# City of Las Cruces®
PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

**Item #** 12 **Ordinance/Resolution#** 2676

**For Meeting of** January 22, 2013 (Ordinance First Reading Date)

**For Meeting of** February 4, 2013 (Adoption Date)

**Please check box that applies to this item:**

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

**TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM M1 (INDUSTRIAL STANDARD) AND R-3 (MULTI-DWELLING MEDIUM DENSITY) TO A PLANNED UNIT DEVELOPMENT (PUD) ON 8.01 ± ACRES OF LAND LOCATED AT 999 W. AMADOR AVENUE: PARCEL ID # 02-29653. THE REQUEST FOR A PUD INCLUDES A CONCEPT PLAN AND GENERAL SITE PLAN. SUBMITTED BY NICOLE MARTINEZ, DIRECTOR OF MESILLA VALLEY COMMUNITY OF HOPE; CITY OF LAS CRUCES PROPERTY OWNER (PUD-12-02).**

**PURPOSE(S) OF ACTION:**

Establishment of a PUD zone, PUD Concept Plan, and associated site plans.

| COUNCIL DISTRICT: 4 | | |
|---|---|---|
| **Drafter/Staff Contact:** Katherine Harrison-Rogers | **Department/Section:** Community Development/ Building & Development Services | **Phone:** 528-3049 |
| **City Manager Signature:** | | |

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Mesilla Valley Community of Hope is seeking approval of a Planned Unit Development (PUD) Concept Plan for the Community of Hope Campus located on an 8.01 acre parcel at 999 W. Amador. The PUD would establish the ability to provide a variety of institutional uses that focus on social services for those community members who are homeless, nearly homeless, or in need.

Current services offered at Community of Hope are a full service child crisis center, a soup kitchen, a medical clinic, a day care, a homeless case management and day service center, a food bank, and a temporary tent camp for the homeless. The Community of Hope anticipates adding additional services in the future as funds become available: these include a homeless shelter, permanent homeless campground, community garden, substance abuse center, job center, transitional and permanent housing program, donations and distribution center, respite care center, and similar uses as approved by the Community Development Director. The unknown uses proposed to be approved by the Community Development Director are those

uses that may not currently be listed or anticipated, but may be needed by the campus in the future. These uses are anticipated to be similar or complimentary social services or institutional uses to those already existing or desired, for example a welfare office or human rights advocacy center.

The primary purpose of the PUD is to provide the ability to establish a permanent tent campground as a form of transitional housing for the homeless in addition to providing flexibility in the range of institutional uses on the campus. As the 2001 Zoning Code does not address tent camping standards, the applicant proposes to utilize camping standards and accessory standards outlined by the US Bureau of Reclamation during final site plan design and construction. Additionally, the number of tents allowed will be limited to 45 with a total occupancy of 50 people. Site improvements associated with the camp such as access, circulation, drainage, and landscaping/buffering will adhere to the requirements of the City of Las Cruces Design Guidelines as part of the final site plan design and construction.

Final construction drawings and/or improvement plans for any improvements to the site including the campground are proposed to be processed administratively and meet the requirements of the City of Las Cruces Design Standards and the development standards specified in the C-3 Zoning District.

On November 27, 2012, the Planning and Zoning Commission reviewed the PUD during a public meeting. During the hearing most of the discussion centered on the tent camp (Camp Hope) specifically. Concerns ranged from public policy on homelessness, fire and emergency safety, crime, and the function and administration of the camp. Members of the public voiced their concerns over crime, loitering, and trash associated with the homeless population in the area, objecting to the camp due to the proximity to their businesses. Additionally volunteers, residents, and staff of the Community of Hope spoke to the merits of the services provided to the needy population. Please refer to Attachment "B" for details of the meeting. After a lengthy discussion, the Planning and Zoning Commission voted unanimously (7-0-0) to approve the PUD with seventeen (17) development standards.

The Planning and Zoning Commission added a seventeenth standard to the sixteen recommended by staff. It specifically requires a semi-annual review of crime and emergency responses on and in the area surrounding the Community of Hope by the City of Las Cruces to determine whether the PUD should remain in effect. It should be noted staff has concerns regarding the legality of such a review and potential revocation of the zoning on the property once the PUD is vested, especially since the current zoning already allows for homeless shelters, transitional housing, and other social services and institutional uses. Staff recommends the elimination of standard seventeen (17).

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Location Map.
3. Exhibit "B", Community of Hope Planned Unit Development (PUD) Concept Plan.

4. Exhibit "C", Community of Hope Planned Unit Development (PUD) Concept Plan Development Statement.
5. Exhibit "D", Findings and Comprehensive Plan Analysis for the Community of Hope Planned Unit Development (PUD).
6. Attachment "A", Staff Report to the Planning and Zoning Commission for Case PUD-12-02.
7. Attachment "B", Minutes from the November 27, 2012 Planning and Zoning Commission meeting.

**SOURCE OF FUNDING:**

| | | | |
|---|---|---|---|
| **Is this action already budgeted?** | | | |
| | 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 _____ Fund. |
| **Does this action create any revenue?** | | | |
| N/A | Yes | ☐ | Funds will be deposited into this fund: _____ in the amount of $_____for FY__. |
| | 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 | N/A | N/A | N/A | N/A | N/A |

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission's recommendation for approval and the Community of Hope Planned Unit Development (PUD) will be approved.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission's recommendation and the current zoning will remain in effect on the subject property. Tent camping as a type of transitional housing will not be permitted.

3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding or deleting the development parameters as determined appropriate. For example, item seventeen could be eliminated due potential legal concerns.
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 No.1554

**COUNCIL BILL NO.** 13-021
**ORDINANCE NO.** 2676

**AN ORDINANCE APPROVING A ZONE CHANGE FROM M1 (INDUSTRIAL STANDARD) AND R-3 (MULTI-DWELLING MEDIUM DENSITY) TO A PLANNED UNIT DEVELOPMENT (PUD) ON 8.01 ± ACRES OF LAND LOCATED AT 999 W. AMADOR AVENUE: PARCEL ID # 02-29653. THE REQUEST FOR A PUD INCLUDES A CONCEPT PLAN AND GENERAL SITE PLAN. SUBMITTED BY NICOLE MARTINEZ, DIRECTOR OF MESILLA VALLEY COMMUNITY OF HOPE; CITY OF LAS CRUCES PROPERTY OWNER (PUD-12-02).**

The City Council is informed that:

**WHEREAS,** Mesilla Valley Community of Hope, the applicant and property lessee, has submitted a request for approval for a PUD zone, PUD concept plan, and general site plan known as Community of Hope; and

**WHEREAS,** the PUD concept plan is for an 8.01 acre property owned by the City of Las Cruces; and

**WHEREAS,** the Planning and Zoning Commission, after conducting a public hearing on November 27, 2012 recommended approval of the PUD zone, PUD concept plan, and general site plan by a vote of 7-0-0.

**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 Community of Hope PUD concept plan and general site plan described in Exhibit "B" and Exhibit "C", attached hereto and made part of this Ordinance, are hereby approved.

**(III)**

**THAT** the Community of Hope PUD is based on the findings contained in Exhibit "D" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

**(IV)**

**THAT** the development standards be stipulated as follows:

- A final improvement plan for the Camp Hope component of the PUD shall be submitted within 6 months of City Council approval of the concept plan. Within 1 year of City Council approval of the concept plan, the improvements for Camp Hope shall be constructed per the approved final improvement plan. Improvements may include, but are not limited to, landscaping, fencing, grading, surfacing, ponding, access/circulation improvements, pad site improvements, shade facilities, common area, ADA compliant facilities, sanitary facilities, cooking and eating facilities, and other basic conveniences for sanitary, health, and/or safety purposes.
- An opaque perimeter wall or fence at least 5' in height and adequate landscaping in conformance with all applicable regulations shall be constructed around the external perimeter of Camp Hope.
- The camping facilities shall be constructed to the U.S. Bureau of Reclamation's camping standards or other equivalent standards as approved by the Community Development Director.
- Permanent potable water and bathroom facilities accessible 24 hours a day seven days a week shall be provided for Camp Hope residents.
- Trash receptacles in compliance with CLC regulations shall be provided for Camp Hope residents.
- The PUD shall comply with the 2009 International Fire Code, specifically chapters 3-General Precautions Against Fire, 9-Fire Protection Systems, and 24-Tents & Canopies.
- Emergency access routes shall be maintained throughout the campus and Camp Hope in accordance with section 503.
- The use of temporary electrical wiring, open flame, and liquid/gas fueled heating appliances, portable generators, or smoking will be strictly prohibited.
- The joining of any structures or membrane structures forming a total area of 200 sq. ft. or greater shall be strictly prohibited.
- All structures and membrane structures shall be separated by a distance of not less than 10' and meet NFPA 701 requirements.
- Not more than the 50 persons and 45 tents shall be allowed in the temporary homeless encampment.
- No tent or structure shall be located within 20' of the proposed pedestal grill.
- Fire extinguishers shall be within 75' from any location within the camp and with one within 30' of the pedestal grill.

- A current list of residents' names and their tent locations shall be kept at the camp to aid in emergency response.
- One person minimum must remain on watch overnight to ensure security and provide a fire watch for Camp Hope.
- No tent can be utilized for more than 10 persons at any time.
- A semiannual review shall be conducted by City Council to look at the incidence of police, fire, and ambulance for Community of Hope and adjacent areas in order to determine whether the PUD shall remain in effect.

**(V)**

**THAT** the zoning of 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 _____ 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

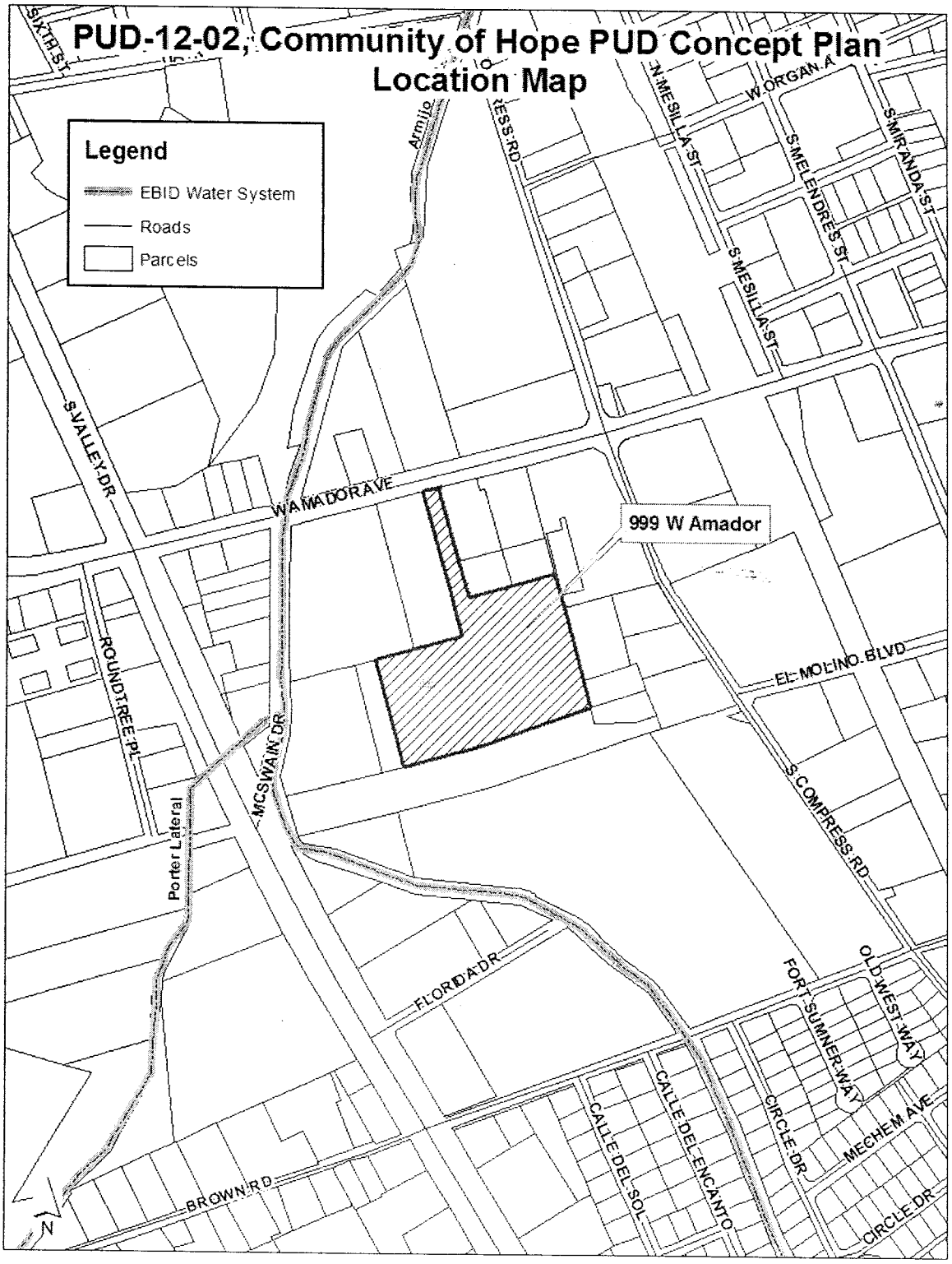
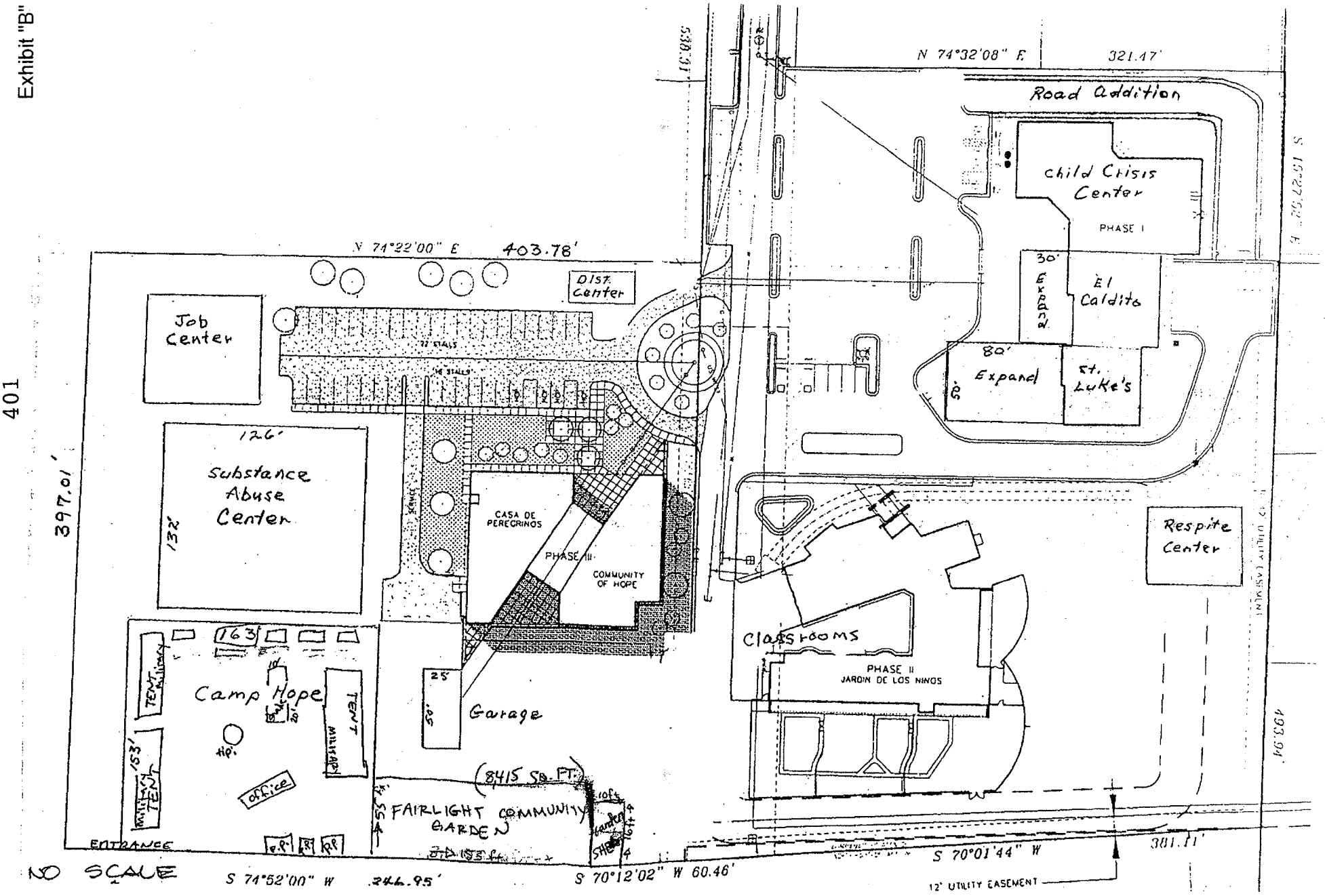

PUD-12-02, Community of Hope PUD Concept Plan
Location Map
Legend
EBID Water System
Roads
Parcels
999 W Amador
W AMADOR AVE
S VALLEY DR
ROUNDTREE PL
MCSWAIN DR
Porter Lateral
N MESILLA ST
S MESILLA ST
W ORGAN AVE
S MELENDRES ST
S MIRANDA ST
EL MOLINO BLVD
S COMPRESS RD
FLORIDA DR
FORT SUMNER WAY
OLD WEST WAY
CALLE DEL ENCANTO
CALLE DEL SOL
CIRCLE DR
MECHEM AVE
BROWN RD
N

Exhibit "B"

401




NO SCALE

Exhibit "C"

Mesilla Valley Community of Hope Property Concept Plan
PUD Application
Address: 999 W. Amador Avenue, Las Cruces, NM 88005 (575)523-2219
Property Owner: City of Las Cruces Lessee/Applicant: Mesilla Valley Community of Hope
Concept Plan prepared by Nicole Martinez at Mesilla Valley Community of Hope

PURPOSE:

The purpose of this PUD application is to allow the Mesilla Valley Community of Hope (MVCH) Campus at 999 W. Amador Avenue to allow for the campus's existing and future development activities to comply with City zoning and other development requirements through adherence to the PUD's defined purposes within Section 38-49 of the City's Zoning Code. Specifically it is to: Permit design flexibility that will encourage a more creative approach to the development of land and that will result in more innovative housing alternatives, education, and other resources for those in need.

The request from the MVCH Campus does this with intentions to better serve the homeless, near homeless, and low-income families and individuals of the community. With existing uses and the potential future uses outlined within this application, the agencies that are housed on the MVCH campus can ultimately create a full "one-stop" service campus.

The main areas specifically discussed for this application are: 1) Accessibility –driveways and parking; 2) Additions to the existing campus – rehabilitation of buildings, camping, possible additional agencies; and 3) Relocation and new construction on campus – new buildings, possible new agencies;

While there are many possibilities discussed in this document, no funding has been committed at this time. The changes posited herein involve a closer look on how the campus fits into the greater picture of local need and provider resources and presents an assemblage of and planning effort for additional pieces. Further funding for operations, construction and/or rehabilitation will be needed. The City and the agencies will address the funding needs both individually and in collaboration and such future funding will determine the phasing and implementation of changes proposed herein. The future phases herein described are general in nature and are subject to change dependent upon need, funding and any applicable subsequent final site plans.

GENERAL PROVISION COMPLIANCE:

This application for PUD complies with Section 38-49 B (General Provisions) (4) by providing a method by which the use of and standards for camping, not currently outlined in the provisions of the code, and an array of mixed institutional uses are addressed while providing a public benefit to the city/community. The public benefit to the community is a comprehensive location for unified services from multiple agencies to the homeless, near homeless, and low-income at no charge or minimal fees (as may be required by federal or state funding sources).

SPECIFIC PROVISIONS:

A) 1. Land Uses Allowed (Current and future):

| Building # | Current Uses | Future Uses* |
|---|---|---|
| #1 | Child Crisis Center (full service, 24/7);<br>Soup Kitchen;<br>Medical Clinic | Child Crisis Center (full service, 24/7 operation);<br>Homeless Shelter (families and individuals for emergency or transitional housing including residential managers)<br>Soup Kitchen;<br>Medical Clinic |
| #2 | Day Care Center | Day Care Center |
| #3 | Homeless Case Management and Day Service Center;<br>Food Bank | Homeless Case Management and Day Service Center;<br>Food Bank (including garage and/or storage facility |
| FUTURE | | Homeless campground;<br>Community garden site;<br>Substance Abuse Center;<br>Transitional or Permanent Housing for the formerly homeless;<br>Job Center<br>Donations collection and distribution center;<br>Respite care center for the homeless/formerly homeless |

*The Future Uses listed are examples of desired uses and are subject to change. The property is envisioned to host a range of institutional uses that will serve homeless and indigent clients. Institutional and other similar or accessory uses not specifically listed are permissible upon review and approval by the Director of Community Development Department.

B) Location: 999 W. Amador Avenue, Las Cruces, NM 88005

C) 1. *Development Standards:* Other than land uses described above, all development standards on the property including but not limited setbacks, building height, building separations, buffers and/or separations from adjacent properties and land uses; parking, landscaping, drainage, signage shall comply with the requirements of the C-3 zoning district or those design/development standards as required by the City at the time of future phase construction.

2. *Density.* Minimum or maximum number of dwelling units per acre shall be established with each future phase's implementation as part of final site plan approval.

3. *Off-site roadway and intersection improvements.* Contributions to or the provision of off-site roadway and intersection improvements shall be provided based on the proportionate share of the PUD's impact on off-site roadway segments and intersections at the time of future developments and as approved by City staff.

4. *Architecture.* Future PUD architecture shall be compatible with and enhance the existing architecture on the property currently (at the time of PUD application) and adjacent properties and

shall comply with any applicable regulations at the time of construction.

WAIVERS Requested:

1) Future land uses outlined under Specific Provision A. 1. above;

2) Items not outlined herein as required by the concept plan submittals; and

3) Administrative final site plan approval until the time of future phase construction.

**ADDITIONAL FUTURE CHANGES/OPERATIONAL ISSUES:** (The future phases herein described are general in nature and are subject to change dependent upon need, funding and any applicable subsequent final site plans.)

**Phase 3 Building - Future additions to the building and/or campus: Mesilla Valley Community of Hope (MVCH)**

Camp Hope – Current and Future plans:
By allowing camping for homeless persons on the campus of Mesilla Valley Community of Hope, the public will see a benefit of having the homeless in an area where they have access to services and a safe place to sleep. Security is provided twenty four hours a day, seven days a week. Due to a lack of homeless shelters in the city, it is appropriate to allow for sleeping on the MVCH campus in a homeless designated area. This allowance of land use will not be detrimental to the health, safety or welfare of the community or adjacent neighborhood. With the implementation of regulated tent pad sites, fencing and trees around the perimeter, Camp Hope will have a positive aesthetic effect on the neighborhood.
Sewage capacity is satisfactory: Camp Hope currently has three regular port-a-potties and one ADA accessible port-a-potty. Five days a week, tenants have access to indoor toilets at MVCH and 7 days a week they have access to indoor toilets at El Caldito on the MVCH campus as well.
Potable water needs are met through Camp Hope's access to three spigots outdoors at the camp. Five days a week, clients have access to indoor water at MVCH. Clients have access to water seven days a week through El Caldito as well.
Minimal electricity used. Perimeter lighting obtained through solar lighting. MVCH has outside outlets for use of charging computers and cell phones. No major appliances will be utilized through the electric sources.

1) Current: Camp Hope located southwest of the Mesilla Valley Community of Hope Building III. First phasing of Camp Hope is as a camp for homeless persons who are provided institutional services.
2) Extend Camp Hope to the North where there is currently a vacant lot. This will accommodate ten feet between tents to avoid fire hazards. This will also allow for more space since a large section of Camp Hope is taken up by a drainage site.
3) Current: Camp Hope is capped at 50 people.
4) Current: 36 tents under 200 square feet and one tipi.
5) Future: Keep the tipi and allow for 45 fire retardant tents at no more than 200 sq. ft.
6) Drainage pond currently onsite.

7) Camp Hope is currently limited to six vehicles. Vehicles park behind the Community of Hope building along the garden. No changes to the cars or the garden.
8) Landscaping- will consist of wood fencing or chain-link fencing around the camp. There will be one entrance to the west, east and north. Two non-locking gates (one to the east and one to the west) to allow emergency vehicle access. Around the outside of the fencing will be tall trees.
9) Future: create a safe, fire-hazard-free barbecue area in Camp Hope that is ADA accessible. The Pedestal Grill will be located at the edge of the living area. The grill will be installed to avoid any fire hazards. The cooking surface of the pedestal grill wil be large enough for a camp stove to be set upon it and be stable. The grill is to be installed so that the cooking surface is not more than 34 inches above the living area surface. Charcoal only allowed in the grill. No fires allowed in the grill. Model: Bureau of Reclamation for campsite grills. See attached design.
10) Tent pad site:In compliance with Bureau of Reclamation best practices. Wood elevated tent pad site: ADA accesible, 8'X8'X12' pressure treated timbers, secured at joints using lag bolts and rebar stakes. Tent pad site filled with compacted native backfill material, 5" compacted class 6, and 5" decomposed granite. 4' clear space around tent pad. Must be at least 144 sq ft. No more than 1.5% slope to drain. Standard of distance between tents to be no less than ten feet. See attached design.
11) ADA compliant: exisitng ADA port-a-potty. All pathways are accesible. A minimum of four ADA tents are in use for disabled clients per ADA camping spaces regulations of 4 for every 51 to 75 number of camping spaces.
12) Width of driving aisles will accomodate emergency vehicles. Emergency access will be through east and west of Camp Hope. Aisles have clearance for emergency vehicles to drive through and around the middle of the camp. No gates will be locked.
13) Ten feet between tents.
14) Dimension of property lines will not exceed City designated byways. Camp limited to area of non-use.
15) The joining of any structures and membrane structures forming a total area of 200 sq. ft. shall be permitted specifically.
16) All structures and membrane structures shall be separated by a distance of not less than 10 feet.
17) A storage trailer exists to the east of Camp Hope for storage of excess tents and camp provisions. A portable utility storage shed may be added to the area in the back of MVCH.
18) All membrane structures shall have a certificate executed by an approved testing laboratory certifying the tents, canopies and membrane structures and their appurtenances, sidewalls, drops and tarpaulins, floor coverings, bunting and decorative materials and effects shall be composed of material meeting the flame propagation performace criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propogation performance criteria of NFPA 701, and that such flame propogation performance criteria are effective for the period specified by the permit.
19) Lighting within the camp will be low intensity and provide illumination only where necessary for safety.
20) All facilities within the campground, such as comfort station, parking lot, and accessible campsite, as well as places of interest, are to be linked by an accessible route.
21) Accessible campsites are dispersed throughout the campground.
22) Camp Hope not to exceed 40,000 square feet.
22) In the future, Camp Hope may be converted to an actual shelter building with roughly the same square footage, in the same place as it currently exists. There will be one half of a space for men to sleep on cots and another section for the women. Building construction at the time of construction will comply

with the current locally adopted building and fire codes and amendments in place at that time. This could serve as either a emergency shelter (beyond the reuse of building one or transitional shelter or combination thereof.

Camp Hope Operations:
1) Camp Hope allows for a safe place for 50 homeless persons (maximum 45 tents) to sleep overnight in a tent while working toward transitioning out of homelessness.
2) Camp Hope has four duty teams comprised of: Leadership, Safety, Grounds Crew, and general volunteer work. Safety Team has one person at the entrance of the camp to sign guests in and out and ensure the safety of the camp during the day. Night security stays awake in the RV and walks the perimeter of the camp every hour throughout the night.
3) MVCH staff is on-call 24-7 for any emergencies. Camp Hope Safety Team checks in nightly with paid security firm.
4) Camp Hope residents utilize services of laundry, showers, mail, and case management and the Mesilla Valley Community of Hope (Building 3).
5) Residents not at Camp Hope can sign up on a waiting list.
6) All clients must register before entering Camp Hope and must have an Intake performed at MVCH. Upon entering the camp, clients are read the policy and procedure manual for the Camp and sign that they have read and understood the rules.
7) Camp Hope has a zero tolerance for drugs and alcohol policy.
8) Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquid, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 10 feet (6096 mm) of the tent, canopy or membrane structures. The use of temporary electrical wiring, open flame, smoking, and liquid/gas fueled heating appliances and portable generators will be strictly prohibited at the homeless camp.

Since the entire Mesilla Valley Community of Hope Campus is being rezoned as a Planned Unit Development, we are including information on the surrounding tract area for these buildings. Each proposed development is subject to funding and City approval at time of each agency's proposal. These proposals are general in nature and subject to change.

**ADDITIONAL FUTURE CHANGES/OPERATIONAL ISSUES:** (The future phases herein described are general in nature and are subject to change dependent upon need, funding and any applicable subsequent final site plans.)

**Phase 1 Building – Future additions/changes: Child Crisis Center (CCC)**

1) Future plans include building a second building to accommodate children ages 13-17. New building location is not specified and may not be on the campus.

2) Future services include emergency day care under 24 hours in the current Child Crisis Center Building.

**Phase 1 Building – Future additions/changes: El Caldito Soup Kitchen**

1) Future: Expansion to the west in the front of the building by 30 ft. Currently there are no obstructions, only a concrete sidewalk area.

2) a) Current: driveway wraps around St. Luke's and stops at El Caldito.

b) Future: Pave the driveway all the way around the east and north sides of the Phase 1 building to exit on the north side of the Child Crisis Center, which will allow for large semi food trucks to exit safely.

3) Future: Expansion of paved parking spaces east and southeast of the Phase 1 building. Currently existing: Storage bins to be relocated.

4) Future: Concrete benches on the west side for clients waiting for lunch.

Future Additional Services for El Caldito - Operations:

1) Expansion of current services (mid-day meals) to meet needs of anticipated population growth in Las Cruces.

2) Breakfast and dinner in addition to lunch.

**Phase 1 Building – Future additions/changes: St. Luke's Health Care Clinic**

1) Future: Expand St. Luke's building. The building is currently too small for the current client capacity. St. Luke's has decided to keep the current building for mental health services and/or admin offices, and has decided to install portable buildings to the south on the empty lot.

2) Future: Construct St. Luke's Respite Center: convalescent housing and respite for homeless adults in the area east of Jardin de los Ninos. Currently there is a vacant lot with 2 storage bins. The respite home would share the same area as the new portable St. Luke's medical clinic.

**Phase 2 Building – Future additions to the building: Jardin de los Ninos**

1) Future: Jardin would like to see their (current) outdoor courtyard turned into another classroom. There have been drainage issues in the courtyard for several years and this would help Jardin with the drainage issue and provide more space to accommodate more children. At time of change, survey will be done to determine where existing drainage will be impacted and implementation of enclosure will ensure proper drainage will be utilized.

2) Future: Jardin would like to expand the classroom for 2 year olds. This expansion would be into a vacant lot area.

3) Future: Jardin would like to expand the classroom for 3 year olds. Expansion will expand onto a vacant lot.

4) Eliminate the current roll-up door. It is underutilized and causes heating and cooling issues.

5) Future: Expand the storage area near the roll-up door. Currently this area is used for parking.

6) Future: Add two half-court storages.

7) Future: Add another canopy for the bus and vans. There is currently one canopy.

8) Future: Add two classrooms where the bus and van parking currently exists.

**Phase 3 Building - Future additions to the building and/or campus: Casa de Peregrinos**

1) Casa de Peregrinos Emergency Food Program is looking to the future of food distribution. The mission is to reach as many people in need as possible within Las Cruces and Dona Ana County. New food service distribution to focus on a more nutritious food distribution including more fresh vegetables, fruits, dairy products, eggs, and meats.

2) a) Current: Vehicle garage for donations of food.
b) Future: Convert current garage into a refrigerated storage area.
3) a) Current: Unattached storage bin behind Casa de Peregrinos.
b) Future: Build on to the back of the building a separate two vehicle garage/storage approximately 25x50 ft to store other items and two vehicles (relocate the storage bin).

Permanent structure and service additions to MVCH Phase 3

1) The current Child Crisis Center (CCC - Phase I Building I) to vacate the campus. Space will then be utilized as a Transitional Living Center for Homeless Veterans. MVCH has already had grant approval to implement the grant from the Veteran's Affairs Department. The CCC could be relocated to a more appropriate residential setting with the assistance of the City of Las Cruces.

2) In the future, a substance abuse detox center to be built where land is currently vacant. There are 16,632 sq. ft. of space to the west of Casa de Peregrinos, this is the potential location and is north of the expanded boundaries of Camp Hope. Many homeless clients that come to MVCH have substance abuse issues and the City of Las Cruces is lacking in treatment centers.

3) a) Current: Patio with a bathroom to the north of MVCH Building III.
b) Future: A small distribution center building. This building needs about 5,000 sq ft, a bathroom and a drinking fountain. The building will be used by each agency as a place for donations to be made. Volunteers from each agency will run the distribution center and mete out donations to MVCH Campus clients as appropriate. This building might be the patio to the west once it is enclosed (also want the patio to be zoned for utilizing it as a day-labor center #12).

4) Future: The patio to the north of MVCH needs to be enclosed. Current: It is open with tables and chairs. This are could become a Day Labor Center where staff is able to assist homeless people with locating day labor jobs. This area could also become the distribution center.

5) Future: Solar panels on all buildings of the MVCH campus.

6) Future: Re-design the laundry and shower system to allow gray water to be used for the Fairlight Community Gardens.

7) Future: Bike rack in the back of MVCH patio area. There is only one bike rack in the front for clients. A rack for staff is needed in the back as well as a bike rack for Camp Hope near entrance gate per City regulations.

## FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

### FINDINGS

1. Modifications to the PUD's Concept Plan and site plan not considered substantial as specified in Section 38-49 (D)(c)(4) and (D)(d)(2) of the 2001 Zoning Code, as amended, may be approved by the Community Development Director and do not require review by the Planning and Zoning Commission or City Council. These may include the addition of similar institutional uses not specified in the Concept Plan and the review and approval of Building Permits and/or other applicable permits for site modifications required to fulfill the phasing and expansions identified on the site plan.
2. Based upon review of the proposal with the compliance of applicable regulations by the Community Development Department, the Police Department, Fire Department, and other applicable City Staff and with adherence to the recommended conditions of approval, the proposed construction and use of the PUD will not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood;
3. Based upon review of the proposal with the compliance of applicable regulations by the Community Development Department, Engineering, Traffic Department, and the Utilities Department, and other applicable City Staff and with adherence to the recommended conditions of approval, there is or will be adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy/ completion or letter of acceptance, as applicable, is to be issued;
4. Based upon review of the proposal with the compliance of applicable regulations by all applicable City Staff and with adherence to the recommended conditions of approval, the PUD conforms to the intent, goals, objectives, policies, and standards of all city plans and codes;
5. Based upon review of the proposal with the compliance of applicable regulations and plans by the Community Development Department and with adherence to the recommended conditions of approval, the uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located; and
6. Based upon review of the proposal with the compliance of applicable regulations by the Traffic Engineer and with adherence to the recommended conditions of approval, the proposed uses will not subject surrounding properties and pedestrians to significant hazardous traffic conditions.
7. The Mesilla Valley Community of Hope PUD Concept plan meets the purpose of a PUD by:
    a. Complying with growth management policy as established in the land use element, other applicable elements and all companion documents to the comprehensive plan;
    b. Producing more flexibility in development than would result from a strict application of this Code by allowing options for safe, accessible, and consolidated social services including housing;
    c. Permitting design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing and other development needs of the community by allowing for tents to be used as transitional housing;
    d. Permitting flexibility in land use, density, placement of buildings, arrangement of open space, circulation facilities, and off-street parking areas, and maximize the

potential of individual sites under development by consolidating various social services on one campus for those most in need in the community;

e. Promoting the infill of vacant land by creating provisions for the development of unused portions of the 8.01 acre property; and
f. Creating developments that balance the benefits to the community with the developer's interests by providing a location and standards for at need population in the City.

## COMPREHENSIVE PLAN ANALYSIS

**Applicable Goals/Policies/Objectives from City Long Range Plans:**
The One Valley, One Vision 2040 Regional Plan, 1999 City Comprehensive Plan and its referenced plans (i.e., Las Cruces MPO Transport 2040) support this rezoning request. The site is not within any adopted overlay plans.

**The following findings from the One Valley, One Vision 2040 Regional Plan are relevant to the current proposal:**

- The rezoning to PUD supports Goal 6-7-2, *Meet the existing and projected needs of residents through location, access, extent and timing, staffing, and category of community facilities and services*, through expanding services at an existing campus that serves the needs of those underserved in our community.

**The following findings from the 1999 Comprehensive Plan are relevant to the current proposal:**

- The City has operated a community campus centered on aiding the homeless on the subject site for many years. This civic use would be a public/quasi-public use. Its location off a principal arterial is in conformance with the 1999 City Comprehensive Plan policy such uses locate on streets of collector capacity or above (Land Use: G1,O9,P9.3; Community Facilities: G2,O1,P1.4). Also, expansion at the present location is in an area those needing the service are already familiar and have alternative means to access via the public transit system or by bicycle which is in conformance with a location that best serves the target population (Community Facilities: G2,O1,P1.2).
- The nature of expanding an existing campus is in conformance with the 1999 City Comprehensive Plan policy to cluster public facilities to allow for optimal use (Land Use: G1,O9,P9.4; Community Facilities: G2,O1,P1.5). Clustering of services for the homeless allows both the providers and the clients of these services cost and travel time savings.
- The design of the campus should ensure accessibility (Land Use: G1,O9,P9.6), which the City building codes should adequately address.
- Development on an existing parcel within the urbanized area discourages "leap frog" growth and utilizes existing infrastructure (Land Use: G2,O1,P1.6).
- Establishment of a PUD will remove the existing multiple zoning districts on the site and create a unique set of uses and site design for the property. As the uses directly serve the homeless and most vulnerable in our community, a PUD is in conformance by creating a benefit for both the community and developer (Land Use: G2,O5,P5.2 and P5.6).
- The ability to utilize various types of housing provides a needed resource in the community for those individuals requiring temporary support. Specifically the 1999

Comprehensive plan specifies that the city should provide a variety of housing opportunities that will satisfy the needs of existing and future households at all socioeconomic levels (Housing: G1).

The above mentioned goals include the support of community facilities and services via expansion, accessibility, proper location, available infrastructure, clustering, and infill opportunities as well as the desire to increase the housing choices and opportunities for those most in need. This proposal has development standards in compliance with C-3 standards, density/intensity according to the final site plan, and architecture compatible with existing structures and adjacent proprieties. Waivers requested include the various public/quasi-public uses that would be in general conformance to the 1999 Comprehensive Plan for this location.

Attachment "A"

City of Las Cruces®
PEOPLE HELPING PEOPLE

**Planning & Zoning Commission Staff Report**

**Meeting Date: 11/27/2012**
**Drafted by: Katherine Harrison-Rogers**

| | | | |
|---|---|---|---|
| **CASE #** | PUD-12-02 | **PROJECT NAME:** | Community of Hope PUD Concept Plan |
| **APPLICANT/ REPRESENTATIVE:** | Nicole Martinez, Executive Director | **PROPERTY OWNER:** | City of Las Cruces |
| **LOCATION:** | 999 W. Amador Ave | **COUNCIL DISTRICT:** | District 4 (Nathan Small) |
| **SIZE:** | | **EXISTING ZONING/ OVERLAY:** | M1 (Industrial Standard) R-3 (Multi-Dwelling Medium Density) |

**REQUEST/ APPLICATION TYPE:** Planned Unit Development (PUD) Concept Plan

**EXISTING USE(S):** Variety of institutional uses serving those in need.

**PROPOSED USE(S):** Variety of institutional uses serving those in need including a sanctioned camp ground (a.k.a. tent city) as a form of transitional housing for the homeless.

**STAFF RECOMMENDATION:** Approval based on 6 findings and with 16 conditions

**TABLE 1: CASE CHRONOLOGY**

| Date | Action |
|---|---|
| 5/22/2012 | Application submitted to Development Services |
| 5/29/2012 & 10/30/2012 | Case sent out for review to all reviewing departments |
| 6/11/2012 & 11/7/2012 | All comments returned by all reviewing departments |
| 11/7/2012 | DRC reviews and recommends approval of the concept plan |
| 11/11/2012 | Newspaper advertisement |
| 11/15/2012 | Public notice letter mailed to neighboring property owners |
| 11/16/2012 | Sign posted on property |
| 11/27/2012 | Planning and Zoning Commission public hearing |

## SECTION 1: SYNOPSIS OF PROPOSAL

Mesilla Valley Community of Hope is seeking approval of a Planned Unit Development (PUD) Concept Plan for the Community of Hope Campus located on a 8.01 acre parcel at 999 W. Amador. The PUD would establish the ability to provide a variety of institutional uses that focus on social services for those community members who are homeless, nearly homeless, or in need.

Current services offered at Community of Hope are a full service child crisis center, a soup kitchen, a medical clinic, a day care, a homeless case management and day service center, a food bank, and a temporary tent camp for the homeless. The Community of Hope anticipates adding additional services in the future as funds become available: these include a homeless shelter, permanent homeless campground, community garden, substance abuse center, job center, transitional and permanent housing program, donations and distribution center, respite care center, and similar uses as approved by the Community Development Director.

It should be noted, the primary use of the range of uses proposed not currently addressed by the 2001 Zoning Code is the transitional housing campground for the homeless. As such, the applicant proposes to utilize camping standards and accessory standards outlined by the US Bureau of Reclamation during final site plan design and construction. Additionally, the number of tents allowed will be limited to 45 with a total occupancy of 50 people. Site improvements associated with the camp such as access, circulation, drainage, and landscaping/buffering will adhere to the requirements of the City of Las Cruces Design Guidelines as part of the final site plan design and construction.

Final construction drawings and/or improvement plans for any improvements to the site including the campground are proposed to be processed administratively and meet the requirements of the City of Las Cruces Design Standards and the development standards specified in the C-3 Zoning District.

Please refer to the attached development statement and site plans for details regarding the current uses and future phases of the site.

## TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

| Standard | Existing | Proposed | Current Zoning Code Requirements |
|---|---|---|---|
| Max Density (DU/ac.) | Maximum of 36 tents for Camp Hope & N/A for other uses currently on site | No more than 45 tents for Camp Hope & TBD at final site plan(s) for all other uses | R-3: Max 20 DU/ac (160 DU for entire 8 acre site) |
| Lot area | 8.01 acres | No change | R-3: 5,000 sq. ft.<br>M-1: 15,000 sq. ft. |
| Lot width | Variable/ Compliant | No change | R-3: 50 ft.<br>M-1: 70 ft. |
| Lot depth | Variable/ Compliant | No change | R-3: 50 ft.<br>M-1: 60 ft. |
| Structure height | Variable/ Compliant | C-3: 60 ft. | R-3: 35 ft.<br>M-1: 60 ft. |
| Setbacks | | | |
| Front | Variable/ Compliant | C-3: 15 ft. | R-3 (multi-family): 20 ft.<br>M-1: 15 ft. |
| Side | Variable/ Compliant | C-3: 15 or 0 ft. | R-3 (multi-family): 7 ft.<br>M-1: 15 or 0 ft. |
| Rear | Variable/ Compliant | C-3: 5 or 0 ft. | R-3 (multi-family): 7 ft.<br>M-1: 20 or 0 ft. |

| Standard | Existing | Proposed | Current Zoning Code Requirements |
|---|---|---|---|
| Parking | | | |
| Vehicular | 94± | TBD at final site plan | Business-Service Center: 1APS/250-350 sq. ft. GFA |
| Bicycle | Unknown | TBD at final site plan | Variable |
| Loading if applicable | Not Specified/ Adequate | TBD at final site plan | Not Specified/ Adequate |
| Row dedication | N/A | N/A | N/A |
| Landscaping | | | |
| % Of total (less building pad & screened storage) | Unknown | TBD at final site plan | 15% |
| Buffering | | | |
| Bufferyard | N/A | N/A | N/A |
| Screen type | None | Fence/ wall and landscaping around perimeter of tent camp TBD at final site plan | None |
| Open space, trails, parks, recreation | | | |
| Acreage | N/A | N/A | N/A |
| Type | N/A | N/A | N/A |

## TABLE 3: SPECIAL CHARACTERISTICS

| Characteristic | Applies to Project? | Explanation |
|---|---|---|
| EBID Facilities | N/A | |
| Medians/ Parkways Landscaping | N/A | |
| Other | N/A | |

## TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

| Location | Existing Use | Overlay District | Zoning Designation |
|---|---|---|---|
| Subject Property | Institutional | N/A | R-3: Multi-Dwelling Medium Density<br>M-1: Industrial Standard |
| North | Variety of Commercial and Industrial Uses | N/A | M-1/M-2: Industrial Standard<br>C-2C: Commercial Medium Intensity Conditional |
| South | Cemetery | N/A | R-3: Multi-Dwelling Medium Density |
| East | Variety of Commercial and Industrial Uses | N/A | M-1: Industrial Standard |
| West | Institutional, Multi-Dwelling Housing | N/A | R-4C: Multi-Dwelling High Density Conditional<br>M-1: Industrial Standard |

## TABLE 5: PARCEL LAND USE HISTORY

| Type | Number | Purpose/Status |
|---|---|---|
| Permit | SU-96-04 | A Special Use Permit for a range of institutional uses for the purpose of serving the homeless. |
| Ordinance | No. 1554 | A zone change (Case Z2316) from M-1 to R-3 for the purpose of allowing institutional uses and housing. |
| Resolution | None known | |

## SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see the attached comments

| Department Name | Approval (Yes/No) | Conditions (Yes/No) |
|---|---|---|
| CLC Development Services | Yes | Yes |
| CLC Long-Range Planning | Yes | No |
| Metropolitan Planning Organization (MPO) | Yes | No |
| CLC CD Engineering Services | Yes | Yes |
| CLC Traffic | Yes | Yes |
| CLC Land Management | Yes | No |
| CLC Parks | Yes | No |
| CLC Fire & Emergency Services | Yes | Yes |
| CLC Police | Yes | No |
| CLC Utilities | Yes | No |

## SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

*Decision Criteria:*

The Planning and Zoning Commission shall review each application in relation to the goals, objectives, and policies, of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of the 2001 Zoning Code to determine whether the request is consistent or inconsistent with the stated criteria. Specifically, a PUD concept plan may be approved only if it meets the following findings:

1. The proposed construction and use of the PUD will not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood;
2. There is or will be adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy or letter of acceptance, as applicable, is to be issued;
3. The PUD conforms to the intent, goals, objectives, policies, and standards of all city plans and codes;
4. The uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located; and
5. The proposed uses will not subject surrounding properties and pedestrians to significant hazardous traffic conditions.

In addition to the decision criteria outlined in the 2001 Zoning Code and listed above, Section 38-49(a) states the purpose of planned unit development (PUD) is to:

1. Comply with growth management policy as established in the land use element, other applicable elements and all companion documents to the comprehensive plan;
2. Produce more flexibility in development than would result from a strict application of this Code;

3. Permit design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing and other development needs of the community;
4. Permit flexibility in land use, density, placement of buildings, arrangement of open space, circulation facilities, and off-street parking areas, and maximize the potential of individual sites under development;
5. Promote the infill of vacant land; and
6. Create developments that balance the benefits to the community with the developer's interests.

*Applicable Comprehensive Plan Elements & Policies:*
The regional plan, One Valley, One Vision 2040 (OVOV 2040), and the City's 1999 Comprehensive Plan have supportive goals and policies to the proposed institutional uses outlined in the PUD. These include:

- OVOV 2040 Goal 6-7-2: Meet the existing and projected needs of residents through location, access, extent and timing, staffing, and category of community facilities and services;
- 1999 Comprehensive Plan, Land Use, Goal 1: Create an interconnected and supportive system of land use policy for the City.
- 1999 Comprehensive Plan, Land Use, Goal 2: Growth management policy shall be designed to coordinate with all policy contained in the Land Use Element.
- 1999 Comprehensive Plan, Community Facilities, Goal 2: Provide a balance of services meeting the needs of all segments of the City's population.
- 1999 Comprehensive Plan, Housing, Goal 1: Provide a variety of housing opportunities that will satisfy the needs of existing and future households at all socioeconomic levels.

These goals include the support of community facilities and services via expansion, accessibility, proper location, available infrastructure, clustering, and infill opportunities as well as the desire to increase the housing choices and opportunities for those most in need. Please refer to the attached analysis for details regarding this nexus.

*Analysis:*
The Mesilla Valley Community Hope proposes the PUD to allow for a campus of institutional uses directed toward assisting the homeless, nearly homeless, and those community members in need. Although institutional uses, including transitional housing, are currently allowed within the zoning districts designated on the parcel, the code does not have provisions for a tent campground. The campground is specifically intended as an alternative for transitional housing for the homeless and is currently located on the Community of Hope campus without the appropriate permits or improvements. The PUD provides the method by which to allow this use and create basic design standards for the campground to ensure the health, safety, welfare, and aesthetic layout of the property.

As part of the review process, staff researched numerous regulations throughout the nation that address tent cities, the various design criteria in regard to campground facilities, and the consequences of the establishment of these types of housing alternatives. Issues addressed by this research include time constraints, location criteria, aesthetic impacts, lack of viable and safe housing options, fire/emergency safety, personal safety, provisions for sanitary facilities to prevent the spread of common disease, and other ancillary benefits and problems associated with tent camps.

These issues can be addressed by providing the appropriate mitigation measures. Outlined below are solutions to each of the issues identified above:

- Time Limitations: Time limitations for emergency tent camps are commonly used in various jurisdictions to prevent the permanent establishment of such uses without appropriate facilities. As the PUD would make the campground an allowed use and various design standards would be applied to the site to ensure access to bathroom, shower, eating/cooking facilities, mail, social services, and provide adequate emergency access, drainage capacity, and other requisite improvements, a time limit is not needed as a preventative measure.

- Location Criteria: Research did not provide a clear preference in regard to where tent camps are sited. However, specific to Las Cruces, the OVOV 2040 and the 1999 Comprehensive Plan recognizes and encouraged the expansion of the Community of Hope Campus. The centralized and consolidated social services provide a location by which those in need can access multiple services for both families and individuals. The central location provides access to public transportation, critical for those who require a mode of transportation for work, school, or other needs.
- Visual Impacts: Unpermitted and disorganized tent encampments can be a source of clutter and trash due to inadequate site preparation and facilities. If designed appropriately with adequate trash facilities and with the addition of screening through landscaping and opaque fences or walls, any aesthetic impacts can be mitigated.
- Lack of viable and safe housing options: Homeless or nearly homeless residents have limited choices in regard to a safe and affordable housing with basic services and facilities. The Gospel Mission, a religious organization, is the primary facility available for the homeless in Las Cruces. Additional facilities to serve this population are needed in the community: tent cities are often an affordable way to provide a safe living environment until such time more permanent housing can be established.
- Fire/Emergency Safety: Membrane structures (tents) are highly flammable. Much of the review of Camp Hope focused on establishing safety guidelines and meeting Fire Code requirements in terms of spacing, accessibility, and prevention. As part of final site design and construction, the Fire Department will ensure all applicable fire codes are met.
- Personal Safety: Although no evidence of a higher crime rates associated with tent camps versus traditional homeless shelters or transitional housing have been identified, homeless populations do have higher rates of mental illness and substance abuse which does lead to higher petty crime rates compared to the general population. As a preventative measure, the applicant proposes volunteer security provided by the residents, a list of residents names, a code of conduct (violation of which may lead to expulsion), and security lighting. Additionally, the police have reviewed the proposal and have recommended approval of the use.
- Provisions for sanitary facilities to prevent the spread of common disease: Without access to bathing and bathroom facilities, potable water, adequate drainage, and appropriate trash disposal, the spread of disease from contact with an infected individual or from mosquitoes or other common pests can cause health issues. The residents have access to showers and laundry facilities five days a week to meet their needs. Currently portable bathrooms are utilized by the camp residents outside of normal business hours for the Community of Hope. As part of the final site plan design and construction, provisions for sanitary facilities, including permanent bathrooms and hand washing facilities, outdoor cooking facilities, trash receptacles, and potable water shall be provided to prevent the potential for the spread of disease.

It should be noted the applicant has requested waivers specific to the future development of the site. These are: 1) a waiver granting the Community Development Director the ability to allow similar additional institutional uses not listed; and 2) a waiver to allow for administrative approval of final site plans. The applicant has provided a list of anticipated uses, however, these are subject to change based upon the current and future needs of the community. Allowing for these fluctuations in community needs provides the Community of Hope the opportunity to serve their clients in the most effective manner. Additionally the applicant submitted a site plan indicating all existing uses and buildings and the proposed expansions, including the campground. Final site plans for phases of a PUD require final approval by the Planning and Zoning Commission per Section 38-49 (D)(a) of the 2001 Zoning Code. Because the property does not require subdivision, because most institutional uses are currently permitted as a use by right on the property without a PUD, and because the applicant has provided a site plan indicating the location of each phase, the location of any new buildings or building expansions, and the general layout of the tent camp, staff is supportive of allowing a waiver allow for administrative review of the detailed final improvement plans and construction drawings.

*Conclusion:*
Based on the fact that all of the institutional uses proposed, with the exception of camping as a form of transitional housing, are currently permitted under the existing zoning, that a number of provisions have been recommended to mitigate against any impacts associated with the camping, that the concept plan meets the goals and objectives of both the regional plan and City's comprehensive plan, and that the proposal meets the purpose of a PUD and the decision criteria as stated by the 2001 Zoning Code, staff is supportive of the PUD.

## DRC RECOMMENDATION

The City of Las Cruces Design Review Committee heard the proposal for the concept plan on November 7, 2012 and voted unanimously to approve the PUD Concept plan with the condition the final site plan for the Camp Hope (campground) be submitted within six months of City Council approval and that the improvements for Camp Hope be constructed within one year. Please refer to the attached draft minutes for discussion details.

## STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the project, including a waiver granting the Community Development Director the ability to allow similar additional institutional uses not listed and a waiver to allow for administrative approval of final site plans, based on the following findings and conditions listed below:

### FINDINGS FOR APPROVAL

1. With adherence to the recommended conditions of approval, the proposed construction and use of the PUD will not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood;
2. With adherence to the recommended conditions of approval, there is or will be adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy/ completion or letter of acceptance, as applicable, is to be issued;
3. With adherence to the recommended conditions of approval, the PUD conforms to the intent, goals, objectives, policies, and standards of all city plans and codes;
4. With adherence to the recommended conditions of approval, the uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located; and
5. With adherence to the recommended conditions of approval, the proposed uses will not subject surrounding properties and pedestrians to significant hazardous traffic conditions.
6. The Mesilla Valley Community of Hope PUD Concept plan meets the purpose of a PUD by:
    a. Complying with growth management policy as established in the land use element, other applicable elements and all companion documents to the comprehensive plan;
    b. Producing more flexibility in development than would result from a strict application of this Code by allowing options for safe, accessible, and consolidated social services including housing;
    c. Permitting design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing and other development needs of the community by allowing for tents to be used as transitional housing;
    d. Permitting flexibility in land use, density, placement of buildings, arrangement of open space, circulation facilities, and off-street parking areas, and maximize the potential of individual sites under development by consolidating various social services on one campus for those most in need in the community;
    e. Promoting the infill of vacant land by creating provisions for the development of unused portions of the 8.01 acre property; and
    f. Creating developments that balance the benefits to the community with the developer's interests by providing a location and standards for at need population in the City.

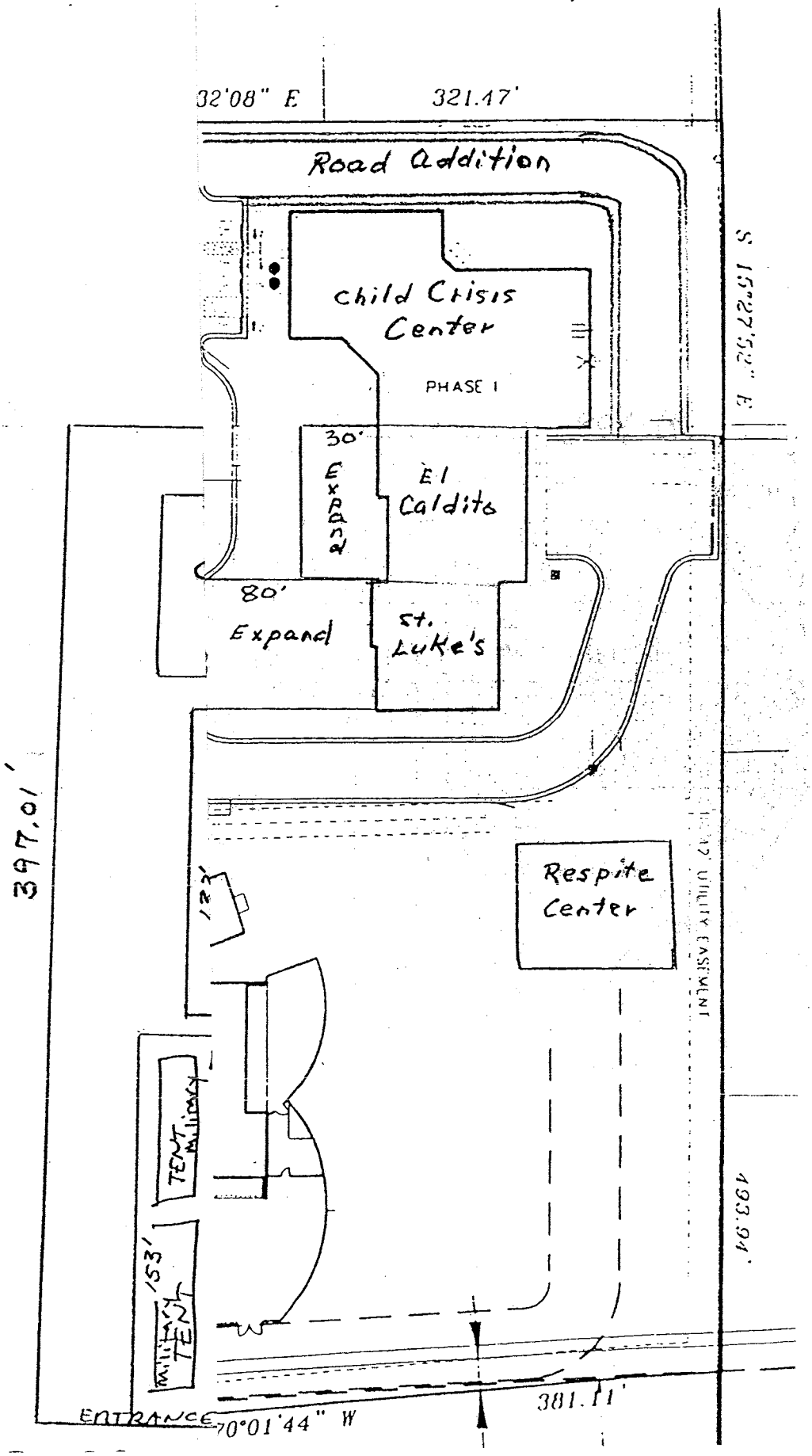
**CONDITIONS OF APPROVAL**

1. A final site plan for the Camp Hope component of the PUD shall be submitted within 6 months of City Council approval of the concept plan. Within 1 year of City Council approval of the concept plan, the improvements for Camp Hope shall be constructed per the approved final site plan. Improvements may include, but are not limited to, landscaping, fencing, grading, surfacing, ponding, access/circulation improvements, pad site improvements, shade facilities, common area, ADA compliant facilities, sanitary facilities, cooking & eating facilities, and other basic conveniences for sanitary, health, &/or safety purposes.
2. An opaque perimeter wall or fence at least 5 feet in height and adequate landscaping in conformance with all applicable regulations shall be constructed around the external perimeter of Camp Hope.
3. The camping facilities shall be constructed to the Bureau of Reclamation's camping standards or other equivalent standards as approved by the Community Development Director.
4. Permanent potable water and bathroom facilities accessible 24 hours a day seven days a week shall be provided for Camp Hope residents.
5. Trash receptacles in compliance with CLC regulations shall be provided for Camp Hope residents.
6. The PUD shall comply with the 2009 International Fire Code, specifically chapters 3-General Precautions Against Fire, 9-Fire Protection Systems, and 24-Tents & Canopies.
7. Emergency access routes shall be maintained throughout the campus and Camp Hope in accordance with section 503.
8. The use of temporary electrical wiring, open flame, and liquid/gas fueled heating appliances, portable generators, or smoking will be strictly prohibited.
9. The joining of any structures or membrane structures forming a total area of 200 sq. ft. or greater shall be strictly prohibited.
10. All structures and membrane structures shall be separated by a distance of not less than 10' and meet NFPA 701 requirements.
11. Not more than the 50 persons and 45 tents shall be allowed in the temporary homeless encampment.
12. No tent or structure shall be located within 20' of the proposed pedestal grill.
13. Fire extinguishers shall be within 75 feet from any location within the camp and with one within 30' of the pedestal grill.
14. A current list of residents' names and their tent locations shall be kept at the camp to aid in emergency response.
15. One person minimum must remain on watch overnight to ensure security and provide a fire watch for Camp Hope.
16. No tent can be utilized for more than 10 persons at any time.

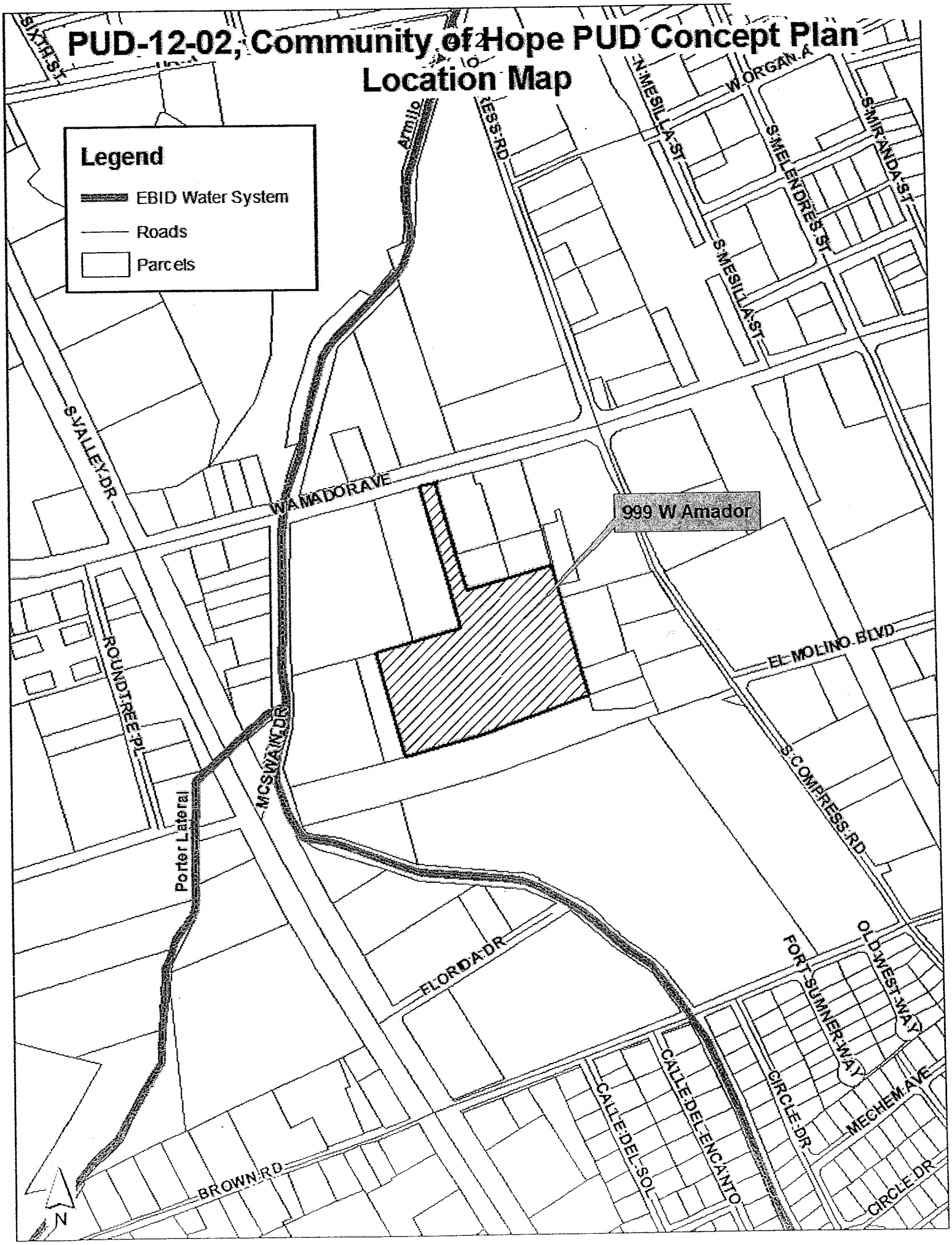
## ATTACHMENTS

1. Vicinity Map
2. Zoning Map
3. Site Plans
    a. Campus Site Plan
    b. Camp Hope Site Plan
4. Development Statement
5. Comprehensive Plan Elements and Policies
6. Reviewing Department Comments and Conditions
7. Draft DRC Minutes, dated 11/7/2012
8. Adjacent Landowner Notification and Correspondence
    a. Notification Map and List
    b. Public Correspondence

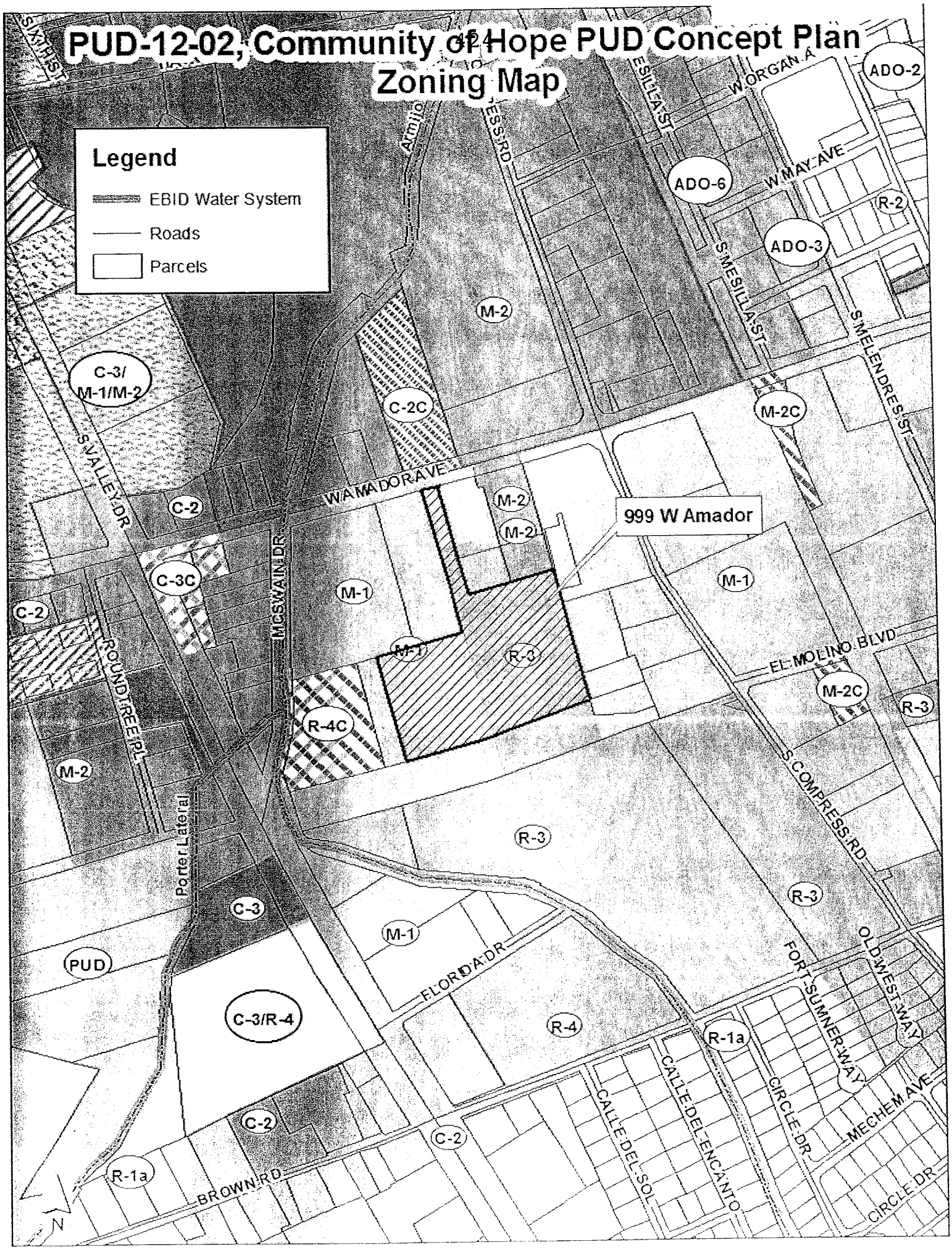
Attachment #3a



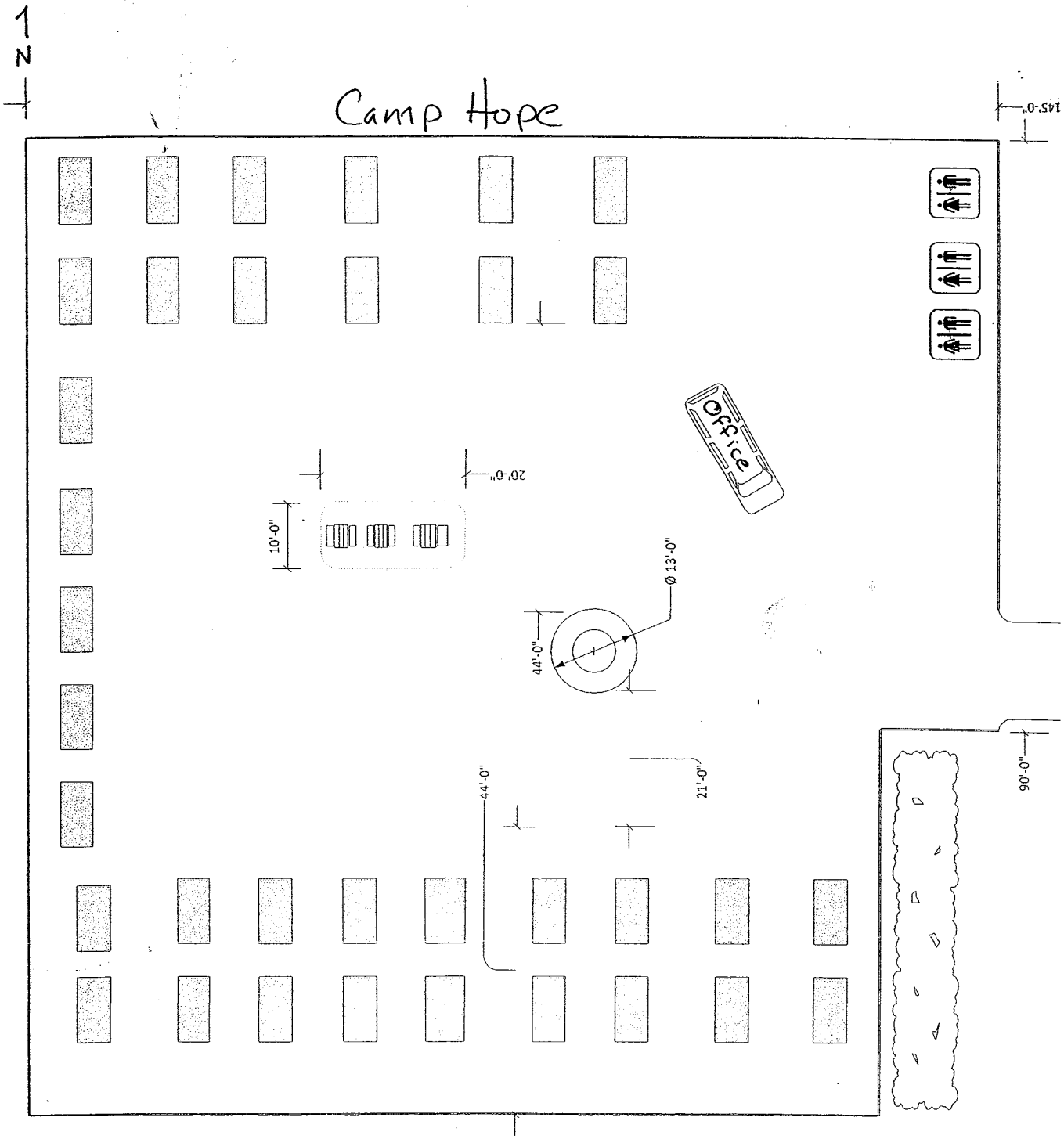
# PUD-12-02, Community of Hope PUD Concept Plan
## Location Map



# PUD-12-02, Community of Hope PUD Concept Plan
## Zoning Map



Attachment #3b



Mesilla Valley Community of Hope Property Concept Plan
PUD Application
Address: 999 W. Amador Avenue, Las Cruces, NM 88005 (575)523-2219
Property Owner: City of Las Cruces Lessee/Applicant: Mesilla Valley Community of Hope
Concept Plan prepared by Nicole Martinez at Mesilla Valley Community of Hope

PURPOSE:

The purpose of this PUD application is to allow the Mesilla Valley Community of Hope (MVCH) Campus at 999 W. Amador Avenue to allow for the campus's existing and future development activities to comply with City zoning and other development requirements through adherence to the PUD's defined purposes within Section 38-49 of the City's Zoning Code. Specifically it is to: Permit design flexibility that will encourage a more creative approach to the development of land and that will result in more innovative housing alternatives, education, and other resources for those in need.

The request from the MVCH Campus does this with intentions to better serve the homeless, near homeless, and low-income families and individuals of the community. With existing uses and the potential future uses outlined within this application, the agencies that are housed on the MVCH campus can ultimately create a full "one-stop" service campus.

The main areas specifically discussed for this application are: 1) Accessibility –driveways and parking; 2) Additions to the existing campus – rehabilitation of buildings, camping, possible additional agencies; and 3) Relocation and new construction on campus – new buildings, possible new agencies;

While there are many possibilities discussed in this document, no funding has been committed at this time. The changes posited herein involve a closer look on how the campus fits into the greater picture of local need and provider resources and presents an assemblage of and planning effort for additional pieces. Further funding for operations, construction and/or rehabilitation will be needed. The City and the agencies will address the funding needs both individually and in collaboration and such future funding will determine the phasing and implementation of changes proposed herein. The future phases herein described are general in nature and are subject to change dependent upon need, funding and any applicable subsequent final site plans.

GENERAL PROVISION COMPLIANCE:
This application for PUD complies with Section 38-49 B (General Provisions) (4) by providing a method by which the use of and standards for camping, not currently outlined in the provisions of the code, and an array of mixed institutional uses are addressed while providing a public benefit to the city/community. The public benefit to the community is a comprehensive location for unified services from multiple agencies to the homeless, near homeless, and low-income at no charge or minimal fees (as may be required by federal or state funding sources).

SPECIFIC PROVISIONS:

A) 1. Land Uses Allowed (Current and future):

| Building # | Current Uses | Future Uses* |
|---|---|---|
| #1 | Child Crisis Center (full service, 24/7);<br>Soup Kitchen;<br>Medical Clinic | Child Crisis Center (full service, 24/7 operation);<br>Homeless Shelter (families and individuals for emergency or transitional housing including residential managers)<br>Soup Kitchen;<br>Medical Clinic |
| #2 | Day Care Center | Day Care Center |
| #3 | Homeless Case Management and Day Service Center;<br>Food Bank | Homeless Case Management and Day Service Center;<br>Food Bank (including garage and/or storage facility |
| FUTURE | | Homeless campground;<br>Community garden site;<br>Substance Abuse Center;<br>Transitional or Permanent Housing for the formerly homeless;<br>Job Center<br>Donations collection and distribution center;<br>Respite care center for the homeless/formerly homeless |

*The Future Uses listed are examples of desired uses and are subject to change. The property is envisioned to host a range of institutional uses that will serve homeless and indigent clients. Institutional and other similar or accessory uses not specifically listed are permissible upon review and approval by the Director of Community Development Department.

B) Location: 999 W. Amador Avenue, Las Cruces, NM 88005

C) 1. *Development Standards:* Other than land uses described above, all development standards on the property including but not limited setbacks, building height, building separations, buffers and/or separations from adjacent properties and land uses; parking, landscaping, drainage, signage shall comply with the requirements of the C-3 zoning district or those design/development standards as required by the City at the time of future phase construction.

2. *Density.* Minimum or maximum number of dwelling units per acre shall be established with each future phase's implementation as part of final site plan approval.

3. *Off-site roadway and intersection improvements.* Contributions to or the provision of off-site roadway and intersection improvements shall be provided based on the proportionate share of the PUD's impact on off-site roadway segments and intersections at the time of future developments and as approved by City staff.

4. *Architecture.* Future PUD architecture shall be compatible with and enhance the existing architecture on the property currently (at the time of PUD application) and adjacent properties and

shall comply with any applicable regulations at the time of construction.

WAIVERS Requested:

1) Future land uses outlined under Specific Provision A. 1. above;

2) Items not outlined herein as required by the concept plan submittals; and

3) Administrative final site plan approval until the time of future phase construction.

**ADDITIONAL FUTURE CHANGES/OPERATIONAL ISSUES:** (The future phases herein described are general in nature and are subject to change dependent upon need, funding and any applicable subsequent final site plans.)

**Phase 3 Building - Future additions to the building and/or campus: Mesilla Valley Community of Hope (MVCH)**

Camp Hope – Current and Future plans:
By allowing camping for homeless persons on the campus of Mesilla Valley Community of Hope, the public will see a benefit of having the homeless in an area where they have access to services and a safe place to sleep. Security is provided twenty four hours a day, seven days a week. Due to a lack of homeless shelters in the city, it is appropriate to allow for sleeping on the MVCH campus in a homeless designated area. This allowance of land use will not be detrimental to the health, safety or welfare of the community or adjacent neighborhood. With the implementation of regulated tent pad sites, fencing and trees around the perimeter, Camp Hope will have a positive aesthetic effect on the neighborhood.
Sewage capacity is satisfactory: Camp Hope currently has three regular port-a-potties and one ADA accessible port-a-potty. Five days a week, tenants have access to indoor toilets at MVCH and 7 days a week they have access to indoor toilets at El Caldito on the MVCH campus as well.
Potable water needs are met through Camp Hope's access to three spigots outdoors at the camp. Five days a week, clients have access to indoor water at MVCH. Clients have access to water seven days a week through El Caldito as well.
Minimal electricity used. Perimeter lighting obtained through solar lighting. MVCH has outside outlets for use of charging computers and cell phones. No major appliances will be utilized through the electric sources.

1) Current: Camp Hope located southwest of the Mesilla Valley Community of Hope Building III. First phasing of Camp Hope is as a camp for homeless persons who are provided institutional services.
2) Extend Camp Hope to the North where there is currently a vacant lot. This will accommodate ten feet between tents to avoid fire hazards. This will also allow for more space since a large section of Camp Hope is taken up by a drainage site.
3) Current: Camp Hope is capped at 50 people.
4) Current: 36 tents under 200 square feet and one tipi.
5) Future: Keep the tipi and allow for 45 fire retardant tents at no more than 200 sq. ft.
6) Drainage pond currently onsite.

7) Camp Hope is currently limited to six vehicles. Vehicles park behind the Community of Hope building along the garden. No changes to the cars or the garden.
8) Landscaping- will consist of wood fencing or chain-link fencing around the camp. There will be one entrance to the west, east and north. Two non-locking gates (one to the east and one to the west) to allow emergency vehicle access. Around the outside of the fencing will be tall trees.
9) Future: create a safe, fire-hazard-free barbecue area in Camp Hope that is ADA accessible. The Pedestal Grill will be located at the edge of the living area. The grill will be installed to avoid any fire hazards. The cooking surface of the pedestal grill wil be large enough for a camp stove to be set upon it and be stable. The grill is to be installed so that the cooking surface is not more than 34 inches above the living area surface. Charcoal only allowed in the grill. No fires allowed in the grill. Model: Bureau of Reclamation for campsite grills. See attached design.
10) Tent pad site:In compliance with Bureau of Reclamation best practices. Wood elevated tent pad site: ADA accesible, 8'X8'X12' pressure treated timbers, secured at joints using lag bolts and rebar stakes. Tent pad site filled with compacted native backfill material, 5" compacted class 6, and 5" decomposed granite. 4' clear space around tent pad. Must be at least 144 sq ft. No more than 1.5% slope to drain. Standard of distance between tents to be no less than ten feet. See attached design.
11) ADA compliant: exisitng ADA port-a-potty. All pathways are accesible. A minimum of four ADA tents are in use for disabled clients per ADA camping spaces regulations of 4 for every 51 to 75 number of camping spaces.
12) Width of driving aisles will accomodate emergency vehicles. Emergency access will be through east and west of Camp Hope. Aisles have clearance for emergency vehicles to drive through and around the middle of the camp. No gates will be locked.
13) Ten feet between tents.
14) Dimension of property lines will not exceed City designated byways. Camp limited to area of non-use.
15) The joining of any structures and membrane structures forming a total area of 200 sq. ft. shall be permitted specifically.
16) All structures and membrane structures shall be separated by a distance of not less than 10 feet.
17) A storage trailer exists to the east of Camp Hope for storage of excess tents and camp provisions. A portable utility storage shed may be added to the area in the back of MVCH.
18) All membrane structures shall have a certificate executed by an approved testing laboratory certifying the tents, canopies and membrane structures and their appurtenances, sidewalls, drops and tarpaulins, floor coverings, bunting and decorative materials and effects shall be composed of material meeting the flame propagation performace criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propogation performance criteria of NFPA 701, and that such flame propogation performance criteria are effective for the period specified by the permit.
19) Lighting within the camp will be low intensity and provide illumination only where necessary for safety.
20) All facilities within the campground, such as comfort station, parking lot, and accessible campsite, as well as places of interest, are to be linked by an accessible route.
21) Accessible campsites are dispersed throughout the campground.
22) Camp Hope not to exceed 40,000 square feet.
22) In the future, Camp Hope may be converted to an actual shelter building with roughly the same square footage, in the same place as it currently exists. There will be one half of a space for men to sleep on cots and another section for the women. Building construction at the time of construction will comply

with the current locally adopted building and fire codes and amendments in place at that time. This could serve as either a emergency shelter (beyond the reuse of building one or transitional shelter or combination thereof.

Camp Hope Operations:
1) Camp Hope allows for a safe place for 50 homeless persons (maximum 45 tents) to sleep overnight in a tent while working toward transitioning out of homelessness.
2) Camp Hope has four duty teams comprised of: Leadership, Safety, Grounds Crew, and general volunteer work. Safety Team has one person at the entrance of the camp to sign guests in and out and ensure the safety of the camp during the day. Night security stays awake in the RV and walks the perimeter of the camp every hour throughout the night.
3) MVCH staff is on-call 24-7 for any emergencies. Camp Hope Safety Team checks in nightly with paid security firm.
4) Camp Hope residents utilize services of laundry, showers, mail, and case management and the Mesilla Valley Community of Hope (Building 3).
5) Residents not at Camp Hope can sign up on a waiting list.
6) All clients must register before entering Camp Hope and must have an Intake performed at MVCH. Upon entering the camp, clients are read the policy and procedure manual for the Camp and sign that they have read and understood the rules.
7) Camp Hope has a zero tolerance for drugs and alcohol policy.
8) Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquid, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 10 feet (6096 mm) of the tent, canopy or membrane structures. The use of temporary electrical wiring, open flame, smoking, and liquid/gas fueled heating appliances and portable generators will be strictly prohibited at the homeless camp.

Since the entire Mesilla Valley Community of Hope Campus is being rezoned as a Planned Unit Development, we are including information on the surrounding tract area for these buildings. Each proposed development is subject to funding and City approval at time of each agency's proposal. These proposals are general in nature and subject to change.

**ADDITIONAL FUTURE CHANGES/OPERATIONAL ISSUES:** (The future phases herein described are general in nature and are subject to change dependent upon need, funding and any applicable subsequent final site plans.)

**Phase 1 Building – Future additions/changes: Child Crisis Center (CCC)**

1) Future plans include building a second building to accommodate children ages 13-17. New building location is not specified and may not be on the campus.

2) Future services include emergency day care under 24 hours in the current Child Crisis Center Building.

**Phase 1 Building – Future additions/changes: El Caldito Soup Kitchen**

1) Future: Expansion to the west in the front of the building by 30 ft. Currently there are no obstructions, only a concrete sidewalk area.

2) a) Current: driveway wraps around St. Luke's and stops at El Caldito.

b) Future: Pave the driveway all the way around the east and north sides of the Phase 1 building to exit on the north side of the Child Crisis Center, which will allow for large semi food trucks to exit safely.

3) Future: Expansion of paved parking spaces east and southeast of the Phase 1 building. Currently existing: Storage bins to be relocated.

4) Future: Concrete benches on the west side for clients waiting for lunch.

Future Additional Services for El Caldito - Operations:

1) Expansion of current services (mid-day meals) to meet needs of anticipated population growth in Las Cruces.

2) Breakfast and dinner in addition to lunch.

**Phase 1 Building – Future additions/changes: St. Luke's Health Care Clinic**

1) Future: Expand St. Luke's building. The building is currently too small for the current client capacity. St. Luke's has decided to keep the current building for mental health services and/or admin offices, and has decided to install portable buildings to the south on the empty lot.

2) Future: Construct St. Luke's Respite Center: convalescent housing and respite for homeless adults in the area east of Jardin de los Ninos. Currently there is a vacant lot with 2 storage bins. The respite home would share the same area as the new portable St. Luke's medical clinic.

**Phase 2 Building – Future additions to the building: Jardin de los Ninos**

1) Future: Jardin would like to see their (current) outdoor courtyard turned into another classroom. There have been drainage issues in the courtyard for several years and this would help Jardin with the drainage issue and provide more space to accommodate more children. At time of change, survey will be done to determine where existing drainage will be impacted and implementation of enclosure will ensure proper drainage will be utilized.

2) Future: Jardin would like to expand the classroom for 2 year olds. This expansion would be into a vacant lot area.

3) Future: Jardin would like to expand the classroom for 3 year olds. Expansion will expand onto a vacant lot.

4) Eliminate the current roll-up door. It is underutilized and causes heating and cooling issues.

5) Future: Expand the storage area near the roll-up door. Currently this area is used for parking.

6) Future: Add two half-court storages.

7) Future: Add another canopy for the bus and vans. There is currently one canopy.

8) Future: Add two classrooms where the bus and van parking currently exists.

**Phase 3 Building - Future additions to the building and/or campus: Casa de Peregrinos**

1) Casa de Peregrinos Emergency Food Program is looking to the future of food distribution. The mission is to reach as many people in need as possible within Las Cruces and Dona Ana County. New food service distribution to focus on a more nutritious food distribution including more fresh vegetables, fruits, dairy products, eggs, and meats.

2) a) Current: Vehicle garage for donations of food.
b) Future: Convert current garage into a refrigerated storage area.
3) a) Current: Unattached storage bin behind Casa de Peregrinos.
b) Future: Build on to the back of the building a separate two vehicle garage/storage approximately 25x50 ft to store other items and two vehicles (relocate the storage bin).

Permanent structure and service additions to MVCH Phase 3

1) The current Child Crisis Center (CCC - Phase I Building I) to vacate the campus. Space will then be utilized as a Transitional Living Center for Homeless Veterans. MVCH has already had grant approval to implement the grant from the Veteran's Affairs Department. The CCC could be relocated to a more appropriate residential setting with the assistance of the City of Las Cruces.

2) In the future, a substance abuse detox center to be built where land is currently vacant. There are 16,632 sq. ft. of space to the west of Casa de Peregrinos, this is the potential location and is north of the expanded boundaries of Camp Hope. Many homeless clients that come to MVCH have substance abuse issues and the City of Las Cruces is lacking in treatment centers.

3) a) Current: Patio with a bathroom to the north of MVCH Building III.
b) Future: A small distribution center building. This building needs about 5,000 sq ft, a bathroom and a drinking fountain. The building will be used by each agency as a place for donations to be made. Volunteers from each agency will run the distribution center and mete out donations to MVCH Campus clients as appropriate. This building might be the patio to the west once it is enclosed (also want the patio to be zoned for utilizing it as a day-labor center #12).

4) Future: The patio to the north of MVCH needs to be enclosed. Current: It is open with tables and chairs. This are could become a Day Labor Center where staff is able to assist homeless people with locating day labor jobs. This area could also become the distribution center.

5) Future: Solar panels on all buildings of the MVCH campus.

6) Future: Re-design the laundry and shower system to allow gray water to be used for the Fairlight Community Gardens.

7) Future: Bike rack in the back of MVCH patio area. There is only one bike rack in the front for clients. A rack for staff is needed in the back as well as a bike rack for Camp Hope near entrance gate per City regulations.

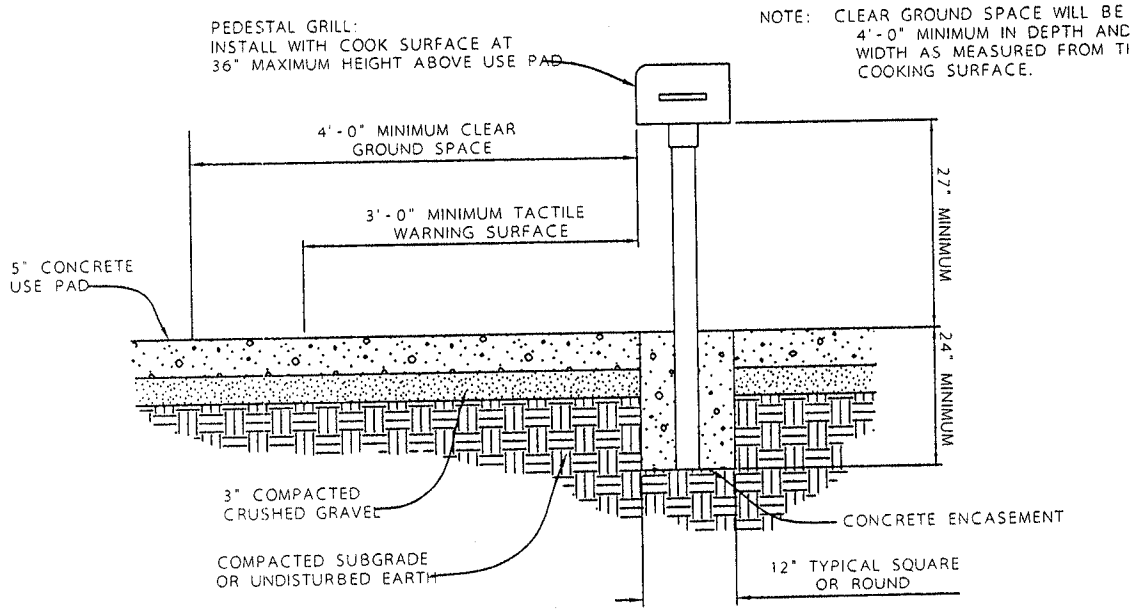



FIGURE B-4b: ACCESSIBLE SITE PEDESTAL GRILL INSTALLATION
ELEVATION VIEW

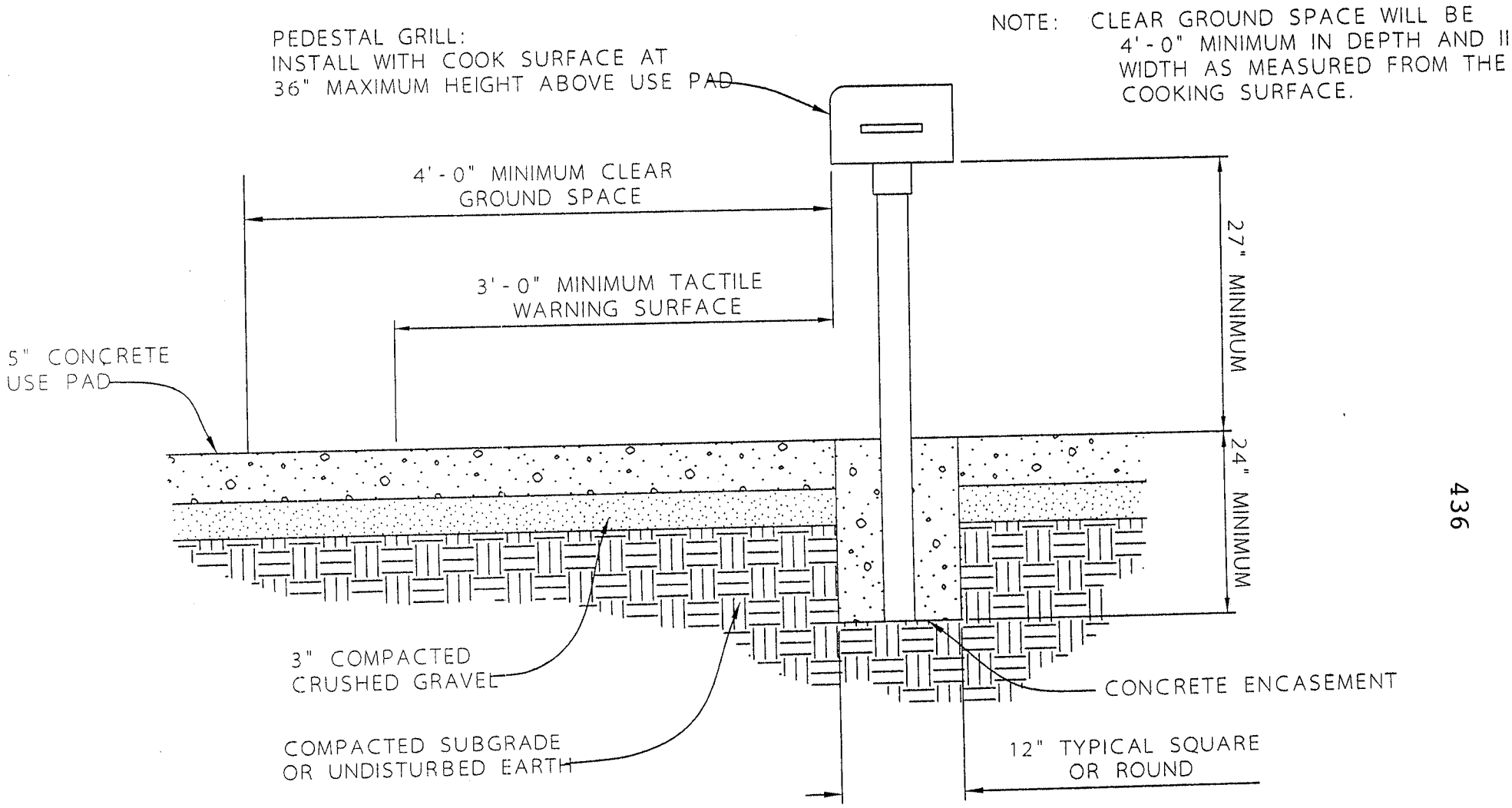



FIGURE B-4b: ACCESSIBLE SITE PEDESTAL GRILL INSTALLATION
ELEVATION VIEW

NOTE:
- THESE FIGURES ARE CONCEPTUAL LAYOUTS
- THEY ARE NOT TO SCALE
- THEY ARE NOT FOR CONSTRUCTION
- DESIGNER WILL CONFIRM COMPLIANCE WITH
  DESIGN CODES, UFAS, AND ADAAG WHERE APPROPRIATE

TENT PAD SITE

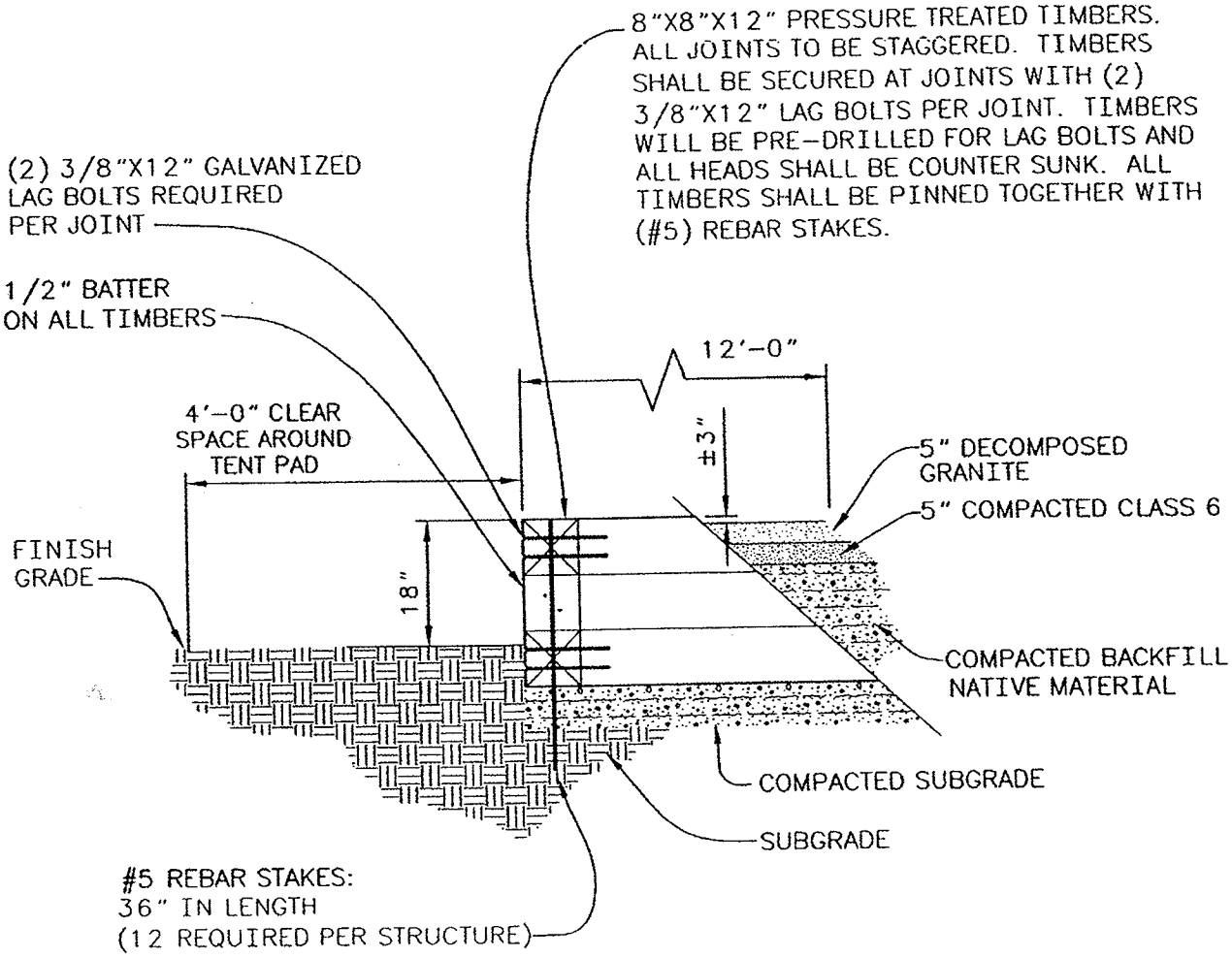



FIGURE B-6c: WOOD ELEVATED TENT PAD ELEVATION VIEW

NOTE:
- THESE FIGURES ARE CONCEPTUAL LAYOUTS
- THEY ARE NOT TO SCALE
- THEY ARE NOT FOR CONSTRUCTION
- DESIGNER WILL CONFIRM COMPLIANCE WITH DESIGN CODES, UFAS, AND ADAAG WHERE APPROPRIATE

**PUD-12-02, Advanced Planning Comments/Recommendation (P Michaud)** June 5, 2012

**Request:** **Case PUD-12-02**, rezoning request for PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope to allow for a variety of community uses, including transitional living, soup kitchen, homeless shelter, and related community services. The PUD process allows for variances/waivers. This proposal has development standards in compliance with C-3 standards, density/intensity according to the final site plan, and architecture compatible with existing structures and adjacent proprieties. Waivers requested include the various public/quasi-public uses and final site plan waived until the time of future phases of construction.

**Location**, Parcel ID 02-29653 and 41134, 999 W Amador Ave

**Site conditions:** The subject parcel adjoins the principal arterial of Amador Avenue at its entrance. Existing bike lane and RoadRUNNER transit access exist along Amador Avenue adjacent to the site

The site is owned by the City of Las Cruces that also owns the drainage area adjoining the south of the site. Several existing buildings are on the site used for community uses, including a child crisis center, soup kitchen, medical clinic, day care center, homeless center, and food bank.

The bulk of the site is surrounded by other parcels predominately zoned M-1/M-2, Industrial. Existing adjoining uses include an approximate 150-foot wide drainage parcel to the south, transitional housing for youth to the west, undeveloped industrial land to the north and west, and industrial uses to the north and east.

**Recommendation:** Long range planning staff finds the proposed rezoning in general conformance to the One Valley, One Vision 2040 Regional Plan and 1999 City Comprehensive Plan. We recommend approval of this rezoning request for PUD with the understanding that the architecture, landscaping, site design, and any signage requirements as reviewed along with the future final site plan(s) approval will adequately buffer uses on the site and create a compatible use to the adjacent properties.

**Applicable Goals/Policies/Objectives from City Long Range Plans:**

The One Valley, One Vision 2040 Regional Plan, 1999 City Comprehensive Plan and its referenced plans (i.e., Las Cruces MPO Transport 2040) will apply to this rezoning request. The site is not within any adopted overlay plans.

**The following findings from the One Valley, One Vision 2040 Regional Plan are relevant to the current proposal:**

- The rezoning to PUD supports Goal 6-7-2, *Meet the existing and projected needs of residents through location, access, extent and timing, staffing, and category of community facilities and services*, through expanding services at an existing campus that serves the needs of those underserved in our community.

**The following findings from the 1999 Comprehensive Plan are relevant to the current proposal:**

- The City has operated a community campus centered on aiding the homeless on the subject site for many years. This civic use would be a public/quasi-public use. Its location off a principal arterial is in conformance with the 1999 City Comprehensive Plan policy such uses locate on streets of collector

capacity or above (Land Use: G1,O9,P9.3; Community Facilities: G2,O1,P1.4). Also, expansion at the present location is in an area those needing the service are already familiar and have alternative means to access via the public transit system or by bicycle which is in conformance with a location that best serves the target population (Community Facilities: G2,O1,P1.2).

- The nature of expanding an existing campus is in conformance with the 1999 City Comprehensive Plan policy to cluster public facilities to allow for optimal use (Land Use: G1,O9,P9.4; Community Facilities: G2,O1,P1.5). Clustering of services for the homeless allows both the providers and the clients of these services cost and travel time savings.
- The design of the campus should ensure accessibility (Land Use: G1,O9,P9.6), which the City building codes should adequately address.
- Development on an existing parcel within the urbanized area discourages "leap frog" growth and utilizes existing infrastructure (Land Use: G2,O1,P1.6).
- Establishment of a PUD will remove the existing multiple zoning districts on the site and create a unique set of uses and site design for the property. As the uses directly serve the homeless and most vulnerable in our community, a PUD is in conformance by creating a benefit for both the community and developer (Land Use: G2,O5,P5.2 and P5.6).
- The PUD process allows for variances/waivers. This proposal has development standards in compliance with C-3 standards, density/intensity according to the final site plan, and architecture compatible with existing structures and adjacent proprieties. Waivers requested include the various public/quasi-public uses that would be in general conformance to the 1999 Comprehensive Plan for this location. The detailed design and buffering will occur with the final site plan requested to be waived until the time of future phases of construction.

City of Las Cruces®
PEOPLE HELPING PEOPLE

## Case Review Sheet #2

To: Engineering Services

Case #: PUD-12-02 Date: October 30, 2012

Request: Camp Hope PUD Concept Plan

FLOOD ZONE DESIGNATION:

| | | |
|---|---|---|
| Zone A | (Flood elevation needed) | _____ |
| Zone AE | (Flood elevation known) | _____ |
| Zone AH | (Flood 1' – 3' ponding) | _____ |
| Zone AO | (Flood 1' – 3' – steep slopes) | _____ |
| Zone A99 | (100-year flood) | _____ |
| Zone X | | _____ |
| Zone X(500) | (500 Yr. flood zone) | _____ |
| Zone D | (Unknown flood determination) | _____ |

DEVELOPMENT IMPROVEMENTS:

| | | | |
|---|---|---|---|
| Drainage Calculation needed | YES X | NO ___ | N/A ___ |
| Drainage Study needed | YES X | NO ___ | N/A ___ |
| Other drainage Impr. needed | YES X | NO ___ | |
| Sidewalk extension needed | YES ___ | NO X | |
| Curb & gutter extension needed | YES ___ | NO X | |
| Paving extension needed | YES ___ | NO ___ | |
| NMDOT permit needed | YES ___ | NO X | |

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval _____ Denial
with conditions

Final site Plan needs to have
- Grading & Drainage plan & calculations
- on-lot ponding adequate capacity
- site storm water shall not Drain to the adjacent channel

**Katherine H. Rogers**

**From:** J. Mark Nunley
**Sent:** Monday, November 19, 2012 1:45 PM
**To:** Katherine H. Rogers
**Cc:** Richard Williams (Chief of Police)
**Subject:** Re: Camp Hope PUD-Resubmittal of the Conceptual Plan

Hello Katherine,
I'm fine with the plan and do not have additional commentary. Thank you.
J Mark Nunley ----------
Sent from my BlackBerry Wireless Device

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**From**: Katherine H. Rogers
**Sent**: Monday, November 19, 2012 01:31 PM
**To**: J. Mark Nunley
**Cc**: Richard Williams (Chief of Police)
**Subject**: FW: Camp Hope PUD-Resubmittal of the Conceptual Plan

Commander Nunley,
I left a message last week regarding Camp Hope. Do you have final comments on this project that I may include in my staff report due for distribution tomorrow afternoon? Your first comments from June were inconclusive, but during our last meeting with PD, the department seemed comfortable with the concept. Please let me know as soon as possible.

# City of Las Cruces
# Planning and Zoning Commission
# Case Review Sheet #2

PLANNING:

Case #: PUD-12-02 Date: October 30, 2012

Request: Camp Hope PUD Concept Plan

COMMENTS:

Approved conditionally:

**Camp Hope:**

1. A final site plan for the Camp Hope component of the PUD shall be submitted within 6 months of City Council approval of the concept plan. Within 1 year of City Council approval of the concept plan, the improvements for Camp Hope shall be constructed per the approved final site plan. Improvements may include, but are not limited to, landscaping, fencing, grading, surfacing, ponding, access/circulation improvements, pad site improvements, shade facilities, common area, ADA compliant facilities, sanitary facilities, cooking & eating facilities, and other basic conveniences for sanitary, health, &/or safety purposes.
2. An opaque perimeter wall or fence at least 5 feet in height and in conformance with all applicable regulations shall be constructed around the external perimeter of Camp Hope.
3. The camping facilities shall be constructed to the Bureau of Reclamation's camping standards or other equivalent standards as approved by the Community Development Director.
4. Permanent bathroom facilities shall be provided. (in compliance w/ all applicable regs.)
5. Shower and laundry facilities shall be provided. " "
6. Cooking/eating facilities shall be provided. " "
7. Trash receptacles in compliance with CLC regulations shall be provided.

**Community of Hope in General**:

1. All other final site plans for future improvements to the range of institutional uses specified in the PUD or as approved by the Community Development Director shall adhere to the applicable regulations at the time of development.

**RECOMMENDATION:** Yes w/ Cond. APPROVAL _____ DENIAL

# City of Las Cruces
# Planning and Zoning Commission
# Case Review Sheet #2

FIRE PREVENTION BUREAU:

Case #: PUD-12-02 Date: October 30, 2012

Request: Camp Hope PUD Concept Plan

ACCESSIBILITY ISSUES: * CONCERN

| | Low | Medium | High |
|---|---|---|---|
| Building Accessibility | ____ | __x__ | ____ |
| Secondary Site/Lot Accessibility | ____ | __x__ | ____ |
| Fireflow/Hydrant Accessibility | ____ | __x__ | ____ |

Type of Building Occupancy: _____see PUD_____

Closest fire department that will service this property:

Name _____station 3_____

Address/ Location _____390 N valley_____

Distance from subject property (miles) _____1 mi_____

Adequate capacity to accommodate proposal? Yes ____x____ No _____

Explain: _____

***Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Design Standards, Subdivision Code, Building Code, and/or Fire Code.***

DEPARMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: __x__ Approval _____ Denial

**Katherine H. Rogers**

**From:** Mark Dubbin
**Sent:** Tuesday, November 06, 2012 4:35 PM
**To:** Katherine H. Rogers
**Cc:** Ted Sweetser; Steve Mims
**Subject:** RE: Camp Hope PUD-Resubmittal of the Conceptual Plan

Our approval will be conditioned with the following requirements:

1. The PUD shall comply with the 2009 IFC, specifically chapters 3-General Precautions Against Fire; 9-Fire Protection Systems, and 24-Tents & Canopies.
2. Applicant shall provide a Site Plan in a timely fashion.
3. Emergency access routes shall be maintained throughout the camp in accordance with section 503.
4. The use of temporary electrical wiring, open flame, and liquid/gas fueled heating appliances, portable generators, or smoking will be strictly prohibited.
5. The joining of any structures or membrane structures forming a total area of 200 Sqft. Or greater shall be strictly prohibited.
6. All structures and membrane structures shall be separated by a distance of not less than 12' and meet NFPA 701 requirements.
7. Not more than the 50 persons and 37 tents shall be allowed in the temporary homeless encampment.
8. No tent or structure shall be located within 20' of the pedestal grill.
9. Fire extinguishers shall be within 75 feet from any location within the camp. With one within 30' of the pedestal grill.
10. A current list of residents' names and tent location shall be kept at the camp to aid in emergency response.
11. One person minimum must remain on watch overnight to ensure security and provide a fire watch.
12. Not more than 6 vehicles shall be allowed in the back parking lot at any time.
13. No tent can be utilized for more than 10 persons at any time.

Please let me or Ted know if you have any questions. Thanks.

**Mark H. Dubbin, PE**
Fire Protection Engineer
Las Cruces Fire Dept.
Prevention Services
201 E. Picacho Ave.
Las Cruces, NM 88001
575-528-4150

# REVIEW #1

June 15, 2012

**RE: Case PUD-12-02Community Of Hope**

Dear Applicant:

Attached are the comments from City Departments for the above plan review submitted on 05/29/2012. After you have had time to review the attached comments, please call me to schedule a time to meet with those departments recommending denial in order to facilitate resolution to the issues. Please address each comment for your next submittal. If you have any questions, please contact me at (575) 528-3049.

Thanks,

Katherine Harrison-Rogers
Senior Planner



City of Las Cruces PO BOX 20000 • Las Cruces, NM 88004

# REVIEW #1

## Department: Planning

Reviewer: Katherine Rogers Phone: 575 528-3049

Status: NO

Comments:

1. Please revise the Concept Plan (Community of Hope) and Final Site Plan (Camp Hope) to comply with the 2001 Zoning Code, Section 38-49 E. Including but not limited to all measured dimensions, locations and widths of all driving aisles & driveways, distances between tents, other structures, and property boundaries, etc… Detail of a typical tent pad site should also be included. Refer to the attached requirements and supporting material for details. Additionally staff is available to assist in directing you to or providing you with much of the information.
2. Has the use of additional RV's outside of the office been contemplated as an additional form of transitional housing? If so additional information/requirements may be needed per Section 38-57 of the 2001 Zoning Code, as amended.
3. ADA Guidelines should be followed for outdoor cooking facilities, bench/ picnic construction, bathrooms, sidewalks/walking paths, tent pad sites, etc. Staff has researched a number of guidelines and can provide reference documents if needed. Consider 3 to 4 Accessible Spaces per the Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas Final Report. Please see the table below:

| Number of Camping Spaces | Number of Accessible Camping Spaces (Tent, RV, Shelters) |
|---|---|
| 1 | 1 |
| 2 to 25 | 2 |
| 26 to 50 | 3 |
| 51 to 75 | 4 |
| 76 to 100 | 5 |
| 101 to 150 | 7 |
| 151 to 200 | 8 |
| 201 to 300 | 10 |
| 301 to 400 | 12 |

| | |
|---|---|
| 401 to 500 | 13 |
| 501 to 1000 | 2 percent of total |
| 1001 and over | 20 plus 1 for each 100 over 1000 |

Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas Final Report

4. Staff has concerns regarding the current design of the tent camp if Camp Hope is intended to be permanent or semi-permanent (more than 120 days). More permanent improvements would include grading, permanent pad sites, more permanent outdoor cooking & eating facilities, walkways, driving aisles, etc… and should be constructed as to prevent or minimize the risk of offsite impacts, pooling/ponding, spread of disease, fire or other emergencies, etc… Staff has researched and compiled a number of resources related to campsite design and facilities, including ADA compliance that we would gladly share to help facilitate the design.
5. The narrative describes three desired "Waivers." It should be noted that none of these are considered numeric deviations from planning related development standards or engineering standards as normally requested as part of the PUD process. Are there specific requirements from which Community of Hope is requesting deviation such as setbacks, parking or driveway standards, drainage requirements, etc.; or is the PUD for the purposes of defining specific uses not normally allowed under the current or alternate zoning designations? An addendum to the narrative may be required to clarify.
6. As there are a number of global issues that may affect specific standards and site design, Staff recommends we meet to discuss subsequent steps in the process and design alternatives.
7. Subsequent reviews may trigger additional comments.

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**Department: Advanced Planning**

Reviewer: Paul Michaud Phone: (575) 528-3271

Status: YES

Comments: None

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# REVIEW #1

## Department: Engineering

Reviewer: Rocio Dominguez

Status: NO

Commenyts: Imcomplete

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## Department: Utility Engineering

Reviewer: John Reid Phone: (575) 528-3635

Status: YES

Comments: None

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## Department: Fire

Reviewer: Mark Dubbin Phone: (575) 528-4081

Status: NO

Comments:
The proposed PUD application is denied with the following comments.

1.Provide a site plan in accordance with CLC development code. Specify dimensions of all buildings, from property lines and each other. Correct the orientation of the camp and identify emergency access routes throughout the entire campus. Specify their width, grade and continuity. Emergency access through the homeless campground needs to be clearly delineated.
2.State that Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 10 feet (6096 mm) of the tent, canopy or membrane structures the use of temporary electrical wiring, open flame, smoking, and liquid/gas fueled heating appliances, portable generators will be strictly prohibited at the homeless camp.
3.State that the joining of any structures, membrane structures forming a total area of 200 Sqft. shall be permitted specifically.
4.State that all structures, and membrane structures shall be separated by a distance of not less than 10'
5.An occupancy load and or tent count will be determined once a proper site plan can be reviewed.
6.Address the future storage requirements specifically describe the commodities and height.

7.Provide a detail of the "fire-hazard-free" barbecue area. Clearly show on site plan and assure it is compliant with IFC chapter 24.
8.Replace building codes with "the current locally adopted building and fire codes and amendments"
9.Clarify the plans for the child crisis center one part says it is being relocated another part says it is being expanded.
10.State that all membrane structures shall have a certificate executed by an approved testing laboratory certifying that the tents; canopies and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting and combustible decorative materials and effects shall be composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified by the permit.

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**Department: City MPO**

Reviewer: Andrew Wray Phone: (575) 528-3020

Staus: YES

Comments: None

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**Department: Traffic Engineering**

Reviewer: Dan Soriano Phone: (575) 541-2505

Status: YWC

Comments:
It is difficult to determine from the preliminary data whether or not a TIA will be required. My assumption is that the majority of the traffic to this location will be by foot with minimal vehicular traffic into and out of the site. However, as the development progresses, a determination of vehicular traffic demand will need to be prepared by the engineer of record to assess any impacts to the adjacent arterial (Amador).

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# REVIEW #1

## Department: Facilities

Reviewer: Mark Johnston Phone: (575) 528-2550

Status: YES

Comments: No park impact fees b/c no new dwelling units

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## Department: Land Management

Reviewer: Michael Hernandez Phone: (575) 528-3124

Status: YES

Comments: None

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## Department: Police

Reviewer: Mark Nunley for Richard Williams Phone: (575) 528-4179

Status: NO

Comments: See attached handwritten comments

# City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** Planning

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

Your review comments may be included in the staff report on the proposed development for the Planning and Zoning Commission's and/or City Council's review.

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3049.

Please review and return to the Community Development Department no later than **[June 5, 2012]**.

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.*

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APPROVED AS IS: YES (NO)

APPROVED WITH CONDITIONS:

DATE: 6-4-12

REVIEWER NAME: Katherine Harrison-Rogers
REVIEWER CONTACT NO. 528-3049

See attached cover letter & PUD regulations.

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

CURRENT PLANNING:

Case #: PUD-12-02 Date: May 29, 2012

Request: 999 W. Amador Avenue
PUD Concept and Final site plan to allow for a variety of uses including transitional living (tent camp), soup kitchen, school, and other community services

COMMENTS:

See Attached Comments

RECOMMENDATION: _____ APPROVAL ___X___ DENIAL

## Sec. 38-49. - PUD—Planned Unit Development.

A. *Purposes.* The purposes of planned unit developments (PUD) are to:

(1) Comply with growth management policy as established in the land use element, other applicable elements and all companion documents to the comprehensive plan.

(2) Produce more flexibility in development than would result from a strict application of this Code.

(3) Permit design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing and other development needs of the community.

(4) Permit flexibility in land use, density, placement of buildings, arrangement of open space, circulation facilities, and off-street parking areas, and maximize the potential of individual sites under development.

(5) Promote the infill of vacant land.

(6) Create developments that balance the benefits to the community with the developer's interests.

B. *General provisions.*

(1) The PUD process shall be required for those proposed developments that are to be subdivided and multi-phased and that request three or more deviations to planning-related minimum development standards, e.g., setbacks. An applicant whose proposed development is not required to follow the PUD process may request to use the PUD process.

(2) The infill development process (IDP) described in section 38-48 authorizes the planning and zoning commission to take final action on PUDs. However, proposed development in infill areas is not required to use the PUD process, but may use the infill development process.

(3) Proposed deviations to engineering standards, e.g., street construction standards, will be acted on by the public works department director or designee with appeal to the engineering review committee. However, the PUD process shall not be used if only deviations to engineering standards are proposed.

(4) A developer shall not be granted a deviation to planning-related minimum standards (private incentive) without providing a public benefit to the city/community. The land use element of the city's comprehensive plan provides guidance in determining appropriate public benefits in relation to private incentives. One or more public benefits are to be provided for each private incentive. For example, the private incentive request to reduce the amount of open space below the standard shall result in an equivalent amount of recreation equipment being provided or a combination of benefits that relate to the private incentive requested.

(5) A PUD may be used to correct any legal nonconforming situation. However, a PUD shall not be used to make an illegal situation legal.

(6) All contiguous property owned or legally controlled by the developer shall be included within the PUD.

C.

*Specific provisions.* A planned unit development shall meet minimum development standards. The existing development standards, e.g., zoning code requirements, shall be met, or minimum development standards, as proposed by the applicant, and approved as part of the PUD, shall be met. The applicant shall clearly describe the PUD in terms of all of the following specific provisions. In addition, the community development director or designee may recommend conditions and the planning and zoning commission or the city council may impose conditions and require compliance with such other standards as deemed necessary.

(1) *Land use.* A PUD may contain any land use or combination of land uses.

(2) *Location.* A PUD may be located anywhere within the city except within the University Avenue Corridor plan overlay zone district. However, the PUD process shall not be used to circumvent the requirements of any overlay zoning district.

(3) *Size.* There is no acreage minimum or maximum.

(4) *Density.* There is no minimum or maximum number of dwelling units per acre.

(5) *Intensity.* There is no minimum or maximum square footage requirement for nonresidential uses.

(6) *Off-site roadway and intersection improvements.* Contributions to or the provision of off-site roadway and intersection improvements shall be required based on the proportionate share of the PUD's impact on off-site roadway segments and intersections. Off-site roadway and intersection improvements necessary in whole or in part because of the PUD's impacts shall be provided according to the improvements schedule outlined in the required traffic impact analysis called for in the transportation element of the comprehensive plan (Policy 1.5 of Goal 7, growth management, of the transportation element of the comprehensive plan). Furthermore, improvements shall be consistent with growth management policy of the land use element.

(7) *Architecture.* PUD architecture shall be compatible with and enhance the existing architecture on adjacent property.

(8) *Design.* The city may alter the design of the proposed PUD to insure the public health, safety, and welfare.

(9) *Context.* The city may alter the proposed PUD to insure compatibility with existing and potential land uses adjacent to the proposed PUD.

(10) *Antennas, towers, communication structures, and other vertical structures.* See section 38-59

(11) *Height.* See section 38-31.D. and section 38-32.D.

(12) *Landscaping.* See chapter 32 of the Municipal Code.

(13) *Mobile home parks/recreational vehicle parks.* See section 38-57

(14) *Open space.* See chapter 32 of the Municipal Code.

(15) *Off-street parking.* See section 38-58

(16) *Roadway access.* See chapter 26, article III, access and median cuts. The proposed PUD shall be accessed by at least one paved roadway (meeting the city's standard specifications for road construction) within the minimum right-of-way for the roadway width having the capacity necessary to serve the first phase of the PUD. Additional access may be required before other phases of the PUD are allowed to proceed.

(17) *Setbacks/bufferyards/screens.* See matrix 1 at the end of this section.

(18) *Signage.* See chapter 36 of the Municipal Code.

(19) *Walls and fences.* See section 38-60

(20) *Accessory uses and structures.* See section 38-51

(21) *Private incentives/public benefits.* For each private incentive (deviation to existing Municipal Code planning-related minimum standards listed above) requested, one or more public benefits shall be provided. For example, a private incentive request to reduce the amount of open space below the standard shall result in an equivalent amount of recreation equipment being provided or a combination of benefits that relate to the private incentive requested.

D. *Review procedures.*

(a) *Authorization.* A planned unit development (PUD) is a zoning district change and is not permitted by right in any zoning district. The procedures and requirements in this article shall govern the development of a PUD.

For each PUD, there shall be a pre-application conference, concept plan, one or more final site plans and, if required, one or more final plats. The following table summarizes actions to be taken on a PUD:

| | Staff | P and Z | City Council |
|---|---|---|---|
| Pre-app. conf. | R | | |
| Concept plan | R | R (FA*) | FA (A*) |
| Final site plan | R | FA (R**) | A (FA**) |
| Final plat*** | FA | A | A |

Recommendation (R), Final Action (FA), and Appeal (A)

* The planning and zoning commission is authorized to take final action using the infill development process within infill areas.

** The city council shall take final action on final site plans when one or more is submitted along with the concept plan.

*** A final plat may not be required in every case.

(b) *Pre-application conference.* Before an application for a PUD may be submitted, the applicant shall meet with the city community development department staff to review the proposed project. This meeting does not require a written application or fee. Based on the information made available before or at the pre-application conference by the applicant, the staff shall review the development proposal and advise the applicant concerning the compatibility of the proposal with the intent, goals, objectives, policies and standards of all city plans and codes. The results of this meeting shall not obligate the planning and zoning commission or city council.

(c) *Concept plan review.*

(1) Concept plan application. The concept plan is similar to, and replaces, a subdivision master plan in that it is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings. The concept plan forms the basis for approval of the PUD.

The concept plan and supplemental material shall be submitted to the community development department no later than 60 calendar days prior to the date of the regular meeting of the planning and zoning commission. The staff shall review the submittal for completeness. If all the required items have been submitted as per section 38-49.E., the community development department

shall issue a receipt for submittal. A concept plan and supplemental material shall not be accepted for review if incomplete. All items required on a concept plan must be present for acceptance unless accompanied by a written request justifying the deletion of required information. The community development director or designee may waive any submittal requirement. However, after reviewing the concept plan, the community development director or designee, the planning and zoning commission and/or the city council may require other information in addition to the submittal requirements as per section 38-49.E. Additional information requested by staff shall be justified in writing.

A written staff report with recommendations shall be provided to the planning and zoning commission along with the concept plan. The report shall recommend that the concept plan be approved, conditionally approved, disapproved, or postponed.

(2) *Concept plan public hearing(s)*. Public hearing and notice requirements shall be in accord with provisions of section 38-10. The applicant or applicant's representative shall be present at the public hearing for the proposal to be considered. If the applicant or representative is not at the public hearing, the concept plan shall be postponed until the next regular planning and zoning commission meeting or city council meeting.

The planning and zoning commission shall review the concept plan, staff report, applicant presentation, and information submitted by interested citizens. Action by the planning and zoning commission shall be a recommendation to the city council for approval, conditional approval, or disapproval. The planning and zoning commission is authorized to take final action on a PUD using the infill development process within infill areas. An official notification of decision that describes the decision of the planning and zoning commission and/or city council shall be furnished to the applicant in compliance with state law.

The concept plan may be approved only if it includes the following findings:

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

b. There is or will be adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy or letter of acceptance, as applicable, is to be issued;

c. The PUD conforms to the intent, goals, objectives, policies, and standards of all city plans and codes;

d. The uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located; and

e. The proposed uses will not subject surrounding properties and pedestrians to significant hazardous traffic conditions.

Final approval may be granted subject to compliance with such conditions required by the planning and zoning commission and/or the city council. The conditions that the planning and zoning commission and/or city council find necessary shall be made part of the terms under which the PUD is granted. The planning and zoning commission and/or the city council may require such conditions to be included as covenants or deed restrictions in any subsequent

conveyances of PUD property. Such covenants and deed restrictions shall be properly recorded with the county clerk. Furthermore, the planning and zoning commission and/or city council may require that all or part of any utility corridor, roadway, walkway, bike facility, park, playground, or other public area shown on the concept plan be dedicated for public use as an easement, right-of-way, or other conveyance.

If the concept plan is approved or conditionally approved by the planning and zoning commission and/or the city council, the PUD shall be shown on the official zoning district map as PUD replacing the existing zoning districts.

(3) *Concept plan effective period.* The approval of the concept plan shall be effective for a period of five years. If a final site plan for all or part of the area has not been approved by the planning and zoning commission and/or city council by the expiration of the five-year period, the concept plan approval shall expire. The zoning of the property shall automatically revert to the underlying zoning districts that existed for the property at the time the concept plan was approved. Prior to the expiration date, the staff may approve a request for an extension of time of up to two years. After the first time extension, the planning and zoning commission and/or city council shall consider any other time extension request. When at least one final site plan has been approved, the concept plan shall remain effective until amended.

(4) *Concept plan amendment.* Any substantial change proposed that would affect the approved concept plan shall require re-submittal of the concept plan in its entirety. Minor changes are those changes that are not substantial and may be approved by the staff; however, staff may determine that any proposed change should be reviewed by the planning and zoning commission and city council. Substantial changes to the concept plan are subject to the same requirements as the original application. Substantial changes shall include but are not limited to:

a. Any change that would increase the intensity of the land uses;

b. Fifteen percent cumulative increase in vehicular traffic to any roadway segment or intersection;

c. Fifteen percent cumulative increase in residential density;

d. Fifteen percent cumulative increase in nonresidential square footage;

e. Any change in private incentives and public benefits;

f. Increase in size of property;

g. Any reduction in screening, bufferyards and setbacks at the PUD property line;

h. Fifteen percent cumulative increase in the buildable area for structures including signs; and

i. Fifteen percent cumulative reduction in open space.

(d) *Final site plan review.*

(1) *Final site plan application, public hearing and effective period.* A final site plan shall substitute for a subdivision preliminary plat when an applicant must otherwise comply with the subdivision requirements. Upon approval of the concept plan, the applicant may submit a final site plan for part or all of the land area covered by a concept plan for planning and zoning commission consideration. However, an applicant may submit a final site plan along with

the concept plan. One or more final site plans submitted with the concept plan shall be submitted along with the concept plan to the city council for final consideration. Subsequent final site plans shall be submitted to the city council for final consideration.

The final site plan and supplemental material shall be submitted to the community development department no later than 60 calendar days prior to the date of the regular meeting of the planning and zoning commission. The staff shall review the submittal for completeness. If all the required items have been submitted as per section 38-49.E., the community development department shall issue a receipt for submittal. A final site plan and supplemental material shall not be accepted for review if incomplete. All items required on a final site plan must be present for acceptance unless accompanied by a written request justifying the deletion of required information. The staff may waive any submittal requirement. However, after reviewing the final site plan, the planning and zoning commission and or the city council may require other information in addition to the submittal requirements as per section 38-49.E. Additional information requested by staff shall be justified in writing.

A written staff report with recommendations about the final site plan shall be provided to the planning and zoning commission along with the final site plan. The report shall recommend that the final site plan be approved, conditionally approved, disapproved, or postponed.

The review procedures for the final site plan shall be the same as for the concept plan except that:

a. The planning and zoning commission shall take final action instead of the city council unless a final site plan has been submitted along with the concept plan. One or more final site plans submitted with the concept plan shall be submitted along with the concept plan to the city council for final consideration. Subsequent final site plans shall be submitted to the city council for final consideration.

b. No findings are required except that the final site plan conforms to the concept plan.

c. A final site plan shall be effective for two years from the date of approval. When at least one final plat or at least one building permit has been approved, the final site plan shall be effective until amended.

Approval of a final site plan shall not constitute approval of a final plat when a final plat is required. Such approval shall constitute the permission to prepare and submit a final plat for part or all of the land area covered by the final site plan and construction drawings of all improvements for the final site plan land area. Final platting shall not be considered until a final site plan is approved. If a final plat is not required, an approved final site plan shall allow for a building permit to be issued that is in compliance with chapter 30, buildings and building regulations. Notation on documents shall clearly indicate that the project receiving the building permit is part of a PUD and is subject to the approved concept plan and approved final site plan.

In granting approval of a final site plan, the planning and zoning commission shall require adequate guarantees of compliance with all conditions of approval. Such guarantees may include, but are not limited to, performance bonds, lien agreements, or escrow deposits in an amount sufficient to ensure

compliance. Moreover, the construction of a PUD following approval of a final site plan shall be in accordance with the concept plan and final site plan conditions. Failure to comply with such conditions and standards shall be deemed a violation of this Code.

(2) *Final site plan amendment.* Any substantial change proposed that would affect the approved final site plan shall require re-submittal of the final site plan in its entirety. Minor changes are those changes that are not substantial and may be approved by the staff; however, staff may determine that any proposed change should be reviewed by the planning and zoning commission and city council. Substantial changes are subject to the same requirements as the original application. Substantial changes shall include but are not limited to:

a. Increased drainage impact;

b. Change in location and size of utilities and easements;

c. Change in required, specific landscape features such as buffers, screens and setbacks at the PUD property line;

d. Change in proposed roadways above major local class;

e. Change in structure location, including signs, by more than five feet; and

f. Change in architectural style or character.

(e) *Final plat review and contents.* If required, the final plat(s) review procedures and contents shall comply with article IV of chapter 37, the city's subdivision code.

E. *Submittal requirements.*

(a) *Concept plan submittal requirements.* A request for review of a concept plan shall include the following information:

(1) Official application and development statement;

(2) Submittal fee;

(3) Waiver request and justification to delete submittal information, if applicable;

(4) Descriptions of deviations to planning-related development standards and the public benefits to be provided;

(5) Association by-laws (may be submitted with each final site plan);

(6) Concept plan. The following information shall be provided on the concept plan and supporting maps and drawings:

a. Name of concept plan.

b. Name, address and telephone number(s) of property owner(s), developer(s) and consultant(s) preparing the concept plan.

c. Detailed area map showing the surrounding area within a half mile and the PUD in relationship to adjacent parcels, existing roadways, and natural or man made features that may impact or be impacted by the PUD.

d. North arrow, date of preparation, and written and graphic scale.

e. Legal description.

f. Boundary lines of concept plan area with approximate length of lines and boundary lines of phases.

g. For each lot, parcel, or tract, list proposed land uses and acreage and show building area boundaries within which each structure will be located:

1. Maximum number of dwelling units and maximum density.

2. Maximum square footage of nonresidential uses.

h. Proposed screening and bufferyard/setback distances along the PUD property line.

i. Existing land uses and zoning on adjacent lots, parcels, or tracts.

j. Name of adjacent subdivisions (including the filing date, book and page numbers), property owners, and zoning. If not subdivided, name of property owner.

k. Twenty-foot contour intervals minimum or as appropriate.

l. Proposed alignment of roadways and how they relate to the Metropolitan Planning Organization (MPO) transportation plan and the transportation element of the comprehensive plan and the impacts created on the area road network, neighborhood, and other land uses. Impact data shall include the anticipated traffic volume generated by the proposed development, identification of the affected road network, and the additional traffic volumes associated for each road. If required, provide a traffic impact study, including a roadway improvement schedule, consistent with the requirements of the transportation element of the comprehensive plan (policy 1.5 of goal 7, growth management, of the transportation element) and based on the latest recommendations from the Institute of Traffic Engineers. Thoroughfare system: Identification of adjacent roadways and other transportation lines by functional classification; proposed location, length, width of all roadways, bikeways, trails, walkways, and any other transportation lines. Identify existing and proposed classification of roadways as per city design standards and based on the current city MPO transportation plan and the transportation element of the comprehensive plan.

m. Location and sizes of existing and proposed utilities.

n. Significant natural features, such as arroyos and 100-year flood plains.

o. All easements.

p. Tabular information:

1. Land uses of each lot, parcel, or tract.
2. Total acreage of the PUD, acreage for each land use, and acreage of each land use by phase.
3. Maximum number of dwelling units and maximum density by phase.
4. Total square footage of nonresidential uses by phase.
5. Total acreage for open space, private and public facilities, and right-of-way.
6. Maximum height of proposed structures for each lot, parcel or tract.

q. Approval block signifying the final approved concept plan to be signed by the zoning administrator upon approval by the city council and resolution of all outstanding staff comments.

(7) Other impact studies, if required by the planning and zoning commission, are to be submitted prior to city council consideration:

a. Impacts on any public facilities outside the PUD area. Impact data shall include expected population generated by the proposed development,

identification of public facilities, e.g., utilities, parks, that are anticipated for use by said population and level of capacity of said utilized public facilities.

b. Impacts on air quality, specifically solid particulates known as PM10. (Small airborne particulates, particulate matter less than or equal to ten microns in diameter, are an important health concern because they are far more likely than larger particles to be inhaled deep into the lungs. This particulate matter is a respiratory irritant, can aggravate asthma and other lung diseases, and act as a medium of transport that allows the body to absorb heavy metals through oxidation. These small, suspended particulates also play some role in obscuring light, thus degrading visibility.) Impact data shall include identification of proposed uses that generate air pollution substances into the environment and the projected impact.

c. Impacts on views and noise to adjacent property. Impact data shall include identification of proposed uses that generate excessive noise, anticipated maximum height for proposed structures, identification of existing physical features that are viewed from the PUD and adjacent properties, and how these views will be altered by the PUD. Proposals to mitigate impacts shall be provided.

d. Geological and soils hazards: Report on the geologic and soils hazards in relation to slope conditions, drainage problems and suitability for septic system use, if applicable, as identified by the soil survey of Dona Ana County Area, New Mexico. This report shall also include either an aerial photograph or a map with existing contours at an appropriate interval to establish accurate ground contour of the PUD area.

(b) *Final site plan submittal requirements.* A request for review of a final site plan (FSP) shall include the following information:

(1) Official application and development statement

(2) Submittal fee

(3) Waiver request and justification to delete submittal information if applicable.

(4) Master drainage study consistent with section 37-81 of the subdivision code and article III, drainage, of the city design standards.

(5) Master utilities report and plan consistent with section 37-81 of the subdivision code.

(6) A final site plan. A FSP shall be at a scale that adequately represents the required information. A FSP shall be prepared on 18″ X 24″ sheets of paper. Copies shall be legible with no limit to the number of sheets provided. A FSP and supporting maps and drawings shall show existing conditions and all proposals, including the following:

a. Name of the FSP.

b. Total acreage of the FSP area to the nearest one-tenth of an acre.

c. Date of preparation, north arrow, written and graphic scale.

d. Vicinity map to locate the FSP within the concept plan area. The vicinity map shall show relationship to existing major roadways.

e. Name and address of applicant.

f.

Name and address of the person, corporation, or organization preparing the FSP.

g. Number to identify each lot. Letter of the alphabet to identify each tract or parcel.

h. Proposed lot lines and right-of-way lines; rights-of-way and street widths; rights-of-way and easement widths for public services or utilities and any limitations thereof.

i. Dimensions, acreage, and purposes of tracts or parcels.

j. Sites and acreage for any multi-family dwellings or nonresidential uses.

k. Dimension of all buildings, setbacks, bufferyards, parking, walkways, lighting, signs, landscaping, walls, fences, open space, and recreation areas.

l. Architectural elevation drawings of all buildings, signs, and other structures.

m. On separate sheets, if necessary, include existing conditions of the proposed FSP area. If applicable, include the following:

1. FSP name.
2. Location, width, and purpose of all easements on site.
3. Public rights-of-way on and within 150 feet of the site: name, width, and classification.
4. Utilities on and adjacent to the site: Location and size of water wells, water reservoirs, water lines, sanitary and storm drains, and drainage facilities; location of all irrigation channels and drains; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction, distance, and size of nearest lines.
5. Existing topography guidelines:
   i. For land with average slope of less than five percent, show contour lines at intervals of not more than two feet.
   ii. For land with average slope of more than five percent, show contour lines at intervals of not more than five feet.
6. Conditions on adjacent land significantly affecting design of the FSP: direction and gradients of ground slope, character and location of development, access points from adjacent points, and building types.

n. Approval block signifying the final site plan approved to be signed by the zoning administrator upon approval by the planning and zoning commission and resolution of all outstanding staff comments.

F. *Existing planned unit developments.* A PUD existing on the effective date of this Code may continue to develop based on the approved PUD conceptual plan and final site plan. However, a proposed substantial change as defined in this division shall require that an existing PUD comply with all the requirements of this Code.

Sec. 38-49. Buffer Matrix 1 (Separation and Landscaping Requirements between Land Use/Zones): Listed here are separation and landscaping requirements that all forms of development are required to follow when a proposed use is located next to differing adjacent land uses/zones.

Other separations distances and landscaping screens may be followed other than what is listed here with the approval of the planning director or designee.

| | Adjacent Use | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Proposed Use | | EE, RE, REM VLD. Res. | R-1c, R-1cM LD Res. | R-1a, R-1aM, R-1b, R-1bM, R-2, R-3 MD Res. | R-4 (Density to be established) HD Res. | O-1 Neigh. Office | O-2 Pro Office | C-1 Low Inten. Comm. | C-2 Med. Inten Comm. | C-3 Reg. Comm. | MT Indust. Tech | M-1/M- Indust. Standa |
| | VLD Res. EE, RE, REM | R | R | R | R | R | R | R | SB 25' | SB 25' | SB 25' | SB 25' |
| | LD Res. R-1c, R-1cM | R | R | R | R | R | R | R | SB 25' | SB 25' | SB 25' | SB 25' |
| | MD Res. R-1a, R-1aM, R-1b, R-1bM, R-2, R-3 | R | R | R | R | R | R | R | SB 25' | SB 25' | SB 25' | SB 25' |
| | HD Res. R-4 (Density to be established by City) | BY 10' B/BY 5' A | BY 10' B/BY 5' A | BY 10' B/BY 5' A | R | R | R | R | R | R | SB 25' | SB 20' |
| | Neigh. Office O-1 | BY 10' B/BY 5' A | BY 10' B/BY 5' A | BY 10' B/BY 5' A | R | R | R | R | R | R | R | R |
| | Pro. Office O-2 | BY 15' B/BY 10' A | BY 15' B/BY 10' A | BY 15' B/BY 10' A | R | R | R | R | R | R | R | R |
| | Low Inten. Comm. C-1 | BY 15' B/BY 10' A | BY 15' B/BY 10' A | BY 15' B/BY 10' A | R | R | R | R | R | R | R | R |
| | Med. Inten. Comm. C-2 | BY 15' B/BY 10' A | BY 15' B/BY 10' A | BY 15' B/BY 10' A | BY 10' B/BY 5' A | R | R | R | R | R | R | R |
| | High Inten. Comm. C-3 | BY 15' B/BY 10' A | BY 15' B/BY 10' A | BY 15' B/BY 10' A | BY 10' B/BY 5' A | R | R | R | R | R | R | R |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Indust. Standard M -1/M-2 | BY 60'C/BY 40' B/BY 20' A | BY 60' C/BY 40' B/BY 20' A | BY 60' C/BY 40' B/BY 20' A | BY 20' B/BY 15' A | R | R | R | R | R | R | R |
| Indust. Heavy M-3 | BY 100' C/BY 75' B/BY 50' A | BY 100' C/BY 75' B/BY 50' A | BY 100' C/BY 75' B/BY 50' A | BY 40' B/BY 30' A | R | R | R | R | R | R | R |

*Key:*

*1)The first letter denotes a total setback or buffer that is required for that particular zone/land use*

*SB = Setback. (A setback is the distance between the property line and where a permanent structure may be constructed. Limited construction may take place, such as sheds and parking.)*

*BY = Bufferyard. (Only open space and drainage areas may be placed within the bufferyard.)*

*R = Regular setback required for that zoning district (Buffering and/or screening are not required.)*

*2)The second letter denotes the type of screening required for the particular zone/land use. (Refer to the Design standards for screen standards.)*

*A = Opaque screen*

*B = Semi-opaque screen*

*C = Broken Screen*

*3)Types of land uses:*

*VLD Res. = Very Low Density Residential*

*LD Res. = Low Density Residential*

*MD Res. = Medium Density Residential*

*HD Res. = High Density Residential*

*Neigh. Office = Neighborhood Office*

*Pro. Office = Professional Office*

*Low Inten. Comm. = Low Intensity Commercial*

*Med. Inten. Comm. = Medium Intensity Commercial*

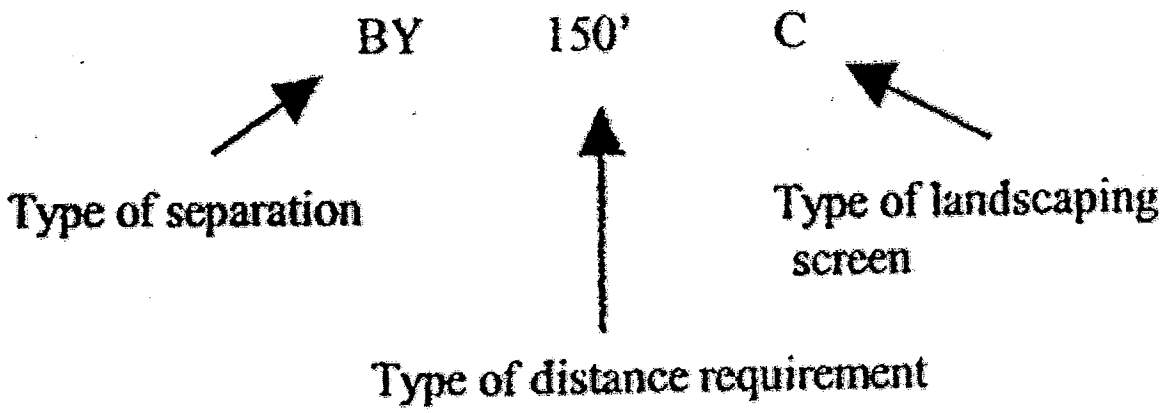
*High Inten. Comm. = High Intensity Commercial*

*Reg. Comm. = Regional Commercial*

*L. Indust. = Light Industrial*

*S. Industrial = Standard Industrial*

*H. Industrial = Heavy Industrial*




*(Ord. No. 2354, § I, 1-22-07)*

City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** Advance Planning

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

Your review comments may be included in the staff report on the proposed development for the Planning and Zoning Commission's and/or City Council's review.

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3049.

Please review and return to the Community Development Department no later than **[June 5, 2012]**.

***IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.***

---

APPROVED AS IS: (YES) NO

APPROVED WITH CONDITIONS: NONE

DATE: 6-5-12

REVIEWER NAME: RAOL MICHAUD
REVIEWER CONTACT NO. X 3271

**PUD-12-02, Advanced Planning Comments/Recommendation (P Michaud)** June 5, 2012

**Request:** Case **PUD-12-02**, rezoning request for PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope to allow for a variety of community uses, including transitional living, soup kitchen, homeless shelter, and related community services. The PUD process allows for variances/waivers. This proposal has development standards in compliance with C-3 standards, density/intensity according to the final site plan, and architecture compatible with existing structures and adjacent proprieties. Waivers requested include the various public/quasi-public uses and final site plan waived until the time of future phases of construction.

**Location**, Parcel ID 02-29653 and 41134, 999 W Amador Ave

**Site conditions:** The subject parcel adjoins the principal arterial of Amador Avenue at its entrance. Existing bike lane and RoadRUNNER transit access exist along Amador Avenue adjacent to the site

The site is owned by the City of Las Cruces that also owns the drainage area adjoining the south of the site. Several existing buildings are on the site used for community uses, including a child crisis center, soup kitchen, medical clinic, day care center, homeless center, and food bank.

The bulk of the site is surrounded by other parcels predominately zoned M-1/M-2, Industrial. Existing adjoining uses include an approximate 150-foot wide drainage parcel to the south, transitional housing for youth to the west, undeveloped industrial land to the north and west, and industrial uses to the north and east.

**Recommendation:** Long range planning staff finds the proposed rezoning in general conformance to the One Valley, One Vision 2040 Regional Plan and 1999 City Comprehensive Plan. We recommend approval of this rezoning request for PUD with the understanding that the architecture, landscaping, site design, and any signage requirements as reviewed along with the future final site plan(s) approval will adequately buffer uses on the site and create a compatible use to the adjacent properties.

**Applicable Goals/Policies/Objectives from City Long Range Plans:**

The One Valley, One Vision 2040 Regional Plan, 1999 City Comprehensive Plan and its referenced plans (i.e., Las Cruces MPO Transport 2040) will apply to this rezoning request. The site is not within any adopted overlay plans.

**The following findings from the One Valley, One Vision 2040 Regional Plan are relevant to the current proposal:**

- The rezoning to PUD supports Goal 6-7-2, *Meet the existing and projected needs of residents through location, access, extent and timing, staffing, and category of community facilities and services*, through expanding services at an existing campus that serves the needs of those underserved in our community.

**The following findings from the 1999 Comprehensive Plan are relevant to the current proposal:**

- The City has operated a community campus centered on aiding the homeless on the subject site for many years. This civic use would be a public/quasi-public use. Its location off a principal arterial is in conformance with the 1999 City Comprehensive Plan policy such uses locate on streets of collector

capacity or above (Land Use: G1,O9,P9.3; Community Facilities: G2,O1,P1.4). Also, expansion at the present location is in an area those needing the service are already familiar and have alternative means to access via the public transit system or by bicycle which is in conformance with a location that best serves the target population (Community Facilities: G2,O1,P1.2).

- The nature of expanding an existing campus is in conformance with the 1999 City Comprehensive Plan policy to cluster public facilities to allow for optimal use (Land Use: G1,O9,P9.4; Community Facilities: G2,O1,P1.5). Clustering of services for the homeless allows both the providers and the clients of these services cost and travel time savings.
- The design of the campus should ensure accessibility (Land Use: G1,O9,P9.6), which the City building codes should adequately address.
- Development on an existing parcel within the urbanized area discourages "leap frog" growth and utilizes existing infrastructure (Land Use: G2,O1,P1.6).
- Establishment of a PUD will remove the existing multiple zoning districts on the site and create a unique set of uses and site design for the property. As the uses directly serve the homeless and most vulnerable in our community, a PUD is in conformance by creating a benefit for both the community and developer (Land Use: G2,O5,P5.2 and P5.6).
- The PUD process allows for variances/waivers. This proposal has development standards in compliance with C-3 standards, density/intensity according to the final site plan, and architecture compatible with existing structures and adjacent proprieties. Waivers requested include the various public/quasi-public uses that would be in general conformance to the 1999 Comprehensive Plan for this location. The detailed design and buffering will occur with the final site plan requested to be waived until the time of future phases of construction.

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

ADVANCED PLANNING:

Case #: PUD-12-02 Date: May 29, 2012

Request: 999 W. Amador Avenue
PUD Concept and Final site plan to allow for a variety of uses including transitional living (tent camp), soup kitchen, school, and other community services

COMMENTS:

SEE ATTACHED

RECOMMENDATION: X APPROVAL _____ DENIAL

Cal

# City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** Engineering

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

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Please review and return to the Community Development Department no later than **[June 5, 2012]**.

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.*

---

APPROVED AS IS: YES (NO)

APPROVED WITH CONDITIONS:

DATE: 6/11/12

REVIEWER NAME: Rocio Dominguez
REVIEWER CONTACT NO. 528-3071

Incomplete

# City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** Utilities

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

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---

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 06/04/12

REVIEWER NAME: [signature]
REVIEWER CONTACT NO. 528.3635

# City of Las Cruces®

PEOPLE HELPING PEOPLE

RECEIVED MAY 30 2012

**DATE:** May 29, 2012

**TO:** Fire

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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---

APPROVED AS IS: YES (NO)

APPROVED WITH CONDITIONS:

DATE: _____

REVIEWER NAME: Ted Sweeter / Mark Dubbin

REVIEWER CONTACT NO. 528-4150

# City of Las Cruces
## Planning and Zoning Commission
## Case Review Sheet

FIRE PREVENTION BUREAU:

Case #: PUD-12-02 Date: May 29, 2012

Request: 999 W. Amador Avenue
PUD Concept and Final site plan to allow for a variety of uses including transitional living (tent camp), soup kitchen, school, and other community services

ACCESSIBILITY ISSUES: * CONCERN

| | Low | Medium | High |
|---|---|---|---|
| Building Accessibility | ____ | ____ | ____ |
| Secondary Site/Lot Accessibility | ____ | ____ | ____ |
| Fireflow/Hydrant Accessibility | ____ | ____ | ____ |

Type of Building Occupancy: _____

Closest fire department that will service this property:

Name _____

Address/ Location _____

Distance from subject property (miles) _____

Adequate capacity to accommodate proposal? Yes _____ No _____

Explain: _____

***Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Design Standards, Subdivision Code, Building Code, and/or Fire Code.***

DEPARMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: _____ Approval _____ Denial

# City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** MPO

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.*

---

APPROVED AS IS: (YES) NO

APPROVED WITH CONDITIONS:

DATE: 6/5/12

REVIEWER NAME: Andrew Wray

REVIEWER CONTACT NO. 3020

**MPO REVIEW COMMENTS**
Planning and Zoning Commission Cases

Case #: PUD-12-02 Date: May 29, 2012

Request: 999 W. Amador Avenue
PUD Concept and Final site plan to allow for a variety of uses including transitional living (tent camp), soup kitchen, school, and other community services

| MPO Thoroughfare | Dist. to Thor. | Functional Class | MTP Class | ROW Required | Dist. to Transit | AADT (year) | Current Bike Fac. | Planned Bike Fac. |
|---|---|---|---|---|---|---|---|---|
| Amador | Adj | | Princp Art | 120 | Adj | 13762 (2011) | Share the road | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Recommended Conditions of Approval

Additional Comments

# City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** Traffic

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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Please review and return to the Community Development Department no later than **[June 5, 2012]**.

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.*

---

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: REFER TO MUTCD COMMENTS

DATE: 6/4/12

REVIEWER NAME: SOLIANO

REVIEWER CONTACT NO. 2595

# City of Las Cruces
## Planning and Zoning Commission
## Case Review Sheet

TRAFFIC ENGINEERING:

Case #: PUD-12-02 Date: May 29, 2012

Request: 999 W. Amador Avenue
PUD Concept and Final site plan to allow for a variety of uses including transitional living (tent camp), soup kitchen, school, and other community services

SITE ACCESSIBILITY: *

| | | | |
|---|---|---|---|
| Adequate deriving aisle | Yes ✓ | No ___ | N/A ___ |
| Adequate curb cut | Yes ✓ | No ___ | N/A ___ |
| Intersection sight problems | Yes ___ | No ✓ | N/A ___ |
| Off-street parking problems | Yes ___ | No ✓ | N/A ___ |

ON-STREET PARKING IMPACTS:

None ✓ Low ___ Medium ___ High ___

Explain: PARKING IS NOT ALLOWED ON ACCESS ROADWAY.

FUTURE INTERSECTION IMPROVEMENTS:

Yes ___
No ✓

If yes, what intersection? ___
when (timeframe)? ___

Is a TIA required? Yes ___ No ✓

If yes, please provide findings: AS FUTURE PHASES BEGIN DEVELOPING, ENGINEER WILL BE REQUIRED TO INVESTIGATE TRAFFIC IMPACTS TO AMADOR AVENUE.

***Any new improvements, at either the time of subdivision or building permit, will require conformance to either the City of Las Cruces Curb Cut Ordinance #1250, the City of Las Cruces Design Standards, or the City of Las Cruces Zoning Code (2001, as amended).***

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: ✓ Approval ___ Denial

City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** Parks (Mark Johnston)

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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Please review and return to the Community Development Department no later than **[June 5, 2012]**.

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.*

---

APPROVED AS IS: (YES) NO

APPROVED WITH CONDITIONS:

DATE: 6/1/12

REVIEWER NAME: M Johnston

REVIEWER CONTACT NO. 2530

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

**PARKS:**

Case #: PUD-12-02 Date: May 29, 2012

Request: 999 W. Amador Avenue
PUD Concept and Final site plan to allow for a variety of uses including transitional living (tent camp), soup kitchen, school, and other community services

Are park impact fees going to be assessed for the proposed development?
Yes _____ No X

If no, why?
No new dwelling units

COMMENTS:

**RECOMMENDATION:** X **APPROVAL** _____ **DENIAL**

*Las Cruces Police Department*
*PO BOX 20000*
*217 E. Picacho*
*Las Cruces, New Mexico 88004*

**To:** Katherine Harris-Rogers

**From:** Richard Williams Chief of Police

**Date:** June 7, 2012

**Subject:** PUD CONCEPT PLAN

Good Morning Katherine here is the PUD Concept Plan, Commander Mark Nunley had some questions on the plan if you need to speak with him you may contact him at 575-528-4179 or JMnunley@las-cruces.org.

Thank you

# City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** ~~May 29, 2012~~ June 5, 2012

**TO:** CLC Police Department

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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Please review and return to the Community Development Department no later than [~~June 5~~ June 12, 2012, 2012].

***IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.***

---

APPROVED AS IS: YES (NO)

APPROVED WITH CONDITIONS:

DATE: June 7, 2012

REVIEWER NAME: Mark Nunley
REVIEWER CONTACT NO. 528-4179

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

Police:

Case #: PUD-12-02 Date: May 29, 2012

Request: 999 W. Amador Avenue
PUD Concept and Final site plan to allow for a variety of uses including transitional living (tent camp), soup kitchen, school, and other community services

COMMENTS:

The proposed future development allows for access through various points. Camp Hope's proposed sight, projects a fence to be constructed, which will enhance security.

Questions: 1) Height of fence?
2) Are the entrance points through the fence going to be gated? If so, are the gates going to be locked? Will they be ADA compliant? Does this allow for vehicular access?
3) Is there a plan for Camp Hope attendees in case of environmental hazards or industrial hazards?
4) What is the length of time an attendee can use the facilities during transition?

RECOMMENDATION: _____APPROVAL _____DENIAL

# City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** Land Management

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

**SUBJECT:** 999 W. Amador PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed zone change request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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***IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.***

---

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 6-5-2012

REVIEWER NAME: Michael Q. Hernandez
REVIEWER CONTACT NO. 528-3124

# City of Las Cruces®
PEOPLE HELPING PEOPLE

**DATE:** May 29, 2012

**TO:** ROW (Land Management)

**FROM:** Katherine Harrison-Rogers, Senior Planner

**CASE NO.:** PUD-12-02 (Review No.1)

RECEIVED
JUN 01 2012
CITY OF LAS CRUCES
LAND MANAGEMENT

**SUBJECT:** 999 W. Amador
PUD Concept Plan and Final Site Plan for Mesilla Valley Community of Hope

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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***IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.***

---

APPROVED AS IS: (YES) NO

APPROVED WITH CONDITIONS:

DATE: 6/5/2012

REVIEWER NAME: [illegible]

REVIEWER CONTACT NO. 528-3124

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

**R.O.W.:**

Case #: PUD-12-02 Date: May 29, 2012

Request: 999 W. Amador Avenue
PUD Concept and Final site plan to allow for a variety of uses including transitional living (tent camp), soup kitchen, school, and other community services

COMMENTS:

See previous

RECOMMENDATION: _____APPROVAL _____DENIAL

# DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, November 7, 2012 at 9:00 a.m. in Room 1158 located at the Las Cruces City Hall, 700 N. Main Street, Las Cruces, New Mexico.

**DRC PRESENT:** Robert Kyle, Community Development
Meei Montoya, Utilities
Mark Johnston, Facilities
Mark Dubbin, Fire Department
Rocio Dominguez, Community Development

**STAFF PRESENT:** Katherine Harrison-Rogers, Community Development
Susana Montana, Community Development
Michael Hernandez, Public Works
Ted Sweetser, Fire Department

**OTHERS PRESENT:** Nicole Martinez (Mesilla Valley Community of Hope)

## I. CALL TO ORDER

Robert Kyle called the meeting to order at 9:00 a.m.

## II. APPROVAL OF MINUTES

### 1. September 26, 2012

Robert Kyle asked if there were any corrections on the minutes. He asked for a motion to approve the minutes.

Mark Johnston motioned to approve the minutes of September 26, 2012.

Meei Montoya seconded the motion.

All in favor, motion passes.

## III. OLD BUSINESS – None

## IV. NEW BUSINESS

### 1. PUD-12-02- Community of Hope PUD Concept Plan

- A request for approval of a concept plan known as Camp Hope.
- The PUD proposes a range of institutional uses including a transitional housing campground for the homeless, a child crisis center, daycare, medical facilities, soup kitchen, and other services for those in need.

- The subject property encompasses 8 ± acres, is zoned R-3 (Multi-Dwelling Medium Density) and M-1/M-2 (Industrial Standard) is located on Lot 4 of the Amador Tracts Replat 1 at 999 W. Amador Ave.
- Submitted by Nicole Martinez, Director for Community of Hope.

H. Rogers: This is Katherine Harrison-Rogers for staff. I would like to remind everyone today that all that's on the table is the concept plan for this PUD proposal. The final site plan that had been specific to Camp Hope will be considered separately just through the administrative process with the appropriate staff reviewing that at a later date. This particular PUD is to provide for a range of institutional uses for those that are homeless, those that are in need. These include a child crisis center, a soup kitchen, and a number of other social programs for those in need in the community. Again, it's a range of uses. There is little wiggle room in the future as proposed for additional uses to be added per the approval of the director with staff's input and that's basically the long and short of it. I can go ahead and turn it over to the applicant who may be able to provide a little additional information if she so chooses; otherwise we can discuss any outstanding issues.

Martinez: Nicole Martinez for Mesilla Valley Community of Hope (inaudible). Again, just to echo what Katherine was saying, we are submitting the concept plan for re-zoning our campus to a planned unit development. We have had the Camp Hope section there for a year now and since our first meetings with the City; I have submitted several concept plans and have taken in all input from all the departments and everybody that had suggested changes we instituted those changes into the concept plan, so hopefully it will be approved. The final site plan we are working on. The hold up with that has been trying to get engineers to help with the surveying, elevation, drainage issues and so forth. We are working closely with Engineers without Borders and NMSU's Geography Department so we are confident we will have a final site plan for the City soon. Thank you.

Kyle: Okay, let's just go around the table. We do not have any other documentation to look at, at this point, again, it's a conceptual use of the property and Utilities do you have any issues.

Montoya: We don't have any issues.

Kyle: The site is presently served by City utilities in each capacity, etc.

Montoya: Yes, I believe so.

Kyle: Fire.

Sweetser: Ted Sweetser with the Fire Department. I think, Nicole, we spoke and you do have a lot of kind of what we've worked with and on, so the only site plan that we

had was the one that we've been working with so that was how we put our tents in personnel or people that can stay there. As soon as you give us a better site plan of how much you want to add to it and knowing tents and people you want to put in, we'll work with you on that part of it.

Martinez: I do have that plan. I've had it for a while.

Sweetser: Okay, so I'll get a copy and we can look at that.

Kyle: Just a question, currently they've got, the City has allowed it to operate and we capped it 50 occupants, is that correct?

Sweetser: Correct.

Kyle: Okay, Nicole within the PUD what is your vision for like the final build out of Camp Hope, specifically what are you looking at as an occupancy?

Martinez: I would like to keep the occupancy capped at 50. The only difference in terms of tents and people there is that I would like to up the amount of tents to better reflect the amount of people there. It was capped arbitrarily on a day when there was a count done and fire and police said it was capped at that because at that time we didn't know how were things going to go forward, so it's capped currently at 37 tents so I'm hoping to up that number to 45 tents. We feel like there are couples, people that can share but 37 is not necessarily adequate for all the people that are there, but I have no intention of raising the amount of people. I like it at 50. We're instituting a 10 feet apart, all tents will be 10 feet apart, 20 foot emergency vehicle access, there will be two entrances and exits for vehicles and a turnaround area within the camp, and this concept plan which will also be included in the final site plan includes the actual plan of all the tents using Best Practices by the Bureau of Reclamation where the tents will be up on railroad ties, gravel in the middle so they will all be regulated tent pad sites around the area and again, we're with Engineers without Borders to discuss how that will help or hinder any drainage issues that we might have. Tent pad sites will also be at a 1.5 percent slope, again toward our drainage area. So those are the main changes in our concept plan that were instituted.

Kyle: Okay, in terms of, besides the tent pad sites, etc. are you proposing any other specific infrastructure for the Camp Hope portion of it, restrooms, shower facilities, etc.

Martinez: We plan to keep the port-a-potties. We would like a structure over them as they get to over 100 degrees in the summer, so just a shade structure but not an actual plumbing site for bathrooms or showers and they will have access to showers and indoor bathrooms five days a week so it will just be on the weekends where they are not showering on Saturday and Sunday at the Community of Hope, but they do have access to four port-a-potties, one of them

ADA accessible. We are asking for, again, Best Practices for Camping of the Bureau of Reclamation for a charcoal grill, that's also ADA accessible but that will be in a place that's the safest place in the camp to have an accessible grill according to the Bureau of Reclamation.

Sweetser: Yeah, I know actually we outlined the grill and I thought it was going to a propane grill, is it just a charcoal?

Martinez: It will just be a charcoal. We do have propane grills. Those grills are always outside of Camp Hope, no grills with propane of any kind or use propane at all are allowed in Camp Hope, those remain outside.

Sweetser: And I think from the Fire Code standpoint based on what Mark and I looked at is that it needs to be at least 20 feet away from any structure, which if it is outside of the camp then it's at least 20 feet away and then the other thing we're asking for was a fire extinguisher, one within 30 feet of the grill, just in case.

Martinez: Sure and we have six out there and all tents are designated with fire extinguishers and the office has one too.

Kyle: Public Works?

Hernandez: I have no issues.

Kyle: Community Development planning?

H. Rogers: We worked with Nicole a long time to sort of refine the concept plan in regard to this, specifically our concern is with the tent camp. We still have some lingering concerns regarding the sanitary health concerns. Those are primarily things that will be addressed at final site plan, that includes concerns about appropriate drainage and again, you are working on that, to prevent ponding which, of course, allows for mosquitos and other types of things. Nicole, could you expand on why the port-a-potties are being used and why the bathrooms aren't open 24/7. It would be, I think, helpful to have it on the record why that's not allowed because I think the port-a-potties are still some concern for staff in record to those sorts of use. I think permanent facilities would be preferred but could you explain why the port-a-potties are used as opposed to having the bathroom facilities 24/7, from what I understand there have been some issues, some legal issues of things occurring in those bathrooms, is that correct?

Martinez: No, I have not heard any legal issues. We have not had any issues with the port-a-potties at all. The company comes out twice a week. We're a day shelter, so we don't have staff that's there 24/7; therefore, our office is closed on the weekends so there is no access to those buildings. On Saturdays they all have access to El Caldito is open and Sunday as well if they do need to use an indoor restroom; otherwise, again we're a non-profit obtaining funding to erect a

permanent bathroom structure would be very difficult for use to do. We would be asking probably for City money to do something like that and that would go through the City because we are on City property, so at this point we are keeping it at the port-a-potties again just because there is not access, I mean we don't plan to open our day shelter 24/7.

H. Rogers: And another question for you, I know that shower facilities are currently available. Laundry facilities as well are still available.

Martinez: Yes.

H. Rogers: And then the other question, El Caldito is open, aside from that and aside from what's available in the Camp currently, are there any permanent cooking or eating facilities available to the Camp residents on a day to day basis every day of the week?

Martinez: The Gospel Rescue Mission across the street, they have access to breakfast and dinner every day and then El Caldito lunch every day but Community of Hope, no.

H. Rogers: And again, some of these are still lingering concerns with Community Development just simply because when you review other camps around the nation that are permanent, many of these facilities are provided on site. It's also common practice for these to be provided in many camp areas as well but I'm open to suggestions or discussion regarding this.

Kyle: My only concern, I do have a concern with you are essentially moving forward with making this camp ground a permanent fixture of the site and the non-permanent nature of having restroom/shower facilities, etc. is a little problematic for me. I think if we are going to treat it as a permanent use, we should have those necessary, those items as part of it and I'm not sure port-a-potties are the route we want to go and I think we should have access 24/7 to restrooms and potentially shower facilities and they should be of a permanent nature but I guess ultimately that will be a decision for City Council. Planning, anything else?

H. Rogers: No, I think a number of the items were covered in the concept plan, the write-up, you had mentioned that you would be providing a fence around the exterior perimeter of the wall and I know that you will be working closely, of course, with Fire to make sure that any appropriate exits and what have you are there. I've added language as a condition that's similar to an RV or mobile home park, language regarding opaque perimeter wall or fence at least five feet in height. You've already addressed that in your concept plan, it's simply redundant but it has been added as a condition.

Kyle: Parks and Rec?

Johnston: No issues.

Kyle: Community Development Engineering Services?

Dominguez: And this has been mentioned, it has been addressed on the fact that this is a concept plan and, hopefully, on the final site plan we can see the grading and drainage and how some of the issues are going to be addressed as far as the on-lot ponding, the adequate capacity for it and also something that and I have talked to Nicole and I'm pretty sure that we are in agreement with that, is we cannot use the structure behind Camp Hope to put the water from here to go there and as it is right now, it's not going that way so it will remain like that. It has to be everything on on-lot ponding, that's just something but I know it's going to be reviewed and seen on the final site plan.

Kyle: For the purposes of the concept plan, again, conceptually we're dealing with on-lot ponding. The facilities are the, the proposed facilities are the Camp Hope, a portion of the property as well as just future expansion of the entire Camp and the services they provide, etc. Is there any other discussion from the Committee? Seeing none, can I have a motion to approve or recommend approval of the concept plan for PUD-12-02.

Dominguez: So moved.

Johnston: Second.

Kyle: Any conditions?

H. Rogers: Staff from Community Development does recommend one condition, that being that a final site plan be submitted. I know that we had some discussions about working with City staff to help provide some components specifically in regard to just what's existing on the site right now since it is a property that's owned by the City and we're asking that that final site plan be submitted with six months and that all of the improvements specific to Camp Hope be done within the year.

Kyle: And just for clarification, you said that "in the year", do you mean within what exact time frame.

H. Rogers: The City Council approval date.

Kyle: Of the concept plan?

H. Rogers: That's correct.

Kyle: Within a year of City Council approval. Can I have a motion then to reconsider the main motion to accept the conditions.

Dominguez: So moved.

Montoya: Second.

Kyle: All those in favor of the recommendations for approval of the concept plan with those conditions at the final site plan be submitted within six months and that the improvements associated with Camp Hope be completed within one year of City Council approval of the concept plan. All those in favor?

All: Aye.

Kyle: Any opposed.

None opposed.

Kyle: Okay, motion carries. Any other business?

## V. ADJOURNMENT

Meeting adjourned at 9:17 a.m.

Kyle: Motion to adjourn.

Sweetser: So moved.

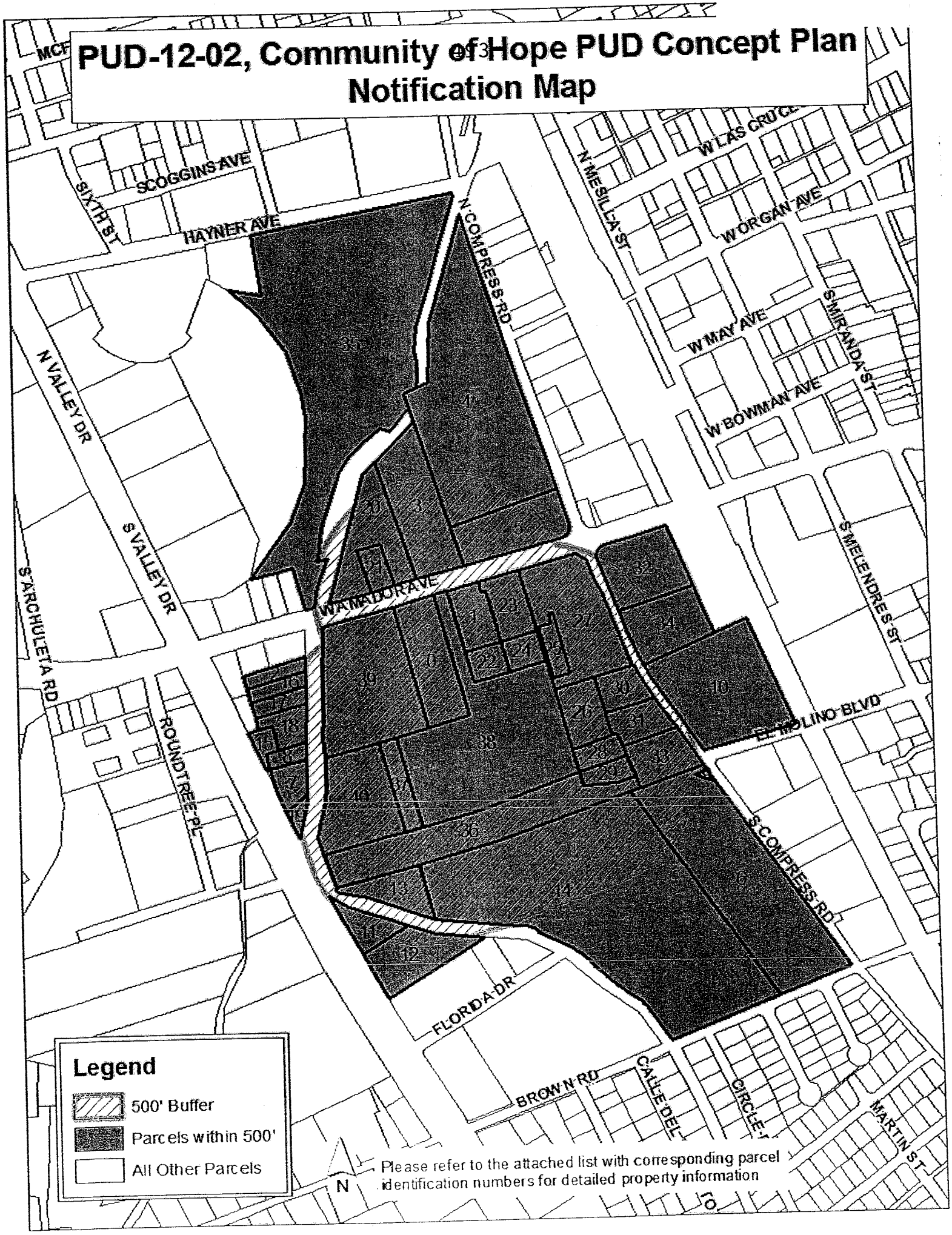
Montoya: Second.

_____

Chair

DRAFT

# PUD-12-02, Community of Hope PUD Concept Plan Notification Map



# Adjacent Landowner Notification List



| Map ID | NAME |
|---|---|
| 0 | GARY & GINGER INC |
| 1 | SMITH ANTHONY F & SYLVIA |
| 2 | LCMC GROUP |
| 3 | LAS CRUCES GOSPEL RESCUE MISSION |
| 4 | J S & S INVESTMENTS LLC |
| 5 | BREWER OIL CO INC |
| 6 | AZTEC LODGE NO 3 |
| 7 | MICANDER JOHN S & KRISTI P & THE ESTATE OF THOMAS S COOPER |
| 8 | SANCHEZ BENJAMIN B & IRENE V |
| 9 | AZTEC LODGE #3 |
| 10 | EL PASO ELECTRIC COMPANY |
| 11 | SCHUMACHER WILLIAM JAMES & NANCY KAY REV TR |
| 12 | J M CARRIERE POST 10124 VFW |
| 13 | AZTEC LODGE NO 3 AF & AM |
| 14 | AZTEC LODGE NO 3 AF & AM |
| 15 | RAUL RUEDA & MARIA T |
| 16 | LCMC GROUP |
| 17 | NELSON GEORGE P & THOMAS R NELSON |
| 18 | STRYKER HARRY & DONNA |
| 19 | BUTTE MUTUAL INS CO |
| 20 | DUKE PARTNERS |
| 21 | DUKE PARTNERS |
| 22 | APM LLC |
| 23 | AMADOR PROPERTIES LLC |
| 24 | AMADOR PROPERTIES LLC |
| 25 | WHITFIELD ENTERPRISES INC |
| 26 | MESILLA VALLEY INVESTMENT CORP |
| 27 | WHITFIELD ENTERPRISES INC |
| 28 | HIGHLAND ENTERPRISES INC |
| 29 | HIGHLAND ENTERPRISES INC |
| 30 | BURKE MIKE & LAWRELIE L |
| 31 | MESILLA VALLEY INVESTMENT CORP |
| 32 | WHITFIELD ENTERPRISES INC |
| 33 | HIGHLAND ENTERPRISES INC |
| 34 | BANES WILEY III & BANES RICHARD E & JANE L CO-TRTEES |
| 35 | CALCOT LTD |
| 36 | CITY OF LAS CRUCES |
| 37 | CITY OF LAS CRUCES |
| 38 | CITY OF LAS CRUCES |
| 39 | BREWER OIL CO |
| 40 | RESOURCES FOR CHILDREN & YOUTH INC |

19 November 2012

Harry Stryker
15554 Space Murals Lane
Las Cruces, NM 88011

City of Las Cruces
Community Development Dept.
Las Cruces, NM 88004
Attn: Katherine Harrison- Rogers
RE: Case PUD-12-02

Ms. Rogers,
I own property at McSwain Dr. which nearly borders the proposed zoning change. I cannot be more diametrically opposed to this zoning change than I am at this time. The illegal tent city has brought me nothing but grief since it was established. I can bring numerous photos of human excrement, garbage thrown from my trash dumpster, homeless people loitering in my store and the list goes on and on.

I would think 2 murders would be enough to convince the City to enforce all the broken codes at the eyesore but apparently that is not the case. All the tenants of this "City of Hope" have no intention of "getting a start" they want a free place to stay centrally located to panhandling opportunities. I suggest the City council move this collection of human "resources" to the parking lot of city hall and employ all of these " just trying to get a break" folks in exchange for renting space for their tents. I could just imagine what would be happening if these itinerants were parked in front of the city councilors front yards.

I am tired of having codes constantly visiting me to cut down weeds, lock up paint, get my business license renewed before it expires, etc. yet they are not allowed by city dictate to even enter tent city to enforce any codes. Police, fire, and codes are forbidden to write citations there. WHY? Put this disgusting visual assault out in the middle of the West Mesa Industrial Park where my customers and anyone who drives down Amador can't see it.

I will be at the hearing and want to be on the agenda to address P and Z about this matter.

Regards,

Harry Stryker

## MODIFIED FINDINGS AND CONDITIONS
## 11/27/2012

## STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the project, including the ability of the Community Development Director to allow similar additional institutional uses not listed and the ability to allow for administrative approval of final building permits and other site improvements, based on the following findings and conditions listed below:

### FINDINGS FOR APPROVAL

1. Modifications to the PUD's Concept Plan and site plan not considered substantial as specified in Section 38-49 (D)(c)(4) and (D)(d)(2) of the 2001 Zoning Code, as amended, may be approved by the Community Development Director and do not require review by the Planning and Zoning Commission or City Council. These may include the addition of similar institutional uses not specified in the Concept Plan and the review and approval of Building Permits and/or other applicable permits for site modifications required to fulfill the phasing and expansions identified on the site plan.
2. Based upon review of the proposal with the compliance of applicable regulations by the Community Development Department, the Police Department, Fire Department, and other applicable City Staff and with adherence to the recommended conditions of approval, the proposed construction and use of the PUD will not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood;
3. Based upon review of the proposal with the compliance of applicable regulations by the Community Development Department, Engineering, Traffic Department, and the Utilities Department, and other applicable City Staff and with adherence to the recommended conditions of approval, there is or will be adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy/ completion or letter of acceptance, as applicable, is to be issued;
4. Based upon review of the proposal with the compliance of applicable regulations by all applicable City Staff and with adherence to the recommended conditions of approval, the PUD conforms to the intent, goals, objectives, policies, and standards of all city plans and codes;
5. Based upon review of the proposal with the compliance of applicable regulations and plans by the Community Development Department and with adherence to the recommended conditions of approval, the uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located; and
6. Based upon review of the proposal with the compliance of applicable regulations by the Traffic Engineer and with adherence to the recommended conditions of approval, the proposed uses will not subject surrounding properties and pedestrians to significant hazardous traffic conditions.
7. The Mesilla Valley Community of Hope PUD Concept plan meets the purpose of a PUD by:
    a. Complying with growth management policy as established in the land use element, other applicable elements and all companion documents to the comprehensive plan;
    b. Producing more flexibility in development than would result from a strict application of this Code by allowing options for safe, accessible, and consolidated social services including housing;

c. Permitting design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing and other development needs of the community by allowing for tents to be used as transitional housing;
d. Permitting flexibility in land use, density, placement of buildings, arrangement of open space, circulation facilities, and off-street parking areas, and maximize the potential of individual sites under development by consolidating various social services on one campus for those most in need in the community;
e. Promoting the infill of vacant land by creating provisions for the development of unused portions of the 8.01 acre property; and
f. Creating developments that balance the benefits to the community with the developer's interests by providing a location and standards for at need population in the City.

**CONDITIONS OF APPROVAL**

1. A final improvement plan for the Camp Hope component of the PUD shall be submitted within 6 months of City Council approval of the concept plan. Within 1 year of City Council approval of the concept plan, the improvements for Camp Hope shall be constructed per the approved final improvement plan. Improvements may include, but are not limited to, landscaping, fencing, grading, surfacing, ponding, access/circulation improvements, pad site improvements, shade facilities, common area, ADA compliant facilities, sanitary facilities, cooking & eating facilities, and other basic conveniences for sanitary, health, &/or safety purposes.
2. An opaque perimeter wall or fence at least 5 feet in height and adequate landscaping in conformance with all applicable regulations shall be constructed around the external perimeter of Camp Hope.
3. The camping facilities shall be constructed to the Bureau of Reclamation's camping standards or other equivalent standards as approved by the Community Development Director.
4. Permanent potable water and bathroom facilities accessible 24 hours a day seven days a week shall be provided for Camp Hope residents.
5. Trash receptacles in compliance with CLC regulations shall be provided for Camp Hope residents.
6. The PUD shall comply with the 2009 International Fire Code, specifically chapters 3-General Precautions Against Fire, 9-Fire Protection Systems, and 24-Tents & Canopies.
7. Emergency access routes shall be maintained throughout the campus and Camp Hope in accordance with section 503.
8. The use of temporary electrical wiring, open flame, and liquid/gas fueled heating appliances, portable generators, or smoking will be strictly prohibited.
9. The joining of any structures or membrane structures forming a total area of 200 sq. ft. or greater shall be strictly prohibited.
10. All structures and membrane structures shall be separated by a distance of not less than 10' and meet NFPA 701 requirements.
11. Not more than the 50 persons and 45 tents shall be allowed in the temporary homeless encampment.
12. No tent or structure shall be located within 20' of the proposed pedestal grill.
13. Fire extinguishers shall be within 75 feet from any location within the camp and with one within 30' of the pedestal grill.
14. A current list of residents' names and their tent locations shall be kept at the camp to aid in emergency response.

15. One person minimum must remain on watch overnight to ensure security and provide a fire watch for Camp Hope.
16. No tent can be utilized for more than 10 persons at any time.

Attachment "B"

**PLANNING AND ZONING COMMISSION**
**FOR THE**
**CITY OF LAS CRUCES**
**City Council Chambers**
**November 27, 2012 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Robert Kyle, Building and Development Administrator, CLC
Katherine Harrison-Rogers, Senior Planner, CLC
Mark Dubbin, CLC Fire Department
Rusty Babington, CLC Legal Staff

Becky Baum, Recording Secretary, RC Creations, LLC

## I. CALL TO ORDER (6:00)

Scholz: Good evening. Welcome to the Planning and Zoning Commission for Tuesday, November 27th, 2012. I am Charles Scholz, I'm the Chair.

## II. CONFLICT OF INTEREST

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

Scholz: Before we begin we always ask if there is any conflict of interest. Gentlemen, any conflict of interest today with this case that we're going to deal with? No. Okay. Anything from staff? No. Alright.

I'll introduce the members of the Commission and then we'll approve the minutes. On my far right is Commissioner Shipley, he represents Council District 6. Next to him is Commissioner Crane, he represents Council District 4. Next to him is Commissioner Stowe, Council District 1. Then there's Commissioner Evans who just arrived, Council District 5. Commissioner Bustos next to him, Council District 3. Next to him is Commissioner Beard who is also the secretary of the Commission, he represents Council District 2. And I am the Mayor's appointee to the Commission.

## III. APPROVAL OF MINUTES

1. October 23, 2012 - Regular meeting

Scholz: Alright I'll entertain the approval of the minutes of the October 23rd regular meeting. Any additions or corrections to the minutes? Commissioner Crane.

Crane: Page eight, line five.

Scholz: Okay, I'm on the wrong document. Hold on just a moment. Here we go. Page eight.

Crane: And line five. I said "and do you know where this park is that Commissioner Shipley has alluded to". Alluded.

Scholz: Alluded, right, not eluded. Okay. Anything else? Commissioner Shipley.

Shipley: Page five, line 40, the first word in the sentence "one" should be stricken.

Scholz: I'm sorry, I'm on the wrong page here, just a moment.

Shipley: Page five, line 40.

Scholz: Thank you. Got it. Anything else? All right I'll entertain a motion to approve the minutes as amended.

Stowe: So moved.

Shipley: And second.

Scholz: Okay Stowe moved and seconded, okay. All those in favor say aye.

ALL: Aye.

Scholz: Those opposed, same sign. And any abstentions? Okay the minutes are approved.

## IV. POSTPONEMENTS - NONE

Scholz: There are no postponements today I see.

## V. CONSENT AGENDA - NONE

Scholz: And nothing on the consent agenda, is that correct? Okay.

## VI. OLD BUSINESS - NONE

Scholz: And no old business.

## VII. NEW BUSINESS

1. **Case PUD-12-02:** Application of Nicole Martinez, Director of the Community of Hope, for a Planned Unit Development (PUD) concept plan to allow for a wide range of institutional uses to assist those in need. The uses include, but are not limited to, a child crises center, soup kitchen, medical clinic, transitional housing (tents), etc. The subject property encompasses 8 +/- acres, is zoned R-3 (Multi-Dwelling Medium Density) and M-1/M-2 (Industrial Standard) is located on Lot 4 of the Amador Tracts Replat 1 at 999 W. Amador Ave.; Parcel ID#: 02-29653; Proposed Use: Wide range of institutional uses and services. Council District 4 (Small)

Scholz: So our first case is new business. It's case PUD-12-02. Now for those of you in the audience who haven't been here before let me explain how this works. The City makes its presentation, I should say the staff for the Community Development department makes its presentation. Then we ask the applicant to make their presentation. Then we open it for public discussion. After we have public discussion we close it and then the Commissioners discuss and vote on it. All right.

H. Rogers: Good evening. Katherine Harrison-Rogers for staff. I'll be presenting this evening. What's before you tonight is PUD-12-02. This is specifically a request for a PUD to allow for a wide range of institutional uses intended to assist those in need, specifically at the Mesilla Valley Community of Hope campus. Existing uses on site; there's currently a child crises center, a soup kitchen, a medical clinic, a daycare, case management and day service center, food bank, and a temporary tent camp for the homeless.

What's being proposed is of course those uses already outlined and the addition of a permanent homeless shelter, permanent homeless campground, community garden, substance abuse center, job center, transitional and permanent housing program, donations and distribution center, respite care center, and also similar uses as would be approved by the Community Development Director. The property is a little over an acre. It's located at 999 W. Amador on the existing campus. It's currently zoned M-1 which is industrial standard and R-3 which is multi-dwelling medium density. It should be noted that all of the uses that are currently on this site with the exception of the camping, are actually allowed uses under the current zoning. What's being proposed specifically for the camping which is a transitional housing component, is a maximum of 45 tents and 50 occupants. They are proposing to utilize a number of camping standards and accessory standards that are outlined in the U.S. Bureau of Reclamation Guidelines for Camping. They're also proposing to

utilize the development standards that are specified for the C-3 district. And additionally all the City Design Standards will be followed.

There has been a request for a few items, specifically that the Community Development Director can approve again those institutional uses that are similar, but perhaps not envisioned at this point in time. And to also allow for final development plans and other permits such as building permits to go through the administrative process as opposed to going through a lengthy process at public hearing. Specifically because; one it's a small site and they are not subdividing nor are they changing where the existing buildings are, rather they're just adding on buildings and doing some site improvements such as drainage and some pad sites for those tents.

Here's a zoning map just to give you an indication of what's nearby, a lot of industrial you can see and multi-family uses are adjacent or nearby. Again, just an aerial to give an idea of a sense of what's existing on the campus. And I'll use my little pointer here to show essentially where the camp is and will be, right here. I have a site plan of course for you indicating where those future phases will be located and of course where the exiting buildings are today and where the anticipated room for expansion of those building or new buildings will be located. Additionally there is a preliminary site plan for the camp itself, this is somewhat subject to change essentially based on the final design with the grading and any other engineering specifications that are requested. The proposed tent pad site by the Bureau of Reclamation elevates those pad sites, provides some fill material just to get it up and off the ground so you don't have ponding and other problematic issues associated with that. Just for reference, again here's an example of an ADA accessible pedestal grill that is also compliant with those U.S. Bureau of Reclamation standards.

During staff's review we did a lot of research into other tent cities and uses such as this, both those that as sanctioned by the governments and those that just sprung up. Some of the common issues and common perhaps ideas that came regarding these were the concepts of time limitations. In many of the instances these were temporary set ups, no more than 90 days. There were some sanctioned tent cities that essentially are required to move various locations throughout a city every 90 days. Some of them however that we discovered, there's one in Florida in particular has been there quite a long time, is rather large, I believe it's over 200 tents, and it's in a permanent location.

For this particular proposal it was determined that they would prefer to have a more permanent situation as opposed to a temporary situation. Again, location criteria was another item of interest that came up during the research in regard to whether or not these located in more of a rural area on the periphery of cities or if these are better suited towards the interior of a city. During research it made more sense to have these areas located where people can actually find the services that they need; you know such as bus transportation, being able to have access to mail, case

workers, medical, that sort of thing, the ability to look for jobs as opposed to being on the periphery of a city.

Visual impacts, that was another important item that came up during our research, specifically the clutter associated with some of the tent cities, generally in those sanctioned cities they tended to be more uniform and more organized, shielded, buffering provided, landscaping provided, in a lot of the tent cities that just sprung up and were not sanctioned by those governments, it tended to be a lot less organized and there was the potential for of course trash because they didn't have the services available to them.

Again, lack of viable and safe housing options was one that came up, essentially from the homeless community or people who have emergency situations, where can they go when there's actually only one other option in the City of Las Cruces being the Gospel Rescue Mission.

Fire and emergency safety was a big component of our review. Essentially if there is a fire can we get the people out safely? However are those tents going to be spaced apart in order to ensure maximum safety, getting those people out? What sort of patrols or democratic measures would be in place to make sure that people were doing as they were supposed to do in the tent city? In this particular instance it is self-patrolled, there are rules associated with living there. Again personal safety, again that goes back to the fire and emergency safety. You know are people safe in that location, can they get the protection they need, are they watching out for one another? And then of course provisions for sanitary facilities to prevent the spread of common disease including skin problems, digestive disease, things of that nature, can people clean up, do they have access to bathrooms? Is the ponding mitigated so you don't have problems with common pests like mosquitoes and what have you?

During the review and as you are probably well aware section 38-49 (D)(c)(2) of the Zoning Code does require specific findings for approval of a PUD. Staff during its review did determine that it was compliant with these findings as well as the intent of the PUD that's also listed in section 38-49 but specifically section (A). We determined that the PUD meets the intent of all applicable plans and regulations. The DRC did review this particular case, it was on November 7th, 2012 and they did recommend conditional approval. Most of the discussion centered around the final site development, essentially those engineering components, those safety components regarding fire, access, things of that nature. A condition was placed upon it by the DRC, specifically that the final development plan specific to the tent camping area would be completed within 6 months or submitted within 6 months, and then of course the improvements completed within a year after City Council approval. Staff has reviewed this request and recommends approval of this PUD based on the findings and conditions that I distributed this evening. You will notice that I did distribute those. They are a slight modification, they're not entirely different, there were just some clarifying language in those findings that

we thought would be helpful for you. Additionally, I also submitted a letter of support from our ETZ Commissioner Bob Hearn specifying his support for this, but also objecting to one of the conditions. And as you may have noticed in your packet there was also a letter of opposition from a nearby neighbor.

Your options this evening are to approve the PUD concept plan and the associated site plans that were in your packet; approve the concept plan with conditions; deny the PUD; to table or postpone. And for your convenience I have the conditions listed here and I would be happy to answer any questions you might have or just turn it over to Nicole Martinez who is representing the Community of Hope. One thing I would like to point out is the City of course does own the property but of course with our permission Nicole is going through the process to try to achieve the PUD.

Scholz: All right. Thank you. Any questions for this lady? Yes, Commissioner Shipley.

Shipley: Very nice presentation. Thank you very much.

H. Rogers: Thank you.

Shipley: Just one thing. I may have missed, didn't hear you at first but I thought you said one acre, it's 8.01 acres.

H. Rogers: A little over 8.0 acres.

Shipley: Okay and the majority of this is zoned what R-3?

H. Rogers: It's somewhat split down the middle. I can go back to the map so you can see ...

Shipley: Well the map shows basically R-3 and M-1/M-2 is outside the boundary it looks like.

H. Rogers: Actually the M-1 splits it in half. I know that this is a grey map and I apologize for that, it's easier for reproduction during your packets. This area, this small line right here you can see it's kind of a yellow line, all of that to the west is the M-1.

Shipley: Okay.

H. Rogers: And everything to the east is the R-3.

Shipley: Thank you for clarifying that.

H. Rogers: Yes sir.

Shipley: Second thing is that as I read through this and I read through the application it says in there, in their application it says one teepee and 45 tents. Now has the teepee been excluded or is that included in the 45?

H. Rogers: It wouldn't be a structure ... it would have to be one approved by the departments. My understanding of the teepee is that it has not been deemed appropriate for fire safety and I can look towards our fire department for clarification on that. As it stands now, our department is comfortable with the 45 tents and the maximum of 50 occupants, less the teepee.

Shipley: On attachment 3b however what is the round item that's 44-feet, looks like 44-feet in diameter but then it's got a 13-foot diameter, I'm confused about what we're talking about here.

H. Rogers: Again this is preliminary and some of this is existing and some of it is proposed to sort of be permanent. There is a sunshade structure and I'm not quite sure, I will look to Nicole to determine whether or not that was intended to be the sunshade or if that was the teepee, the round one. That is the teepee.

Shipley: That's the teepee.

H. Rogers: Yes sir.

Shipley: Okay.

H. Rogers: And again this particular site plan is preliminary in nature. We're still working out the kinks in regards to the drainage and some of the other structures such as the pedestal grill and any of the other common facilities.

Shipley: Because this one has 36, this is the 36 and one.

H. Rogers: Correct. This is an older version.

Shipley: Okay. All right.

Scholz: Okay. Commissioner Crane.

Crane: On the matter of sanitary facilities I see you have three portable toilets in the northeast corner, correct? But as I read the text it seems if people want to wash their hands other than just at a spigot they have to walk over to the El Caldito or some other permanent structure. Are there any plans

for at least rudimentary showers there or any sink where they can wash their hands near the toilets?

H. Rogers: I can clarify some of that and of course Nicole can also clarify. Staff is recommending that those portable toilets be replaced with permanent facility, simply because this is not a temporary encampment. It's not a temporary tent camp. It is supposed to be more of a permanent facility. We're requesting that those facilities be made permanent. Therefore there would be bathroom facilities, handwashing facilities. During the week currently they have access, the residents have access to bathroom facilities, they have access to showers, and they have access to laundry facilities indoors. But again, staff's recommending that permanent bathroom facilities be placed there, however the applicant has requested that the porta potties stay.

Crane: Thank you.

H. Rogers: You're welcome.

Scholz: All right other questions? Commissioner Evans.

Evans: Yes, what's the (inaudible), I mean what's driving building a tent city? I mean I guess I don't really quite follow the direction in which the City is going to establish tent cities in Las Cruces.

H. Rogers: I will defer to the Community of Hope for that.

Scholz: Okay.

Evans: So, but you're representing the City and approved that. I mean wasn't that a question that was asked.

H. Rogers: I'm representing the City, however the request for this to be processed ... yes there was a request to move forward with a way to come to some sort of solution for this by City Council. The actual application process and the proposal coming before you is actually coming from the Community of Hope with the permission of the City. So I'm looking at it as a reviewing party not an applicant. And so I can perhaps defer to Nicole. I think that perhaps she might some clarity to that.

Evans: Who has oversight of the HUD properties you know within the City of Las Cruces?

H. Rogers: Well our department has some oversight in regard to affordable housing and getting some of those projects on the ground. This particular

property, none of this facility, although we own the property, this facility is not, we lease it out. It's not ours. It's not run by the City.

Evans: And what's the occupancy rate of some of the HUD housing in Las Cruces?

H. Rogers: Of the HUD housing? I don't have an answer to that. We could look into that for you and provide you some numbers.

Evans: It would seem to me that you know I mean that you would want to fill those vacancies prior to moving on to ... I mean are we really talking about a tent city here in Las Cruces?

Scholz: Are you asking a philosophical question here or ...?

Evans: Well I guess I just don't see ... I mean I guess maybe if you wanted to defer your question to the applicant, maybe that's where these questions are best answered.

Scholz: Okay.

H. Rogers: I think that as I'm just the reviewing party in terms of a zoning code I think I would prefer to defer to them as they are the interested party in achieving this.

Evans: Okay. Thank you.

Scholz: All right, other questions? Commissioner Shipley.

Shipley: One other question on the last item on the conditions of approval, says no tent can be utilized for more than 10 persons at any time. And on this I guess preliminary site plan attachment number 3a, you show military tents which ...

H. Rogers: Yes, again these are older site plans and they are preliminary in nature.

Shipley: So the military type tents are not going to be used?

H. Rogers: No, unfortunately although they are a sturdy tent the fire hazard associated with those posed a great risk and based on the review of the Fire Department and the rest of the City we requested that those not be used.

Shipley: So we're basically back to camping tents in other words?

H. Rogers: That's correct.

Shipley: All right. Okay. So I don't know of a camping tent that houses 10 people, do you?

H. Rogers: No. I actually have one that houses quite a few but I don't know if it houses 10. They're pretty large structures.

Shipley: I was just wondering why this was in the conditions.

H. Rogers: Specifically because it changes the requirements from a fire code perspective and I may defer to our Fire Department on that, but it does change some of the requirements from fire code.

Shipley: Okay.

Scholz: Could we hear from fire on that please?

Dubbin: Yes, Mr. Chairman, Commissioner the fire code when more than 10 persons are staying in a temporary tent requires certain improvements like sprinkler systems or alarms that wouldn't be practical.

Scholz: Would you stay on your mike sir?

Dubbin: Excuse me. When there are more than 10 persons in a structure intended for sleeping, improvements to the tent that wouldn't be practical such as a sprinkler system and an alarm would be required. That is the purpose of the 10 persons.

Scholz: Okay. Commissioner Beard.

Beard: I don't whether I missed or not, but when I visited those tents are awful close together and I was just thinking when we have our windy weather and there was a fire, that would spread like wildfire. Are those tents coded to not burn?

H. Rogers: At this moment the tent city is not entirely in compliance with what we're requesting this evening that's listed in our conditions of approval.

Beard: I didn't understand that.

H. Rogers: As currently sited the way the tents are organized today my understanding of it is they're not entirely in compliance with the requirements that we've asked for and outlined in our conditions of approval. So they would have to be somewhat modified. I believe that ...

Beard: But that's only spacing.

H. Rogers: That's spacing and my understanding is that they will have to be prepped with sort of an antiinflammatory.

Dubbin: Mr. Chair.

Scholz: Yes, fire.

Dubbin: One of the conditions of approval from the Fire Department is a 10-foot separation that is stipulated in the international fire code. One other condition is that they meet NFPA 701 which is fire retardant for temporary membrane structures. There are several requirements in there, but most tents are manufactured with that acceptance testing in place already.

Beard: Fire retardant. What does that mean? Does it burn, or what temperature does it burn?

Dubbin: The NFPA 701 specifics are that the membrane will not maintain a flame once it's removed. So if you held a flame to it, it would melt. Once the flame is taken away it would no longer burn. It's a very specific series of testing that is required to meet that requirement of NFPA 701.

Scholz: Okay, thank you. Any other questions? Okay may we hear from the applicant please?

Martinez: Mr. Chairman, Commissioners, my name's Nicole Martinez. I'm the executive director of the Mesilla Valley Community of Hope. And we appreciate the opportunity to be here this evening and talk about tent city and where it's at right now and talk about the options about going forward. Just to give you a little brief history since I know that that was brought up, camp hope, how we refer to the tent city, was instituted last November. So actually has been in effect for a full year now. At the time I was not the director of the Community of Hope, however I did work there. But the former director was told by the City of Las Cruces because Community of Hope is on City property that having people sleeping on the campus just randomly would not be allowed and that the homeless people needed to leave the campus and it was as winter was eminently approaching and the winter before was the freeze of 2010. So there was a lot of concern about sending the homeless people to go sleep somewhere away from all of the services where they had some protection during a difficult time of year. And in effect asking them to go to places where they would be camping illegally down by the Rio, behind buildings, dumpsters, etc. So at that time they came to City of Las Cruces, the former director, and a few of the homeless clients from the Community of Hope and discussed some of the options that they could have because Las Cruces does only have one overnight shelter that has a lot of strict provisions, for example time limits

that you can stay there. You can stay for three days, then often times you will have to leave and if you leave you have to wait 30 days to come back again, so during that interim period it can be very difficult to get enough money together, security deposit, first month's rent, utility deposits, those kinds of things, so you end up having a lot of people that are still sleeping illegally in the City of Las Cruces.

Now it is a plight in every city. This isn't something that's unique to Las Cruces. Homelessness exists all over. However it has been unique that the City has recognized that there haven't been a lot of options and there is HUD housing, however the waiting list is about two to three years depending on which kind of program you're going into, but for most people that would qualify that are homeless, it's not an option for them because again the waiting list is closed and has been closed for quite some time. So we have seen it be very difficult. The Community of Hope besides being a day shelter we also operate six housing programs, so we do get funding from as many places as we can and we are really the only other sources besides the Housing Authority which is HUD funded that tries to get people off the streets. And essentially we have been able to do that very successfully with people that have been staying at the camp. So the City Council said that they could erect the tent city during those winter months for a short amount of time until March. So the winter approached, we got permission, set up provisions from Fire Department, Police Department to have it in effect. Set up policies and procedures within the camp, rules of governance. It is a pretty autonomous camp but they are latched on to the Community of Hope on our property so we're very strict about if they're violating any City codes and if they're violating any agency codes. We do have strict requirements and there is a bit of a difference between the general homeless population that does come to the Community of Hope that's not staying in the camp, and some of the other activities that might go around and some of the other businesses might have come into contact with. From the time that we've had the camp we have seen a huge decrease on our campus at the Community of Hope in terms of vandalism, in terms of people urinating or defecating in places that are illegal. Because we did provide the porta potties and there are actually five. So we have three porta potties, one ADA porta potty, and then on the outside of the camp for the other homeless people that are coming through the property, they can use that porta potty.

But again five days a week when the Community of Hope is open, they are to use the bathrooms in there, the showers in there. We have laundry facility in there. We have a sink in there where they you know could do dishes, refrigerator, etc. Out in the camp though they do have the four within the camp, porta potties, and then we do have two spigots in the back of the Community of Hope for washing your hands, rinsing dishes, things like that if they need to in that back area.

So at this point what we can say is we have been following as many of the provisions, we have already been instructed to do from the

Fire Department, Police Department, and will definitely continue to do so. I mean as having you know safety team that does stay and guard the camp 24 hours a day, they have their own scheduling system for making sure that that is safe. I am always on call to them. They also know to call the Police Department or behavioral health crisis of they need to on any of the tenants that are staying there. We have a roster so that we know where people are at all times, which tents they're staying in and it's a pretty extensive roster. It tells us you know birth dates, veteran or not, next of kin, and when they vacated, where did they go and why, were they banned from the camp, did they exit to one of our housing programs, did they exit to another housing program, did they leave with income, and those sorts of things. So all those things are being tracked. It would be very difficult for us to go forward with continuing to have the camp if there were some large costs associated with it because we are a nonprofit and so far we haven't had financial support for this. It's completely donation funded at this time and we do have fundraisers and so forth for the camp. And we are actually excited about making it regulated. So with you know our writing this concept plan which is going to turn into a final site plan. It won't look much like what you've seen here which was the original version. We're working very closely with engineers to work with making the camp be fire safe, you know again emergency access vehicles. We'll have a wide enough driving lane, the tents far apart, fire retardant, purchasing tents that are canvas which the teepee actually is certified, it's fire retardant, water repellant, and mildew. So it's actually one of the most sturdy tents that we have out there. We have a couple others out there that we have that can sleep up to four people and have been really advantageous for people that are disabled.

So realize that there's going to be a lot of costs incurred which is part of what you saw for the regulated tent pad sites, lifting them off the ground, being able to make sure that all of the tents are fire safe. But instituting things that might be most cost burdensome without any assistance from the City would be very difficult again in terms of building a permanent bathroom or having a kitchen. Again turn to, even if you stay at a hotel you don't have the kitchens and these men and women do have access to the soup kitchen, El Caldito which is open seven days a week. They also have access to eat at the Gospel Rescue Mission and they have grills outside of the camp. And we do plan to erect a permanent pedestal grill for them. Also there are often times many churches most weekends will come and cook for the patrons at the camp.

Again what I can say that we're asking for here is compassion and something that has actually been beneficial for the City of Las Cruces where the camp is. We still have our problems with the transient population that's not staying at the camp, but those staying at the camp do have their own security. We also have paid security that does come around on our campus three times. Whenever we have issues with them they relay them back to us and most oftentimes the calls that we're getting

called are the people from within the camp about the other people not staying in the camp that are causing problems on the campus. We also went to all the other agencies located on that campus like El Caldito, Casa de Peregrinos, St. Luke's, the daycares, and asked them about their ideas about having the camp there and they had all seen an increase in the safety, less graffiti, less other criminal activity going on, on the campus itself since the camp had been there in existence. So we would like to go forward. This does call for creative measures. And again essentially what we're asking for is to allow people that have been marginalized to have a community there where they have access to the services, where they do have access to getting onto our lists and to getting them into housing right there and we're not searching for them along the Rio or camping out behind K-Mart or places that might be illegal or going to jail for trespassing, which is another undue burden on the City. So again I appreciate Katherine's presentation and the City working with us this far on getting this area rezoned to the planned unit development. We again do plan to adhere to many of the conditions but do ask to not have to build the permanent facility. And it's not necessarily clarified in that way, cause we could have the porta potties be permanent, but again that is a conversation that we would need to continue to have.

Scholz: All right. Will you stand for questions then?

Martinez: Yes.

Scholz: Okay. Commissioner Beard.

Beard: I did see a lot of people there, more than what I thought could fit in the tents and I was wondering why aren't ... if they had a tent to go to would they stay there?

Martinez: They might. I think a lot of them would. There's a waiting list.

Beard: How do you select the people that stay there?

Martinez: First come first serve. And it has been at capacity since it's been opened, again which is capped at 50 people. And thus far the tents have not reflected the amount of people staying there. It was capped on an arbitrary day because again none of us knew how this was going to go, so when the Fire Department asked how many tents do you have out there right now, we had 36 and so they said cap it. So we are asking for a slight increase in tents at 45 tents for 50 people because we do realize a couple of people can share and with our big Davis tents that sleep four people, again people that might be disabled need access to those tents that some of them will be doubling up.

Beard: Well if this is such a good deal for 45 people, why don't you take care of everybody?

Martinez: We don't have necessarily the space for that and again incurring the costs of having more tent pad sites and having more tents. So with other people we keep them on the waiting list or get them into the housing program, we see if there is availability for them at the shelter that is across the street.

Beard: Okay.

Scholz: Commissioner Evans you had a question about the tent city in itself. Go ahead.

Evans: Well I think, you know my first question was you know ...

Scholz: Can you move your mike over just a bit?

Evans: You know my original question was you know if the HUD provisions which are available in Las Cruces are being utilized to their fullest extent and I think that she answered that by a two to three year waiting list. I'm just a little surprised that you know we have 45 plus you know people that are waiting in line for these type of facilities and even that's not enough. And so I mean this may be you know a stopgap measure to do what we can now, but I mean I'm not sure it's the right place or the right approach. Because it seems like it needs to be expanded upon. But I don't know. I'm interested to hear what some of the public has to say too.

Scholz: Okay. Any other questions for the applicant? Okay. Thank you for your presentation.

Martinez: Thank you.

Scholz: All right, I'd like to open this to public discussion. Who would like to speak to this issue? Yes, come on up and identify yourself sir.

Akle: My name is Peter Akle. I own the Design Center that is 909 West Amador which we are directly north. I have three or four acres that go up against the property. And forgive me I've never been to a City Council meeting before.

Scholz: This is not a council sir, this is the Planning and Zoning Commission.

Akle: I'm sorry. I've never been here before period.

Scholz: Oh, well you should. It's a great facility. You should avail yourself.

Evans: Excuse me. I'm sorry. Really quickly could you put on the display which property that he actually owns?

Akle: Everything except this building.

H. Rogers: All of this.

Akle: I am not against at all and in fact I'm very for helping the misfortunate. In fact my company, I donated all the tile, all the flooring for the child crisis center in the back. I don't have a problem at all with helping my fellow man. I'm very for that. I've been there 13 years however and I really have had a bird's eye view of how things have changed in that area. Amador is the third or fourth, I'm not sure but it used to be the third busiest street in the city and my former partners and I purchased that property as well as the property across the street to build a bigger design center. We do a lot of granite fabrication and it's ... I realize about 10 years ago that the problems I was having with the homeless was getting worse and worse. We have people defecating all over our front patio, it's a morning ritual for us to clean up beer, wine, feces, toilet paper, packs of brand new zip-lock bag with toothbrushes, brand new toothpaste never used. And people sleeping on our patios. When my employees come to work we've had fights in our parking lot. We've have, and I'm not saying it's from those in the tent city, I'm just saying we've seen it grow and increase over the 13 years to where we're calling the police on a constant basis. We see fire trucks going to Community of Hope or across the street virtually every day, several times a day. It's getting very very congested with homeless people. I know there's a lot of people that need to be fed and I appreciate that. However this to me is encouraging it because the amount of people that come in and panhandle off my clients as they pull into the front of the design center is growing every six months to nine months. I'm just not really sure if this is what we want to encourage as a city on the second or third busiest street. Amador is a main artery and I've had so many ... most of my clientele are retired people that are moving here to Las Cruces. We do the whole interiors of their homes. We work with the majority of the builders, and I've had so much negative comments from what's going on back there because it's very unsightly. I appreciate that they're trying to improve it, but to me it is increasing greater basis every month or two it seems like we have more and more people. I have whiskey bottles thrown all over in my granite yard where I take clients. I've had beer bottles. I had somebody climb my fence and knocked over 21 granite slabs which cost me about $30,000 in damage and it was from somebody from the Community of Hope because they were identified and the police actually arrested them. It seems like it's totally out of control and chaotic. I agreed that it is self-governed. They do police themselves, but I don't think that's enough. I cannot take ... most of our clientele that spend money in our store are ladies and they get whistled at and yelled. I

actually hung curtains on two acres of fencing and the wind of course is trashing that. And it's been a real problem. Like I say I'm all for helping them but I don't know if putting them in tents ... first of all it's very unsightly and hiding it may be a good idea but that group it's getting bigger and bigger and if you did 45 I feel like you're going to have to have a 100 and where does it stop? People are coming from all over. I talk to people in Denver and Phoenix, there's people coming from all over because we do accommodate them and it's encouraging. There are people right here in our community that need help. I understand that, but it's turned into a real fiasco. We have big windows in the front and we see things all the time, every day I see drunks walking and stumbling in front of Amador, falling on the street. We've pulled people out of the street in wheelchairs from that area that live there. We see them every day. We know who they are. We know they live at one of the two places there. And I just ... I hate to see it get worse.

Scholz: Okay, questions for this gentleman? All right thank you very much sir.

Akle: Thank you sir.

Scholz: Someone else from the public. Yes, go ahead.

Stryker: Good evening gentleman. I'm glad we have a board like this that watches over for our city. My name's Harry Stryker. I own Stryker's Shooting World which would be, if I can find the mouse, there it is, that building right there. So obviously I'm in close proximity to the tent city. I agree although my problems have not been on the level of Peter's problems, they have increased dramatically in the last year. And rather than belabor that point I have the exact same issues that he has. I think we need to ask ourselves how does this benefit the City of Las Cruces? What purpose is there to this type of establishment right in the middle of downtown? I'm sure you're all aware of the latest huge issue with the topless club and for whatever reason that it's passed and it is there now, the important thing is to me it's at least on the outskirts of town. It's by the freeway. It's in the industrial area. It's by truck stops and manufacturing plants. It operates at night. There's nothing during the day to harass the customers. I keep a line of no trespassing cards from the police at our building because we have had to call them so many times for belligerent people. I mean I ask them nicely. I don't throw them out just because they come in, but I guess examples of things that don't see fair to me that has never been a legal entity. There is no camping allowed in the City of Las Cruces limits and they camp there. It is still against ordinance. They might have had the City Council's provision, but I didn't know that they can go above and beyond the law at their whim. So it is an illegal camping site anywhere in the city. I had a person who worked for me that is a codes officer. He's since left the area. He was forbidden to go into tent city and write any

citations by the codes department. They would not allow him, fire, or police to go in there unless they were called on some type of call.

So I'm kind of wondering ... where I'm going with this is, I'm putting in a new shooting range inside my building. I have to have a two-height drinking fountain so that anyone who wants to can come in and get a drink of water. There's no water available there except a spigot on weekends. So, if I have to follow all those codes, all the fire restrictions, all of the legalities that surround building my unit, why was this allowed to be put there illegally going to ... okay now we're going to put the blanket over the top of it and say okay we're ordinancing it so that it's okay now for this little area. And as Peter stated how much bigger does it grow? Do we want Las Cruces known as, what do you think of the greatest tent city in the whole United States in Las Cruces. I am absolutely ... just as Peter, I donate all kinds of things to humanitarian organizations at my business. I give them money, I give them door prizes, I give away a lot of money cause I would like to be able to say that I could be helped by my government, by my community were I in that situation. And I firmly believe in what you give makes that nice big circle and you get it back. However, at some point I think you have to draw the line and say, and I'm sure you read my letter and that I'm all good with it being somewhere in the city but why can't we put it outside of the main downtown area. I have customers that go by, what's that whole bunch of tents over there? And I said well that's tent city. Where what do they do there? And I explain and, wow right in the middle of town. I go, right in the middle of town. So, while I support all the efforts of the Community of Hope it is unfortunate one little tiny thing, the city wants me to have a license to have an alarm because it gets so many false calls. I have to pay $50.00, if I don't have that license, this is proposed I think, they won't come to my alarm call because it's a waste of police resources. I cannot count the number of times fire trucks, ambulances, and the police go to parking lot of Horse & Hound. I can't believe Curtis isn't here, because it is a nightmare for him. He's right in this facility I believe it's this one right here is Horse & Hound. So they're constantly in his lot harassing people, inside his store. And you know maybe they're not the people from tent city, but I think it grows a community of people who are coming to the area and go well if I can't stay in tent city I'll just hang out for a while. There's a lot of opportunity right around this area where I don't really have to, I can get some free food and some free drink and that sort of thing. So, I don't want to waste a lot of your time, but obviously I'm opposed to the whole concept of enlarging it. I didn't get a chance to read the conditions, it looks like there was some fencing going to be put up and that sort of thing. That helps, but when I go out to my garbage can in the morning and it's been rifled and the garbage is all in the street, they didn't do that during the day. It happens at night when they're you know, I don't know if they lock them down inside of the tents but, it's a huge problem that exists in that area. I have two tenants in the little building, no you can't see it on the map, it's just to the west. It's

all girls, they do dog grooming and they are scared to death to leave at night. They do not leave in the dark. They close early in the winters so they don't have to leave in the dark. That's the kind of environment that is down there. And I agree with Mr. Beard that if you go inside there it's definitely not an organized structured situation. It's everywhere. It's kind of a little bit chaotic. So, thank you for your time. I appreciate it.

Scholz: All right. Questions for this gentleman? Commissioner Evans.

Evans: I don't have any questions for him, but I'd like potentially staff to answer you know the items that were brought up where police, fire, and codes are forbidden to enter that area and write citations.

H. Rogers: I'm unaware of any such provision. I might turn to the Fire Department to see if they've been given direction in that manner.

Dubbin: Mr. Chairman, Councilor, I know of no issues with being prohibited with the citations.

Evans: So assuming that this was to pass, would codes enforcements be regular patrons of that facility ensuring that there's no littering, defecation, just you know ensuring that it's a clean tightly kept community?

H. Rogers: They would be treated just as any other property owner or business would be treated unless they were driving by and saw some sort of violation, typically it's complaint driven, but yes they would deal with it just the same manner that they do all over the city.

Evans: But wouldn't we have as the City of Las Cruces kind of building a community that's ... wouldn't we have a higher responsibility to patrol and maintain you know the codes in that type of environment where there's not ... I mean so if I go out and buy a home and a residence you know I have a vested interest in that. If you know I'm somewhat of a transient and I'm staying there you know I don't really feel the obligation or the commitment to maintain that. And you know that may not be across the board, but ownership typically kind of drives responsibility and commitment to the area and its appearance and its upkeep. So assuming that that is taken out of the equation and we're advocating for this type of establishment, doesn't that illness fall within, you know shouldn't that burden of responsibility either fall you know onto the applicants or the City of Las Cruces who's granting the permit?

H. Rogers: That all properties were treated fairly and equitably in regard to the maintenance and the care and the compliance and I would imagine that simply because this is owned by the City of Las Cruces it may have a bit

more scrutiny in regard to those issues, but again we would expect that everyone was treated fairly and equitably across the board.

Scholz: All right, Commissioner Shipley. Sorry.

Shipley: I just have a couple of questions and maybe collectively between the City attorney and the director or the assistant director, shouldn't this be, since this is a use, I want to clarify first of all there were alligations made that there is no allowed camping within the City limits. Is that a correct statement?

H. Rogers: I can actually answer that question. Mr. Chairman, members of the Commission, there have been some provisions made to allow for some temporary camping in City parks with the appropriate permit from the Parks Department.

Shipley: Okay. Now since this doesn't fall within that category, this isn't a City park and so forth. Shouldn't this use be a special use permit to authorize this type of use? And let me follow this up with my kind of logic; if this were to be a special use permit we could condition that permit that this use come back to us annually with a review by the police and fire department and we could review how many incidences there were. First of all there was a statement in here about two murders. Is that a true statement?

H. Rogers: My understanding is that were some homicides in the area but it was not directly related necessarily to the tent camp, but there had been some homicides in the area, yes.

Shipley: Okay, so my point is if we were to handle this through a special use permit process, then we could review it and if it was not working we could terminate the special use permit and this use would go away.

H. Rogers: Chairman, members of the Commission, unfortunately the code actually doesn't have camping as an allowed use in any of the zoning districts. There is provision for RV parks and mobile home parks, but not specifically tent camping. It's just simply silent on that in regard to the Zoning Code. It may require actual text amendment to the Zoning Code itself to then include that as something that would require a special use permit.

Shipley: Okay. The reason I'm saying that, cause if it's not allowed in the City code as of this date, then we are basically doing something we're not allowed to do if we approve this. Because if we approve a PUD that still doesn't give them the right to do this type of activity there.

H. Rogers: Well the planned unit development Mr. Chairman and members of the Commission, does allow for some wiggle room and some flexibility in terms of development and uses. It's almost a mini zoning code if you will. So during the review of this particular tent city and with the direction of City Council this appeared to be the best solution to address it.

Shipley: But I think what we're concerned about is giving up, you know if this problem continues to grow, you know then we have no means of retracting from this problem or terminating that. And that's why I said I thought maybe if it were handled through a special use permit then we could condition it so we could review it and if it was working fine, if it's not working and it's creating problems, you know and the people that live there are going to know exactly what they're up against. I mean it's not like we're trying to play one hand telling them one thing and one hand's telling them something else, we want them to know that there are conditions that they have to comply with, and if they don't meet those conditions they can lose what they have now and that can go away. So that's ... I guess I need somebody to give me some advice. Am I barking up the wrong tree or what's going on?

Scholz: Mr. Kyle, I see you had the book out.

Kyle: Mr. Chairman, Commission members, actually a campground is called out in the land use section of our Zoning Code, it is a special use permit in the C-3 and the M-1/M-2 zones. It's specifically though more related to RV parks and camping associated with that sort of thing, KOA type facility. So we do have provisions for campground, it just doesn't spell out your typical camp or tent type camping. What Ms. Roger's alluded to is correct, there are provisions for camping in City parks, and you have to obtain permits from Parks and Rec. One thing to keep in mind is via the planned unit development process, it is affecting a zone change and through that PUD process the flexibility to request something that may not be specifically called out in the Zoning Code etc. exists. And that again is the direction that ... when we were asked how do we look at facilitating this particular land use, what options exist. Well zone change, but we really don't have a zone again that really picks it up, so the best vehicle to process the application request was the zone change to a planned unit development to incorporate and allow that particular land use should it be approved. Through the PUD process again the concept plan of what we want to utilize the property for etc. comes to the Planning and Zoning Commission for a recommendation and then that recommendation is forwarded to the City Council who ultimately has the authority to approve a zone change or not approve a zone change. They could alter conditions, add conditions etc. as they feel is necessary. The Council could impose time limitations or an annual review if ultimately they felt that was applicable. In addition to which because there is a lease, the City is the property owner, and

there is some ability within the lease structure that the City has some ability to control again what occurs on that property and the manner in which it does occur. Now I have not read the lease. You know I don't want to speak with absolute authority on that, but again this is the appropriate mechanism for the applicants to ask for the right to legitimize or to make this particular land use which is currently not appropriately addressed to be done so in a legal and appropriate manner. And it gives staff and the City the ability to look at what conditions do we feel are necessary to try to address some of the issues etc. that we have.

Scholz: Yes, Commissioner Shipley go ahead.

Shipley: So then I would be correct in saying that we could add a condition that this should be ... this land use could be granted but the encampment would have to be processed through a special use permit?

Kyle: Mr. Chairman, Commissioner Shipley, I don't think that we could condition that it be a special use permit. Presently it's not within the zones that the property is listed, the M-1 and the R-3, the special use permit is not a category. We can't create a special use permit where one didn't exist and you don't have to get a special use permit in this particular setting for this.

Shipley: We do not have to get a special use permit with a PUD in other words?

Kyle: Correct. The PUD is addressing the site through what we are proposing and what's been shown. Typically your SUP we're dealing with site issues, site design etc. the layout of it. The use is generally allowed it's just there are conditions that are associated with it. We've tried to accommodate those conditions etc. through the PUD process. So, I don't know that the ... I think the PUD gets you what the special use permit does perhaps minus that annual or semiannual review etc. But I don't know that the City Council ultimately does not have the authority to put some provision that there be some type of audit or review done and I would defer to legal if that's not correct.

Shipley: But I would say we could place a condition of approval, condition number 17 that says there should be an annual review by ... either by us or the City Council to look at the police reports, fire reports, medical problems those kinds of things that determine if this is a viable alternative or not.

Kyle: I believe as a recommending body you could recommend that such a condition be included, yes.

Scholz: All right, Commissioner Evans.

Evans: So we're being asked to approve this you know tent city knowing that the capacity isn't really able to accommodate the need of the community. And so, I mean did staff take a look at what the ... cause we do projections all the time of what our growth rates are going to be in the master planning board and all that other stuff, have we looked at what the homeless population's growth is and try and come up with a comprehensive plan to address some of these issues; security? I mean I kind of have a problem without having basic utilities. In fact I have a really big problem with that, and that we're being asked to approve this but we're leaving it up to a nonprofit organization to do their best to provide you know the minimum subsistence for that community that they're actually building. And so I kind of understand what some of the public participants were saying in that we're aggregating our responsibility, the planners for a nonprofit organization to provide a community that's safe, meets the codes, and has the basic utilities. And so I mean isn't it up to the City to take a comprehensive look at this, to propose a plan going forward which may or may not include some investment?

H. Rogers: Members of the Commission, Mr. Chairman, I'm reticent to speak on the City's behalf in regard to ultimately what their long term plans are for this area. I can speak to what's being proposed on the table. I have to say that estimating the homeless population is challenging simply because they're moving so much, I mean they're not staying in one place and often it's seasonal. We tend to have nice temperate weather so people do come in the winter, it can grow. I think that the expert of course would be Nicole. She could answer those a little bit more cleanly than I. Those numbers are challenging. I don't have any solid numbers on that. I do agree that there are, and the City agrees I'm sure, that there are a number of solutions to this. This just being one of them. And I think part of the PUD as was outlined by the applicant included more of a transitional housing that is located in a building, a structure with this just being the first step for a number of people. I think ultimately the end result would be to have something that's more viable housing for folks, this just being more of an emergency situation for those people that need to get into that other transitional housing. But again, I'm reticent to speak for the City in regard to their long term goals for this just simply because my review is specific to this side and the land uses and design requirements.

Scholz: Okay. We still haven't finished public participation. Did you have another question for this lady Commissioner Crane?

Crane: Yes sir but I will defer it if you desire.

Scholz: No, go ahead.

Crane: Okay, sequence of single questions turning in the same direction. Prior to the establishment of this tent city a year ago, were people allowed to spend the night on the Community of Hope campus?

H. Rogers: Not legally that I'm aware of. I would like to point out the building that houses the child crisis center was originally developed as housing for homeless or nearly homeless, however it's not utilized as that. It's being utilized as the child crisis center currently. So at some point in time there had been ...

Crane: Okay, then the tent city camp hope was established, I'm sure it's in here somewhere, what is the current cap on population?

H. Rogers: The current cap on the population is I believe 36 tents and 50 individuals, however the request as part of the PUD is to bring that up to 45 tents and still the 50 individuals.

Crane: So currently did you say 60 individuals?

H. Rogers: 50.

Crane: 50, and it will be ...

H. Rogers: 50.

Crane: It will stay at 50.

H. Rogers: Correct, but the number of tents will increase simply because there's some individuals who don't want to share the tents.

Crane: So what we have here is really a cleaning up of the established tent city, no increase in population, but regularizing the kind of accommodation basically, right? Okay, and prior to the setting up of the tent city would it be fair to assume 50 or 60 people were camping wherever they could find themselves a spot in the city?

H. Rogers: Again I can't speak for the people who live there, but there are some of those members who live, some residents who might be able to answer that question for you, but I think that that is probably an accurate assumption Commissioner Crane.

Crane: I have sympathy for what Commissioner Evans and I think Commissioner Beard and the two members of the public who spoke, feel about this acting as an attractant and it certainly does. But the problem is there whether we have a fairly clean tent city or not and this in sense concentrates the problem at the same time it controls it to some extent.

Does it in your view give the police greater power in routing people out who are camping illegally outside the tent city, in that they can now say get yourself on the list at the Community of Hope?

H. Rogers: I do know that the police have worked closely with Nicole the director out there. And it perhaps does give them the ability to make that recommendation to those people that they may see camping illegally. It provides them at least the alternative to make that recommendation Commissioner Crane.

Crane: Thank you.

Scholz: Okay. Thank you. We still haven't finished with the public. Are there members of the public who wish to speak to this?

Hearn: Good evening. These turn on automatically?

Scholz: Yeah, you're on.

Hearn: Okay. Thank you. Good evening Commissioners. My name is Bob Hearn. I'm on the board at El Caldito which is the soup kitchen which is part of the Community of Hope and I was involved with getting camp hope set up initially. I'd like to suggest we take a bit of a view of the whole thing as a transition trying to solve a problem that existed definitely a year ago. Two things were very much on our minds; the previous winter eight people, eight homeless people had died of exposure during the very cold winter. Some pass away every year but that was huge and we didn't want that to happen again. We needed some shelter. And the campus was kind of overrun with people just camping there, as some of you have noted, the campus was being used by folks just coming in and sleeping at night. They were all over the place. The people that work there in the agencies were very uncomfortable particularly in the evening. So we decided we needed to do something. And putting some tents together kind of at the last minute was what we came up. We came to the city, spoke with Mr. Garza, talked to the Fire Department, the Police Department, Community Development, and if I recall the particulars the zoning allowed for a temporary homeless shelter. Not a camp ground, not tents, but the tents were being put up as a temporary homeless shelter and everybody wanted to solve that problem right then, so that was the route we took to putting it together. And it was temporary. Nobody knew how it was going to turn out. We didn't know if it would work, but it did work. It worked very well. And people got through the winter fine in the tents. That part was a success.

Since then it was due to end last March. It was working well, most of the City Councilors have been down and visited. So it was extended because we thought right at that point there was going to be a permanent

shelter that the building now occupied by the child crisis center was going to come open and we'd be able to move the homeless shelter into that facility. Well that all didn't work out. We kind of got through into the summer and things developed and, we said well it's going to be a while, let's get the PUD so we can get the zoning cleared up, get everything prepared properly, get things put into right shape. So we really do have a proper planned facility, not the kind of thrown together thing that we did right originally. We still need to protect people. Now there have been some wonderful things that have happened. Right from the outset there's tremendous community support. People just came in from churches, individuals, they cook meals, they bring food, they've donated camping gear and blankets and food, and clothing. And that's continued right up through this Thanksgiving. The camp itself is well run. There were police calls, there police being called to the Community of Hope twice a day virtually every day of the week. That's down to once every week or two weeks now inside the Community of Hope. And very few of those are due to campers. There are still a lot of folks that come in from the outside.

We have a problem. There are more and more people on the street every day, everywhere. If you look at a map between El Paso and Tucson is us. People are moving back and forth. They're going around. This is a place to stop. A lot of the folks that are out on the street are transients. They're moving through. They're selling drugs. They're doing drugs. On that campus there's no drugs, there's no alcohol. It's not allowed. And it's fairly well enforced. I can't say perfectly but there's a lot of emphasis that's been on that. But just in the numbers, at the child crisis center two years ago had almost no one coming in, now they're full. Next door is El Caldito where I work, three years ago we were serving 50,000 meals a year, this year we're up to 100,000. Three hundred a day, people are coming in for lunch. St. Luke's clinic is overburdened and they're looking to expand. Jardin, the day care center is completely full with a waiting list all the time. The Community of Hope is doing transition care for people, providing showers and things. That's one of the reasons people are around, cause they need those services. Casa de Peregrinos which does food pantries and provides food to people not only there but around the City and around the county here just maxed out. They're doing everything they can. So we have a bigger problem. The attempt to mitigate part of it with camp hope is just one of the pieces, but the City in its vision, I've come to admire this, built this place to bring services together so that people weren't out all over trying to get from agency to agency. They'd be kind of co-located, and other things like the senior centers and the meal problems that really helped a lot. So El Paso are over whelmed with their attempts to take care of homeless and indigent people. We're doing our best. There's a lot of really good caring people that are working on this program. The expectation is eventually there will be a permanent facility and we're all looking forward to that time, but in the meanwhile what has been done with this camp to set up the ability for

people to live and be comfortable has really worked out very well and I think it kind of fits in this transition. We're trying to get through the process and get it set up right and we'd appreciate your looking at it with some favor. Thank you.

Scholz: Questions for this gentleman? Commissioner Beard.

Beard: I noticed that there's a travel home or an RV unit that's inside there.

Hearn: Yes.

Beard: Is that going to be a standard type of thing that occurs? I mean will the tents be replaced with RVs?

Hearn: That's certainly not the plan I don't want to get in Nicole's way. The RV was donated and it's being used as an office right now for the camp. I'd defer that one to Nicole. She's been doing all the planning.

Scholz: It's an office. Okay.

Hearn: It doesn't run. We pushed it where it is.

Scholz: Commissioner Evan's was your light on?

Evans: Yes, you mentioned that this is basically a stopgap measure until we get a more permanent facility in place. What's your timeline on something like that?

Hearn: Have no idea. Community Development is very much interested in trying to provide a permanent home for people. Well that was the first thing that was tried before the camp city was put in place. Last spring we thought we had a solution. There's an ongoing effort to find a location. It's not real easy and that's ... it's someday. As far as I know.

Scholz: All right.

Hearn: Thank you.

Scholz: Commissioner Shipley, you had question?

Shipley: Mr. Hearn you made the comment that you didn't think it was appropriate to require as one of the conditions to have permanent restrooms and shower facilities and that done now, that the money should be used at some other time to do something else. Do you still stand by that?

Hearn: Yes. Thank you.

Scholz: Thank you very much. Anyone else from the public wish to speak to this?

Sur: Thank you gentleman. My name is Mamur Sur. I am a resident of camp hope and one of the founding members. Thank you for having us here tonight. What I wanted to say is thank you to Nicole and to Sue Campbell and to Bob and to all of the amazing people that work in these agencies. Because of the amount of people that they have helped that I have seen over the last year is astronomical. I'm a hate crime survivor from Pennsylvania. I'm by myself. I don't have any other family except for this community. And I've been homeless in other cities like Miami and southern California. So I know what it means to be out on the streets by myself. This community is a very unique situation and I think a testament to the compassion of the City of Las Cruces not just from the City Council but from the people that live here in this City. Homelessness is a problem everywhere. Drug abuse is a problem everywhere. Violence is a problem everywhere. This community and especially the people that have chosen to live in this camp and abide by the rules have also chosen to respect that it is a privilege to live there. And that's something that we try to foster and to cultivate in all of the people and the residents that are transitioning into housing. Just in the last month out of the almost dozen people that actually moved out of the camp for whatever reason, actually more than half of them, seven of them moved into housing programs or found housing on their own or got their SSI benefits through Sue. So to see that kind of transformation happening for people who had nothing when they actually got to the camp, not even food stamps. To see that happening for people is not just uplifting it's creating a larger root system of community I think in Las Cruces that is really really special. If you have any questions about how the camp runs, please ask me.

Scholz: Okay, Commissioner Crane.

Crane: You said you're a resident?

Sur: Yes.

Crane: Okay. Is there any screening done of the people who apply to enter the camp?

Sur: Every person that wants to enter the camp actually has to see Sue Campbell who is the SORE case manager at the Community of Hope. She is responsible for SORE is actually an expedited SSI service for homeless people to get disability benefits. So everyone that actually registers to get on the waiting list to get in the camp is treated just as another case of hers.

Crane: They don't see her until their number comes up?

Sur: They see here and then they come, give me a little slip of paper saying you know with all of their personal information and then I put them on the waiting list.

Crane: Okay. How do you handle people who get out of shape in there? By out of shape I mean violating the rules; violence, drugs, alcohol.

Sur: We've been very fortunate to have, I can't remember his last name, Tony from jail diversion. He came and did a CIT training for the people that are on our safety team. Mr. Sikes who is sitting here is actually head of the night security people. I recently actually also just drafted a volunteer training manual for all of the people in the camp that want to volunteer. We've also had two groups of people attend mental health first aid training from Optium Health. So we're very very conscious of the homeless community. That there are a lot of mental health problems. There are drug abuse issues and alcohol issues and violence can happen anywhere at any time. We we're very proud that we haven't had a single violent incident in the camp for an entire year. There's been no fighting, none of that has happened. And I think it's due to the dedication of the people that have chosen to live there, that it is a privilege.

Crane: Are there families with children?

Sur: We don't allow anyone under 18. We actually had a gentleman and his wife with a son come today because they were asked to leave the Mission. And because they couldn't stay in the camp because their son was under the age of 18, we still gave them a tent and blankets. I mean it's hard to express you know all of the people that support us. I'm also kind of in charge of you know donations and when people come in I have a key to a storage container that's in the back lot here. I always try to express to them that all of the blankets and jackets and winter gear and even the camping gear are not just going to the people in the camp. They're going to all the people in the homeless community whether they're you know not staying in the Mission or camped out by the river. I've been living in Las Cruces for almost five and a half years now. And I was camped out over at Burns Lake two years ago and I had a transient person who wasn't part of our community at that Community of Hope try to set my camp on fire in the middle of the night. We also have a gentleman named Bob Lindsey who also was camping out at the lake by himself and he's in his mid 60s and he was beat up by three juveniles and kicked in the face in the middle of the night. So we're very very conscious that there's not just violence within the community but there's a lot of violence and stigmatization going on about homeless people in general in the community. So that's one of the things we really try to work hard at is

educating people about what it is to be homeless. Because there's all different kinds of people. Our oldest resident right now in the camp is 83 years old.

Crane: Okay, thank you.

Scholz: All right, any other questions for this gentleman? Thank you very much.

Sur: Thank you.

Scholz: Anyone else wish to speak to this from the public? Yes ma'am.

Campbell: Thank you gentleman for having us tonight. My name's Sue Campbell and I'm a case manager at the Community of Hope. I've been there over 13 years. I came from homelessness. At the time I was homeless I lived at the river and there was many tents down at the river and you guys didn't have to deal with them when you had to drive down Amador. But DOT cut all the trees down and codes took all the camps out and so they started moving in. And they were behind abandoned buildings. They're constantly getting criminal trespassing tickets. They're records are ... they're getting habitual criminal trespassing tickets. The jails are full. They don't have room for them. They have nowhere to go. So this concept ... and I would also like to apologize to the businesses. Let me tell you the people that are bothering them are the people that I'm kicking off the campus for doing drugs and alcohol. I'm the gestapo of that campus and I won't allow it. But also these other businesses, we got the smoke shop that's right on Valley now. It's selling spice. The worst drug we can have in this City. It's very dangerous. Violence is increasing. Our population is increasing. When people get kicked off the campus for bad behavior and selling drugs, they're going to the Horse & Hound. And they're going out right on the main street of Amador. And they're sitting at the bus stop and they're drinking and doing drugs there. So these people that are tending to want to come into the camp is a group of 50, they are residents here. They want to fix whatever was wrong with how they became homeless. They want to stabilize. They want to go get a job. They can't go to work if they have their stuff stuffed behind a building, because it's going to be gone when they get back. So now they have a safe place to put their stuff so that they can leave and go pursue SSI or pursue employment. Several of them now have gotten jobs and they're saving their money. And they'll soon be moving on. It's not just this 50 people. It goes and goes. Except for a core group of maybe five, it's changed like three or four times. Twenty-five, 30 leave, 25-30 come in. And then we help them. And I know it's a huge homeless problem and it does grow every year. And I've never seen so much violence and I've never seen so much drug issues. But the fact is that you have the soup kitchen there which was set up to feed the homeless. They know that

when they come off the freeways and the highways. They know that you know we have the Mission that's right across the street. They feed three times a day. They kick everybody out of the Mission at 6:30 in the morning. Where are they going to go? They're going to come and hang out around the center so that they can take care of whatever they need and then they'll eat at El Caldito and they can't go back to the Mission until 5:00. So, I think it's very little that we're doing for such a big population, but I just want to say that for our group and our people we police them. I'm calling the police all the time. If you want to hear reports about who is calling police I work with the police every day. The detectives, the marshals, I know who they're looking for. I know what they want you know. I've turned people in. I have no problem doing that. I'm lucky I'm alive still for doing that, but I'm very proud because if it wasn't for the Community of Hope I would not be alive. I would've been a Jane Doe in the ditch dead from exposure and I know that. And somebody at the Community of Hope helped me and when I do the intakes with these people coming in that want to change their life or they just became homeless and you know they're mentally just amuck, I sit down assess and you know we can just start doing the ABC's, let's do this first and then we'll work on this, step by step. And it gives them hope. So they don't stay homeless. And that's what I wanted to say.

Scholz: Thank you.

Campbell: Thanks.

Scholz: Questions for Ms. Campbell? Commissioner Beard.

Beard: We're not against yet, let me tell you. We want to solve the problem just as much as you and have the problem solved. We just don't know how the best way to do is. You did bring up a point though that jarred my mind and that the storage of something when somebody goes to work or looks for work, I noticed that there were storage bins, storage lockers over there. They're bluish color. How does that work? I mean who can use them, how do you get a key? How does that work?

Campbell: They register at the front desk for one and it's only for a day because we tried it a little while for overnight but then they were getting vandalized when people from you know the streets were coming in and breaking into them. So people can go to work and keep them there during the day.

Beard: And that's available to anybody?

Campbell: Uh huh.

Beard: And who manages that?

Campbell: The front desk staff.

Beard: The front desk. And this isn't part of your organization?

Campbell: Yes.

Beard: Oh, it is?

Campbell: That's the first place they enter is the lobby and then they sign up and there's different things they sign up for; showers, doing laundry.

Beard: Okay, thank you.

Campbell: You're welcome.

Scholz: All right, any other questions? Thank you very much. Okay, if there's no one else who wishes to speak to this I'm going to close this for public discussion, and we will discuss it. Gentlemen what's your pleasure? Commissioner Crane.

Crane: So do we have a basis for a discussion, I move that the request for a planned unit development concept plan be approved.

Scholz: Okay, is there a second?

Crane: Case PUD-012-02.

Scholz: And you're approving it with the conditions?

Crane: With the conditions stipulated on the sheet handed out today by the Community Development Department.

Scholz: Right, those 16 conditions.

Crane: Correct.

Scholz: Okay.

Shipley: Point of order.

Scholz: Yes, Commissioner Shipley.

Shipley: I would like to, I mean I think we'd like to discuss it before we start voting on it.

Beard: Yeah, I would like to.

Shipley: And the other thing (inaudible) because you know I also agree that this is a problem that we have an obligation to work with and you know humanity is what we're all about. But I also think that we also want to be able to control, have some control in if we look at it responsibly and reasonably you know we want to encourage the health care providers to be part of this problem and take care of that. We want to see how many people are getting work. You know how many people are going to a job, because if we make this that this going to be someplace where you can just show up and we're going to hand you everything it's not going to work. It's going to be out of control as the gentlemen have alluded to. So the bottom line is I think that we need condition, additional condition on this at least that this be reviewed and I'm not sure whether it needs to be you know if we have the authority to review it on an annual basis, that's why I asked the question about a special use permit or the City Council should review it. But somebody should look at this program and have oversight on the program so that if it's not working or it's turning, going the other direction, we can rein it in immediately and do something about it. And right now just by approving the way it's presented to me we're giving up that ability to do that. So I think it's appropriate to add a 17th condition ...

Scholz: Commissioner Shipley, until we put this in motion we cannot add conditions to it.

Shipley: Okay.

Scholz: Okay? And that's why I asked for a second. If there's no second then it dies without a second and we can continue our discussion.

Crane: On a point of order Mr. Chairman.

Scholz: Yes.

Crane: I need some clarification. It's always been my understanding that before a committee under Robert's Rules of Order got to discuss an issue it had to be proposed and seconded as a motion, then there was the discussion. Now we've never done it that way.

Scholz: No, we haven't.

Crane: Perhaps I'm wrong.

Scholz: No, it's just it seemed like the discussion rose naturally and then we would, you know then I would say all right what do you intend to do and then someone would propose you know, would say I move to approve and

someone else would second, then we vote on it. But yes, I would rather see someone second your motion right now and then we can discuss additional conditions. We can continue our discussion, because we don't have to vote right away.

Crane: Mr. Shipley could propose an amendment that would include this 17th condition and I think it's an excellent condition. That's way out of some of the worries we have is that we get to review this at intervals.

Scholz: All right, is there a second to the motion? Okay the motion dies without a second. All right we'll continue our discussion. I too feel by the way that this is ... while it appears to be an insoluble problem since what we're trying to do and what these gentleman have talked about is the problem of homelessness. The camp appears to be a solution to the specific problem that was presented a year ago, that is providing people with shelter so you know they don't freeze to death, they don't die of exposure and that sort of thing. But obviously it's not solving the homeless problem. And the problems that were presented by the people, these two gentleman particularly are problems of homelessness, not problems of running the camp it seems to me. Someone else? Commissioner Beard.

Beard: I think that a burden is being thrown onto us that's a political type burden and we're not a political body. We look at things for codes. And if we look at the adjacent residences that are being hurt by this facility and ... I mean this is really political. You've got to say that we've got a protect the people around the particular area. The Community of Hope, the tent city is only for a small portion of people. I would like to see the City or the county address the big issue and try to take care of the overall problem. It's not our position to do that. All we're doing is trying to solve one little small entity, 50 people out of I don't know how many, that number hasn't been given to us I don't think, but at the same time I want to protect the businesses around there. And we're not addressing that particular issue. I agree with the lady that spoke to us last that probably the tent city is the smallest of the problems for the tenants around that particular area although I'm sure that sometimes they're also involved. We need to solve those issues for the tenants around there. We need to look at the larger picture of more than 50 people, and I'm not certain ... this is not doing it. This is just taking care of 50 people.

Scholz: So your question is, will supporting this PUD help the homeless problem?

Beard: I don't think it will.

Scholz: Okay.

Beard: Is that the issue for us? That's not the question. The question is, is this permit all right to put in regardless of what it solves? You know it's to allow them to be there. We're not trying to solve the homeless problem. The homeless problem is not even being addressed, tell you the truth.

Scholz: But that was the concern of the neighbors.

Beard: That is a concern, yes, definitely. That's the political part of it.

Scholz: Commissioner Shipley.

Shipley: One of things that as I reviewed this was that the ... one of the things it stated was that the fence around this area, around this eight acres was going to be a five-foot high fence. And to me that's not sufficient. I understand about the screening and the trees that are proposed and that, but I think the fence needs to be higher to keep people that don't need to be in there ... I don't think you have a problem with people trying to go out, they can go out. They have problems with people coming in either during the day or during the night. And I think that there needs to be a higher fence with a little more restrictions if this is going to be approved. I think that's an additional condition because it basically says a minimum of five-feet and doesn't say a maximum. But I think you've got a problem with more people coming in than you want. If they can only handle 50 people and there's more people than that out there, there's going to be a potential problem.

Scholz: Additional discussion. Commissioner Crane.

Crane: I'm a little concerned with conditions of approval number one ... correction findings for approval number one in the new handout we got, it seems that the modifications to the PUD concept plan and site plan not considered substantial as specified in the Zoning Code, may be approved by Community Development Department and do not require review by the Planning and Zoning Commission or City Council. That bothers me. Who makes the determination that it's not considered substantial. This really gives the Community of Hope carte blanche to declare what they consider to be an appropriate use and go ahead with it, when the Planning and Zoning Commission and the public might not feel that's the case. I'm uneasy about it.

Scholz: All right. Let me ask Mr. Kyle. Who would give that approval and how would that work?

Kyle: Mr. Chairman, I believe as proposed the Zoning Code defines what constitutes a major or minor amendment to a planned unit development and it's written in code. What this request is, is again basically since we're

dealing with ... the purpose of the campus which is to provide certain services you might not envision everything. They may want to move certain items around on the campus to accommodate a specific need. Basically my understanding is what's being requested is that the Community Development director, not the Community of Hope director, the Community Development, City organization, would have the authority to approve certain deviations that are being brought to bear that might otherwise require a major amendment to the planned unit development. We're not dealing with a 200-acre subdivision, we're dealing with an eight-acre campus that's largely built out. We have some proposed uses. It's just to provide them and the City more flexibility in accommodating the specifics that are kind of unknown right now, largely because again issues of transitional housing etc. are all funding dependent, you don't know if that's going to happen in any given year based on HUD allocations or whatever else might come from other organizations. And so the request would allow in a more quick fashion us being able to address those potential changes or unforeseens that come up. The mere fact that the Community Development director, if it is approved in that manner has that authority doesn't mean that they couldn't also say, no we think this does need to go back through that major amendment process etc, go through the Planning and Zoning Commission, City Council, etc. But it's just to provide more flexibility in addressing the specific issues associated with the Community of Hope campus and it goes beyond just the campground, again we're trying to look at the entire campus in a much more comprehensive fashion with kind of the wish list of how it may progress in the future.

Scholz: All right, does that answer your question Commissioner Crane?

Crane: (inaudible) make sure that you said the Commissioner Development director makes the decision?

Kyle: That is correct.

Crane: Thank you.

Scholz: Okay, Commissioner Stowe you reached for your light but you never lit it up. Go ahead.

Stowe: Thank you Mr. Chairman. From the discussions this evening it's clear that the neighboring businesses have a difficulty with homelessness, not necessarily with the Community of Hope. I find that their complaints are issues that are very authentic. The real world we're tonight asked to approve better organization on an existing temporary facility. I think we have to avoid getting into the situation where we're saying that no good deed should go unpunished. I think that we should bring up the vote again

and propose that the proposition be approved and see if we can get a second. Thank you.

Scholz: Okay, so you're moving the question in other words? You're moving the motion? I'm sorry, you're moving approval.

Stowe: I'm moving again for approval of PUD-012-02 with the conditions. And I'll await to hear the wording of the 17th condition from Commissioner Shipley.

Scholz: Okay, is there a second to this?

Crane: Second.

Scholz: Okay, it's been moved and seconded. Your light was on Commissioner Beard and Commissioner Evans is raring to go, so go ahead.

Beard: If this is not approved, what changes, what happens?

H. Rogers: Mr. Chairman, members of the Commission, if this PUD were not to be approved by both the Planning and Zoning Commission and City Council, because ultimately City Council has the final authority on this vote, the tent camp would have to vacate the premises. One point of clarification, transitional housing is currently allowed in the zoning designations that exist today, but in a permanent facility, not as camping. So they would have the opportunity if funds do come available of course to build that transitional housing in a more permanent fashion. But the tent camp would have to be vacated.

Scholz: Okay.

Beard: So the tents would have to go?

H. Rogers: Chairman and members of the Commission, that would be accurate.

Beard: Thank you.

Scholz: All right. Any other discussion? Commissioner Evans.

Evans: So I mean I'm looking at this you know and to me it just doesn't look like a place where you should have tent city. I think we've had scope growth over the last year. It was intended for that purpose. The utilities weren't put in there. And they need to be put in there. That being said, I think the gentleman who spoke and the administrator you know it sounded like they had a really well defined plan and a way of implementing that you know as best as can possibly be. But to permanently approve a facility there I don't

think is in the best interests of what that facility was intended to be. And I think there should be a limit on the permit ... well, so that being said, I support your need and something needs to be done to allow you to continue to do that until the City has provided alternate means. But giving you know a permanent PUD to allow that facility to remain in existence forever is not something that I think we should do. So, I mean I think a year is a long time. I would like to see it come up before this committee again in six months and listen to you know what the surrounding community has to say; has it gotten worse, has it gotten better, what's the status of the City in establishing or getting funds for additional HUD housing in a permanent structure. I mean you're putting in a tent city in downtown Las Cruces on a permanent basis without any utilities. I mean what are we doing? I mean we should not be doing that on a permanent basis. If we have to do it temporarily to accommodate some of the issues that we're dealing with now, great. But let's have a review process in six months, see if we're going to get federal funding for some additional HUD housing for permanent adequate structures.

Scholz: Okay, thank you Mr. Evans. Commissioner Shipley are you going to craft an amendment here?

Shipley: My question would be, Mr. Evans do you want to go ahead and make that the 17th and you can say we can have a formal semi-annual or a six-month review to review the status of the program and then ... I think fire and the police department need to come before us and say, here's the number of incidents, this is what's happened etc. in that area. And if it's related ... it's not just what's inside the Community of Hope area, but what's going on in that area. Because what we're doing is we're pulling everybody into that area and I agree with Mr. Evans, I think six months is perfect because we're not going to turn, as far as I'm concerned, we shouldn't turn people out now this time of year, the coldest part of the year. That'd be inhumane to do that. But I also think that we need to set a time limit that we solve this problem. If we're going to deal with the homeless we need to do it on a basis the county and the City needs to get together and find a place to do this and come up with a plan. And Band-Aids are not going to solve this problem, and that's what we're talking about right now is a Band-Aid. So I agree with Mr. Evans.

Scholz: Commissioner Beard.

Beard: So are we ... what are we doing? We tabling it for six months? I mean if we approve it can we disapprove it?

Scholz: Well, Mr. Babbington, our legal advisor has a word for us here.

Babington: Commissioners what your role in this particular event is, is to determine whether or not this planned unit development should go forward. With respect to conditions on it, what you have is staff recommendations and 16 conditions on it. There isn't really any authority for this particular body to go back and say every six months we want this PUD to come back and be reviewed. There simply isn't any authority in the code for that. And so reluctantly I think you're exceeding your authority. This body is to make a recommendation either up or down on a PUD with conditions that really relate to the zoning if you will of this particular development. If there are concerns, City Council, their constituency can basically say, gee it's not working out, let's regroup on this particular thing. But this particular body Planning and Zoning is looking at the developmental code, looking at the recommendations provided by staff, and then saying do we recommend approval to City Council with conditions or we do not, or do we table?

Scholz: But what you're saying is we can't add a time limit sort of condition.

Babington: Well there's no provision in the developmental code for that particular condition.

Scholz: I understand. Yes, thank you. All right, Commissioner Crane.

Crane: I think we should take a rather narrower rather than a broader view of this matter that's before us. No this is not going to solve the homeless problem in Las Cruces and certainly not any wider area, but that's not what's at stake here. What we're trying to do here is regularize a shot from the hip temporary solution to the camping, the illegal and widespread camping problem that came about, about a year ago, make the tent city somewhat better organized outfit. It is going to have no impact on what happens outside and I have a great deal of sympathy for Mr. Stryker and the other gentleman who have had their premises decorated by people who are probably not in the tent city, but who were here before the Community of Hope was here. There are always transients going through who for whatever reason don't behave themselves. This is as I say to be considered in my view as amelioration of a present temporary solution to the shortcomings of camp hope and I think we should just narrowly regard it as such. Thank you.

Scholz: All right. Commissioner Shipley.

Shipley: But I think that as it stands right now they have permission on the use that's there to have the tents there. The only difference by doing this is we're adding additional conditions that say they have to comply with fire, and code and that. So, am I correct in saying that, they're already doing this, it's a non-authorized use on a piece of property that the City's okayed already by the City Council and the Mayor and so forth.

Scholz: Mr. Babington.

Babington: I think that's implicitly correct.

Scholz: Okay.

Shipley: Therefore if we turn it down and say you don't need to do this because you're already able to do it without the PUD then the only thing we are doing is changing their ability to move around and to add other uses in this particular area.

Babington: Commissioner Shipley what you're doing is making a recommendation as to whether or not this proposal, this PUD should go forward or not. And then ultimately City Council makes the determination whether or not they're going to approve this PUD.

Scholz: Okay, Commissioner Evans.

Evans: So, I mean based off of that logic then we would be setting a precedence that the infrastructure that's established that's you know currently resides at this facility is adequate. I mean let's just go ahead and expand Apodaca Park and the rest of you know. I mean where do you stop that logic? It just doesn't make sense to me to approach this without looking at the larger picture and just try and come up with a stopgap when they're already currently allowed to do it. I'm just trying to understand the logic of doing this.

Babington: Commissioner Evans I think you're concern on the bigger picture is well taken but once again the issue before this particular body at this particular time has to do with this particular PUD. Certainly the needs of the homeless outweigh what we're doing here or what you're looking at, at this particular time. Is there a better solution out there, hopefully so. Is there funding, hopefully so. But at this time what we are basically looking at is can we give in this particular are this eight acres the ability to develop this for individuals that need help. And that's what this PUD is about.

Scholz: All right, any other discussion? All right, I'm going to call the role. Commissioner Shipley.

Beard: Do we have a motion?

Scholz: Yes, there was a motion and a second. Motion on the floor. Commissioner Shipley.

Shipley: I still want to add a 17th condition. Whether it's within my boundary or not, City Council can decide that, okay?

Scholz: Right, so you want to amend the conditions.

Shipley: I want to amend the conditions and I want to say that there needs to be a formal review held within six months to determine if this should be continued. That if it's not meeting the needs of the community then it should go.

Scholz: Okay, well then we have to vote on the amendment.

Babington: Mr. Chairman.

Scholz: Yes.

Babington: Point of clarification, by whom?

Shipley: Well I would assume that since we have no authority it would be the City Council.

Scholz: Okay, can you give us a phrasing of that then please.

Shipley: All right, I would recommend the 17th condition would be that a semiannual review be conducted by the City Council to look at the incidents of police activity and fire activity, medical, etc. in this area, not just in the Community of Hope area, but in the adjacent area to see if this particular ... to see if this is growing in other words, and we need to establish a baseline using this year's baseline. And that will be used to determine if this PUD should continue or not.

Scholz: And I see our legal man is writing as fast as he can there. Okay, Mr. Babington, you have question or comment? Other than telling us we can't do this?

Babington: Yes sir. I just to make sure if I got Commissioner Shipley's - semiannual review to be held by City Council to look at the incidence of police, fire, ambulance for Community of Hope and adjacent areas.

Shipley: To include the adjacent areas, yes. Because if the homeless population continues to grow to focus on this area, then we know that this is not helping the problem, it's creating a bigger problem.

Babington: Yes sir.

Scholz: Okay, so did you move that?

Shipley: I did move that, yes.

Scholz: Okay, is there a second to this amendment?

Stowe: Second.

Beard: Second.

Scholz: Okay it's a tie between Commissioners Beard and Commissioner Stowe. Okay, any discussion about this amendment? Commissioner Beard I thought you had a reservation here?

Beard: No.

Scholz: No, okay. Okay then we'll vote on it. And I'm going to do this by calling the role rather than by voice vote, okay.

Crane: Point of order sir, this is on the amendment right?

Scholz: This is on the amendment. We're voting on the amendment first, right. Because if the amendment passes then it becomes one of the conditions. Okay. Commissioner Shipley.

Shipley: Aye.

Scholz: Commissioner Crane.

Crane: Aye.

Scholz: Commissioner Stowe.

Stowe: Aye.

Scholz: Commissioner Evans.

Evans: Aye.

Scholz: Commissioner Bustos.

Bustos: Aye.

Scholz: Commissioner Beard.

Beard: Aye.

Scholz: And the Chair votes no. So it's six to one in favor. Okay, so that becomes the 17th amendement. Excuse me the 17th condition. Yes, thank you. Okay we're back to the main motion. All right. So what we're doing is voting on the main motion as amended. Do we have to read the 17 conditions?

H. Rogers: Chairman, members of the Commission, I think in so long as you actually reference the actual document that will suffice, I will also look to legal counsel and he shakes his head yes.

Scholz: So we don't have to read them aloud. They're all there.

Babington: As long as you reference it sir, yes sir.

Scholz: Okay. All right so our motion is to approve case PUD-012-02 with the 17 conditions as written. All right, I'll call the role. Commissioner Shipley.

Shipley: As amended and written.

Scholz: As amended and written. Yes.

Shipley: Aye, findings, discussion, site visit.

Scholz: Commissioner Crane.

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

Scholz: Commissioner Stowe.

Stowe: Aye, findings, discussion, and site visit.

Scholz: Commissioner Evans.

Evans: Aye, findings, discussion.

Scholz: Commissioner Bustos.

Bustos: Aye, findings, discussion.

Scholz: Commissioner Beard.

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

Scholz: And the Chair votes aye for findings, discussion, and site visit. So the motion passes. Thank you folks for your input. I appreciate it. Thank you for staying.

## VIII. OTHER BUSINESS - NONE

Scholz: Is there any other business before us?

H. Rogers: None this evening sir.

Scholz: Okay.

## IX. PUBLIC PARTICIPATION

## X. STAFF ANNOUNCEMENTS

Scholz: And any staff announcements?

H. Rogers: None this evening from me.

## XI. ADJOURNMENT (8:02 PM)

Scholz: All right, then I'll say we're adjourned at eight o'clock. Thank you very much gentlemen.

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Chairperson