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City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 16

Ordinance/Resolution# 2689

For Meeting of August 5, 2013
(Ordinance First Reading Date)

For Meeting of August 19, 2013
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

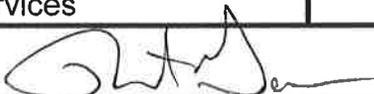
LEGISLATIVE

ADMINISTRATIVE

TITLE: AN ORDINANCE CONDITIONALLY APPROVING A ZONE CHANGE FOR A 30.75 ACRE PORTION OF PARCEL 02-03647 FROM R-1A (SINGLE- FAMILY MEDIUM DENSITY RESIDENTIAL) TO C-3C (LIMITED HIGH INTENSITY COMMERCIAL, CONDITIONAL) FOR 23.44 ACRES AND TO R-4C (LIMITED MULTI-FAMILY HIGH DENSITY RESIDENTIAL, CONDITIONAL) FOR 7.31 ACRES, LOCATED AT 2700 N. MAIN STREET (CASE NO. Z2860). SUBMITTED BY THE PARK RIDGE PROPERTIES LLLP ON BEHALF OF THE PROPERTY OWNER, THE LAS CRUCES COUNTRY CLUB INC.

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 1		
<u>Drafter/Staff Contact:</u> Susana Montana, Planner	<u>Department/Section:</u> Community Development/ Building and Development Services	<u>Phone:</u> 528-3207
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The 30-acre rezoning area lies within the 110 acre former Las Cruces Country Club golf course which is zoned for single-family homes. The property also lies within the City's Infill Development Overlay District which encourages the re-development of underutilized properties within the center of the City. The country club ceased operation at that location in 2011 after 83 years. The Park Ridge group would like to develop a small hospital with associated medical offices and out-patient rehabilitation and assisted living facilities in the 30 acre rezoning area. The existing R-1a zoning would not allow those uses. The applicants seek a limited C-3C zoning to allow the hospital; a heliport as a special use; health/exercise club/gymnasium/sports instruction facilities; business offices; consulting; institutional offices; laboratories; medical/dental offices; café/cafeteria/coffee shops or restaurants; health care clinic (non-hospital); and similar uses. The applicants also seek a limited R-4C zoning to allow assisted living/skilled nursing

facilities; rehabilitation recreational courts; health/exercise clubs; and gymnasium/sports rehabilitation facilities which are accessory to the C-3C medical facilities.

The remaining 80 acres of the country club site would remain R-1a (Single-Family Medium Density Residential); however, the entire 110 acre parcel is the subject of a Planned Unit Development (PUD) application that features the subject medical campus as part of a mixed-use development including residential, commercial and institutional land uses which is currently under staff review. This PUD Concept Plan, if approved by City Council, would incorporate the proposed 30 acre C-3C and R-4C zones into the PUD.

On June 25, 2013, the Planning and Zoning Commission (Commission) recommended approval of the proposed zone change request by a vote of 3-2, (one Commissioner recused himself, one Commissioner vacancy). During the meeting, several members of the public expressed both support and opposition for the proposal. Opponents focused on alternate uses for the property, compatibility, noise, traffic, visual impacts, and hospital operations. Supporters of the project discussed revitalization of the area, reuse of the property, positive impacts to the surrounding neighborhood, and improvement to the property. The Commission discussed the appropriateness of the range of uses, the effects of the development (positive and negative), and the desire to see the plan for the entire 110 acre property. Please see Attachment "B" for the complete minutes from the Planning and Zoning Commission meeting.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", C-3C Rezoning Area Map and Legal Description.
3. Exhibit "B", R-4C Rezoning Area Map and Legal Description.
4. Exhibit "C", Findings.
5. Attachment "A", Staff Report to the Planning and Zoning Commission.
6. Attachment "B", Draft Minutes from the June 25, 2013 Commission Meeting.
7. Attachment "C", Public Comments.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE:

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this would affirm the Planning and Zoning Commission's recommendation for conditional-approval of the rezoning Ordinance. The subject 23.44 acre property would be rezoned from R-1a (Single-family, Medium Density Residential) to C-3C (Limited High Intensity Commercial, Conditional) and the 7.31 subject property would be rezoned from R-1a to R-4C (Limited Multi-dwelling, High Density Residential, Conditional) which would allow the development of a medical center.
2. Vote "No"; this would reverse the recommendation by the Planning and Zoning Commission. The current zoning of R-1a (Single-family, Medium Density Residential) would remain and the medical center would not be built.
3. Vote to "Amend"; this would allow the City Council to modify the Ordinance by amending or deleting the existing recommended conditions of approval and/or by adding new conditions or limitations to the rezoning Ordinance.
4. Vote to "Table"; this would allow the City Council to table/postpone action on the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. N/A

COUNCIL BILL NO. 14-004
ORDINANCE NO. 2689

AN ORDINANCE CONDITIONALLY APPROVING A ZONE CHANGE FOR A 30.75 ACRE PORTION OF PARCEL 02-03647 FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL) TO C-3C (LIMITED HIGH INTENSITY COMMERCIAL, CONDITIONAL) FOR 23.44 ACRES AND TO R-4C (LIMITED MULTI-FAMILY HIGH DENSITY RESIDENTIAL, CONDITIONAL) FOR 7.31 ACRES, LOCATED AT 2700 N. MAIN STREET (CASE NO. Z2860). SUBMITTED BY THE PARK RIDGE PROPERTIES LLLP ON BEHALF OF THE PROPERTY OWNER, THE LAS CRUCES COUNTRY CLUB INC.

The City Council is informed that:

WHEREAS, the Las Cruces Country Club Inc., property owner, seeks to change the zoning from R-1a (Single-family, Medium Density Residential) designation to C-3C (Limited High Intensity Commercial, Conditional) designation on 23.44 acres of land and from R-1a designation to R-4C (Limited Multi-family High Density Residential, Conditional) on 7.31 acres of land located at 2700 N. Main Street; and

WHEREAS, the Planning and Zoning Commission, after conducting a duly-noticed public hearing on June 25, 2013, recommended that said zone change request be conditionally-approved by a vote of 3 to 2 (one Commissioner recused himself and the District 3 Commissioner position is vacant).

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 C-3C (Limited High Intensity Commercial, Conditional) and the land more particularly described in Exhibit "B," attached hereto and made part of this Ordinance, is hereby zoned R-4C (Limited High Density Residential, Conditional).

(II)

THAT the zoning is based on findings contained in Exhibit "C," attached hereto and made part of this Ordinance.

(III)

THAT the zoning is conditioned as follows:

1. The C-3C and R-4C zoning designations allowable uses shall be limited to the following only:
 - C-3C zone: Hospital; heliport as a special use; health/exercise club/gymnasium/sports instruction facilities; business offices; consulting; institutional offices; laboratories; medical/dental offices; café, cafeteria, coffee shop, restaurants; and health care clinics (non-hospital); and
 - R-4C zone: Assisted living/skilled nursing facilities; physical rehabilitation recreational courts; and health/exercise club/gymnasium/sports rehabilitation facilities accessory to the C-3C medical facilities.
2. A Traffic Impact Analysis, in accordance with the requirements of applicable permitting agencies (i.e. City of Las Cruces Traffic Engineer, NMDOT, etc.), shall be submitted and approved by the City's Traffic Engineer prior to the issuance of the first building permit or subdivision application for land within the rezoning area.
3. The developer shall provide a second access road per the 2009 International Fire Code, as amended, and approved by the City's Fire Marshal and Traffic Engineer prior to the issuance of the first building permit within the rezoning area.

(IV)

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

(V)

THAT the zoning for the C-3C and R-4C designated lands shall expire two (2) years from the date of this approval:

- C-3C zone: if no development has occurred within the land more particularly described in Exhibit "A", the land shall revert back to the R-1a zoning.
- R-4C zone: if no development has occurred within the land more particularly described in Exhibit "B", the land shall revert back to the R-1a zoning.

(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)

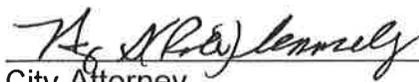
VOTE:

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

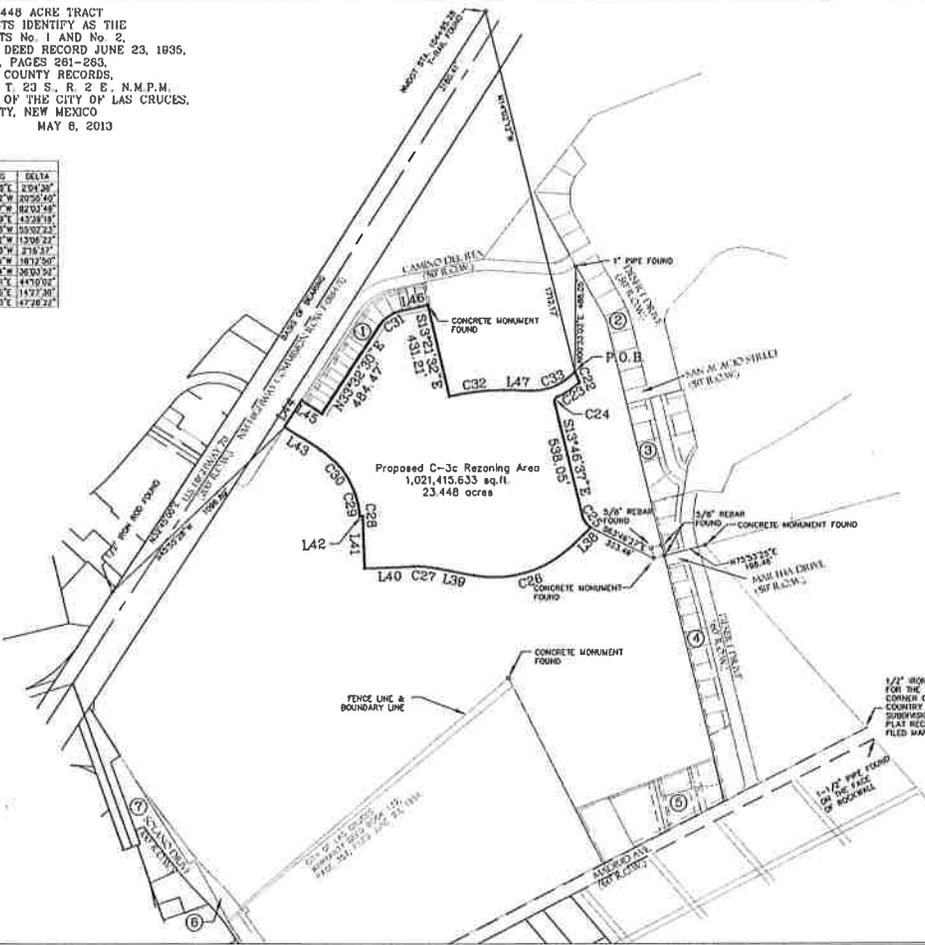
C-3C Rezoning Area

EXHIBIT OF A 23,448 ACRE TRACT BEING PART OF TRACTS IDENTIFY AS THE COUNTRY CLUB TRACTS NO. 1 AND NO. 2, AS DESCRIBED ON QUIT CLAIM DEED RECORD JUNE 23, 1935, IN DEED BOOK 89, PAGES 261-263, OF THE DONA ANA COUNTY RECORDS, LOCATED WITHIN SECTION 6, T. 23 S., R. 2 E., N.M.P.M., WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SCALE 1"=400' MAY 6, 2013

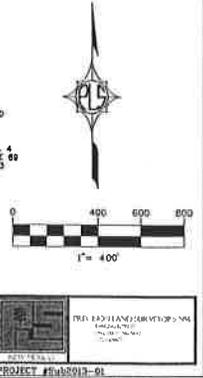
CURVE TABLE						
CHORD	ANGLE	BEARING	DELTA			
C22	1450.00	53.66°	25.82	53.65°	S23°30'20"E	2.9428'
C23	325.00	118.71°	80.02	118.05°	S37°49'22"W	20.2594'
C24	25.00	36.81°	21.78	22.82°	S27°15'37"W	82.9314'
C25	80.00	88.57°	26.05	88.57°	S33°28'50"E	4.9381'
C26	520.00	488.52°	273.82	489.34°	S72°22'48"W	33.3272'
C27	480.00	109.80°	85.14	109.55°	N85°38'12"W	13.3672'
C28	500.00	18.10°	18.14	18.70°	N03°20'43"W	2.1637'
C29	206.89	118.83°	56.81	118.14°	N13°50'18"W	18.1250'
C30	400.00	201.76°	136.72	213.84°	N18°31'58"E	28.0339'
C31	101.44	124.45°	65.50	121.38°	N05°22'21"E	44.7001'
C32	11835.00	258.80	100.00	258.00°	N89°28'18"E	1427.20'
C33	275.00	127.88°	120.92	121.39°	N67°15'27"E	47.6627'

LINE TABLE				
LINE	BEARING	LENGTH		
L30	S45°51'27"W	117.68'		
L36	N79°50'01"W	170.81'		
L40	S87°17'27"W	228.98'		
L41	N07°12'22"W	227.17'		
L42	S89°57'07"W	32.00'		
L43	S27°15'00"W	199.90'		
L44	N12°40'00"E	148.20'		
L45	S88°27'30"E	132.35'		
L46	N77°14'00"E	159.30'		
L47	S88°53'56"E	124.23'		

- LEGEND**
- 1/2" IRON ROD SET WITH PLASTIC IDENTIFICATION CAP #15467
 - PROPERTY CORNER FOUND
 - BOUNDARY LINES & CORNER (IRON RODS TO BE SET)
 - FENCE LINE & BOUNDARY LINE



- 1 FARWAY VISTAS SUBDIVISION PLAT RECORD 13, PAGE 128 FILED MAY 6, 1982
- 2 COUNTRY CLUB PARK SUBDIVISION NUMBER ONE PLAT RECORD 8, PAGE 44, FILED APRIL 7, 1958
- 3 COUNTRY CLUB PARK SUBDIVISION NUMBER TWO PLAT RECORD 1, PAGE 59 FILED MARCH 6, 1961
- 4 COUNTRY CLUB PARK SUBDIVISION PLAT NO. 4 PLAT RECORD 1, PAGE 88 FILED MARCH 16, 1963
- 5 COUNTRY CLUB SOUTH NO. 1 SUBDIVISION PLAT RECORD 14, PAGE 374 FILED MAY 6, 1987
- 6 CITY OF LAS CRUCES, STATE OF NEW MEXICO, OUTCLAIM DEED 198, PAGE 457 FILED JULY 8, 1968
- 7 CITY OF LAS CRUCES, STATE OF NEW MEXICO, WARRANTY DEED 188, PAGE 455 FILED JULY 8, 1968



Las Cruces City Engineer: _____ Date: _____
 Surveyor: _____
 11-17-13 08:00 AM

Park Ridge Medical Center Rezoning, Case No. Z2860
DESCRIPTION OF A 23.448 ACRE TRACT FOR C-3C ZONING

A tract of land situated in the city of Las Cruces, Dona Ana County, New Mexico, being part of tracts identified as the Country Club Tracts No. 1 and No. 2, as described on Quit Claim Deed Record June 23, 1935, in Deed Book 89, Pages 261-263, Dona Ana county records, Situated within Section 6, T. 23 S., R. 2 E., N.M.P.M. and the corporate limits of the City of Las Cruces, Dona Ana County, New Mexico; and being more particularly described as follows:

BEGINNING at the northeast corner of this tract; whence to the northwest corner of Country Club Park Subdivision Number One, Plat Record 8, Page 44, filed April 7, 1959, bears N.00°33'03"E., 488.05 feet; whence a NMDOT STA. 104+95.28 T-rail found for the north right-of-way of U.S. Highway 70 (AKA) Main Street, bears N.14°02'12"W, 1712.17 feet;

THENCE around the arc of a curve to the left having a radius of 1480.00 feet, an arc length of 53.66 feet, through a central angle of 2°04'38" and whose long chord bears S.23°09'38"E., a distance of 53.65 feet to the point of tangency;

THENCE around the arc of a curve to the right having a radius of 325.00 feet, an arc length of 118.71 feet, through a central angle of 20°55'40" and whose long chord bears S.57°49'22"W., a distance of 118.05 feet to the point of tangency;

THENCE around the arc of a curve to the left having a radius of 25.00 feet, an arc length of 35.81 feet, through a central angle of 82°03'48" and whose long chord bears S.27°15'17"W., a distance of 32.82 feet to the point of tangency;

THENCE S.13°46'37"E., 538.04 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 90.00 feet, an arc length of 68.57 feet, through a central angle of 43°39'10" and whose long chord bears S.35°36'12"E., a distance of 66.92 feet for the southeast corner of this tract; whence a concrete monument found, bears S.63°49'27"E., 323.49 feet;

THENCE S.45°51'37"W., 117.66 feet to a corner of this tract;

THENCE around the arc of a curve to the right having a radius of 520.00 feet, an arc length of 499.52 feet, through a central angle of 55°02'23" and whose long chord bears S.73°22'48"W., a distance of 480.54 feet to the point of tangency;

THENCE N.79°06'01"W., 170.61 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 480.00 feet, an arc length of 109.80 feet, through a central angle of 13°06'22" and whose long chord bears N.85°39'12"W., a distance of 109.56 feet to the point of tangency;

THENCE S.87°47'37"W., 228.09 feet for the southwest corner of this tract;

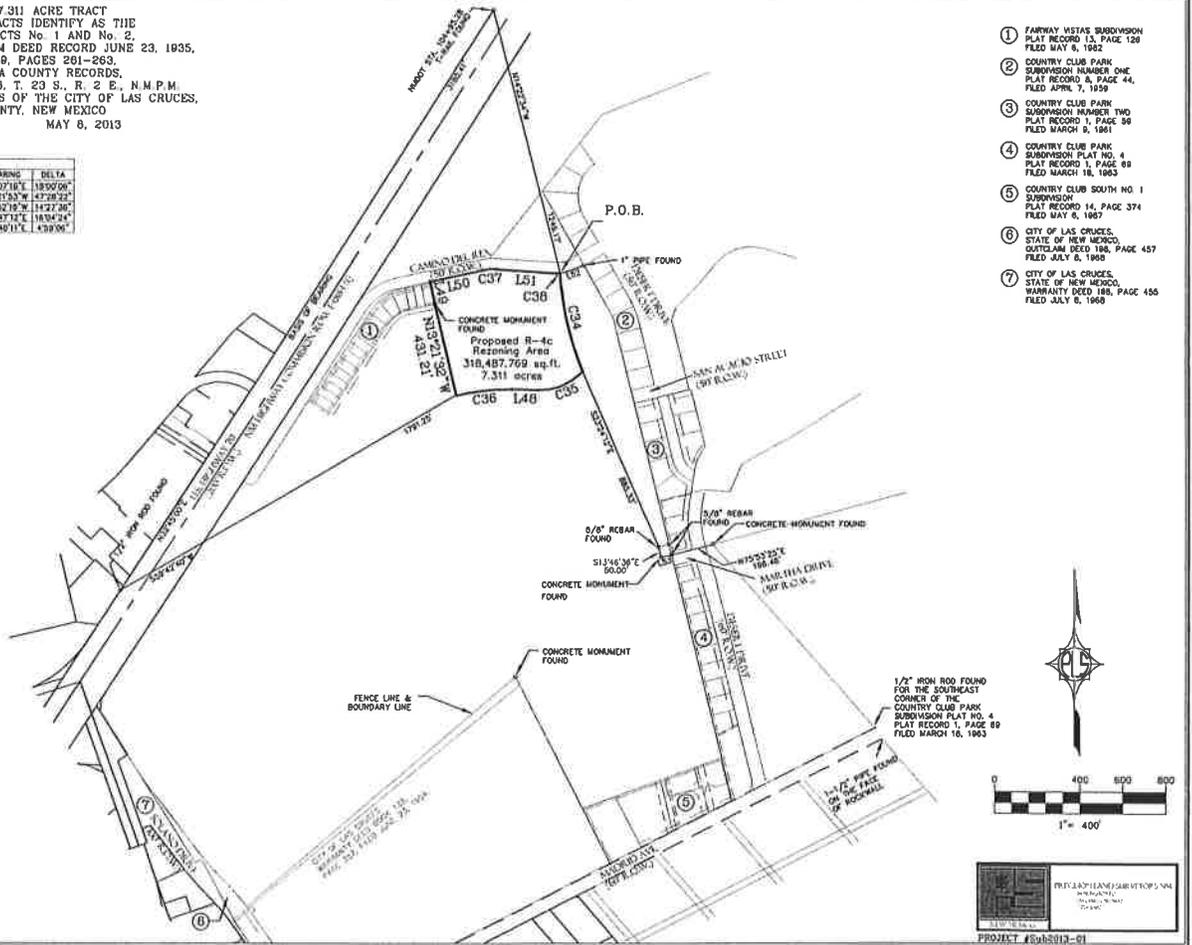
R-4C Rezoning Area

EXHIBIT OF A 7.311 ACRE TRACT
 BEING PART OF TRACTS IDENTIFY AS THE
 COUNTRY CLUB TRACTS No. 1 AND No. 2,
 AS DESCRIBED ON QUIT CLAIM DEED RECORD JUNE 23, 1935,
 IN DEED BOOK 89, PAGES 261-263
 OF THE DONA ANA COUNTY RECORDS,
 LOCATED WITHIN SECTION 6, T. 23 S., R. 2 E., N.M.P.M.
 WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS CRUCES,
 DONA ANA COUNTY, NEW MEXICO
 SCALE 1"=400' MAY 6, 2013

CURVE	BEARING	LENGTH	TANGENT	CHORD	BEARING	DELTA
C34	S40.00°W	445.00'	234.43'	463.00'	S13°07'10"W	18°50'00"
C35	S70.00°W	237.85'	120.87'	221.24'	S87°21'53"W	47°28'22"
C36	S00.00°W	228.89'	130.03'	228.00'	S83°52'19"W	14°27'20"
C37	S21.58°E	43.18'	39.22'	41.89'	S85°27'14"E	18°34'24"
C38	S62.78°E	15.90'	7.88'	15.90'	S88°40'11"E	4°39'00"

LINE	BEARING	LENGTH
L48	N78°23'24"W	124.83'
L49	N72°17'30"W	105.74'
L50	S77°40'00"E	248.89'
L51	S88°10'20"E	160.72'
L52	S72°12'54"E	115.89'
L53	N78°23'24"E	50.00'

- LEGEND**
- 1/2" IRON ROD SET WITH PLASTIC IDENTIFICATION CAP #18487
 - PROPERTY CORNER FOUND
 - BOUNDARY LINES & CORNER (IRON RODS TO BE SET)



1. FARWAY META SUBDIVISION PLAT RECORD 13, PAGE 128 FILED MAY 6, 1982
2. COUNTRY CLUB PARK SUBDIVISION NUMBER ONE PLAT RECORD 6, PAGE 44, FILED APRIL 7, 1959
3. COUNTRY CLUB PARK SUBDIVISION NUMBER TWO PLAT RECORD 1, PAGE 99 FILED MARCH 8, 1961
4. COUNTRY CLUB PARK SUBDIVISION PLAT NO. 4 PLAT RECORD 1, PAGE 89 FILED MARCH 18, 1963
5. COUNTRY CLUB SOUTH NO. 1 SUBDIVISION PLAT RECORD 14, PAGE 374 FILED MAY 6, 1967
6. CITY OF LAS CRUCES, STATE OF NEW MEXICO, QUITCLAIM DEED 186, PAGE 457 FILED JULY 6, 1968
7. CITY OF LAS CRUCES, STATE OF NEW MEXICO, WARRANTY DEED 188, PAGE 455 FILED JULY 6, 1968

P:\Projects\2013 Submissions\15 N\Sub011-01 Las Cruces County QAC\ENR\Drawings\Zoning\Zoning Area Change\Map Layout\11 x 17 A4B Exhibit E.dwg

Park Ridge Medical Center Rezoning, Case No. Z2860
DESCRIPTION OF A 7.311 ACRE TRACT FOR R-4C ZONING

A tract of land situated in the city of Las Cruces, Dona Ana County, New Mexico, being part of tracts identified as the Country Club Tracts No. 1 and No. 2, as described on Quit Claim Deed Record June 23, 1935, in Deed Book 89, Pages 261-263, Dona Ana county records, Situated within Section 6, T. 23 S., R. 2 E., N.M.P.M. and the corporate limits of the City of Las Cruces, Dona Ana County, New Mexico; and being more particularly described as follows:

BEGINNING at the northeast corner of this tract and being on the south right-of-way of Camino Del Rex; whence to the northwest corner of Country Club Park Subdivision Number One, Plat Record 8, Page 44, filed April 7, 1959, bears N.71°21'54"E., 115.89 feet; whence a NMDOT STA. 104+95.28 T-rail found for the north right-of-way of U.S. Highway 70 (AKA) Main Street, bears N.14°22'34"W, 1249.17 feet;

THENCE around the arc of a curve to the left having a radius of 1480.00 feet, an arc length of 465.00 feet, through a central angle of 18°00'06" and whose long chord bears S.13°07'16"E., a distance of 463.09 feet for the southeast corner of this tract; whence a concrete monument found, bears S.23°24'12"E., 885.33 feet; and S.13°46'36"E., 50.00 feet;

THENCE around the arc of a curve to the right having a radius of 275.00 feet, an arc length of 227.85 feet, through a central angle of 47°28'22" and whose long chord bears S.67°21'53"W., a distance of 221.39 feet to the point of tangency;

THENCE N.88°53'56"W., 124.23 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 1025.00 feet, an arc length of 258.68 feet, through a central angle of 14°27'36" and whose long chord bears S.83°52'16"W., a distance of 258.00 feet for the northwest corner of this tract; whence a ½" iron rod found for the north right-of-way of U.S. Highway 70 (AKA) Main Street, bears S.59°42'40"W., 1791.25 feet;

THENCE N.13°21'32"W., 431.21 feet to a concrete monument found at the southeast corner of Fairway Vistas Subdivision, Plat Record 13, Page 126, filed May 5, 1982 for a corner of this tract;

THENCE leaving the said subdivision, N.12°17'30"W., 105.74 feet to a ½" iron rod set with cap marked NM 16467 at the south right-of-way of Camino Del Rex for the southwest corner of this tract;

THENCE along the said right-of-way the following four courses and distances;

N.77°45'00"E., 249.99 feet to a ½" iron rod set with cap marked NM 16467 for a corner of this tract;

THENCE around the arc of a curve to the right having a radius of 221.59 feet, an arc length of 62.16 feet, through a central angle of 16°04'24" and whose long chord bears N.85°47'12"E., a distance of 61.96 feet to the point of tangency;

(Description Continues)

THENCE N.02°12'23"W., 227.17 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 409.68 feet, an arc length of 16.28 feet, through a central angle of 2°16'37" and whose long chord bears N.03°20'43"W., a distance of 16.28 feet to the point of tangency;

THENCE S.85°57'07"W., 12.00 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 366.89 feet, an arc length of 116.63 feet, through a central angle of 18°12'50" and whose long chord bears N.12°50'16"W., a distance of 116.14 feet to the point of tangency;

THENCE around the arc of a curve to the left having a radius of 400.00 feet, an arc length of 251.78 feet, through a central angle of 36°03'52" and whose long chord bears N.39°13'04"W., a distance of 247.64 feet to the point of tangency;

THENCE N.57°15'00"W., 198.99 feet to the southerly right-of-way of U.S. Highway 70 (AKA) Main Street for the northwest corner of this tract; whence a ½" iron rod found for the north right-of-way of U.S. Highway 70 (AKA) Main Street, bears S.45°55'28"W., 1096.89 feet;

THENCE along the said right-of-way, N.32°45'00"E., 146.28 feet to a ½" iron rod set with cap marked NM 16467 at the northwest corner of Fairway Vistas Subdivision, Plat Record 13, Page 126, filed May 5, 1982 for a corner of this tract;

THENCE along the said subdivision the following four courses and distances;

S.56°27'30"E., 112.33 feet to a ½" iron rod set with cap marked NM 16467 for a corner of this tract;

THENCE N.33°32'30"E., 484.47 feet to a ½" iron rod set with cap marked NM 16467 for a corner of this tract;

THENCE around the arc of a curve to the right having a radius of 161.44 feet, an arc length of 124.45 feet, through a central angle of 44°10'02" and whose long chord bears N.55°37'31"E., a distance of 121.39 feet to the point of tangency;

THENCE N.77°42'30"E., 125.30 feet to a concrete monument found at the southeast corner of said subdivision for a corner of this tract;

THENCE leaving the said subdivision, S.13°21'32"E., 431.21 feet to a corner of this tract;

THENCE around the arc of a curve to the right having a radius of 1025.00 feet, an arc length of 258.68 feet, through a central angle of 14°27'36" and whose long chord bears N.83°52'16"E., a distance of 258.00 feet to the point of tangency;

THENCE S.88°53'56"E., 124.23 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 275.00 feet, an arc length of 227.85 feet, through a central angle of 47°28'22" and whose long chord bears N.67°21'53"E., a distance of 221.39 feet to the Point of Beginning, containing 23.448 acres of land, more or less.

(Description Continued)

THENCE S.86°10'36"E., 280.72 feet to a ½" iron rod set with cap marked NM 16467 for a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 182.79 feet, an arc length of 15.90 feet, through a central angle of 4°59'06" and whose long chord bears S.88°40'11"E., a distance of 15.90 feet to the Point of Beginning, containing 7.311 acres of land, more or less.

Exhibit "C"

Parcel 02-03647, 2700 N. Main Street

Case No. Z2860; Rezoning from R-1a designation to C-3C (Limited High Intensity Commercial, Conditional) for a 23.44-acre portion of the parcel and to R-4C (Limited Multi-family High Density Residential, Conditional) for a 7.31-acre portion of that parcel.

Findings for Approval

1. Based upon the review of all applicable regulations and plans, the rezoning to C-3C and R-4C, with the limitations noted in Condition 1 of the Ordinance, would meet the Purpose and Intent of the 2001 Zoning Code as specified in Section 38-2; would positively address the Planning and Zoning Commission's Decision Criteria, pursuant to Section 2-382 of the Las Cruces Municipal Code; and would positively address rezoning criteria of relevant New Mexico case law;
2. Based upon the review of all applicable regulations and plans, the rezoning to C-3C and R-4C, with the limitations noted in Condition 1 of the Ordinance and as conditioned in Conditions 2 and 3 of the Ordinance, would be consistent with the applicable goals and objectives of the 1999 Comprehensive Plan and the applicable goals, principles and strategies of Transport 2040;
3. City agencies and the New Mexico Department of Transportation District 1 staff have reviewed the rezoning request against all applicable regulations and plans and have recommend conditional approval of the rezoning; and
4. On June 25, 2013, the Planning and Zoning Commission, by a vote of 3 to 2, recommended conditional-approval of the proposed rezoning with the three (3) conditions noted in the Ordinance.



City of Las Cruces®

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: June 25, 2013

Drafted by: Susana Montana, Planner

CASE #	Z2860	PROJECT NAME:	Park Ridge Medical Center Rezoning
APPLICANT/ REPRESENTATIVE:	ZIA Engineering and Environmental Services	PROPERTY OWNER:	Las Cruces Country Club Inc.
LOCATION:	2700 N. Main Street	COUNCIL DISTRICT:	District 1 (Miguel Silva)
SIZE:	30.745 acres	EXISTING ZONING/ OVERLAY:	R-1a (Medium-density Single-family Residential) Infill Development Overlay District
REQUEST/ APPLICATION TYPE:	Zone Change from R-1a to C-3C and R-4C		
EXISTING USE(S):	Vacant (abandoned golf course)		
PROPOSED USE(S):	Hospital, medical offices and residential rehabilitation/ assisted living facility		
STAFF RECOMMENDATION:	Approval, based on the findings and with the recommended conditions of approval noted in Section 3 below.		

TABLE 1: CASE CHRONOLOGY

Date	Action
4/22/2013	Application submitted to Development Services
4/22/2013	Case sent out for review to all reviewing departments
4/29/2013	All comments returned by all reviewing departments
5/21/2013	Applicant submits revised application responding to Agency comments
6/18/2013	Staff reviews and recommends conditional-approval of the zone change
6/9/2013	Newspaper advertisement
6/14/2013	Public notice letter mailed to neighboring property owners
6/14/2013	Sign posted on property
6/25/2013	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The Applicants/property owners are seeking a rezoning from the R-1a medium-density single-family residential designation to C-3C, High-intensity Commercial Conditional, designation and R-4C, High-density Multi-family Residential Conditional, designation to facilitate the development of a medical center on about 30-acres of the 110-acre former Country Club Site (please see Attachments 1, 2, 3 and 4). The limited uses allowed in each zoning district are listed on pages 7 and 8 of Attachment 5.

The medical center would consist of a 42-bed full-service hospital with emergency room capabilities and a heliport; medical offices for a mix of physician specialists; and an assisted living facility located next to the hospital providing memory care and rehabilitation. It should be noted that a heliport is not a use by right; rather, approval of a Special Use Permit (SUP) by the Planning and Zoning Commission (P&Z) during a public hearing is required for the use of a heliport in the C-3C zone. SUPs are not a part of this zone change and will be processed as a separate application.

The zone change for the medical center is autonomous; however, the developer is desirous of incorporating it into a larger mixed-use community on the remaining 80 acres of the Country Club property in the future. The remaining 80 acres is the subject of an application for a Planned Unit Development (PUD) Concept Plan currently being reviewed by City Agencies. If the PUD Concept Plan is recommended for approval by the Planning and Zoning Commission and approved by City Council, the 30 acres associated with this medical center, would become integrated into the PUD. The PUD Concept Plan is not under consideration by the P&Z at this time and should not influence the outcome of the rezoning as an independent application.

It should be noted the property lies within the Infill Development Overlay District and is an "underutilized parcel" and, therefore, qualifies for the Infill Development Process in which building permits, subdivisions, land use requests, variances, special use permits and other types of zoning requests qualify for expedited review and processing. Due to the complexity of the proposal, the Applicants chose to move through the standard zone change process.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

STANDARD	R-1A REQUIRED	PROPOSED C-3C	PROPOSED R-4C
Max # of DU/parcel	1	10/ac minimum Maximum determined by the developer	10/ac minimum Maximum determined by the developer
Building Square Footage	Must fit within max. building height & setbacks (buildable area)	Must fit within max. building height & setbacks (buildable area)	Must fit within max. building height & setbacks (buildable area)
Minimum Lot Area	5,000 sf	21,780 sf (1/2 ac)	8,500 sf
Maximum Lot Area	N/A	N/A	N/A
Minimum Lot Width	50'	60'	70'
Minimum Lot Depth	70'	70'	100'
Maximum Structure Height	35'	60' except for buildings adjacent to the Camino del Rex townhomes which would be limited to two (2) stories in height	60' with a 2 story height limit for buildings adjacent to the townhomes along Camino del Rex

Setbacks			
Front	15'	15'	20'
Side	5' or 0	5' or 0	7'
Rear	20'	15' or 0, except for buildings adjacent to the Camino del Rex townhomes which would be a minimum of 80 feet from that property line	7'
Parking			
Vehicular	2/ DU	Medical office: 8-12 APS/ doctor Hospital: 1 APS/ employee + 1 APS/ doctor	Assisted living: 0.5 - 1.25 APS/ DU
Bicycle	N/A	Medical office: 1 BPS/ 2 doctors Hospital: 1 BPS/ 20 doctors	Assisted living: 1 BPS/ 20 employees on maximum shift
Landscaping/Buffering			
Bufferyard	None	40' landscaped buffer measured from the property line abutting the townhomes on Camino del Rex (zoned R-1b); and a 15' buffer zone from abutting R-1a zones with semi-opaque screen or 10' setback with opaque screen	40' landscaped buffer measured from the property line abutting the townhomes on Camino del Rex (zoned R-1b); and 10' from R-1a zone to the east with semi-opaque screen or 5' setback with opaque screen

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Applies to Project?	Explanation
EBID facilities	No	
Medians/ parkways landscaping	No	

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant (abandoned golf course and clubhouse)	Infill Development Overlay District	R-1a, Medium-density, Single-family Residential
North	Commercial shopping center	None	Townhomes are zoned R-1b, High-density, Single-family Residential; Commercial area across Main Street is zoned C-2, Medium-intensity Commercial and C-3, High intensity Commercial
South	Remainder of the abandoned golf course; Apodaca Park	Infill Development Overlay District	R-1a; south of E. Madrid Ave. are C-1 and C-2 zones

	and ball field; south of E. Madrid Ave. are C-1 and C-2 shops and mini-storage units		
East	Single-family homes	None	R-1a
West	Remainder of the abandoned golf course; then west of N. Solano Drive are repair shops and businesses	Infill Development Overlay District	R-1a; west of N. Solano Drive are C-2 zones

The project Site contains facilities which served the former Country Club golf course and include the abandoned clubhouse, swimming pool, maintenance and restroom facilities, and the golf course. Numerous trees along the golf course have died and fallen due to their loss of maintenance. The golf course and clubhouse were abandoned in November 2011.

The Site is surrounded by commercial development to the northwest; townhomes to the northeast; single-family residential development to the east; the remainder of the abandoned golf course to the south and west (see Attachment 3).

South of the entire former Country Club property lies Apodaca Park, a regional City-owned and maintained park featuring a grassy open space and picnic area with mature shade trees; a ballpark; restrooms; parking; a swimming pool not in operation; a large drainage pond; and maintenance facilities.

TABLE 5: PARCEL LAND USE HISTORY

Number	Status
Permit	No history
Ordinance	N/A
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see Attachment 6.

Department Name	Approval (Yes/No)	Conditions (Yes/No)
CLC Development Services	Yes	Limited land uses
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	Traffic study required prior to building permit
CLC CD Engineering Services	Yes	Development improvements are required to be shown with construction drawings
CLC Traffic	Yes	Traffic study and improvements needed with first permit application
CLC Fire & Emergency Services	Yes	The Right of Way for the access road to the hospital must be a minimum of 100 feet in

		width
CLC Utilities	Yes	A utility master plan for the entire 110 acre project is required with the first permit application
CLC Land Management/Right-of-Way	Yes	No
CLC Parks/Facilities	Yes	No
New Mexico Department of Transportation	Yes	Traffic study is required with the first permit application

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria:

Although the City's Zoning Code does not outline criteria specific to the evaluation of a rezoning application, the Planning and Zoning Commission is obligated to analyze projects and make decisions utilizing: (1) Relevant policies noted in the City of Las Cruces Comprehensive Plan; (2) relevant Purposes and Intent statements in the City's Zoning Code; (3) relevant Criteria for Decisions by the Planning and Zoning Commission in the Las Cruces Municipal Code; and (4) relevant State Law. Refer to the *Analysis and Conclusion* section below for an evaluation of the proposed project against these relevant policies, purpose statements and decision criteria.

Applicable Comprehensive Plan Elements & Policies:

The following polices from the 1999 Comprehensive Plan are relevant to the proposed rezoning to allow a medical center, including a hospital, at the site.

Land Use Element

Goal 1: Create an interconnected and supportive system of land use policy for the City.

Objective 5: Establish land use policy, for the purposes of the Land Use Element, to serve commercial demand on a low intensity, medium intensity, high intensity, and regional commercial basis.

- 1.8.1. The infill area shall be defined as the area buffered by Interstate 25 on the east, University Avenue to the south, Valley Drive from University Avenue to Hoagland Road on the west and Hoagland Road/Three Crosses/N. Main Street as the northern boundary.
- 1.8.2. Infill development shall be compatible with the existing architecture, landscaping, and character of the surrounding neighborhood.
- 1.8.4. The City strongly encourages the developer to seek participation from adjacent landowners and neighbors of the proposed development via a neighborhood meeting where all neighborhood concerns may be addressed.
- 1.8.5. Incentives to create infill development will be considered for all types of development in the infill area.

Community Services Element

Goal 2: Provide a balance of services meeting the needs of all segments of the City's population

Policy 2.1.2: Community Services should be located in areas which will best serve their target population

Policy 2.1.4: Community services should locate near public transportation when feasible. [Generally, within ¼ mile of a transit stop.]

Policy 2.1.5: To the extent possible, community service facilities should be grouped together as a means of maximizing usage.

Economic Development Element

Goal 1: To provide strong development policies that allow for the retention, expansion, and attraction of existing and new businesses and industries in and to Las Cruces.

Policy 2.1: Support and implement the mixed-use policies, the flexibility of placing new uses, and the new office, commercial, and industrial zoning districts as outlined within the Land Use Element, including

- a. Business cooperatives or multiple tenants/uses within single buildings or parcels, including those uses which provide for work at home provisions;
- b. Overlay zones and planned unit developments, including those in which the City receives a direct or foreseen benefit in exchange for creative and unique designs that differ from mandatory development requirements.

Transportation Element

Goal 1:Thoroughfare: To attain maximum vehicular movement and minimum congestion in a cost effective, timely, and environmentally sound manner.

Policy 5.3: All high density residential, commercial, and industrial developments should make reasonable accommodations for alternative modes to access the site provided the adjacent right-of-way can or is planned to accommodate that given mode.

Policy 1.2: The City shall adhere to Las Cruces Metropolitan Planning Organization's Transportation Plan [Transport 2040].

Policy 1.18: The City shall have the option to condition zone change and special use permit requests to meet the provisions of this section. This may include but not be limited to requirements for coordination with bike, public transportation, or pedestrian facilities, additional right-of-way, and coordination with other developers.

Las Cruces Metropolitan Planning Organization (MPO) Transport 2040 Plan

The Las Cruces Metropolitan Planning Organization adopted The 2010 Metropolitan Transportation Plan (Transport 2040) in June 2010. The goals of Transport 2040 are:

1. Integrate land uses with well-connected transportation systems to develop an economic environment that provides timely access to a wide-range of jobs, services, education, and recreational opportunities;
2. Balance the built and natural environments to promote physical activity, social interaction, and the sustainable use of resources;

Relevant Zoning Code Purpose and Intent Statements [Article I, Section 38-2.]

The Purpose and Intent Statements relevant to the proposal are:

- Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements, which are designed to:
 - Mitigate congestion in the streets and public ways.
 - Prevent overcrowding of land.
 - Avoid undue concentration of population.
 - Control and abate the unsightly use of buildings or land.
- Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.
- Encourage development of vacant properties within established areas.
- Ensure that development proposals are sensitive to the character of existing neighborhoods.
- Conserve the value of buildings and land.
- Reduce noise, glare and odor.
- Mitigate conflicts among neighbors.

Planning and Zoning Commission Criteria for Decisions [LCMC Section 2-382]

In addition to a review of the Comprehensive Plan, future land use plan, and other applicable plans and codes, the Planning and Zoning Commission must review and determine whether the request would:

1. Impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
2. Unreasonably increase the traffic in public streets.
3. Increase the danger of fire or endanger the public safety.
4. Deter the orderly and phased growth and development of the community.
5. Unreasonably impair established property values within the surrounding area.
6. In any other respect impair the public health, safety or general welfare of the city.
7. Constitute a spot zone and, therefore, adversely affect adjacent property values. The term "spot zoning" means the singling out of a lot or small area for a zoning change which is out of harmony with the comprehensive plan and surrounding land uses to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.
8. Be in harmony with the purpose and intent of the zoning code, sign code, design standards and other companion codes.

Case Law Rezoning Criteria Considerations

Based on case law (Miller v. Albuquerque, Davis v. Albuquerque, & Albuquerque Commons Partnership v. Albuquerque), the following criteria should be considered for rezoning applications. The existing zoning is inappropriate and should be changed because

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or

3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply, because
 - a. there is a public need for a change of the kind in question, and
 - b. that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Analysis:

The rezoning of the 30-acre portion of the abandoned golf course would provide a 42-bed hospital with a 24/7 emergency room in the central area of the City that currently lacks such service. The development would transform an abandoned property into a viable medical center that would provide employment for local residents and is anticipated to provide specialty medical services that are not now provided in this area or in the City as a whole and for which patients must now seek such treatment in Albuquerque or El Paso hospitals and medical centers. The hospital would be the only such facility serving the north side and central area of the City. The two other hospitals, Memorial Medical Center (MMC) and Mountain View Regional Medical Center, are located on the east side of the City. The proposed medical center groups the hospital, its doctors' offices, and patient out-patient care facilities in close proximity to each other for maximum efficiency and less travel time to serve patients. Additionally, the development of a portion of the abandoned Country Club site would bring tax revenues to the City. Typically, commercial tax revenues support the cost of public services, including maintenance services, provided to those developments.

The location along N. Main Street, a Principal Arterial roadway, and within the City-designated Infill District makes the property suitable for high intensity C-3 commercial use. However, the current rezoning application would limit the types of commercial activities that could take place within the 30-acre rezoning area. The uses would be limited to medical offices, a hospital, a heliport (requires a separate SUP) for the hospital emergency room and ancillary/accessory uses in the 23.4-acre C-3C zone. A residential care/assisted living/ rehabilitation facility would be permitted in a 7.3-acre R-4C zone. Pages 7 and 8 of Attachment 5 lists the uses which would be permitted within the C-3C and R-4C zones.

The C-3 and R-4 land uses are limited to those appropriate and necessary for a medical center and higher intensity residential uses, such as apartments or condominiums, would not be permitted within the R-4C zone. These proposed uses are compatible with the C-3 high intensity commercial uses north of Main Street. Allowing a heliport as a Special Use for the hospital may also be deemed by the Planning and Zoning Commission as a compatible use since the existing hospitals in the City and located in C-3 districts have heliport facilities. The assisted living center permitted in the R-4C zone would also be an appropriate use in the neighborhood. The limitation of uses in the C-3C and R-4C are intended to address the Zoning Code Purpose and Intent Statements, particularly:

1. Mitigate congestion in the streets and public ways;
2. Prevent overcrowding of the land;
3. Avoid undue concentration of population;
4. Encourage development of vacant properties within established areas;
5. Ensure that development proposals are sensitive to the character of existing neighborhoods;
6. Conserve the value of buildings and land;
7. Reduce noise, glare and odor; and mitigate conflicts among neighbors.

Similarly, the limitation of land uses to those appropriate and necessary to the medical center would positively address the Planning and Zoning Commission Criteria for Decisions, particularly:

1. To not impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties;
2. To prevent an unreasonable increase in traffic on nearby public streets;

3. To prevent unreasonable impairment of established property values within the surrounding area; and
4. In any respect to not impair the public health, safety or general welfare of the City.

The recommended conditions of approval are designed to positively address those criteria as well as applicable Comprehensive Plan goals and policies by mitigating potential adverse impacts of the development such as (1) traffic congestion on nearby streets (Condition No. 2); and (2) avoiding higher intensity commercial and residential land uses that could cause additional traffic congestion and noise (Condition No. 1).

Adjacent Property Owner Input:

The adjacent single-family neighborhood has voiced several concerns regarding the proposal. In an effort to accommodate the needs of the neighborhood, the Applicant has held several meetings with the neighbors and made significant modifications to the proposal. The meetings were held to principally to discuss the larger PUD proposal, of which the medical center was a central feature. Neighbors and representatives of the Country Club Neighborhood Association, a City registered Neighborhood Association representing the single-family homes to the northeast of the Country Club site, have also met with Community Development staff to discuss the rezoning application. To date, the comments from neighbors on the proposed rezoning for the medical center include the following (see Attachment 9):

1. There is concern that the medical office buildings are located too close to the townhomes on Camino del Rex and will block views to the south and also can have the effect of lowering the property values of the homes;
2. Neighbors suggest that the Applicant provide a 2.5-acre landscaped open space area between the townhomes and developed areas of the Site;
3. It was suggested that the casitas or single-story, single-occupant dwelling units of the assisted living facility be built next to the recommended open space located between the Camino del Rex townhomes and the rezoning area;
4. There is concern with the proximity of the heliport to homes in that the flyover route will be noisy and the landing of the helicopter will be noisy and will disturb and transport dust and debris to residential neighbors;
5. There is concern that the emergency vehicles will be driven through the residential neighborhoods to the east of the rezoning Site which will cause noise and could create safety hazards with children playing in the yards and with resident motorists;
6. There is concern that a new hospital, although located in an area that needs a hospital, can cause greater vacancies in the hospital beds of the two existing hospitals in the City; and
7. There is concern that the medical services to be provided at the Park Ridge Medical Center will duplicate existing such services in the City and may reduce the patient loads of those existing medical professionals to a level that is unsustainable or uneconomic and those medical professionals will leave the City.

In response to the concerns, the Applicants amended their application to commit to placing a 40-foot landscaped buffer between the proposed commercial development (medical offices) and the townhomes on Camino del Rex. In addition, the first buildings adjacent to the townhomes would be set back a minimum of 80-feet from the property line abutting the townhomes and buildings located directly behind the existing townhomes would be no higher than 2 stories. The Applicants have also committed to researching the placement of the heliport in order to minimize the noise, wind, dust and glare impact of helicopter activity on surrounding neighborhoods.

Conclusion:

The 110-acre Country Club property is one parcel which, under the current R-1a zoning, allows only one single-family dwelling and accessory structures on this parcel. This is an unreasonable limitation on development for this underutilized property located in the central area of the City. A reasonable and desirable development for such an asset or resource within the central part of the City would be for a mixed use development that minimizes or mitigates adverse traffic impacts and that maximizes multi-modal transport options, particularly public transit.

The proposed rezoning for C-3C and limited R-4C land uses serving a new hospital would provide an initial development that may spur additional investment for the remaining 80-acre Site to achieve a balanced, mixed residential and commercial development in a part of town that is well-served by public transit. Bus route 10 could well serve medical center employees, visitors and some patients and some patients are expected to qualify for the City's dial-a-ride Roadrunner public transport service to and from the medical center.

The assisted living/rehabilitation facility of the R-4C zone would be a relatively low-volume traffic generator since residents therein would generate fewer trips than single-family or typical multi-family development. The traffic generated by that facility would be expected to be generated mostly by visitors of patients and employees of the facility. Likewise, the 42-bed hospital is expected to be a low-volume traffic generator, compared to retail or other commercial land use. The traffic for the hospital and medical offices would be expected to be from visitors to the hospital, patients or the drivers of patients, or the doctors and employees of those facilities. Rezoning applications do not generally require a Traffic Impact Analysis (TIA) submittal because the land uses permitted within the zones are too broad and the analysis of all the potential land uses and densities permitted therein could not be sufficiently detailed to provide useful information for decision-makers. However, staff recommends a condition of approval requiring a TIA to be submitted with the first building permit or subdivision application. Based on the TIA, the City's Traffic Engineer and the State's Traffic Engineers would insure that improvements to the roadway system serving the development would be designed and built to adequately serve the project and its surroundings. The "master developer" (the Applicant to this rezoning) would be required to build the requisite improvements both on- or off-site.

The rezoning of the 30-acre portion of the 110-acre abandoned Country Club Site to a limited commercial and assisted living residential use would positively address relevant State case law in that the Site clearly has changed since the R-1a zoning was placed on the property. R-1a was not a suitable zoning for a Country Club and golf course. The Site and surrounding uses have changed over time and a different use category, such as the limited C-3 and R-4 are a suitable zoning designation for a vacant Site located within a transportation corridor of the central part of the City.

With the staff-recommended Conditions of Approval noted below, staff has determined that the proposed rezoning would positively address (1) relevant City Comprehensive Plan goals and policies; (2) the Transport 2040 goals, principles and strategies; (3) relevant Purpose and Intent Statements of the City's Zoning Code; (4) the Planning and Zoning Commission Criteria for Decisions pursuant to Section 2-382 of the Las Cruces Municipal Code (5) and relevant State case law regarding rezonings.

It is noted that any specific proposal for a heliport within the C-3C rezoning area associated with the hospital ER will require a separate application for a Special Use Permit which would be considered by the Planning and Zoning Commission at a duly noticed public hearing. It is also noted that a heliport is not included as an Allowable, Conditional or Special Use in the R-4C rezoning area. As such, a specific recommended condition of approval to address or mitigate potential adverse impacts of a hospital heliport is not included herein; it would be addressed in the Special Use Permit conditions of approval.

STAFF RECOMMENDATION

Staff recommends **CONDITIONAL-APPROVAL** of the proposed rezoning to C-3C and R-4C, based on the following findings with the conditions:

FINDINGS FOR APPROVAL

1. Based upon the review of all applicable regulations and plans, the rezoning to C-3C and R-4C, with the limitations noted on pages 7 and 8 of Attachment 5 and as conditioned below, would meet the Purpose and Intent of the 2001 Zoning Code as specified in Section 38-2, would positively address the Planning and Zoning Commission's Decision Criteria, pursuant to Section 2-382 of the Las Cruces Municipal Code, and would positively address rezoning criteria of relevant New Mexico case law;
2. Based upon the review of all applicable regulations and plans, the rezoning to C-3C and R-4C, with the limitations noted on pages 7 and 8 of Attachment 5 and as conditioned below, would be consistent with the applicable goals and objectives of the 1999 Comprehensive Plan and the applicable goals, principles and strategies of Transport 2040; and
3. City agencies and the New Mexico Department of Transportation District 1 staff have reviewed the rezoning request against all applicable regulations and plans and have recommend conditional approval.

RECOMMENDED CONDITIONS OF APPROVAL

1. As stipulated in the rezoning application, the C-3C and R-4C zoning designations allowable uses shall be limited to those listed on pages 7 and 8 of Attachment 5 to this report
2. A Traffic Impact Analysis, in accordance with the requirements of applicable permitting agency (i.e. City of Las Cruces Traffic Engineer, NMDOT, etc...), shall be submitted with the first building permit or subdivision application for land within the rezoning area and shall be approved by the City's Traffic Engineer.
3. Prior to issuance of a certificate of occupancy for the first building within the rezoning area, the developer shall provide a second road access per the specification of the 2009 International Fire Code and approved by the City's Fire Marshal and Traffic Engineer.

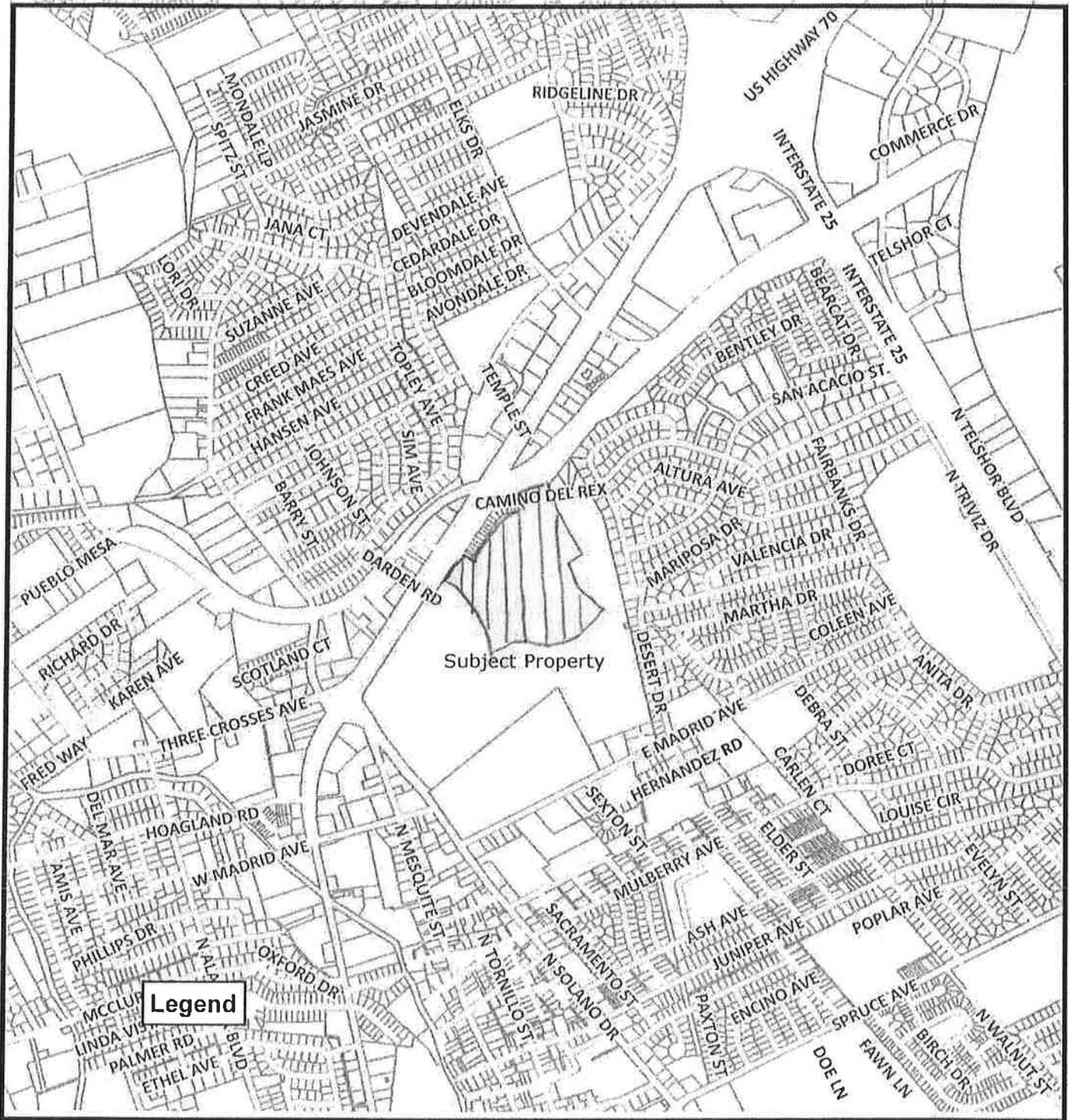
ATTACHMENTS

1. Location Map
2. Zoning Map
3. Aerial Location Map
4. Site Plan/Rezoning Area for C-3C and R-4C
5. Application/Development Statement/Land Use limitations
6. Reviewing Department/Agency Comments and/or Conditions
7. Applicant's Neighborhood Meeting and Outreach Dates
8. Public Comments
9. Park Ridge Medical Center Economic Impact Statement

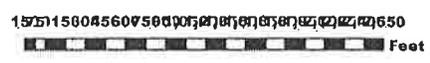
ZONING: R-1a
OWNER: Las Cruces Country Club Inc.

Location Vicinity Map

PARCEL: 02-03647
DATE: 05/06/13



Z2860; Rezoning from R-1a to C-3c and R-4c



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

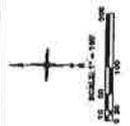
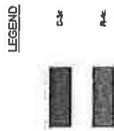
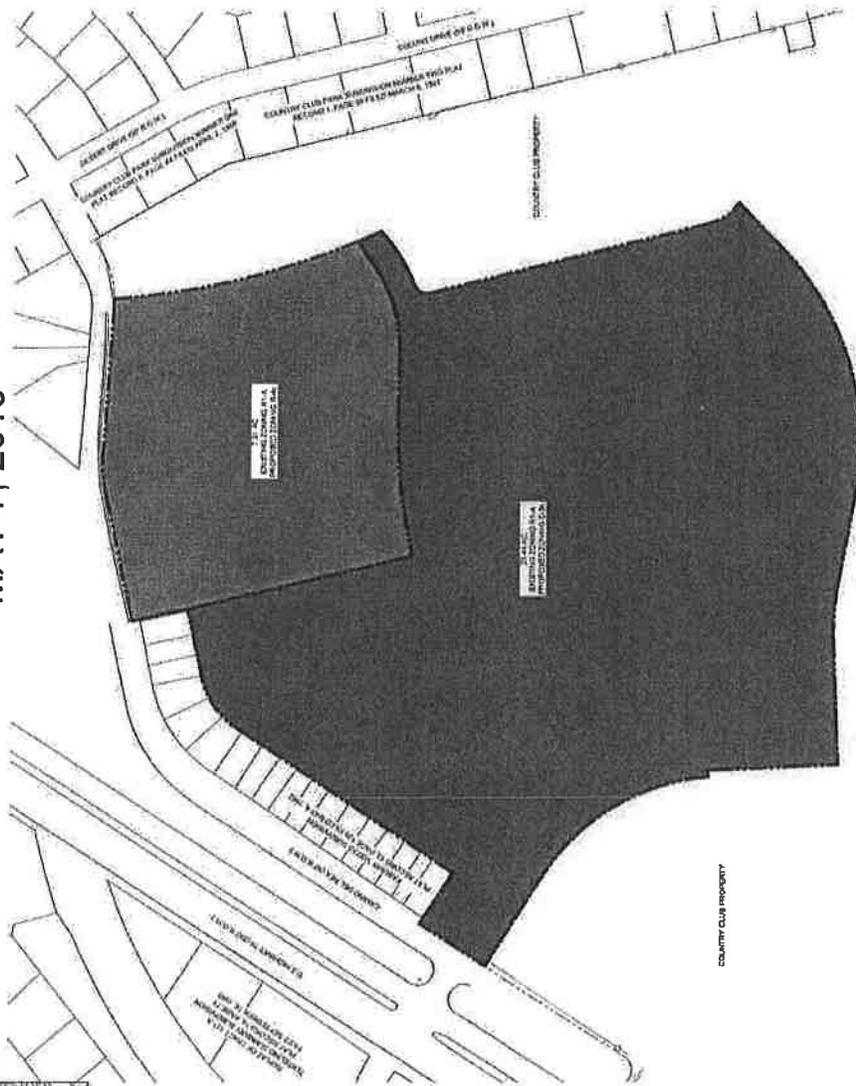
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.



Z2860, Park Ridge Medical Center Rezoning Application Aerial Location Map

PARK RIDGE MEDICAL CENTER ZONING PLAN

30.75 ACRES
MAY 7, 2013



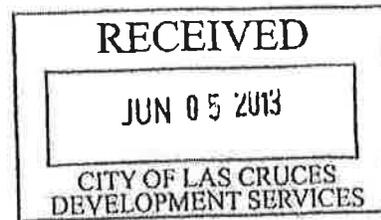
<p>Client: PARK RIDGE PROPERTIES LLP</p> <p>Project Name: PARK RIDGE MEDICAL CENTER</p> <p>Drawn By: Zia Engineering & Environmental Consultants, LLC</p> <p>Checked By: Zia Engineering & Environmental Consultants, LLC</p> <p>Date: May 7, 2013</p>	<p>City of Las Cruces: 1500 N. TANKER DRIVE, SUITE 201 LAS CRUCES, NEW MEXICO 88001 Phone: (575) 325-1528 Fax: (575) 322-1547</p>	<p>City of Las Cruces: 1500 N. TANKER DRIVE, SUITE 201 LAS CRUCES, NEW MEXICO 88001 Phone: (575) 325-1528 Fax: (575) 322-1547</p>
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THIS ZONING PLAN HAS BEEN APPROVED BY THE ENGINEERING DEPARTMENT OF THE CITY OF LAS CRUCES AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE CITY OF LAS CRUCES ZONING ORDINANCES HAVE BEEN MET. THIS ZONING PLAN IS SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY THE ZONING AUTHORITY UPON APPROVAL OF THIS ZONING PLAN.

IF YOU NEED TO MAKE CALLS TO THE CITY OF LAS CRUCES, PLEASE CONTACT THE CITY CLERK'S OFFICE AT (575) 325-1528. IF YOU NEED TO MAKE CALLS TO THE ENGINEERING DEPARTMENT, PLEASE CONTACT THE ENGINEERING DEPARTMENT AT (575) 325-1528.

DEVELOPER:
PARK RIDGE PROPERTIES LLP
1500 N. TANKER DRIVE, SUITE 201
LAS CRUCES, NEW MEXICO 88001

SURVEYOR:
REGMOUNTAIN SURVEYORS
10000 W. UNIVERSITY BLVD. SUITE 100
EL PASO, TEXAS 79967
875.660.0474 PHONE



PARK RIDGE MEDICAL CENTER DESCRIPTION

- **Medical Campus C-3c**

The Park Ridge Medical Campus delivery system is flexible in design to serve the unique needs of the community. The actual variety of services available is determined by the physician mix, consumer demands and market demographics. Park Ridge Medical Center is designed to offer a wide variety of inpatient and outpatient services to the community. Due to the range of services and proximity to the hospital, physicians can work more efficiently and provide care to more patients.

- Mix of Medical and Physician Based Services
- Rehabilitation, Wellness and Fitness Center
- Continuum of Care Retirement Center

The office buildings will provide single and multi-tenant office space. Office space may be designed with flexibility to allow for the specific needs including medical, corporate and educational users.

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A 42-bed, full-service hospital will be located in the heart of the Park Ridge Medical Center and will provide a full range of services with state-of-the-art equipment including:

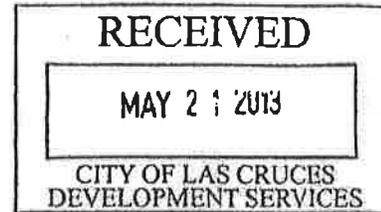
- Emergency Room
- Surgical Suites
- Cardiac Catheterization
- Radiology Services including x-ray, Fluoroscopy, CT, Nuclear Medicine and Stress Testing
- Laboratory and Pharmacy

- **Assisted Living R-4c**

The Assisted Living facilities are located adjacent to the hospital and other ancillary medical services giving physicians access to outpatient services and senior care in one central location. Services at Park Ridge Assisted Living will range from assisted living to memory care and include rehabilitation. The Center is focused on the resident and family offering smaller, home-like dwellings. Each residential unit will have 24-hour staffing providing individual, caring attention.

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PARK RIDGE MEDICAL CENTER-ZONE CHANGE APPLICATION
30.745 ACRES

Zia Engineering is requesting a Zone Change from R1-a to C-3c and R-4c to develop a 30.745 acres Medical Center primarily consisting of a Hospital, Medical Offices and Assisted Living Facilities. The specific land uses being requested under this application are listed below:

Residential-Related Land Uses

- Accessory uses and Structures
- Recreational Court, Tennis, etc., Private
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Institutional Land Uses

- Hospital
- *Heliport as accessory to Hospital* (C-3c zone)

Recreational Land Uses

- Health/Exercise Club/Gymnasium/Sports Instruction

Service Land Uses

- Business Offices
- Consulting
- Counseling Services
- Institutional Office: Public, Private, Educational, Religious & Philanthropic
- Laboratory
- Medical/Dental Office
-

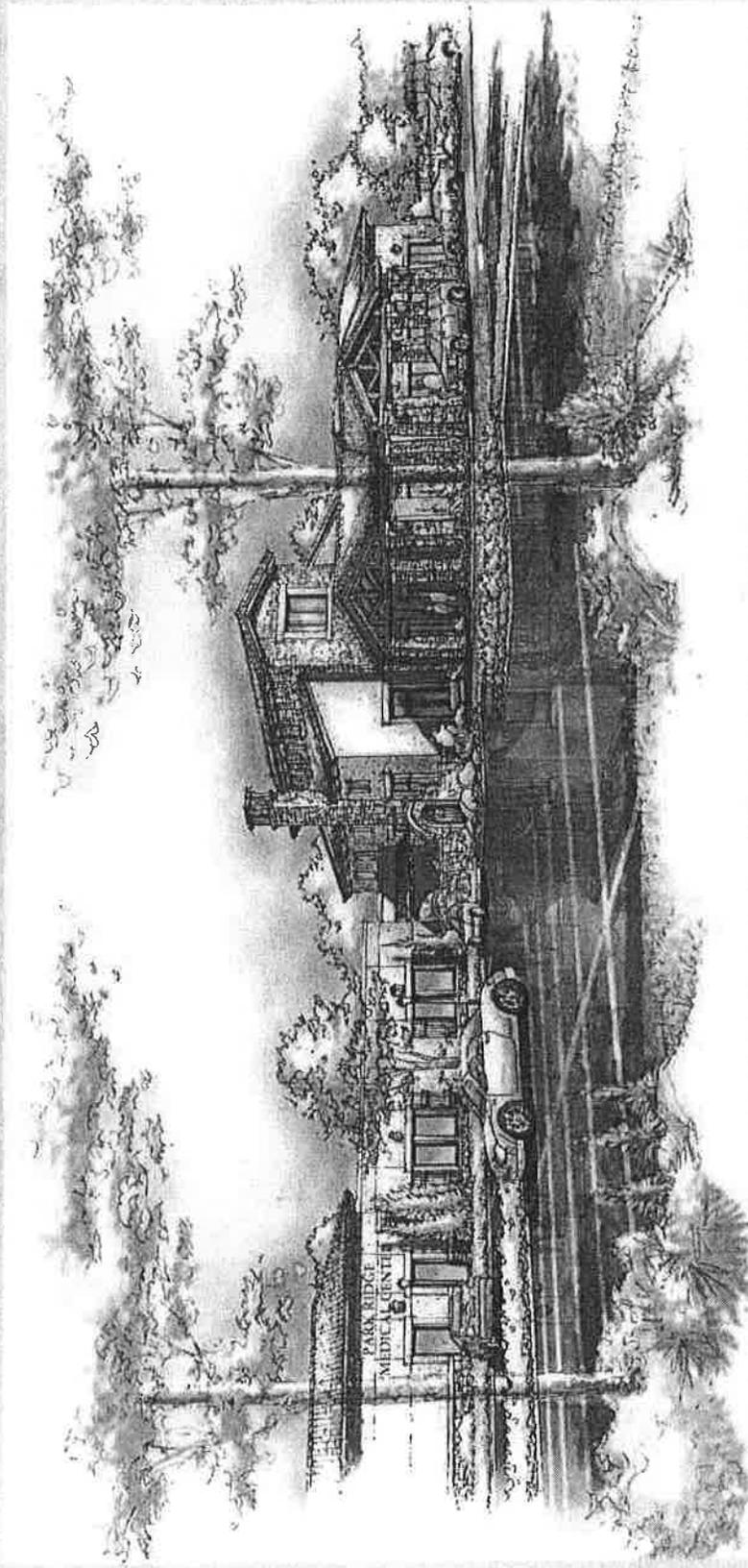
Retail Land Uses

- Café, Cafeteria, Coffee Shop, Restaurant, etc.
- Health Care Clinic (Non-Hospital)

* Item marked with an asterisk is being requested as allowable (as-of-right) land uses. The goal of the proposed Medical Center is to encompass various related medical uses in close proximity. The Residents of the Assisted Living Facility will benefit from the adjacent medical offices and have easy access to the hospital for ongoing treatment and/or emergency care. The Heliport will be used to serve the hospital transportation needs and is anticipated to be located on the roof of the Hospital.

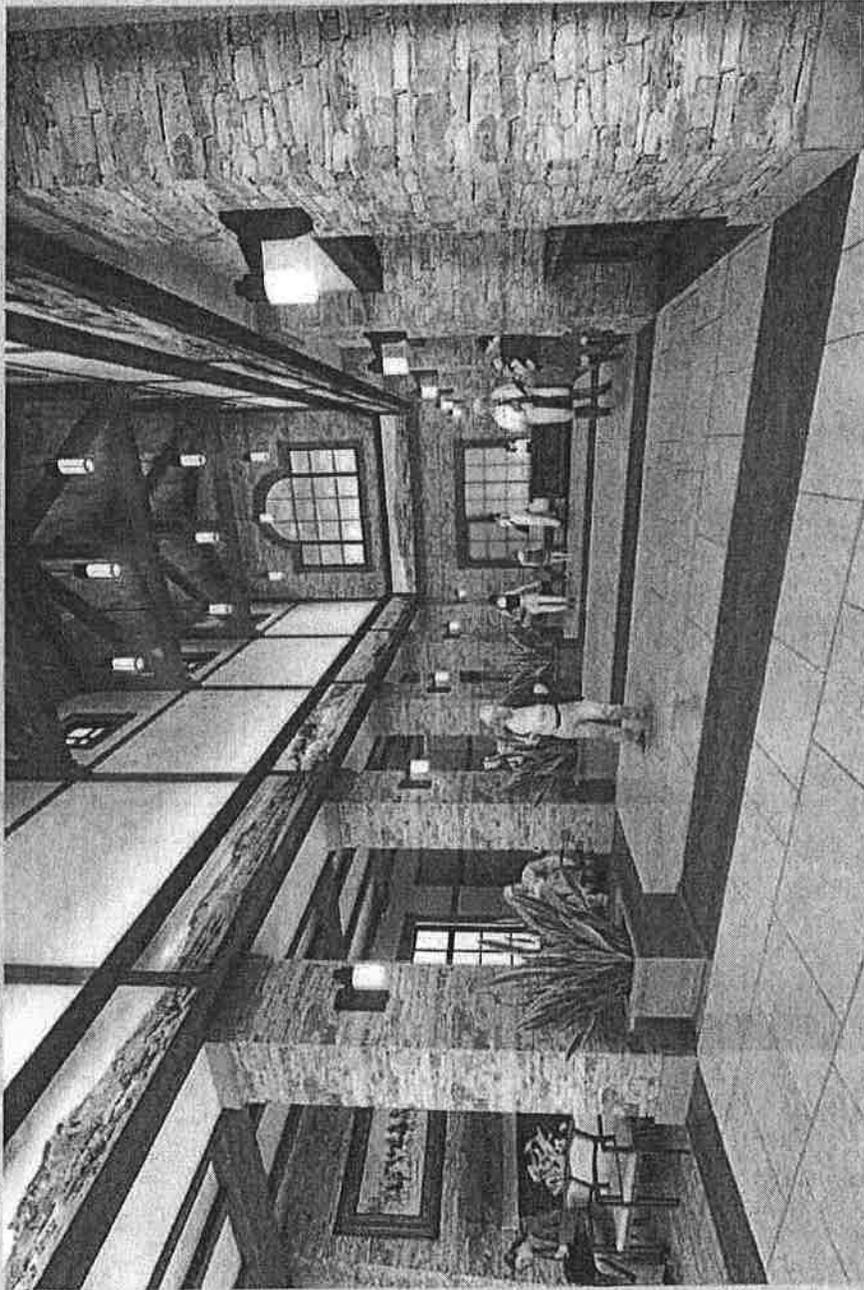


PARK RIDGE MEDICAL CENTER



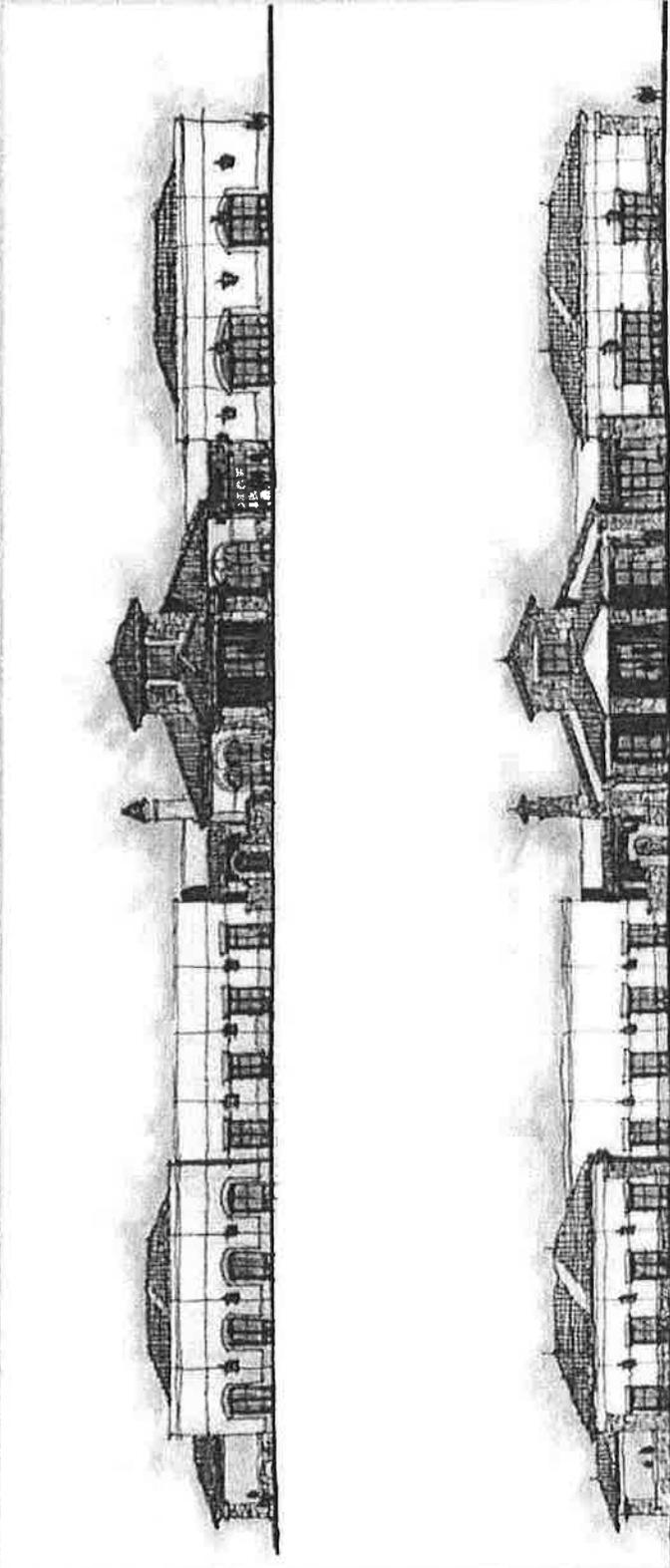


PARK RIDGE MEDICAL CENTER





PARK RIDGE MEDICAL CENTER



June 2013

To Whom It May Concern:

The Park Ridge Medical Center is a 30-acre campus anchored by a continuum of care facilities which will include independent and assisted living, memory care, rehabilitation, sports medicine and other long term health and wellness services; served by a small 42 bed privately-owned general hospital and delivered in a resort campus setting. The hospital will be operated by Galichia Hospital Group of Wichita, Kansas.

This project is being driven by the same qualities that drove John Hummer, a long-time family friend of Dr. Galichia, to develop the Mountain View Regional Medical Center in Las Cruces years ago. A number of people in the community voiced a desire for a new facility in the community to provide services, create jobs and help retain patients in the community that had migrated to other cities for care.

Galichia Hospital Group was approached to help fulfill the desires of a number of local doctors for a new model for health care delivery, like the Cleveland Clinic and other hospitals, that allows a high degree of physician input into the quality and delivery of health care. The thought also is that a new facility may also help prevent the outward migration of patients from Las Cruces to El Paso, Albuquerque and other locations.

Dr. Galichia is the founder of Galichia Medical Group, P.A., the Galichia Heart Hospital in Wichita, Kansas, the Lubbock Heart Hospital and the Galichia Hospital Group. He is a nationally and internationally recognized pioneer in the field of interventional cardiology. He has been published in the New England Journal of Medicine, the Journal of American College of Cardiology and many other scientific publications. He was the first cardiologist in the USA to perform carotid stenting under government guidelines. His credentials are vast and very notable. See www.Galichia.com.

Dr. Galichia no longer owns the Lubbock hospital or Galichia Heart Hospital, both of which he developed, and successfully ran for a number of years. Dr. Galichia sold the hospital operations and still retains ownership of the real estate. During the time that Dr. Galichia operated these facilities, they were consistently rated very high in patient satisfaction. Healthgrades, America's most trusted, independent source of physician information and hospital quality outcomes, consistently rated Galichia's hospitals 80-86% for patient satisfaction out of a potential 100%. The national hospital average for patient satisfaction is 69%.

We have vetted everyone associated with the Park Ridge Medical Campus, including Galichia Hospital Group, and found no impropriety. As far as 2000 and 2009 Medicare investigations, after being subjected to years' worth of intense scrutiny from Medicare, it was determined that neither Dr. Galichia nor his medical practice did anything to violate Medicare, or any other law.

We are very aware of facts and compliance issues that relate to Section 6001 of the Patient Protection and Affordable Care Act (PPACA). The penalties for not being in compliance with PPACA are so severe that anyone contemplating any type of medical enterprise must have the best legal advice. The proposed hospital project is not "illegal" nor does it violate the changes to the Stark law contained in Section 6001 of the Affordable Care Act. We have spent a vast amount of time and money to obtain the best legal counsel from healthcare and Stark specialists to ensure compliance. To that point, our original offering of real estate to investors has been modified to exclude any ownership of hospital equipment, or sharing in equipment depreciation, as it could be construed as a gray area.

The development of the hospital real estate including real estate investors (both private and physicians) follows standard industry methodology for determining the lease between a third-party operator and the real estate owners. This standard methodology can be applied to any build-to-suit project such as a Denny's Restaurant or a Walgreens Drug Store. We, as the real estate developers, are building a hospital to a third party operator's specifications in exchange for a twenty (20) year lease. We have a combination of real estate investors from all walks of life, some of whom may be physicians. Their investment is strictly in the real estate. The local investors may include physicians, however non-physician investors will provide the majority of equity financing for the real estate project. An independent Private Equity Group who will include participation of local investors will provide financing and equity for the proposed hospital. The third party operator, Galichia Hospital Group, will provide the capitalization for the hospital equipment and start-up operations.

We have taken extraordinary measures to keep everyone informed about the scope and intent of the rezoning and development of the subject parcel as a mixed-use development. We have had numerous individual and community meetings with the surrounding neighbors and have disclosed our intent for the project including attendance and documentation of each meeting. We've spoken to City planning and officials as well as other community groups. Hundreds, perhaps thousands of hours have been spent to address concerns of stakeholders to ensure that everyone is informed on the proposed development. We continue to revise our plans and layouts to respond to input from surrounding residents and City staff.

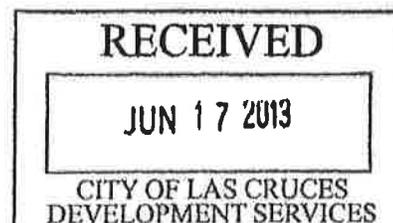
Our intent has never been to injure Memorial Medical Center or any other medical facility. Las Cruces is a growing community and has substantial leakage of medical services to other communities. Many in the medical community desire a hospital that will afford physicians another opportunity to deliver the best quality care to the citizens of Las Cruces.

Galichia Medical Center Las Cruces will be a small, 42-bed general hospital and will build its reputation as a "Center for Excellence" providing specialized care currently not available in the Las Cruces community. Las Cruces is a vibrant city deserving the best in medical services and should welcome the opportunity to deliver to its citizens a choice in the delivery of health care. Las Cruces continues to be in the top ten locations for retirees and will have growing health care needs for many years in the future. This hospital is a small part of meeting the local demand both now and into the future.

Thank you for the opportunity to present the Park Ridge Medical Campus and Galichia Medical Center Las Cruces proposed to be built on the former Las Cruces Country Club site.

Yours truly,

Bob Pofahl, Partner
Park Ridge Properties LLLP



SM

FILE COPY



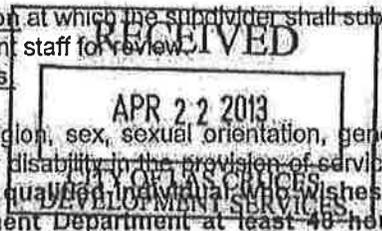
City of Las Cruces®

PEOPLE HELPING PEOPLE

CITY OF LAS CRUCES DEVELOPMENT APPLICATION

700 N. Main Street, Suite 1100 or PO Box 20000, Las Cruces, New Mexico 88004
 (575) 528-3043 (Voice) (575) 528-3155 (FAX) 1-800-659-8331 (TTY)

A preapplication meeting is required prior to the filing of an application at which the subdivider shall submit a concept plan of the proposed development to the community development staff for review.
Community Development staff will not accept incomplete applications.



The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodation for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 48 hours before the meeting by calling (575) 528-3043 (voice) or 1-800-659-8331 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers listed above.

(Case # 22860)

SUBJECT PROPERTY ADDRESS: 2700 N. Main Street

PROPERTY TAX ID# 4-007-133-269-387 **PARCEL ID#** 02-03647

PROPERTY OWNER(S) of record: Las Cruces Country Club Inc. (Chuck Rohr) *golfretire@live.com*

Address: 2370 Cheyenne Dr. **City:** Las Cruces **State:** NM **Zip:** 88011

Phone: Home(575) 522-5246 **Work():** **Mobile():** **Fax():**

APPLICANT/CONTACT PERSON: If different from owner, additional space provided on the back.

Name: Griselda A. Vélez **Title/Company:** Zia Engineering & Environmental Consultants, LLC

Address: 755 S. Telshor Blvd. Suite F-201 **City:** Las Cruces **State:** NM **Zip:** 88011

Phone: Home(n/a) **Work(** 575) 532-1526 **Mobile():** **Fax(** 575) 532-1587

email address: gvelez@ziaeec.com

Check and complete all boxes that apply:

PLANNING AND ZONING COMMISSION			
<input checked="" type="checkbox"/>	Zoning	From <u>R1-a</u> to <u>C-3</u>	Master Plan
<input type="checkbox"/>	Variance	From _____ to _____	Preliminary Plat
<input type="checkbox"/>	Special Use Permit (SUP)		Final Plat
<input type="checkbox"/>	New	Renewal/Time Ext	Amendment
<input type="checkbox"/>	Planned Unit Development (PUD)		Replat
<input type="checkbox"/>	1. Concept Approval		Alternate Summary
<input type="checkbox"/>	2. Final Site Plan Approval		Infill Sub. Conceptual Plan
<input type="checkbox"/>	3. Amendment		Vacation Subdivision
<input type="checkbox"/>	4. Renewal / Time Extension		Annexation Petition/Plat/Initial Zoning Req.
<input type="checkbox"/>	West Mesa Ind. Park		University District
<input type="checkbox"/>	Infill Development Requests(s):		South Mesquite
APPEAL TO:	PLANNING & ZONING COMMISSION		CITY COUNCIL

SIGNATURE(S): By signing the application, you hereby acknowledge that **ALL** the information submitted on and with this application is true and correct to the best of your knowledge. No application will be accepted without the original signature of the owner(s) of record of the described property. If more than one owner, **ALL** owners must sign the application.

Owner(s):

Would the property owner like to receive a copy of all correspondence sent to the applicant?

Property Owner Please Initial: Yes No

Property Owner 1: Charles E. Hoh Date 4-19-13
 Property Owner 2: [Signature] Date 4-19-13
 Date _____

Applicant/Representatives(s), if different from owner:

NOTE: The Owner, Applicant or legal representative must attend all public hearings.

ADDITIONAL APPLICANTS / CONTACT PERSONS, if different from owner:

Property Owner 1:

Name: Bob Pofahl Title/Company: Park Ridge Properties WLP
 Address: 1340 Picacho Hills Drive City Las Cruces State NM Zip 88007
 Phone-Home () Work(575) 523-2500 Mobile(575) 680-8812 Fax(575) 993-5342

Property Owner 2:

Name: _____ Title/Company: _____
 Address: _____ City _____ State NM Zip _____
 Phone-Home () Work() Mobile() Fax()

Applicant/Representative:

Name: Francisco Urueta, P.E. Title/Company: Zia Engineering & Environmental Consultants, LLC
 Address: 755 S. Telshor Blvd. Suite F-201 City Las Cruces State NM Zip 88011
 Phone-Home () Work(575) 532-1526 Mobile() Fax(575) 532-1587

*****STAFF USE ONLY*****

Accepted by:	<u>SM</u>	Fee Paid:	\$ <u>600.-</u>	Date Fee Paid	<u>4/22/13</u>
Receipt No.	<u>#4788306</u>	Check Number	# <u>1001</u>	Case Number	<u>22800</u>
Submittal Date	<u>4/22/13</u>	Submittal Complete		Assigned to:	<u>SM</u>

**AFFIDAVIT
PLANNING AND ZONING COMMISSION**

COMES NOW the undersigned and states under oath as follows:

1. That the undersigned an applicant for a zone change, initial zoning, Zoning Code amendment, Special Use Permit, Planned Unit Development, Subdivision or site plan approval.
2. That in connection with said application, the undersigned has submitted various information, including but not limited to, a legal description of the property.
3. That information submitted is true and accurate as of the date of signing of this Affidavit.

Robert Pofahl
 Name (Print)

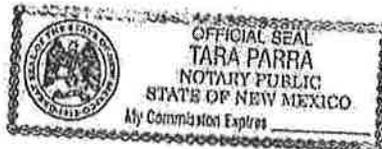
[Signature]
 Signature

STATE OF NEW MEXICO)
) ss
 COUNTY OF DONA ANA)

The foregoing instrument was acknowledged before me this 19 day of April,
 2013, by ROBERT POFAHL

[Signature]
 NOTARY PUBLIC

My Commission Expires:
8/29/2014



SUPPLEMENTAL SUBDIVISION APPLICATION INFORMATION

To be placed on an agenda for a Planning and Zoning Commission meeting, all review comments must be addressed. THE APPLICANT(S) OR THEIR REPRESENTATIVE MUST ATTEND THE PLANNING AND ZONING COMMISSION MEETING.

Submitted herewith is the following material for: Park Ridge Medical Center
Name of Subdivision

Gross Area of Subdivision 30.745 Acres Acres Property located within R1-a Zone(s)

Number of Lots 5 Parcels (if Replat list existing and proposed number of lots)

Dwelling Units / Acre 20 DU/acre Acres for Residential 6.87 Acres

Acres for Streets 5.04 Acres Acres for Other 18.835 Acres

Request for Waiver(s) (Written justification is required): _____

The legal description for the total area in this plat is as shown in Deed Book 89
Page(s) 261-263, filed on the 23 day of June, 1935.

Applicant's Surveyor: Precision Land Surveyors 10441 Valle De Oro Dr.
El Paso, Texas 79927 (975) 222-5227
Name Address Phone No.

Applicant's Engineer: Zia Engineering/755 S Telshor Blvd. Las Cruces, NM 88011/(575) 532-1526
Name Address Phone No.

DEVELOPMENT STATEMENT for City Subdivision/Zoning Applications

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

Applicant Information

Name of Applicant: Zia Engineering & Environmental Consultants, LLC

Contact Person: Griselda A. Velez

Contact Phone Number: (575) 532-1526

Contact e-mail Address: gvelez@ziaeec.com

Web site address (if applicable): www.ziaeec.com

Proposal Information

Name of Proposal: Park Ridge Medical Center

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Commercial Development (Hospital/Medical Offices/Assisted Living)

Location of Subject Property: 2700 N. Main Street

(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Acreage of Subject Property: 30.745 Acres

Detailed description of **current** use of property. Include type and number of buildings:

The property is located within Las Cruces Country Club grounds. Existing buildings in the area include a Clubhouse, pool, maintenance and restroom facilities. Golf course and buildings are no longer in use.

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

See detailed description on attached sheet.

Zoning of Subject Property: R1-a

Proposed Zoning (If applicable): C-3C AND R-4C

Proposed number of lots 5 Parcels, to be developed in 3 phase (s).

Proposed square footage range of homes to be built from N/A to N/A

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

Square footage of non-residential uses range: from 20,000 sf to 80,000 sf/Max height: 45'

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

24 hours

Anticipated traffic generation Approx. 6950 trips per day.

Anticipated development schedule: work will commence on or about September 2013

and will take 24 months to complete.

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

Stormwater runoff will be addressed through a combination of on lot ponding, conveyance structures and regional detention/retention facilities.

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach

rendering (rendering optional). Park Ridge Medical Center is envisioned as an inviting, aesthetically pleasing development. Attractive entrance features will set the tone for architectural continuity throughout this proposed up-scale development. Landscape will be used to enhance roads and open space. Landscape and architectural guidelines will be in place to be enforced by an owners association.

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No X Explain: Existing bus stops will be preserved and possibly enhanced.

Is there existing landscaping on the property? Yes

Are there existing buffers on the property? No

Is there existing parking on the property? Yes X No ___

If yes, is it paved? Yes X No ___

How many spaces? Approx. 75 How many accessible? n/a (parking not in use)

Attachments

Please attach the following: (* indicates optional item)

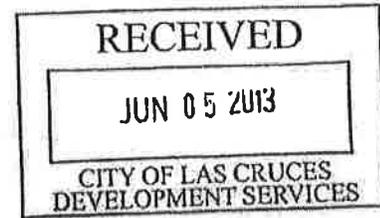
Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information



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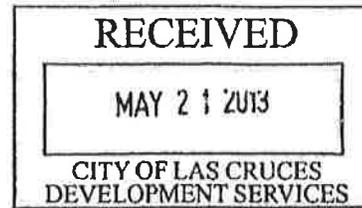
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Location: H:\Project Files\2012 Las Cruces\LCC-2012N-LCC-12-020 PARK RIDGE Medical Center\N-LCC-12-020_Park Ridge Medical Center-Vicinity Map.dwg
Layout: Layout1 Printed: Fri 18-Apr-2013 - 01:43PM

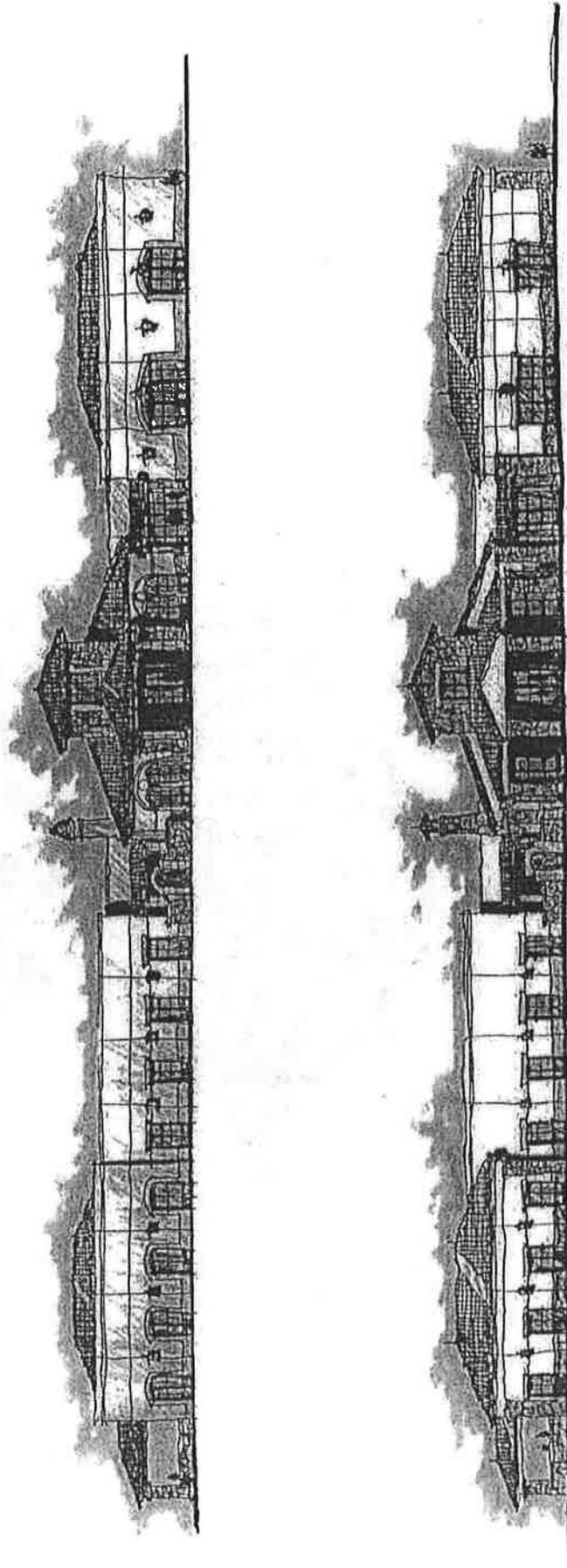


**Zia Engineering & Environmental
Consultants, L.L.C.**
765 S. Telshor Blvd., Suite F-201
Las Cruces, New Mexico 88011
Phone: (575) 532-1526
Fax: (575) 532-1587

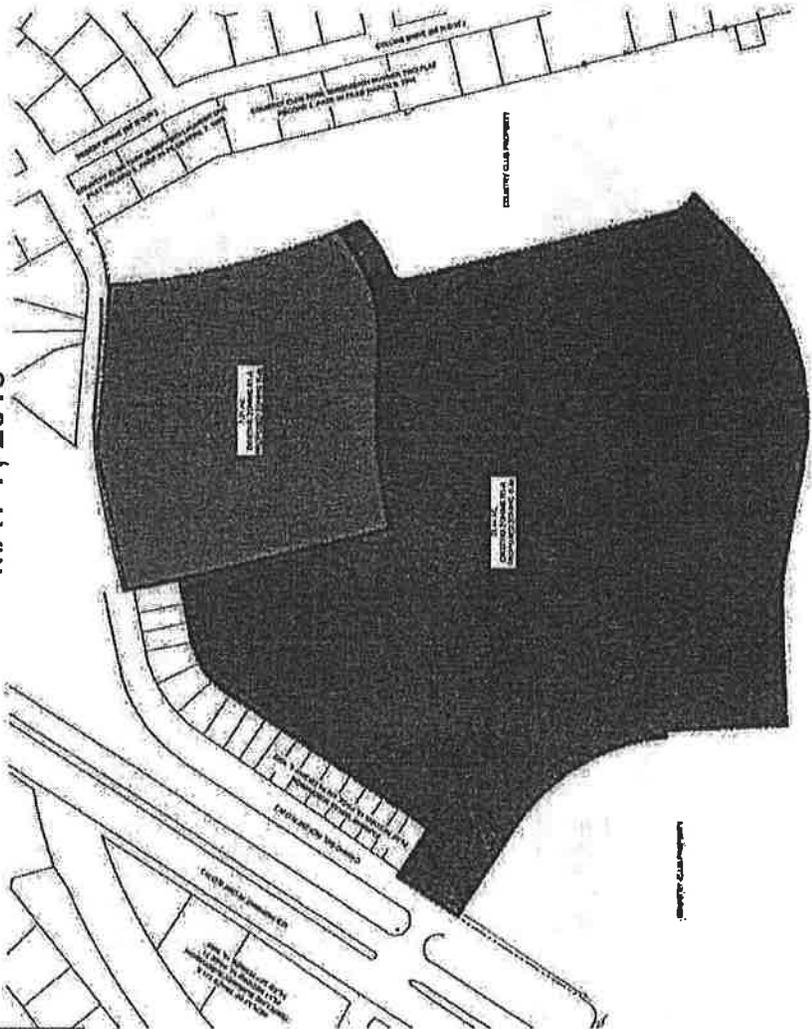
LCC-12-020

VICINITY
MAP

**PARK RIDGE
MEDICAL CENTER**
LAS CRUCES, NEW MEXICO



PARK RIDGE MEDICAL CENTER ZONING PLAN 30.75 ACRES MAY 7, 2013

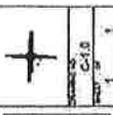


RECEIVED
MAY 07 2013
CITY OF LAS CRUCES
DEVELOPMENT SERVICES

DEVELOPER:
PARK RIDGE MEDICAL CENTER, LLC
10000 PARK RIDGE BLVD, SUITE 100
LAS CRUCES, NM 88001

DESIGNER:
Z/E ENGINEERING & ENVIRONMENTAL CONSULTANTS, LLC
10000 PARK RIDGE BLVD, SUITE 100
LAS CRUCES, NM 88001

Project Name:	PARK RIDGE MEDICAL CENTER
Client:	PARK RIDGE MEDICAL CENTER
Project No.:	
Scale:	
Date:	
Author:	
Checker:	
Appr.:	
City:	
County:	
State:	
Country:	



LEGEND

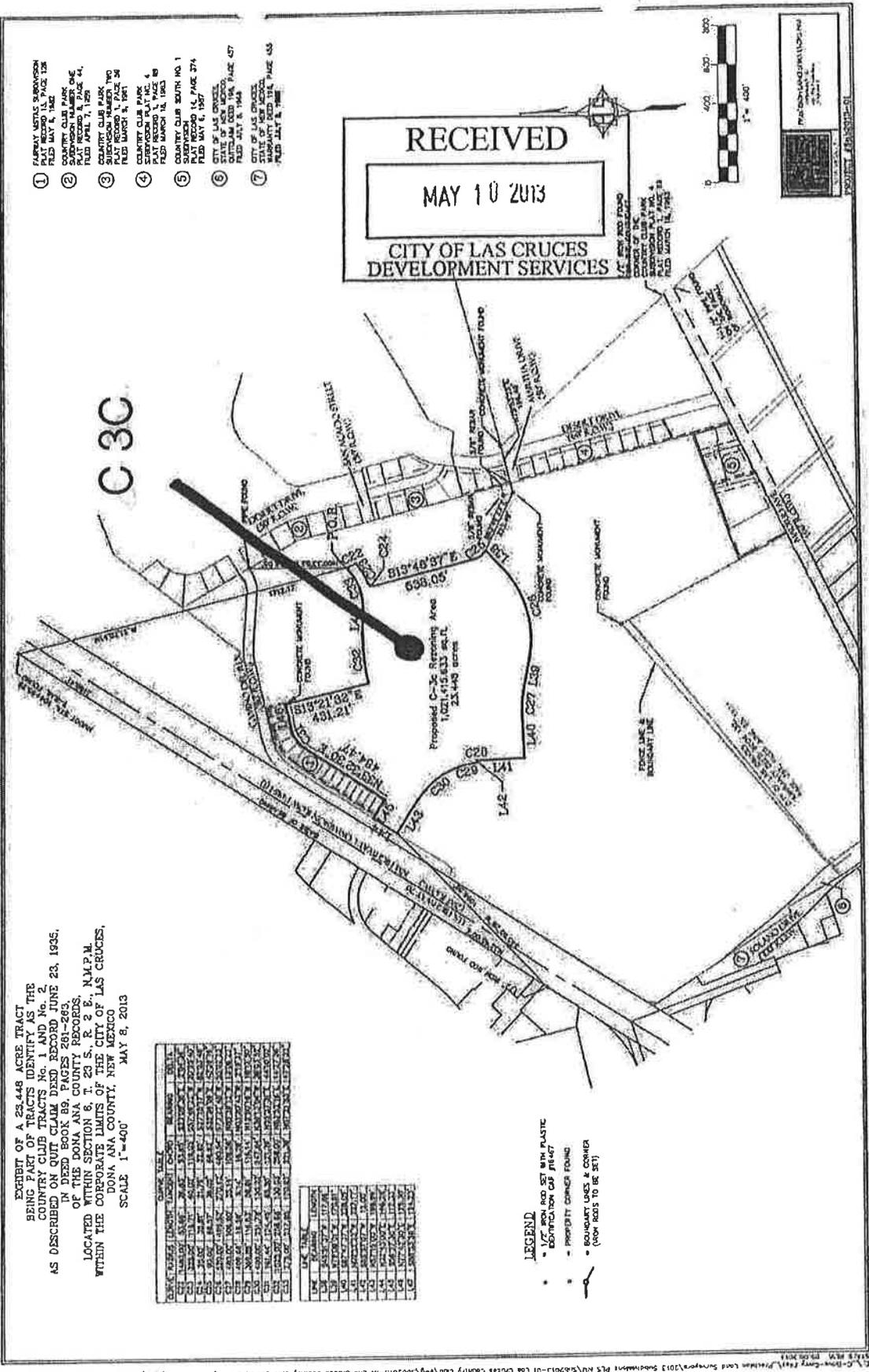
- 1. 20' WIDE SIDEWALK
- 2. 10' WIDE SIDEWALK

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

THE ENGINEERING & ENVIRONMENTAL CONSULTANTS, LLC
10000 PARK RIDGE BLVD, SUITE 100
LAS CRUCES, NM 88001
PHONE: (505) 783-1328 FAX: (505) 783-1327
WWW.ZEENGINEERING.COM

RECEIVED
MAY 07 2013
CITY OF LAS CRUCES
DEVELOPMENT SERVICES



- ① FAIRMAY MOTELS SUBDIVISION
PLAT NO. 100, PAGE 128
FILED MARCH 14, 1962
- ② COUNTRY CLUB PARK ONE
SUBDIVISION NUMBER ONE
PLAT NO. 101, PAGE 129
FILED APRIL 7, 1962
- ③ COUNTRY CLUB PARK
SUBDIVISION NUMBER TWO
PLAT NO. 102, PAGE 130
FILED MARCH 8, 1961
- ④ COUNTRY CLUB PARK
SUBDIVISION PLAT NO. 4
PLAT NO. 103, PAGE 131
FILED MARCH 14, 1962
- ⑤ COUNTRY CLUB SOUTH NO. 1
SUBDIVISION
PLAT NO. 104, PAGE 132
FILED MAY 10, 1967
- ⑥ CITY OF LAS CRUCES
STATE OF NEW MEXICO
PLAT NO. 105, PAGE 133
FILED MAY 10, 1967
- ⑦ CITY OF LAS CRUCES
STATE OF NEW MEXICO
MARGUARY ADD. TEL. PAGE 433
FILED MAY 8, 1968

EXHIBIT OF A 23,448 ACRE TRACT
BEING PART OF TRACTS IDENTIFY AS THE
COUNTRY CLUB TRACTS NO. 1 AND NO. 2,
AS DESCRIBED IN DEED BOOK 89, PAGES 261-266,
OF THE DONA ANA COUNTY RECORDS,
LOCATED WITHIN SECTION 8, T. 23 S., R. 2 E., N.M.P.M.
WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS CRUCES,
DONA ANA COUNTY, NEW MEXICO
SCALE: 1"=400'
MAY 8, 2013

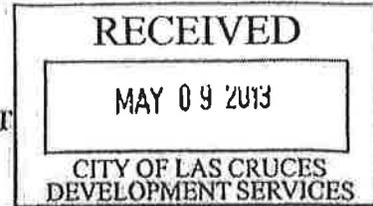
LINE NUMBER	BEARING	DISTANCE	AREA
1	N 89° 54' 12" E	100.00	100.00
2	S 89° 54' 12" E	100.00	100.00
3	S 89° 54' 12" E	100.00	100.00
4	N 89° 54' 12" E	100.00	100.00
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35	S 89° 54' 12" E	100.00	100.00
36	N 89° 54' 12" E	100.00	100.00
37	N 89° 54' 12" E	100.00	100.00
38	S 89° 54' 12" E	100.00	100.00
39	S 89° 54' 12" E	100.00	100.00
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82	S 89° 54' 12" E	100.00	100.00
83	S 89° 54' 12" E	100.00	100.00
84	N 89° 54' 12" E	100.00	100.00
85	N 89° 54' 12" E	100.00	100.00
86	S 89° 54' 12" E	100.00	100.00
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94	S 89° 54' 12" E	100.00	100.00
95	S 89° 54' 12" E	100.00	100.00
96	N 89° 54' 12" E	100.00	100.00
97	N 89° 54' 12" E	100.00	100.00
98	S 89° 54' 12" E	100.00	100.00
99	S 89° 54' 12" E	100.00	100.00
100	N 89° 54' 12" E	100.00	100.00

- LEGEND
- PROPERTY CORNER FOUND
 - BOUNDARY LINES & CORNER (FROM RECORDS TO BE SET)
 - PROPERTY CORNER FOUND
 - BOUNDARY LINES & CORNER (FROM RECORDS TO BE SET)
 - PROPERTY CORNER FOUND
 - BOUNDARY LINES & CORNER (FROM RECORDS TO BE SET)

1379

C 3C

DESCRIPTION OF A 23.448 ACRE TRACT



A tract of land situated in the city of Las Cruces, Dona Ana County, New Mexico, being part of tracts identified as the Country Club Tracts No. 1 and No. 2, as described on Quit Claim Deed Record June 23, 1935, in Deed Book 89, Pages 261-263, Dona Ana county records, Situated within Section 6, T. 23 S., R. 2 E., N.M.P.M. and the corporate limits of the City of Las Cruces, Dona Ana County, New Mexico; and being more particularly described as follows:

BEGINNING at the northeast corner of this tract; whence to the northwest corner of Country Club Park Subdivision Number One, Plat Record 8, Page 44, filed April 7, 1959, bears N.00°33'03"E., 488.05 feet; whence a NMDOT STA. 104+95.28 T-rail found for the north right-of-way of U.S. Highway 70 (AKA) Main Street, bears N.14°02'12"W, 1712.17 feet;

THENCE around the arc of a curve to the left having a radius of 1480.00 feet, an arc length of 53.66 feet, through a central angle of 2°04'38" and whose long chord bears S.23°09'38"E., a distance of 53.65 feet to the point of tangency;

THENCE around the arc of a curve to the right having a radius of 325.00 feet, an arc length of 118.71 feet, through a central angle of 20°55'40" and whose long chord bears S.57°49'22"W., a distance of 118.05 feet to the point of tangency;

THENCE around the arc of a curve to the left having a radius of 25.00 feet, an arc length of 35.81 feet, through a central angle of 82°03'48" and whose long chord bears S.27°15'17"W., a distance of 32.82 feet to the point of tangency;

THENCE S.13°46'37"E., 538.04 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 90.00 feet, an arc length of 68.57 feet, through a central angle of 43°39'10" and whose long chord bears S.35°36'12"E., a distance of 66.92 feet for the southeast corner of this tract; whence a concrete monument found, bears S.63°49'27"E., 323.49 feet;

THENCE S.45°51'37"W., 117.66 feet to a corner of this tract;

THENCE around the arc of a curve to the right having a radius of 520.00 feet, an arc length of 499.52 feet, through a central angle of 55°02'23" and whose long chord bears S.73°22'48"W., a distance of 480.54 feet to the point of tangency;

THENCE N.79°06'01"W., 170.61 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 480.00 feet, an arc length of 109.80 feet, through a central angle of 13°06'22" and whose long chord bears N.85°39'12"W., a distance of 109.56 feet to the point of tangency;

THENCE S.87°47'37"W., 228.09 feet for the southwest corner of this tract;

THENCE N.02°12'23"W., 227.17 feet to a corner of this tract;
(Description Continues)

C 3C

(Description Continued)

THENCE around the arc of a curve to the left having a radius of 409.68 feet, an arc length of 16.28 feet, through a central angle of $2^{\circ}16'37''$ and whose long chord bears $N.03^{\circ}20'43''W.$, a distance of 16.28 feet to the point of tangency;

THENCE $S.85^{\circ}57'07''W.$, 12.00 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 366.89 feet, an arc length of 116.63 feet, through a central angle of $18^{\circ}12'50''$ and whose long chord bears $N.12^{\circ}50'16''W.$, a distance of 116.14 feet to the point of tangency;

THENCE around the arc of a curve to the left having a radius of 400.00 feet, an arc length of 251.78 feet, through a central angle of $36^{\circ}03'52''$ and whose long chord bears $N.39^{\circ}13'04''W.$, a distance of 247.64 feet to the point of tangency;

THENCE $N.57^{\circ}15'00''W.$, 198.99 feet to the southerly right-of-way of U.S. Highway 70 (AKA) Main Street for the northwest corner of this tract; whence a $\frac{1}{2}$ " iron rod found for the north right-of-way of U.S. Highway 70 (AKA) Main Street, bears $S.45^{\circ}55'28''W.$, 1096.89 feet;

THENCE along the said right-of-way, $N.32^{\circ}45'00''E.$, 146.28 feet to a $\frac{1}{2}$ " iron rod set with cap marked NM 16467 at the northwest corner of Fairway Vistas Subdivision, Plat Record 13, Page 126, filed May 5, 1982 for a corner of this tract;

THENCE along the said subdivision the following four courses and distances;

$S.56^{\circ}27'30''E.$, 112.33 feet to a $\frac{1}{2}$ " iron rod set with cap marked NM 16467 for a corner of this tract;

THENCE $N.33^{\circ}32'30''E.$, 484.47 feet to a $\frac{1}{2}$ " iron rod set with cap marked NM 16467 for a corner of this tract;

THENCE around the arc of a curve to the right having a radius of 161.44 feet, an arc length of 124.45 feet, through a central angle of $44^{\circ}10'02''$ and whose long chord bears $N.55^{\circ}37'31''E.$, a distance of 121.39 feet to the point of tangency;

THENCE $N.77^{\circ}42'30''E.$, 125.30 feet to a concrete monument found at the southeast corner of said subdivision for a corner of this tract;

THENCE leaving the said subdivision, $S.13^{\circ}21'32''E.$, 431.21 feet to a corner of this tract;

THENCE around the arc of a curve to the right having a radius of 1025.00 feet, an arc length of 258.68 feet, through a central angle of $14^{\circ}27'36''$ and whose long chord bears $N.83^{\circ}52'16''E.$, a distance of 258.00 feet to the point of tangency;

THENCE $S.88^{\circ}53'56''E.$, 124.23 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 275.00 feet, an arc length of 227.85 feet, through a central angle of $47^{\circ}28'22''$ and whose long chord bears $N.67^{\circ}21'53''E.$, a distance of 221.39 feet to the Point of Beginning, containing 23.448 acres of land, more or less.

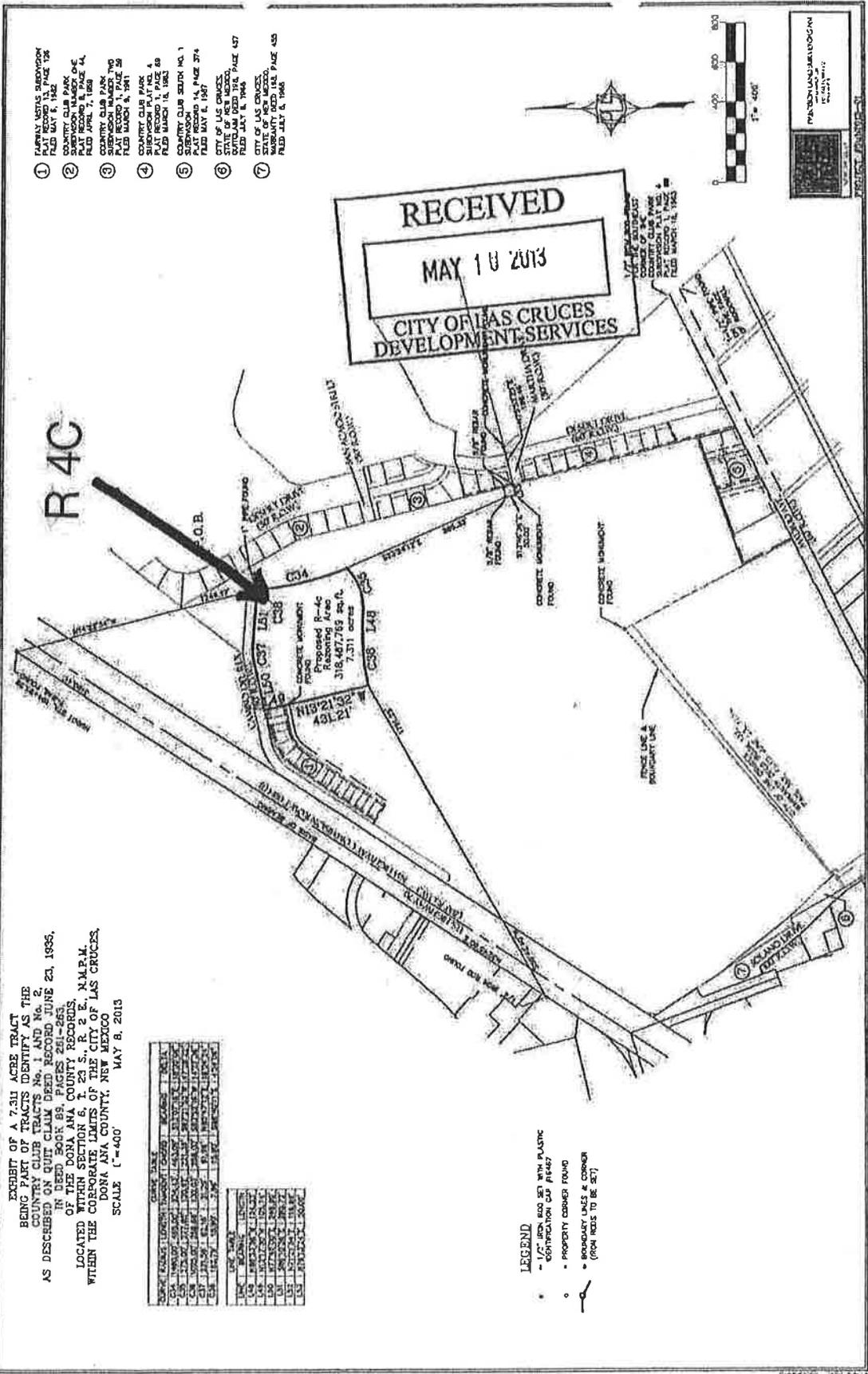


EXHIBIT OF A 7.311 ACRE TRACT BEING PART OF TRACTS IDENTIFY AS THE COUNTRY CLUB TRACTS No. 1 AND No. 2, AS DESCRIBED ON QUIT CLAIM DEED RECORD JUNE 23, 1935, IN DEED BOOK 89, PAGES 261-263, LOCATED WITHIN SECTION 8, T. 23 S., R. 2 E., N.M.P.M., WITHIN THE DONA ANA COUNTY RECORDS, DONA ANA COUNTY, NEW MEXICO. SCALE: 1"=400' MAY 8, 2013

R 4C

DESCRIPTION OF A 7.311 ACRE TRACT

A tract of land situated in the city of Las Cruces, Dona Ana County, New Mexico, being part of tracts identified as the Country Club Tracts No. 1 and No. 2, as described on Quit Claim Deed Record June 23, 1935, in Deed Book 89, Pages 261-263, Dona Ana county records, Situated within Section 6, T. 23 S., R. 2 E., N.M.P.M. and the corporate limits of the City of Las Cruces, Dona Ana County, New Mexico; and being more particularly described as follows:

BEGINNING at the northeast corner of this tract and being on the south right-of-way of Camino Del Rex; whence to the northwest corner of Country Club Park Subdivision Number One, Plat Record 8, Page 44, filed April 7, 1959, bears N.71°21'54"E., 115.89 feet; whence a NMDOT STA. 104+95.28 T-rail found for the north right-of-way of U.S. Highway 70 (AKA) Main Street, bears N.14°22'34"W, 1249.17 feet;

THENCE around the arc of a curve to the left having a radius of 1480.00 feet, an arc length of 465.00 feet, through a central angle of 18°00'06" and whose long chord bears S.13°07'16"E., a distance of 463.09 feet for the southeast corner of this tract; whence a concrete monument found, bears S.23°24'12"E., 885.33 feet; and S.13°46'36"E., 50.00 feet;

THENCE around the arc of a curve to the right having a radius of 275.00 feet, an arc length of 227.85 feet, through a central angle of 47°28'22" and whose long chord bears S.67°21'53"W., a distance of 221.39 feet to the point of tangency;

THENCE N.88°53'56"W., 124.23 feet to a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 1025.00 feet, an arc length of 258.68 feet, through a central angle of 14°27'36" and whose long chord bears S.83°52'16"W., a distance of 258.00 feet for the northwest corner of this tract; whence a ½" iron rod found for the north right-of-way of U.S. Highway 70 (AKA) Main Street, bears S.59°42'40"W., 1791.25 feet;

THENCE N.13°21'32"W., 431.21 feet to a concrete monument found at the southeast corner of Fairway Vistas Subdivision, Plat Record 13, Page 126, filed May 5, 1982 for a corner of this tract;

THENCE leaving the said subdivision, N.12°17'30"W., 105.74 feet to a ½" iron rod set with cap marked NM 16467 at the south right-of-way of Camino Del Rex for the southwest corner of this tract;

THENCE along the said right-of-way the following four courses and distances;

N.77°45'00"E., 249.99 feet to a ½" iron rod set with cap marked NM 16467 for a corner of this tract;

THENCE around the arc of a curve to the right having a radius of 221.59 feet, an arc length of 62.16 feet, through a central angle of 16°04'24" and whose long chord bears N.85°47'12"E., a distance of 61.96 feet to the point of tangency;

(Description Continues)

R 4C

(Description Continued)

THENCE S.86°10'36"E., 280.72 feet to a ½" iron rod set with cap marked NM 16467 for a corner of this tract;

THENCE around the arc of a curve to the left having a radius of 182.79 feet, an arc length of 15.90 feet, through a central angle of 4°59'06" and whose long chord bears S.88°40'11"E., a distance of 15.90 feet to the Point of Beginning, containing 7.311 acres of land, more or less.

6



City of Las Cruces®

PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

CURRENT PLANNING:

Case #: Z2860

Date: April 22, 2013

Request: Rezone 35-acres from R-1a (Medium-density Single-family Residential) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Monday, April 29, 2013. Thank you.

COMMENTS:

① Nursing homes/Assisted Living/skilled nursing care not permitted in C-3 zone; should seek R-4c zoning for that area.
② heliport is a special use in C-3; cannot make that an Allowable use in C-3c zone.

- Susana
5/7/13

RECOMMENDATION:

 x APPROVAL DENIAL
w/ conditions noted above

Z2860 R-1a to C-3C
 2700 N Main
 Long Range Planning Comments

April 23, 2013

Conclusions

This is a proposal for a zone change from R-1a to C-3C to accommodate a development which is to include a hospital, medical offices and assisted care facility. The conditional zoning would allow by right a heliport, ordinarily allowable with a special use permit, and the assisted living facility, which is currently allowed only in R-2, R-3 and R-4 zones. As an infill development, the proposal would make use of abandoned acreage that is in severe disrepair due to the closing of the Las Cruces Country Club. This would be a tremendous benefit to the surrounding neighborhood and the community in general. In addition, the Comprehensive Plan encourages infill development in this area of the City so the applicant is allowed to deviate from planning related requirements, with some limitations. Allowing the aforementioned uses by right in a C-3 zone would be appropriate in this case.

The Comprehensive Plan policies that are listed support the project and therefore, staff supports the zone change.

Land Use

- (S) The location along a Principal/Minor Arterial and within the City-designated Infill District makes the property suitable for high intensity commercial;
- (S) Generally, the proposed uses are compatible with surrounding uses that also include high intensity commercial; allowing a heliport and assisted living center by right is also appropriate;
- (S) Office and commercial with nearby residential has the potential to reduce the need for commuting.

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

Land Use Element, Goal 1 (Land Uses)

Policy 1.5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.

b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial

street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.

d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

e. Adequate space for functional circulation shall be provided for parking and loading areas.

f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

- 1.8.1. The infill area shall be defined as the area buffered by Interstate 25 on the east, University Avenue to the south, Valley Drive from University Avenue to Hoagland Road on the west and Hoagland Road/Three Crosses/N. Main Street as the northern boundary.
- 1.8.2. Infill development shall be compatible with the existing architecture, landscaping, and character of the surrounding neighborhood.
- 1.8.4. The City strongly encourages the developer to seek participation from adjacent landowners and neighbors of the proposed development via a neighborhood meeting where all neighborhood concerns may be addressed.
- 1.8.5. Incentives to create infill development will be considered for all types of development in the infill area.
- 1.8.6. Additional infill policies and incentives to create infill development shall be furthered defined through the development of an Infill Policy Plan.

Susana Montana

From: Paul Michaud
Sent: Tuesday, April 23, 2013 12:41 PM
To: Carol McCall; Susana Montana
Cc: Srijana Basnyat
Subject: RE: Z2860

Carol/Susana:

I agree on the support of the application with a few additional comments.

- It could be argued that the site is not technically along a Principal/Major Arterial once you subdivide the parcels and that the proposed uses are not exactly at the intersection of Main St and Solana Dr. The access is off Camino Del Rex a local road, but the current parcel in its present configuration does adjoin the intersection of Main Street and Solano. Looking at the north side of Main Street that the C-2 and C-3 runs to the arroyo, I am comfortable with saying the proposed location meets Policy 1.5.3. since it would align the commercial with the other side of the street.
- I would also note the following polices
 - Community Services, Goal 2, Provide a balance of services meeting the needs of all segments of the City's population
 - Policy 2.1.2, Community Services should be located in areas which will best serve their target population (speak to the demand for services on north side of the city)
 - Policy 2.1.4, Community services should locate near public transportation when feasible. (Along/within ¼ mile of transit stop)
 - Policy 2.1.5, To the extent possible, community service facilities should be grouped together as a means of maximizing usage. (they are grouping hospital and care facility)

Paul



City of Las Cruces
PEOPLE HELPING PEOPLE
MPO REZONING REVIEW COMMENTS

Case #: Z2860

Date: April 22, 2013

Request: Rezone 35-acres from R-1a (Medium-density Single-family Residential) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Monday, April 29, 2013. Thank you.

MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
US 70	Adjacent Approx. 100 ft		Principal Arterial	120 ft	Route 10 Stop 6	32550 (2011)	Yes (Somewhat Suitable)	Bike Lane
El Camino Real	Adjacent Approx. 200 ft		Minor Arterial	100 ft	None	3451 (2006)	Yes (Somewhat Suitable)	Bike Lane

Recommended Conditions of Approval

- Prior to building permit, the applicant submits a traffic plan approval for Camino Del Rex and N. Main intersection from traffic engineering department addressing considerations from existing trips and estimated trips resulting from the proposed project.
- Park Ridge Blvd will have a Bike Lane.

Additional Comments

- Existing bus stop near Golf Course on US 70 will be upgraded to a shelter facility and made attractive for bus commuters.
- Pedestrian access facility from the project to the above mentioned bus stop to be constructed. It will include but not limited to the sidewalk construction along US 70.
- Site design review required for paratransit (Dial-a-Ride) facility within the scope of the project.



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

To: Engineering Services

Case #: Z2860

Date: April 22, 2013

Request: Rezone 35-acres from R-1a (Medium-density Single-family Residential) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Monday, April 29, 2013. Thank you.

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		<u>X</u> _____
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

DEVELOPMENT IMPROVEMENTS:

Drainage Calculation needed	YES <u>X</u>	NO _____	N/A _____
Drainage Study needed	YES <u>X</u>	NO _____	N/A _____
Other drainage Impr. needed	YES <u>X</u>	NO _____	
Sidewalk extension needed	YES <u>X</u>	NO _____	
Curb & gutter extension needed	YES <u>X</u>	NO _____	
Paving extension needed	YES <u>X</u>	NO _____	
NMDOT permit needed	YES <u>X</u>	NO _____	

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval _____ Denial

Rocio Dominguez

Development Improvements are required with construction drawings.



Rezoning Case Review Sheet

FIRE PREVENTION & EMERGENCY SERVICES:

Case #: Z2860

Date: April 22, 2013

Request: Rezone 35-acres from R-1a (Medium-density Single-family Residential) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Monday, April 29, 2013. Thank you.

ACCESSIBILITY ISSUES: *

CONCERN

	Low	Medium	High
Building Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secondary Site/Lot Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fireflow/Hydrant Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Type of Building Occupancy: Mixed

Closest fire department that will service this property:

Name Station 1

Address/ Location 201 E. Picacho

Distance from subject property (miles) 1

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.*

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial
Comments:



Rezoning Case Review Sheet

CLC Utilities Services

Case #: Z2860

Date: April 22, 2013

Request: Rezone 35-acres from R-1a (Medium-density Single-family Residential) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Monday, April 29, 2013. Thank you.

WATER AVAILABILITY & CAPACITY:*

Water Provider:

CLC

Other _____

CLC Water System capable of handling increased usage:

Yes

No _____

Comment _____

WASTEWATER AVAILABILITY & CAPACITY:*

Wastewater service type:

CLC Sewer:

On-lot septic _____

CLC Wastewater service capable of handling increased usage:

Yes

No _____

Comment _____

NATURAL GAS AVAILABILITY & CAPACITY*

Natural Gas Provider

City of Las Cruces

Rio Grande _____

CLC Gas System capable of handling increased usage:

Yes

No _____

Comment _____

Case #: Z2860

Date: April 22, 2013

**To receive City utility service to this property, the responsible property owner/applicant/subdivider is responsible for (1) the acquisition of all necessary water, sewer, and gas easements, (2) the construction of all necessary utility lines, and (3) compliance with all applicable City of Las Cruces requirements.*

DEPARTMENTAL RECOMMENDATIONS & OTHER COMMENTS:

Recommendation: Approval Denial

Approval with conditions:

*John Reid
04/29/13*

Additional comments:

The utilities for the entire 140-acre Park Ridge project should be master planned, as discussed during the April 23 meeting.

ZONE CHANGE REVIEW

DATE: April 22, 2013

REVIEW: #1
CASE NO.: Z2860

TO: CURRENT PLANNING
 ENGINEERING SERVICES
 LAND MANAGEMENT
 SURVEYOR
 CITY UTILITIES
 MPO

COUNTY PLANNING
 COUNTY ENGINEERING
 COUNTY FLOOD COMMISSION
 COUNTY FIRE
 NM ENVIRONMENTAL
 EBID
 OTHER (GIS)

FROM: *Susana Montana*
~~Adam Ochoa~~, Planner

SUBJECT: Park Ridge Medical Center Zone Change from R-1a to C-3c

Please review and return to the Community Development Department no later than April 29, 2013

APPROVED AS IS: YES

APPROVED WITH CONDITIONS: YES, *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 4/29/2013

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

COMMENTS:



Rezoning Case Review Sheet

PARKS:

Case #: Z2860

Date: April 22, 2013

Request: Rezone 35-acres from R-1a (Medium-density Single-family Residential) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Monday, April 29, 2013. Thank you.

Please note that the assisted living land use is deemed a commercial land use.

Are park impact fees going to be assessed for the proposed development?

Yes No

If no, why?

COMMENTS:

Fees will be assessed - multi-family dwelling units if applicable.

RECOMMENDATION:

APPROVAL

DENIAL



City of Las Cruces

PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

RECEIVED

APR 23 2013

TRAFFIC

TRAFFIC ENGINEERING:

Case #: **Z2860**

Date: April 22, 2013

Request: Rezone 35-acres from R-1a (Medium-density Single-family Residential) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Monday, April 29, 2013. Thank you.

SITE ACCESSIBILITY: *

Adequate deriving aisle	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	} UNKNOWN
Adequate curb cut	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
Intersection sight problems	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
Off-street parking problems	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	

ON-STREET PARKING IMPACTS:

None Low Medium High } UNKNOWN

Explain: _____

FUTURE INTERSECTION IMPROVEMENTS:

Yes No If yes, what intersection? SIGNAL IMPROVEMENTS
when (timeframe)? _____

Is a TIA required? Yes No

If yes, please provide findings: PER TIA REVIEW/ APPROVAL

**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 (WITH CONDITIONS) Denial

Comments: SEE ATTACHED

Traffic Engineering Comments

Case: Z2860

5/14/13

1. The application shows an anticipated increase in traffic of approximately 7000 ADT. The current traffic generated from the site is negligible therefore a TIA will be required. The following must also be included in addition to overall traffic impacts:
 - a. The signals at Camino Del Rex/El Camino Real/Main and Elks/Triviz/Main and increase in traffic along Main Street. The Camino Del Rex/El Camino Real/Main intersection will not accommodate a full 8-phase. The underground conduit system, cabinet, and electric service all need upgrades, new signals will be required. If widening the road is required then the traffic signal poles and mast arms need to be relocated and replaced. Type I placement.
 - b. ADA improvements at Camino Del Rex/El Camino Real/Main
 - c. How the transition to Camino Del Rex will function given its proximity to Main Street
 - d. Operational impacts on Camino Del Rex
2. Due to the anticipated increase traffic street light infrastructure and ADA improvements will be required along Camino Del Rex

6



Rezoning Case Review Sheet

NMDOT:

Case #: Z2860

Date: April 22, 2013

Request: Rezone 35-acres from R-1a (Medium-density Single-family Residential) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Monday, April 29, 2013. Thank you.

Which State highway would be impacted by the proposed rezoning? US 70 (N. Main)

How would that highway be impacted? Maybe a traffic analysis will tell me that

What conditions on the rezoning or what other mitigation would you suggest to avoid or ameliorate this potential impact?

Is a driveway permit from NMDOT required? Yes: _____ No:

Explanations: _____

COMMENTS:

I still need to know what impacts this development has on N-main st.

RECOMMENDATION: _____ APPROVAL _____ DENIAL

Reviewer: Maria Hingos

Contact information: 544-6544



Infill Development
Overlay District
Boundaries

Community Meetings for Las Cruces Country Club Redevelopment

The developer, in addition, to many individual and small group meetings, held four major community information meetings. All meetings were held at the Las Cruces Homebuilders' Building due to its close proximity the Country Club neighborhoods. A fifth meeting is planned for June 18, 2013.

Meetings:

1. **November 14, 2012** – held specifically for town homeowners living on Camino del Rex.
 - a. Developer felt it important to inform town homeowners of impending development first since they are directly adjacent to the country club property.
 - b. Approximately 80% of the town homeowners attended.
 - c. Developer presented general plan for the development including medical campus, residential and retail elements.

2. **January 28, 2012** – meeting called using John Stevens' email list for all members of the Country Club HOA.
 - a. Attended by approximately 40 people.
 - b. John Stephens used first five minutes to conduct annual CCNA meeting.
 - c. Developer presented site plan.
 - d. Presented preliminary traffic impact analysis done by Zia Engineering.
 - e. Presented preliminary drainage study done by Zia.
 - f. Discussed various zoning elements – medical campus, residential, assisted living and retail.

3. **February 13, 2013** – meeting for community again using CCNA contact list
 - a. Attended by approximately 50 people
 - b. Presented site plan with revisions based on input from January 28 meeting.
 - c. Answered questions

4. **March 14, 2013** – due to limited attendance when using CCNA mailing list, developer sent out post card invitations to 460 residences surrounding the country club area. Post card invited residents to “Come meet the project team and find out about the mixed use community that will include healthcare, residential, retirement and retail”.
 - a. Attended by approximately 100 people
 - b. Presented site plan
 - c. Presented mixed-use elements – healthcare, retirement, residential and retail.
 - d. Opened for questions and answers

5. **June 18, 2013 – COMMUNITY MEETING PLANNED FOR REZONING**
 - a. Invitations will be sent out to 460 community members
 - b. Developer will present rezoning plan that is to be presented to P&Z

Since November of 2012, NAI 1st Valley Real Estate representatives, representing Developer, have done door to door canvassing to answer questions and introduce community residents to the LCCC redevelopment plan.

In addition to the above meetings, the Developer held smaller individual and community meetings, below are a few smaller meetings:

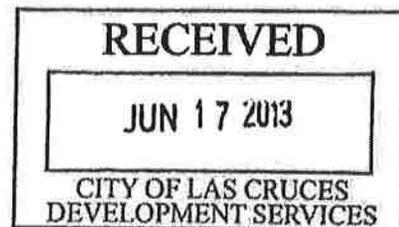
1. **March 12, 2013** – John Stevens requested that the Developer meet with the Premier Park group and give a presentation on the project
 - a. Approximately 18 people attended
 - b. Developer discussed site plan and various elements including healthcare campus, retirement, residential and retail
 - c. Developer also discussed current plans of City of Las Cruces for parks including development of 4 new parks totaling 1,200 acres.

2. **March 1, 2013** – Meeting with Las Cruces MLIS Board
 - a. Presented master plan
 - b. Discussed elements of the plan and economic impact on area

3. **March 27, 2013** – Meeting with Las Cruces Realtor Assn. Board
 - a. Presentation same as above

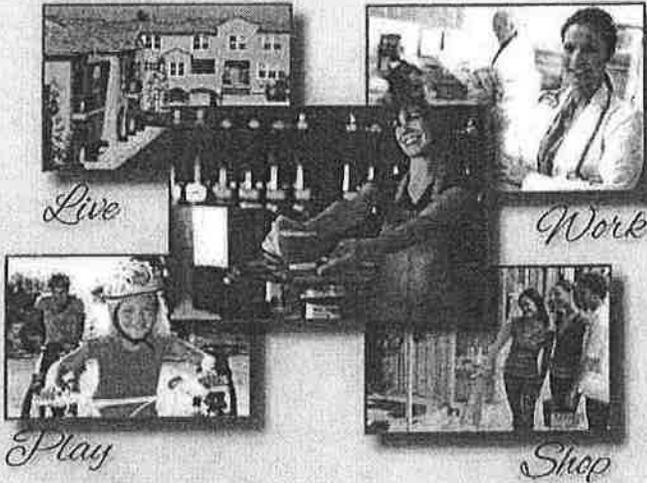
4. **John & Millie Stevens Meetings** (not a complete list) representative for CCNA
 - a. December 5, 2012 at their home
 - b. Jan. 4, 2013 at developer's office
 - c. Jan. 22, 2013 at their home
 - d. Jan. 25, 2013 at their home
 - e. May 1, 2013 at developer's office
 - f. June 12, 2013 at developer's office

5. **Meetings with Connie and Murray Potter** – representative of CCNA
 - a. December 13, 2012 at their home
 - b. December 28, 2012 at developer's office





Park Ridge



A New Urban Village in Las Cruces where you can live, work and play in a pedestrian-friendly community. Come See what we're all about!

Community Meeting

You're invited to a Community Meeting for the Las Cruces Country Club redevelopment. Come see the new plan in response to all the community input!

In order to present the plan concisely, no questions or comments will be entertained until after the meeting has been formally dismissed.

Please come and learn more about this exciting project!

Tuesday, June 18, 2013 at 7 p.m.

- 7 - 7:45 Presentation
- 7:45 Meeting Dismissed
- 8 - 8:45 Post Meeting Q & A

Home Builders Association
2825 N. Main St.
(behind Citizens Bank)

For more more information call
Bob at 575-680-8812

NAI 1st Valley
1155 S Telshor Blvd
Las Cruces NM 88011

Presorted Standard
U.S. Postage Paid
Las Cruces NM
Permit 1071

You're Invited to a Community Meeting!

**Las Cruces Country Club
property redevelopment
Community Meeting.**
Come see the exciting new
changes to the project plan.

**Tuesday, June 18, 2013
at 7:00 p.m.**
**Home Builders Association
2825 N. Main St.
(behind Citizens Bank)**

See back side
for more details!

*Copy of post card mailed
to 460 residences surrounding
Las Cruces Country Club.*

*No attendance information
due to submission date of PrZ
being before meeting.*



Park Ridge



Live



Work



Play



Shop

A New Urban Village in Las Cruces where you can live, work and play in a pedestrian-friendly community. Come See what we're all about!

Community Meeting

You're Invited to a Community Meeting to learn more about a great plan for the Las Cruces Country Club property.

Come meet the project team and find out about this mixed-use community that will include healthcare, residential, retirement and retail.

Thursday, March 14, 2013
7:00 p.m.

Home Builders Association
2825 N. Main St.
Las Cruces, NM 88001
(behind Citizens Bank)

For more more information call
Bob at 575-680-8812

NAI 1st Valley
1155 S Telshor Blvd
Las Cruces NM 88011

Presorted Standard
U.S. Postage Paid
Las Cruces NM
Permit 1071

You're Invited to a Community Meeting!

**Las Cruces Country Club
property redevelopment
Community Meeting.**
Come meet the project team,
and learn more about a great plan.

Thursday, March 14, 2013
at 7:00 p.m.

Home Builders Association
2825 N. Main St.
(behind Citizens Bank)

See back side
for more details!

*Copy of post card mailed
to 460 residences surrounding
Las Cruces Country Club.*

*Approximately 100 people
attended.*

Susana Montana

From: John Stevens <johnmill9@toast.net>
Sent: Monday, May 20, 2013 5:22 PM
To: Bob Pofahl
Cc: Susana Montana; David Weir
Subject: Fwd: attachments
Attachments: new zoning request incl. residential.jpg; new zoning request Red & Green.jpg

Bob,

This e-mail with attachments is meant to try and clarify what I mean about using some of your 7.31 acres as a small Park in front of the Townhouses. Please excuse the badly drawn layout, but our computer graphics expert is very busy, but you can expect a professionally drawn layout in the near future, that should be usable with Planning & Zoning.

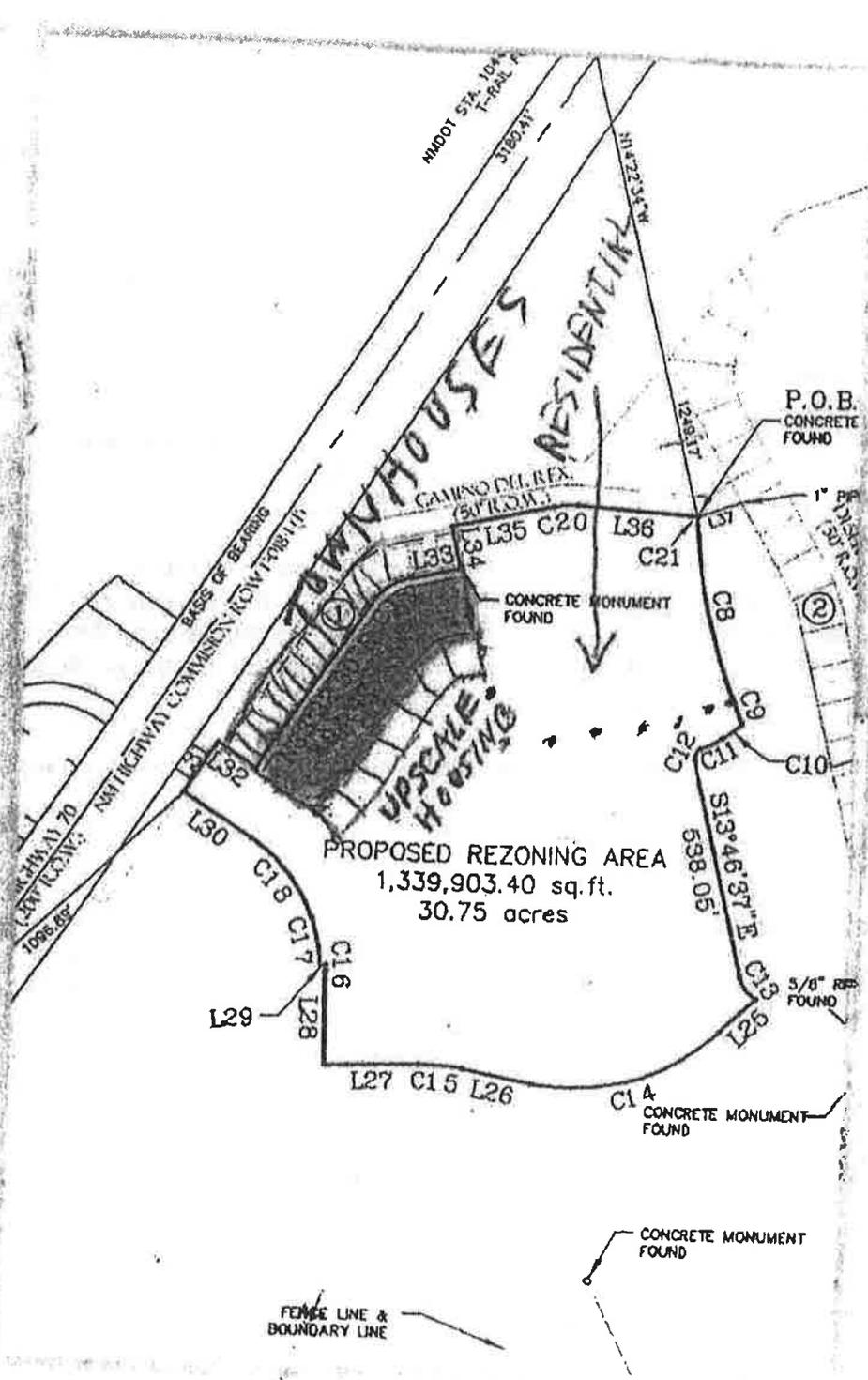
A plan like this would help keep the value of the Townhouses at their current value, provide some much-needed green space, and make the property more valuable for the upscale houses which could be built adjoining the Park. Also we'd be going from R-1 to open space, residential.

In the City comments it mentions 2 to 6 acre Parks, and encouraging a development that "considers usage, fit within the neighborhood, and environmentally friendly design". It also mentions to "preserve and respect scenic views, sites, and corridors in a manner that reasonably compensates, provides incentives, maintains similar existing property rights, or in another similar manner that balances the public and property owner interests".

I'm hoping you and your partners will give this plan serious consideration, and I'm anxiously awaiting your response.

John Stevens, Pres.

Country Club Neighborhood Association



Susana Montana

From: John Stevens <johnmill9@toast.net>
Sent: Friday, May 17, 2013 11:22 AM
To: Susana Montana
Subject: Fwd: re-zoning application

Susana,

I thought you might like a copy of this letter.

John Stevens

----- Forwarded message -----

From: John Stevens <johnmill9@toast.net>
Date: Fri, May 17, 2013 at 11:17 AM
Subject: re-zoning application
To: Bob Pofahl <bob@picachomountain.com>

Bob,

I've been told that you're going to re-file your application for a zoning change to the 30 acres to include some residential. I'm suggesting to you that some of that residential could be put east of the townhouses so we'd be going from R1 to another form of residential, which makes more sense than R1 to commercial. Also a larger area of green space than 40 feet would make this situation a lot more palatable. There should be some areas set aside for open space-green space as in Parks, and this would be a good area in which to do it.

Thank you for your anticipated prompt reply.

John Stevens, Pres.

CCNA

Susana Montana

From: John Stevens <johnmill9@toast.net>
Sent: Friday, May 17, 2013 9:06 PM
To: Susana Montana
Cc: Bob Pofahl
Subject: Re: re-zoning application

Susana,

I proposed R-1 to some of the residential he's now proposing for the north end of the development. That way we go to residential, not commercial. By more green space I mean as in "Parks" like those mentioned by Carol McCall in her comments on the original application. I think she mentioned like 2-3 acres, or was it 5 acres? Will have to re-read document. Any way we're thinking acres, not feet, as in 40'.

John Stevens

On Fri, May 17, 2013 at 11:28 AM, Susana Montana <smontana@las-cruces.org> wrote:

Can you give him a better idea or range of "more open space" between the townhomes and a commercial building. I think he needs more guidance there. Thanks.

Susana Montana, Planner

City of Las Cruces Community Development Department

Building & Development Services Division

Physical Location: City Hall at 700 North Main Street, Suite 1100

Mailing Address: P.O. Box 20000, Las Cruces, NM 88004-9002

smontana@las-cruces.org

Main Line: [\(575\) 528-3043](tel:(575)528-3043)

Direct Line: [\(575\) 528-3207](tel:(575)528-3207)

Fax Line: [\(575\) 528-3155](tel:(575)528-3155)

www.las-cruces.org



INTRANET EDITION

City of Las Cruces
People Helping People

Susana Montana

From: Bob Pofahl <bob@picachomountain.com>
Sent: Monday, June 10, 2013 2:51 PM
To: John Stevens
Cc: Susana Montana; David Weir
Subject: Re: meeting

John,

In response to your email, we checked the survey and the current easement of record for the drain field is 40 feet. If we obtain the property and rezoning, we will bring the sanitary sewer line and stub outs behind all the town homes. This will allow each town home owner to connect to that line.

The sewer line will be done when we commence construction on the parcels behind the town homes. We've already been in discussions with City staff for several months regarding the sanitary sewer line.

Thank you.

Bob Pofahl
 575-680-8812 mobile
 575-523-2500 office
 575-993-5342 fax

Picacho Mountain
 1340 Picacho Hills Drive
 Las Cruces, NM 88007
<http://www.cbiholdings.com> <<http://www.cbiholdings.com/>> <http://www.picachomountain.com>
 <<http://www.picachomountain.com/>> blog.picachomountain.com <[applewebdata://8984518C-8582-43B3-BA30-12E834637AE9/blog.picachomountain.c](http://applewebdata://8984518C-8582-43B3-BA30-12E834637AE9/blog.picachomountain.com)
 om>

On 6/9/13 11:20 AM, "John Stevens" <johnmill9@toast.net> wrote:

>On Thu, Jun 6, 2013 at 5:33 PM, John Stevens <johnmill9@toast.net> wrote:

>> On Thu, May 30, 2013 at 4:35 PM, John Stevens <johnmill9@toast.net>

>>wrote:

>>> ----- Forwarded message -----

>>> From: John Stevens <johnmill9@toast.net>

>>> Date: Tue, May 28, 2013 at 2:19 PM

>>> Subject: Re: meeting

>>> To: Bob Pofahl <bob@picachomountain.com>

>>> Cc: Susana Montana <smontana@las-cruces.org>, David Weir

>>><dweir@las-cruces.org>

Susana Montana

From: John Stevens <johnmill9@toast.net>
Sent: Wednesday, May 15, 2013 5:02 PM
To: Bob Pofahl
Cc: Patsy Greene; Sylvia Boudreau; Connie and Murray Potter; David Weir; Susana Montana; Katherine H. Rogers
Subject: meeting

Bob,

The officers of CCNA met with City planning today, and the subject of drain field easements came up. It was stated that our drain field easements were for 50 feet, and you were offering a 40 foot open space-green space barrier behind our townhouses. One member said that you had stated verbally that if you're successful in obtaining the property, City sewer would have to be installed, and your company would do that at your expense. All of us heard you make that statement, but we would like something in writing to that effect. We're hoping an answer to this e-mail can settle this small matter, so we won't have to visit it again.

Best regards,

John Stevens, Pres.

Country Club Neighborhood Association

Susana Montana

From: David Weir
Sent: Monday, June 03, 2013 1:00 PM
To: Susana Montana
Cc: Robert Kyle; Katherine H. Rogers
Subject: FW: PPACA Physician Owned/Investor Hospitals prohibited Section 6001

FYI

From: cjmpotter@comcast.net [mailto:cjmpotter@comcast.net]
Sent: Monday, June 03, 2013 12:00 PM
To: David Weir; Mayor
Cc: John & Millie CCNA Stevens; Carl Baca; PALMER S CLARK; Eva Booker
Subject: PPACA Physician Owned/Investor Hospitals prohibited Section 6001

Dear Mayor and Mr. Weir,

I am bringing to your attention resources and information about the illegality of building physician owned/indirect invested hospitals under the Patient Protection and Affordable Care Act (PPACA) Section 6001 (statute is first link). I am adding some links that are from legal firms that clarify and give practical examples of that ownership. The only way such a hospital can be built (including medical offices) is if they do not accept Medicare or Medicaid payment, i.e., apply for a medicare provider number. Medicare also has a dim view of indirect ownership and schemes to hide ownership through purchase agreements for equipment etc. This is all under Medicare Self Referral. There are fewer than 240 physician owned hospitals in the US out of over 7000 other hospitals. More than 40 have been sold recently because the regulations for disclosure and ownership are very onerous and will affect patients choosing care at that facility.

Such a hospital typically cherry picks patients by financial prescreening for elective care (procedures), thereby driving low pay (government or self pay) patients to safety net hospitals to the detriment of access to care throughout the community. This type of hospital would, in my and other informed healthcare executives opinion, lead to the failure of at least one facility, Memorial Medical Center. Should that occur, the lease arrangement remaining for 31 years would be gone, leaving a \$26M shortfall to the city and \$12-14M shortfall in lease payments to the County. If this is for any public good, I can't imagine what would be.

<http://www.gpo.gov/fdsys/pkg/PLAW-111publ148/pdf/PLAW-111publ148.pdf> See page 566 of 906

<http://www.bakerdonelson.com/files/Uploads/Documents/Thirteen-Things-Providers-Should-Know-About-Stark-Law-and-Physician-Ownership-Changes-Under-Health-Reform.pdf>

<http://www.americanlegislator.org/5th-circuit-upholds-ppacas-limits-on-physician-owned-hospitals/>

Re the Gallichia group: There are three links, one confirming that they sold the Wichita KS Galichia Heart Hospital to Wesley Medical Center, and two that they have twice been convicted and fined for Medicare fraud for overbilling and double-billing, in 2000 and as recently as 2009.

<http://www.thestreet.com/story/11394326/1/hca-completes-purchase-of-galichia-heart-hospital-in-wichita.html>

<http://m.bizjournals.com/wichita/stories/2000/05/22/weekinbiz.html?page=all&r=full>

<http://www.justice.gov/opa/pr/2009/March/09-civ-184.html>

I wish that this information be made known to Mr. Garza and the City's legal council as he was apparently misled in interviews with the Medical Group's CEO and COO about their ownership(s) of hospitals and their ability to build a new hospital here according to his statements to the Sun News.

I believe that this hospital complex actually is a Trojan horse which cannot be built, will be abandoned conceptually once commercial high intensity zoning is attained, after which the city and neighboring residents will have NO ability to control what development is done on that site.

Please feel free to call me for clarification or more information. I have verified this information with the Senate Finance Committee chaired by Senator Max Baucus (MT) who I know personally through my lobbying activities for trauma care.

In addition, I have verified that two of the lead physicians locally who are planning to invest in this development have serious issues in their backgrounds. One is a felon convicted and imprisoned for embezzling over \$1.2M in research funds (public information). The other has no privileges at either local hospital but allows healthgrades.com etc to claim he does. I will offer that public information at a future time if this issue cannot be resolved in the public's interest.

These are serious issues related to what we consider to be a flawed application for rezoning based on claims to the local residents, media and public officials that this rezoning is for the public good, a third hospital in Las Cruces and Medical Offices. It would be in the City's interest to review and reject this application before it goes to public hearing at which time all this information will be made public. The city could then appear to have not done its due diligence in sending this application forward. I am aware that under the letter of the zoning regulations you can only respond to the zoning application; however, statements made to the public, media, city administration that misrepresent these facts should be a strong consideration in determining whether this application should go forward.

Sincerely,

Connie Potter, RN, MBA; HCA

Healthcare Economist

Chair, Country Club Neighborhood Association Infrastructure Committee

524-2443

Susana Montana

From: David Weir
Sent: Thursday, June 13, 2013 8:38 AM
To: Susana Montana
Subject: FW: Impact of Physician-owned Limited-service Hospitals: Lincoln Case ...

FYI

-----Original Message-----

From: Connie Potter [<mailto:cjmpotter@comcast.net>]
Sent: Wednesday, June 12, 2013 9:31 PM
To: Mayor; Robert Garza; David Weir; Bill McCamley; Jeff Steinborn
Cc: Rick Pangborn; John Stevens; Carl Baca; Palmer Clark; Eva Booker
Subject: Impact of Physician-owned Limited-service Hospitals: Lincoln Case ...

Dear Mr. Mayor, city staff and elected Representatives,

Another study for your education. Note in the previous study I sent you that Wesley and via Christi in wichita are also safety net hospitals and trauma centers. Bryan LGH in Lincoln NE is the only LI trauma center in the eastern half of that state. These are safety net hospitals that, like Motel 6 "Keep the lights on", whereas physician owned specialty hospitals such as the proposed Park Ridge "Ritz Carlton" cherry pick and exacerbate the personnel (particularly), ie, nursing shortages and leave high acuity, poor payor mix to the general hospitals.

Is this the "public benefit" that we the people receive in exchange for rezoning to high intensity commercial per our City's zoning laws? I think this proposal is counter to the public interest. It's your duty as elected officials and public servants to consider these facts and these actual cases.

This public information may be disseminated.

Connie Potter, RN, BSN, MBA;HCA
 2505 Desert Drive
 Las Cruces NM. 88001
 575-524-2443

My Credentials:

Registered Nurse for 45 years; open heart, ER, critical care, Airmedical/ALS ground ambulance, neurology, cardiopulmonary technology, interventional cardiology, trauma care, neonatal stabilization and transport.

FORMER; Trauma system manager state of Oregon; administrator ED and Trauma Services, R.E. Thomason Hospital, El Paso and UCI Medical Center, Orange CA; SVP Bishop & Associates, national trauma consulting firm, Irvine CA; Immediate past CEO and co founder Trauma Center Association of America formerly National Foundation. For Trauma Care

Author, grantee (CDC and HRSA)

Author and advocate Trauma center Stabilization Act 2007 now in PPACA for \$224 (Sen Patty Murray/Johnny Isakson)

<http://www.slideshare.net/cardiainfo/impact-of-physicianowned-limitedservice-hospitals-lincoln-case>

Sent from my iPhone
Connie J. Potter

So please note I am not speaking as a "resident "on record" (where and when, Mr. Garza?) as opposed to any development or a "healthcare economist".

In addition:

Author, grantee (CDC and HRSA)

Author and advocate Trauma center Stabilization Act 2007 now in PPACA for \$224 (Sen Patty Murray/Johnny Issakson)

Please Take the time to view this information and its application to our city.

<http://www.slideshare.net/cardiainfo/impact-of-physicianowned-limitedservice-hospitals-lincoln-case>

Sent from my iPhone
Connie J. Potter

Impact Summary

The Impact Summary report shows for each fiscal year the estimated total Economic and Real Estate Impacts and Revenue Impacts that might result from Galichia Medical Center. These impacts are shown in greater detail in the subsequent tables. This summary includes impacts from Galichia Medical Center itself (the direct impact), as well as the estimated multiplier effects of Galichia Medical Center on other businesses within Las Cruces (based on the supplier and consumer impact).

The Economic Impact includes:

- Employment - those working for Galichia Medical Center plus the number of jobs created at its suppliers and companies/organizations that make the goods and services used by the workers at Galichia Medical Center and its suppliers
- Payroll Impact - payroll for that group of workers
- Economic Impact - defined in terms of output, a measure of the increased value of production or demand generated by the project
- Population - an estimate of the number of individuals that share a direct benefit from the personal income figures
- Households - estimated number of households directly or indirectly supported by Galichia Medical Center

The Real Estate Impact shows the amount of Non-Residential Square Footage that is supported locally by the company and its suppliers.

Lastly, Revenue Impacts summarize the estimated amount of state and local tax revenues generated annually by Galichia Medical Center itself (direct impact), its employees and other supported local businesses (supplier and consumer impact).

Mesilla Valley EDA Regional Project Assessment System - Impact Summary

Year	Employment	Personal Income	Economic and Real Estate Impacts				Revenue Impacts		
			Output	Non-Residential Square Footage	Supported Population	Enrollment	Supported Households	Local Tax Revenues	State Tax Revenues
Operation of Galichia Medical Center on Las Cruces									
2013	456	\$20,484,767	\$45,504,063	210,201	780	541	306	\$2,953,704	\$2,919,965
2014	456	\$20,484,767	\$45,504,063	210,201	780	541	306	\$1,757,113	\$970,871
2015	456	\$20,484,767	\$45,504,063	210,201	780	541	306	\$1,748,628	\$970,500
Total:		\$61,454,300	\$136,512,190					\$6,459,444	\$4,861,336
Operation of Parkridge Medical Office on Las Cruces									
2013	54	\$2,389,889	\$5,308,807	65,120	91	63	36	\$620,093	\$655,008
2014	54	\$2,389,889	\$5,308,807	65,120	91	63	36	\$301,407	\$134,740
2015	54	\$2,389,889	\$5,308,807	65,120	91	63	36	\$299,892	\$134,674
Total:		\$7,169,668	\$15,926,422					\$1,221,392	\$924,423
Operation of Assisted Living Center on Las Cruces									
2013	61	\$2,731,302	\$6,067,208	46,200	104	72	41	\$718,156	\$806,508
2014	61	\$2,731,302	\$6,067,208	46,200	104	72	41	\$299,912	\$121,426
2015	61	\$2,731,302	\$6,067,208	46,200	104	72	41	\$299,379	\$121,403
Total:		\$8,193,907	\$18,201,625					\$1,317,447	\$1,049,337
Operation of Transitional Rehab Center on Las Cruces									
2013	45	\$2,048,477	\$4,550,406	19,335	78	54	31	\$279,463	\$317,351
2014	45	\$2,048,477	\$4,550,406	19,335	78	54	31	\$123,917	\$63,397
2015	45	\$2,048,477	\$4,550,406	19,335	78	54	31	\$123,189	\$63,365
Total:		\$6,145,430	\$13,651,219					\$526,569	\$444,113

Mesilla Valley EDA Regional Project Assessment System - Impact Summary

Year	Employment	Personal Income	Economic and Real Estate Impacts				Revenue Impacts		
			Output	Non-Residential Square Footage	Supported Population	Supported Enrollment	Local Tax Revenues	State Tax Revenues	
Operation of Medical "Build to Suit" 1 on Las Cruces									
2013	20	\$887,673	\$1,971,843	11,934	34	23	13	\$99,961	\$100,677
2014	20	\$887,673	\$1,971,843	11,934	34	23	13	\$59,722	\$34,984
2015	20	\$887,673	\$1,971,843	11,934	34	23	13	\$59,531	\$34,976
Total:		\$2,663,020	\$5,915,528					\$219,213	\$170,637
Operation of Medical "Build to Suit" 2 on Las Cruces									
2013	44	\$1,980,194	\$4,398,726	26,266	75	52	30	\$304,625	\$327,956
2014	44	\$1,980,194	\$4,398,726	26,266	75	52	30	\$150,854	\$78,403
2015	44	\$1,980,194	\$4,398,726	26,266	75	52	30	\$149,178	\$78,330
Total:		\$5,940,582	\$13,196,178					\$604,657	\$484,689
Operation of Medical "Build to Suit" 3 on Las Cruces									
2013	175	\$7,852,494	\$17,443,224	78,485	299	207	117	\$578,478	\$567,319
2014	175	\$7,852,494	\$17,443,224	78,485	299	207	117	\$394,894	\$267,612
2015	175	\$7,852,494	\$17,443,224	78,485	299	207	117	\$394,022	\$267,574
Total:		\$23,557,482	\$52,329,673					\$1,367,394	\$1,102,505
Operation of Medical "Build to Suit" 4 on Las Cruces									
2013	20	\$887,673	\$1,971,843	9,848	34	23	13	\$77,284	\$76,214
2014	20	\$887,673	\$1,971,843	9,848	34	23	13	\$50,311	\$32,180
2015	20	\$887,673	\$1,971,843	9,848	34	23	13	\$50,183	\$32,174
Total:		\$2,663,020	\$5,915,528					\$177,779	\$140,567

Summary for Parkridge Development

The economic and revenue impact model was created using software developed for the Mesilla Valley EDA by Applied Economics. It is important to remember that inputs to the model are estimates and do not represent exact and precise measurements. The output of the model, like any modeling tool, reflects the assumptions that are used in the formulation. Accordingly, if some of the assumptions change (e.g., employment numbers), then the model results will also change. The model is expected to give the community a general idea of the impact of the project.

The model includes the following sections:

- 1) **Project Description** - The summary page describes the inputs into the model.
- 2) **Impact Summary** - The impact summary shows all annual impacts of the project. These impacts are described below
 - **Employment** - The project directly and indirectly supports 1,327 jobs in the local economy.
 - **Personal Income** - The project directly and indirectly supports a payroll of \$50,781,253 in the local economy.
 - **Output** - This figure represents total sales or Gross Local Product (similar to Gross National Product). Accordingly, the project has an annual impact on the local economy in terms of total output (for all companies) of \$120,442,002.
 - **Non-Residential Square Footage** - The project supports commercial building space of 714,593 square feet in the local economy.
 - **Population** - The project supports a population of 2,847 people in the local community.
 - **Enrollment** - The project supports student enrollment of 1,570 children in the school system of the local community.
 - **Households** - The project supports 889 households in the local community.
 - **Local Tax Revenues** - The project supports \$4,713,068 in property, sales and utility taxes to the local community each year.
 - **State Tax Revenues** - The project supports \$2,309,882 in sales and income taxes to the state each year.

Staff Presentation at the June 25, 2013 Planning and Zoning Commission Meeting

Z2860

Park Ridge Medical Center

Rezoning 30-acres from R-1a (Medium-density Single-family Residential) to both C-3C (limited High Intensity Commercial) and R-4C (limited High Density Multi-family Residential) to accommodate a medical center within the 110-acre, vacant Las Cruces County Club property



Proposed Rezoning Project

- Rezone 23.44 acres to C-3C to allow a hospital and medical offices; and
- Rezone 7.31 acres to R-4C to allow a residential rehabilitation/assisted living facility.



Proposed C-3 Limited Rezoning Land Uses

Hospital

Heliport as a Special Use

Health/Exercise Club/Gymnasium/Sports Instruction

Business Offices

Consulting

Institutional Office: public, private, educational, religious &
philanthropic

Laboratory

Medical/Dental Office

Café, cafeteria, coffee shop, restaurant, etc.

Health care clinic (non-hospital)



Proposed R-4 Limited Rezoning Land Uses

- Assisted living/Retirement facility
- Recreational court, tennis, etc.—private



Developer Proposed Development Standards

- In the C-3C zone, there would be a 40 foot landscaped buffer along the Camino del Rex townhomes rear property lines instead of a typical 25 foot landscaped buffer;
- In both the C-3C and R-4C zones, buildings closest to the Camino del Rex townhomes would be limited to 2 stories in height rather than the typical allowable 60-foot height; and
- In the C-3C zone adjacent to the townhomes, buildings would be set back 80 feet from the townhomes' rear property lines instead of the typical 25-foot buffer zone/ setback.

Revocation of a Conditional Zoning Designation

A conditional zoning designation shall be revoked and revert to the previous zoning district designation if the designated property is not used or developed in accordance with the conditions and all other applicable regulations within two (2) years from the date of City Council approval [Article II, Section 38-10.H.9 of the CLC Zoning Code].







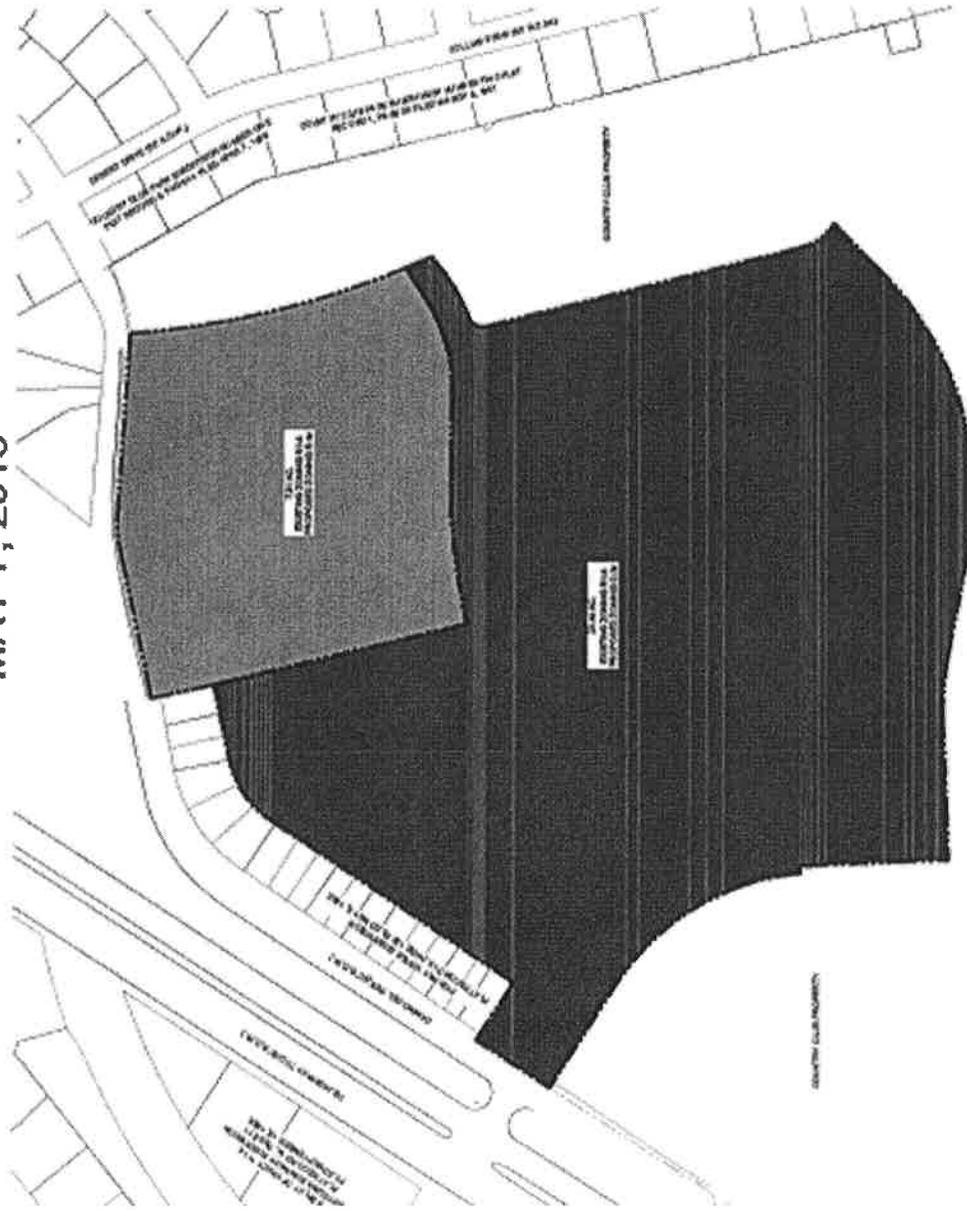
Infill Development Overlay District



Rezoning Vicinity Map

PARK RIDGE MEDICAL CENTER ZONING PLAN

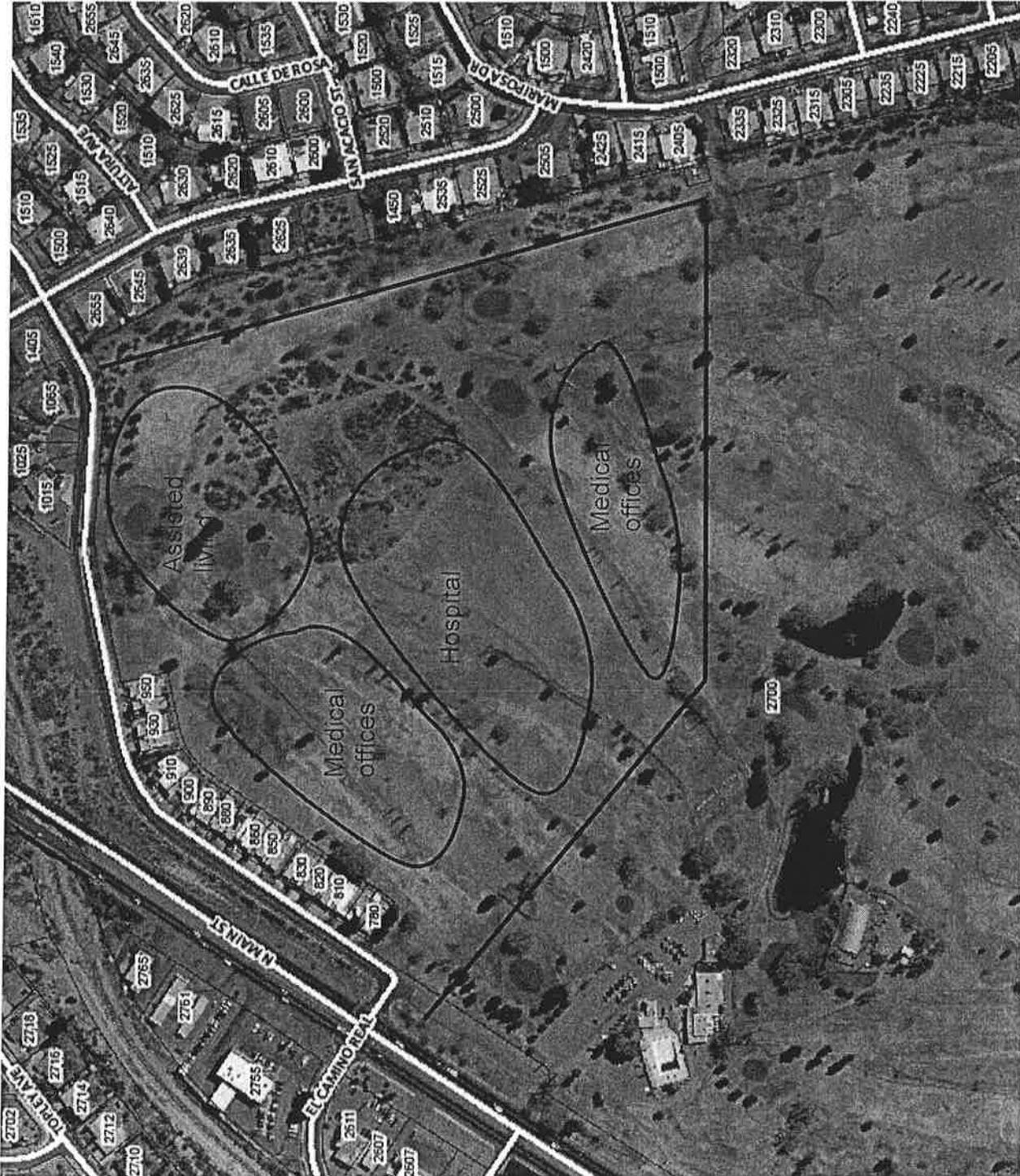
30.75 ACRES
MAY 7, 2013



LEGEND

[Dark grey with horizontal hatching]	Medical Center
[Light grey with horizontal hatching]	Medical Office

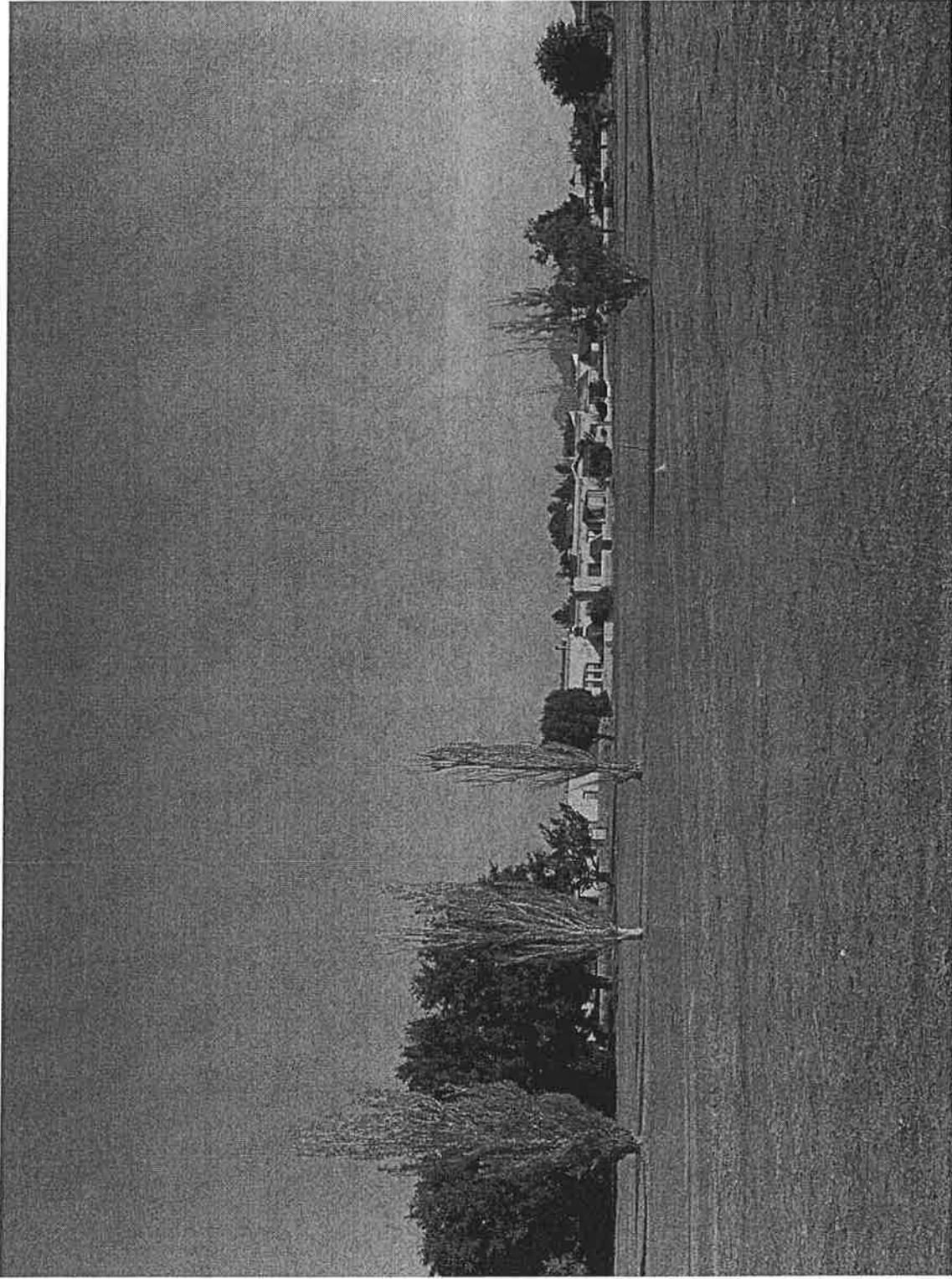




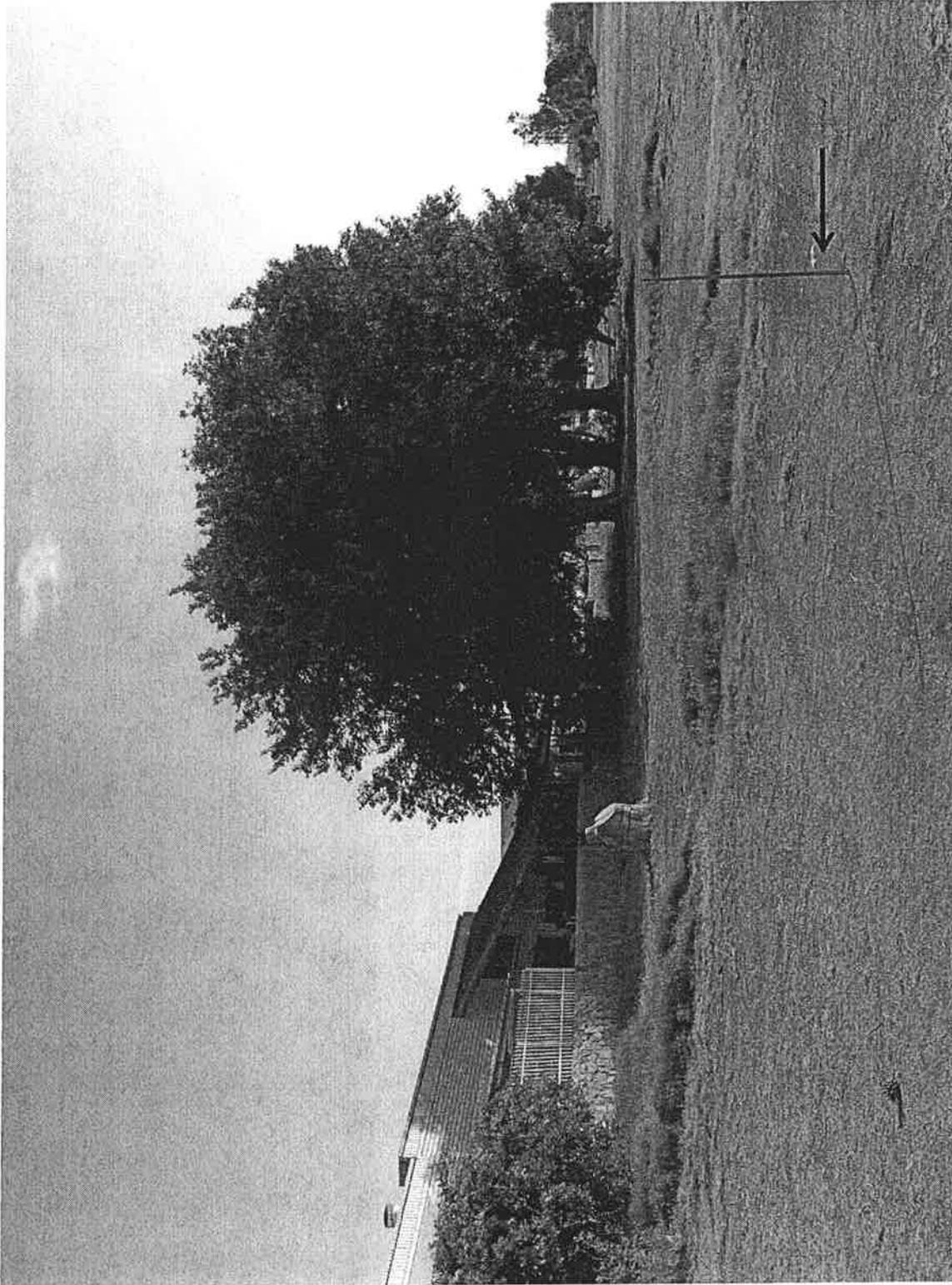
Generalized Land Use Locations



Emergency Vehicle access & MPO Thoroughfare Designations



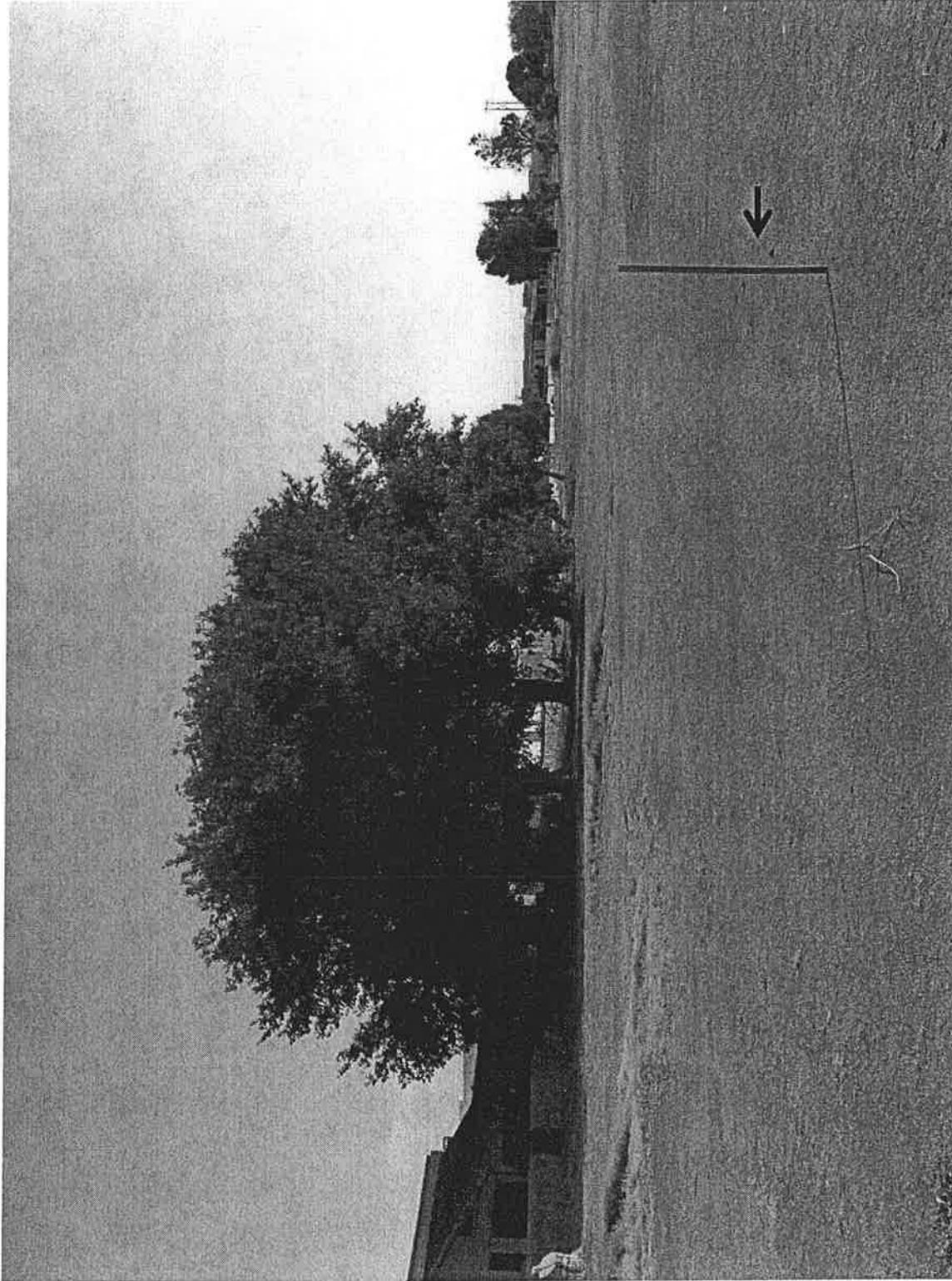
Rezoning Site looking north toward townhomes



Proposed 40' landscaped buffer



City of Las Cruces
People Helping People



Proposed 80' building setback

Project Evaluation

- Medical center would reuse 30-acres of the 110-acre vacant property located within the City's Infill Development District;
- Rezoning would facilitate the development of the medical center, yet would limit the C-3 and R-4 land uses to those associated with the medical center;
- Project would provide a hospital which would provide an Emergency Room that would serve the central area of the City;
- Site is well-served by roads and transit;
- Site is near existing C-3 commercial centers;



Project Evaluation continued

- Staff recommended 3 conditions of approval would mitigate potentially adverse impacts of the development; and
- The Site is vacant and rezoning the property for limited commercial and residential uses would satisfy City Comprehensive Plan policies; purposes and intent statements of the Zoning Code; decision criteria of the Planning & Zoning Commission; and relevant N.M. case law.



Staff Recommendation

City Agencies and the N.M. DOT have reviewed the rezoning request against all applicable regulations and plans and have recommended **conditional-approval** with the 3 Conditions noted below.

1. The C-3C and R-4C zoning allowable uses shall be limited to those listed on pages 7 and 8 of Attachment 5 to the staff report;
2. A Traffic Impact Analysis, shall be submitted with the first building permit or subdivision application for land within the rezoning area and shall be approved by the City's Traffic Engineer .
3. Prior to issuance of a Certificate of Occupancy for the first building within the rezoning area, the developer shall provide a second road access meeting the specifications of the 2009 International Fire Code and approved by the City's Fire Marshal and Traffic Engineer.

Planning and Zoning Commission Options

1. Vote "YES" to recommend approval of the rezoning request to the City Council with the conditions of approval recommended by staff;
2. Vote "YES" to recommend approval to the City Council with new or amended conditions of approval;
3. Vote "NO" to recommend denial to the City Council; or
4. Vote to Table/postpone the request and direct staff accordingly.



**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
DRAFT June 25, 2013 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Charles Beard, Secretary
Charles Scholz, Member
Ray Shipley, Member
Joanne Ferrary, Member

BOARD MEMBERS ABSENT:**STAFF PRESENT:**

David Weir, Director Community Development Department, CLC
Robert Kyle, Building Official and Development Services Administrator, CLC
Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Mark Dubbin, CLC Fire Department
Rusty Babbington, CLC Legal Staff

I. CALL TO ORDER (6:00)

Crane: We usually start by introducing the Commissioners. On my far right is Commissioner Shipley representing District 6. And Commissioner Ferrary District 5. Commissioner Scholz, he's the Mayor Appointee. Commissioner Stowe is the Vice-Chair and represents District 1. Commissioner Beard is our secretary, represents District 2. And I'm Godfrey Crane, District 4, and I'm the Chair. And we lack a Commissioner at the moment for District 3.

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.

Crane: Next item is conflicts of interest and it happens tonight that there are two people, I am one of them and Commissioner Ferrary is another, who want to bring up potential conflicts of interest and I will go first because mine's a relatively simple matter. This concerns the consent agenda item Z2861. I think you all have an agenda. There's actually on it, while I think of it a

1 typo, which may have surprised some of you; the second line starting at
 2 the beginning it reads "application by the Mesilla Park Baptist Church to
 3 rezone a 1.84-acre parcel located at 106 E. Manso Avenue at" - it should
 4 be S. Main Street, not S. Valley Avenue, and Oak Street. The
 5 organization that wants to buy this property is called Amistad Family
 6 Services and I happen to be personally acquainted with the executive
 7 director, Scott Banister, who ... is he here tonight? No. He also happens
 8 to be the person who built the house that we are living in at the moment.
 9 Obviously I don't feel that this in any way affects my vote on this matter,
 10 particularly since it is a consent agenda item which we vote on without
 11 discussion unless a member of the Commission or city person or
 12 somebody in the audience wants to discuss the matter, in which case we
 13 move it to the new business agenda. I have not discussed this with all my
 14 fellow Commissioners, but I will ask them now and I will ask the city
 15 people: does anybody have a problem with my continuing to chair the
 16 meeting and to participate in the discussion if there is one, on the Z2861?
 17 Any member of the public? In that case we'll continue that in a moment.
 18 And now I'll let Commissioner Ferrary tell you what's on her mind.

19
 20 Ferrary: Mr. Chair, I've been a member of the Las Cruces Country Club for quite a
 21 few years and I've been advised that I should recuse myself from the point
 22 of the sale and approval of that rezoning.

23
 24 Crane: Thank you, Commissioner. So when the time comes for that particular
 25 item Commissioner Ferrary will leave the podium and come back when
 26 that is over.

27 Our next item is approval of the minutes for ... that's quite right.
 28 Commissioner Beard reminds me I haven't asked anybody else if they
 29 have a conflict. Okay. Thank you for bringing that up. That's quite right.

30 31 III. APPROVAL OF MINUTES

- 32 1. February 26, 2013 - Regular meeting
- 33 2. April 23, 2013 - Regular meeting

34
 35 Crane: Now we move to approval of the minutes for the last two meetings,
 36 February 26th and April 23rd. Commissioners, anybody have any
 37 comments on February 26th minutes? Commissioner Shipley.

38
 39 Shipley: Thank you Mr. Chairman. Page 42 in the hymnal there, page 42, line 26,
 40 next ... third to the last word should be ... says "given a change to come",
 41 it should be "chance", instead of "change".

42
 43 Crane: Chance instead of change. Line 26.

44
 45 Shipley: Line 27, after "you've got a one shot" - "a" should be stricken, it should just
 46 be "you've got one shot here".

- 1
2 Crane: I'll drop the word "a".
3
4 Shipley: Drop the word "a".
5
6 Crane: Okay.
7
8 Shipley: And line 37 the next to the last word, strike, instead of "out" it should be
9 "up". A hand up as opposed to a hand out.
10
11 Crane: Thank you. Anyone else? I have one, page 41, line 2, "Ms. Montana can
12 every house in principle, have an SUP", not and principle. So that's line 2
13 ... correction, line 3 on page 41. I'll entertain a motion that the minutes as
14 amended be accepted.
15
16 Shipley: So moved.
17
18 Scholz: Second.
19
20 Crane: Moved by Shipley, seconded by Scholz. All in favor.
21
22 ALL: Aye.
23
24 Crane: Against? Any abstentions? No. It passes 6:0. And now to the ...
25
26 Ochoa: April 23rd.
27
28 Crane: April 23rd. Any Commissioner have a point to make about April 23rd
29 meeting minutes? Commissioner Scholz, your light's on.
30
31 Scholz: Sorry.
32
33 Crane: Okay, I have one, page 12, line 16, I don't believe it was Commissioner
34 Ferrary that made that statement "That's correct" there since the question
35 doesn't seem to be directed at her, Mr. Shipley's comment. Did you say
36 that Commissioner Ferrary?
37
38 Ferrary: I don't think I did.
39
40 Crane: Okay. Also, I noticed that Mr. Babington's name on the first page is
41 misspelled Barrington. Sir, I cannot apologize too deeply for that. I hope
42 you're grateful to me for pointing it out.
43
44 Shipley: Mr. Chairman.
45
46 Crane: Yes, Mr. Shipley.

- 1
2 Shipley: I think that was Ms. Montana that said, "That's correct".
3
4 Crane: Okay. Montana, all right. And I also noticed that in the introduction I
5 apparently left out Mr. Shipley or our secretary left out Mr. Shipley, but he
6 is listed as being there. He has spoken but he wasn't introduced. Did I
7 make that booboo? I did? You're too shy, you should've said something.
8
9 Shipley: I was introduced. I just think it was left off.
10
11 Crane: Oh, okay. So, I'll entertain a motion that the minutes of April 23rd be
12 accepted as amended.
13
14 Scholz: So moved.
15
16 Beard: Second.
17
18 Crane: Okay, who moved? Scholz moved and Beard seconded. Thank you. All
19 in favor, aye.
20
21 ALL: Aye.
22
23 Crane: Any against? Anybody abstaining? No, thank you.
24
25 **IV. POSTPONEMENTS - NONE**
26
27 Crane: Any postponements, Mr. Ochoa?
28
29 Ochoa: No sir, none tonight.
30
31 Crane: Okay.
32
33 **V. CONSENT AGENDA**
34
35 1. **Case Z2861:** Application by the Mesilla Park Baptist Church to rezone a
36 1.84-acre parcel located at 106 E. Manso Avenue at S. Valley Avenue and
37 Oak Street, Parcel No. 02-31716, from R-1a (Medium-density, Single-family
38 Residential) and C-2 (Medium-intensity Commercial) to O-2 (Professional
39 Office, Limited Retail Service) District to allow the church to remain and to
40 allow counseling services and a preschool and day care services on the
41 property. District 2 (Councilor Smith)
42
43 Crane: So we proceed to the consent agenda item and, as I said, this is an item
44 which there are sometimes many things on it, which is considered so
45 uncontroversial that we simply vote on whatever's in there as a block item
46 without discussion. However any Commissioner, any member of the

1 Community Development Department, or anybody of the public who wants
 2 to discuss this matter can ask for it to be put onto the regular agenda and
 3 covered later. So anybody who wants to discuss Z2861? No. All right
 4 then. I'll entertain a motion that the consent agenda be approved with the
 5 correction of the address, S. Main Street.
 6

7 Scholz: So moved.

8
 9 Crane: Scholz moves. Second?

10
 11 Shipley: Second.

12
 13 Crane: Seconded by Shipley. All in favor, aye.

14
 15 ALL: Aye.

16
 17 Crane: Any against? No, passes 6:0. Thank you.
 18

19 **VI. OLD BUSINESS - NONE**

20
 21 Crane: Any old business, Mr. Ochoa?

22
 23 Ochoa: No, sir, none tonight.
 24

25 **VII. NEW BUSINESS**

- 26
 27 1. **Case A1718:** Application of Eric Fernando Lara to add one (1) additional
 28 dwelling unit to a property with the maximum permitted number of dwelling
 29 units of one (1) dwelling unit. The subject property encompasses 0.93 +/-
 30 acres, is zoned REM (Single-family Residential Estate Mobile) and is located
 31 on the south side of Central Road, 90 + feet west of its intersection with
 32 Gasline Road; a.k.a. 5610 Central Avenue; Parcel ID#: 02-19136; Proposed
 33 Use: two (2) single-family dwelling units on the subject property. Council
 34 District 5 (Councilor Sorg).
 35

36 Crane: And we proceed to Case A1718, application of Eric Fernando Lara to add
 37 an additional dwelling unit to property. This is the property at Central
 38 Road and Gasline more or less and, Mr. Ochoa, you're going to present?
 39 Go ahead.
 40

41 Ochoa: Yes, sir. Thank you. Adam Ochoa, Building and Development Services
 42 for the record. First case we have tonight gentlemen is Case A1718. It is
 43 a request for a variance or to vary from the maximum permitted number of
 44 dwelling units on a single lot, parcel, or tract for a property located at 5610
 45 Central Avenue.
 46

Shown here, highlighted with the stripes or the hash marks through

1 it, it is located in the East Mesa north of Highway 70, between Mesa
2 Grande Drive and Mesa Drive on the south side of Central Road. Shown
3 here on the zoning map, the subject property here again on the south side
4 of Central between Mesa Grande and Mesa and a very large,
5 overwhelmingly large cluster of rural single-family residential zoning
6 designation.

7 Like I said before, the subject property is located on the south side
8 of Central Road approximately 90 feet west of its intersection with Gasline
9 Road which runs north and south. The subject property encompasses
10 approximately 0.93 acres and is currently zoned REM, which is Single-
11 Family Residential Estate Mobile. Currently there is a single-family
12 residence on the subject property with a detached carport and some other
13 associated accessory structures. The applicant tonight is requesting the
14 variance to add one additional dwelling unit on the subject property to
15 bring the grand total number of dwelling units on the property to two
16 essentially. Again, what the maximum permitted number of dwelling units
17 per lot, parcel, or tract in the REM zoning district of one; that is found in
18 the 2001 Zoning Code under Article Four, Section 38-31d.

19 The proposed variance did go out for review with all reviewing
20 departments in the city. No significant issues were brought up for the
21 proposed variance. The Engineering Services did point out that the
22 property is within a special flood hazard area, which simply means they
23 will have to go through an engineering process in order to put any
24 additional home or even any addition to the existing single family home on
25 the property if anything gets approved or if anything in the future comes
26 up. The Las Cruces Fire Department also brought up that if the second
27 home was allowed on the property that there'd be a minimum 20-foot
28 cleared area of a driving aisle to the new structure for fire to reach that
29 new structure.

30 Just to highlight just a little bit on the history on the property itself:
31 the property was originally annexed into the city with two residences on it.
32 Those two residences remained on the property until ... well, basically, the
33 property was a legal nonconforming property since it is zoned for Single-
34 Family but had actually two residences on it. One of those residences
35 was removed over a year ago and was never replaced within a year.
36 Following the nonconforming section of the 2001 Zoning Code, that legal
37 nonconforming use is now gone as shown on the property, meaning now
38 that with the lapsed time they're only allowed to have the one single-family
39 unit on the property. Just to point it out though, there are existing utility
40 lines and meters on the property for two dwelling units. So essentially, the
41 property is still set up for two homes but again now that the time has
42 lapsed of that one-year grace period to bring in another single-family
43 home on there that is gone so now they're only allowed the one single-
44 family dwelling on there.

45 When staff took a look at this proposed variance, of course we
46 were ... we have to look at a very narrow (inaudible) at what exactly we

1 recognize as a hardship, one being a physical hardship relative to the
2 property, something topographical, right of way takes, and any type of
3 reduction in the property or any type of physical abnormality, if you will,
4 with the property in order for it to be allowed to continue with the variance.
5 Second being the potential for spurring economic development, not only in
6 a neighborhood, from a neighborhood standpoint but also citywide level.
7 And third, lastly, is the monetary consideration, not as a whole but relative
8 to the options available to meeting the applicant's stated objective;
9 essentially saying that if it is way too expensive in order to make, or if it
10 costs way too much money to make the applicant the particular part in the
11 Code, then that's something we could definitely take a look at for possibly
12 approving a variance.

13 Showing here the subject property south of Central, again there is
14 that single-family home, the carport. The other mobile home did exist
15 essentially around this area in the past right behind that existing home. As
16 you can see here majority of the residences around this area are mobile
17 homes. That is what the applicant was proposing to move onto the
18 property, an additional mobile home. As you can see there are actually
19 some properties adjacent to the property with more than one single-family
20 dwelling unit on it with the same zoning designation as the subject
21 property. Showing here some site photos: here on the far left side of the
22 property looking south, a driveway with that carport in the back and then
23 large open area behind the existing single-family home. Here a front view
24 of that single-family home and of course, on the far right of that subject
25 property looking south again. You can see the two gas meters existing
26 there. You kind of see where the existing electrical line is there with that
27 meter on it as well.

28 Taking what staff can do, is allowed to do by the 2001 Zoning
29 Code, staff reviewed the request for the variance and found no basis for
30 granting a variance based upon the criteria outlined in section 38-10j.
31 Because of that staff does recommend denial for the proposed variance
32 based on the findings found in your staff reports.

33 Your options tonight are 1) to approve the variance request; 2)
34 approve the variance request with conditions determined appropriate by
35 the Planning and Zoning Commission; 3) to deny the variance request;
36 and 4) table and postpone and direct staff accordingly. I just wanted to
37 point out staff did receive one phone call from an anonymous neighbor
38 essentially supporting the proposed variance, stating that there are a large
39 amount of properties out there with more than one single-family dwelling
40 on it. And seeing that ... he stated that he could see why we're trying to
41 bring him into compliance, but in an area like this he sees no point in
42 allowing a second home on the property would be an issue in his opinion.
43 With that the applicant is here and has a presentation ready for you all as
44 well. And I stand for questions if you have any questions for me.

45
46 Crane: Thank you, Mr. Ochoa. I should have announced for the benefit of the

1 public how we run these meetings. As you see in this case, a member of
2 the Community Development Department makes a presentation. Then the
3 Commissioners get to ask questions of that person if they have any. Then
4 we invite the applicant or his representative and that person makes a
5 statement. We can ask questions of that person. Then we open to the
6 floor and ask how many people wish to speak and if there are a lot we
7 typically assign a three-minute limit to their presentation. In this particular
8 instance I don't think it's going to happen. So, Commissioners, any
9 questions for Mr. Ochoa? Commissioner Scholz.

10
11 Scholz: Yeah, I have two. Are we talking about a rezoning here?

12
13 Ochoa: No, sir, Mr. Scholz. The applicant was ... when they met with staff he was
14 ... staff did work with him to see what other options he had for the property
15 to have that second home on there. One was the zone change to a multi-
16 family zoning designation. Of course he was trying to see something
17 that's a little faster; that would've been a little faster to see if he could get
18 that second home on the property, which a variance would allow since it is
19 numerical variance. It is numerical in nature from one dwelling unit to two
20 dwelling units. So, no. It's just a variance and nothing to do with the
21 zoning.

22
23 Scholz: Because I was thinking the way it's structured you could do a flag lot there
24 with a side, you know, a side drive and then a lot in the back of the original
25 lot. I know we've done that before. But it occurred to me that if we do a
26 rezoning then there was a sanitation issue. We ran into this on Mesa a
27 couple of years ago. Is this mobile home connected to the sewer?

28
29 Ochoa: Mr. Chairman, Commissioner Scholz, I will leave that up to the property
30 owner.

31
32 Scholz: Okay.

33
34 Ochoa: To answer that for you. I'm not aware of what exactly the types of utilities
35 are available to him out there, if sewer is available for them out there. I
36 would state, though on your comments about the flag lot, that would be
37 from a subdivision standpoint, doing a type of flag lot to split the one
38 existing lot into two. The property is not large enough to subdivide the
39 property into two lots. The REM Zoning District requires a minimum half
40 an acre in size for (inaudible).

41
42 Scholz: And it's less than an acre.

43
44 Ochoa: Correct, sir. And plus they'd also have to give up more for the right-of-way
45 as well as Central Road is essentially a Collector roadway so more right-
46 of-way would have to be taken as well, making the lot even smaller than

- 1 what it is now. So, the applicant has seen this as his only and quickest
2 avenue to try to get the second home on the property.
3
- 4 Scholz: Thank you.
5
- 6 Crane: Commissioner Ferrary.
7
- 8 Ferrary: Yes. I was wondering ... you were mentioning if it had been one acre it
9 could be subdivided into two lots. And is it true that the city had to take
10 easement from their one acre to make it now less than one acre?
11
- 12 Ochoa: Mr. Chairman, Commissioner Ferrary, essentially that did happen in the
13 past. Whether as to we gave just compensation for it or not, I wasn't able
14 to get that information from our Land Management Department. But yes,
15 essentially in the past as, if you all did a site visit, possibly you saw there
16 is a pretty decent 50-foot wide right-of-way road with curb, gutter,
17 sidewalk, and lighting out there. For that project to be done by the city,
18 they'd have to go and either take or purchase property from adjacent
19 property owners in order to build that out. That was done in the past and
20 that did shrink down the property of the property owner.
21
- 22 Ferrary: So they wouldn't have to be going through this if they hadn't had to give
23 up some of that land?
24
- 25 Ochoa: Mr. Chairman, Commissioner Ferrary, there is a possibility they might still
26 have had to go through this simply because even if they did want to
27 subdivide they would still have to provide right-of-way and do additional
28 road improvements. So, a public process would still have to be done in
29 order for them to obtain two individual single-family homes on that
30 property.
31
- 32 Ferrary: Okay, thank you.
33
- 34 Ochoa: No problem.
35
- 36 Crane: Mr. Ochoa, what happened here was that if they had replaced that mobile
37 home that was removed or destroyed within, what was it? One year? They
38 could have continued to have a second home on the lot.
39
- 40 Ochoa: Mr. Chairman, that is correct. Since the property was annexed into the
41 city with two homes it was nonconforming. So, one of the standards being
42 if one is ... if an existing home or that nonconformity is removed and is
43 removed for a period over a year, then essentially, yes, sir, the property
44 must come into compliance with the 2001 Zoning Code, meaning you're
45 no longer allowed to have two homes, just one now.
46

- 1 Crane: And how long has it been since the permission to have two has run out?
2
- 3 Ochoa: Mr. Chairman, the staff did do some research on ... we essentially looked
4 at a home being removed from a property is when they cease utility
5 connections or utility services. That was done back in April 2009. So they
6 would have had to bring it back by April 2010 in order for it to still be a
7 nonconforming lot, sir. So it's over three/four years that's been gone.
8
- 9 Crane: How did the applicant find out that he couldn't put the second home back?
10
- 11 Ochoa: Mr. Chairman, I'll leave that up to him. He will probably explain a little bit
12 better his process that he went through with that, sir.
13
- 14 Crane: Thank you.
15
- 16 Ochoa: Thank you.
17
- 18 Crane: Anything else, Commissioners? Is the applicant present? Please come
19 up, sir.
20
- 21 Lara: Good evening, Commissioners.
22
- 23 Crane: Speak to the mike please and identify yourself for the record.
24
- 25 Lara: Hi, my name is Eric Lara and I'm here applying for the zoning variance on
26 5610 Central. As Mr. Ochoa stated there was a mobile home previously
27 set there and removed on the said date of 2009. The way I found out was
28 I purchased a mobile home and was proceeding to put it on the property,
29 pulling the permit which got denied. As you can see here the electrical
30 meter is still there. El Paso Electric does a monthly reading on it to this
31 day. Natural gas hook up. Actually when we first lived on the property it
32 was set up for propane and we actually paid to have the second gas meter
33 put on, purchased from the City of Las Cruces and had the lines installed
34 as well. Water, utilities, and it's pretty much the same as what Mr. Ochoa
35 was stating. We have all utilities still on site. The property, my father's on
36 the property for over 30 years. This is the post site, the back end of the
37 property, approximately a half an acre, not exactly. As you can see it's a
38 fairly large piece of property, more than enough room for a second home
39 there. And here's just another portion of the property. This would be in
40 compliance with the Fire Department. This would give them more than
41 enough room to have a drive if there was fire. This would be the west
42 portion of the property. There's no drive on this end. The drive would be
43 on the other side. Also, just another look of the back portion of the lot just
44 showing where the mobile home would be set. And again there's utility
45 poles. This is an adjacent neighbor to the south. Actually he has three
46 homes on this property. I could only fit two in the picture, but there are

- 1 several lots around there that have more than one home. And just a front
2 view of the existing home which my parents live in and I take care of them,
3 you know, in their old age.
4
- 5 Crane: Thank you. Commissioners any questions for Mr. Lara? Commissioner
6 Shipley.
7
- 8 Shipley: The one question was: are you on well and septic or are you on city water
9 and city sewer?
10
- 11 Lara: We're on septic actually right now.
12
- 13 Shipley: Septic. But you have city water?
14
- 15 Lara: No, there's actually water we get from Mesa Development up on Jimmy
16 Lane.
17
- 18 Shipley: Okay. But you are septic?
19
- 20 Lara: But we do get gas, trash, everything else from City of Las Cruces.
21
- 22 Shipley: Right.
23
- 24 Crane: Commissioner Scholz.
25
- 26 Scholz: Is there a sewer on Central Avenue?
27
- 28 Lara: There is ... yes, there is sewer on the street. I guess there's the option to
29 tap into that now. I know there are some neighbors that have tapped into
30 the sewer. There are still several on septic.
31
- 32 Scholz: Okay. How big is the septic field?
33
- 34 Lara: It is fairly large. I'm not sure exactly the size. I can get that information,
35 but it is a large septic tank, good enough to support the two homes.
36
- 37 Scholz: Well, I'm thinking of the leach field. Where is the leach field? It's in back
38 of the first house isn't it?
39
- 40 Lara: Yes.
41
- 42 Scholz: So are you going to be locating on top of the leach field?
43
- 44 Lara: No.
45
- 46 Scholz: Okay. Thank you.

- 1
2 Crane: Further to that, is just the one septic tank for the two houses if you get two
3 houses, right?
4
5 Lara: Yes sir.
6
7 Crane: Okay. I think I'll ask the city if there's any means that come to the
8 collective mind that Mr. Lara can rescue himself from this situation. Mr.
9 Scholz brought up a couple of possibilities regarding rezoning and so on.
10 Mr. Ochoa.
11
12 Ochoa: Yes sir, we did look at some options: one again, like we said before,
13 zoning aspect, getting the property zoned to a multi-family zoning
14 designation essentially making ... it'd be one property zoned for multi-
15 family and a very large single-family and abundantly rural single-family
16 zoning district, if you will so there's chances for spot zoning if that zone
17 change was approved or moved forward. Not only that but also the time
18 restraints for Mr. Lara was a zone change and would have to go all the
19 way to City Council for final approval and he was just trying to see ... this
20 being his quicker option coming for a variance to try to get this done.
21 The second option being a subdivision: the existing 0.93 acre
22 property, if it was split in half he would have to go for a variance as well to
23 minimum lot size since in the REM Zoning District you're required to have
24 a minimum half an acre in lot size. So he'd have to get a variance along
25 with that subdivision in order to have both lots; one at half an acre and the
26 other one less than half an acre in size. As well, as I did talk to Mr. Lara
27 about he would have to give up the additional right-of-way for Central
28 Road and potentially do any type of road improvements. If he was not
29 able to do that, then he would have to go for a waiver as well with the
30 subdivision and the variance.
31
32 Crane: Thank you.
33
34 Shipley: Question, Mr. Chairman.
35
36 Crane: Mr. Shipley.
37
38 Shipley: Mr. Ochoa, what other ... the right-of-way there has been done and the
39 road it's in so what additional right-of-way would he have to give up?
40
41 Ochoa: Mr. Chairman, Commissioner Shipley, Central Road is a Collector
42 roadway which requires a minimum of 85-foot wide right-of-way. Currently
43 the road out there right now, Central Road is only 50-foot wide. So he
44 would have to dedicate an additional 17.5-feet, I believe, of right-of-way
45 plus provide for improvements to that additional right-of-way or payment in
46 lieu of or he would have to go for a waiver, as you've seen before different

- 1 subdivisions needing to go for a waiver to road improvements. So that
2 would've been his other lengthier option and again the variance was seen
3 by the applicant as the quicker way.
4
- 5 Crane: Anyone else? Any other Commissioner? Thank you, Mr. Lara. Thank
6 you, Mr. Ochoa. Any member of the public wish to address this particular
7 issue? In that case we'll close to public discussion and Commissioners.
8 Mr. Shipley.
9
- 10 Shipley: I have one item that I'd like to discuss about this particular address. This
11 is 5610 but it's in the 5200 block. Isn't there something in the city Code
12 that requires this to have a change of address? Because right now if he
13 called in for a fire and did like I did today and used my GPS, I ended up
14 about three miles east of there out on a dirt road. And until I called you to
15 find the exact location I wasn't able to find it because the house on either
16 side is 5200 and he's 5600 in the middle of a block and I can't understand
17 why he hasn't been required to change his address to some confirming
18 address so that it would show up correctly.
19
- 20 Ochoa: Mr. Chairman, Commissioner Shipley, that could definitely be made a
21 condition for the subject property that they get an address change for that
22 property. As to why it's currently addressed the way it is, I really have no
23 idea to be quite honest with you, sir. But that definitely can be taken care
24 of relatively easily. It's just a submittal of an address request form and
25 then the changing of that address sir.
26
- 27 Shipley: Wouldn't the city be responsible for making sure that if there's a
28 nonconforming address in a block after they've put in public utilities and
29 public streets that they would be responsible for making that happen?
30 What my point is, it's not up to the applicant to do that. It's up to the city to
31 do something like that.
32
- 33 Ochoa: Mr. Chairman, Commissioner Shipley, I'm not sure if the city has
34 something installed in order to do that, sir. Typically we do catch things
35 like that and get those addresses changed. I don't know what happened
36 at this in the system, sir.
37
- 38 Shipley: Well, it should be to no expense to him because, you know, he was there
39 before. If he has to change stationary or has a business or runs anything
40 out of that, that's expense to him that he shouldn't have to forego. But
41 right now it's a safety feature because if he calls for an ambulance or a fire
42 truck, they're going to show up at the wrong place and that's one lot in the
43 middle of a block and I think that that's very, very serious.
44
- 45 Ochoa: Yes sir.
46

- 1 Weir: Mr. Chair and Commissioner Shipley. That's something we can address.
2 We can contact the property owner and start the process for changing the
3 address. But if you do take an action on this to approve this variance, it's
4 something that you could also make a condition of approval and provide
5 an additional guarantee that that would be take place.
6
- 7 Crane: Sir, identify yourself please, we have no live recorder.
8
- 9 Weir: David Weir, Community Development Director.
10
- 11 Crane: Commissioner Beard.
12
- 13 Beard: Could you correct me if I'm wrong, but all of these structures here that we
14 see including the one that has the three trailers on it, this was all put in
15 place before the city took over that part of the town, is that correct? This
16 was county.
17
- 18 Ochoa: Mr. Chairman, Commissioner Beard, that is correct sir.
19
- 20 Crane: Commissioner Scholz.
21
- 22 Scholz: Yeah, I think I would support this variance. I've been to the neighborhood.
23 I've looked it over. I think he's right in saying that this is not going to be
24 something that imposes a hardship on the neighborhood. This is the way
25 the neighborhood is, it's a rural neighborhood and it was ... all of these
26 structures were grandfathered in. I have a feeling if he had known that he
27 had to replace this thing within a year's time perhaps they would've
28 replaced it, you know most people don't pay attention to you know what I
29 would consider a minor regulation like that. And the fact that there was a
30 piece on it before, it seems to me that you know we can accommodate
31 him here. My only concern is the sewage, I would rather that they attach
32 to the city sewer since there is one on Central Avenue. But that's another
33 issue and I'm not going to make that ...I wouldn't make that a condition of
34 approval.
35
- 36 Crane: You're not making it a condition?
37
- 38 Scholz: No.
39
- 40 Crane: Okay. Any other Commissioner have a comment on this issue? In that
41 case we can proceed to a vote. I will entertain a motion that Case Z2860,
42 the application to ... correction, Case A1718 application to add a dwelling
43 unit to this property at 5610 Central Avenue be approved. Commissioner
44 Shipley.
45
- 46 Shipley: I'd just like to be clear that ...

- 1
2 Crane: Ms. Harrison-Rogers.
3
4 Shipley: Because this is for denial of the variance.
5
6 Crane: You're quite right. Yes.
7
8 Shipley: So if we're going to go the other way and add a condition as Mr. Weir said,
9 then we need to do an amendment to this. And that would in my opinion
10 be the way to go if Mr. Scholz' recommendation was to approve a
11 variance with ... we need a recommendation that the address be changed
12 to corresponding correct address for that block. Then that can be ...
13
14 Crane: Well there are two issues there, right?
15
16 Shipley: Pardon.
17
18 Crane: We have two issues there.
19
20 Shipley: Yes we do.
21
22 Crane: The apparent erroneous address and the format of the motion.
23
24 Shipley: Correct.
25
26 Crane: Mr. Babington can we move a different motion to the effect that the
27 variance be granted?
28
29 Babington: Mr. Chairman, normally the motion should be in the affirmative, so if the
30 applicant has asked for a variance then the motion would be to approve
31 the variance.
32
33 Crane: Yes, that's what I thought. Okay.
34
35 Babington: And then after that you would then add any conditions that the
36 Commission feels to be appropriate.
37
38 Crane: Yes. All right so we've ... you moving Commissioner Scholz?
39
40 Scholz: Yes, I would like to move the approval of A1718.
41
42 Crane: 1716 sir.
43
44 Scholz: Beg your pardon?
45
46 Crane: 1716.

- 1
2 Scholz: I have 1718 on my ...
3
4 Ochoa: Yes, sir that is a mistake. It is 1718.
5
6 Crane: Okay, it's wrong on the agenda. A1718. Thank you.
7
8 Scholz: With the condition that the number be changed to conform to the street
9 numbering on Central Avenue.
10
11 Crane: Okay, before we go to a second Ms. Harrison-Rogers you have a point?
12
13 H-Rogers: Just a reminder to the members of the Commission that if you are going to
14 move forward in approving this, and making a motion to approve it and the
15 votes will be also in the affirmative for approval, that of course findings will
16 have to be made to support that. Because currently the findings in the
17 staff report are supporting denial.
18
19 Crane: Yes, understood. So we cannot claim the staff findings as backup for an
20 affirmative vote. Commissioner Shipley.
21
22 Shipley: I vote ...
23
24 Scholz: Excuse me Mr. Chair, was that seconded?
25
26 Crane: Pardon?
27
28 Scholz: Was my motion seconded?
29
30 Crane: Not it wasn't. Is there a second for the motion?
31
32 Ferrary: I will second it.
33
34 Crane: Commissioner Ferrary seconds. Commissioner Shipley.
35
36 Shipley: I vote aye, discussion and site visit.
37
38 Crane: Commissioner Ferrary.
39
40 Ferrary: I vote aye according to discussion and conditions.
41
42 Crane: Commissioner Scholz.
43
44 Scholz: I vote aye discussion, site visit, and previous history.
45
46 Crane: Commissioner Stowe.

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Stowe: I vote aye based on discussions this evening.

Crane: Commissioner Beard.

Beard: I vote no, discussion, site visit, and presentation.

Crane: And the Chair votes aye based on discussion and site visit. It passes 5:1.
Thank you.

2. **Case Z2860:** Application by the Las Cruces Country Club Inc. to rezone 30 acres of the 110-acre former Country Club property located at 2700 N. Main Street, Parcel No. 02-03647, from R-1a (Medium-density, Single-family Residential) to 23-acres of C-3c (High Intensity Commercial Conditional) District to allow development of a medical center consisting of a hospital, a heliport, medical offices, and rehabilitation facility and a 7-acres of R-4c (High-density Multi-family Residential Conditional) District to allow an assisted living/skilled nursing facility. District 1 (Councilor Silva)

Crane: Next item on the agenda is Case Z2860, application by the Las Cruces Country Club to rezone 30 acres of the former Country Club property. And Ms. Montana you are going to speak.

Montana: Yes. Thank you Mr. Chair, Commissioners. You have before you a request for rezoning a 30-acre parcel from R-1a medium density single-family residential to two different zoning designations, one is C-3c which is a limited high intensity commercial and the other R-4c a limited high-density multi-family residential designation. This is to accommodate a medical center or a medical campus within a larger 110-acre vacant Las Cruces Country Club property.

The proposal is to rezone 23.44 acres to the C-3c. This would allow a hospital and medical offices. And in the next slide I'll show you some of the other permitted uses or allowable uses that would be permitted in that C-3c. The proposal is to rezone 7.31 acres to R-4c. Again to allow a residential rehabilitation or assisted living facility on the property. The proposed C-3 limited land uses which are identified in attachment five to your staff report on pages seven and eight would allow a hospital and this is just a generic hospital, no particular size or developer or operator. It would allow as a special use a heliport. Health exercise club, gymnasium, sport instruction, business offices, counseling, excuse me consulting, institutional offices, laboratory, medical/dental office, café, cafeteria, coffee shop to serve those uses, and a health care clinic not in the hospital. So these are uses that would be associated with the medical center. The proposed R-4c rezoning area would allow the assisted living. Assisted living or retirement facility is not permitted in the C-3 zoning. That's why a smaller area was designated for that facility.

1 In the C-3c zone the developer has proposed some new or different
2 development standards than the typical C-3 zone. There would be a 40-
3 foot landscape buffer along the rear of the townhomes along Camino del
4 Rex; their rear property line, and then 40-feet and I'll show you in a later
5 slide, would be a landscape buffer. This is different than the typical 25-
6 foot landscape buffer of a C-3 zone. In both the C-3 and the R-4c zones
7 the buildings closest to the townhomes would be limited to two stories in
8 height, rather than the C-3 allowable 60-foot height. In the C-3 zone
9 adjacent to the townhomes again the first building would be setback 80-
10 feet from that rear property line rather than the typical 25-foot setback.

11 I wanted to bring to your attention that if this development, if any of
12 these developments within the rezoning area were not vested or did not
13 achieve a building permit or an approved subdivision within a two-year
14 period, then this zoning would revert back to the R-1a.

15 I wanted to show you a few more slides of the area. This is a
16 vicinity map that shows you the zoning. This is the property right here.
17 It's just north of Apodaca Park which is a 27-acre city park, grassy area
18 and ballpark with parking and other facilities, a public park. North of the
19 area, across from North Main Street is a commercial area, shopping
20 center. There is commercial to the, if this be north, to the west, south
21 commercial areas, and then here's a very large single-family residential
22 area called the Country Club Neighborhood Association. The Country
23 Club Neighborhood Association is a registered city neighborhood
24 association that represents many of the homes within this area. They will
25 be presenting today with your permission some of their comments on this
26 proposal. This little red circle indicates generally where the rezoning area
27 is; these are the townhomes, zoned single-family townhomes, 12 units per
28 acre, and these are single-family residential R-1a again, eight units per
29 acre.

30 I just wanted to show you that this property is at the northern most
31 edge of the city's infill development overlay district. The intent is to induce
32 or facilitate the development of the underutilized or vacant parcels. You
33 might remember in February we brought before you a proposal for a five-
34 acre residential use within the Calcot property which lies within an
35 industrial zone. That was an 80-acre parcel. A few months later we
36 reported to you that there were a few more five-acre vacant parcels within
37 the infill development area but this indeed is the largest available or
38 vacant parcel within the infill area.

39 Again this is the property, R-4 area. Generally R-4 area. When I
40 say generally I mean my boundaries aren't perfect here. I'm not that good
41 with my PowerPoint lines yet. C-3, R-4c and the bulk of the property,
42 about 80 acres remain R-1a, they are not the subject of this rezoning.
43 This is a better depiction, a legal description is in your packet of the R-4c
44 area and the C-3c area. Again these are the townhomes Camino del Rex.

45 Bubble diagram showing you about where the assisted living facility
46 would be, medical offices, the hospital and medical offices associated with

1 the hospital. The applicant of course will show you a much more detailed
2 description of where those facilities would be. I wanted to show you the
3 access would be from North Main at Camino del Rex intersection. There
4 would be about 100-foot wide or 100-foot right-of-way road developed by
5 the master developer to the hospital site. From that point, after the
6 hospital site the road could narrow because this would be, as part of the
7 rezoning, an emergency vehicle access only and so I just wanted to show
8 you where the second access would be. We believe it would be here.
9 There still needs to be a traffic impact analysis and the fire marshall and
10 the traffic engineer would need to approve that, but it's believed it would
11 be in this direction to the signal at Solano and East Madrid.

12 This is the rezoning site looking north toward the townhomes. I
13 wanted to show you where that landscape buffer would be from the rear
14 property line of the townhomes out 40-feet distant, this is also the septic
15 leach field easement for the townhomes. The townhomes are on septic
16 and this is the leach field and it would also be the 40-foot landscape
17 buffer. This shows you a doubling of that area, 80-feet to where the first
18 building wall could be for the medical offices. Couldn't be closer than that,
19 it could be further than that. The medical center would reuse 30-acres of
20 the 110-acre vacant property, and it is located within the city's infill
21 development overlay district. The rezoning will facilitate the development
22 of the medical center, yet would limit the C-3 and R-4 land uses to those
23 associated with the medical center and only those listed in pages seven
24 and eight of attachment five to your staff report. There is a wide array of
25 C-3 uses that would not be permitted. Project would provide a hospital
26 which would provide an emergency room that would serve the central part
27 of the city. The site is well served by roads and transit. The site is near
28 existing C-3 and C-2 commercial centers.

29 The staff recommended three conditions of approval we believe
30 would mitigate potentially adverse impacts of the development. And finally
31 the site is vacant and rezoning the property for limited commercial and
32 residential uses would satisfy the city's comprehensive plan policies, the
33 purposes and intent of the zoning code, the decision criteria of the
34 Planning and Zoning Commission, and relevant New Mexico case law as
35 outlined in the staff report. The city agencies and the New Mexico
36 Department of Transportation have reviewed the rezoning request against
37 all their applicable regulations and plans and have recommended
38 conditional approval with the three conditions noted below. The C-3c and
39 R-4c zoning allowable uses shall be limited to those listed on pages seven
40 and eight of attachment five to the staff report. Those are the uses that
41 were submitted by the applicant. Condition number two, a traffic impact
42 analysis shall be submitted with the first building permit or subdivision
43 application for land within the rezoning area and it shall be approved by
44 the city's traffic engineer. Third, prior to issuance of a certificate of
45 occupancy for the first building within the rezoning area, the developer
46 shall provide a second road access meeting the specifications of the 2009

- 1 International Fire Code and approved by the city's fire marshall and traffic
2 engineer.
- 3 Your options Commission; 1) is to vote yes to recommend approval
4 of the rezoning to the City Council with the conditions of approval
5 recommended by staff; 2) vote yes to recommend approval to City Council
6 with new or amended conditions of approval; 3) to vote no recommending
7 denial to the City Council; or 4) vote to table or postpone the request and
8 direct staff accordingly, such as the need for more information. With that I
9 stand for questions. I would like to advise you that the applicant is here
10 and there are also representatives of the neighborhood association that
11 would like to speak.
- 12
- 13 Crane: Thank you Ms. Montana. Any ... see lights are lite. Okay, Mr. Beard.
- 14
- 15 Beard: Many of my maps show the R-1a, the 7.31 acres encroaching onto
16 Camino del Rex Road. Is that going to narrow that road?
- 17
- 18 Montana: This part of the ...
- 19
- 20 Beard: Yes.
- 21
- 22 Montana: Rezoning, the R-4c would not.
- 23
- 24 Beard: I'm looking at this map right here.
- 25
- 26 Montana: It lies ... it would not. It lies within the existing Las Cruces County Club
27 property.
- 28
- 29 Beard: Okay. But that road doesn't ... does the road narrow? I went down there
30 but I don't remember if that road narrows there.
- 31
- 32 Montana: You know I would let the applicant's engineer answer that question.
- 33
- 34 Beard: Okay.
- 35
- 36 Montana: Thank you.
- 37
- 38 Crane: Commissioner Scholz.
- 39
- 40 Scholz: Yeah I have two questions. These seem to me to be two separate issues;
41 the C-3 for the hospital and the R-4c for the assisted living. Why aren't
42 they being discussed separately?
- 43
- 44 Montana: Well the applicant actually first submitted a rezoning application for the C-
45 3, limited C-3 for the entire 30-acres. It was staff that suggested to them
46 to separate out just the assisted living facility to R-4c because C-3 does

- 1 not allow assisted living. So it was at our suggestion that we had the two
2 different zoning designations are part of this ...
3
- 4 Scholz: Okay, well is one incumbent on the other? In other words if we approve
5 the assisted living facility do we have to approve the hospital? Or if we
6 approve the hospital do we have to approve the other facility? Because it
7 seems to me that's how the vote would have to go. You know we're
8 voting on two different things on one piece. Mr. Babington maybe you can
9 help us out here. What is our legal remedy for this sort of thing?
10
- 11 Babington: Mr. Scholz and members of the Commission, I think if you have questions
12 concerning whether or not you can vote on both at the same time or split
13 them out.
14
- 15 Scholz: Yes.
16
- 17 Babington: You could certainly table that if that becomes a major concern. I think
18 what's occurred and I think what Ms. Montana has indicated that for the
19 purposes of the request for the zoning change, the applicant has decided
20 at one setting if you will introduce this proposal. I think your question is
21 excellent and perhaps the applicant can address whether it's an up or
22 down on both issues or one, table both, but it's the applicant that's
23 basically requested this particular zoning change for this 32-acre piece to
24 be split two different ways.
25
- 26 Scholz: Okay. My second question is about the access that you showed us.
27 Could you go back to that slide?
28
- 29 Montana: Yes.
30
- 31 Scholz: The secondary access.
32
- 33 Montana: Yes. From North Main to the rezoning area and then an emergency
34 vehicle road, not a public road through a piece of Apodaca Park's parking
35 lot to the intersection, the signalized intersection at Solano and East
36 Madrid.
37
- 38 Scholz: So how much of Apodaca Park does that take up?
39
- 40 Montana: I couldn't tell you in square feet right now, but it would take up a portion of
41 the ... see if I could have a better slide. It would take up a portion of ... if
42 you can see this is parking area.
43
- 44 Scholz: Yes, I've used the parking area (inaudible).
45
- 46 Montana: About ... because it's an emergency vehicle access only, it's not the full

- 1 width that a collector would be, so part of the parking area and maybe a
2 couple of trees.
3
- 4 Scholz: So this road would use the parking area as a road as opposed to parking?
5 Does that mean that there would be no parking on this area then? Cause
6 it seems to me if you park there then you're blocking the road.
7
- 8 Montana: I can't say definitively because those negotiations are undergoing now
9 with the City Manager's office and the applicant, but there would be a
10 tradeoff certainly, either land, money, both, for the applicant to get the
11 easement through that park.
12
- 13 Scholz: Okay. I just can't understand why the easement would have to be through
14 the park, why can't it be on the rest of the property?
15
- 16 Montana: Commissioners as I understand it this is an engineer problem. You need
17 a certain radius curve to get to the intersection and because of the design
18 of this intersection you can't get it from here. And we wouldn't want a third
19 ... necessarily a third signal here, so the idea is to get the proper curve
20 and a piece of the park might have to be taken.
21
- 22 Scholz: Well if it's an emergency road why would you need a signal there? I mean
23 it's just an exit isn't it?
24
- 25 Montana: You know these are very good questions Commissioner, I'm going to have
26 to defer to the applicant's engineer.
27
- 28 Scholz: I'd be interested in hearing that.
29
- 30 Montana: Yes.
31
- 32 Scholz: Thank you.
33
- 34 Crane: Commissioner Shipley.
35
- 36 Shipley: There is a road along there as I recall outside the fence because people
37 sit ... there's an entrance into there and people sell golf balls along the
38 fence all the time, when I played the course there when it was operational.
39 So it seems that's outside the boundaries of the Las Cruces Country Club,
40 but there is an existing road which is part ... there are parking areas to the
41 right hand side, but there's a road almost that goes back to the back of
42 that area. So I assume that's what you're really talking about. My major
43 concern of this is that I'm looking at this heliport option and number one I
44 understand that requires a special use permit and a variance and all of
45 that kind of stuff coming up, but I'm looking at ... you haven't involved the
46 FAA, the Federal Aviation Administration to look at that at all. And number

1 two is I'm also a pilot, a former helicopter pilot and I know exactly how you
2 fly into the wind most of the time when you do a landing. Helicopters are a
3 little bit different but you still fly into the prevailing winds. And that puts
4 every approach basically over homes that are already existing to include if
5 everything remains R-1a to the south and those are built out as R-1a then
6 that puts more houses underneath the flight pattern of this thing. So, I
7 don't think I have enough information to make a real intelligent decision
8 based upon what I've been given tonight unless somebody's got a bigger
9 plan and knows what they're doing, it's not depicted in this pamphlet or
10 this submittal that I have. So I think that this is a major major question
11 about how are you going to propose to do that. And my other question is
12 why do you need a helipad and heliport for a 42-bed hospital? You know
13 it's not a major trauma center so you're not going to be flying people in
14 and out night and day and weekends and so forth. So I think there's ... to
15 me there's more here that needs to be brought forth and exposed to us so
16 we can make an intelligent decision.

17
18 Montana: Mr. Chair, Commissioner Shipley, those are very good questions and this
19 zoning continues to allow a heliport as a special use permit. Tonight is not
20 a discussion of the heliport. When and if an application if this rezoning is
21 approved by Council, when and if application for a heliport is submitted, it
22 would be a special use permit that would come before you and certainly all
23 of those questions would need to be answered. But at this point the
24 heliport is only continued to be allowed as a special use, it would not be as
25 of right as part of this rezoning.

26
27 Shipley: I understand that, but I'm just saying we're getting the cart way out in front
28 of the horse. You know we're talking about something that affects
29 people's lives that should be planned for in the planning process before
30 this is ever ... so they can have analyzed where their approach lanes are,
31 what noise impact it's going to have, what safety impact if a helicopter
32 loses an engine, where does it put down in an emergency landing. Those
33 things have got to be addressed well before you build a hospital. You
34 don't do that first and then say oops we can't put a heliport in. So, I think
35 that's important to look at as well tonight.

36
37 Crane: I too am concerned about taking any part of Apodaca Park for this
38 emergency access. I understand the large turning radius needed by fire
39 trucks, but it doesn't seem to me that that would require basically Madrid-
40 Solano intersection to be made four way so that the fire trucks can make a
41 big left sweep and then get into the country club property and go up along
42 the line that you showed. Surely emergency vehicles could, being on
43 Solano make a right turn up the edge of Apodaca Park, perhaps with a cut
44 of the small quantity of the park devoted to making a better turning radius
45 for them without wiping out the parking for Apodaca Park. I realize that
46 this is something that does not make a go/no-go on this business but it

- 1 does seem to me that that would be a better thing to do to the city to take
2 parking there. There is little enough parking at Apodaca Park anyway in
3 my experience.
4
- 5 Dubbin: Mr. Chairman. Mark Dubbin, Las Cruces Fire Department.
6
- 7 Crane: Yes sir.
8
- 9 Dubbin: In our discussions, Parks and Rec has been involved with discussions
10 about rearranging the parking lot of Apodaca Park so that there wouldn't
11 be a loss of space to accommodate any additional road that went through
12 there. There are some concerns with traffic and I know the traffic
13 engineer's been involved with alignment of that intersection so that it does
14 work, it functions better with its proximity to the jog in Madrid there.
15
- 16 Crane: You're saying it would not be necessary to run through the parking lot?
17
- 18 Dubbin: I'm saying that there would be parking accommodations that would be
19 made so that there wouldn't be a loss of parking spaces in the park.
20
- 21 Crane: Okay. Thank you.
22
- 23 Dubbin: Also.
24
- 25 Crane: Yes sir.
26
- 27 Dubbin: Just to address the question about the heliport. The heliport is used not
28 only for that specific hospital but also for immediate transport to a level
29 one trauma center in El Paso or what would be necessary in Albuquerque,
30 so it's a heliport that's available at a medical facility, but might not
31 necessarily be for that facility. It might be used by the air transport that we
32 would use.
33
- 34 Crane: Thank you. Commissioner Beard.
35
- 36 Beard: I have a big concern with that road that goes by Apodaca Park. I'd just
37 like to see it completely left alone and find another access to this piece of
38 property. Can we make that a condition tonight on the other two parcels?
39
- 40 H-Rogers: Mr. Chair, Commissioner Beard, if I could. I just do want to specify that
41 the alignment of a new sort of emergency access road is subject to
42 change. This is just the preliminary idea. It is not necessarily something
43 that's going to remain in exactly that location. There are other options.
44 It's not necessarily something that we feel is required to be tied down at
45 this point in time. We know an emergency access has to exist, but where
46 exactly, that's still up for some negotiation and isn't really ... that's why the

1 condition's left as vague as it is so that in case there are some changes
2 that need to occur it can. Right now it's just conceptual.

3
4 Beard: Could we make it a condition?

5
6 H-Rogers: I would be reticent to do so.

7
8 Montana: We certainly will note your preference that it not go through the park.

9
10 Crane: Thank you. Any more questions for Ms. Montana? In that case let's hear
11 from the applicants please.

12
13 Pofahl: Good evening. I'm Bob Pofahl, one of the members of the development
14 team for the proposed mixed-use project on the old country club site. Mr.
15 Chairman and Commissioners, we thank you for this opportunity to share
16 our vision for this project with you. The genesis of this, the beginning of
17 this really started when we were looking for places to select a location for
18 this particular project and we saw this brochure from NAI real estate that
19 very appropriately talked about a rare infill opportunity in our community
20 and even stated that one of the premier infill projects for the whole state of
21 New Mexico. We believe that as we've driven by this site for many years,
22 like all of us and have seen the closing of the country club which to all of
23 us in many cases was disappointing. And we spent a lot of time talking
24 with the city and with the country club people to determine would it ever
25 open again as a country club or were there other uses and even ... I know
26 there's a lot of talk about the city wanting it to be, or residents wanting it to
27 be a park. And it was very clear with the city that that was not one of the
28 options right now with the number of new parks they already have on the
29 boards. So as we looked at this kind of sad condition of this property on
30 Main Street heading to our downtown and all the new things happening
31 with the revitalization of downtown, we felt that this corridor and this you
32 know significant property really deserved to be revitalized and
33 redeveloped. We spent a lot of time studying the merits of this site and we
34 spent time, we realized the need to meet with local stakeholders, the
35 residents and the city staff.

36 We have had four to five resident meetings with all the
37 neighborhood people. We have about 450 people on the mailing list,
38 usually an average of 75-100 came, but we had four meetings and
39 numerous one-on-one meetings and smaller meetings in the
40 neighborhood to gain input. And countless meetings with city staff. And
41 with the input we feel the majority of the people that have been supportive,
42 we began to fashion a plan. We put together ... engaged the services of
43 some excellent local civil engineering firms, E Engineering, and some
44 nationally recognized planners and continue to get the input of
45 stakeholders. Our goal is to treat the land, the city, the neighbors, and the
46 stakeholders with great respect. We realize the value of this great

1 property. Our vision has evolved into the whole project being a balance of
2 retail, residential retirement, and a medical campus. The land parcels in a
3 dense and older section of the city just a few miles from downtown. In
4 revitalizing this we think we'd restore and return a great property that was
5 built in 1928, maybe not as a country club but this property could come
6 back and bring this neighborhood back to its old glory of what it was many
7 years ago.

8 The project represents an opportunity for Las Cruces to be a leader
9 in serving the needs of the growing number of businesses and the
10 boomers considering Las Cruces. The boomer market is very important to
11 Las Cruces and has been an important part of our growth in recent years.
12 Boomers have led our economy for the past three decades and impacted
13 what housing is like, what kind of cars we buy, the kinds of hotels we stay
14 in, the kind of retail stores, and I'm a boomer myself and I know the
15 impact we've had and the things that we wanted to do. We see the
16 boomers are now impacting how health care is delivered and they are
17 driving it to a hospitality consumer oriented focus. And health care uses
18 and campuses will now be the anchors for mixed-use developments like
19 the Park Ridge development. With that I would begin our slides and then
20 walk back into some other details for you, but that's kind of to lay the
21 groundwork for you of this 30-acres. I'll make sure I'm going the right
22 direction here.

23 The Park Ridge again is proposed to be an urban infill project and
24 it's a sustainable community and would promote economic development
25 through a mix of land uses. And we think it's important to bring back
26 vibrancy not always just being you know add to the suburban sprawl.
27 Tonight we're talking about 30-acres, we know the entire project is 110-
28 acres and we're working on a PUD for that, but there are many things you
29 touched on a little bit; access that we're still working out with the city, so
30 we chose to do the zoning for this 30-acres that eventually would be rolled
31 into the 110-acre PUD in the future.

32 We have carefully designed this project to integrate into the
33 surrounding community, sharing open space, boulevards, bike trails,
34 walking paths. And the goal of this project is to be a walkable pedestrian
35 friendly community. We think it's both important to our mix of generations,
36 our young residents that will live in there but to create an ideal retirement
37 campus, to create a walkable pedestrian community to allow our senior
38 retirement independent living residents to have a walkable place where
39 they can receive healthcare, dining, restaurants, and other things as the
40 long-term vision of the whole project. So we think having the uses we've
41 talked about are extremely important.

42 The entire 110-acres would propose to have a residential multi-
43 family parks and open space, walking trails, bike lanes, retail and dining,
44 commercial and hospitality. And again the very important continuum with
45 care retirement center and medical campus. The continuum of care
46 retirement we feel is the anchor for the whole project and with that

1 independent living we think the small 42-bed hospital that would serve it is
2 part of serving these retirement facilities and allowing people an
3 independent lifestyle where they don't have to get in a car and go
4 somewhere else for all of their services. But again these are the uses for
5 the entire 110-acres that we envision.

6 Because tonight we're focused on just the 30-acres, we've outlined
7 for you here the 30-acres and how it would fit within the whole
8 development. And we are in the process of ... this is the main street, four
9 lanes here, and this collector would go down to two lanes with a
10 landscape median. The emergency exit that we're talking about
11 temporarily could actually go through the parking lot there by the baseball
12 field. We are in the process of working out as we speak on this other
13 access that will not impact Apodaca Park. I think that impacts maybe
14 8,000 square feet through here. In the long term we're talking about
15 trades and things with the city that will expand the size of Apodaca Park
16 and expand its parking substantially. But again that's you know for the
17 whole 110-acres, not the 30-acres tonight. But again this is that area
18 we're talking about. Main Street here, Solano here, Madrid right here, and
19 again the existing Apodaca Park baseball field. The townhomes here on
20 Camino del Rex and then the residential area right through here.

21 This again is the zoning area and we really think it's significant.
22 Everything that we're doing here is synergistic and the different uses
23 support each other, to break one away would be tear an arm or leg off of
24 what the vision and uses for the property are, so it'd be difficult to separate
25 these because it's a mix of uses that support each other. You can see the
26 entire 30.75-acres is both pieces together and then the separate pieces.
27 The red C-3 area is approximately 23.44-acres and the residential use,
28 assistive living area is 7.31.

29 Again this is the ... we look at this whole site being a continuum of
30 care with your assisted living, rehab/fitness area, you know medical office
31 buildings, the hospital, and another medical office building here. This is
32 specifically the assisted living area, these are separate buildings that are
33 connected. The trend in assisted living is to have 12-14 residents per
34 building with their own dining room and kitchen area and business study
35 and their own exterior courtyards. And then an onsite fitness rehab area
36 to support it. Again these are more the medical support areas, office
37 buildings and medical offices and medical support facilities would be in
38 these two blue areas here. And this would be the hospital, again this is a
39 small 42-bed hospital designed to support this whole campus. It's a very
40 small hospital in the scope of all the number of beds within our community
41 today. You can see this is a hospitality oriented looking facility. It's
42 planned to be one story so that's the architectural concept for the hospital
43 and the other buildings on the campus.

44 Through meeting with the residents in our huge number of
45 meetings, not only the residents but city staff, the issues that were
46 extremely important to all of them were traffic, drainage, open space,

1 buffers and setbacks, building heights, and sanitary sewer to be provided
2 to the townhomes, and out of all those meetings we've addressed those
3 issues. We are ... in the bigger plan the PUD in the future you'll see the
4 significance of the park areas for this first phase. This is one of the pocket
5 parks that we'll be you know planning to put in in the future, it'll connect on
6 to the whole development, so that's part of the open area green space that
7 would be part of this. The plan is connect into the outfall trail and bring it
8 through the entire development once completed.

9 This is the 40-foot buffer that we talked about as a landscape
10 buffer. We would install that landscaping and it would be maintained by
11 our association and wouldn't be a burden on the townhomes to create a
12 buffer for them. And that arrow shows you where we would create an 80-
13 foot setback for the buildings, and we're not sure that these would be two
14 floors, they could be more than likely one story, but we wanted the option
15 if they went to two floors.

16 We propose to add the sewer line through the property here and
17 we've proposed so it doesn't create a burden. We know that the city
18 would like to see this on city sewer. We would create within that 40-feet, a
19 15-foot utility easement and we would handle the cost of the
20 abandonment, decommissioning of these septic tanks and then the impact
21 fee of putting those so that it wouldn't become a hardship on anybody
22 other than the developer. That was our proposal to offer to the residents.

23 I might add that some of our residents have gone out and gotten
24 petitions, I think you were given copies of those in the neighboring
25 residents about 260 residents have signed affirmative and 14 of the 18
26 townhome owners support the development.

27 Our building heights, we said that we would keep these to a
28 maximum of two floors and as we said the plan right now is to keep the
29 hospital at one floor. You know it's a small community, we want it related
30 the ambience of what we're doing here more of a hospitality focus, so
31 there's no interest in taking that hospital more than one floor.

32 That kind of takes us back in conclusion. I just wanted to say that
33 we ... as I've said we've tried to be very transparent and open with the
34 neighborhood and community. The many many meetings we've had were
35 not particularly a requirement, it's what we want to do be good people in
36 the community and we've talked to you about the number of meetings
37 we've had, the number of signatures that we have on that petition. You
38 know tonight's focus is on the approval for the proposed uses, not on the
39 proposed operators. Specific operators and details will be considered at
40 the time that we would file a final plat and subdivision map or construction
41 drawings that would address some of the issues you've talked about.
42 Things like the heliport, and as the fire marshall said we've been
43 encouraged, this 42-bed hospital doesn't need a heliport to make it work,
44 but it's an important amenity to have as many options as possible for
45 emergency vehicles. You know this project is a result of input from the
46 stakeholders, professional individuals committed to make this once

1 preeminent site, now a blighted site, into a revitalized campus of
2 excellence.

3 In the recent weeks a lot of issues that have nothing to do with
4 zoning have been brought up. I want to briefly talk about those, that there
5 has been much press attention focused on the proposed operator of this
6 medical facility. Be assured that Park Ridge and Galichia and any other
7 operator we'd have of any facility on here are most aware of the laws that
8 regulate healthcare and there is no intention of violating any laws. These
9 are professional people and all of the laws are being looked at and no
10 intention of violating. The allegations regarding Galichia and physician
11 ownership of the hospital are false and misleading and without knowledge
12 of the facts. We have in many cases been treated as people trying to do
13 something wrong, we're trying to do something good for the community.
14 We believe this project is viable and important and its great uses. If you
15 look at the uses, the mix of uses and the balance of uses that we're
16 proposing are very important to this neighborhood. We've chosen to take
17 the high ground. We will not engage in kind of the accusations and
18 relating retaliation or injuring of people's reputations, that's not who we
19 are. And we're not going to get involved in that, but we want you to know
20 since there has been so much media about the operator rather than the
21 uses.

22 We assure you that we have excellent legal advice and
23 representation guiding us on every matter pertaining to this hospital and
24 medical campus as well as the other uses of the project. And we ensure
25 that there are compliance ... we will be in compliance with all rules and
26 regulations. And you know we thank you for your time and we think this
27 is going to be a great project for our community and for the neighborhood
28 and we've really enjoyed working with these neighbors in getting their
29 input and they're excited about it and bringing back value to this great
30 neighborhood that's important to the revitalization of the whole core of our
31 city. Thank you.

32
33 Crane: Thank you Mr. Pofahl. Commissioners. Commissioner Beard, question
34 for Mr. Pofahl.

35
36 Beard: I know it was stated by Ms. Montana that you were going to provide
37 emergency services and that is during the day as well as after hours and
38 on the weekends?

39
40 Pofahl: It's going to be again such a small hospital the bulk of your emergencies
41 are going to our existing Mountain View and Memorial hospitals and
42 trauma type things are going to go to the El Paso trauma center. In a
43 neighborhood setting, you're going to have people that may have a cut on
44 their finger and needs stitching, you may have someone that you know
45 has some other thing to be, to not be a full service. We've done enough
46 investigation that to serve this neighborhood and the aging population in

- 1 this area you don't want to start not providing services, but this is not a
2 trauma center and you're not going to see that kind of activity. Most of the
3 residents around there now tell us they hear lots of ambulances already, it
4 means they may have a shorter distance to go now.
5
- 6 Beard: Okay. I understand that, but you will be available 24/7?
7
- 8 Pofahl: Yes.
9
- 10 Beard: Okay. Would the doctor be on call I guess?
11
- 12 Pofahl: Yes.
13
- 14 Beard: You would have a nurse on full time?
15
- 16 Pofahl: There'd be a physician full time.
17
- 18 Beard: Okay. We were also provided with financial impacts to the city that this
19 was going to be good for the city financially and so I'm going to go to this
20 next question based on that. How much of the new hospital services will
21 come from patients now going to El Paso and Albuquerque?
22
- 23 Pofahl: It's estimated that there could be somewhere between five, 10, and as
24 high as 20% of our medical services, it's hard to determine that, but that
25 consultant's not here with us tonight, but it's felt like a lot of services are
26 leaving our community going to El Paso, Albuquerque, Dallas, Phoenix,
27 Tucson.
28
- 29 Beard: That was what, 20 or 25%?
30
- 31 Pofahl: We've heard numbers that range anywhere from five to 20%, yes.
32
- 33 Beard: Okay. How much of an impact do you think you will have on the full
34 service hospitals located in Las Cruces?
35
- 36 Pofahl: You know our goal is not to impact those to provide an additional service
37 particularly in a retirement environment like we're trying to create here.
38 You know we do not think that it's going to draw away, those are large
39 hospitals with large facilities and this is a ...42-bed is a small impact
40 compared to those. We're a little rowboat compared with those big battles
41 ships.
42
- 43 Beard: Okay. And do you think you will create new patients by having this
44 hospital there?
45
- 46 Pofahl: We think it will attract patients, whether we use Galichia or one of the

- 1 operators we've talked about. They've been very successful at creating
2 what we call medical tourism by the proper offering of what you have. We
3 think we'll continue to bring customers in from the outlying areas around
4 the community as well as the level of service that we'd be providing here
5 to bring an in-migration of patients from surrounding areas.
6
- 7 Beard: Thank you.
8
- 9 Crane: Commissioner Scholz.
10
- 11 Scholz: Thanks for your presentation. I'm glad you focused on the area that we're
12 talking about, the zoning areas rather than on the PUD that you're
13 obviously thinking about. You're allowed two stories for the hospital. You
14 keep saying it's only going to be one story, why do you say that?
15
- 16 Pofahl: Cause that's what our operator ... we only want to do a one story hospital
17 here.
18
- 19 Scholz: Okay.
20
- 21 Pofahl: The purpose of it is trying to be a much easier to find your way around,
22 small, easy to access facility and there is no interest in being a multi-story
23 hospital.
24
- 25 Scholz: Okay. Now the medical offices, could you go back to that slide where you
26 showed the medical offices in blue?
27
- 28 Pofahl: Yes.
29
- 30 Scholz: Okay. There are two sets of medical offices, why is that? I assume one is
31 going to be attached to the hospital.
32
- 33 Pofahl: One is attached to the hospital.
34
- 35 Scholz: Okay, which one is ...
36
- 37 Pofahl: And the others are future. This one is attached to the hospital.
38
- 39 Scholz: The one in back.
40
- 41 Pofahl: Right.
42
- 43 Scholz: Okay. So why do you need room for ... or why do you need approval for a
44 second one right now?
45
- 46 Pofahl: For these right here?

- 1
2 Scholz: Yes.
3
4 Pofahl: It was contiguous with the whole property to have broken that piece out
5 and not do this today. We needed to zone, you couldn't create this little
6 island over there and so we wanted to make a continuous 30-acres you
7 know coming off of Main Street. In the future, today that's planned, this is
8 just an open option based on demand for you know medically related or
9 you know office space on the campus.
10
11 Scholz: Yeah I've seen that grow at Mountain View.
12
13 Pofahl: Right.
14
15 Scholz: And of course also at Memorial. Generally though that's been off campus.
16
17 Pofahl: Right.
18
19 Scholz: You know, that's been on the side or across the street or something like
20 that. Okay, why is there a need for institutional office for public, private,
21 educational, religious, and philanthropic.
22
23 Pofahl: Those are just stated uses in the code, zoning code. We were told to put
24 those on there if you build an office building here that's primarily medically
25 related you may have an accountant that wants to be in one end or
26 something like that so we were just ... it was recommended that we put
27 those other uses that are allowed within this particular zoning.
28
29 Scholz: Okay. Well what about a cafeteria, a café, a coffee shop, or restaurant,
30 why is that there?
31
32 Pofahl: Again, we're a hospitality focused model for people on this campus,
33 particularly we have a lot of people bringing family in from outside.
34
35 Scholz: Wouldn't you have a cafeteria in the hospital?
36
37 Pofahl: The goal, the idea here is a café outside of the hospital cafeteria. Feels
38 like it's more of the user oriented and usually serves better, that's just kind
39 of the model of the operators that we're talking with, to give options to both
40 the employees as well as visitors to the medical campus.
41
42 Scholz: I see. Okay, and how about the residential, let's see the assisted living or
43 retirement facility, what's the point of recreational court, tennis, etc.?
44
45 Pofahl: Probably, that tennis is cause it's on the uses. We want to have a rehab/
46 fitness/sports medicine center here, but particularly the rehab/fitness area

- 1 that close with our assisted living. It's an important part of ...
2
- 3 Scholz: Well you have that under a separate designation, it says recreational land
4 use, health exercise club, gymnasium, sports, and so on.
5
- 6 Pofahl: Right.
7
- 8 Scholz: Yeah but what's that doing up at the assisted living?
9
- 10 Pofahl: That's part of this complex. The recreational facilities are all part of this
11 front building here and it makes it easier for people on the entire campus
12 to use it as well as easier access from the assisted living.
13
- 14 Scholz: Well my concern Mr. Pofahl is that if for some reason the hospital isn't
15 built what we're setting this up for is a C-3 zone, right, with restaurants
16 and you know sports medicine, and all kinds of other things. And I don't
17 know if that's what the neighbors want. Now the neighbors are looking at
18 it because you emphasized the hospital.
19
- 20 Pofahl: Right.
21
- 22 Scholz: And you say that's going to be the anchor for this. If the hospital doesn't
23 occur for whatever reason, you've opened the zoning to all these other
24 uses, right?
25
- 26 Pofahl: That's correct.
27
- 28 Scholz: Yeah, and the zoning goes with it regardless of whether the property is
29 sold or not, doesn't it?
30
- 31 Pofahl: That's correct.
32
- 33 Scholz: Yes, okay. So I wanted to establish that. So in other words what you're
34 saying is that even if we don't build the major thing, the hospital or the
35 assisted living facility or any of that, we're opening it up to offices and
36 restaurants and the like.
37
- 38 Pofahl: No.
39
- 40 Scholz: No?
41
- 42 Pofahl: I would say right now that our goal ...
43
- 44 Scholz: Well that's allowed under C-3 zoning, it says right there.
45
- 46 Pofahl: It is. I would say our plan is on these uses as we've laid them out here.

- 1
2 Scholz: Well I understand that, and I think that makes sense in the, what did you
3 call it, the synergistic way of ...
4
- 5 Pofahl: Right.
6
- 7 Scholz: Putting it together. On the other hand if for some reason one of these two
8 facilities is not built then the rest of the facilities can be built. You're
9 opening it to that kind of zoning that's what I'm trying to say. Is that right?
10
- 11 Pofahl: Right. And I could say our plan is to build the assisted living, the rehab/
12 fitness, the hospital and the medical office buildings, if we don't do that we
13 probably won't acquire the property.
14
- 15 Scholz: Okay. Well I really can't afford or can't support these other structures, you
16 know the restaurants, that sort of thing, I don't think that fits here. I had
17 one other question, let me find my notes here just a moment. No, I guess
18 that's it. Thank you very much.
19
- 20 Pofahl: Okay.
21
- 22 Crane: Commissioner Beard.
23
- 24 Beard: Commissioner Scholz on page eight I think it's the document that they
25 provided it says that they will put in institutional land uses, as it says
26 hospital.
27
- 28 Scholz: Yes, yes, I see that Commissioner Beard. Yes. Thank you.
29
- 30 Beard: Okay, and it would be the primary ... it says also the primary consisting of
31 hospital.
32
- 33 Scholz: Yes.
34
- 35 Beard: I think the other stuff is just secondary.
36
- 37 Scholz: Well it's secondary but it's an allowed usage you know.
38
- 39 Beard: Yes.
40
- 41 Scholz: And so if we don't see a hospital what we're doing is you know allowing
42 other development under C-3. You remember what C-3 allows, in total it
43 allows you know amusement parks and junk yards and all kinds of things,
44 that's obviously not allowed here, at least as I understand it. We're using
45 a different form I think ...
46

- 1 Beard: I'm interpreting it differently.
2
- 3 Scholz: Okay.
4
- 5 Crane: Commissioner Shipley.
6
- 7 Shipley: Thank you for your presentation it did help a great deal. And on page
8 eight I did see at the bottom that the heliport will be used to serve the
9 hospital transportation needs and is anticipated to be located on the roof
10 of the hospital.
11
- 12 Pofahl: Right.
13
- 14 Shipley: But again you're talking about a one story building with two story buildings
15 surrounding it on its approach or take off access to the west of that, so you
16 know I'm not sure that that's ... again I think that's why I suggested when
17 you propose something you should have looked at it through the FAA and
18 let them give you some guidance because that may not be allowable, an
19 allowable use for that and that's one of your marketing points that you're
20 putting out to the community for them to buy into. So, that still is a
21 concern with me.
22
- 23 Pofahl: Yes, and we have ... once we get to that point, we wanted to get the
24 zoning first before we started getting into final building plans. Our
25 architectural firm and our planners have talked with professional heliport
26 consultants. The two operators locally have come out and looked at the
27 site and we would take you know all that into consideration to make sure
28 the location of that is done properly and protects the neighborhood.
29 They've looked at all those landing patterns that you've talked about.
30
- 31 Shipley: But to put a helipad on top of a building, there is a lot more consideration
32 about noise and other things that affect the people that are in the building
33 and that if they ... you know that's generally why you don't generally see
34 in any of the helipads that are in this area are adjacent to the area, on the
35 ground. Because of the fact that if they happen to have a malfunction it's
36 on the ground outside. You haven't endangered anybody in the building
37 per se other than flying debris, so it's something that you know ...
38
- 39 Pofahl: Exactly. And I think those options are open. It was one of the proposals
40 because of sound they felt ... the consultants said that there is less sound
41 created higher up than down between buildings.
42
- 43 Shipley: It's the same all around. The DBs are the same.
44
- 45 Pofahl: Yeah.
46

- 1 Shipley: Carry. But it's also the fact that you know ... I'm also concerned about the
2 neighborhoods, the safety of the neighborhoods ...
3
- 4 Pofahl: Certainly.
5
- 6 Shipley: That are adjacent to this property and I think that's what you've got to look
7 at as well.
8
- 9 Pofahl: I agree. Thank you.
10
- 11 Crane: Any other Commissioner? I have a question Mr. Pofahl. Does your
12 organization own the 110-acres yet?
13
- 14 Pofahl: No. We have a contract with the country club that is subject to obtaining
15 zoning for the full 110-acres before we close on it.
16
- 17 Crane: So what impact does the decision today have on your purchase? The R-
18 1a you're happy with, correct?
19
- 20 Pofahl: Yes.
21
- 22 Crane: Yeah.
23
- 24 Pofahl: And the C-3 is necessary and you know ...
25
- 26 Crane: Okay.
27
- 28 Pofahl: I mean this would have ... this whole project would have to go to an
29 optional site without zoning approval.
30
- 31 Crane: Thank you. Commissioner Beard.
32
- 33 Beard: Maybe Ms. Montana can clarify this. I want to make sure that
34 Commissioner Scholz' concerns are not a big concern. If there is no
35 hospital then there's no ... the project reverts back to its original
36 designation?
37
- 38 Montana: No Commissioner. If the rezoning were approved by Council to C-3c, the
39 array or the menu of uses that you see on page seven and eight of the
40 attachment five would be permitted. If the hospital did not go forward and
41 this particular applicant went away, the property owner in Las Cruces
42 County Club, LLC could still submit applications for building permits or
43 subdivision plats for any of the other uses that are permitted in this limited
44 C-3 zoning designation within two years. So a building permit by this
45 applicant or another one within the two-year period could vest the zoning
46 and any of the other uses that you see on that page seven or eight, would

- 1 be permitted.
- 2
- 3 Beard: In short though, there has to be a hospital within two years?
- 4
- 5 Montana: No, a hospital does not have to be developed.
- 6
- 7 Beard: Does not.
- 8
- 9 Montana: Does not have to be developed. It's one of the uses that would be
10 allowed, but it does not have to be developed, nor does an assisted living
11 facility have to be developed. If none is built though in the R-4 since that's
12 the only use that is being requested, then within a two year period if an
13 assisted living facility is not developed there or tennis court, then that
14 zoning would revert back to R-1a. But in the C-3c there are a lot more
15 choices. You don't have to build a hospital to vest the C-3c zoning.
- 16
- 17 Beard: Thank you.
- 18
- 19 Crane: Any other questions for Mr. Pofahl. Commissioner Beard.
- 20
- 21 Beard: I think the applicant was going to make a comment.
- 22
- 23 Crane: You have a comment Mr. Pofahl?
- 24
- 25 Pofahl: I probably should confer with my partners and a lot of them aren't here
26 right now but I would say as long as we can have these cafes we're not
27 looking to build bars and restaurants like that, but we're looking to get this
28 campus built like this. If we ... I don't care if it's conditional for this
29 hospital, we're not interested in the property if we can't build the campus.
30 And I don't want some other use, you know we're not trying to get it for
31 some other use and hope that this doesn't happen we put something else
32 there. The balance of the 110-acres has plenty of places in its design for
33 other commercial uses up on the front of Main Street and so that's the use
34 we're looking for. Commissioner does that help answer your question for
35 both you and Mr. Scholz?
- 36
- 37 Crane: You satisfied gentlemen? Thank you. Thank you Mr. Pofahl.
- 38
- 39 Pofahl: Thank you.
- 40
- 41 Crane: Ladies and gentleman it's time for public comments, but I'm thinking that
42 probably you'd like to take a five minute break so I'm going to call one
43 right now and we'll reconvene at 7:50. Thank you.
- 44
- 45 RESPITE PERIOD.
- 46