is consistent with the following sections of the CLC 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.

2.5.6 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.

Attachment "a"

City of Las Cruces®

TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Adam Ochoa, Acting Planner
Cheryl Rodriguez, Development Services Administrator CR

DATE: September 28, 2010

SUBJECT: Zone Change and Concept Plan Approval

RECOMMENDATION: Denial

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 properties encompass 53.382 +/- acres and are zoned M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development). The proposed PUD will entail three (3) parcels: Parcel 1 will encompass 6.311 ± acres and is proposed for Industrial uses; Parcel 2 will encompass 18.263 ± acres and is also proposed for Industrial uses; and, Parcel 3 which will encompass 28.808 ± acres and is proposed for a mobile home subdivision that will allow for single-family site-built, manufactured houses, and/or mobile homes. The applicant is also 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

On July 26, 2010, the Las Cruces City Council considered the proposed Planned Unit Development (PUD) known as Villa Amador. At the City Council meeting, there was considerable discussion regarding three key items: (1) access for the residential development to Valley Drive; (2) the nature of public benefits for the PUD; and (3) the nature of residential development planned for Planning Parcel 3. In regards to item number 3, the applicant modified the development proposal at the City Council meeting. Initially, the development application was reviewed by staff and the Planning and Zoning Commission with the proposal that Planning Parcel 3 was intended to be developed as a mobile home park. At the City Council meeting, the applicant indicated that the planning parcel was intended to be developed as a single-family residential subdivision. With the change in land use for Planning Parcel 3, the City Council remanded the development application to the Planning and Zoning Commission for another review and recommendation back to the City Council. In addition, the City Council instructed

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the applicant to meet with staff and resolve all other outstanding issues, notably item number 2 and 3 as mentioned above.

The following section provides a "Public Hearing History" of the development proposal as this proposed project has been to two Planning and Zoning Commission meetings. Immediately after that section, the staff report identifies the ***revised concept plan*** followed by a "Findings" and "Recommendation" section.

PUBLIC HEARING HISTORY

The original development proposal for the PUD was considered by the Development Review Committee (DRC) on February 10, 2010. The DRC reviews PUDs from an infrastructure, utilities, and public improvement standpoint. At the February 10th meeting, Public Works staff had concerns regarding primary access to the residential development from Valley Drive. The PUD boundary is not adjacent to Valley Drive. There is a City-owned parcel of land located between the PUD boundary and Valley Drive.

The Public Works Department requested the applicant to acquire letters of support and approval from the adjacent property owners. In addition, the Public Works Department also requested that a Traffic Impact Analysis (TIA) be submitted to the City for review so traffic operations may be analyzed.

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 six conditions. 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 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 same conditions as stated by Public Works.

Immediately following the February 23, 2010, Planning and Zoning Commission meeting, 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 building located in Planning Parcel 1. 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 meeting were received from the 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).

CONCEPT PLAN

The proposed 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 53.382 ±acres and proposes both industrial and single-family residential land uses.

The subject property consists of nine (9) existing parcels. Presently, five (5) parcels encompassing 34.98 ± 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), which is equivalent to the PUD zoning district identified in the 2001 Zoning Code, as amended. Historical research indicates that the actual intent of use for these parcels was never identified through the annexation process.

Planning Parcel 1 and 2. The concept plan identifies Planning Parcels 1 and 2 for industrial uses with a combined acreage of 24.574 ± acres. The industrial area is to have access from Amador Avenue via Pioneer Place, a minor local roadway.

The permitted uses in the proposed industrial area of the Villa Amador PUD will be the same as those uses permitted in M-1/M-2 zoning district of the 2001 Zoning Code, as amended. The applicant has identified the following industrial development standards:

Minimum Lot Size:	5,000 square feet
Minimum Lot Depth:	70-feet
Minimum Lot Width:	60-feet
Maximum Building Height:	80-feet

Minimum Building Setbacks:

Front:	15-feet
Rear:	15-feet or 0
Side:	15-feet or 0

The applicant proposes to follow the CLC Design Standards for drainage requirements within the industrial area. All utility infrastructure will comply with the City's development codes and policies.

The concept plan also identifies a redevelopment plan for Planning Parcel 1. Planning Parcel 1 presently has existing structures, most notably, a large warehouse. The applicant proposes a redevelopment plan for the required improvements for parking, landscaping, and outdoor lighting as it pertains to the redevelopment of the warehouse. The applicant intends to redevelop the warehouse in phases thus coordinating the parking, landscaping, and outdoor lighting improvements to each phase.

Planning Parcel 3. The concept plan identifies Planning Parcel 3 to be developed as a single-family residential subdivision. The area contains 28.808 ± acres and is intended to be developed in four or five phases. The applicant proposes a single-family medium density of approximately 5.7 to 6.9 units per acre with a dwelling unit range of 165 to 200 dwelling units. The applicant proposes a housing type of single-family site-built and/or manufactured housing.

The applicant has identified the following single-family residential development standards:

Minimum Lot Size:		3,600 square feet
Minimum Lot Depth:		90-feet
Minimum Lot Width:		40-feet
Maximum Building Height:		35-feet
Minimum Building Setbacks:		
	Front:	10-feet
	Rear:	10-feet
	Side:	5-feet
	Secondary Side:	10-feet

Access to the single-family residential subdivision is proposed from Valley Drive, a principal arterial roadway and New Mexico Department of Transportation (NMDOT) roadway. The single-family residential subdivision is proposed to be a gated community. All interior roads within the residential development are proposed to be privately maintained. Any utilities contained within the right-of-way will be maintained by the respective utility provider. Secondary access to the residential development is proposed to be from Pioneer Place, a minor local roadway.

The applicant is proposing a 10-foot landscaped buffer area within the residential development. The purpose of the landscaped buffer area is to mitigate the existing

commercial and industrial development northwest and northeast of the proposed single-family residential development as well as provide an additional buffer to the established single-family residential neighborhood south of the proposed development. The applicant is also proposing additional amenities adjacent to the proposed residential development, most notably, trail connectivity to Burn Lake and the Porter Lateral.

Public Benefits. As part of the PUD process, the applicant is required to provide a public benefit for each private incentive. The concept plan identifies the following public benefits:

1. The developer will install a bus stop and its associated amenities on West Amador Avenue.
2. The developer will expand the additional capacity (minimum of 2x the volume) to the El Molino Drainage Pond. The additional capacity will be determined upon the final drainage study for the residential development. The Public Works Department will coordinate this effort.
3. The developer will contribute to the re-development of the Burn Lake Park Project. The developer will either (1) pay the required park impact fees for the residential development and those fees will be used to leverage funds and associated improvements to Burn Lake or (2) perform work in equal value to the required park impact fees for the residential development to Burn Lake. The Facilities Department will coordinate this effort.

FINDINGS

1. The proposed PUD is generally located south of Amador Avenue, west of Valley Drive, and northeast of Burn Lake and consists of 53.383 ± acres.

2. The subject properties are zoned M-1/M-2 (Industrial Standards) and PUD (Planned Unit Development). The subject properties comprise of nine parcels of land.

3. The Metropolitan Planning Organization (MPO) classifies Valley Drive as a Principal Arterial roadway. Valley Drive is also a NMDOT roadway.

4. Pioneer Place is a minor local roadway.

5. The Porter Lateral is identified as a trail on the MPO's Trail System Priorities Plan.

6. The concept plan identifies industrial and single-family residential land uses.

7. The proposed construction and use of the PUD may not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood.

8. There is adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time of issuance of either a Certificate of Occupancy or Letter of Acceptance, as applicable.

9. The uses proposed within the PUD, including their density and intensity, are appropriate to the character of the neighborhood and may have a positive aesthetic effect on the neighborhood in which the PUD is located.

10. The proposed uses within the PUD will not subject surrounding properties and pedestrians to significant hazardous traffic conditions.

11. Adjacent land use and zoning include:

	Zoning	Land Use
North	M-1/M-2/O-2	Industrial
South	PUD/R-1a	Vacant/Single-Family 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

12. The PUD conforms to the intent, goals, objectives, policies, and standards of all City plans and codes.

13. The request is consistent with the following sections of the CLC 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.

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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.

2.5.6 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.

RECOMMENDATION

The revised development proposal appears to address the three key items that were of concern at the July 26, 2010 City Council meeting. The primary access for the residential development has been satisfactorily resolved. Research by both the applicant and City staff indicates that the City-owned parcel has a private road easement that runs with the property. This is supported by a warranty deed filed in January 1966. As such, the concept plan includes a notation that at the time of final platting of the residential development, a street construction and maintenance agreement will be completed with all affected property owners. The private road will remain private and will be maintained by a Homeowner's Association created for the purpose of the single-family residential development. The City of Las Cruces will not maintain the street improvements, but will maintain associated utility and drainage infrastructure that resides within the private road easement.

The applicant has worked with both Public Works and Facilities staff to resolve the nature of the public benefits for the proposed PUD. In addition, the applicant modified the development proposal for Planning Parcel 3 for the single-family residential development. The applicant has no intentions of developing a mobile home park. The applicant has clarified his intent to develop Planning Parcel 3 as a single-family residential subdivision. The concept plan identifies the land use, density, number of dwelling units, and development standards.

However, an item of concern to Community Development staff is the manner in which the applicant intends to develop the 10-foot landscaped buffer within the single-family residential development. The applicant intends to construct a six-foot opaque fence along the perimeter of the residential development. However, the 10-foot wide landscaped buffer will reside within the interior of the residential development, e.g., each platted lot will have a 10-foot wide easement that will serve as the landscaped buffer. The applicant intends each property owner of the residential lot to install the landscaping within the 10-foot wide easement. The applicant also notes that the Homeowner's Association will maintain that landscaped area that resides within each platted lot. The applicant further notes that no permanent structures will be allowed within the 10-foot wide landscaped buffer.

Community Development staff strongly encouraged the applicant to place the landscaped buffer area around the perimeter of the residential development, most importantly, outside of any proposed platted lot. Community Development staff noted that the landscaped buffer as proposed by the applicant will be difficult to both enforce and maintain by the Homeowner's Association. As illustrated by the applicant, if each property owner does not install the landscape requirements for the buffer area, then no buffer will exist. The applicant is required to provide a buffer between the industrial and residential land uses to mitigate impact and provide good spatial separation.

Community Development staff does not support the landscaped buffer proposal by the applicant. Community Development staff recommends that a tract of land around the

perimeter of the residential development be created to include the landscaped buffer area; the tract of land can then be dedicated and maintained by the Homeowner's Association. Community Development staff recommends ***denial*** of the proposed PUD as the landscaped buffer area as proposed by the applicant may not have a positive aesthetic effect on the neighborhood in which the PUD is located.

OPTIONS

1. Approve the zone change request and concept plan.
2. Deny the zone change request and concept plan.
3. Modify the concept plan and recommend approval of the zone change request and concept plan. The Planning and Zoning Commission may modify the concept plan to ensure that the landscaped buffer area is developed in a manner that provides a true buffer between the industrial and residential land uses to mitigate impact as well as provide good spatial separation between uses.
4. Table/Postpone the request and direct staff accordingly.

ATTACHMENTS

1. Development Statement
2. Villa Amador Concept Plan (8 ½ x 11 size)
3. Transcripts from the February 10, 2010 DRC Meeting
4. Transcripts from the February 23, 2010 Planning & Zoning Commission Meeting
5. Transcripts from the April 27, 2010 Planning & Zoning Commission Meeting
6. Transcripts from the July 26, 2010 City Council Meeting
7. Public Comments
8. Vicinity Map
9. Villa Amador Concept Plan (large format)

Attachment #1

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 Scanlon

Contact Person: Same

Contact Phone Number: 575-525-2112

Contact e-mail Address: tscanlon@

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 ½" 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 Facities (Burn 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*

Attachment #2

442

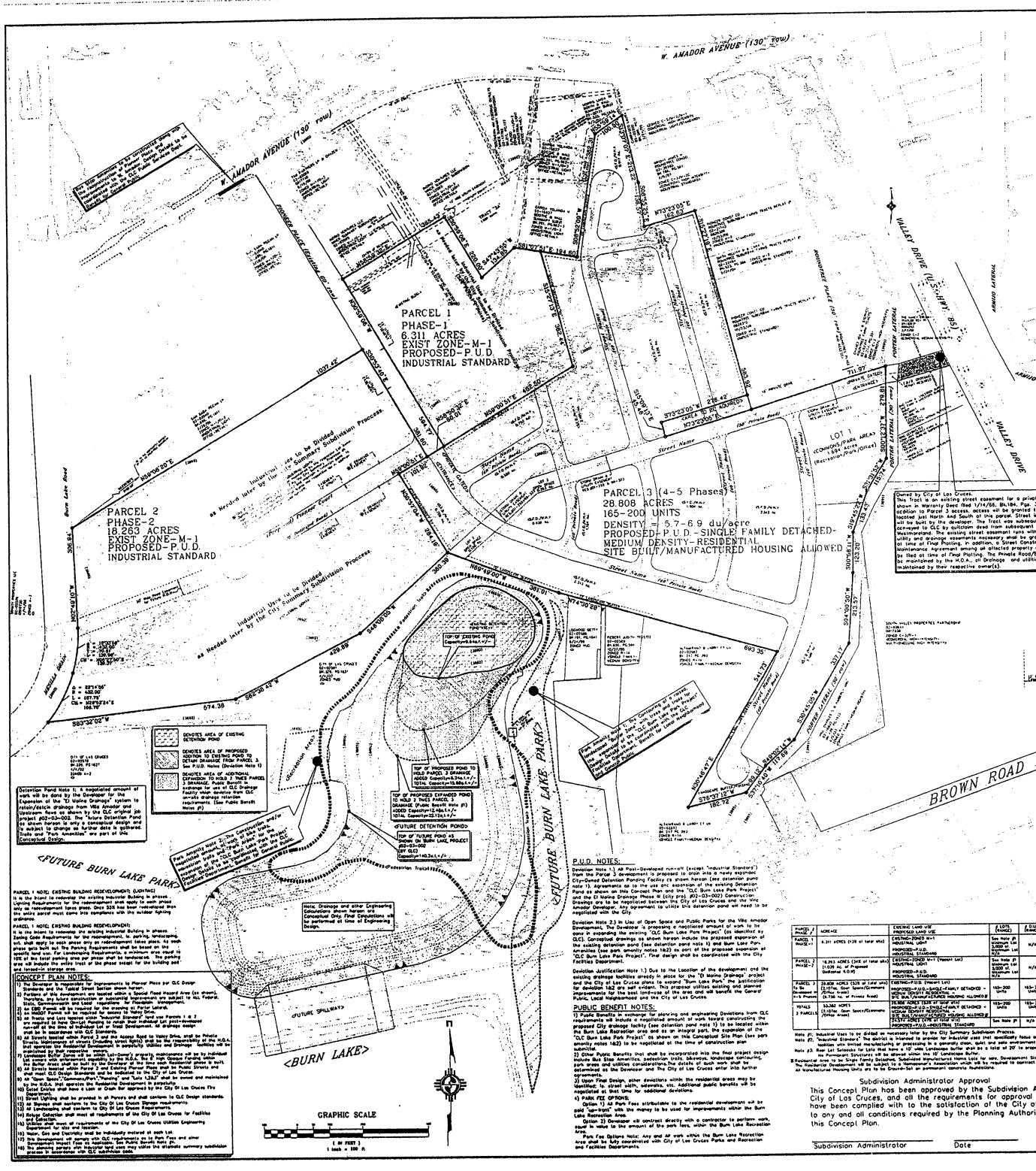
VILLA AMADOR P.U.D.

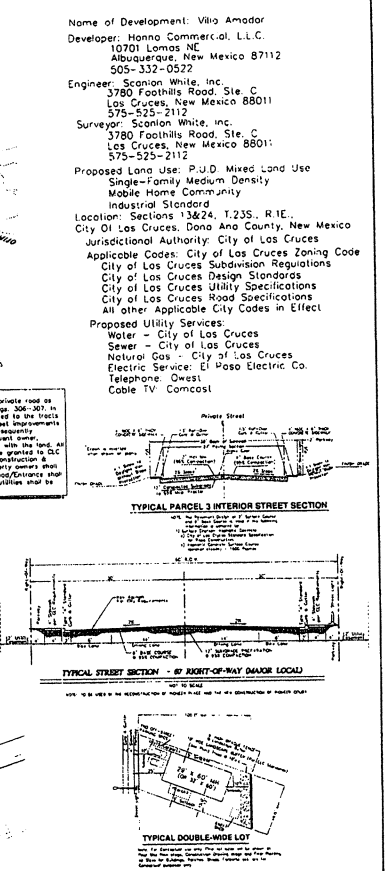
DEVELOPMENT CONCEPT PLAN

A 53.382 ACRE TRACT
LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010

Name of Development: Villa Amador
Developer: Honno Commercial, L.L.C.
10701 Lomas NE
Albuquerque, New Mexico 87112
505-332-0522
Engineer: Scanlon White, Inc.
3780 Foothills Road, Ste. C
Las Cruces, New Mexico 88011
575-525-2112
Surveyor: Scanlon White, Inc.
3780 Foothills Road, Ste. C
Las Cruces, New Mexico 8801
575-525-2112
Proposed Land Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Mobile Home Community
Industrial Standard
Location: Sections 13&24, T.23S., R.1E.,
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 Design 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.
Telephone: Qwest
Cable TV: Comcast





INDEX TO SHEETS:

1. DEVELOPMENT CONCEPT PLAN
2. TRANSPORTATION/ZONING MAP
3. UTILITIES MASTER PLAN
4. DRAINAGE MASTER PLAN

PARCEL / PHASE	ACREAGE	EXISTING LAND USE / PROPOSED LAND USE	# LOTS (RANGE)	# D.U. (RANGE)	DENSITY (RANGE)	PROJECTED POPULATION	PROJECTED A.D.T.	MINIMUM AREA DETAIL/ANGLE	MINIMUM BUILDING SETBACKS
PARCEL 1 PHASE-1	6.311 ACRES (125 of total site)	EXISTING-ZONED M-1 INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL STANDARD	See note #1 Minimum Lot 3,000 s.f. Maximum Lot N/A	N/A	N/A	N/A	20 Dwelling 48 PEAK (Veh) 2 PEAK (Ped) 20 AM peak (veh) 24 PM peak (veh) 2 AM peak (ped) 2 PM peak (ped)	Minimum Area=3000sf Maximum Height=60' 70' deep (min.) 60' wide (min.)	Front = 15' Rear = 15' or 0'* Side = 15' or 0'* Side (second st.) = 15'
PARCEL 2 PHASE-2	18.263 ACRES (36% of total site) (1.035 AC. of Proposed Detention)	EXISTING-ZONED M-1 (Vacant Lot) INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL STANDARD	See note #1 Minimum Lot 3,000 s.f. Maximum Lot N/A	N/A	N/A	N/A	60 Dwelling 144 PEAK (Veh) 6 PEAK (Ped) 60 AM peak (veh) 72 PM peak (veh) 6 AM peak (ped) 6 PM peak (ped)	Minimum Area=3000sf Maximum Height=60' 70' deep (min.) 60' wide (min.)	Front = 15' Rear = 15' or 0'* Side = 15' or 0'* Side (second st.) = 15'
PARCEL 3 Ph. 3a Development or Ph. 3 Phase 1	28.808 ACRES (53% of total site) (2.07Ac. Open Space/Commons Dollop Green) (8.736 AC. of Proposed Detention)	EXISTING-P.U.D. (Vacant Lot) PROPOSED-P.U.D.-SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL SITE BUILT/MANUFACTURED HOUSING ALLOWED	165-200 Units	165-200 Units	5.7-6.9 DU/AC	528-640 (2.3 persons)	165 Dwelling 396 PEAK (Veh) 16 PEAK (Ped) 165 AM peak (veh) 198 PM peak (veh) 16 AM peak (ped) 16 PM peak (ped)	Minimum Area=3000sf Maximum Height=35' 70' deep (min.) 60' wide (min.)	Front = 15' Rear = 10' (See note #3) Side = 5' Side (second st.) = 10'
TOTALS 3 PARCELS	53.382 ACRES (2.07Ac. Open Space/Commons Dollop Green)		See Note #1	N/A	N/A		245 Dwelling 588 PEAK (Veh) 24 PEAK (Ped) 245 AM peak (veh) 294 PM peak (veh) 24 AM peak (ped) 24 PM peak (ped)		

Note #1: Industrial Uses to be divided as necessary later by the City Summary Subdivision Process.
Note #2: "Industrial Standard" The district is intended to provide for Industrial uses that specifically focus on research and development, warehousing and large-scale storage facilities with limited manufacturing or processing in conjunction with other industrial uses that are compatible with minimal negative impacts on the environment and visual aesthetics.
Note #3: Rear Lot Setbacks for Lots that have a 10' wide Landscape Buffer are as follows:
a) Lots with a Landscape Buffer are to have a setback of 20' to property line or 10' to Landscape Buffer line (see typical Lot diagram).
b) Permanent Structures will be allowed within the 10' Landscape Buffer.
* Residential Area to be Single Family Detached, Modular and Manufactured Home Lots for sale. Development Standard Deviations may be administratively approved by CLC Community Development Staff at the appropriate time. The Residential Development will be subjected to a Homeowner's Association which will be required to contract with an Entity or employ Personnel to provide operation and maintenance of the Residential Development.
All Manufactured Housing Units are to be Installed on permanent concrete foundations.

Subdivision Administrator Approval

This Concept Plan has been approved by the Subdivision Administrator of the City of Las Cruces, and all the requirements for approval in the Concept Plan have been complied with to the satisfaction of the City of Las Cruces subject to any and all conditions required by the Planning Authority for approval of this Concept Plan.

Subdivision Administrator Date

scanlon white inc

SHEET 1 OF 4

VILLA AMADOR P.U.D.

DEVELOPMENT CONCEPT PLAN

A 53.382 ACRE TRACT LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010

Name of Development: Villa Amador

Developer: Hanna Commercial, L.L.C.
10701 Lomas NE
Albuquerque, New Mexico 87112
505 332-0522

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

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

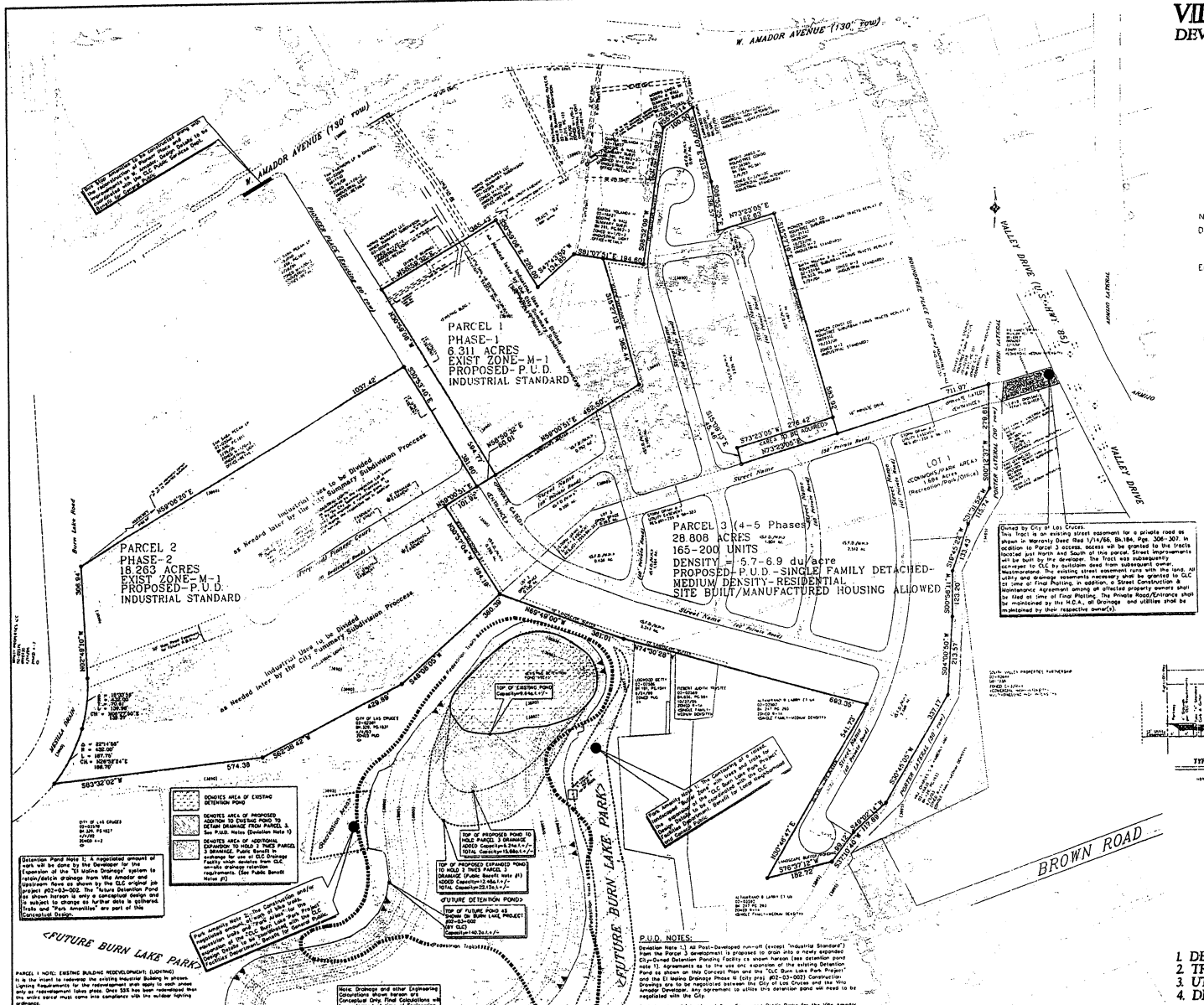
Proposed Land Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Mobile Home Community
Industrial Standard

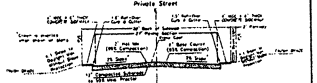
Location: Sections 13&24, T.23S., R.1E.,
City Of Las Cruces, Dona Ana County, New Mexico

Jurisdictional Authority: City of Las Cruces

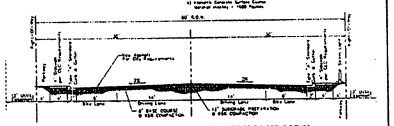
Applicable Codes: City of Las Cruces Zoning Code
City of Las Cruces Subdivision Regulations
City of Las Cruces Design Standards
City of Las Cruces Utility Specifications
City of Las Cruces Road Specifications
All other Applicable City Codes in Effect

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
Telephone: Qwest
Cable TV: Comcast





TYPICAL PARCEL 3 INTERIOR STREET SECTION



TYPICAL STREET SECTION - 67' RIGHT-OF-WAY (MAJOR LOCAL)

TYPICAL DOUBLE-WIDE LOT

INDEX TO SHEETS:

1. DEVELOPMENT CONCEPT PLAN
2. TRANSPORTATION/ZONING MAP
3. UTILITIES MASTER PLAN
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PARCEL / PHASE	ACRES	EXISTING LAND USE / PROPOSED LAND USE	FLOOD (ZONE)	D.U. (ACRES)	DENSITY (RANGE)	PROJECTED POPULATION	PROJECTED A.D.T.	MINIMUM AREA DEPTH/WIDTH	MINIMUM BUILDING SETBACKS
PARCEL 1 PHASE-1	6.311 ACRES (1.26 of total site)	EXISTING-ZONED M-1 INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL STANDARD	See Note #1 Minimum Lot 5,000 sq. ft. Minimum Lot n/a	N/A	N/A	N/A	1K ODOR (Trips) 2K PEAK (Cars) 1K PEAK (Cars) 60' Wide (min.)	Minimum Area=8000sf Maximum Height=80' 70' deep (min.) 60' wide (min.)	Front = 15' Rear = 15' or 0' Side = 15' or 0' Side (exterior st.) = 15'
PARCEL 2 PHASE-2	18.263 ACRES (3.65 of total site) 0.039 ac. of Proposed Detention Pond	EXISTING-ZONED M-1 (Vacant Lot) INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL STANDARD	See Note #1 Minimum Lot 5,000 sq. ft. Minimum Lot n/a	N/A	N/A	N/A	1K ODOR (Trips) 2K PEAK (Cars) 1K PEAK (Cars) 60' Wide (min.)	Minimum Area=8000sf Maximum Height=80' 70' deep (min.) 60' wide (min.)	Front = 15' Rear = 15' or 0' Side = 15' or 0' Side (exterior st.) = 15'
PARCEL 3 Site Development in 4-5 Phases	28.808 ACRES (5.76 of total site) 0.0 ac. Open Space/Parkland (Office, Home) 28.808 ac. (5.76 ac. of Private Road)	EXISTING-P.U.D. (Vacant) - VACANT PROPOSED-P.U.D.-SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL SITE BUILT/MANUFACTURED HOUSING ALLOWED	165-200 Units	165-200 Units	5.7-6.9-DU/AC	529-640 853 persons	1K ODOR (Trips) 2K PEAK (Cars) 1K PEAK (Cars) 60' Wide (min.)	Minimum Area=3600sf Maximum Height=80' 80' deep (min.) 60' wide (min.)	Front = 10' Rear = 10' (See Note #3) Side = 10' Side (exterior st.) = 10'
TOTALS 3 PARCELS	53.382 ACRES (10.67 of total site)	28.808 ACRES (5.76 of total site) EXISTING-P.U.D. - SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL SITE BUILT/MANUFACTURED HOUSING ALLOWED 24.574 ACRES (4.91 of total site) PROPOSED-P.U.D.-INDUSTRIAL STANDARD	See Note #2	N/A	N/A		2K PEAK (Trips) 3K PEAK (Cars) 2K PEAK (Cars) 120' Wide (min.) 120' wide (min.)		

Note #1: Industrial Uses to be divided as necessary later by the City Summary Subdivision Process.
Note #2: "Industrial Standard" The district is intended to provide for industrial uses that specifically focus on research and development, warehousing and large-scale storage. "Industrial Standard" The district is intended to provide for industrial uses that significantly minimize adverse impacts on the surrounding environment and uses. Facilities also limited manufacturing or processing in a generally clean, quiet, and safe environment within the industrial zone.
Note #3: Rear Lot Setbacks for lots that have a 10' wide Landscape buffer shall be a total of 20' to property line or 10' to Landscape Buffer line (see typical Lot diagram).
No Permanent Structures will be allowed within the 10' Landscape Buffer.
Residential Area to be Single Family Detached, Subdivided Manufactured Home Lots for sale. Development Standard Deviations may be administratively approved by CLC Community Development Staff at the appropriate time.
The Residential Development will be subject to a Homeowner's Association which will be required to contract with an Entity or employ Personnel to provide operation and maintenance of the Residential Development.
All Manufactured Housing Units are to be Ground-Set and permanent concrete foundations.

CONCEPT PLAN NOTES:

1) The Developer is responsible for improvements to Pioneer Place per CLC Design Standards and the Master Street Section shown hereon.
2) Portions of the Future Spillway are located within a Special Flood Hazard Area (as shown). Portions of the future construction or substantial improvement are subject to All Federal, State, Commonwealth and Local regulations for Floodplain Management.
3) An EPA Permit will be required for the crossing at Parker Lateral.
4) An NMDOT Permit will be required for access to Valley Drive.
5) All Tracts and Lots identified within "Industrial Standard" land use Parcels 1 & 2 are required to have Drainage Retention to retain their individual Lot post-developed runoff at the lines of individual Lot or Tract Boundaries. Refer to drainage design plan to be in accordance with CLC Standards.
6) All Structures within Parcel 3 (Private Access Road to Valley Drive, shall be Private Streets, Maintenance of which (Street Signs) shall be the responsibility of the H.O.A. Streets within the Residential Development in perpetuity. Utilities and Drainage facilities will be maintained by their respective owners.
7) Landscape Buffer Zones will be within Lot-Owner's property; maintenance will be by individual Lot owner with management responsibility for the H.O.A. in the Residential Development. The Buffer areas shall be built by the Developer. Fencing shall be installed on the Lot side of the Buffer. Trees shall be built by the Developer. Pioneer Place shall be Public Streets and shall meet CLC Design Standards and be dedicated to the City of Las Cruces.
8) All "Tracts", "Parks/Amenities/Park", "Parking" and "Lots 1,2&3" shall be owned and maintained by the H.O.A. that operates the Residential Development in perpetuity.
10) Gated Entry shall have a Lock or Crash Bar approved by the City Of Las Cruces Fire Department.
11) Street Lighting shall be provided in all Parcels and shall conform to CLC Design standards.
12) All Signage shall conform to the City Of Las Cruces Signage requirements.
13) All Landscaping shall conform to City Of Las Cruces Requirements.
14) Refuse Collection shall meet all requirements of the City Of Las Cruces Utilities Department.
15) Utilities shall meet all requirements of the City Of Las Cruces Utilities Engineering Department for size and location.
16) Water, Gas and Electricity shall be individually metered at each Lot.
17) This Development will comply with CLC requirements as to Park Fees and other Development Impact Fees as applicable. See Public Benefit Note #4.
18) The planning contact with Hospital land uses may utilize the drainage summary subdivision process in accordance with CLC subdivision code.

PARCEL 1 NOTE: EXISTING BUILDING REDEVELOPMENT: (LIGHTING)

It is the intent to redevelop the existing Industrial Building in phases. Lighting Requirements for the redevelopment shall apply to each phase only as redevelopment takes place. Once 33% has been redeveloped then the entire parcel must come into compliance with the outdoor lighting ordinance.

PARCEL 1 NOTE: EXISTING BUILDING REDEVELOPMENT:

It is the intent to redevelop the existing Industrial Building in phases. Zoning Code Requirements for the redevelopment, ie. parking, landscaping, etc. shall apply to each phase only as redevelopment takes place. As each phase gets built out The Parking Requirements shall be based on the specific land use. For Landscaping Requirements, a minimum area equal to 10% of the total parking area per phase shall be landscaped. The parking area will include the entire tract of the phase except for the building pad and fenced-in storage area.

P.U.D. NOTES:

Deviation Note 1.) All Post-Developed run-off (except "Industrial Standard") from the Parcel 3 development is proposed to drain into a newly expanded Co-Owned Detention Ponding Facility as shown hereon (see detention pond note 1). Agreements as to the use and expansion of the existing Detention Pond as shown on the City Canyon Plan and the "El Molino Drainage Phase II (city proj. #02-03-002) Construction Drawings are to be negotiated between the City of Las Cruces and the Villa Amador Developer. Any agreement to utilize this detention pond will need to be negotiated with the City.

Deviation Note 2.) In Lieu of Open Space and Public Parks for the Villa Amador Development, The Developer is proposing a negotiated amount of work to be done in expanding the existing "CLC Burn Lake Park Project" (as identified by CLC). Conceptual drawings as shown hereon include the proposed expansion of the existing detention pond (see detention pond note 1) and Burn Lake Park amenities (see park amenity notes 1&2) as part of the proposed expansion of "CLC Burn Lake Park Project". Final design shall be coordinated with the City Facilities Department.

Deviation Justification Note 1.) Due to the Location of the development and the existing drainage facilities already in place for the "El Molino Drainage" project and the City of Las Cruces plans to expand "Burn Lake Park" the justification for deviation 1&2 are self evident. This proposal utilizes existing and planned improvements for the best land-use of the area and will benefit the General Public, Local Neighborhood and the City of Las Cruces.

PUBLIC BENEFIT NOTES:

1) Public Benefits in exchange for planning and engineering Deviations from CLC requirements will include a negotiated amount of work toward constructing the proposed City drainage facility (see detention pond note 1) to be located within the Burn Lake Recreation area and as an integral part, the expansion of the "CLC Burn Lake Project" as shown on the Conceptual Site Plan (see park amenity notes 1&2) to be negotiated at the time of construction plan submittal.
3) Other Public Benefits that shall be incorporated into the final project design include Bike Stop Amenities, Interpretive trails, Benches, Landscaping Continuity, park areas and utilities considerations. The details of such work shall be determined at the Developer and The City of Las Cruces and/or other Public Agency agreements.
3) Upon Final Design, other amenities within the residential areas may be identified; ie. street width, sidewalks, etc. Additional public benefits will be negotiated at that time for additional deviations.
4) PARK FEE OPTIONS:
Option 1) All Park Fees attributable to the residential development will be paid "up-front" with the money to be used for improvements within the Burn Lake Recreation Area.
Option 2) Developer will contract directly with a contractor to perform work, equal in value to the amount of the park fees, within the Burn Lake Recreation Area.
Park Fee Options Note: Any land set aside within the Burn Lake Recreation Area shall be fully coordinated with City of Las Cruces Parks and Recreation and Facilities Departments.

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

Subdivision Administrator Approval

This Concept Plan has been approved by the Subdivision Administrator of the City of Las Cruces, and all the requirements for approval in the Concept Plan have been complied with to the satisfaction of the City of Las Cruces subject to any and all conditions required by the Planning Authority for approval of this Concept Plan.

Subdivision Administrator Date

scanlon white inc.

SHEET 1 OF 4

VILLA AMADOR P.U.D.

LOCATION/ZONING/TRANSPORTATION MAP

A 53.382 ACRE TRACT LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010

CONCEPTUAL ANTICIPATED TRAFFIC

PARCEL # PHASE #	ACREAGE	EXISTING LAND USE PROPOSED LAND USE	# LOTS (RANGE)	# D.U. (RANGE)	DENSITY (RANGE)	PROJECTED POPULATION	PROJECTED A.D.T. **
PARCEL 1 PHASE-1	6.311 ACRES (13% of total site)	EXISTING-ZONED M-1 INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL LIGHT	See Note #1 Minimum Lot 5,000 sf. Maximum Lot N/A	N/A	N/A	N/A	ITE CODE-110 AM PEAK (acre) 49-enter, 9-exit PM PEAK (acre) 19-enter, 44-exit
PARCEL 2 PHASE-2	18.263 ACRES (34% of total site) (1.039 Ac. of Proposed Dedicated R.O.W)	EXISTING-ZONED M-1 (Vacant Lot) INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL LIGHT	See Note #1 Minimum Lot 5,000 sf. Maximum Lot N/A	N/A	N/A	N/A	ITE CODE-110 AM PEAK (acre) 123-enter, 22-exit PM PEAK (acre) 48-enter, 112-exit
PARCEL 3 To Be Developed In 4-5 Phases	28.608 ACRES (53% of total site) (2.107ac. Open Space/Commons /Office Areas) (6.758 Ac. of Private Road)	EXISTING-P.U.D. (Vacant Lot) PROPOSED-P.U.D.-SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL - SITE BUILT/MANUFACTURED HOUSING ALLOWED	165-200 Units	165-200 Units	5.7-6.9-DU/AC	528-640 @3.2 persons	ITE CODE-270 AM PEAK (avg d.u.) 24-enter, 81-exit PM PEAK (avg d.u.) 84-enter, 47-exit
TOTALS 3 PARCELS	53.382 ACRES (2.107ac. Open Space/Commons /Office Areas)	28.608 ACRES (53% of total site) PROPOSED-P.U.D.-SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL - SITE BUILT/MANUFACTURED HOUSING ALLOWED	165-200 Units	165-200 Units	5.7-6.9-DU/AC	528-640 @3.2 persons	AM PEAK (total) 196-enter, 112-exit PM PEAK (total) 151-enter, 203-exit
		24.574 ACRES (47% of total site) PROPOSED-P.U.D.-INDUSTRIAL STANDARD	See Note #1	N/A	N/A		

** (533) DENOTES; Existing Traffic Counts shown hereon are from the City of Las Cruces 2006 Traffic Flow Map.

DEVELOPMENT STANDARDS

PARCEL # PHASE #	ACREAGE	EXISTING LAND USE PROPOSED LAND USE	# LOTS (RANGE)	# D.U. (RANGE)	DENSITY (RANGE)	PROJECTED POPULATION	PROJECTED A.D.T.	MINIMUM AREA DEPTH/WIDTH	MINIMUM BUILDING SETBACKS
PARCEL 1 PHASE-1	6.311 ACRES (13% of total site)	EXISTING-ZONED M-1 INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL STANDARD	See Note #1 Minimum Lot 5,000 sf. Maximum Lot N/A	N/A	N/A	N/A	ITE CODE-110 AM PEAK (acre) 49-enter, 9-exit PM PEAK (acre) 19-enter, 44-exit	Minimum Area=5000sf. Maximum Height=80' 70' deep (min.) 60' wide (min.)	Front - 15' Rear - 15' or 0'• Side - 15' or 0'• Side (second st.) - 15'
PARCEL 2 PHASE-2	18.263 ACRES (34% of total site) (1.039 Ac. of Proposed Dedicated R.O.W)	EXISTING-ZONED M-1 (Vacant Lot) INDUSTRIAL LIGHT PROPOSED-P.U.D. INDUSTRIAL STANDARD	See Note #1 Minimum Lot 5,000 sf. Maximum Lot N/A	N/A	N/A	N/A	ITE CODE-110 AM PEAK (acre) 123-enter, 22-exit PM PEAK (acre) 48-enter, 112-exit	Minimum Area=5000sf Maximum Height=80' 70' deep (min.) 60' wide (min.)	Front - 15' Rear - 15' or 0'• Side - 15' or 0'• Side (second st.) - 15'
PARCEL 3 To Be Developed In 4-5 Phases	28.608 ACRES (53% of total site) (2.107ac. Open Space/Commons /Office Areas) (6.758 Ac. of Private Road)	EXISTING-P.U.D. (Vacant Lot) PROPOSED-P.U.D.-SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL - SITE BUILT/MANUFACTURED HOUSING ALLOWED※	165-200 Units	165-200 Units	5.7-6.9-DU/AC	528-640 @3.2 persons	ITE CODE-270 AM PEAK (avg d.u.) 24-enter, 81-exit PM PEAK (avg d.u.) 84-enter, 47-exit	Minimum Area=3600sf. Maximum Height=35' 90' deep (min.) 40' wide (min.)	Front - 10' Rear - 10' (See Note #3) Side - 5' Side (second st.) - 10'
TOTALS 3 PARCELS	53.382 ACRES (2.107ac. Open Space/Commons /Office Areas)	28.608 ACRES (53% of total site) PROPOSED-P.U.D.-SINGLE-FAMILY DETACHED - MEDIUM DENSITY RESIDENTIAL - SITE BUILT/MANUFACTURED HOUSING ALLOWED※	165-200 Units	165-200 Units	5.7-6.9-DU/AC	528-640 @3.2 persons	AM PEAK (total) 196-enter, 112-exit PM PEAK (total) 151-enter, 203-exit		
		24.574 ACRES (47% of total site) PROPOSED-P.U.D.-INDUSTRIAL STANDARD	See Note #1	N/A	N/A				

Note #1: Industrial Uses to be divided as necessary later by the City Summary Subdivision Process

Note #2: "Industrial Standard" The district is intended to provide for industrial uses that specifically focus on research and development, warehousing and large-scale storage facilities with limited manufacturing or processing in a generally clean, quiet and safe environment with minimal negative impacts on the surrounding environment and uses.

Note #3: Rear Lot Setbacks for Lots that have a 10' wide Landscape buffer shall be a total of 20' to property line or 10' to Landscape Buffer line (see typical Lot diagram) No Permanent Structures will be allowed within the 10' Landscape Buffer.

※ Residential Area to be Single Family Detached, Subdivided Manufactured Home Lots for sale, Development Standard Deviations may be administratively approved by CLC Community Development Staff at the appropriate time. The Residential Development will be subject to a Homeowner's Association which will be required to contract with an Entity or employ Personnel to provide operation and maintenance of the Residential Development. All Manufactured Housing Units are to be Ground-Set on permanent concrete foundations.

Name of Development: Villa Amador

Developer: Hanna Commercial, L.L.C.
10701 Lomas NE
Albuquerque, New Mexico 87112
505-332-0522

Engineer: Scanlon White, Inc.
3780 Foothills Road, Ste. C
Los Cruces, New Mexico 88011
575-525-2112

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

Proposed Land Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Mobile Home Community
Industrial Standard

Location: Sections 13&24, T.23S., R.1E., 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 Design 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.
Telephone: Owes:
Cable TV: Comcast

CONCEPT PLAN NOTES:

1) The Developer is responsible for improvements to Pioneer Place per CLC Design Standards and the Typical Street Section shown hereon.
2) Portions of this development are located within a Special Flood Hazard Area (as shown). Therefore, any future construction or substantial improvement are subject to ALL Federal, State, Commonwealth and Local regulations for Floodplain Management.
3) An EBID Permit will be required for the crossing at Porter Lateral.
4) An NMDOT Permit will be required for access to Valley Drive.
5) All Tracts and Lots located within "Industrial Standard" land use Parcels 1 & 2 are required to have On-Lot Ponding to retain their individual Lot post-developed run-off at the time of individual Lot or Tract Development. All drainage design shall be in accordance with CLC Standards.
6) All Streets located within Parcel 3 and the Access Road to Valley Drive, shall be Private Streets. Maintenance of streets (including street lights) shall be the responsibility of the H.O.A. that operates the Residential Development in perpetuity. Utilities and Drainage facilities will be maintained by their respective owners.
7) Landscape Buffer Zones will be within Lot-Owner's property, maintenance will be by individual Lot owners with enforcement capability by the H.O.A. The 6' High Opaque Fencing within the Buffer Areas shall be built by the Developer at the time each Residential phase is built.
8) All Streets located within Parcel 2 and Existing Pioneer Place shall be Public Streets and shall meet CLC Design Standards and be dedicated to the City of Las Cruces.
9) All "Open Space","Commons/Mail","Ponding" and "Lots 1,2&3" shall be owned and maintained by the H.O.A. that operates the Residential Development in perpetuity.
10) Gated Entries shall have a Lock or Crash Bar approved by the City Of Las Cruces Fire Department.
11) Street Lighting shall be provided in all Parcels and shall conform to CLC Design standards.
12) All Signage shall conform to the City Of Las Cruces Signage requirements.
13) All Landscaping shall conform to City Of Las Cruces Requirements.
14) Refuse Collection shall meet all requirements of the City Of Las Cruces for Facilities and Collection.
15) Utilities shall meet all requirements of the City Of Las Cruces Utilities Engineering Department for size and location.
16) Water, Gas and Electricity shall be individually metered at each Lot.
17) This Development will comply with CLC requirements as to Park Fees and other Development Impact Fees as Applicable. See Public Benefit Note #4.
18) The planning parcels with industrial land uses may utilize the alternate summary subdivision process in accordance with CLC subdivision code.

GRAPHIC SCALE
(IN FEET)
1 inch = 300 ft.

scanlon white inc.

SHEET 2 OF 4

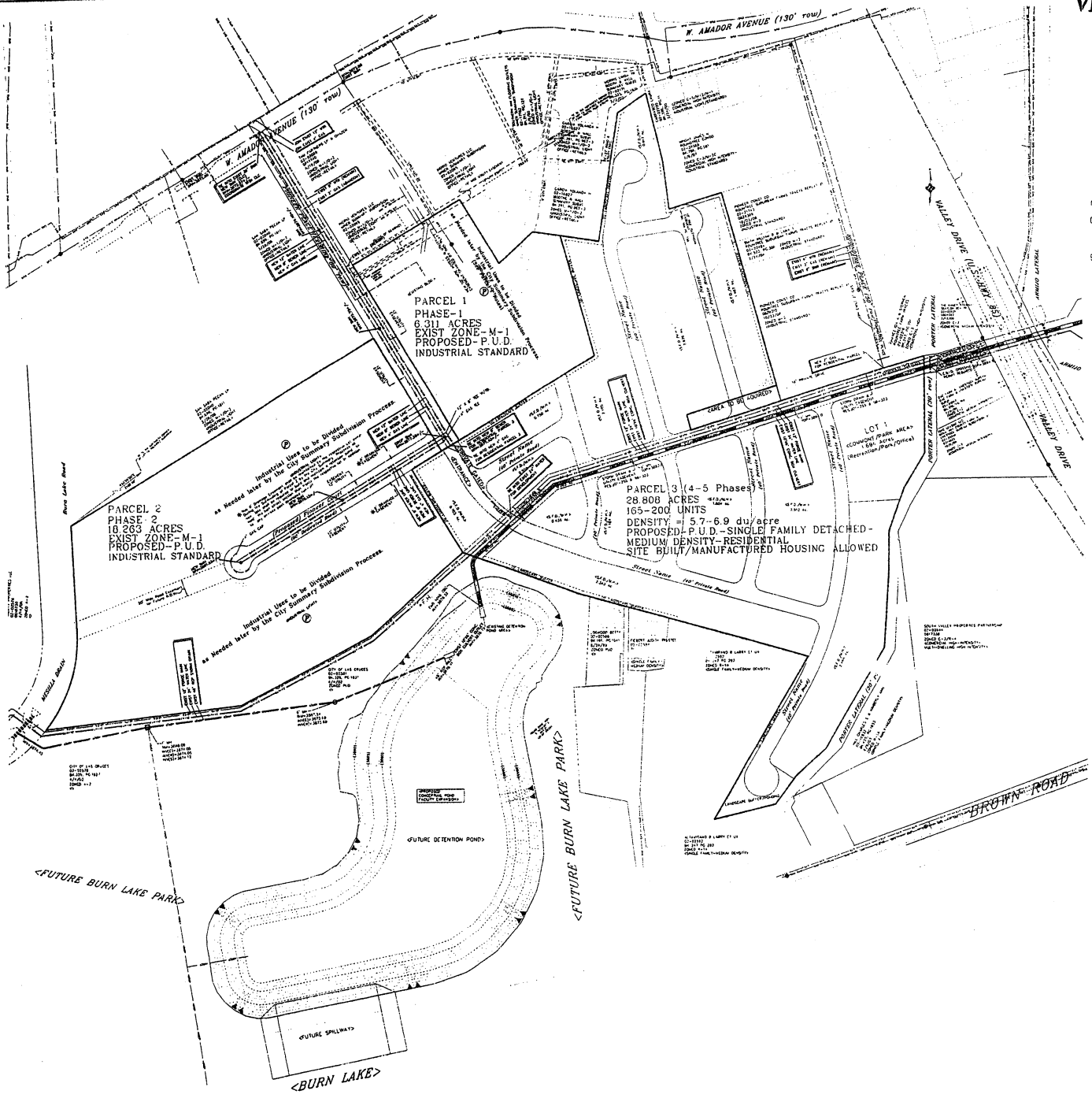
VILLA AMADOR P.U.D.

MASTER UTILITY PLAN

A 53.382 ACRE TRACT

LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010



Name of Development: Villa Amador

Developer: Hanna Commercial, L.L.C.
10701 Lomas NE
Albuquerque, New Mexico 87112
505-332-0522

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

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

Proposed Land Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Mobile Home Community
Industrial Standard

Location: Sections 13&24, T.23S., R.1E.,
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 Design 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.
Telephone: Qwest
Cable TV: Comcast

CONCEPT PLAN NOTES:

1) The Developer is responsible for improvements to Pioneer Place per CLC Design Standards and the Typical Street Section shown hereon.
2) Portions of this development are located within a Special Flood Hazard Area (as shown). Therefore, any future construction or substantial improvement are subject to ALL Federal, State, Commonwealth and Local regulations for Floodplain Management.
3) An EMD Permit will be required for the crossing at Porter Lateral.
4) An NMDOT Permit will be required for access to Valley Drive.
5) All Tracts and Lots located within "Industrial Standard" land use Parcels 1 & 2 are required to have On-Lot Ponding to retain Shall Stormwater Lot post-development run-off at the time of Individual Lot or Tract Development. An engineer design shall be in accordance with CLC Standards.
6) All Streets located within Parcel 3 (including the access Road to Valley Drive, shall be Private Streets. Lots located within Parcel 3 (including street lights) shall be the responsibility of the H.O.A. Street Lights shall be installed at the Developer's time and expense. Facilities will be maintained by the respective owners.
7) Landscape Buffer Zones will be within Lot-Owner's property; maintenance will be by individual Lot owner's with enforcement capability by the H.O.A. Brick High Opaque Fencing within the Buffer areas shall be built by the Developer at the time lots adjacent thereto are built.
8) All Streets located within Parcel 3 and Ponding Areas are to be Private Streets and shall meet CLC Design Standards and are subject to the City of Las Cruces Fire Code.
9) An "Open Space", "Commons/Park" Parcel of approximately 1.267 acres is owned and maintained by the H.O.A. that operates the Recreational Development in perpetuity.
10) Gated Entries shall have a Lock or Crash Bar approved by the City Of Las Cruces Fire Department.
11) Street Lighting shall be provided in all Parcels and shall conform to CLC Design standards.
12) All Signage shall conform to the City Of Las Cruces Signage requirements.
13) All Landscaping shall conform to City Of Las Cruces Requirements.
14) Refuse Collection shall meet all requirements of the City Of Las Cruces for Facilities and Collection.
15) Utilities shall meet all requirements of the City Of Las Cruces Utilities Engineering Department for size and location.
16) Water, Gas and Electricity shall be individually metered at each Lot.
17) This Development will comply with CLC requirements as to Park Fees and other Development Impact Fees as Applicable. See Public Benefit Note #8.
18) This planning parcel with Conceptual Layout shall be utilized as the alternate summary subdivision process in accordance with CLC subdivision code.

UTILITY NOTES:

1) All Interior Private Roads located within Parcel 3 shall have an overlying Utility Easement.
2) The sewer manhole at the intersection of Pioneer Place and West Amador shall be coordinated with the City of Las Cruces Amador Avenue reconstruction project.
3) All fire flow requirements and Fire Department regulations and standards shall be adhered to.
4) All gated entries shall have a Fire Department approved knox box/crash gate for access to private manufactured home development.

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

scanlon white inc.

SHEET 3 OF 4

VILLA AMADOR P.U.D.

CONCEPTUAL DRAINAGE
A 53.382 ACRE TRACT
LOCATED IN SECTIONS 13 AND 24, T.23S., R.1E., OF THE U.S.R.S. SURVEYS, BEING PART OF U.S.R.S. TRACT 9C-125, U.S.R.S. TRACT 9C-125B3, 9A-160A, 9A-160E, 9A-160F, 9A-160D, AND TRACT "A", ROUNDTREE SUBURBAN FARM TRACTS REPLAT NO.1

SEPTEMBER, 2010

Name of Development: Villa Amador

Developer: Hanna Commercial, L.L.C.
10701 Lomas NE
Albuquerque, New Mexico 87112
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Engineer: Scanlon White, Inc.
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Las Cruces, New Mexico 88011
575-525-2112

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

Proposed Land Use: P.U.D. Mixed Land Use
Single-Family Medium Density
Mobile Home Community
Industrial Standard

Location: Sections 13&24, T.23S., R.1E.,
City Of Las Cruces, Dona Ana County, New Mexico
Jurisdictional Authority: City of Las Cruces

Applicable Codes: City of Las Cruces Zoning Code
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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
Telephone: Qwest
Cable TV: Comcast

NOTE: See Sheet 1 for further information on the Utility Services.

The Developer will work with the City of Las Cruces on agreements for Concept Drainage Options for this Development. Below are 3 possible options for Drainage. Option #3 is reflected on these plans.

OPTION 1) All Post-Developed run-off will be Retained On-Site utilizing Onsite Ponding and On-Site Retention/Detention Ponding Facilities designed as shown on plans(s).
Only historical run-off from only adjacent properties at their historic drainage points. All run-off from "Industrial Standard" land uses will be retained On-Site.

OPTION 2) The Existing City-Owned Detention Ponding Facility located at the discharge point at the existing 10'x6' concrete box culvert will be utilized for an agreed upon percentage/amount of Post-Developed drainage from the development. All run-off from "Industrial Standard" land uses will be retained On-Site. Any agreement to utilize this detention pond will need to be negotiated with the City.

OPTION 3) All Post-Developed run-off (except "Industrial Standard") from the Parcel 3 development is proposed to drain into a newly expanded City-Owned Detention Pond. Any agreements to be the use and expansion of the existing Detention Pond as shown on this Concept Plan and the "CLC Burn Lake Park Project" and the El Molino Drainage Phase III (City proj. #02-03-002) Construction Drawings are to be negotiated between the City of Las Cruces and the Villa Amador Developer. Any agreement to utilize this detention pond will need to be negotiated with the City.

P.U.D. NOTES: (See Sheet 1 for more information)

Deviation Note 1) All Post-Developed run-off (except "Industrial Standard") from the Parcel 3 development is proposed to drain into a newly expanded City-Owned Detention Ponding Facility as shown hereon (see detention pond note 1) Agreements as to the use and expansion of the existing Detention Pond as shown on this Concept Plan and the "CLC Burn Lake Park Project" and the El Molino Drainage Phase III (City proj. #02-03-002) Construction Drawings are to be negotiated between the City of Las Cruces and the Villa Amador Developer. Any agreement to utilize this detention pond will need to be negotiated with the City.

Deviation Note 2) In Lieu of Open Space and Public Parks for the Villa Amador Development, The Developer is proposing a negotiated amount of work to be done in expanding the existing "CLC Burn Lake Park Project" (as identified by CLC). Conceptual drawings as shown hereon indicate the proposed expansion of the existing detention pond (see detention pond note 1) and Burn Lake Park amenities (see park amenity notes 1&2) as part of the proposed expansion of "CLC Burn Lake Park Project". Final design shall be coordinated with the City Facilities Department.

Deviation Justification Note 1) Due to the Location of the development and the existing drainage facilities already in place for the "El Molino Drainage" project and the City of Las Cruces plans to expand "Burn Lake Park" the justification for deviation 1 &2 are self evident. This proposal utilizes existing and planned improvements for the best landuse of the area and will benefit the General Public, Local Neighborhood and the City of Las Cruces.

PUBLIC BENEFIT NOTES: (See Sheet 1 for more information)

1) Public Benefits in exchange for planning and engineering Deviations from CLC requirements will include a negotiated amount of work toward constructing the proposed City drainage facility (see detention pond note 1) to be located within the Burn Lake Recreation area and as an integral part, the expansion of the "CLC Burn Lake Park Project" as shown on this Conceptual Site Plan (see park amenity notes 1&2) to be negotiated at the time of construction plan submittal.

2) Other Public Benefits that shall be incorporated into the final project design include Bus Stop Amenities, pedestrian trails, walkways, landscape consuming walk areas and utilities considerations.The details of such shall be determined as the Developer and The City of Las Cruces enter into further agreements.

3) Upon Final Design, other deviations within the residential areas may be identified as street width, sidewalks, etc. Additional public benefits will be negotiated at that time for additional deviations.

4) PARK FEE OPTIONS.
Option 1) All Park Fees attributable to the residential development will be paid "up-front" with the money to be used for improvements within the Burn Lake Recreation Area.
Option 2) Developer will contract directly with a contractor to perform work equal in value to the amount of the park fees, within the Burn Lake Recreation Area.
Park Fee Options Note: Any and All work within the Burn Lake Recreation Area shall be fully coordinated with City of Las Cruces Parks and Recreation and Facilities Departments.

DRAINAGE NOTES:

1) All Tracts and Lots located within "Industrial Standard" land use Parcels 1 & 2 are required to have On-Lot Ponding to retain their individual Lot post-developed run-off at the time of individual Lot or Tract Development. All drainage design shall be in accordance with CLC Requirements.
2) All FEMA flood plain information shown hereon is by Graphic Plotting only and the available information as shown on Map Community Panel No. 350100C0615E effective September 27, 1991.
All areas of this development located within a Special Flood Hazard Area are subject to ALL Federal, State, Commonwealth and Local regulations for Floodplain Development.
3) All drainage calculations (cfs, volumes ect.) shown hereon are conceptual and are subject to change.
(P) DENOTES "ON-LOT" PONDING. (SEE NOTE 1)

CONCEPT PLAN NOTES:

1) The Developer is responsible for improvements to Pioneer Pass per CLC Design Standards and the Typical Street Section shown hereon.
2) Portions of this development are located within a Special Flood Hazard Area (as shown). Therefore, any future construction or substantial improvement is subject to ALL Federal, State, Commonwealth and Local regulations for Floodplain Development.
3) An CBD Parcel will be required for the crossing of the Porter Lateral.
4) A WADO Parcel will be required for the crossing of the Porter Lateral.
5) All Tracts and Lots located within "Industrial Standard" land use Parcels 1 & 2 are required to have On-Lot Ponding to retain their individual Lot post-developed run-off at the time of individual Lot or Tract Development. All drainage design shall be in accordance with CLC Standards.
6) All Streets located within Parcel 3 and the Access Road to Valley Drive, shall be Private Streets. Maintenance of streets (including street lights) shall be the responsibility of the H.O.A. that operates the Residential Development in perpetuity (Water and Drainage facilities will be maintained by their respective owner).
7) Maintenance of Tract and Lots Lot-Owner's property, maintenance will be by individual Lot owner with enforcement assistance by the H.O.A. The 8' high Opaque Fencing which the Buffer areas shall be built by the Developer at the time each Residential phase is built.
8) All Streets located within Parcel 3 and Existing Pioneer Pass shall be Public Streets and shall meet CLC Design Standards and be dedicated to the City of Las Cruces.
9) All "Open Space", "Common/Park", "Ponding" and "Lots 1,2&3" shall be owned and maintained by the H.O.A. that operates the Residential Development in perpetuity.
10) Gated Drive shall have a Lock or Crash Bar approved by the City Of Las Cruces Fire Department.
11) Street Lighting shall be provided in all Parcels and shall conform to CLC Design standards.
12) All Signage shall conform to the City Of Las Cruces Signage requirements.
13) All Landscaping shall conform to City Of Las Cruces Requirements.
14) Refuse Collection shall meet all requirements of the City Of Las Cruces for Facilities and Collection.
15) Utilities shall meet all requirements of the City Of Las Cruces Utilities Engineering Standards and Specifications.
16) Water, Gas and Electricity shall be individually metered at each lot.
17) This Development will comply with CLC requirements as to Park Fees and other Development Impact Fees as applicable. See Public Benefit Note #4.
18) The planning parcels with Industrial land uses may utilize the alternate summary subdivision process in accordance with CLC subdivision code.

scanlon white inc.

SHEET 4 OF 4

Attachment #3

DEVELOPMENT REVIEW COMMITTEE

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

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

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

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

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

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

Murphy: I look the same from the front.

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

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

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

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

they think about this, having this access at this location. And these are written comments from the owners themselves, not from the engineer.

And with that Public Works feels that this cannot proceed until we have this information and until these questions can be answered.

Murphy: Okay. Utilities, you have anything new on...?

Montoya: No.

Murphy: Community Development?

Hembree: No further comments.

Murphy: Facilities?

Johnston: Mark Johnston, Facilities. No comments.

Murphy: Fire?

Dubbin: Mark Dubbin, Las Cruces Fire. The access issue is something that is of importance to us so we're... we'd would like to know how that's resolved; otherwise the developer has addressed all of our comments from last week's meeting.

Murphy: Okay, Mr. Scanlon I guess we're at the point where would you be willing to accept an indefinite deferral until those items...?

Scanlon: No, I wouldn't. I want this to go forward and I don't understand why Public Works is taking it upon themselves to stand in the way of it because we're at the concept plan stage right now of the PUD, that's what we're doing. We've got everything in order, that strip of land is the City's; it's theirs to do whatever they want with it. The... they've already built a storm drain it once and there's nothing in the deeds or in the conveyance documents that preclude that being used as a roadway. It's not appropriate to do a TIA at this time. It would be appropriate to do a TIA at the final site plan stage; that's what we have talked about all along in this process. We don't agree at all with this standing in the way of this thing and I don't understand why Public Works is doing that but no, we want to move forward. And we want a consensus of at this table that we can do that. We plan on having a neighborhood meeting next Tuesday at the developer... the developer's (*inaudible*), he is the one that's going to be bringing that forward and we don't see any reason whatsoever why that... why this thing cannot move forward at this stage of the game.

Murphy: At this point I'd like to hear from Dan Soriano on the TIA.

Soriano: Thank you, Dan Soriano, Public Works. Ted didn't we... I realize that we had talked about the TIA and the idea that we're early in the stages but remind me, refresh my memory just a little bit. Didn't we talk about at least some... providing some preliminary report, a trip generation based on just the most conservative guess as to what the land uses are going to be for this subdivision...?

Scanlon: We talked about doing that at the final site plan stage. We need to... we need to... we need to establish the land uses first.

Soriano: Okay, this...

Scanlon: Once we know what the land uses are that have, are approved by the City then we can do the TIA and that's what we had proposed to do all along.

Soriano: We're at the concept plan at this point? Does this go to P and Z?

Ochoa: Yes it does.

Soriano: Goes this month?

Ochoa: Mr. Scanlon is pushing for this month.

Soriano: Well Ted I can tell you that if I'm reading the P and Z the way I think I read the P and Z, they're gonna want some kind of information before them at P and Z and that was kind of... that was kind of the message I was trying to convey to you. You've seen from previous cases that that becomes a very, very...

Scanlon: Sure, and if you look at the... if you look at the PUD drawings, look at the drawings that we turned in, there are preliminary trip generation values given on there based on the ranges that we have... ranges of population density that we've estimated on there and we've already done that.

Soriano: That's on the concept plan?

Scanlon: Yes.

Peale: Steve Peale with Scanlon White. Yeah, the... and we had discussed those at the... on out in the field there at that time that we met out in the field, that had been discussed what those ADT's were on the plans. They're all based off the IT trip generations. They've been there since day one.

Murphy: One moment while Mr. Soriano reviews the trip generation.

(Mr. Soriano reviewing paperwork away from the microphones.)

Murphy: Mr. Soriano...?

Soriano: Well they do have some trip generation information based on what's planned for the area. Now it does give trip generation only, does not move to level of service and that is some of... that is I mean that is some things Ted and I talked about; that we needed at least some preliminary information before we went to P and Z because I know P and Z was going to turn around and table it or just not want to act on it until we had some kind of volume information out. Of course the director is the director and he's got some other ideas on what exactly he wants with the TIA. If he wants a more detailed TIA I guess we'll have to defer to him to see what he thinks but this seems to be falling in line with what Ted and I did talk about that we needed to at least have some preliminary information. Something that we could at least show the P and Z that there was at least some consideration of the traffic generation from this site and that further analysis level of service determination etcetera, etcetera was going to come with a final report at I guess final, the site plan stage. So this seems to be falling in line with what the conversation that Ted and I have had. Now again, Mr. Johnson has now interjected with some additional requests so I'd have to defer to that.

Murphy: Mr. Scanlon, and how long would it take to assemble the necessary information for the TIA?

Scanlon: Take a long time, probably at least two or three weeks.

Murphy: And Adam, what's the date of the Planning and Zoning?

Ochoa: That'd be February 23rd.

Murphy: Twenty third so were less than two weeks out on that.

Scanlon: I'd like to see in the code where that requirement for that TIA is in the code. I'm looking for uniform administration of the code here.

Murphy: The... I don't know whether you refer to the design you know the design guidelines or the codes but many places it is referenced as those are the minimum and nothing can preclude staff from requesting additional information. I do believe that a TIA was an early on request from Public Works. There was certainly you, you know, you know, you knew that...

Scanlon: I don't think that's the case, I think this TIA idea just came up yesterday.

Murphy: No...

Scanlon: I don't understand why, what they're afraid of what and over there and why they're standing in the way of this thing and what they're throw... reaching around in the dark trying to find reasons to deny this or to keep it from going forward.

Reyes: Mr. Chairman, Loretta Reyes, Public Works. We're not trying to keep this from going forward, Ted. It's a concern over that parcel of land as to whether or not it should be reserved for, for just the drainage purposes to have because that box culvert is there or whether it should be used as a roadway and that's the questions. I don't have the authority to say yes you can use that piece of property as a roadway. I believe that that authority is above me...

Scanlon: Show me in the documents then where it says that it can be used for drainage. You know you guys used it for drainage; you chose to use it for whatever you wanted back then...

Murphy: Mr. Scanlon. Mr. Scanlon. We don't need to; we don't need to delve into that. I believe at this point...

Scanlon: We do need to delve into that.

Murphy: I think the applicant's not willing to accept a deferral. I think what we need... the committee needs to move this on to P and Z with a recommendation and you know based, based on, based on the concerns raised by Public Works and you know the impacts we have for Fire, I believe I'm going to look for a recommendation of denial to the Planning and Zoning Commission. Can I have the motion?

Someone speaking away from the microphone.

Murphy: Motion to move this case forward to the P and Z with a recommended denial.

Reyes: Mr. Chair we wouldn't just vote on the question and then voice our whether we deny or... or say yes to take it?

Murphy: Do you think it would be more... it would be better if we have a motion for approval and then explain no votes?

Reyes: I would think that... that's what we've done in other cases we have...

Murphy: Okay I'm not used to being in the Chair position. Okay, may I have a motion for... a motion to approve?

Dubbin: Mark Dubbin, Fire Department. Make a motion to approve the case.

Johnston: Mark Johnston, Facilities. Second.

Murphy: Okay, let's go ahead and vote. Public Works?

Reyes: No.

Murphy: Utilities?

Montoya: We'll vote no because during the conversation that I'm hearing right now although right now that we have state the utility plan is only a con... concept only but if the connection to Valley Drive is not going to be happening that I think Ted that you have place two utility line through that tract of land then how we going to move those utility line if the road is not going to go through so I have... I have the concern that if the road, if it's not going to go through so...

Scanlon: The road has to go through Meei.

Montoya: Okay, I don't know at this time so anyway and meantime I will support my colleague because would like to see this going to P and Z without a major question ideas, so the Utility vote no.

Murphy: Alright, Community Development?

Hembree: Community Development defers to Public Works and vote no.

Murphy: Facilities?

Johnston: Facilities votes yes.

Murphy: Fire?

Dubbin: Mark Dubbin, Las Cruces Fire. If the... if the utilities and the road go through as in the concept plan, the Fire Department has no issue with the development. I think based on the questions raised by Public Works and Utilities I have to deny at this time.

Murphy: Okay and MPO votes no. Reason being that the... the access point is I believe a very key factor to the development and that there's not been adequate you know adequate you know notification as far as when... how to use that (*inaudible*) tract.

Scanlon: Fine you'll hear from my attorney.

Murphy: So the motion fails 5-1.

IV. NEW BUSINESS

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

A request for approval of a variance to the cross-section for a minor local roadway per the City's Design Standards. In addition, the applicant is requesting a variance to the street lighting requirement per the City's Design Standards. Subject property is located north Thurmond (also known as Engler) Road and south of Peachtree Hills Road. The application was submitted by DVI for Bright View Land Company, property owner.

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

Minutes from February 23, 2010 P&Z meeting

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

Crane: Once again I will move.

Bustos: I'll second.

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

Crane: Aye findings and discussion.

Scholz: Commissioner Bustos.

Bustos: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the chair votes aye for findings and discussion. All right, it's approved. Thank you very much Ms. Murphy, Mr. Dunham.

2. **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

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

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

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

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

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

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

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

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

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

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

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

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 at that point was not supportive of approving and moving forward with the concept plan without having the Public Works Department's issues addressed. With that, DRC at that time recommended denial for the proposed concept plan for the PUD known as Villa Amador. Just recently since then the applicant has been in contact with the Public Works Department trying to I guess finish out whatever concerns they might've had with the access and so forth. Just today Community Development staff received a letter from Public Works basically stating that a conditional approval ... that they're recommending approval with conditions for the Planned Unit Development. I'd like to read off those conditions now. One is that 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. Two is a TIA shall be provided at the final site plan submittal. Three, use of the City parcel as a roadway/public right-of-way 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 on their property/businesses. The developer is also responsible for replatting the parcel as public right-of-way. Four is that 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. Five, if the City parcel cannot be used for primary access to the private subdivision based on the list of conditions, the developer must designate another access point as their primary access to their development and find another secondary access for the development. And six, there must be an agreement with the City to use the City's future retention facility.

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

Scholz: Okay, questions. Commissioner Crane.

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

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

Crane: Thank you.

Scholz: Okay. Commissioner Beard.

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

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

Beard: Where's Amador on that one?

Ochoa: Amador is right up here.

Beard: Okay. And then the access road?

Ochoa: This is Pioneer Place here, the access being proposed for the industrial area. This over here would be the access point to get to Burn Lake I believe.

Scholz: Yes. Okay. All right. I just had ... I hate to throw a wet blanket on this you know and stop the process, but it seems to me we don't have enough information right now, particularly about the access. And when I was out there today looking at the property, it occurred to me that there's no way to get to Valley and almost no way to get to Amador though obviously that Pioneer Road would do the trick. And I'm looking at the number of dwellings that they're talking about which is about 165 to 200 I think they estimated. Well it seems to me that we need a definite access to Valley of some sort. We need an agreement on that from Public Works or from the City from whoever gives that permission. And it seems to me we also need a traffic impact study to see how we can put that many vehicles out through that road onto Valley which is a very busy road. I always remember that when I go to Scoopy's, I'm sorry Caliche's. I don't mean to be retro. And when I have to turn on there and go across the traffic on Valley or pull out of Caliche's and get back into traffic lane, it's difficult. I can't imagine what it would be like to have a couple hundred cars you know pulling out on that. So it seems to me that what we need before we can act on this is some guaranteed access on those roads and a traffic impact assessment. Commissioner Crane.

Crane: The Public Works has said it will provide a conditional approval with the following conditions and there's a string of conditions that have to be met. What then can the developer do if we vote to approve? What progress can the developer make? Can ground be broken?

Scholz: Well it seems to me that the developer would have to meet these conditions in order to get the approval. And it seems to me that ... it's my feeling anyway that it would be better for the developer to meet those conditions initially and then bring it up for approval instead of you know doing it in kind of a patchwork process. But since the applicant is here I'm certainly willing to listen to the applicant. Mr. Scanlon.

Scanlon: Yes, sir, Mr. Chairman, members of the Commission. Thank you for the opportunity to speak to you tonight. The parcel of land in question and I don't know for the life of me understand why the Public Works staff got so scared of this thing, but they seem to have and I've been dealing with this for several weeks now and I thought coming in here tonight that I had it completely cleared up because I have complied with everything that they've asked me to do with respect to it. But there is a parcel of land right here between the property line which is located in this area over to the Valley Drive right-of-way. That piece of property was acquired by a prior developer that was getting a development approval on this property. He

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

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

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

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

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

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

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

Scanlon: Yes, sir.

Beard: How wide is that access?

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

Beard: 50-feet wide. Okay.

Scanlon: It was ...

Beard: And that right now is an irrigation ditch?

Scanlon: I'm sorry?

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

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

Beard: To the south, okay.

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

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

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

Beard: Okay.

Crane: Mr. Chairman.

Scholz: Yes, Commissioner Crane.

Crane: In the Public Works paragraph three of their letter of today, mentions determining feasibility of utilizing City parcel due to existing City infrastructure. And I wonder if they're talking about that drain you mentioned?

Scanlon: They are talking about that storm drain and it's very feasible to build this roadway over the top of that. In fact we're going to build a roadway over the top of that ... that box culvert enters the ... comes under Valley Drive right here and enters our property right here inside an easement. We're going to build a road right over the top of it all the way to here. And then there would be a drainage easement which will provide some access to ... cross access between this development and Burn Lake for pedestrian and bicycle access so that they can access the recreational facilities and so forth in there. The plan is to build right over the top of that box culvert. The box culvert is designed in such a way that that's not a hindrance to it at all. In fact makes it very convenient to build drop inlets and let storm water go right into the box culvert.

Crane: Thank you.

Scholz: Okay. I just have two questions. I don't have ... thank you for explaining the access point by the way.

Scanlon: Yes, sir.

Scholz: That was confusing and I don't think we were enlightened by Public Works there in their memo. My question is why put a subdivision ... that is, why put a residential subdivision in what is basically an industrial area?

Scanlon: Well it's kind of a transitional area. There is to the south is Brown Road which is a quite old and very well established rural sort of neighborhood. We will transition from that area with somewhat higher density residential area in here, transitioning then over to the industrial area. The idea in this day and age and this is a concept of what the buzz word they call new urbanism, is to try to keep traffic down by allowing people to live close to where they would work. And that's one of the newer concepts in planning that's kind of going around the country now is to get commercial areas and industrial areas closer to each other so you don't have them sprawled out in great big areas but they're in these pockets and people can live and work very close to, or work very close to where they live.

Scholz: Right, I can understand that.

Scanlon: And there's another issue, we're trying to provide a development as far as the residential area that's very affordable. And this is one of the driving forces of that and the land area and being within the industrial area and having the ability to combine that with the industrial area allows us to make this residential development more affordable than we would be if we had to go out here on the East Mesa and buy vacant land and do it out there.

Scholz: I see. Well, the other part of smart growth of course is to have commercial areas nearby and I don't see any commercial areas nearby.

Scanlon: Well Wal-Mart right down the street. Fairly close.

Scholz: Where is the Wal-Mart.? It's on ...

Scanlon: It's just on the other side of Avenida de Mesilla which is about right here. About right there.

Scholz: Okay. Well I don't see that as a neighborhood. It's certainly not within walking distance. Okay. Well those were my concerns Mr. Scanlon. Any other questions for Mr. Scanlon? Okay, we'll open this to the public for discussion.

Scanlon: Thank you.

Scholz: And several people want to speak. What I'd like you to do is come up and identify yourself and then tell us what you think.

Schwebke: My name is John Schwebke. I represent the Doña Ana County Farm Bureau which is the building south. And we have never been asked to talk to or anything about this development. I'm very well aware that road ... when I moved here in 1997 and I occupied that building it was a gravel spillway and City came through and put what do call, you dig up the blacktop on the street and you put another top, top coating or whatever they did and it became nice cause the dust didn't blow any more in that area.

My concerns are a couple. It doesn't seem that this has to happen and have access to Valley Drive. I mean we're talking minimum 200 to 300 to 400 cars daily basis in and out, in and out, in and out. And that already has a lot of cars in Caliche's and I'll speak to that in a minute because that I think is an institution we should not disturb in Las Cruces. But as far as we're concerned as a business, our entryway into our parking lot would be right adjacent to the street where it would come out. I just do not see how I can turn left going out when there are cars coming out turning right. We have enough space there with Caliche's that we've

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

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

Scholz: Okay. Thank you Mr. Schwebke.

Crane: Mr. Chairman.

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

Crane: May I ask Mr. Schwebke a question?

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

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

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

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

Schwebke: It might be possible. I mean it's ... you're going right out to it within 30-feet of the highway. In other words anywhere you come along there would be to the north and it would be right out. I mean that's just you know ...

Crane: You're on the corner of this suggested access road and Valley Drive?

Schwebke: We basically are between ... our parking lot and then there's that access road which I was told that was a right-of-way, City right-of-way which was ... and that what it was was a right-of-way. Initially it was for farm, farm equipment went down, across there and across the lateral to use that as farm land a lot of times and then also EBID uses it for work on the lateral.

Crane: Thank you.

Scholz: Okay. Yes, ma'am.

Fiebert: I'm Jude Fiebert. And Adam's going to show you where my house is. I think I'm the closest one to this proposal. I've got a swimming pool out back. I wrote a little blurb and a few of the neighbors got together with me and I'd like to read it to you. And I would also like for all our neighbors to stand up when I'm done, if they would.

We the undersigned feel the quality of our lives will be drastically changed in a negative manner by this proposal. Most of us are retired and homebodies and have difficulties with the increasing traffic on Valley Drive. We feel the natural resources of the area are insufficient for the amount of industry and living conditions you are seeking. And I got a few of the neighbors that couldn't attend tonight; Bertie Douglas, she's at 1407; Margaret Deen 1431; Elsie I think I see you here; Nelda Mansel 1410; Rupert Mansel 1410; Cheryl Verdugo 1461; Susan Cranel 1906; and myself Jude Fiebert 1906. Paul (*inaudible*) is here and he told me to sign it but I don't think you should sign anybody else's name. We're worried about sewage and traffic and just living comfortably the way we have been for many many years. Thank you.

Scholz: Okay, ma'am. Would you ...

Crane: Mr. Chairman.

Scholz: Ma'am before you leave, yes, Commissioner Crane had a question and I also have a question. Would you spell your last name for me please?

Fiebert: F as in Frank, i e b e r t.

Scholz: Say again. Fi.

Fiebert: E.

Scholz: E.

Fiebert: B for boy, ert. I used to have Jude's Birkenstock on Main Street.

Scholz: There we go. And you're address is?

Fiebert: 1906 Brown.

Scholz: Oh, you're on Brown, there we go. Thank you very much.

Fiebert: I'm on West Brown. It's a dirt road off of Brown.

Scholz: Right, I missed that. Okay. Commissioner Crane.

Crane: That was my question. I live on the poor side of Brown Road.

Fiebert: Poor side. I think I'm on the poor side.

Crane: Wrong side of the tracks. But it's nice to be in your neighborhood.

Fiebert: Thank you.

Crane: As I understand it there's no connection between Brown Road and I'm not suggesting there being any connection between Brown Road, West Brown Road and the new development, suggested development, right?

Fiebert: Well it's my backyard.

Crane: I see that, but the traffic is not going to come down Brown Road as far as you know.

Fiebert: Oh no but we can't get out of Brown Road now. My biggest fear, I wrote to Nathan Small and I said you know I think I'm going to starve to death in my car while I'm trying to go to the grocery cause I can't get out of the road.

Crane: Yeah, I've given up ...

Fiebert: I had a traffic ticket.

Crane: I turn north up Valley, do a U-turn and go south.

Fiebert: Well I was in the middle. I'm in the middle and a man was speeding and he went up onto the used car lot, got hung up, took the sign down, the

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

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

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

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

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

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

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

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

Avalon: Roundtree Place runs from ...

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

Avalon: Okay. You see Roundtree Place there?

Scholz: Yes.

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

Scholz: Okay.

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

Scholz: Adam would you help this gentleman please?

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

Scholz: Why does that arrow keep disappearing? Magic.

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

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

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

Crane: You're suggesting then that instead of having that access onto Valley Drive that we were speaking about a few minutes ago. That the second access to the parcel will be on Roundtree?

Avalon: I think so.

Crane: Yes, it would solve the one problem and I'm not sure it doesn't raise a worse one because of how close the junction of Roundtree to Amador is. You know they have a sign there telling traffic to stop to the light on Valley Drive, not to block Roundtree and that distance from the end of Roundtree to Valley Drive must be no more than 20, 25 yards I'd guess. If you have substantial amount of traffic coming out of there and trying to join Valley Drive and go right and left it's not going to be an improvement on what we've been discussing at the lower end.

Avalon: Yeah.

Crane: Regarding the rest of your proposal, yes, I think that whoever undertook to make improvements to Roundtree Drive should be held to do it, but it's probably too late now.

Avalon: I guess the Texans would say a rock and a hard place. That's where we are.

Crane: Something like that, yeah.

Scholz: Well, that's exactly what I was going to bring up Mr. Avalon. I've been at that intersection many times coming back from the landfill or the gas station out there and I've always tried to avoid blocking the street. But I realize that there would be no way for people coming out to go west on Amador. They have to cross Amador's traffic, and I think that would be impossible. There are just too many cars there.

Avalon: I think one of the solutions to that problem; I'm not a traffic engineer so I offer with (*inaudible*).

Scholz: We have a traffic engineer sitting in the back as a matter of fact.

Avalon: Well great, maybe he'll solve it. A one-way street there would do the trick. In other words, just come in, travel from north to south and then you come out and go through whatever roads they proposed in the subdivision. And I think that would probably be a solution to a lot of other problems.

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

Avalon: Right.

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

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

Scholz: Stay closer to the mike please, sir.

Turner: I'll try to.

Scholz: Thank you.

Turner: But any way traffic has become extremely heavy. Anyone trying to exit out of this area onto Valley Drive and going north would have to turn right. They would not realistically be able to turn left and turn back to the north most of the time or at least during heavy traffic times. Which basically means they would go south and then try to find a place to make a U-turn back onto Valley which is essentially what we have to do on Brown Road already. Everybody going north from the car dealerships essentially that want to go back south make a U-turn at Brown Road to go back to the south. So that's already a real congested area in there. It's going to get worse. I can guarantee you. If you put that development in and you put an access to Valley Drive, I would predict you will have accidents galore. You have police and fire access. If you have that access there, that's the logical place for them to come in. They will have difficulty coming in I would think under many circumstances simply because of the heavy traffic. Now granted they're supposed to yield to those people but the traffic going north and south on Valley at this point is becoming extremely heavy. You have an ambulance site just south of Amador, or south of Brown Road on Valley that has to come and go north on Valley commonly.

So you've got a real congested area there. The idea of putting a light in and I agree with Commissioner Crane is impractical at that point. The traffic commonly backs up for a block or more trying to turn right to go south on Valley off of Amador already. You add 200 homes in there and try to figure out a way to get them in and out of there, I can't imagine how that would work. If I were looking at living in a mobile home and looked at

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

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

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

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

Scholz: Okay. Thank you Mr. Hutchinson.

Hill: My name is Scott Hill. I own the property, the batwing property there and I live at 1550 Brown Road. You know we'd all like to keep the same open space that we've always had but I realize that's not feasible you know forever. But I don't believe you can put six units per acre in there effectively without doing a lot more study than has already been done. And I would strongly recommend that you get a study done that would impact the traffic analysis and all that before we move forward. The man spends a lot more money doing what he's doing. So we can actually have some feeling that it's going to happen. Put 200 more homes in that area is just not workable. You know all along Brown there's one house per three-quarter's acre, that sort of thing. Now you're going to put six units per acre. That's not reasonable transition zone if you want. Thank you.

Scholz: Thank you. All right. If there's no one else to speak for the public, I'm going to ... Mr. Schwebke you had a second bite at the apple here. All right. Yes, speak right to the microphone please.

Schwebke: Explained that one development ...

Scholz: Stay on the mike please Mr. Schwebke.

Schwebke: Explained that one development, but they also have access out into Avenida de Mesilla through the back roads and around. So they can get out by McDonald's there. Cause I sometimes cut that way to get around the corner of Valley and Avenida de Mesilla because that's a busy corner now a days. I do think there's also another piece of property to the north of Caliche's. If you look along Valley Drive there it's about 75 feet wide or less they've got an ice making place there now and a place that sells cheap tobacco or whatever. But if an access could come out there, I mean it's really nothing along in that area and maybe make it just one turn only. Right turn going south would be the access that could be gotten that way. Again, the access to Valley is really a problem. I do think Amador is the solution, especially on Seventeenth Street coming across. There's already a stop light there and that would improve the access to the Burn Lake, to the soccer fields, everything would be accomplished with one road. So that's my comment.

Scholz: Okay. Mr. Scanlon you had a comment or a question, I don't recall.

Scanlon: I did, some clarifications Mr. Chairman, and try to answer some of the questions and concerns that the public has brought out. Starting with Mr. Schwebke's concerns about access. His property is this piece right here. This is the strip, the City right-of-way right here. In building a roadway in and out of the development at this location, we're going to be required to do a lot of work to Valley Drive. We're going to have to build new curb and gutters and some new sidewalks and new traffic lanes, right turn lanes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Crane: What look is that Mr. Chairman?

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

Crane: It seems appropriate. Yeah.

Scholz: Go ahead.

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

Ochoa: I believe so. Mr. Chairman, Commissioner Crane if you do vote this to go forward it may be something to possibly like I said before condition for any access issues to be ... for the Villa Amador PUD proposal be I guess if you will fixed and in compliance with what Public Works has in mind prior to City Council or something like that, other than that ... the main issue is basically the access issue. So as long as that gets taken care of I believe we should be fine sir.

Crane: Thank you.

Scholz: Other Commissioners? Commissioner Beard.

Beard: I'm ... I really don't know. I would like to see Seventeenth Street extended across, several of us would like to see that, but that's only a pipe dream right now. And if we go ahead and approve this it means sort of we're going to proceed with these mobile homes.

Crane: And that would be two accesses off Amador and none off Valley Drive, right?

Beard: Right. Right. With a stop, yeah.

Crane: It seems to me it's got to have an access to the north and access to the east.

Beard: Yeah.

Crane: I feel that this Valley Drive situation can be solved as Mr. Scanlon said, they've got to redesign that intersection so that there will be right turn lanes and possibly acceleration lanes and perhaps a light. As I said my inclination is to let them proceed with the understanding and I think I have it right that there will be another stopping point at which approval is granted before ground gets broken, concrete gets poured, asphalt gets rolled, right?

Scholz: Commissioner Bustos, I haven't heard from you.

Bustos: Well I just ... I'm sitting here wondering ... I just don't know. I know the access points are the issues, but I think until they're solved ... I mean I would like to see Seventeenth Street you know be factored in, but like Commissioner Crane said I mean if we can get something hooked up with Valley Drive I think that would solve a lot of it.

Scholz: Well I see the problem as access as well and I'm not sure that the reassurances that I've gotten from Mr. Scanlon or the possibilities of extending Seventeenth Street and the like, have convinced me that this is

workable. I don't see any problem with the industrial development, you know that can certainly have access off of Pioneer Place, but I really can't see that this residential development has the kind of access that it should have. I think, I know what traffic on Valley is like, I've driven it many times. I've always been very cautious pulling out of Caliche's so I don't get you know hit by somebody who's cutting across the median and doesn't see me. And you know this is a continuing problem and I don't see that we've actually figured out how to do this. I'm inclined to wait for a traffic impact analysis. I would as a matter of fact vote to postpone this until we see such a traffic impact analysis and then act accordingly. I'm not sure there's time pressure on this to do this development, at least I didn't get that impression. Commissioner Beard.

Beard: I agree with you wholeheartedly. One of our ... not only do we look at the codes, see if people are doing their codes right, but we do listen to the people and we had a lot of people complain about the future if this were to go ahead without making proper access into and out of this development. I think tabling it would be in order also.

Scholz: Well either tabling it or postpone. We could postpone to a specific date you know if in fact some of these things could be resolved by the next meeting, that would be fine with me. Then we could you know bring it back. Mr. Abrams, you have an opinion, a legal opinion I trust.

Abrams: Well probably less than that. Jared Abrams, City Legal. The applicant's indicated that he's not interested in postponement. He does have a right to an up and down vote. I mean it's a due process issue. So even if it looks like it's going to fail.

Scholz: Okay. Stay closer to the mike would you Jared please.

Beard: I didn't hear that.

Crane: Couldn't hear you Mr. Abrams.

Scholz: Yeah, say again.

Abrams: Okay. It appears the applicant wishes an up or down vote. I mean he has that right, it's a due process issue.

Scholz: Okay.

Abrams: You know unless he allows you to postpone it, you've got to vote on it.

Scholz: Yes, I understand. Okay gentlemen. I'll entertain a motion to approve. Mr. Ochoa has a word to give us here.

Ochoa: Yes, sir, if I may interject Mr. Chairman. When it comes to the traffic impact analysis it has been stated that a TIA will be done during the final site plan approval for this concept plan I believe some preliminary numbers were done for traffic for the concept plan so a Traffic Impact Analysis will be in the works for the final site plan.

Scholz: Okay.

Ochoa: Required, better yet. Sorry.

Scholz: Commissioner Beard.

Beard: A question on that.

Scholz: Mr. Ochoa.

Beard: The Traffic Impact study will be based on this number of mobile homes that are going into this particular project?

Soriano: Commissioners, Dan Soriano, Traffic Engineer for the City. Yes, to answer your question, Commissioner Beard, yes. The final Traffic Impact Analysis will be based on basically the number of units he's planning to put into the development and the industrial area as well. He has provided some ... Mr. Scanlon has provided preliminary numbers at my request per the concept plan and he has given us an idea of what traffic is going to do at the Amador access as well as the Valley access. Now keep in mind that we are not going to allow any access that's operating at an unacceptable level of service. We won't do that. If the TIA demonstrates that there are problems with certain movements in and out at a certain access, there are a number of things we can require; we can require medians being built so that it prohibits lefts out or only right in, right out. Any kind of combination of things like that. But we haven't gotten to that point as far as traffic analysis because the final TIA has not been developed yet. Now he'll have an opportunity to do that with the final site plan. And again, that'll give another point to catch and basically work with the developer on improving access points. I understand the issues around Valley Drive because it is a very busy street during peak hour, but then there are a lot of arterials around the City that operate at a level of service probably E or worse during peak hours. So, that's the whole basis for the TIA. It's going to give us an idea or it's basically going to give a little better idea of how well the access points are going to operate. Now we have a standard of C or better. Level of service C or better is what they have to demonstrate and if they can't demonstrate level service C or better they have to make some changes; downsize the development, make improvements on the roadway, whatever it takes to bring it to a level of

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

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

Soriano: Yes, sir.

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

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

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

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

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

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

Scholz: Okay, is there a second?

Beard: I second it.

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

Crane: Aye findings, discussion, and site visit.

Scholz: Commissioner Bustos.

Bustos: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings, discussions, and site visit.

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

15 MINUTE RECESS/BREAK.

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

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

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

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

Attachment #5

MEETING OF PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
April 27, 2010 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
Donald Bustos, Member
Shawn Evans, Member
Ray Shipley, Member

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Gary Hembree, Senior Planner
Helen Revels, Associate Planner
Adam Ochoa, Acting Planner
Paul Michaud, Senior Planner
Robert Gonzales, Las Cruces Fire
Jared Abrams, CLC Legal Staff
Becky Eich, Recording Secretary

I. CALL TO ORDER 6:00

Scholz: Good evening. My it is loud, isn't it? And welcome to the April 27th, 2010 meeting of the Planning and Zoning Commission. I'm Charlie Scholz, the Chair. I'm going to introduce my fellow Commissioners before we begin. On my far right is Commissioner. Shipley, he's the mayor's appointee. Next to him is Commissioner Crane, he represents District 4. And Commissioner Crane is also our Vice Chair of the Commission. Next to him is Commissioner Evans, who represents District 5, then Commissioner Bustos in District 3. On my immediate right is Commissioner Beard, who represents District 2. And I represent Council District 6.

II. APPROVAL OF WORK SESSION MINUTES - March 23, 2010

Scholz: The first item on the agenda is the approval of the minutes of March 23rd, 2010. Are there are any additions or corrections to the minutes gentlemen? All right, I'll entertain a motion to approve.

Shipley: Move to approve the minutes.

Scholz: And the Chair votes aye. So it is 6:0 approved. Thank you gentlemen. Please turn off your mikes again.

2. **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 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 and landscape improvements be implemented pursuant to the phasing of industrial redevelopment. Submitted by Scanlon White, Inc. for IFL, LLC, property owner.

Scholz: Okay, our second item of old business is Case PUD-09-04, a request for approval of a concept plan. And we've had this one before us. And I see, here it is. It's the heavy weight. Mr. Ochoa.

Ochoa: Thank you. Next case tonight gentlemen is PUD-09-04. It is a concept plan for a proposed Planned Unit Development known as Villa Amador. It is seen here in the vicinity map in front of you highlighted in the green that would basically make up the entire area of the Villa Amador PUD. A little bit of background on this, the proposed Planned Unit Development known as Villa Amador is generally located south of Amador Avenue and west of Valley Drive. The proposed Villa Amador PUD is made up of 10 existing parcels, currently six parcels encompassing 35.98 acres are zoned M-1/ M-2 which is industrial standard, while the other four parcels encompassing approximately 17.44 acres are currently zoned PUD or Planned Unit Development. These four parcels were annexed into the City in 1978 with the initial zoning of Planned Community District. The actual intent for the use of these parcels was never determined through the annexation process.

Scholz: That was the air conditioning coming on folks.

Ochoa: Yes, it was.

Scholz: Don't hide under your seats.

Ochoa: Subsequent to the February 23, 2010 hearing, the applicant presented to staff a request that the concept plan be re-heard with the modified development proposal as pertaining to the existing industrial area. The

applicant is now proposing that the 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 the industrial redevelopment. So, basically it's the same Planned Unit Development that you've heard before with a minor tweak of doing a redevelopment phasing plan for the existing industrial area. All other aspects of the applicant's request remain unchanged.

Like before the proposed PUD encompasses 53.38 acres and is being proposed for an industrial park uses and ... industrial standard uses, excuse me, and a mobile home park. 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. Landscaping and street lighting requirements for the Villa Amador PUD will follow the City of Las Cruces Design Standards. And all signage used throughout the PUD will follow the City of Las Cruces Sign Code Regulations as well.

Here's the concept plan of the Villa Amador Planned Unit Development, again highlighted in the darker black writing. This area here would be industrial area and this place as well, while the remainder of this over here will be used for the mobile home park or manufactured home community. Parcels 1 and 2 of the Villa Amador PUD contain approximately about 24.574 acres and are being proposed for industrial standard uses. The permitted uses in the proposed industrial area 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, and setbacks etc, etc, and so on.

The applicant is also proposing to redevelop the existing structures in Phase 1 of the Villa Amador PUD and 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 contains the remaining 28.808 acres of the proposed project that will be developed as a mobile home park. Parcel 3 will also follow the development standards created and put in place by the applicant regarding minimum lot size, maximum height, setbacks and so on and so forth. A dwelling unit range of 5.7 to 6.9 units per acre is being proposed for Parcel 3, making a total of 165 to 200 dwelling units for Parcel 3. All streets, common areas, landscaping, and open space in Parcel 3 will be privately maintained by the entity that owns the mobile home/manufactured home park. A 10-foot landscape buffer that will be maintained by the mobile park owner will be installed between the mobile home park and the adjacent industrial uses proposed for Parcel 1 and 2.

On February 10th, 2010 the Development Review Committee reviewed the concept plan for the proposed Villa Amador PUD. During the meeting, the Public Works Department did not feel comfortable moving the proposed PUD forward with an affirmative recommendation. Public Works voiced concerns regarding the allowance of primary access to Valley Drive via the City owned parcel without satisfying additional requirements deemed necessary by Public Works. 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/manufactured home community park off of Valley Drive. The Public Works Department also requested that a traffic impact analysis be submitted to the City for review analyzing traffic operations for the use of the City owned access point off of Valley Drive. Although the proposed PUD is supported from a land use prospective, 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 with the concept plan without having the Public Works Department's issues addressed. The DRC recommended denial for the proposed concept plan for the PUD known as Villa Amador.

During the February P&Z meeting Commission recommended approval for the concept plan with a 3:1 vote with two Commissioners absent and one Commissioner vacancy. A series of conditions stipulated by the City's Public Works Department as follows were added to the actual approval of it is; 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 be designated as proposed access on the concept plan. Use of the City parcel as a roadway/public right-of-way is contingent upon the review of the TIA and future 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 assure that there are no adverse impacts on their operation and businesses. The developer is responsible for replatting the parcel as public right-of-way.

Three, the TIA shall be provided at the final site plan submittal. 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. If the City Parcel cannot be used for primary access to the private subdivision based on the list of conditions, the developer must designate another access point as a primary access to their development and find another secondary access for their development. And finally, there must be an arrangement with the City to use the City's retention facilities.

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

by the P&Z; (3) to vote no to deny the request as recommended by the DRC for Case PUD-09-04; and (4) to table and postpone and direct staff accordingly. The applicant is present for any more questions. That is the conclusion of my presentation. I stand for questions as well.

Scholz: Okay, Commissioners you have questions for this gentleman? No. Okay, I just have two questions. Could you go back a slide? Are we talking on number six, is that the City's retention facility or detention facility?

Ochoa: I believe that should read retention facility.

Scholz: Retention. That's what I thought. Yeah we're talking about water retention aren't we? We're not talking about the jail. Okay, just wanted to clear that up. My other question was the approval that this Commission gave this two months ago was based on the same application? What's the difference?

Ochoa: Mr. Chairman, the only difference is that now he will be ... he's proposing the phasing of the improvements required on Parcel 1 of the industrial area which would be this one right here sir. Currently there are existing warehouses and so forth like that industrial uses in place on this parcel. So basically, the only difference is now with the PUD it gives them an opportunity to kind of redevelop the property into phases with being allowed to phase out the requirements of parking and landscaping and the outdoor lighting as well.

Scholz: Okay and the applicant wants to do this in phases instead of doing this at the same time with the rest of the development? Well I'll ask Mr. Scanlon is here to speak to this so I can ask him. Excuse me; I did have one more question. Sorry Mr. Ochoa. And that was did we get comment from Public Works on this, or did the applicant resolve the differences that Public Works brought up?

Ochoa: Unfortunately Mr. Chairman I haven't heard anything from either parties as of yet.

Scholz: Okay. Well, let's hear from the applicant. Mr. Scanlon.

Scanlon: Thank you Mr. Chairman, members of the Commission. My name is Ted Scanlon. Address is 3780 Foothills Road, Las Cruces. And I represent the applicant. You're probably going what the heck. Ted Scanlon likes to come to these meetings so much that he gets a case approved and then comes back with exactly the same case the next month and so he can do it again. But that's basically what we're doing. The approval that we got on the February 23rd meeting was for a concept plan approval for this exact same PUD. We have made no changes to it whatsoever. What we

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

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

Scanlon: Yes.

Scholz: Okay.

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

Scholz: Okay.

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

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

kind of emphasize that the concept plan approval that we got in February still stands. That's a valid approval and we've got that approval on the books. But we would like to get a vote tonight to approve the amended concept plan, adding in this language that lets us redevelop that building in a logical fashion as I just explained. And that's basically it.

Scholz: Okay, Commissioner Beard.

Beard: Do you know any other time or place that this has been done before where they sequentially approve parts of it as you put in the various parts of it?

Scanlon: I'm sorry can you repeat that. I have no hearing in this ear and only about 60% in this one and this room is really getting to me.

Beard: Are you aware that this has been done before with the City, this type of approval where you sequentially approve parts of the building as its being built?

Scanlon: I don't know of any industrial buildings in a similar situation that would be redeveloped in phases like this and how the City would've applied that because I'm not aware of any in the past. This is the first time this has come up as far as I know.

Scholz: Commissioner Shipley.

Shipley: Mr. Scanlon I would say I think the requirement for ponding would be based on the entire building cause the building footprint is there, you're going to have water coming off the entire building. You can't do that in; you know you can't segregate that based upon a 5,000 foot user or a 10,000 foot user. If you have a 45,000 foot building and it rains on it then you get 45,000 square foot of rain going down on the ground and it's got to be allowed for. Once the building's up, you know that's the way it goes. If you're building a 5,000 foot building and then a 20,000 foot addition to it, then I could see that working, but if the 45,000 foot building is there, there ought to be ... the ponding requirement ought to be satisfied.

Scanlon: That's correct Commissioner Shipley, Mr. Chair. And we will provide ponding for the building, but what we'll also be doing as we redevelop the building, is building new parking area. And so we'll have to build some additional ponding to take care of the new pavement and the parking areas that go along with that. But yes, we will take into account the drainage for the existing building, but we will also be required to take into account the additional ponding that will be required due to the new pavement that we'll be putting down.

Shipley: Additionally the landscaping requirements for the building. There weren't any landscaping requirements. How long has the building been there?

Scanlon: The building's been there for as long as I've been in Las Cruces I think which is ...

Shipley: But our code says if you expend more than $25,000 then you've got to bring it up to code.

Scanlon: Now if you expend more than $25,000 or 10%.

Shipley: Correct.

Scanlon: You've got to bring it up to code. I believe that's so.

Shipley: Okay.

Scholz: Other questions for this gentleman? Commissioner Crane.

Evans: Yes.

Scholz: Or Commissioner Evans. You can arm wrestle for this if you like.

Crane: I see no problem with the phasing suggestion that you've come up with, but I'm not sure how we can vote on that if it's imbedded in the overall plan here which we had difficulties with a month ago probably because of this secondary entrance question that has not yet been resolved. The matter of that right-of-way, City owned property, onto Valley Drive. So, perhaps this is more of a procedural matter but I'm not sure how we can approve what you want without also approving the whole plan.

Scholz: Well, Commissioner Crane we actually have approved the whole plan. It was approved 3:1 two months ago.

Crane: But unless I'm very confused, we voted to table it last time.

Scholz: No, the applicant wasn't here last time so we didn't deal with it.

Crane: Thank you.

Hembree: Chairman, Commissioners, you did approve it with conditions as well, and the conditions dealt to and with the access issue as well.

Scholz: Right, the conditions still apply. Right and the conditions were about the access that was our general concern. Commissioner Evans.

Evans: Yes, Mr. Scanlon. As an alternative to coming before the board and asking for variance for this, couldn't you have developed this in parcels like doing ... subdividing the piece of property and developing that and then moving on to the next parcel as your plans developed?

Scanlon: Not according to Robert Kyle and Cheryl Rodriguez. They determined that the best way for us to be able to accomplish what we need to do in order to redevelop that building is to go ahead and write it into the PUD because that's the best vehicle that we have to develop our own standards that are different from Zoning Code. And they've acknowledges that they need to look at the Zoning Code again to try to figure out how to write in a vehicle that would make this make sense.

Evans: So, and maybe staff can help me answer that question as to why that wasn't a recommendation from the City? And secondly, if ... to elaborate a little bit on Commissioner Crane's question, what's the staff's recommendation on this? I mean because this addresses the whole plan and ...

Hembree: It's technically ...

Evans: I'm not real clear on what's being asked.

Scholz: Step back a little bit from the microphone would you Mr. Hembree. Thank you.

Hembree: Sorry. It's difficult to get kind of exactly where you need to be on this thing. Basically you're bringing this forward as it's a new case, okay? But it's a new case that includes the single modification from the old case, which is the phasing of the industrial improvements. So that's the only change, with the conditions that you've placed on it last time that you approved it relative to access, and the other conditions placed on it by Public Works. So, I mean that's the only ... the only modification is just to allowing this phasing plan which doesn't ... Mr. Scanlon did indicate and is correct, our Subdivision Code and Zoning Code don't really address this very well. So this is probably the most effective way to handle it, write it into the actual PUD in terms of phasing of the site improvements relative to the actual take down of the component parts of the building.

Scholz: Does that answer your question Mr. Evans?

Evans: So, well I guess I'm still ... so I think we should've probably had a new case because what I'm looking at is the Public Works Department did not feel comfortable moving forward with this proposal. And you're saying that that's no longer valid because this case is as a whole was already approved.

Hembree: The case was approved with conditions and that's how the Public Works Department got comfortable with it.

Evans: Right. And so the staff's recommendation to go forward on tonight's motion ...

Hembree: Is still based upon those conditions as being necessary and required to get Public Works authorization and approval to move forward. The only change that the Commission is really reviewing tonight is just the phasing aspect of the site improvements.

Evans: Got it. Thank you.

Scholz: Okay, I have one other question Mr. Scanlon. What if you never develop the entire property?

Scanlon: I'm sorry.

Scholz: What if you never develop the entire property?

Scanlon: Well then the ... if we never develop the entire building, the existing building, then the part that would be developed would still have all of the required improvements, required by the Zoning Code and the rest of it would just sit there and it wouldn't require any additional ... there wouldn't be any impact so there wouldn't be any need for any improvements on the part that wasn't redeveloped.

Scholz: Okay. Thank you. Any other questions for this gentleman? Commissioner Evans? All right. Okay, thank you Mr. Scanlon.

Crane: Not for Mr. Scanlon, no. I don't have a question for you.

Scholz: A comment.

Crane: Pardon.

Scholz: A comment sir.

Crane: A comment. Like Mr. Evans, I'm a little confused about the staff recommendation and my confusion probably arises from the fact that I didn't understand even 50% of what Mr. Hembree said which is not his fault. I think the acoustic problems might be solved by putting architects on the wall, but we won't go that wacky.

Scholz: All of us wearing headphones perhaps. Like they do for translations in the U.N.

Crane: Seriously, I'm not sure it wouldn't be better if the people at the podium did not use the PA system. It couldn't be worse.

Hembree: Well then the problem is we don't pick up for the transcriptionist.

Crane: She looks like a woman having a nervous breakdown from where I am. Anyway, the City is recommending denial of this, correct?

Hembree: The Community Development Department is, but the conditions that have been placed on it mitigate that from the Public Works side of it, which really is kind of an operable issue here in terms of access. We from the Community Development perspective would have preferred to have all of these issues taken care of right up front. But with the conditions that were placed on it in the last approval, the Public Works Department is comfortable with it. So, basically before the Commission tonight is basically a reaffirmation of the concept plan with the only modification being the phasing aspect of the site improvements.

Crane: I see. Thank you.

Scholz: And it's my understanding Mr. Hembree that the Community Development people are recommending against this phasing.

Hembree: Well we basically are recommending that these issues with access be taken care of prior to approval of the concept plan. However, like I said, Public Works is comfortable moving forward with the actual concept plan approval with the conditions as previously endorsed by the Commission which will also be ... hopefully we are recommending will be a part of this approval as well.

Scholz: Well yes, but it says here recommendation denial. You're denying what he's proposing right now, right?

Hembree: Actually, we from a staff perspective from Community Development are supportive of the phasing process. We are concerned about the whole access issue not being take care early on, as we were last time when it was approved by the Planning Commission. But with the conditions being placed on it by Public Works the concept plan approval did move forward.

Scholz: Well I'd like a legal opinion on this Mr. Abrams. I'm confused here. It seems to me that this was passed two months ago 3:1, so the concept plan is approved, is that your understanding too Mr. Scanlon? Yeah,

that's what I thought. All right. And now what you're asking for is a modification of that plan, of the phasing in, right?

Scanlon: That is correct.

Scholz: And that's the only modification you're asking for?

Scanlon: And that's the only modification. And I'll try to explain. There was ... Public Works was ... there was some confusion over whether or not this small tract of land that I'm encircling now was available to be used as access.

Scholz: That's what I understood. Yes.

Scanlon: And that's the one thing that the public works department was uncomfortable with. And at the time that we went to the DRC meeting they were unsure as whether or not we could use that and that was the only reason that they recommended denial of the case. From between the time that the DRC met and we came before you in February, we met subsequently with some of the existing property owners in the area as well as with Public Works staff again and they then agreed that if we would accept certain conditions with respect to that access, they would be in concurrence with it.

Scholz: Which are written into it. Yeah.

Scanlon: And those were the conditions that were placed on the prior approval which we agreed with.

Scholz: Yes. So the only thing we're talking about gentlemen is whether we approve the phasing in process. All right, that's all we're talking about tonight.

Crane: All right, if we like, Mr. Chairman, we're inclined to approve the phasing process then we vote to deny the denial? What are we going to do?

Scholz: No.

Crane: We've already approve this thing except for the phasing.

Scholz: Right. So what we're doing is we're voting to approve a modification of what we did two months ago.

Crane: That's not quite what's in front of us, but I agree.

Scanlon: The way it works. The way it has to work with the PUD conception plan is we're asking you to reapprove the entire concept plan again with the added language with respect to the phasing of the improvements on the building. And with the same conditions and the same everything as before, but only with the added language about the phasing of improvements on the building, but it has to be imbedded within that document. You see what I'm saying? That language has to be imbedded.

Scholz: Because this is the way PUDs work. Commissioner Crane, excuse me, Commissioner Shipley.

Shipley: I have a comment but I'd like to wait till after the public has had a chance to speak.

Scholz: Okay. Sure. All right, is there anyone from the public who wishes to speak to this? Yes, sir. Please come up to the microphone and identify yourself.

Hill: My name is Scott Hill at 1515 Brown Road. I'm just a little confused. I thought we approved ... you guys approved it last time with a lot of conditions and I thought those conditions had to be met before we went forward. Is that true or false?

Scholz: Yes, that's true.

Hill: Okay, so what progress has been made towards those conditions?

Scholz: I don't know. Mr. Hembree can you speak to that?

Hembree: Chairman, Commissioners, the approval was conditioned in such that these items have to be addressed prior to the final site plan being approved.

Scholz: I'm sorry, prior to ...?

Hembree: Final site plan. I believe that's the ...

Scholz: The final site plan. Thank you. Okay.

Hill: So if you allow this to go forward and this gentleman invests all this money and makes this change, we get more and more imbedded in the process of approving this thing without ... do we not? I mean isn't that the way it goes?

Scholz: Well, yes. It's a step in that direction.

Hill: So why do we want to make that step? I guess is my question. You know I would like to see the traffic access and the other things resolved before he spends 45 cents more and we get further imbedded in getting this thing turned around or not turned around one way or the other. And I don't see any point in allowing incremental progress all the way around and then we suddenly say well now it's all done so now we have to ... might as well just let it go.

Scholz: Yes, I understand your point. Thank you. Someone else? Yes, the gentleman in the back.

Hilberg: Yes, my name is Eric Hilberg and live at 1701 Brown Road which is across the street from the adjacent properties to this proposed development. My understanding is the situation, the way the PUD works is we're back actually to ground zero. You're granting approval of denial of the whole request because of the changes that have been made. And given that, I stand here tonight to ... I'm concerned about the planned development, it's impact on the lives of those of Brown Road, but particularly about the access to Valley Avenue. And you should have in your packets and Mr. Ochoa ... I brought these last month and it was tabled, some information we acquired on traffic accidents on Valley Avenue.

Scholz: We did get that.

Hilberg: In the near area.

Scholz: Yes, thank you.

Hilberg: I just want to talk a little bit about what that is for a moment.

Scholz: Okay.

Hilberg: One thing, from that information you heard two months ago when this was discussed, that there was a subdivision south of Brown Road which had multiple accesses and access on Valley Avenue where there really was no problem. I just want to point out that that subdivision while being used to compare with this proposed subdivision, actually there were fewer dwelling units in that than are proposed for the residential use of the PUD and they have not a single, but two streets that come out on Valley Avenue as well as a third street that comes out on Avenida de Mesilla with a traffic light. And there are still traffic accidents at those intersections as indicated in the information I gave you. That information by the way and the way it was prepared, we got that from the Las Cruces Police Department and that was ... the best they could provide us was two files with all the traffic accidents on Valley Avenue in the last two years. We've

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

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

Scholz: Okay. Thank you. Someone else.

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

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

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

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

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

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

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

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

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

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

Turner: Thank you.

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

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

Scholz: 45,000.

Shipley: 45,000, excuse me, was built when? How long has it been there? Twenty years?

Scholz: It's been as long as he's been in Las Cruces, which is probably close to what a hundred years now or something? I don't know, 35 years.

Shipley: But there is ... in our code for ... and its zoned commercial, or this is actually zoned industrial.

Scholz: It's zoned industrial. It's M-1 or M-2.

Shipley: So there is a requirement for a building to have so much parking based upon the size of the building right now. And I don't like piecemealing things, number one, because when you piecemeal things then things get done one standard today and then two years from now or five years from now then something else happens and you have one piece of parking lot that's falling apart and then you've got a new piece and it just doesn't look good. If you're going to have a business and you're going to operate a building then you have to step up and do those kinds of things. If you're going to modify the building code requires you to do something, then I'm in favor of doing that. There is, in my opinion, it's counterproductive to do things a little bit at a time. We've got roads around town that are typical examples of that where you can drive and you have to get off the road and go on a shoulder road to get around and that's not the way we ought to conduct business in this City.

Scholz: Okay, any other comments Commissioners? All right, I'll entertain a motion to approve then.

Evans: Mr. Chairman I move that we approve Case PUD-09-04.

Scholz: Is there a second?

Bustos: I second.

Scholz: Okay, I'm going to call the roll. Commissioner Shipley.

Shipley: I vote nay findings, discussion, and site visit.

Scholz: Okay, Commissioner Crane.

Crane: Aye findings, discussion, and site visit.

Scholz: Commissioner Evans.

Evans: Nay findings and discussion and the difficulties that partial development imposes on the work flow and how things you know should progress as Commissioner Shipley had stated earlier.

Scholz: Okay. Commissioner Bustos.

Bustos: No findings and discussion.

Scholz: Commissioner Beard.

Beard: No findings and discussion.

Scholz: And the Chair votes aye for findings, discussion, and site visit. So the motion fails 4:2.

Scanlon: Chairman as point of clarification, maybe I can ask legal, is this decision tonight subject to appeal. Because what we have, we have the PUD approved already.

Scholz: Yes.

Scanlon: Well what we've done now is we voted down the ability to redevelop that existing building. Can't do it because you have made it impossible to redevelop the building. So it's going to be a blight from now on and I guess I'd like to know what my options are.

Abrams: I think probably the most logical way for the City Council to (*inaudible*) would be to combine this decision and the last decision into a single item or perhaps two adjacent items and then they can decide the two simultaneously.

Scholz: Excuse me, you would ask the Council to do this?

Abrams: Well, yeah I think probably Community Development might want to suggest that Council consider the last vote. I don't know if the City Council's noted on the last item or not.

Scholz: They haven't.

Abrams: Probably most logical, the best thing to do would be to combine the two into two adjacent items so they can consider the two together and then they can decide if they want to reverse.

Scholz: Okay.

Crane: Mr. Chairman.

Scholz: Commissioner Crane.

Crane: Mr. Abrams is suggesting two documents be combined, two votes be combined. I don't understand what's being advanced here.

Abrams: Well I'm assuming that Mr. Scanlon wished to appeal this decision, but not the previous one. My recommendation to Community Development would be to attempt to take the two items as a package for intense purposes and let the City Council vote on them together so they know that the previous decision and this decision at the same time, otherwise they're going to be very confused. So Mr. Scanlon could appeal to the City Council and have the two combined and they can vote either you know for one or for the other both together. It's to make it a lot easier I think if they hear them together.

Scholz: Mr. Abrams it's my understanding that the previous vote stands?

Abrams: Yes, that's correct, but from what Mr. Scanlon is saying unless he gets this modification ...

Scholz: He can't proceed.

Abrams: Right. So if he's saying I'm not going to do it unless you approve it.

Scholz: Well then I think what he has to appeal is this decision, not the previous decision. That would be my suggestion anyway. I only had one year of business law, so I'm you know at a loss here.

Abrams: But the problem though is since it's technically a recommendation, they're going to hear it anyway.

Scholz: No, variance is the subject of P&Z.

Abrams: Yeah, (*inaudible*) probably. Let Mr. Scanlon appeal this decision. The other decision would stand in the meantime then so, if he can't do anything with it, he can't do anything with it.

Scholz: Yeah, I think that's the sensible thing. There's a gentleman in the audience, you have a legal opinion sir? I'm going to allow this Mr. Abrams. Do have a legal opinion for us?

Gentleman: I have a question.

Scholz: Oh a question. Well ...

Gentleman: A question of legal.

Scholz: We're closed for public discussion did you want to ...

Gentleman: It's is a legal decision.

Scholz: Okay.

Gentleman: I believe the proposal was the case of PUD-09-04.

Scholz: Yes.

Gentleman: As proposed.

Scholz: Yes.

Gentleman: Not necessarily in total. It is in total, not ... there was nothing implied there that it was to be changed. But this is another vote on the entire case. I don't believe that you can just only take out a part of it. So it is a denial of the entire PUD-09-04.

Scholz: Okay, thank you for your opinion.

Crane: I'm included to agree with that gentleman. We have had before us two PUD-09-04s, one of which we passed and the second which contained a slight modification in my view, we defeated. I'm glad I'm not a parliamentarian. I'm going to step out of the way of this because it's beyond me.

Scholz: I'll let the City Council and the Community Development work this out with legal. All right. Okay, that was our concluding of old business. Now we can start the new business. We're on ... Mr. Ochoa, Case S-09-063.

Scanlon: I've been advised by legal that I can ask the Commission to reconsider the vote at this time. It's up to you if you would.

Scholz: I'm sorry, say again.

Scanlon: I've been advised by legal that right now in the process under Robert's Rules of Order, I can ask the Commission to reconsider their vote on the case if you wish to.

Scholz: All right, I'll poll the Commission and see if they wish to, is there anyone who wishes to reconsider their vote? What happens parliamentarily is that someone who voted against it has to reconsider his or her vote. We had this situation about three years ago actually. I think it was on the West

Mesa annexation. And at that time I had voted against it and then I listened to additional argument and I reconsidered my vote and we changed it and we re-voted. So is there someone who opposed it, let's see who supported it beside myself? That was Commissioner Crane. No Commissioner Bustos you opposed it. Right.

Bustos: No, I voted for it.

Scholz: No, I have you down as in opposition. Right. Yeah it was 4:2, four against, two for. So if someone who opposed it wants to reconsider you can ask for that, we'll have a ruling on it.

Crane: I don't want to change my vote Mr. Chairman, but it seems to me we might fix this if it would be appropriate for us to go ahead and vote strictly on the modification required, requested for PUD-09-04, even though that is not formally in front of us. Can we not add things to our agenda? It seems to me the sense of this group is probably that the modification is okay, well maybe not, but ...

Scholz: I don't think so.

Crane: Confusion's arisen because we've ...

Scholz: That wasn't my impression. Obviously we ...

Crane: Yeah, you're right. You're right. But the parliamentary confusion's arisen because we negated what we did before. The whole of it. And we don't want to negate the whole of it. I'm not speaking for the others but I think that the people who voted against this did not want to negate the whole package. After all, before we voted for it. So we might save the City Council the same kind of confusion that we're involved in if we just approved or disapproved up or down the requested modification.

Scholz: Well the only way to do this ... that is the only way to re-vote on this is to have someone who voted against it agree to revote. Okay, that's the only way.

Lt. Gonzales: Chairman Scholz.

Scholz: Yes, sir.

Lt. Gonzales: This building that he wants to repair, it's been common practice for us to... we allow a shell to be built and then as new tenants are moving in, improvements are made. Each tenant that moves in has to meet code before it's approved. This building is the same way. I mean it's an old warehouse. It's a 45,000 square foot warehouse. Right now it's got a

body shop in it which didn't meet code, so we closed it down. It won't open up again until it gets a permit and it meets code. Every new tenant in that warehouse will have to conform with the code. It's been done with a lot of shells around town. It's true this is a bigger warehouse and we have to make sure what type of occupancy is going to move in to it, but it'll have to be separated with firewalls. It'll have to meet code before they can move in.

Scholz: Right, and since that was my understanding, that's why I supported it. Commissioner Shipley.

Shipley: The difference is and I understand what you're saying, but when you allow the building inside to be built out the tenant pays for that. When the tenant takes a structure normally the owner of the structure is responsible for the exterior. And all these things that he's asking to be put off are exterior things like parking lots, like shrubbery, landscaping, fencing, those kinds of things. That's not the tenant's responsibility to pay for that as it goes. That's figured in to his rent when he rents a part of that. So what we're saying is he's got a 45,000 square foot building that he's modifying and the code says that in order to bring that building up to standard, it has to have the external things done at the time that he does that. And that's what we voted on right here and now is that. Not based upon which tenant pays their part, because they're paying it through their rent that he's going to charge them.

Scholz: Okay, Commissioner Beard says he has a question.

Beard: So when we vote for this we're voting for the entire package?

Scholz: I believe that we were voting for the modification of the package.

Beard: We got to know.

Abrams: Let me put it this way. The previous approval stands regardless of what you do today. So for all intents purposes, even though you're voting for the whole package, all that's going to happen is it would result in this modification. Now, part of the confusion may stem from the fact that only four people were here last time, now there's six, so whatever's going on in your mind you could conceivably vote against this, is you can think the whole thing is terrible or just because the modification is terrible, but the only thing you'll accomplish if you vote yes is that there will be a modification. If you vote no, then the original vote still stands.

Beard: You vote no and what?

Abrams: The original vote still stands. So really all that will happen if there were another vote and it were a yes vote, would be that the ... the legal affect would be that the modification would be approved. That's all that would happen. Is that any clearer?

Scholz: Okay. Thank you. All right, Commissioner Beard.

Beard: I do not change my vote.

Scholz: Well actually you want to vote to reconsider. Why are you shaking your head Commissioner Shipley?

Shipley: You're asking him if he ... he said he did not want to change his vote so he's saying ...

Scholz: No, he said he wanted to change his vote. So he wants to vote to reconsider.

Beard: No, I'm staying with my original vote.

Scholz: Oh, okay. But you want us to reconsider? No. Okay, sorry, I misunderstood. All right. I'm sorry Mr. Scanlon, no; there is no one who wants to reconsider. So your recourse I assume is to appeal to the City Council.

Shipley: Mr. Chairman.

Scholz: Yes, Commissioner Shipley.

Shipley: Just one comment and this basically is for Community Development. If in the future we get another thing where there's something that's been through and there's going to be an addition to that, this should be a separate case. In other words this should've came to us as 08-A or something so we could differentiate between the two and therefore you wouldn't have ended up with this problem.

Hembree: I concur.

VII. NEW BUSINESS

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

Attachment #6

City Council
of the
City of Las Cruces

Regular Meeting

July 26, 2010
5:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Dolores Connor, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6 **Absent**

STAFF:

Robert Garza, Assistant City Manager
Harry (Pete) Connelly, Interim City Attorney
Linda Lewis, Deputy City Clerk

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Silva led the Pledge of Allegiance.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and Laura Loos presented the Pet of the Week.

Councillor Connor presented a Proclamation to Lorenzo Garcia and declared July 30, 2010 as Graduate New Mexico Day.

II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).

At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.

Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

None given.

III. PUBLIC PARTICIPATION

Ruben Corona, Member of the Public said I would like to ask for the City to work with the State in coordinating the status of business's tax payments so it will be easier to renew and obtain a business license.

David Weir, Community Development Director said this is a new program that we have started and we are working to make it easier for everyone. The State has asked us to work with them on making sure businesses have paid their State taxes before giving them a license.

Karim Martinez, County Program Director said I'm here to present the Council with invitations to two events which are to the EFNEP 40 year Anniversary and the 4-H & FFA Expo.

IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON BY ONE MOTION.

Councillor Connor Moved to approve the Agenda and Councillor Silva Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to accept the Agenda and it was APPROVED. 6-0 Councillor Thomas was Absent.

V. CITY COUNCIL MINUTES

*(1) Regular Meeting of July 6, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(2) Council Bill No. 10-050; Ordinance No. 2579: An Ordinance Approving a Zone Change From C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 0.848 +/- Acres Located at 3041 N. Main Street. The Purpose of the Zone Change is to Give the Subject Property the Same Zoning Designation as the Adjacent Property to Allow the Replatting of the Two (2) Existing Parcels Into One (1) New Parcel. The Replat Would Allow the Construction of a New 14,700 Square Foot Pharmacy on the Newly Replatted Property. Submitted by Scott Steffen, Bohannan Huston, Inc. On Behalf of S & I Enterprises, LLC, Property Owner (Z2813).

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

(3) 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.

Councillor Small Moved to Adopt Council Bill No. 10-051; Ordinance No. 2580 and Councillor Sorg Seconded the motion.

Cheryl Rodriguez, Development Services Director gave an overhead presentation and said this proposal is for the mix use of industrial and a mobile home park. The PUD designation does allow the developer some flexibility with their development plans as long as there is a public benefit. The applicant is seeking a PUD for the 54 acres and the approval of his Concept Plan. The industrial portion will use Pioneer Place to Amador as a access point and the mobile home park will have access to Valley Drive. The applicant is proposing to use parcel three as the mobile home park and they have identified their development standards which are typical of the mobile home park standards in our Zoning Code. As part of the public benefit requirement, the applicant is going to install a bus shelter at the bus stop located west of Pioneer Place on Amador and he is going to install pedestrian trails and bikeways within the development to connect to Burn Lake. The applicant is also planning on working with the City to expand the Burn Lake Project and the Las Cruces Drainage Facility adjacent to Burn Lake. On February 10, 2010 the DRC reviewed this proposal and the Public Works Department requested letters of support from the adjacent property owners as well as

a Traffic Impact Analysis. The applicant did not want a postponement from the DRC so the DRC recommended a denial for this proposal to the Planning and Zoning Commission and they instructed the applicant to work with our Public Works Department on our concerns.

Councillor Small Moved to allow Councillor Thomas to attend the meeting via telephone and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to allow Councillor Thomas to attend the meeting via telephone and it was Unanimously APPROVED. 7-0

Cheryl Rodriguez continued her overhead presentation and said on February 23, 2010, the Planning and Zoning Commission recommended a conditional approval to Council which included six conditions: (1) until such time that it is decided that the City parcel can be used as a roadway access to the development subdivision, the Design Engineer shall designate it as a "proposed access" on the Concept Plan, (2) a TIA shall be provided at the time of 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 Design Engineer must work with the adjacent property owners to ensure that there are no adverse impacts to their property/business. The developer is responsible for replatting the parcel as a public ROW; (4) upon the 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 public ROW; (5) if the City parcel cannot be used for the primary access to the private subdivision based on the listed conditions, the developer must designate another access point as their primary access and find another secondary access; (6) and there must be an agreement with the City to use the City's Detention Facility. We went back to the P & Z in April and they heard the requested Concept Plan again. There was public input given at the meeting and the P & Z recommended denial of the Concept Plan to City Council. The NMDOT did review the Concept Plan and said this subdivision will impact a State highway system so a driveway permit application will be required and submitted to our District Office for approval. Another option that is available to the applicant is for him to purchase that parcel from the City and use that land for a private roadway.

Ted Scanlon, Applicant Representative gave an overhead presentation and said the DRC denial was due to a couple of technical issues that the Public Works Department didn't feel comfortable with but we resolved those issues prior to the P & Z meeting which is why the P & Z recommended an approval at the first meeting. The only change that I made prior to the April meeting was adding a

possible use for approximately 5,000 sq ft of the existing old Border Foods building. The Zoning Code doesn't allow you to phase Zoning Code requirements on a phased building construction like that which is why we decided to apply for a PUD. I think this change confused the Planning and Zoning Commission which is why they recommended a denial at the second meeting. We were given the option by City staff to purchase the property that we were going to use for the roadway access to Valley Drive which we would agree to do for a reasonable price.

Richard Hannah, Applicant gave a verbal presentation and said I met with Robert Garza about two years ago to discuss some of the uses for this property and some of the suggestions were affordable housing, adaptive reuse of an existing building, development of an infill parcel, help with Burn Lake and the use of industrial to help create jobs which I feel we can accomplish those things with this project. This is going to be a mobile home park which is going to create housing because we are going to have deeded lots within the parks so it's actually single family housing on permanent foundations. This will be a house and will qualify for FHA financing.

Mayor Miyagishima said I just want to get some clarification; you are going to be selling these lots?

Richard Hannah said yes.

Councillor Small said we are at the stage of the Concept Plan approval which in a PUD, take the place of the Final Plat stage; correct?

Cheryl Rodriguez said that is correct.

Councillor Small asked do we know how many cars travel north and south on Valley Drive?

Ted Scanlon said I don't have that information with me but it is readily available with NMDOT. One of the requirements request by Public Works at the P & Z meeting was to do a TIA at the time of the Final Site Plan which is going to be the next step after the Concept Plan is approved.

Councillor Connor said I would support having the Valley Drive entrance as a secondary access and having Pioneer Place as the primary access point. I also think it would be better if they purchased that property and created a private roadway so the City wouldn't be responsible for maintaining it. It sounds like this mobile home park setup would be similar to the Trails West setup.

Richard Hannah said that is correct, but the only difference is Trails West is a senior neighborhood.

Councillor Connor said you will be adding an addition ten foot buffer area; correct?

Richard Hannah said correct.

Councillor Connor asked would Pioneer Place be improved to Amador?

Cheryl Rodriguez said yes.

Ted Scanlon said we have to rebuild it anyway due to the sewer line and storm drains.

Councillor Connor asked will that be private property?

Ted Scanlon said we anticipate that Pioneer Place will be a City street from Amador up to the gates of our residential area.

Councillor Pedroza said this sounds good but my main concern is with the traffic.

Councillor Small said there are a lot of concerns with the traffic which is why I think it is necessary to have the information that a TIA would provide, available to us.

Ted Scanlon said a TIA is very costly and it isn't required at this phase of the project. The TIA is also very detailed which requires having a Final Site Plan to prepare it.

Cheryl Rodriguez said staff would like to request some clarification based on the testimony that was given today regarding parcel three. During the staff review process and the Planning and Zoning Commission, it was represented that parcel three would be a mobile home park that would be privately maintained and the spaces would be rented; not fee simple but due to the testimony given, it is our understanding that those spaces would be available fee simple which now becomes a subdivision. We need a clarification on the intent of that use because it was stated in the Concept Plan that is would be a simple mobile home park.

Richard Hannah said the way I understand a PUD, you approve certain densities and uses, the streets would remain private so we would be able to have a gated community.

Cheryl Rodriguez said we still need clarification because we understood that a private entity would maintain all of the common areas and roads. The private entity was not listed as a Home Owners Association.

Richard Hannah said the intent is to develop the residential area, meeting all of the requirements of the mobile home park codes but we intend to carry that one step further and also meet all of the requirements of the Subdivision Code so that a subdivision can be made within that area. That way we would be able to divided those lots and sell them individually. We would be happy to add a clarification note to the Concept Plan and there will be an operating entity to maintain the common areas, facilities and streets.

Councillor Silva asked why did the DRC deny this proposal?

Cheryl Rodriguez said they recommended denial because the applicant did not want table it to address the concerns of Public Works regarding the access to Valley Drive.

Councillor Sorg asked are the six conditions that were placed on this, acceptable to you?

Richard Hannah said yes.

Councillor Sorg asked is there going to be a Home Owners Association?

Richard Hannah said yes.

Mayor Miyagishima asked is this going to be a mobile home park or are you going to try to sell the lots and create a subdivision because if you are then that is different from what is presented to us?

Ted Scanlon said our original intent was to have a mobile home park that would lease, then the Developer decided to offer the opportunity of home ownership within the property. Our plan is still to develop it using the zoning code guidelines for a mobile home park; it will be ran just like a mobile home park and the only difference is we will subdivide and create legal separate parcels for each space within this park so people can actually purchase them.

Cheryl Rodriguez said it was articulated during the review process that this was going to be a mobile home park and that is how staff evaluated this proposal; we didn't look at this as a mobile home subdivision which has a different set of criteria.

Richard Hannah said that is why we applied for a PUD because it allows for flexibility and allows for creative uses.

Mayor Miyagishima said this application was for a mobile home park, not a subdivision and I would suggest that this is sent back to the Planning and Zoning for them to consider the changes.

Councillor Thomas said other developers have tried this type of setup and they haven't been successful. Have you done this type of hybrid before?

Robert Hannah said no, I have not done this type of hybrid myself.

Ted Scanlon said we thought a PUD would allow us to do both a mobile home park and a subdivision. We would like to have the opportunity to go back to P & Z and explain our changes to our plan.

Ruben Corona, Member of the Public said I have concerns with the traffic impact this will bring to this area. There has been reference to mobile homes and manufactured homes; I would like some clarification on which one it is.

Mayor Miyagishima said manufactured homes are permanent structures.

Paul Turner, Member of the Public said I live on Brown Road and it is already difficult to try to get across Valley Drive.

Councillor Thomas left the meeting (disconnected telephone call) at approximately 7:24 p.m.

Joshua Gomez, Member of the Public said I think we should have the TIA done before any decisions are made regarding this project.

Randy McMillen, Member of the Public said I sold this property to Mr. Hannah and I asked him what his plans were for this property and he told me what he has told you today which I think would be a great development for this property. I was asked to read a statement from Tom Hutchinson which also states that he is in favor of this project.

Councillor Connor said on page 91 of our packet, it talks about the Development Statement for this project and I would like to know what is staff's description of the applicant's answer?

Cheryl Rodriguez said we asked the applicant what his intent was for this property and he told us it was going to be a mobile home park which is how we reviewed it.

Councillor Connor said I think you need more time to review this with staff; this isn't a "no", it's just a step back to do it right.

Councillor Small Moved to Amend Council Bill No. 10-051; Ordinance No. 2580 to send it back to the Planning and Zoning for them to consider the changes and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 10-051; Ordinance No. 2580 to send it back to the Planning and Zoning for them to consider the changes and it was APPROVED. 6-0 Councillor Thomas was Absent.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-051; Ordinance No. 2580 as Amended and it was APPROVED. 6-0 Councillor Thomas was Absent.

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(4) Resolution No. 11-021: A Resolution Approving City-Initiated Street Name Changes for Four Streets Located in the Hacienda Acres Area. Submitted by the City of Las Cruces. (SNC-10-01)

Councillor Connor Moved to Adopt Resolution No. 11-021 and Councillor Small Seconded the motion.

Cheryl Rodriguez, Development Services Director gave an overhead presentation and said we are going to have to make some numerical changes to some of the addresses on these streets and change the street names due to the confusion of similar named streets which causes problems for Emergency Services.

Councillor Sorg said I don't see how these street names cause confusion; can't Emergency Services tell the difference between street and avenue?

Fire Chief Travis Brown said in an emergency situation, most people don't remember if it is street, lane or drive and there are also issues when our 911 Call Center is trying to trace calls.

Councillor Silva said I agree with changing the names for safety issues.

Councillor Connor said this isn't convenient but it is necessary.

Councillor Sorg Moved to Amend Resolution No. 11-021 to change the name of Morningside Road to Poose Creek Road (from Reynolds to Aldrich), Lee Avenue to Church Hill Avenue, Douglas Avenue to Rossman Avenue, and Stagecoach Lane to Wild Bill Lane and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-021 to change the name of Morningside Road to Poose Creek Road (from Reynolds to Aldrich), Lee Avenue to Church Hill Avenue, Douglas Avenue to Rossman Avenue, and Stagecoach Lane to Wild Bill Lane and it was APPROVED. 6-0 Councillor Thomas was Absent.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-021 as Amended and it was Unanimously APPROVED. 7-0

VIII. APPEAL PROCESS

Council members shall not privately discuss with any interested person or persons the merits of a case which is, or may be pending before the City Council. If there have been any such discussion or discussions, they should be disclosed by the appropriate Councillor(s) or individuals at this time.

Appeals to be presented before the Las Cruces City Council may follow the appellate procedures mandated by the State ex rel. *Battershell v. Albuquerque*. These procedures are intended to protect the due process rights of all parties to the appeal. However, the *Battershell* procedure will only be followed when any party in the appeal wishes to use this procedure.

Persons wishing to give testimony on any item shall wait to be recognized, then go to the lectern, give their name and address, be sworn in (if using the *Battershell* procedure), and limit their comments to three minutes. If there is a properly identified neighborhood spokesperson, attorney or real estate agent for one of the parties, the time limit shall be ten (10) minutes. You may speak more than once provided you avoid being repetitious. Proponents shall speak first, followed by opponents.

BATTERSHELL PROCEDURES FOR APPEALS PRESENTED TO THE CITY COUNCIL

1. PRE-APPEAL HEARING REQUIREMENTS:

a. Any party to be represented by an attorney, at the appeal hearing, shall present to the City Attorney's Office, at least 5 business days before the hearing, a memorandum with citations of authority substantiating the party's position. This memorandum is different from the appeal summary submitted 15 days after the public hearing by the Board of Adjustment or the Planning and Zoning Commission.

b. All parties in the appeal that desire to have a specific City staff person present at the appeal, need to present to the City Planning Department, at least 5 business days before the appeal hearing, a letter requesting that the specific staff person be present at the appeal hearing. This allows ample opportunity to notify the staff person to assure attendance.

2. AT THE BEGINNING OF THE *BATTERSHELL* APPEAL HEARING, THE COUNCIL WILL:

a. Identify all parties to the appeal, including all witnesses that wish to give testimony.
b. All persons who give testimony, including City staff, will be sworn-in by the clerk or person authorized to administer oaths.
c. All persons giving testimony will be subject to cross-examination by other parties within the appeal, including City staff.
d. All items presented in the appeal, whether in *Battershell* or not, will be limited to the relevant matter being appealed and the City Council may place a reasonable limit on the number of persons to be heard and their amount of testimony.

PROCEDURES FOR PRESENTATION OF ALL APPEALS

The following procedures will be used whether an appellant chooses to utilize the *Battershell* procedure or not.

1. ORDER OF ALL PRESENTATIONS:

a. City Staff Presentation
b. Appellant Presentation
c. Other parties' presentation

2. APPLICABLE STEPS FOR ALL PRESENTATIONS:

a. Opening statements about the case by the party.
b. City Council may question the presenter/party.
c. Cross-examination by other parties, which must be done in the form of questions to be answered by the presenter(s).
d. City Council may question the presenter/witness.
e. Continue to other witnesses for the party until complete.
f. Once all parties are through with giving testimony, closing statements can be made by each party, in same order as above (A).

3. CITY COUNCIL ACTION:

a. A City Council member makes a motion, followed by a second.
b. There may be discussion of the motion.
c. The Council is prepared to vote. In the vote, the City Council may reverse, modify, affirm, or change any decision or determination of the Official, Board, or Commission from which the case was appealed.
d. The City Clerk takes roll call of the City Council; the decision is announced.

IX. APPEAL(S)

(5) Resolution No. 11-022: A Resolution to Appeal the Denial Decision of the Planning and Zoning Commission on a Request for an Infill Development Proposal (IDP) for Property Located at 725 N. Santa Fe Street. The Request is to Allow the Development of a Seasonal, Temporary, Non-Commercial Six-Space RV Park 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 Building Homes in the City of Las Cruces. The IDP is a Request to Deviate from All of the City of Las Cruces Recreational Vehicle Park Development Standards Submitted by Ed Johnson of the Mesilla Valley Habitat for Humanity, Property Owner (IDP-42).

Councillor Connor Moved to Adopt Resolution No. 11-022 and Councillor Silva Seconded the motion.

Cheryl Rodriguez, Development Services Director gave an overhead presentation and said staff recommended a conditional approval of this development to the Planning and Zoning Commission and the conditions were that no structure would exceed thirteen feet in height, there would be a landscape buffer along the western property line and that it would be approved for a period of five years and after that period of time, the applicant would have to resubmit the proposal for administrative re-evaluation and approval. The P & Z heard this case in June and there was some public comments given. The P & Z did vote no with a vote of 1 to 3 which the applicant is appealing that decision today.

Ed Johnson, Mesilla Valley Habitat for Humanity Director said we need to increase our productivity in order to provide people in our community with descent housing and we need to have volunteers to help us build these homes. Our Care-a-Vanners are a big source of volunteer help with the construction of these homes and some of them even become permanent residents of our community.

Councillor Silva said I think this is a great program.

Councillor Small said I think this program offers a great benefit to this community.

Councillor Sorg said I agree that this is a great program and maybe you can work with the neighbors to help with their concerns.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-022 and it was APPROVED. 6-0 Councillor Thomas was Absent.

X. BOARD APPOINTMENTS

Mayor Miyagishima appointed the following to the Downtown Revitalization Ad Hoc Committee: David Chavez, representing Las Esperanzas, Monty Sarvo, representing Alameda Depot Civic Assn., Jean Williams, representing Farmers and Crafts Market, Heather Pollard, representing Dona Ana Arts Council, Steve Newby, representing Downtown Las Cruces Partnership, Sharon DeBraal, representing Las Cruces Board of Realtors, Mike Beckett, representing Greater Las Cruces Chamber of Commerce, Clark Myers, representing NMSU, Ellie Lanphier representing Green Chamber of Commerce, Jim Hawman, representing Downtown Property Owner, Dianna Lyons, representing Downtown Business Owner and Christina Little, At Large.

Councillor Silva Moved to Approve the Mayor's Board Appointments to the Downtown Revitalization Ad Hoc Committee of David Chavez, representing Las Esperanzas, Monty Sarvo, representing Alameda Depot Civic Assn., Jean Williams, representing Farmers and Crafts Market, Heather Pollard, representing Dona Ana Arts Council, Steve Newby, representing Downtown Las Cruces Partnership, Sharon DeBraal, representing Las Cruces Board of Realtors, Mike Beckett, representing Greater Las Cruces Chamber of Commerce, Clark Myers, representing NMSU, Ellie Lanphier representing Green Chamber of Commerce, Jim Hawman, representing Downtown Property Owner, Dianna Lyons, representing Downtown Business Owner and Christina Little, At Large and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments to the Downtown Revitalization Ad Hoc Committee of David Chavez, representing Las Esperanzas, Monty Sarvo, representing Alameda Depot Civic Assn., Jean Williams, representing Farmers and Crafts Market, Heather Pollard, representing Dona Ana Arts Council, Steve Newby, representing Downtown Las Cruces Partnership, Sharon DeBraal, representing Las Cruces Board of Realtors, Mike Beckett, representing Greater Las Cruces Chamber of Commerce, Clark Myers, representing NMSU, Ellie Lanphier representing Green Chamber of Commerce, Jim Hawman, representing Downtown Property Owner, Dianna Lyons, representing Downtown Business Owner and Christina Little, At Large and it was APPROVED. 6-0 Councillor Thomas was Absent.

XI. REVIEW OF PROPOSED ORDINANCE(S)

None given.

XII. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
2. **Las Cruces Convention Center** – *(Building exterior near complete; most construction is interior with limited site work at this time. Parking lot grading and other site work to begin later in July. Construction completion remains on schedule at this time with the facility being operational by an anticipated December, 2010 time frame.)*
3. **Downtown Main Street Construction** - *(Construction of Main Street Plaza - Phase II North was awarded by Council to Jaynes Corporation on May 03, 2010. Construction begin with the installation of safety fencing on July 1st. Existing trees, plants, and bricks on Main Street are being removed with some of the salvageable items being transported to the City yard between Motel Blvd. and Westgate.)*
4. **Impact Fees** –*(The project is on-going and is in Phase II - Development of the Impact Fee Capital Improvements Plan (IFCIP). City Council solidified their direction to staff to proceed with exempting the "In-fill" area of the city; keeping the Public Safety fee as a city-wide fee; and, to consider excluding or showing the West Mesa Industrial Park separately by approving the change order to the contract with James Duncan and Associates on May 17, 2010. Staff will work with the consultant to modify the LUA and the draft IFCIP and to bring them forward for review and approval through the appropriate process.)*
5. **Vision 2040** – *(Staff has taken over the Vision 2040 project from the consultant and is moving ahead with the action plan reviewed by the elected officials on April 15, 2010. Staff is preparing a vision statement for endorsement in May and a working draft of the regional vision document using the Table of Contents presented. Staff is restructuring the Advisory Committee to add stakeholders and define responsibilities, with the next meeting tentatively scheduled in the first part of June. The Advisory Committee will review updated versions of the working draft in sections over the next several months with regular updates to the elected officials. Information and draft documents on Vision 2040 are available online at* http://vision2040.nmsu.edu*.)*
6. **Regional Recreational & Aquatic Center** – *(Most interior work is complete with tube slide installed and water in the pool. Clean up work and minor details remain to be completed. Most work devoted to site completion. Parking lot constructed, landscaping in process among other amenities. Anticipation of a Certificate of Occupancy during the month of July with the opening of the facility towards the end of summer.)*
7. **Las Cruces Intermodal Facility** -*(Contract award complete and finalizing paperwork, primarily related to DBE in order begin the project.)*
8. **Bicycle Facilities Planning** - *(Staff is preparing the application for Bicycle Friendly Community with the assistance from the Bicycle Friendly Community Task Force. Staff is*

working with the Engineering Work Group of the Task Force to identify roadways where bicycle facilities can be added as resurfacing projects are completed. The road diet on Solano will be continued from Missouri to University during late summer/early fall. There are 4 new League Cycling Instructors in the Las Cruces area, bringing the total number of instructors to 13. The new instructors include three City employees: Caeri Thomas, Naoma Staley, and Andy Hume.)

9. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(This project, known on our application for the EPA Smart Growth Implementation Assistance (SGIA) program as Making Redevelopment Work for the Neighbors: The El Paseo Project, now has an identity more suitable for its purpose which is to engage people in planning their community. Welcome:* ***Picturing El Paseo—Share Your Vision for the Corridor****. A 'soft' outreach campaign has begun in the area along and within walking distance of El Paseo Road between Downtown and the University District. The team is promoting events like Coffee Hour at popular spots such as International Delights, Mountain View Coop, Grandy's and Si Bistro when people can stop and talk with staff. The City and partners are producing the* ***Green Infrastructure Conference*** *on August 26th, a 3-day* ***Road Safety Audit*** *September 30th through October 2nd, and a* ***Visioning Charrette*** *November 18-20. The EPA staff team and federal partners from the Departments of Transportation (DOT) and Housing and Urban Development (HUD) are collaborating with City staff from multiple departments, policy makers, residents and businesses. Las Cruces staff is continuously reaching out to a diverse set of public and stakeholders in the El Paseo area, and is available to discuss this project with any interested parties or individuals. Regular conference calls occur on Tuesday from 1:30-2:30 PM in Room 1158, City Hall, 700 Main Street.)*

10. **New City Web Site** – *(The new web site is scheduled to go live in the July-August time frame. Content from the current web site is being migrated to the new site. Some significant re-work of content is required to provide a unified design and user interface functionality, and to upgrade existing content to ADA and Section 508 standards. Departmental stakeholders (who will be responsible for authoring content) have been involved in a number of meetings to provide inputs on the new web site as well. The new site will support greater citizen engagement by providing citizens the ability to receive information via RSS feeds, newsletters, and alerts, as well as providing new content and capabilities. The next phase in the project will involve training departmental authors in the use of the content management system editor, authoring methods, and pertinent standards, guidelines, and laws.)*

11. **Downtown Revitalization Activities** - *(Construction on La Placita has started and is expected to take 9 months. City staff is in the process of forming a Downtown Revitalization Plan Ad Hoc Committee.)*

12. **Grants/ARRA Status** - (Matrix.)

Councillor Small said I would like to get an update on the Armijo House.

Mike Johnson, Public Works Director said we are still continuing with negotiations because the initial assessment to do the work that is needed on that home came in higher than we expected.

Councillor Small asked are the other organizations that were interested in restoring this house involved?

Mike Johnson said not at this time.

Councillor Small said I would like to have them included with this project.

Robert Garza, Assistant City Manager asked can you send the information on the individuals that you would like to have involved with this project so I can schedule a meeting to discuss it?

Councillor Small said yes.

XIII. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said several years ago, we were dealing with a lot of land use issues which is why we began having the fourth meeting of the month as a Land Use Meeting. I would like to suggest that we bring forward a resolution to change our meeting schedule to the first and third Monday of the month for Regular Council Meetings and then the second and fourth Mondays are Work Sessions.

Robert Garza, Assistant City Manager said we can incorporate land use issues into the first and third meetings so you will hear them twice a month instead of all at once at the end of the month.

Councillor Connor said I would suggest that we also change the time for all of our meetings to begin at 1:00 p.m. instead of having quarterly 5:00 p.m. meetings.

Mayor Miyagishima said that would be fine to include in the resolution.

2. CITY COUNCIL

Councillor Sorg said I just want to mention that I would like to get further clarification regarding the definition of PUDs.

Councillor Small said I want to suggest having a discussion regarding films in our community at a future Work Session.

Mayor Miyagishima said just send me the information.

Councillor Small said I want to remind people to remove containers that are holding rain water to help prevent more problems with mosquitos.

Councillor Pedroza said I agree with making the changes to our meeting schedule.

I want to compliment Mark Johnston on how clean and well kept Young Park is and I want to remind everyone that I walk around Young Park Monday thru Friday at 7:00 a.m. and anyone is welcome to join me.

I received some concerns from a constituent regarding the City's resources for our mentally ill residents and I would like to get more public input regarding that issue.

Councillor Connor said I am passing out a draft resolution regarding the use of electronic devices during Council meetings. I think this is a very important issue and we need to have something in place.

I would like to have an update regarding the Special Assessment District?

Cheryl Rodriguez, Development Service Director said I have not had any further conversations with Mr. Moscato regarding the SAD.

Councillor Connor said I think we need to have further discussions with Mr. Moscato, Robert Garza, the Mayor and Cheryl regarding the SAD.

Mayor Miyagishima said there was no consensus given by Council at the April 5th meeting which is why it hasn't moved forward but I do agree that we need to begin discussions again.

Councillor Silva said I want to compliment Mike Johnson on handling our issues that have come up due to the current rains.

I'm okay with bringing forward a resolution regarding the use of electronic devices and I think we can also address the issues I have concerning our email policy during that time as well.

Las Cruces Avenue is going to be closed for three months and I think we should put up signage for the business owners of this area and keep them notified of future closures and other construction related issues for that area.

Robert Garza said I have already given staff direction to set up a meeting with the business owners in that area to discuss the issues that are occurring due to the construction.

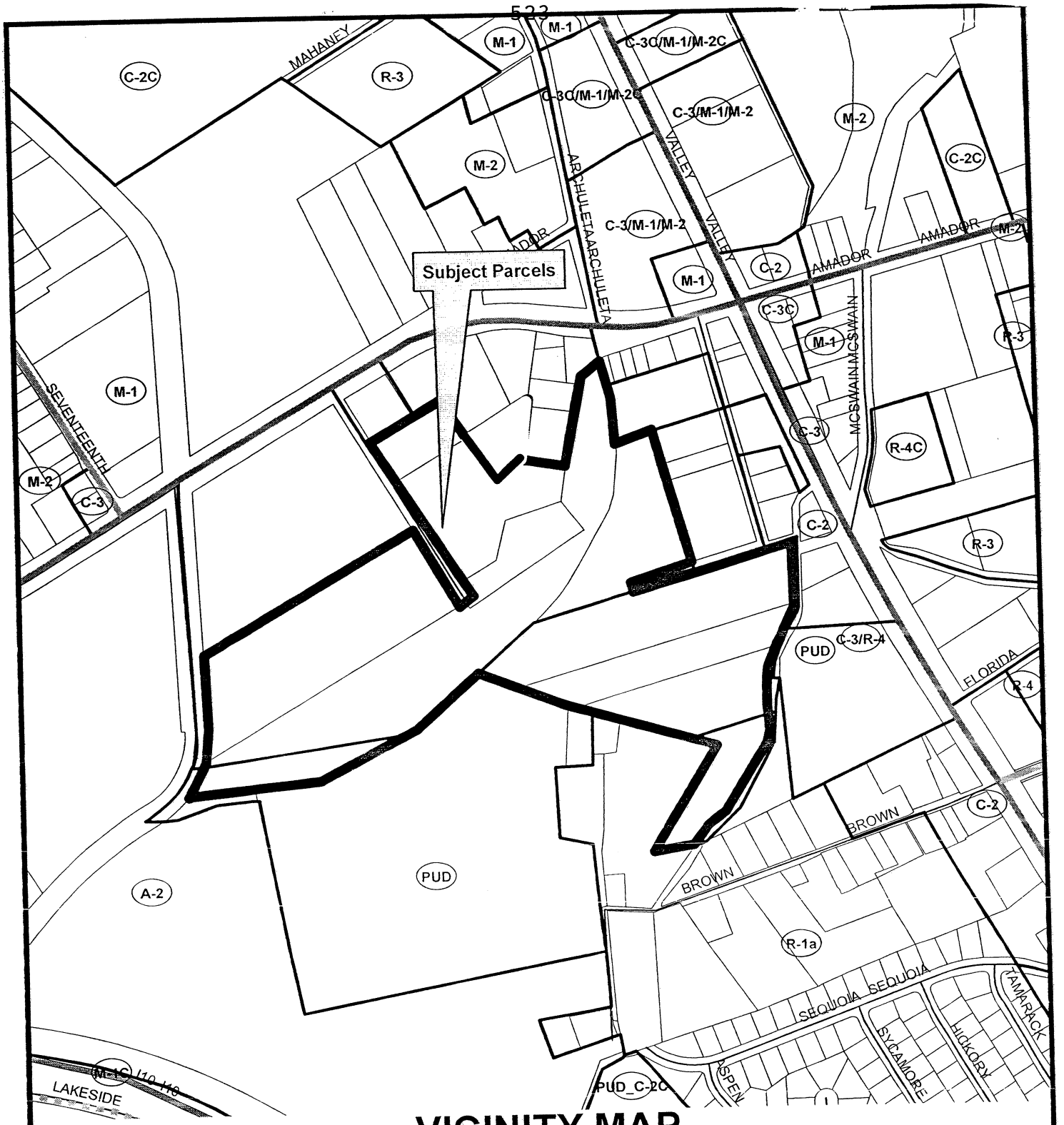
3. **CITY MANAGER**

A. Other Items - Information Only.

Robert Garza, Assistant City Manager said I was asked from the Town of Mesilla to have the City help them with some of the issues they are experiencing due to the heavy rains and I have agreed for the City to offer them any help we can during this situation.

Meeting Adjourned at 9:18 p.m.

Attachment #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

0 190 380 760 1,140 1,520 Feet

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

Attachment "B"

MEETING OF PLANNING AND ZONING COMMISSION FOR THE CITY OF LAS CRUCES

City Council Chambers
September 28, 2010 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
Shawn Evans, Member
Ray Shipley, Member
William Stowe, Member

BOARD MEMBERS ABSENT:

Donald Bustos, Member

STAFF PRESENT:

Vince Banegas, AICP
Cheryl Rodriguez, Development Services Administrator
Carol McCall, Planner
Andy Hume, Planner
Adam Ochoa, Acting Planner
Robert Gonzales, Las Cruces Fire
Jared Abrams, CLC Legal Staff
Becky Eich, Recording Secretary

DRAFT

I. CALL TO ORDER 6:00

Scholz: Good evening, and welcome to the Planning and Zoning Commission for September. I'd like to introduce the members of Commission to you, on my far right is Mr. Shipley, he is the Mayor's appointee for the Commission. Next to him is Commissioner Crane and he represents District 4. Next to him is our newest member, Commissioner Stowe who represents District 1. Next to him is Commissioner Evans who represents District 5. Next to me is Commissioner Beard, who represents District 2. I'm Charlie Scholz the Chair of the Commission, and I represent Council District 6.

II. APPROVAL OF MINUTES - August 24, 2010

Scholz: Our first order of business is the approval of the minutes of August 24, 2010. Are there any additions or corrections to the minutes? Commissioner Cranes.

redevelopment. Submitted by Scanlon White, Inc. for IFL, LLC, property owner.

Scholz: Now our next case is Case PUD-09-04, a request for approval of a concept plan. Mr. Ochoa you're up again. And I see you're double teamed here with Ms. Rodriguez. Go ahead.

Ochoa: Thank you sir. Next case tonight is PUD-09-04; it is a request for approval of the concept plan for a Planned Unit Development known as Villa Amador. As you can see from the slide here this is a vicinity map of the subject property located south of Amador and generally west of Valley Drive as well. Some background on the property, like I said before it is located south of Amador Avenue and west of Valley Drive. Currently it is made up of nine existing parcels, five of them encompassing approximately 34.98 acres are zoned M-1/M-2 which is industrial standard and four are encompassing 17.44 acres are currently zoned PUD which is Planned Unit Development which basically were annexed into the city without any actual classification what the use for the properties would be.

What is being proposed on the subject properties is an industrial standard uses and a single-family residential subdivision on three parcels. Parcels 1 and 2 will be for industrial use, industrial 1 already has existing, I'm sorry parcel 1 already has existing industrial uses and buildings on it while parcel 2 is vacant. Parcel 3, and I apologize for my misspelling, is designated for single-family residential uses. We have seen this before gentlemen. Basically just trying to go through some of the history for public hearing on this. The original PUD proposal for Villa Amador was considered by our DRC or Development Review Commission on February 10, 2010. During that meeting our Public Works department saw issues with access for the Planned Unit Development off of Valley Drive. Seeing those issues, DRC recommended denial for the concept plan. On February 23rd, 2010 the Planning and Zoning Commission reviewed the original concept plan for Villa Amador and at that time the Planning and Zoning Commission recommended conditional approval with six outlined conditions that were provided by the Public Works Department that day as well. Following the February 23rd meeting, basically staff was ... the applicant presented staff with a request to modify the concept plan, wanting to be allowed the option of phasing for parking, landscaping, and outdoor lighting for the existing industrial area, basically phasing out the requirements of the zoning code and the building code and all codes in the city for parking, landscaping, and outdoor lighting as they I guess if you develop the parcel 1 of the proposed Villa Amador. Because of this, the applicant did come back to the Planning and Zoning Commission with the new proposal on April 27th, 2010. The modified concept plan was considered by P&Z and at that time it was denied. Basically also stating that seeing issues with the possible access issues off of Valley for the PUD. On July 26th, the Las Cruces City Council considered the proposed

DRAFT

PUD known as Villa Amador. At the meeting, three key issues were discussed by City Council and by staff and the public there; one issue was again the Valley Drive access for the proposed PUD. Another thing was the Council wanted the public benefits for the PUD to be specifically outlined. And three they were looking for ... there was a discussion and issues whether what type of nature the residential development was going to be. Initially staff was under the impression and it was presented to Planning and Zoning Commission that the residential area of the Planned Unit Development was going to be a mobile home park. During that time it was brought forward by the applicant they're actually trying to do a subdivision for that area, so that was another reason why after the meeting of City Council remanded the development application back to P&Z for another review and recommendation back to City Council. The applicant was also instructed at City Council meeting to meet with staff to resolve all the outstanding issues and try to iron out the three points that were discussed.

This is a new concept plan for the Villa Amador, still 53.382 acres in size with the three planning parcels, planning parcel 1, planning parcel 2, and 3. Going a little more into depth of what's being proposed, the industrial area concept plan, planning parcels 1 and 2 which encompass approximately 24.574 acres will be for industrial uses. Access for this area will be off of Pioneer Place. Permitted uses though would be allowed on these properties would be those that are permitted under the M-1/M-2 zoning district which is industrial standards zoning district and under the 2001 Zoning Code, as amended. Development standards that are being proposed by the developer is a minimum lot size of 5,000 square feet, lot depth of 70-feet, width of 60-feet, with a maximum building height of 80-feet. Setbacks he's proposing is a front setback of 15, rear of 15 or zero, and side of 15 or zero.

For the industrial area, all city standards will be followed for drainage and utility requirements. Planning parcel 1, still like I said before with the existing industrial structures, is still being proposed to be redeveloped in a phasing way for the parking, landscaping, and outdoor lighting as those phases come in.

The residential area concept plan, it's planning parcel 3 which is now to be developed as a single-family residential subdivision. It's 28.808 acres in size which will be developed in four to five phases. The density here will be anywhere between 5.7 to 6.9 units per acre with a dwelling unit range anywhere between 165 to 200 dwelling units. Housing types to be allowed in this subdivision would be single-family site built homes and/or manufactured homes. The subdivision is being proposed to be a gated community with privately maintained roads for accessing and maneuvering throughout the subdivision. Primary access to the residential subdivision is being proposed from Valley Drive with secondary access off of Pioneer Place. The applicant is also proposing a 10-foot landscape buffer area within the residential development. To keep going

DRAFT

on that, the applicant has proposed his own development standards for the single-family residential development; minimum lot size of 3,600 square feet, minimum lot depth of 90-feet, width of 40, maximum building height of 35-feet. And what the setback requirements of a 10-foot front, 10-foot rear, five-foot side and 10-foot secondary side yard setback.

Here is kind of a example, here we go, of what they are proposing, what a proposed lot would look like with the street lighting in there, about 105-feet long, 49-feet wide. This is a typical double wide lot they would be allowing with their setbacks being shown there as well. And here is that 10-foot landscape buffer that they are proposing inside the six-foot high opaque fence that they are proposing to go around the perimeter of the property. The landscape buffer is being proposed basically to buffer the proposed residential development from the industrial uses to the north and some of the residential uses to the south as well.

Public benefits that were outlined by the applicant is; one is a proposed bus stop and its associated amenities on West Amador Avenue. The developer is proposing to expand additional capacity, minimum of two times the volume to the El Molino Drainage pond which is where they'll be using to be ponding their excess, runoff from the actual residential development as well, so they'll have to build it out two times that size, not only to have for their drainage, but also for additional drainage to I guess benefit the city. And the developer will also contribute to the redevelopment of the Burn Lake project.

Recommendation tonight, the reviewed development proposal appears to address the three key issues and concerns that were raised at the July 26th the Council meeting. However, community staff is concerned with the matter in which the applicant intends to develop the 10-foot landscape buffer within the actual single-family development. Staff encouraged the applicant to place landscape buffer area around the perimeter fence outside the actual private properties in a designated tract around the walls so that could be easily maintained by the homeowners association as well as they would be taking care of the streets and so forth like that as well. Community Development staff does not support the landscape buffer proposal that the applicant currently has. With that, Community Development staff is recommending denial of the proposed PUD as the landscape buffer area as proposed may not have a positive aesthetic affect on the neighborhood in which a PUD is located at. With that gentlemen, tonight your options are; 1) to approve the zone change request and concept plan; 2) to deny the zone change request and concept plan; 3) modify the concept plan and recommend approval of the zone change request and concept plan. P&Z tonight what they could do, they may choose to modify the concept plan to ensure that the landscape buffer area is developed in a matter that provides a true buffer between industrial and residential land uses to mitigate impact and help provide a good spacial separation between uses as well. And 4) is to table and postpone the request and direct staff accordingly. That is the conclusion

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of my presentation. The applicant is here as well to answer any questions. And I stand for questions as well.

Scholz: All right, questions for this gentlemen? Commissioner Crane. You have to light up.

Crane: So the 10-foot buffer as presently proposed is within the lot that the homeowner is buying, correct?

Ochoa: One second. Here we go. Basically, what it is, it's outside of their lot sir, I believe it'd still be a 10-foot buffer that would be maintained but staff sees issues. Pardon me, I've been corrected, it is inside the lot, basically but still I believe they're being proposed to be maintained by the homeowners association I believe.

Crane: Okay, so the homeowners association has to have access to this strip at the back of the lot in order to tend to the vegetation that the city requires to be there?

Ochoa: Correct.

Crane: Are there any homeowners, are there any regulations at present in front of the community planning about the homeowner's organization? What authority it has? How it is going to ensure that people provide access for example? Have you seen anything like that?

Ochoa: No sir, nothing has been brought to us by the applicant. The applicant might be able to answer that as well.

Crane: All right. Specifics on what contribution the developer will make towards Burn Lake, any specifics?

Rodriguez: Mr. Chairman in terms for the specific contributions, can we have the applicant make a presentation about their development proposal on what they intend to do for their contribution to Burn Lake?

Scholz: Sure, that'd be fine.

Crane: And one final question, on the manufactured home, that is not necessarily site built, correct?

Ochoa: Mr. Chairman, Commissioner Crane that is correct.

Crane: It comes in basically on wheels already assembled, but tell me please, I know we've had this before, the difference between a mobile home and a manufactured home from the city's view point.

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Ochoa: Yes, sir, from the city's view point a mobile home is basically defined as a home that is I believe a minimum of 18-feet wide, 90-feet long and it's considered a mobile home. A manufactured home, it's actually a state statute as well, it is actually viewed as a site built home, basically the same thing as a site built home as well; minimum size I believe is about, wider than what actually I believe it's 34-feet. I'm sorry; Cheryl will be looking up those actual dimensions for a manufactured home. But from city standards and state statute, a manufactured home is viewed as the same thing as a site built home.

Crane: Thank you.

Scholz: Okay, other questions? Commissioner Beard.

Beard: Now what specifically is it that the city is denying this recommendation here? Are there more than one item? Could you spell them out?

Ochoa: Mr. Chairman, Commissioner Beard, the staff, Community Development staff sees issues with the buffer itself of how the homeowners association would have access to the actual 10-foot landscape buffer to maintain that if its within somebodies, in the back of somebodies property, how would they have access to that and so forth like that in order to maintain it since it would be homeowner association's responsibility to be handling that aspect of it. What we kind of recommended would be placing the 10-foot, basically placing the wall behind the 10-foot landscape buffer, putting the actual landscape outside of the wall, outside of the actual development for better access, on tract for better access for the homeowners association to actually get to that and maintain it or whoever it is they hire to maintain that area.

Beard: And that's the only objection?

Ochoa: Yes, sir.

Beard: Thank you.

Scholz: Okay, I have one question Mr. Ochoa. The description on page one says a single-family site built manufactured houses and/or mobile homes. But your description in your presentation eliminated mobile homes. So I assume we're not having mobile home, we're not allowing mobile homes in this property?

Ochoa: No, sir. I'm sorry Mr. Chairman, the applicant has clearly stated it is on the concept plan as well, all that would be allowed on there would be site built homes and manufactured homes.

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Scholz: And manufactured homes. And Ms. Rodriguez you have a definition of a manufactured home for us?

Rodriguez: Mr. Chairman the 2001 Zoning Code, section 38-57 identifies; defines both a manufactured housing and a mobile home. Manufactured housing means a manufactured home or module home that is a single-family dwelling with a heated area of at least 36-feet by 24-feet and at least 864 square feet in size and constructed in a factor to the standards of the United States Department of Housing and Urban Development, National Manufactured Housing Construction Safety Standards, etc. And that they are installed consistent with the manufactured housing act of the State of New Mexico and the regulations made pursuant to that act. A mobile home is defined as a movable or portable housing structure larger than 40-feet in body length, 8-feet in width, or 11-feet in overall height. Designed for and occupied by no more than one family for living and sleeping purposes, but does not include structures built to the standard of any municipal building code and technical codes.

Scholz: Thank you very much. All right, Commissioner Crane.

Crane: So what the city recommends or would like to see here is the fence would be moved 10-feet into the lot so that the buffer strip is accessible from the outside as one continuous strip, correct?

Rodriguez: Mr. Chairman, Commissioner Crane. The six foot height fence is going to be essentially on that property line. That opaque fence can stay where it's at. It's right now the 10-foot buffer area, wide buffered area is proposed to be placed within the proposed platted lots. Therefore, a property owner would have to allow the homeowners association access to their back yard to maintain that 10-foot area. If the 10-foot buffer area was moved on the opposite side of the wall, on the exterior of that proposed platted lot, then that basically when we get to the platting part of the residential development there will be a tract of land that would be platted around the perimeter that would serve as that 10-foot buffer area. Therefore, it gives easier access for the homeowners association or whatever entity to maintain and it serves as a true buffer area. Because as proposed right now you're going to have ... staff envisions difficulty with the homeowners association enforcing each private property owner to landscape and then ultimately maintain and have access. There would be inconsistency. So we don't envision that there would be a true 10-foot buffer area as it's currently proposed.

Crane: Yeah, I see the problem and I'm totally at sympathy with that. So, the fence would stay where it is and the buffer would move over so the lots would be the same size, but the developer is losing a 10-foot strip.

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Rodriguez: Mr. Chairman, Commissioner Crane that's correct. We support the applicant's position on providing that 10-foot buffer area. We believe that that is a good proposal as part of their development plan; we just disagree with the actual placement of that buffer.

Crane: And somebody mentioned a tract that would provide access, would that be an additional strip?

Rodriguez: Mr. Chairman, Commissioner Crane, when we get to the platting of this which would be via like a preliminary plat through a final site plan of the Planned Unit Development which would only come if and when this concept plan was approved by City Council, when you get to the actual platting of the land for the residential subdivision, then you would plat each residential lot and then on the periphery of that development there would be a tract of defined acreage which would, but that tract would be 10-feet wide. And then that way you can truly articulate on the notes of that plat which would be the instrument that would go hand in hand with the homeowners association how to develop and maintain that tract of land. There'd be easier access. Cause you have to envision, when staff was looking at this, we're looking at the concept plan sets your development standards, and then we're looking at okay what happens when you're actually platting and carrying out the development proposal. So you would envision each residential lot to be platted, you would have that six-foot height tall wall, that perimeter wall, the property owners are going to come in and put side yard walls up too, so the question is how do you afford access to that tract of land.

Crane: I understand. It's a very real problem. Yeah.

Rodriguez: Yes. And that's what, we support the applicant's proposal to provide that aesthetic benefit for the 10-foot tract area, we just disagree in its placement.

Crane: Thank you.

Scholz: All right, other questions for Mr. Ochoa? Commissioner Beard.

Beard: Is he required to put a buffer in there? I mean could he just eliminate the buffer and then there would be no problem?

Ochoa: Mr. Chairman, Commissioner Beard, city standards require a buffer between industrial and residential land uses in the 2001 Zoning Code, so he would require some type of buffer.

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Scholz: Okay. I did have one other question I had overlooked. How have the access or how has the access issue been addressed? Cause that was a concern obviously of both the Council and I believe public works?

Ochoa: Mr. Chairman I would leave that up to the applicant to describe better for you.

Scholz: Okay. Okay, if there are no other questions, let's hear from the applicant please.

Scanlon: Thank you Mr. Chairman, members of the Commission. I appreciate the opportunity to speak before you tonight. My name is Ted Scanlon and I represent the applicant. Quickly, a couple of things, let me first go back ... how's he got this set up? There we go. With respect to the landscape buffer, let me try to explain to you what our ideas were when we drew this drawing. Keeping in mind that this is just a concept plan and that there is a lot of design work that is going to have to be approved by the city all along the line as we go through the process of the final site plan as well as the subdivision platting and construction plans and so forth, all the things that go with that. When I drew this drawing for the landscape buffer situation on these lots, I was under the impression and I guess I still am that the purpose of a landscape buffer when you have residential on one side and industrial on the other, is to provide a nicer view for the residential property and to create some beautification on the residential side to screen the industrial uses from having a visual impact on the residential property. That's the reason that we drew this the way that it is. It also seemed to make sense to me that if you put that landscape buffer in those yards that then the homeowners themselves would be more likely to maintain it and keep it alive and beautiful since it was something that is part of their yard and is a benefit to them as a screening mechanism to screen the industrial uses from view.

The fact of the matter is, our desire is exactly like staff's and that is to ensure that the landscape buffer area is developed in a manner that provides a true buffer between the industrial and residential land uses to mitigate impact as well as provide good spacial separation between the uses, just as staff has stated. That's exactly what we want too. I feel perfectly confident that we can work out with staff an acceptable method of building that landscape buffer when we get into the final design of the subdivision. If you want to specify it now, I guess that's fine too. But I feel 100% confident in having worked with staff for the last 35 years and working out design issues and things like this that we can certainly come to an agreement on what will make a good landscape buffer and serve the purpose for which it's intended. So I don't have an issue with that. In other words we're going to do whatever we can work out with city staff or whatever they require us to do on that landscape buffer.

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With respect to benefits, dang it I did it again. I need to go backwards. Trying to get the plan in place. There. As Mr. Ochoa stated the developer is going to be doing some work on the El Molino pond. Currently this small circle here is the size of the pond as it exists today. In order to handle our drainage, we would need to excavate out to this next line. We have agreed to not only excavate out to that next line, but excavate out an amount of volume of dirt out of that pond that's equal to twice what we would have to excavate out of it just for the purposes of storing the water from this development. As far as other work, in Burn Lake the Parks and Recreation staff, we met with them a week or two ago, week and a half or so ago and basically they said they would, what they would like to see us do as a benefit for the recreational area, the Burn Lake recreation area is one of two things, which we have agreed to. One is to pay all of the park fees for the entire development up front with that money to be applied to work within the Burn Lake recreation area. The other option would be to actually go in and do an amount of work in the Burn Lake recreation area equal in dollar volume to the entire amount of all the park fees. I believe that number was $167,000 if we have 165 lots or 200 lots, whatever the number is, but so we've agreed to do, either way, whichever way, if the Parks and Recreation department has a project ready to work on, if they would rather have the money up front, we'll do that. If they'd rather have us do the work we'll do that. So, it's just a matter of Parks and Recreation telling us what they would like with respect to that and we'll see to it that it happens at that time.

I would like to point out another big public benefit to this development and that is the idea of providing affordable housing. In the comprehensive plan it's very clear that a public benefit to the city is providing affordable housing for the community and so I want to be clear and in the record that we consider that to be another big public benefit. There are some other things that we're doing, going to build a bus stop on Amador near the intersection with Pioneer Place. And we propose to do some screening down in this area and berming that would sort of screen the recreation area away from the Brown Road neighborhood and from the newer residential uses in there also. So that's some other things that we've negotiated with the staff over a period of time and all of those are noted and included in this concept plan in the various notes and so forth. There are a lot of notes on there but all those things that we've negotiated with the staff and we've agreed to with the staff. I think we've properly annotated within these drawings. So, there also was an issue of course that with respect to the roadway, the access from Valley Drive into the property. That's all been resolved now. It was determined that that actually was created as a private roadway tract by the previous property owner back in 1966. Created an easement for it that runs with the land and so it is still there. City staff has made mention that they would prefer that we purchase that strip of land from the City because it was subsequently Quit Claimed to the City by another subsequent landowner

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after Mr. Sage had created the roadway easement on it. Which we don't have a problem buying that from the City if it's possible to do so. The land management people, there might be some issues with that, but they said there's definitely, it is available to be used as a roadway and to be used as access to this property. That's what it was created for in the first place. We have negotiated with Public Works Department and Utilities and so forth the idea though that it would be a private road for access to this development and it will also be used to provide access to the properties on either side of it, there's a Caliche's on one side and a Farm Bureau office on the other side, and direct access for those two businesses will be allowed onto that roadway also so that they'll have the use of that street to provide additional access to their properties.

The maintenance, the construction of the roadway will be by the developer. The maintenance of the roadway will be by the homeowners association. But the City will hold an easement across it for their storm drains, facilities, and utilities. And the responsibility for maintenance of the storm drain, facilities, and the utilities will be the City of Las Cruces but the roadway itself will be under the maintenance of the development.

Scholz: All right, I think that answered the questions we were asking earlier, are there any other questions of the applicant. Commissioner Crane.

Crane: Seems to me that the major problem here in the mind of the City and some in my mind is this maintenance of this buffer. How did you handle the rogue homeowner who decides in a sulk to not permit the access by the homeowners association and their little four by four to the strip and/or decides to appropriate it and plant broccoli on it? How does one set up the rules for homeowners association within enough force to ensure that they can come in and absolutely force that individual to take care of what is in a sense community property?

Scanlon: Correct.

Crane: But if you put it outside the fence, the problem goes away essentially.

Scanlon: Mr. Chairman, Commissioner Crane, it can be done with; it's done successfully all the time. You're familiar with restricted covenants, protected covenants and how those give the other owners under the covenants enforcement, power over people who would break them or defy or violate the covenants. In a situation like we have here, we've got more teeth in that because what we will do is a deed restriction. And there will actually be language in the deed that would require those homeowners to provide access to the homeowners association to their property for the purpose of maintaining that buffer. And by that method, then they have an immediate civil remedy to go in and get a right of entry to go in there and do that. It's kind of common to do that. But like I said, I'm not sure what

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that landscape buffer's going to look like. It may end up being a tract around the outside when we get down to the final design and it just makes more sense to me for the landscaping and the beautification to be on the residential side of the barrier wall, but you know I mean it's not something that we're cast in stone with. We're perfectly willing and able and ready to work with staff on working out the details of how that buffer is designed. And I don't see that as being a deal killer or an issue from our standpoint of the process any way.

Crane: A follow-up.

Scholz: Commissioner Crane a follow-up.

Crane: If there are trees for example or some vegetation requires irrigation, whose responsibility is it to irrigate, the lot owner or the homeowners association?

Scanlon: I think as far as the landscape buffer plant material itself, that would be irrigated by the homeowners association, by the operation of the development itself. That leaves the lots themselves to have whatever type of landscaping the homeowner's desire, just like you would have in any residential subdivision.

Crane: Thank you.

Scholz: Commissioner Shipley.

Shipley: Mr. Scanlon, thank you for your explanation. I'll just make one comment and then I have one question. As a commercial property manager for many years I am familiar with the fact that somebody puts a pit bull in their backyard I don't care who from the homeowners association shows up, he's not going to get in there to maintain it. So you put the landscaping behind the wall, it does what you want. You can control, I mean the association can control it because it's not on someone's property; it's on a parcel that's designated as a buffer. And therefore, if a tree goes down or a shrub needs to be trimmed, they can get in there to do it. To me it makes more perfect sense to do it that way because then you don't have to deal with individual homeowners every time you want to go in to trim a tree or fix an irrigation valve or whatever the case might be. You don't have to bother anybody to do that. You can just; whoever your contractor is can go in and do that. He doesn't have to worry about notifying anybody. He doesn't have to worry about getting bit by their dog or whatever the case might be. So, I think in my feelings for this I would make it restrictive that you put your buffer outside their property, let them maintain their property inside. If you're talking about affordable housing, they're not going to have a lot of money to spend to keep up a buffer the

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way it ought to be kept up. Where the association can do that through the fees that they collect. So, that would be my suggestion there.

Second thing is, are there plans or have you made plans so now that you have access to Valley Drive, are you going to put a traffic light in there so that people can come in and go out and cross Valley Drive to go north as well as to go south on Valley?

Scanlon: When we get into the final site plan stage of the development we are required by a condition that we worked out with the Traffic Engineering Department to do a full blown traffic impact analysis for this development and its impacts to Valley Drive as well as to Amador. At that time, and as part of that traffic impact analysis, we have to include what is known as a signal warrant study and with Valley Drive being a state highway, they have, the State of New Mexico Department of Transportation has their own criteria as to how and where traffic signals can be placed and will only allow them to be put where the warrants that are defined by the state DOT are met. So we will do a TIA in the final site plan for this development and at that time the need for or not of a traffic signal at that intersection will be studied and determined.

Shipley: Thank you. I understand your answer and it's good that we thought of that. But the other question is; is I looked at your site plan; you've got roads that come from the industrial area that go through the residential area. And you could have heavy truck traffic I believe going all the way from Valley all the way back into the areas, is that correct?

Scanlon: No. It's not. We will have a gate at this area as well as a gate over here in this area which will allow the residents to traverse out to Amador and out to Valley and come in that direction, but no one that's not a resident of the area will be able to pass through there.

Scholz: Okay, any other questions for the applicant? Thank you, I'm glad you mentioned the traffic impact analysis because that was going to be my last question as well. All right, we'll open it to public discussion. How many members of the public are there who would like to speak to this? Okay, there are several. All right, would you come up and give us your name.

Turner: Hello Commissioners. My name is Paul Turner. I've actually been asked by the Brown Road Neighborhood Association to give you a few of our concerns that we've discussed in recent meetings. And just to give you a little insight, you know we are the closest residential area to the development. We obviously have some insight in terms of what's going on and what the issues might be there. If you looked at the concept map, you know we're immediately to the south. Many of us have lived there for anywhere from 30 to 40 to some cases 50 years. So we know that there are some changes that have occurred. Part of our recommendations I

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think or at least our concerns I think are things that have either already been addressed by you to some degree or by City staff. I think they are relevant to the developer also.

Scholz: Excuse me sir. Please don't touch the microphone.

Turner: Okay.

Scholz: Yeah it interferes with our hearing it.

Turner: That's my mechanism of keeping close to it, I'm sorry.

Scholz: There we go.

Turner: So when I do say things relative to this, I don't really look at them as just necessarily criticisms or comments, I think they have relevance to the developer as well as to the City staff and to you as well. So, that's some of the preliminary comments that I'd like to make. The one thing that was mentioned in reference to the gated access, I'm a little concerned, are they going to use a keyboard, a keycard, that's one question that kind of came to mind. Is emergency vehicles, school buses, things like that going to have those key codes or access codes, or are they going to have some other mechanism of getting in quickly? The other aspect I think that would be particularly beneficial and I think it's maybe been addressed by Mr. Scanlon, it would appear to me that the residents of Villa Amador that wanted to go west on Amador or north on Valley would be quite wise to go out to Amador and go to a protected left turn light rather than trying to make it across the Valley Drive. I have looked over all three or all four of the sheets that were provided, the detail sheets and I've noticed that they are proposing an acceleration lane going both, well at least coming into the Villa Amador access on Valley. I am a little uncertain as to whether or not the City highway people will allow that, they may or may not and your point reference to the traffic light I think is also relevant. I'm not sure they would allow another traffic light within a thousand or less feet of an existing traffic light at the major intersection of Valley and Brown Road. I'll be a little surprised if they would permit it. So you still have the access problems I think, particularly in terms of public safety and things of that type that are not going to go away. You know I've already given each of the Commissioners you know a one page plus thing and a little map that talks about some of my concerns relative to traffic issues, so I'm not going to go over those again. They're kind of irrelevant and you've already seen what I said or you can look at it later.

A couple of other questions that kind of came to mind, I'm curious if the developer is going to develop a technique to prevent the residents of Villa Amador from using the EBID irrigation road, the one that comes along the Porter Lateral to access Brown Road. There is really no

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mechanism to do that. I mean they can come down that irrigation ditch even though EBID wouldn't want them to necessarily, but they don't typically enforce that unless they put a gate up. And I don't know what their plan would be. I don't know whether the developer could keep residents from using that if they wanted to, either with motorized vehicles or motorcycles, or whatever. It's actually designated as one of the City's access trails for bicycle and other uses. I'm not sure that motorized vehicles are encouraged on those trails, that would be a question that we would address to the City, at least staff. One of the questions that was brought up by one of our members that's been involved with the homeowners association is you know how do you set it up, how will it be financed, particularly in the early stages of it. His experience was very negative in terms of the homeowners association. Things went to hell basically because nobody would pay in to what they were supposed to pay in and therefore nobody did it. So that's one of the questions, particularly in the early stages while it's being developed. Is the developer going to provide an upfront amount of funds to help that get off the ground or do you have to get to a certain number of residents before you can do anything? If you don't have any money, it's going to be pretty hard to do it.

Another point that they may not understand or at least I'm not sure they do, because it's not addressed anywhere in the concept plan, there is an irrigation lateral that comes across the tail end, kind of a little frying pan portion of the development on parcel 3, that is designed to deliver water to Altamoreno's property and some other properties to the west. Are they going to leave it you know open across there, is it going to be a ditch, is it going to be a pipe, or is it going to be abandoned? I don't know that. Has City addressed concerns relative to fire vehicle access, school bus access in terms of size of street and turn around capabilities at this point? I don't know. Obviously they're going to have to be able to access that place and I don't think you're going to want to have school children going out to Valley Drive between Caliche's and Farm Bureau to catch buses. You know I'm assuming they would come into the area and I guess the big one we've already kind of addressed it to some degree is, is there a plan or is anybody even talked to the state about whether or not it's even possible to put a traffic light in? If it becomes obvious that it's absolutely necessary at some point in the future. If you can't do it, that's not even an option, you could probably find that out right now I would guess, all you'd have to do is call the state engineer and highway department and say, you know is it got to be 2,000-feet from another existing light or how do we do that. So those are some issues. If the light is not put in, or even if it is, I'm curious if the developer has plans for both access, primary and secondary access to have both a left turn and right turn lane to access either Amador or Valley, because if you only have one as is already the case at Amador, people turning right where there is not a dedicated right turn signal, right turn lane, anybody that wants to turn left blocks anybody from ever making

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a right turn as well. So those are all issues that I would like to at least address or have somebody address.

I'd actually like to invite Brian Wilson to come up. Brian has some young children. He had a wife that had an accident on Valley Drive just a few blocks from Brown Road recently, to maybe address some issues that he has. We asked him to do that and I think that's relevant to you at least. He's a concerned ...

Scholz: Mr. Turner, I have a couple of Commissioners who want to ask questions of you specifically, so before we hear from this other gentleman, would you stand for questions?

Turner: I'll try, yes.

Scholz: Okay, good. Commissioner Beard.

Beard: The lateral typically can be a concern. I have a lateral that goes right behind my house. Keeping automobiles off that lateral is very difficult. It's up to the EBID to do it. You have to work with both the sheriff and the EBID in order to get that controlled. But as I say, that is a difficult thing and I don't think it's really Mr. Scanlon's problem to tell you the truth.

Turner: It may not be. I agree. I'm not sure how it could be handled myself.

Beard: Okay. The other thing is the turning on Valley. Wal-Mart has a very similar situation and I'm sure there's more traffic going in and out of Wal-Mart than any other location. I go in and out of there all the time. I find that to be adequate, as a matter of fact safe for me. Do you see that as a problem, setting up something similar to what's in front of Wal-Mart?

Turner: I think if they had a traffic light, you know if I lived in this facility and I've lived in mobile home parks in a variety of places, if I lived there I'd feel a heck of a lot safer having my family or my children or my 16-year-old having a traffic light to be able to get out onto Valley Drive. I can guarantee you it's a tricky thing to do even with somebody that's got lots of experience.

Beard: I don't want to argue with you on that particular issue. There are actually two accesses into Wal-Mart; one of them has a traffic light and the other one does not. The one that doesn't have the traffic light has the most traffic by far. It's difficult getting in and out of the one that has the traffic light. It slows everything up. My personal concern is, don't put a traffic light up. If you set up the proper entrance, three lanes you know ability ... the acceleration lane and the left turn lane I don't see a problem with that. I mean do you?

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Turner: Well I of course visit Wal-Mart myself many times and I decide which access point, there are actually two lights that allow you access to Wal-Mart, one off of Avenida de Mesilla and one off of Valley.

Beard: Right.

Turner: Because I'm north of that, I rarely use the one that you find may be easier to use except when I'm leaving to go south on Valley. It's a bottleneck. There's no question about it, anytime that you've got a light, you slow traffic down and you're going to create bottleneck in terms of speed of access, entry or exit. I just ... I feel uncomfortable with the idea, particularly of requiring people to make a left turn across two oncoming lanes and two lanes of traffic if they want to go north on Valley safely. I've stopped doing that at Brown Road, literally. During heavier traffic periods, I don't even attempt to make a left turn. I turn right, I go down to Avenida Blanco there by the Sandoval place, make a U-turn, and then come back, because it's just not worth the danger, you know Sunday mornings and late at night and other times you can do it, but if you wait for that gap to come up and you hit it just right and you respond quickly within seconds to the opening that you might get, yes you can make that turn then. But at other times of the day without a light, you know particularly during heavy traffic periods, I think you have a problem. You know you've got the children's garden daycare center with people coming in there in a hurry to drop off kids and leave to get to work and so forth, any of them going north, if they can't go out to Amador and get back in that way, they're kind of risking their lives and the lives of their children by trying to get across multiple lanes of traffic in a 40 to 45 mile per hour speed limit. I predict you'll see lots of accidents. You know it happens at Wal-Mart at other places as well. The parking lot itself is one of the more dangerous places to be, but nevertheless, it's an issue that I think needs to be long and hard thought about because of the safety for the people in Villa Amador as much as anything else.

Scholz: Okay. Other questions from the Commissioners. I just had one ... Commissioner Evans, excuse me.

Evans: Yes, thank you. So a lot of the concerns that you have brought up this evening, this is just kind of a concept plan and as you move into the final planning you know those will be addressed in further detail. So I'm not even sure if we could really answer those questions until the process kind of moves on to the next phase.

Turner: I understand.

Evans: That being said, have you had an opportunity to meet with the developer to discuss some of your other issues that you had?

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Turner: We had an invitation very early on in the process to meet with them and kind of talk about what they had in mind. It's been fleshed out and a lot more details are available now than there had been in the past. You know to be honest with the all the details of sheets one through four and the specifics and so forth, I understand a lot more what's going on, plus it's evolved since then. In other words, the idea of a mobile home park, you know it wasn't clear whether they would rent spaces or, now they're looking in terms of doing it a little differently than they did at the time of that initial meeting. No, we have not met with them since then and haven't been asked to do so either. But you know, like I say some of my issues that I'm bringing up I think are potentially of benefit to the developer and the future residents of Villa Amador, as well as just to our own personal concerns. You know I'm looking at it; most of our concerns are traffic related. You know traffic has increased very rapidly in that area, Wal-Mart is part of the problem not part of the solution in terms of our access problems. And I don't envision it becoming less congested in the future. They may be able to develop a technique to move people in and out safely, I still ... and I hope maybe they would say yes this is possible, but if somebody wants to go west on Amador I hope they wouldn't have to go out to Valley to do it. I would hope that they could, if they wanted to go north on Valley and they had the choice they could go to Amador and make the protected left turn at the Amador/Valley exit rather than trying to get across traffic. You can do it sometimes of the day but at you know morning peak hours I wouldn't chance it if I were living there.

Scholz: Mr. Evans you had another question.

Evans: Yes.

Scholz: Go ahead.

Evans: You know as head of the homeowners association, I haven't heard you really mention, or discuss the buffer that the developer had proposed, as opposed to what the City has you know recommended.

Turner: Do I have a position on that. I know some of our ...

Evans: I would assume so, and I would like to hear that.

Turner: Some of our individuals that live closer to the area may have more specific thoughts. You know I'm kind of ambiguous on that myself. The buffer between the proposed facility and Scott Hill and myself is actually the Porter Lateral irrigation road. It won't have any trees on it or anything like that, but you know that doesn't necessarily bother me. I can't see over the fence and worry about it anyway. So I don't have a personal preference

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and we didn't discuss the specifics of that in our neighborhood association meetings, so I can't really address it adequately.

Scholz: Okay. Thank you. Mr. Turner you're going to yield to ...

Turner: If I could let Brian Wilson kind of give you some personal insights in reference to traffic why I'd like to do that.

Scholz: Yes, please do.

Wilson: Good afternoon. My name is Brian Wilson. I live on Brown Road. My primary concern is safety. Brown Road is a pretty dangerous road to gain access on during working hours, usually around 8 o'clock in the morning to you know probably you know 8 o'clock at night. It's almost difficult, almost impossible to make a left hand turn. The same applies for the street down the way, I guess that's Sequoia. It's almost impossible for those people, very dangerous. Currently as it, I mean I've not done a traffic study, but this is personal testimony. On September 11th of last year as my wife was going to work about 8 o'clock in the morning, a young man trying to get to Mayfield High School tried to get out on Valley Drive and tried to make a left hand turn. He ran into my wife. Totaled the van. Injured my wife. This area's a dangerous place. Safety needs to be truly considered with this issue. This will happen with this housing area as well, this new proposal and I'm concerned for these people as well you know and it's not going to get better as Mr. Turner said, and so I don't know if there's been any discussion with the state people as far as requirements for installing a traffic light. I think that would definitely help, but I really believe that there needs to be some discussion with these people as far as the feasibility of trying to make this area of Valley Drive safer. It's pretty dangerous right now and I don't foresee it getting any better you know with this development. Perhaps there may be other ways to approach it. Perhaps you know this may take thinking out of the box, but perhaps you know we could try accessing on Amador only. I mean I just, this is a very narrow corridor. It was established in 1966. That was 1966, probably wasn't a lot of traffic in 1966. This is 2010. There is a lot of traffic and it is a safety issue. So, on behalf of the people on Brown Road and the people on Sequoia Road and for these people in this new development, please consider their safety. As my City Councillors, that's what I vote you in for is to consider these issues. Safety should be of paramount importance.

Scholz: Sir, we're not the City Council, we're the Planning and Zoning Commission.

Wilson: I'm sorry. The Planning and Zoning Commission. I apologize. But anyway, you know please consider that in your decision.

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Scholz: Okay.

Wilson: Thank you.

Scholz: Thank you. Mr. Scott, you were going to speak as well. I thought I saw your hand earlier.

Hill: My name is Scott Hill.

Scholz: I'm sorry, Scott Hill.

Hill: I live just behind this development. I have personal experience with homeowners associations in California and they can be a disaster. They need to be set up legally ahead of time. It's not as Mr. Scanlon said, it can be done, but it's management by amateurs because there's no managers, that's the trouble with a homeowners association is there's nobody you can go to directly to deal with. So, it is important how it's set up, how the laws are set up and this kind of stuff, and I don't see any you know, we're all kicking the ball down the road. You know it's going to be resolved later. I would just like to see later addressed a little bit at this level, at the Planning and Zoning Commission. Need to address what's going to be happening in this arena. Paul doesn't have an opinion about the buffer, but I do. I think the buffer needs to be protecting me from them. You know I want the buffer between my property and this development and not inside their zone. So I want the buffer on the outside. I want to have some strength in the maintenance and handling of that buffer zone and I think it needs to be addressed before it gets to the final process that takes place in you know whenever this is going to happen. You know, that property needs to be developed. It will be developed. It can't be farmland and it can't be what it is and so it's going to have to be developed. I just want it to be done right and I think that's you guy's job is to make sure that it is done correctly. Thank you.

Scholz: Okay. Thank you Mr. Hill. Okay, you hadn't raised your hand before sir, but I will allow you to speak. Yes, go ahead. Come up, identify yourself.

Favela: My name is Joaquin Favela and I'm renting a portion of the building from Mr. Hannah. And you know I've been here for almost more than 30 years to tell you the truth. And I have seen this city grow and you know I live by Elks and you know that's ... my wife had an accident there and she was injured. She has to go to Albuquerque every like three months for injection. So I know what a traffic accident is. So to tell you the truth, you know and it's in our hands. It's in our hands to do something right. You know the city's growing and it's growing crazy. So it's up to us to do the right thing. Okay, the right thing right now is to prevent business to close

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their doors. This is a good project. They will bring jobs to this community. You know and it's the citizens of this community, you know we have to …

Scholz: Please stay on the mike sir.

Favela: Yeah, we have to be productive you know in order to get along you know with these issues, with these problems. Because otherwise we're going to be stuck. You know I find myself stuck. I already spent like almost $100,000 in this business that I have, it's a body shop. I get stuck because this plan is not being approved. So, just imagine I've got like two, three guys that they want to work with me, but I can't. I've got my hands tied. So, anyway, every month I have to pay to the bank because I owe to the bank for this equipment that I buy. And see, I think we need to be productive. You know we need jobs in this community. We need jobs in this city because it's the motor of the city. If we don't have this motor running, you know as long as we start develop all these, we can … it looks like we got focus too much on problems. We have to focus on the solutions. I think it's a good (*inaudible*), you know. Solutions they will come out, we've got together, we got into those solutions, you know. If we talk and we talk about the problems, we're never going to get out. I just, you know, ask you, you know to please get together and get the solutions done.

Scholz: Okay, thank you. Now is there anyone else from the public who has new information who'd like to share it with us. New information. Yes ma'am.

Hilberg: Hi, my name's Karen Hilberg.

Scholz: Say again.

Hilberg: Karen Hilberg. I don't know if this is new information. I just wanted to clear up something that Commissioner Beard had talked about, the Wal-Mart. I'm the one who got the copies of the traffic accident reports from the police department and had them distributed.

Scholz: Yes, I remember we saw those a couple of months ago.

Hilberg: Yes. Well I only got them; I only gave you guys the ones from Amador to Avenida de Mesilla on Valley. I did not include anything else. There were, I'm not going to say how many cause I don't have it in front of me, pages of accidents on Valley at Wal-Mart. They're just listed as 1500 S. Valley which is the address for Wal-Mart, so it's both the light and that other access. And there were lots and lots of accidents. I can provide you with those if you want, I have them at home. I just didn't put them in because I only did Amador to Avenida de Mesilla. But that is a terrible intersection,

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there were probably two pages, I would guess maybe even more that were just nothing but that Wal-Mart entrance.

Scholz: Okay.

Hilberg: I just wanted to add that.

Scholz: Thank you very much.

Hilberg: And if you want those I can see that you get the Wal-Mart.

Scholz: Okay, I'm not sure that's really relevant to our (*inaudible*).

Hilberg: No, he was just saying though that that kind of ... if you put a light in it doesn't cause problems you know, it solves the problems, but it hasn't there at all.

Scholz: Yes, I know. I've almost gotten side swiped there. It's a dangerous place. Thank you very much. All right, I'm going to close it to public discussion. Gentlemen, what is your pleasure? Commissioner Shipley. He beat you out Commissioner Crane by about two seconds there. Go ahead Commissioner Crane, he yielded.

Crane: Thank you. I want to make a comment and to clarify what I see as the two problems we're facing right now. The comment is that I've been thinking some more about what I know about homeowners associations, the gentleman who said management by amateur hit it right on the head and I hadn't crystalized that in my mind. I've only been involved with one when I had a cabin up in the hills around Cloudcroft. It got ugly when we had to all agree on how to handle the road. What I've heard from other people has never been good. It is enormously difficult to get an outfit like that to function well. People who pay no attention to international or domestic politics find that the scale of a homeowners association is an excellent battle field and they'll take out all their frustrations on their neighbors and occasionally I believe it results in murder if not burning down of houses. To be more serious, there are two problems here, one is this traffic on to Valley Drive and I do know something about that because I live on the other side of Brown Road and frequently have to go the wrong direction as it were on Valley Drive in order to be able to get the right direction to cross the traffic. I just don't know how we can handle that at this moment in relation to this proposal that we're going to vote on. I just assume the city will address it all at the right time. The matter of the buffer is something which is important and the buffer has to be on the outside of the fence as we've discussed and I think that's the matter on which we have to make our decision. Thank you Mr. Chairman.

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Scholz: Commissioner Shipley.

Shipley: I would concur with Commissioner Crane, that I think the buffer has to be outside the fence, not inside the fence because if you have a hundred property owners you'll never get them all to do it the same way. Whereas if you, your association can manage it and can manage it correctly and not interfere like I said, the safety aspect, if somebody enters your property and you don't know they're coming, somebody could pull out a shotgun and shoot somebody, a dog could hurt them, etc. That precludes that from happening, and so I think that we should make that as a condition for this, if we're going to approve this, that would be the condition that we'd add, that it has to be done that way.

I would say secondarily that the staff ought to be challenged to do a traffic study immediately before this goes to the City Council and that we have to determine if we're going to put 195 homes in there, what the impact is going to be before we go too far. Because we really, you know we said when we did the new high school out on Dripping Springs Road that you know we can't afford to say after somebody gets killed, well we should've done that. And I agree. So I think it behooves us now to take the action to say we want that study done and we want to make sure that we do the right thing. And you know the bottom line is anything we do today is cheaper than if we wait five years, because the cost of traffic light today may be $250,000, five years it may be $500,000, we're not saving any money by doing anything. We are saving a life if we do it the right way the first time.

Scholz: Ms. Rodriguez you have a comment.

Rodriguez: Mr. Chairman if I may comment on the traffic impact analysis and offer some clarification regarding the review of the concept plan. The concept plan recognizes your land uses and then your intensities and densities. In this case you have a single-family residential development and then the density, the number of dwelling units. And the applicant has identified the range. Valley Drive is a roadway that is owned and operated by the New Mexico Department of Transportation. The city's traffic engineer is going to defer to New Mexico Department of Transportation. New Mexico Department of Transportation was a reviewing body for this concept plan. NMDOT has stated that they have approved the concept plan. But they have also stated they approved it recognizing that the fact that the number of dwelling units, the range of dwelling units that is proposed for the residential development will impact the state highway system. They recognize that. But to the degree of that nature of that impact right now and depending on what improvements are going to be warranted for not only the intersection for this development onto Valley Drive, and maybe a range of Valley Drive before and after this proposed development, they're going to look at that at the final site plan, the preliminary plat of the

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residential subdivision, which will trigger the traffic impact analysis to be reviewed as part of that development application, which would also require a public hearing before this body. So there will be another opportunity for this Commission and/or City Council to weigh in regarding the traffic impact analysis. Now the technical nature, and Mr. Scanlon was right, the degree of to which the road improvements will come, will come at the very end of the proposed development with the final plat. Basically, the TIA will tell you what the impacts, the type of improvements that'll be needed. That'll be kind of facilitated into the preliminary plat and then when they actually get down into the final platting and then they will carry out those final improvements. So I just wanted to clarify for the record that the TIA will come at the final site plan which is the preliminary plat for the residential development that is triggered. City's traffic engineering has already stated that they want to see that, but they are working with NMDOT on those respective traffic analyses. And the City of Las Cruces, the traffic engineering section as well as NMDOT do recognize that there will be an impact, but they know that the concept plan at this time is not the instrument that will dictate the level of changes to Valley Drive, but they do state that there will have to be improvements done. So I just wanted to clarify that for the record, for the purposes of the concept plan.

Scholz: Thank you Ms. Rodriguez. Okay, other discussion. All right, I will entertain a motion to approve.

Beard: I move to approve PUD-09-04 with the condition to include the landscape buffer area on the opposite side of the property line as recommended by the city.

Scholz: Okay, is there a second?

Shipley: Second.

Scholz: Okay, it's been moved and seconded. I'll call the roll. Commissioner Shipley.

Shipley: Aye site visit, discussion, and ...

Scholz: Commissioner Crane.

Crane: Aye findings, discussion, and site visit.

Scholz: Commissioner Stowe.

Stowe: Aye findings and discussions.

Scholz: Okay, make sure you're mike is on sir.

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Stowe: Aye findings and discussions.

Scholz: Okay, Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings, discussions, and site visit.

Scholz: And the Chair votes aye findings, discussion, and site visit. So it passes 6:0.

VIII. OTHER BUSINESS

Scholz: All right, Mr. Ochoa any other business before this body tonight?

Ochoa: No sir.

IX. PUBLIC PARTICIPATION

X. STAFF COMMENT

Scholz: Ms. Rodriguez I think is going to give us something.

Rodriguez: Yes. Mr. Chairman, as you're aware, as representative on the Vision 2040 advisory committee they are going to be making updates to respective planning bodies. The Planning and Zoning Commission, ETZ Commission, etc. And what they're going to be doing, you will be receiving an update electronically beginning I believe in the month of October. I'm just giving you a status update of the progress of Vision 2040. If any of the Planning and Zoning Commission members would like a paper copy of the status report, please let myself or Paul Michaud know and we will facilitate that. But everything will be done electronically. We don't envision the update being a rather lengthy document. It'll be very, probably one, two page memo at that. But you will be seeing that be delivered to you electronically.

Scholz: Right. It's an ongoing process. We're probably up to chapter six right now, and it's been interesting to hear the comments and the discussion. And I think what we will end up with is a … not only a much more shorter document, but a much more succinct document that really addresses the vision that we're sharing. And I'm very excited about working with the Commission even though it sometimes is a bit of a drag.

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Rodriguez: And Mr. Chairman if I also may, the New Mexico APA meeting will be here in Las Cruces November 3rd through the 5th. Las Cruces will be hosting this state wide meeting. So if you are interested in attending this conference, if you could please let me know via an e-mail or a quick phone call, that would be great so that I could see about the possibility of the City of Las Cruces paying your registration fee for this conference. It's going to be a really great conference. Andy Hume is the coordinator for Las Cruces and basically helping planning all of this. So it's going to be a really fun event. So we're excited about it.

Scholz: Good. All right.

XI. ADJOURNMENT 8:07

Scholz: Well if there's no other business I declare that we are adjourned at about seven minutes after 8 o'clock.

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Chairperson

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