

City of Las Cruces[®]

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Council Action and Executive Summary

Item # 14

Ordinance/Resolution# 2661

For Meeting of July 16, 2012
(Ordinance First Reading Date)

For Meeting of August 6, 2012
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A CONCEPT PLAN AMENDMENT FOR A PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS VILLA AMADOR. THE SUBJECT PROPERTIES ENCOMPASS 53.382 ± ACRES AND ARE LOCATED SOUTH OF AMADOR AVENUE, WEST OF VALLEY DRIVE AND NORTH OF BURN LAKE; PARCEL ID#S 02-02145, 02-02579, 02-02580, 02-02603, 02-02605, 02-02607, 02-02609, 02-18091, 02-22499. SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS ON BEHALF OF IFLC, LLC, PROPERTY OWNER (PUD-12-01).

PURPOSE(S) OF ACTION:

A Major Amendment to the Villa Amador PUD Concept Plan.

COUNCIL DISTRICT: 4		
<u>Drafter/Staff Contact:</u> Adam Ochoa	<u>Department/Section:</u> Community Development	<u>Phone:</u> 528-3204
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Villa Amador Planned Unit Development (PUD) is located generally east of the Mesilla Drain and west of the Porter Lateral. Villa Amador was originally approved conditionally by City Council in November of 2010. The PUD proposed three different planning parcels: Planning Parcels 1 and 2 were proposed for industrial uses; Planning Parcel 3 was proposed for a single-family residential development. The following conditions were placed on the PUD at the City Council meeting:

- The applicant shall place a 10 foot wide 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.
- All proposed privately maintained internal streets within the residential subdivision shall be built to City standards.
- The applicant shall cooperate with the Elephant Butte Irrigation District (EBID) on restricting vehicular traffic along the Porter Lateral from the Villa Amador PUD to Brown Road.

The applicant is requesting to amend the Villa Amador PUD Concept Plan. The applicant is proposing to convert the landscape buffer tract into a landscape buffer easement that shall be enforceable and accessible by deed restrictions written into any conveyance document for the residential area. This will merge the 10 foot wide area into each proposed residential lot instead of having the 10 foot wide area outside of each lot as one large tract. The proposed amendment will change the first condition originally placed on the Villa Amador PUD, but maintains the intent of the buffer. Council may choose to keep the other two conditions along with any additional conditions determined appropriate.

Along with the change of the landscape buffer the applicant is also proposing to dedicate all interior residential streets and drainage systems within Planning Parcel 3 to the City of Las Cruces for them to be publicly maintained. The original Villa Amador PUD proposed all interior streets and drainage systems within Planning Parcel 3 to be privately owned and maintained by the Homeowner's Association that was to be established with the residential development. The condition placed on the initial PUD by City Council requiring the private residential streets to be built out to City Standards is what led the applicant to seek the dedication of the streets. The proposed drainage and utility tract known as Tract 1A in Planning Parcel 3 is also proposed to be dedicated to the City of Las Cruces instead of it being privately owned and maintained by the Homeowner's Association. This modification for public street and drainage maintenance does not require additional amendments to the original conditions.

On June 6, 2012, the Development Review Committee (DRC) reviewed the proposed major amendment to the Villa Amador PUD. The DRC reviews PUD's for infrastructure, utilities, and public improvement. After some discussion on drainage for the PUD the DRC recommended approval without conditions for the proposed amendment to the concept plan for the PUD known as Villa Amador. The Planning and Zoning Commission (P&Z) did not review the proposed amendment because the condition requiring the 10 foot landscape buffer tract was placed on the PUD at City Council and was not a condition or issue reviewed by P&Z.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A"- Villa Amador Planned Unit Development (PUD) Concept Plan Amendment No.1. (A full size copy shall be delivered to City Council with the CAES Packet.)
3. Exhibit "B"- Findings and Comprehensive Plan Analysis from the Original Villa Amador PUD.
4. Attachment "A"- Draft minutes from the June 6, 2012 Development Review Committee meeting.
5. Attachment "B"- Minutes from the November 15, 2010 City Council meeting that approved the original Villa Amador PUD.
6. Attachment "C"- Vicinity Map.

SOURCE OF FUNDING:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Development Review Committee's recommendation for approval. The Villa Amador Planned Unit Development (PUD) Concept Plan Amendment No. 1 will be approved.
2. Vote "No"; this will reverse the recommendation made by the Development Review Committee. The current and originally approved Villa Amador Planned Unit Development (PUD) Concept Plan will remain in effect on the subject properties.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. Ordinance 2596.

COUNCIL BILL NO. 13-006
ORDINANCE NO. 2661

AN ORDINANCE APPROVING A CONCEPT PLAN AMENDMENT FOR A PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS VILLA AMADOR. THE SUBJECT PROPERTIES ENCOMPASS 53.382 ± ACRES AND ARE LOCATED SOUTH OF AMADOR AVENUE, WEST OF VALLEY DRIVE AND NORTH OF BURN LAKE; PARCEL ID#S 02-02145, 02-02579, 02-02580, 02-02603, 02-02605, 02-02607, 02-02609, 02-18091, 02-22499. SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS ON BEHALF OF IFLC, LLC, PROPERTY OWNER (PUD-12-01).

The City Council is informed that:

WHEREAS, IFLC, LLC, the property owner, has submitted a request for approval for a major PUD concept plan amendment to a PUD known as Villa Amador; and

WHEREAS, the original PUD concept plan was approved by City Council on November 15, 2010 under Ordinance 2596; and

WHEREAS, the applicant is requesting to amend different aspects of the PUD concept plan including the bufferyard tract and the right of way and drainage facilities in the Villa Amador PUD; and

WHEREAS, the Development Review Committee, after conducting a public hearing on June 6, 2012 recommended that said PUD concept plan amendment be approved by a vote of 5-0-0.

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

(I)

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

(II)

THAT the PUD concept plan amendment for the Villa Amador PUD is based on

the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(III)

THAT the conditions be stipulated as follows:

- The applicant shall place a 10 foot wide landscaped buffer easement in the rear yard of each residential lot adjacent to the southern, western and northern boundary lines of the residential development, Planning Parcel 3, that shall be enforceable and accessible by deed restrictions written into any conveyance document for the residential development.
- All internal streets within the residential subdivision shall be built to City standards.
- The applicant shall cooperate with the Elephant Butte Irrigation District (EBID) on restricting vehicular traffic along the Porter Lateral from the Villa Amador PUD to Brown Road.

(IV)

THAT the zoning of PUD for said property be shown accordingly on the City Zoning Atlas.

(V)

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

DONE AND APPROVED this _____ day of _____ 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima:	_____
Councilor Silva:	_____
Councilor Smith:	_____
Councilor Pedroza:	_____
Councilor Small:	_____
Councilor Sorg:	_____
Councilor Thomas:	_____

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:

	<u>Zoning</u>	<u>Land Use</u>
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.



City of Las Cruces

DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the minutes from the Development Review Committee meeting held on Wednesday, June 6, 2012 at 9:00 a.m. at the City Hall, Room 1158, 700 North Main Street, Las Cruces, New Mexico.

DRC Present: Robert Kyle, Community Development
 Mark Dubbin, Fire Department
 Meei Montoya, Utilities
 Sonya Delgado for Mark Johnston, Parks and Recreation
 Tom Murphy, MPO

Staff Present: Adam Ochoa, Community Development
 Susana Montana, Community Development
 Rocio Dominguez Community Development
 Les Finley, Parks and Recreation
 Robert Ebler, Public Works/Project Development
 Bill Hamm, Public Works
 Bonnie Ennis, Recording Secretary, Community Development

Others Present: Steve Peale, Borderland Engineers & Surveyors
 Ted Scanlon, Borderland Engineers & Surveyors

I. CALL TO ORDER

Kyle: Let's go ahead and call this meeting of the DRC to order. It's now 9:00 o'clock on Wednesday, June the 6th.

II. APPROVAL OF MINUTES - May, 2, 2012

Kyle: First item of business is approval of the minutes from the May 2nd meeting. I have some correction, looking at the bottom of page three and the bottom of page 4; the name "Katherine," referring to Katherine Harrison Rogers is misspelled. You just need to correct the spelling on that. Were there any other corrections to the minutes? Then can I have a motion to approve the minutes as corrected?

Dubbin: I move to approve.

Montoya: Second. Meei Montoya.

1
2 Kyle: All those in favor?

3
4 All: Aye.

5
6 Kyle: Any opposed? Great.

7
8 **III. OLD BUSINESS – None**

9
10 Kyle: No Old Business.

11
12 **I. NEW BUSINESS**

13
14 **1. PUD-12-01: Villa Amador Planned Unit Development (PUD) Concept Plan**
15 **Amendment No.1**

- 16
17 • A request for approval of an amendment to the Concept Plan for a
18 Planned Unit Development (PUD) known as Villa Amador.
19 • The amendment proposes three (3) changes to the original Concept Plan
20 approved in November of 2010, Ordinance 2596:
- 21 1) **From:** All of the interior streets, drainage systems and the Valley
22 Drive access into the residential area of the PUD shall be owned
23 and maintained by the Home Owners Association that operates the
24 residential development in perpetuity;
25 **To:** All of the interior streets, most drainage systems and the
26 Valley Drive access into the residential area of the PUD shall be
27 dedicated to the City of Las Cruces;
 - 28 2) **From:** All landscape buffer tracts will be owned and maintained by
29 the Home Owners Association that operates the residential
30 development in perpetuity;
31 **To:** The landscape buffer tract surrounding the residential area of
32 the PUD shall be changed into an easement enforceable and
33 accessible by deed;
 - 34 3) **From:** Tract 1A within the residential development shall be owned
35 and maintained by the Home Owners Association the operates the
36 residential development in perpetuity;
37 **To:** Tract 1A within the residential area of the PUD shall be
38 dedicated to the City of Las Cruces as a drainage and utility tract.
- 39
40 • The subject property encompasses 53.382 ± acres and is located west of
41 Valley Drive, south of Amador Avenue and north of Burn Lake.
42 • Submitted by Borderland Engineers & Surveyors, LLC on behalf of IFLC,
43 LLC, property owner.

44
45 Kyle: The next item is New Business. We have one case today. It's a major
46 amendment to the Concept Plan for the Villa Amador Planned Unit

1 Development. It's Concept Plan Amendment No. 1. Adam, can you give
2 us a brief rundown on the proposal on each of the amendments?

3
4 Ochoa: Sure. Adam Ochoa, Building and Development Services. The subject
5 property is approximately 53 acres in size. It's located south of Amador
6 Avenue, west of Valley Drive and North of what is Burn Lake now and the
7 future drainage area that will be located north of Burn Lake. This PUD
8 was approved in 2009 with three phases: Phase 1 and 2 being industrial
9 Phases and Phase 3, which is where we are concentrating more with this
10 amendment. It is for a single-family, detached residential and
11 manufactured house development.

12 Previously this was approved with the initial Concept Plan for
13 private roads throughout the entire development, as well as privately
14 maintained drainage and drainage easements; as well as a 10-foot wide
15 landscaped tract that supposed to be located around the majority or a
16 large part of the actual residential area. After discussions with the
17 applicant Amendment No.1 is essentially changing those points of the
18 Concept Plan.

19 The first thing that's being changed is all interior streets within the
20 residential area will now be dedicated to the City so they will be dedicated
21 as public right-of-way. They do meet the minimum 50-foot wide Minor
22 Local requirement, considering that was condition that City Council placed
23 on these roads when they went to City Council; that the roads were to be
24 constructed to the City standards. So the size is okay; now they're just
25 essentially dedicating them instead of keeping them privately owned and
26 maintained by a homeowners' association.

27 The second change is that the landscape buffer tract that was
28 initially approved also as a condition at City Council will now be changed
29 to an easement within each residential lot that will be adjacent to them.
30 That'll be enforceable and accessible by deed restrictions.

31 Tract 1A, which is kind of a drainage area for the area into the City
32 facilities will actually be dedicated to the City as well as the drainage utility
33 tract. Those are the major changes that are occurring with these Concept
34 Plan amendments. Everything else will essentially stay the same. Of
35 course, everything that refers to drainage they'll have to change and, I
36 believe, staff and the applicant did try to hammer the majority of those
37 issues out. That's essentially it.

38
39 Kyle: Robert Kyle, Community Development. Just for the record: the primary
40 reason that this amendment is a major amendment, which will require
41 Council action has to do with the fact that the landscape tract that Adam
42 mentioned was a condition set by City Council. We're not getting rid of
43 that buffer requirement but they're seeking to convert it from a separate
44 tract of land to absorb into the lots and then, by deed restriction, require its
45 maintenance and access; that sort of thing.

46 Because of the specific way the condition was worded with City

1 Council we had to treat it as a major amendment. The other issues, in
2 and of themselves, were not treated as a major amendment requiring full
3 action by the P & Z Commission or City Council. But, in this instance,
4 because of that specific condition, we are going to have to take this back
5 to the City Council for consideration. So I just wanted that on the record.

6 Applicants, do you have anything you wish to add or clarify.

7
8 Scanlon: Ted Scanlon from Borderland. No. I'm happy to answer any questions,
9 though. I think I'm just pretty happy with Adam explaining it pretty well.
10 Robert explained it pretty well.

11
12 Kyle: Okay, one issue that we need to bring up for further clarification before
13 going around the room: there were two largely unresolved issues from our
14 standpoint. They had to do with clarification of some merits related to
15 drainage and that sort of thing and I believe those have been resolved
16 with Engineering and Technical Services. But I just want to clarify that
17 there was some discussion related to Pioneer Place, which is the access
18 road into the property from Amador. I just had a letter from the applicant's
19 title company. Land Management, were you resolved on the Pioneer
20 Place issue?

21
22 Hamm: Yes. Bill Hamm, Public Works, Land Management. Our last discussions
23 with the applicant and Mr. Phelan with Southwest was, with that letter, was
24 going to clarify their position on the ownership of the portion of Pioneer
25 Place that's in question and that identified owner's going to be added as a
26 signatory to the plat, which will resolve the issue.

27
28 Kyle: Okay.

29
30 Hamm: And then to be able to get it dedicated in the City right-of-way.

31
32 Kyle: I just wanted to make sure we were clear on that. Those were the two
33 major issues to get resolved as we move this forward. With that, we'll go
34 around the room. Fire?

35
36 Dubbin: Mark Dubbin, Las Cruces Fire Department. The Fire Department doesn't
37 have any issues with the Concept Plan Amendment; just the same
38 concerns we had about phasing and making sure that the access is
39 maintained. A secondary access is required when thirty lots are
40 exceeded.

41
42 Kyle: Utilities?

43
44 Montoya: We already approved this Concept Plan with the condition that it stays
45 with the review comments. So, at this time, we don't have issues.

46

- 1 Kyle: Engineering and Technical Services?
2
- 3 Dominguez: Yes, I just want a clarification from the applicant as far as one of the
4 comments from the reviewer, Natasha Billy, who isn't able to attend the
5 meeting; on the comment that we put in here, "The preliminary design was
6 already discussed at the Public Works meeting on February 24th and
7 Borderland was informed that it must be agreed with the El Molino
8 Drainage Study. When resubmitting please include the attached pdf
9 verbiage with the corrected language." And then there's the little note that
10 I have from Borderland and it says, "At 2/24 meeting was on the FSP and
11 the problems/issues would be 10 x 6. This is for the Concept Plan
12 Amendment No. 1." Could you explain a little bit more on that, please?
13
- 14 Scanlon: Yes, let me explain that. The detailed drainage issues that came up with
15 respect to that were part of the review of the Final Site Plan, which has
16 been going on concurrently with this Concept Plan Amendment; and that's
17 really an issue with the Final Site Plan, which we're still working through
18 the review process that really is separate from the Concept Plat review is
19 our position on that. So we'll iron out all the drainage issues with the Final
20 Site Plan and, subsequently, with the Construction Plans and Subdivision
21 submittals and that sort of thing. But I don't think that's an issue with
22 respect to this Concept Plan Amendment.
23
- 24 Dominguez: Okay. Thank you very much.
25
- 26 Kyle: Robert Kyle, Community Development. I concur with the discussions I've
27 had with Ms. Billy and just the general issue. The drainage concept,
28 which has been proposed here, is acceptable. The specifics that it
29 contains, the Drainage Study, etc., including the bounds of the El Molino
30 project and then this development's impact on that will be addressed at
31 the Final Site Plan as we formalize the Final Site Plan.
32
- 33 Dominguez: Okay. Rocio Dominguez, Building and Development Services. In that
34 case then, we have no issues for that.
35
- 36 Kyle: Robert Ebler, are you Public Works?
37
- 38 Ebler: I'm not here for Public Works, actually.
39
- 40 Dominguez: He was just my back up.
41
- 42 Kyle: That's fine. MPO?
43
- 44 Murphy: Tom Murphy, MPO. I don't have any MPO issues; however, I do have one
45 question on the landscape buffer tract. Exactly how is that enforceable?
46 Who is responsible for enforcing that?

- 1
2 Peale: Steve Peale for Borderland. What the agreement has been is that that'll
3 be enforceable through deed restriction and it'll be written into the deeds
4 and covenants of the development, of the residential area. That's what
5 we've all talked about, which is done all the time with covenants, if I'm not
6 mistaken. So that's how that will be taken care of.
7
8 Murphy: So it doesn't place any burden on a public agency to...
9
10 Scanlon: No.
11
12 Peale: Actually, it kind of fixes it.
13
14 Scanlon: It's strictly enforceable by the owners of the property. As with any
15 covenant or deed restriction in a situation like that they might have to file
16 suit against somebody who's not taking care of the landscape buffer, but
17 we give them the ability to do that and to enforce that through a deed
18 restriction and through covenants.
19
20 Murphy: Thank you.
21
22 Finley: How do you enforce...I mean, excuse me. Les Finley, Parks and
23 Recreation. Just how enforceable is that?
24
25 Scanlon: Very enforceable!
26
27 Finley: But who brings suit? The other property owners?
28
29 Scanlon: Yes, the other property owners.
30
31 Finley: At their expense?
32
33 Scanlon: One property owner under those covenants can ... *(several people*
34 *speaking at the same time – cannot transcribe)*
35
36 Finley: Can the City bring suit?
37
38 Scanlon: Probably the City could. I would think the City could because they've
39 approved the concept of the maintenance of the landscape buffer. So,
40 yeah, I would think so.
41
42 Kyle: Robert Kyle, Community Development. I'd defer that question to Legal. I
43 doubt that the City would bring suit as the City is not party to the private
44 covenants or deed restrictions on the property.
45
46 Scanlon: In all reality, what I think the City would do is write a letter, write a letter to

- 1 the guy and say, "Look, you need to..."
2
- 3 Peale: Just as any weed type of...
4
- 5 Kyle: The original concept in requiring the 10-foot wide landscape tract/buffer
6 was largely based on the assumption that you're going to have a much
7 more active homeowner's association in this development because the
8 roads are going to be privately maintained, etc. In the instance where
9 they're proposing dedication of those rights' of-way to the City, my
10 understanding is there's still going to be a functioning homeowners'
11 association but not nearly to the extent as was originally anticipated.
12
- 13 Peale: That's correct.
14
- 15 Kyle: There will still be some privately maintained drainage facilities, etc. on this
16 property that will require...as such, having that separate tract, we're really
17 not changing the enforceability at all. That landscape buffer was never
18 going to be a requirement of the City to maintain or anything or anything.
19 We're simply transferring the ownership and taking away what has
20 conceptually what would have been a 10-foot wide no-man's land between
21 two fences and incorporating that into the privately owned property.
22
- 23 Peale: Perfect.
24
- 25 Scanlon: Good answer.
26
- 27 Kyle: Land Management?
28
- 29 Hamm: No further issues from Land Management/Public Works.
30
- 31 Delgado: We have one. Sonya Delgado for Mark Johnston, Parks and Recreation.
32 We want to make sure that Park Impact Fees do apply here and however
33 Park Impact Fees can be negotiated with park improvements for Burn
34 Lake.
35
- 36 Kyle: Those Park Impact Fees will be assessed on each permit that's pulled in
37 accordance with the current policy except in any other agreements there.
38
- 39 Peale: That sounds good.
40
- 41 Ochoa: Adam Ochoa, Development Services. I believe there's some language in
42 there regarding one of the benefits towards the City is they are not only
43 proposing to build out parts of it but that they are open for negotiations
44 with the City for further improvements to that Burn Lake park area.
45
- 46 Scanlon: Scanlon:

- 1
2 Ebler: Robert Ebler. Looking at the Concept Plan they're showing a trail across
3 the pond. We are in design and will be going out to bid by the end of July
4 to build this pond, the permanent pond. So I just wanted to inform
5 everybody.
6
- 7 Scanlon: Does anybody have any idea where to get some water for that lake?
8 *(general laughter)*
9
- 10 Kyle: Are there any other issues or comments from anyone? With that I
11 entertain a motion in regards to this Concept Plan Amendment.
12
- 13 Murphy: So moved. Mark Dubbin.
14
- 15 Montoya: Second. Meei Montoya.
16
- 17 Kyle: All those in favor of recommending approval please say aye.
18
- 19 All: Aye.
20
- 21 Kyle: Anybody opposed? Seeing none, we are done with that. So we will now
22 put this for City Council consideration because you are dealing with
23 specifically a condition put forth by Council, we will direct it back to
24 Council. It is not what part of P & Z considered so we won't have to go
25 through that entire process.
26
- 27 **IV. ADJOURNMENT (9:17 am)**
28
- 29 Kyle: Any other topics of discussion from the DRC? With that, a motion to
30 adjourn?
31
- 32 Murphy: So moved.
33
- 34 Montoya: Second.
35
- 36 Kyle: Very well. We are done.
37
- 38 All in favor.
39
40
41
42

Chairperson

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for New Mexico Gross Receipts Tax. the City Manager Is Authorized to Approve Change Orders in an Amount Not to Exceed \$77,584 for a Total Project Authorization of \$1,746,604.

Councillor Connor Moved to Adopt Resolution No. 10-11-310 and Councillor Small Seconded the motion.

Councillor Connor asked is there a reason why this item wasn't on the consent agenda? We have been discussing this issue for a long time and this is just to keep moving it along; correct?

David Dollahon, Neighborhood Services Administrator said yes.

Councillor Connor Called for the Question and Councillor Small Seconded.

Mayor Miyagishima said all those in favor signify by stating Aye.

Council stated Aye.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-310 and it was Unanimously APPROVED. 7-0

- (22) 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.

Councillor Connor Moved to Adopt Council Bill No. 11-016; Ordinance No. 2596 and Councillor

Sorg Seconded the motion.

Cheryl Rodriguez, Development Services Administrator gave an overhead presentation and said Planning Parcels 1 and 2 are for industrial development and re-development. The access to these areas is proposed to be from Amador Avenue via Pioneer Place. Planning Parcel 1 proposes an industrial redevelopment plan for phased improvements to parking, landscape and outdoor lighting. Planning Parcel 3 proposes a single-family residential development and the primary access to the residential development is from Valley Drive through the adjacent parcel that can legally be used as ROW. The secondary access point is proposed to be from Pioneer Place. All internal streets are proposed to be privately maintained and the applicant is proposing to develop a 10-foot wide landscape buffer around the perimeter of the residential development. The applicant is also proposing to have trail connectivity from the residential development to Burn Lake and the Porter Lateral. The developer will install a bus stop and its associated amenities on Amador Avenue and will expand the additional capacity to the El Molino Drainage Pond. They are willing to contribute to the re-development of the Burn Lake Park Project and they will either pay the required park impact fees for the residential development or perform work in equal value to the required park impact fees for the residential development to Burn Lake. The Concept Plan was reviewed by NMDOT and they had no objections with it. The P & Z reconsidered the Villa Amador development proposal on September 28, 2010 and there was some public opposition to the development proposal because they had concerns with the traffic issues on Valley Drive. The P & Z recommended a conditional approval of the zone change which the condition was that the applicant is to place the 10-foot wide landscape buffer area and the perimeter of the residential development and not place the 10-foot landscaped buffer area within any proposed platted residential lots.

Mayor Miyagishima said the first time this was brought before us, we had concerns regarding whether this was going to be a mobile home park or a park that was able to sell lots.

Cheryl Rodriguez said that issue has been resolved.

Councillor Small asked are there going to be measures taken to make sure that residential traffic doesn't travel down Brown Road? Regarding the digging out of the pond, is that proposed to be used as filler? If it is, that area can become very nasty when it comes to blowing dust. Is there any consideration to other specific ties to El Molino or is it just the digging out of the pond?

Mike Johnson, Public Works Director said they were informed that in order to utilize the City's stormwater facilities, they had to excavate double the amount of the volume of water that they would be placing in those ponds.

Councillor Small asked can that be done prior to a complete TIA is done?

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Cheryl Rodriguez said if this is approved, the next step regarding the residential development, the applicant will have to submit a development proposal for the preliminary plat and at that time we will know exactly how many lots are being proposed. They are planning on doing this development in phases so when phase one comes in, staff will require that a TIA be done at the time. There will also be another public hearing at that time and the Planning and Zoning Commission has the authority at that time to make the final action. So before any residential development occurs, there is going to be an additional public hearing that will have more specific details than we have today.

Councillor Thomas asked how wide will the driving lanes be through the residential areas?

Cheryl Rodriguez said those will be privately maintained streets.

Councillor Thomas said I am constantly getting complaints from people who move into an area with a Homeowners Association and then find out that the Association is responsible for the maintenance of the streets which aren't kept up.

Councillor Connor said the R1-B has a 3,500 sqft minimum lot size. What is the minimum lot size for these lots?

Cheryl Rodriguez said the builder is proposing a minimum of 3,600 sqft lot size.

Councillor Connor said this will open up an opportunity for Burn Lake that has been needed for a long time.

Ted Scanlon, Applicant Representative gave a verbal presentation and said we have been working on this project for a long time and we are in compliance with everything. There won't be any roads within this development that will connect to Brown Road and we will adhere to the Dust Ordinance requirements during the work in the pond area to minimize any effects that might have on the area. Regarding the park fees, usually, those are paid as the lots are sold; however, we are going to pay all the park fees up front as a lump sum payment to be used for the improvements to the Burn Lake area or if the City prefers, we will do the physical work ourselves. This project will be providing another affordable housing option for this area which I think is the biggest public benefit of this project.

Councillor Silva said I still feel uncomfortable with having the TIA done after the fact but I do think this is a good project.

Ted Scanlon said the TIA won't be done after the fact; it's part of the next phase of this project.

Joaquin Favela, Member of the Public said I own a body shop in this area and I do support this project.

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Eric Hillburn, Member of the Public said I live on Brown Road and I have concerns with the Valley Drive traffic. If this is approved today then that makes the traffic issues on Valley okay because if the TIA comes back and states there are problems then you just find some kind of remedy and go forward with it. I also have concerns with having a Home Owners Association taking care of roads in a low income housing area because I don't know how they will have enough money to maintain the roadways.

Councillor Pedroza said I think we might want to look into a way to make sure the roadways are maintained because some Home Owners Associations don't work too well.

Ted Scanlon said the developer will be responsible for things until there is a resident government in place and we plan on building our streets at the same standard as the City's streets.

Councillor Small said there are positive public benefits from this project and there are ways we can address the traffic issues on Valley Drive; like the installation of a traffic signal. I would like to amend this to have the applicant cooperate on reasonable restrictions for vehicular traffic along Porter Drive to separate Brown Road in via Amador traffic.

Mayor Miyagishima said I don't think you can add that type of an amendment to an ordinance.

Cheryl Rodriguez said that language can be added to the Concept Plan so I would make that amendment as to be included in the Concept Plan. I would also recommend that you include that the internal streets within the residential development are built to the City's design standards.

Councillor Small Moved to Amend Council Bill No. 11-016; Ordinance No. 2596 to include in the Concept Plan that the applicant cooperates with reasonable restrictions for vehicular traffic along Porter Lateral to separate Brown Road and via Amador traffic and that all the internal streets within the residential development are built to the City's Design Standards and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 11-016; Ordinance No. 2596 to include in the Concept Plan that the applicant cooperates with reasonable restrictions for vehicular traffic along Porter Lateral to separate Brown Road and via Amador traffic and that all the internal streets within the residential development are built to the City's Design Standards and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-016; Ordinance No. 2596 as Amended and it was Unanimously APPROVED. 7-0

- (23) Council Bill No. 11-017; Ordinance No. 2597: An Ordinance to Amend Chapter 38 of the Las Cruces Municipal Code, 1997 (Zoning) to Create Section 38-49.3 ADO — Alameda Depot Overlay. (ZCA-10-02)

Councillor Silva Moved to Adopt Council Bill No. 11-017; Ordinance No. 2597 and Councillor Small Seconded the motion.

Carol McCall, Planner gave an overhead presentation and said the proposed changes are to delete sections L-2, 3, 6 and 7 and add new language to reference Section 38-60; Walls and Fences in the 2001 Zoning Code: "All other provisions regarding walls and fences not noted herein shall follow those found in Section 38-60 of the 2001 Zoning Code, as amended." There were some administrative errors that we didn't catch until after the packet had been submitted to you; there is a discrepancy in one of the Land Use Tables, Theater, Performing Arts, one the first page it should be conditional in ADO 4, 5 and 6 and the condition should be that the use shall be located on a collector or higher designated roadway. On the next page, in Section F-1, the text for "Front Setback Non-Residential was included by mistake and should be deleted.

Mayor Miyagishima said the Open Meetings Act doesn't allow to make major changes like that because it is supposed to be advertised. We may need to table this and then you can bring this back before us with all the changes.

Councillor Connor Moved to Table Council Bill No. 11-017; Ordinance No. 2597 until December 6, 2010 and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 11-017; Ordinance No. 2597 until December 6, 2010 and it was Unanimously APPROVED. 7-0

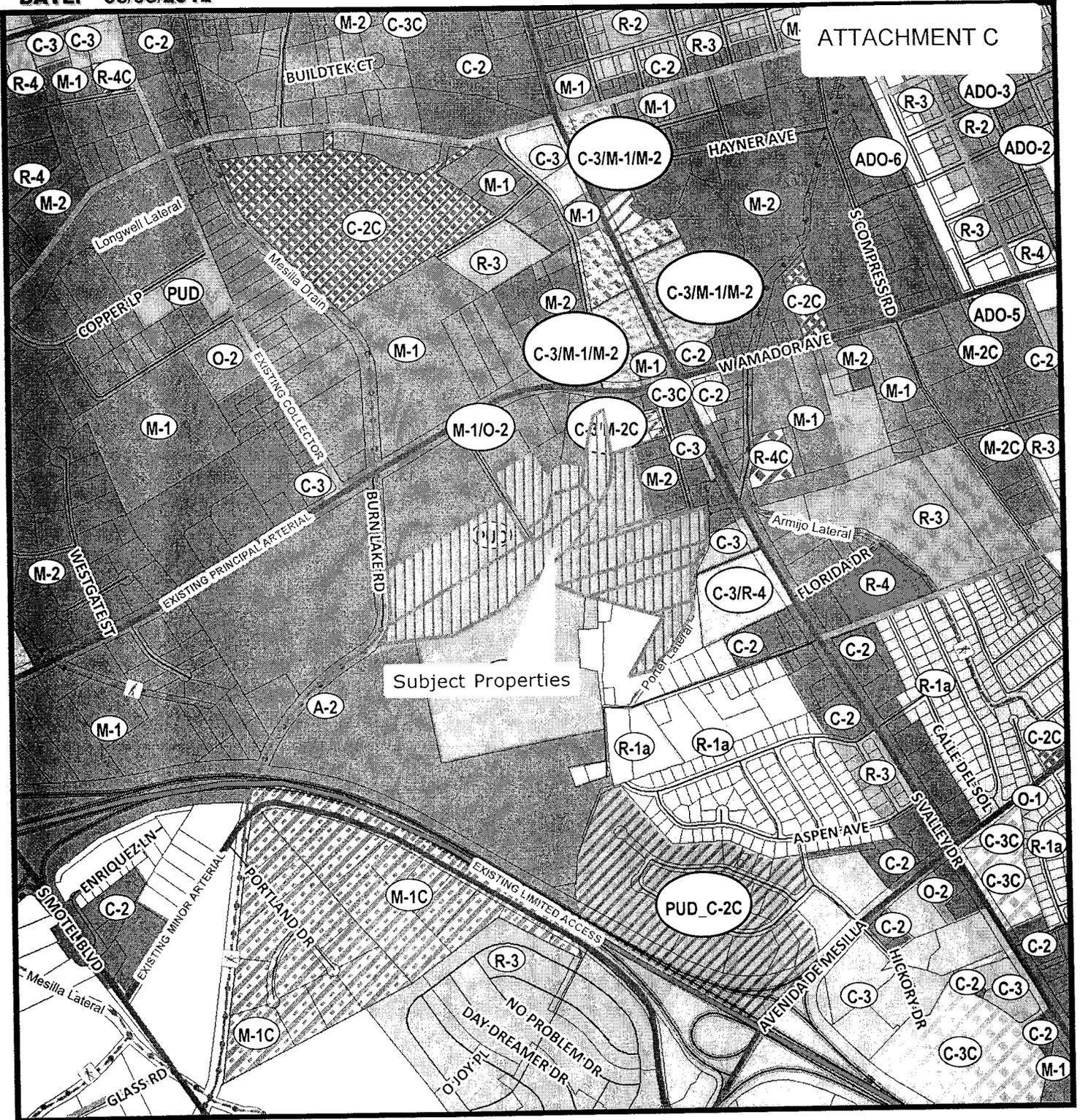
VIII. BOARD APPOINTMENTS

ZONING: PUD
OWNER: IFLC, LLC
DATE: 06/05/2012

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Zone Map

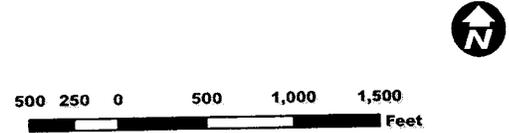
PARCEL: 02-02145, 02-02579, 02-0280,
02-02603, 02-02605, 02-02607,
02-02609, 02-18091, 02-22499

ATTACHMENT C



Legend

EXISTING LIMITED ACCESS	PROPOSED INTERCHANGE/UNDERPASS	Non Designated Trail
EXISTING PRINCIPAL ARTERIAL	PROPOSED PRINCIPAL ARTERIAL	Proposed Paved EBID
EXISTING MINOR ARTERIAL	PROPOSED MINOR ARTERIAL	Proposed Unpaved EBID
EXISTING COLLECTOR	PROPOSED COLLECTOR	City Parcel
PROPOSED LIMITED ACCESS	PROPOSED CORRIDOR	Interstates_Highway
		EBID Water System
		Railroad



Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

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