2007

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

**Item #** 17 **Ordinance/Resolution#** 2690

**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 1.84 ACRE PARCEL 02-31716 FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL) AND C-2 (MEDIUM INTENSITY COMMERCIAL) TO O-2C (PROFESSIONAL OFFICE—LIMITED RETAIL SERVICE, CONDITIONAL), LOCATED AT 106 E. MANSO AVENUE (CASE NO. Z2861). SUBMITTED BY THE PROPERTY OWNER, THE MESILLA PARK BAPTIST CHURCH.**

**PURPOSE(S) OF ACTION:**

Zone change.

| COUNCIL DISTRICT: 2 | | |
|---|---|---|
| **Drafter/Staff Contact:** Susana Montana, Planner | **Department/Section:** Community Development/ Building and Development Services | **Phone:** 528-3207 |
| **City Manager Signature:** | | |

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

The property has two zoning designations, the C-2 and the R-1a. The church facility lies in the R-1a zone and the parking lot lies in the C-2 zone. The church is the property owner and the congregation has outgrown both the church facility and the parking lot. The church is looking for a larger location and facility and is placing the subject property on the market for sale. A prospective buyer would like to operate a family counseling service and a day care service on the property. The prospective buyer would like the entire parcel to be re-zoned to a single zoning designation that would allow the existing church operations to continue until a new facility is found and to allow the proposed day care center and family counseling activities. The O-2, Professional Office—Limited Retail Service District would allow those uses.

On June 25, 2013, the Planning and Zoning Commission voted unanimously 6 to 0 to recommend conditional approval of the proposed rezoning (one Commissioner vacancy). The one condition of approval addressed safe access into the parking lot from S. Main Street. There

was no public comment on this proposal. The Commission recommended approval for this rezoning request on their consent agenda.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Parcel Map.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission.
5. Attachment "B", Draft Minutes from the June 25, 2013 Planning and Zoning Commission Meeting.

**SOURCE OF FUNDING:**

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

**BUDGET NARRATIVE**

N/A

**FUND EXPENDITURE SUMMARY:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this would affirm the Planning and Zoning Commission's recommendation for conditional-approval of the rezoning Ordinance. The subject 1.84-acre property would be rezoned from both C-2 (Commercial, Medium Intensity) and R-1a (Single-family Medium

Density Residential) to O-2C (Professional Office—Limited Retail Service, Conditional) designation to allow the proposed church, counseling and day care services.

2. Vote "No"; this would reverse the recommendation by the Planning and Zoning Commission for conditional-approval of the rezoning Ordinance. The current zoning of C-2 (Commercial, Medium Intensity) for the parking lot and R-1a (Single-family Medium Density Residential) for the church facility would remain and the current prospective buyer of the property would not proceed with the purchase.
3. Vote to "Amend"; this would allow the City Council to modify the Ordinance by amending or deleting the existing recommended condition 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.** 14-005
**ORDINANCE NO.** 2690

**AN ORDINANCE CONDITIONALLY-APPROVING A ZONE CHANGE FOR A 1.84 ACRE PARCEL 02-31716 FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL) AND C-2 (MEDIUM INTENSITY COMMERCIAL) TO O-2C (PROFESSIONAL OFFICE—LIMITED RETAIL SERVICE, CONDITIONAL), LOCATED AT 106 E. MANSO AVENUE (CASE NO. Z2861). SUBMITTED BY THE PROPERTY OWNER, THE MESILLA PARK BAPTIST CHURCH.**

The City Council is informed that:

**WHEREAS,** the Mesilla Park Baptist Church, owner of the 1.84 acre parcel located at 106 E. Manso Avenue shown in Exhibit "A" attached hereto, seeks to change the zoning from C-2 (Medium Intensity Commercial) and R-1a (Single-family Medium Density Residential) designations to O-2C (Professional Office—Limited Retail Service, Conditional); 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 6 to 0 vote (one Commission vacancy).

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

**(I)**

**THAT** Parcel 02-31716, more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, located at 106 E. Manso Avenue, is hereby zoned O-2C (Professional Office—Limited Retail Service, Conditional).

**(II)**

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

**(III)**

**THAT** the zoning is conditioned as follows:

As deemed necessary by the City's Traffic Engineer, access to the parking lot from S. Main Street shall be limited to right turns from the north-bound lane. The S. Main Street frontage entrance to the parking lot shall be adequately signed to advise motorists of the right-turn only requirement, directional arrows shall be painted on the parking lot pavement to indicate "right-in" and "right-out" only at the S. Main Street curb cut, and the parking lot shall be adequately signed and/or designed to prohibit left turns from the S. Main Street curb cut to the south-bound lane of S. Main Street.

**(IV)**

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

**(V)**

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

**DONE AND APPROVED** this _____ day of _____2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

2012

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

Moved by: _____

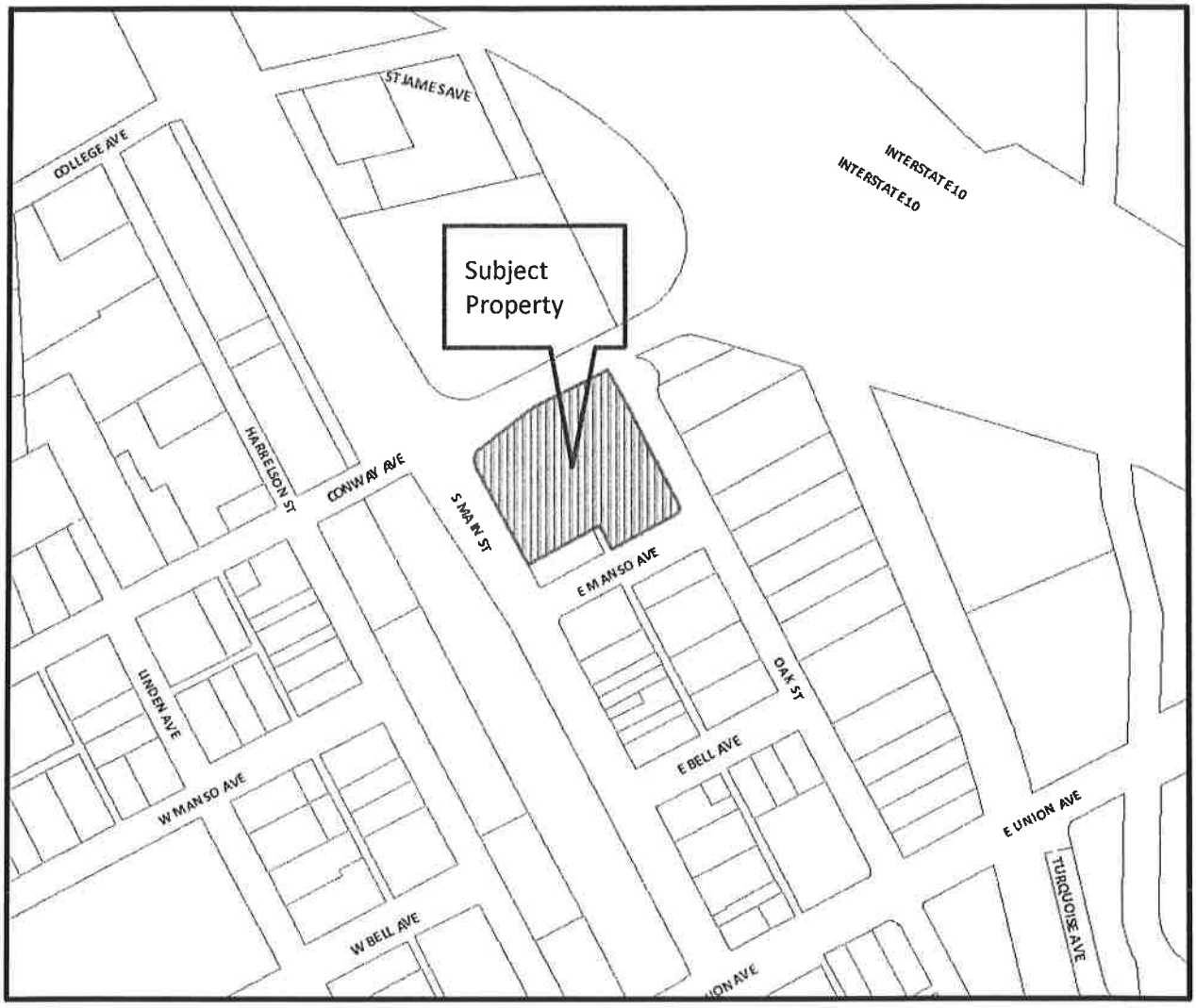
Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

# Exhibit "A"

Parcel 02-31716, located at 106 E. Manso Avenue
Case No. Z2861; Rezoning from C-2 and R-1a to O-2C Designation




Rezoning the entire parcel from R-1a and C-2 to O-2C designation

Exhibit "B"

Case No. Z2861; Parcel 02-31716, 106 E. Manso Avenue
Rezoning from R-1a and C-2 designation to O-2C designation

# Findings for Approval

1. The rezoning to O-2C, as conditioned, would meet the Purpose and Intent of the 2001 Zoning Code as specified in Section 38-2; would positively address the Planning Commission's Decision Criteria, pursuant to Section 2-382 of the Las Cruces Municipal Code; and would positively address rezoning criteria of New Mexico case law;
2. The rezoning to O-2C, as conditioned, would be consistent with the applicable goals and objectives of the 1999 Comprehensive Plan;
3. City agencies have reviewed the rezoning request against all applicable regulations and plans and recommend approval or conditional approval with the condition noted below; and
4. On June 25, 2013, the Planning and Zoning Commission voted unanimously (6 to 0) to recommend conditional-approval of the rezoning to the O-2C (Professional Office—Limited Retail Service, Conditional) designation.

Attachment "A"

City of Las Cruces®
PEOPLE HELPING PEOPLE

**Planning & Zoning Commission Staff Report**

**Meeting Date: June 25, 2013**
**Drafted by: Susana Montana, Planner**

| | | | |
|---|---|---|---|
| **CASE #** | Z2861 | **PROJECT NAME:** | 106 E. Manso Avenue Rezoning |
| **APPLICANT/ REPRESENTATIVE:** | Mesilla Park Baptist Church | **PROPERTY OWNER:** | Mesilla Park Baptist Church |
| **LOCATION:** | 106 E. Manso Avenue | **COUNCIL DISTRICT:** | District 2 (Gregory Smith) |
| **SIZE:** | 1.84 acres | **EXISTING ZONING/ OVERLAY:** | R-1a (Medium-density, Single-family Residential) and C-2 (Medium Intensity Commercial) |

**REQUEST/ APPLICATION TYPE:** Zone Change from R-1a and C-2 to O-2, Professional Office—Limited Retail Service

**EXISTING USE(S):** Church and accessory religious studies and meetings

**PROPOSED USE(S):** Church; mental health-related counseling; preschool and/or child care facility

**STAFF RECOMMENDATION:** Conditional-approval of the O-2 designation, based on the findings and with the recommended conditions of approval noted in Section 3 below.

**TABLE 1: CASE CHRONOLOGY**

| Date | Action |
|---|---|
| 5/8/2013 | Application submitted to Development Services |
| 5/8/2013 | Case sent out for review to all reviewing departments |
| 5/16/2013 | All comments returned by all reviewing departments |
| 5/30/2013 | Staff reviews and recommends 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 |

| Landscaping | | | |
|---|---|---|---|
| Total sq. ft. | | | None required unless alterations valued at $25,000 or more are proposed. |
| Buffering | | | |
| Bufferyard | N/A | N/A | N/A |
| Screen Type | N/A | N/A | N/A |

## TABLE 3: SPECIAL CHARACTERISTICS

| Characteristic | Applies to Project? | Explanation |
|---|---|---|
| EBID facilities | None | |
| Medians/ parkways landscaping | None in area | |

## TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

| Location | Existing Use | Zoning Designation |
|---|---|---|
| Subject Property | Church | R-1a, Medium-density Single-family Residential; and C-2, Medium-intensity commercial |
| North | Freeway on-ramp and beyond is a research office facility [Institute of Historical Survey Foundation] | C-2 |
| South | Commercial building to west; and single-family residential home to east | Commercial building is zoned C-2; residence is zoned R-1a |
| East | Single-family homes | R-3, Medium-density, Multi-family Residential |
| West | S. Main Street, an existing principal arterial roadway | M1/M2, Industrial Standard |

## TABLE 5: PARCEL LAND USE HISTORY

| Number | Status |
|---|---|
| Permit | N/A |
| Ordinance | N/A |
| Resolution | N/A |

## SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see Attachment 5.

| Department Name | Approval (Yes/ No) | Conditions (Yes/No) |
|---|---|---|
| CLC Development Services | Yes | No |
| CLC Long-Range Planning | Yes | No |
| Metropolitan Planning Organization (MPO) | Yes | No |
| CLC CD Engineering Services | Yes | No |

in the Central Business District and in the East Mesa area.

h. Professional office uses are also permitted in medium intensity, high intensity, and regional commercial areas.

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

Objective 1: Continually improve and expand upon our community's services in order to better our quality of life.

Policy 1.4: Community services should locate near public transportation when feasible. [Bus routes 20 and 40 serve this location with bus stops at Manso Avenue and S. Main Street]

Objective 6: Promote and maintain a balanced system of community and social services for the health, safety and welfare of all Las Cruces' residents.

Policy 6.3: As new and existing human services of various types evolve and/or expand, which may include child and adult day care, Las Cruces should work with these industries to facilitate and support their needs by lending assistance in areas involving siting, funding, transportation, and possible lease agreements.

***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.
- Ensure that development proposals are sensitive to the character of existing neighborhoods.
- Conserve the value of buildings and land.
- 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.

the S. Main Street corridor. Changing the R-1a designation of the church facility to O-2 is expected to *reduce* the intensity of activity at the property, particularly on Sundays, including the number of required off-street parking spaces.

***Conclusion:***

Rezoning the 1.84-acre property from the two current designations of C-2 and R-1a to one designation of O-2, Professional Office District would positively address City Comprehensive Plan policies seeking to facilitate the retention and expansion of social service programs in the City. These programs could provide services to adjacent residents and workers in the area. The O-2 District designation for the entire property would facilitate the adaptive re-use of a specialized building, a church, with a social service provider whose activities would be less intensive than the existing church activities, particularly on Sundays. The O-2 uses would be less intensive than the current C-2 zoning would allow and would generate less traffic and parking congestion. The less intensive uses of the O-2 District, facilitating the adaptive re-use of a specialty building, and introducing counseling and day care services to the neighborhood would positively address Zoning Code intent and purpose statements as well as the Planning and Zoning Commission's Decision Criteria pursuant to the City's Municipal Code Section 2-382.

The parking lot faces S. Main Street as well as E. Manso Avenue. South Main Street is a four-lane principal arterial roadway and E. Manso Avenue is a two-lane local street. Traffic on S. Main Street is busy and, often, fast and making left turns into the parking lot from the south-bound lane on S. Main Street can be difficult, chaotic and/or hazardous. The Church Pastor has advised the congregation to avoid making those left turns into the parking lot. The City's Traffic Engineer is requiring, as a condition of approval, that the owner and occupants of the property continue to restrict or prohibit their customers or clients from making left turns into the parking lot from the south-bound lane of S. Main Street. This can be achieved by adequate signage at the S. Main Street entrance to the parking lot as noted in the staff recommended Condition of Approval noted below.

## STAFF RECOMMENDATION

Staff recommends **CONDITIONAL APPROVAL** of the proposed rezoning to O-2 Professional Office and Limited Retail Service, based on the following findings and one condition listed below:

## FINDINGS FOR APPROVAL

1. The rezoning to O-2, as conditioned, would meet the Purpose and Intent of the 2001 Zoning Code as specified in Section 38-2, would positively address the Planning Commission's Decision Criteria, pursuant to Section 2-382 of the Las Cruces Municipal Code, and would positively address rezoning criteria of New Mexico case law;
2. The rezoning to O-2, as conditioned, would be consistent with the applicable goals and objectives of the 1999 Comprehensive Plan; and
3. City agencies have reviewed the rezoning request against all applicable regulations and plans and recommend approval or conditional approval with the condition noted below.

## RECOMMENDED CONDITION OF APPROVAL

1. As deemed necessary by the City's Traffic Engineer, access to the parking lot from S. Main Street shall be limited to right turns from the north-bound lane. The S. Main Street frontage entrance to the parking lot shall be adequately signed to advise motorists of the right-turn only requirement, directional arrows shall be painted on the parking lot pavement to indicate "right-in" and "right-out" only at the S. Main curb cut, and the parking lot shall be adequately signed and/or designed to prohibit left turns from the S. Main curb cut to the south-bound lane of S. Main Street.

**MESILLA PARK COMMUNITY CHURCH ZONE CHANGE APPLICATION**

A 1.84 acre tract

Donohue Land Surveys is requesting a Zone Change from a mixed zoning of R1-a and C-2 to O-2 to facilitate the sale of the church property. The use and size of the property renders the R1-a zoning inappropriate, and the C-2 zoning unacceptable under current City zoning ordinance. After having met with City staff it was agreed that the highest and best use of the property is the O-2 zoning. Although a contract has not been signed, a tentative offer has been made contingent upon the zone change approval. The specific land uses being requested under this application are listed below:

RECEIVED
MAY 22 2013
CITY OF LAS CRUCES
DEVELOPMENT SERVICES

ATTACHMENT 1

**Service Land Uses** (see section 38-33.F.)

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

In general, the property owners have no desire to condition the zoning any more than the City of Las Cruces deems appropriate.

**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** X

_____ Date 5/1/2013

**Property Owner 1**

_____ Date _____

**Property Owner 2**

Gerald K Donohue Date 4/30/13

**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: _____ Title/Company: _____

Address: _____ City _____ State ____ Zip _____

Phone-Home (____) _____ Work(____) _____ Mobile(____) _____ Fax(____) _____

**Property Owner 2:**

Name: _____ Title/Company: _____

Address: _____ City _____ State ____ Zip _____

Phone-Home (____) _____ Work(____) _____ Mobile(____) _____ Fax(____) _____

**Applicant/Representative:**

Name: _____ Title/Company: _____

Address: _____ City _____ State ____ Zip _____

Phone-Home (____) _____ Work(____) _____ Mobile(____) _____ Fax(____) _____

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

| | | | | | |
|---|---|---|---|---|---|
| Accepted by: | W | Fee Paid: | $ 600 | Date Fee Paid | 5/2/13 |
| Receipt No. | #177972 | Check Number | #141162 | Case Number | Z2861 |
| Submittal Date | 5/2/13 | Submittal Complete | | Assigned to: | SM |

# 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: MESILLA PARK BAPTIST CHURCH

Contact Person: GK DONOHUE

Contact Phone Number: 523 1114

Contact e-mail Address: dls@zianet.com

Web site address (if applicable): N/A

**Proposal Information**

Name of Proposal: N/A

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/Industrial)

ZONE CHANGE

Location of Subject Property 3100 OAK ST.

(In addition to description, attach map. Map must be at least 8 ½" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Acreage of Subject Property: 1.84 AC

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

CHURCH SANCTUARY, OFFICES AND PARKING

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

SAME

Zoning of Subject Property: C2- R1A

Proposed Zoning (If applicable): C3

Proposed number of lots N/A, to be developed in _____ phase (s).

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

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

_____

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

_____

Anticipated traffic generation _____ trips per day.

Anticipated development schedule: work will commence on or about _____

and will take _____ to complete.

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

_____

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). _____

N/A

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No ___ Explain: _____

Is there existing landscaping on the property? _____

Are there existing buffers on the property? _____

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

If yes, is it paved? Yes ___ No ___

How many spaces? _____ How many accessible? _____

**Attachments**

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

Location map

Subdivision Plat (If applicable)

Proposed building elevations

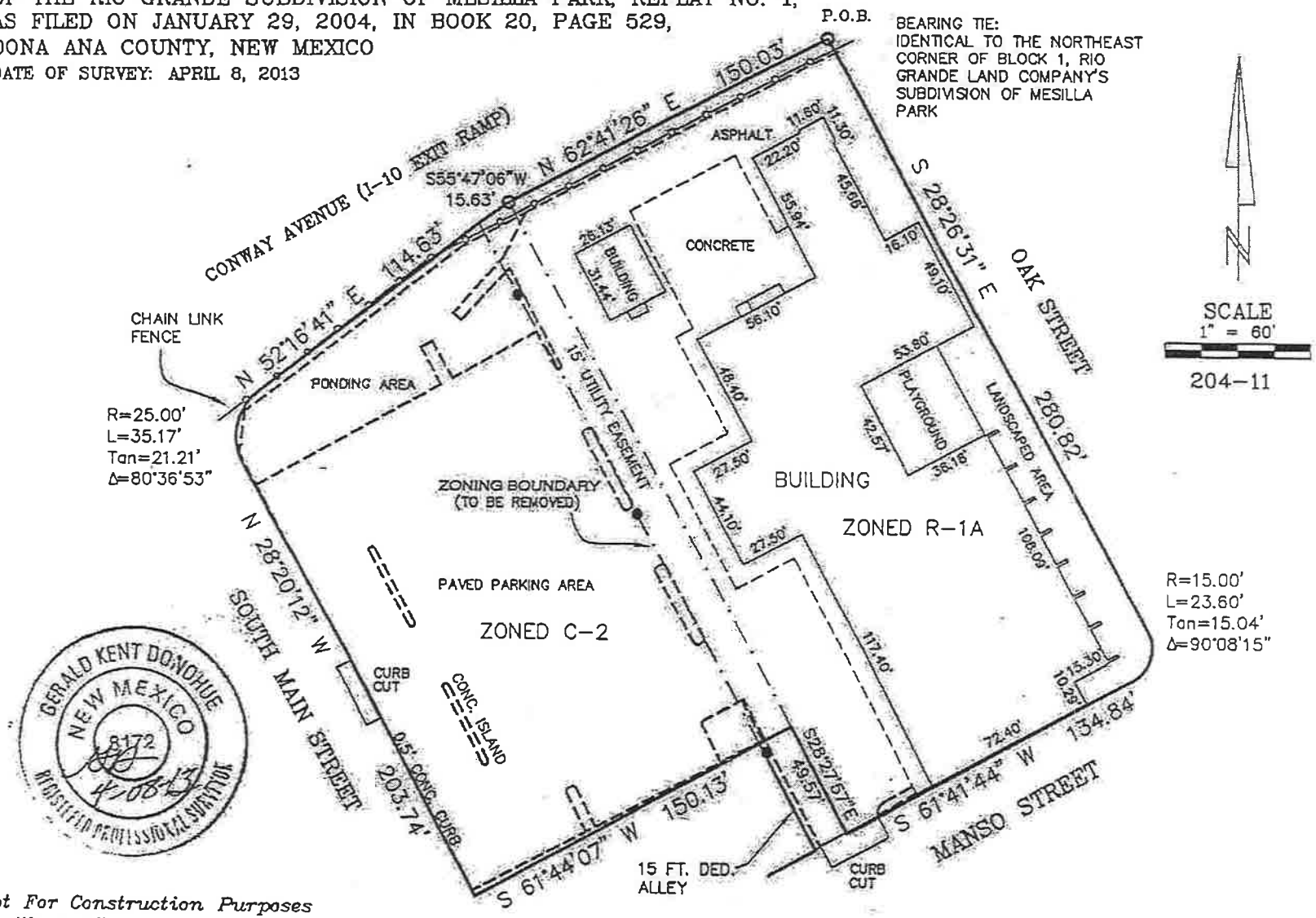
*renderings of architectural or site design features

*other pertinent information

2023

ZONE CHANGE PLAT OF SURVEY OF A 1.84 ACRE TRACT BEING TRACT A OF THE RIO GRANDE SUBDIVISION OF MESILLA PARK, REPLAT NO. 1, AS FILED ON JANUARY 29, 2004, IN BOOK 20, PAGE 529, DONA ANA COUNTY, NEW MEXICO

DATE OF SURVEY: APRIL 8, 2013




GERALD KENT DONOHUE NEW MEXICO 8172 4-08-13 REGISTERED PROFESSIONAL SURVEYOR

*Not For Construction Purposes*

I certify, as a licensed surveyor in the State of New Mexico, that this plat meets or exceeds the standards for land surveys in New Mexico.

GERALD K. DONOHUE P.L.S. 8172

○ INDICATES FOUND IRON ROD

● INDICATES POWER POLE


DONOHUE LAND SURVEYS
3010 BOWMAN AVENUE
PO BOX 40
MESILLA PARK, NM, 88047
1-505-523-1114

2024

ZONING: C-2 & R-1a
OWNER: Mesilla Park Baptist Church

# Zone Map

PARCEL: 02-31716
DATE: 05/06/13

ATTACHMENT 3

Z2861 106 E. Manso Avenue Rezoning to O-2, Office

Legend
City Parcel
DAC_2010.acw
RGB
Red: Band_1
Green: Band_2
Blue: Band_3

150 75 0 150 300 450 Feet

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.

Potential Buyer of the Property, Z2861

- Men's issues
- Parent-child relational problems
- Relationship conflict
- Self-esteem issues
- Spirituality and meaning
- Stress
- Teen parenting
- Trauma

**Parenting Education & Support:**

"Circle of Security" parenting groups are offered in eight week sessions:

- Learn what you can do to better connect with your child.
- Understand your child's emotional needs.
- Learn more about why your child behaves the way he/she does.
- Find out how your parenting style impacts your child's behaviors.
- Have a better relationship with your child.

To learn more about Circle of Security, please visit **www.circleofsecurity.org**

**Training:** Attachment, Biting, Guiding Behaviors, Trauma

**Supervision:** Reflective and clinical supervision services are available upon submitting a letter of interest.

**Z2861 (R-1a and C-2 to C-3C)** **May 14, 2013**
**3100 Oak Street**
**Advanced Planning Comments (C McCall)**

**Conclusions**

This proposal is a conversion from R-1a and C-2 to C-3C, in order to come into compliance with the 2001 Zoning Code as amended. This single lot has split zoning and according to the ArcGIS zoning database, there are no ordinances associated with the zoning action so the purpose of the split is not known. However, south of this lot there is an alley that runs north/south from Manso to Union and the zoning split runs even with the alley. It's possible that this property was at one time two lots with different zoning and when it was replatted, the zoning was not changed.

A conversion to C-3 is called for to be in compliance with the current code. It also looks to be appropriate from a compatibility standpoint. Surround properties are a mix of low-medium residential and low-medium commercial. The condition placed on the rezoning application is that only counciling services and institutional uses be allowed. Counciling services would be a compatible use since it is somewhat low-intensity that would not greatly affect those uses surrounding it. The rezoning would also allow the continued current use as a church.

Therefore, staff supports the proposal.

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

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.

City of Las Cruces
PEOPLE HELPING PEOPLE

## MPO REZOINING REVIEW COMMENTS

Case #: Z2861 Date: May 8, 2013

Request: Rezone 1.7-acres from R-1a (Medium-density Single-family Residential) and C-2 (Medium Intensity Commercial) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Thursday, May 16, 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. |
|---|---|---|---|---|---|---|---|---|
| Main | Adj | | Princp Art | 120' | Adj to Route 20 | (4426 (2011) | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Approval: X Approval with Conditions:_____

Recommended Conditions of Approval

_____

_____

_____

_____

Denial: _____ Reasons for recommending Denial:

_____

_____

**City of Las Cruces**
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

RECEIVED
MAY 08 2013
L.C.

**FIRE PREVENTION & EMERGENCY SERVICES:**

Case #: Z2861 Date: May 8, 2013

Request: Rezone 1.7-acres from R-1a (Medium-density Single-family Residential) and C-2 (Medium Intensity Commercial) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Thursday, May 16, 2013. Thank you.

ACCESSIBILITY ISSUES: *

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

Type of Building Occupancy: A

Closest fire department that will service this property:

Name Station 2

Address/ Location 1199 E Foster

Distance from subject property (miles) 3 miles

Adequate capacity to accommodate proposal? Yes X No ____

Explain: ____

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

DEPARMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval ____ Denial Date: ____

Comments:

CLC Utilities

Case #: Z2861 Date: May 8, 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 Date: 05/16/13

_____ Approval with conditions:

John Reid

Additional comments:

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

**R.O.W.:** 106 Oak Street and 3111 S. Main Street

Case #: Z2861 Date: May 8, 2013

Request: Rezone 1.7-acres from R-1a (Medium-density Single-family Residential) and C-2 (Medium Intensity Commercial) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Thursday, May 16, 2013. Thank you.

COMMENTS:

RECOMMENDATION: X APPROVAL _____ DENIAL

Date: 5/14/13 Reviewer: Michael Q. Hernandez

Contact Info.: Ext. 3124

RECEIVED
NM DOT-DISTRICT 1
MAY 09 2013

City of Las Cruces®
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

**NMDOT:**

Case #: Z2861 Date: May 8, 2013

Request: Rezone 1.7-acres from R-1a (Medium-density Single-family Residential) and C-2 (Medium Intensity Commercial) to C-3c (Conditional High Intensity Commercial): See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Thursday, May 16, 2013. Thank you.

Which State highway would be impacted by the proposed rezoning? NO

How would that highway be impacted? NO

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 ✓

Explainations

COMMENTS:

**RECOMMENDATION:** ✓ **APPROVAL** _____ **DENIAL** **DATE:** 5-10-13

**Reviewer:** Mario Hargis

**Contact information:** 575-544-6544

# 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

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

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

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

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

**III. APPROVAL OF MINUTES**

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

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

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

Crane: Chance instead of change. Line 26.

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

Crane: I'll drop the word "a".

Shipley: Drop the word "a".

Crane: Okay.

Shipley: And line 37 the next to the last word, strike, instead of "out" it should be "up". A hand up as opposed to a hand out.

Crane: Thank you. Anyone else? I have one, page 41, line 2, "Ms. Montana can every house in principle, have an SUP", not and principle. So that's line 2 ... correction, line 3 on page 41. I'll entertain a motion that the minutes as amended be accepted.

Shipley: So moved.

Scholz: Second.

Crane: Moved by Shipley, seconded by Scholz. All in favor.

ALL: Aye.

Crane: Against? Any abstentions? No. It passes 6:0. And now to the ...

Ochoa: April 23rd.

Crane: April 23rd. Any Commissioner have a point to make about April 23rd meeting minutes? Commissioner Scholz, your light's on.

Scholz: Sorry.

Crane: Okay, I have one, page 12, line 16, I don't believe it was Commissioner Ferrary that made that statement "That's correct" there since the question doesn't seem to be directed at her, Mr. Shipley's comment. Did you say that Commissioner Ferrary?

Ferrary: I don't think I did.

Crane: Okay. Also, I noticed that Mr. Babington's name on the first page is misspelled Barrington. Sir, I cannot apologize too deeply for that. I hope you're grateful to me for pointing it out.

Shipley: Mr. Chairman.

Crane: Yes, Mr. Shipley.

Shipley: I think that was Ms. Montana that said, "That's correct".

Crane: Okay. Montana, all right. And I also noticed that in the introduction I apparently left out Mr. Shipley or our secretary left out Mr. Shipley, but he is listed as being there. He has spoken but he wasn't introduced. Did I make that booboo? I did? You're too shy, you should've said something.

Shipley: I was introduced. I just think it was left off.

Crane: Oh, okay. So, I'll entertain a motion that the minutes of April 23rd be accepted as amended.

Scholz: So moved.

Beard: Second.

Crane: Okay, who moved? Scholz moved and Beard seconded. Thank you. All in favor, aye.

ALL: Aye.

Crane: Any against? Anybody abstaining? No, thank you.

## IV. POSTPONEMENTS - NONE

Crane: Any postponements, Mr. Ochoa?

Ochoa: No sir, none tonight.

Crane: Okay.

## V. CONSENT AGENDA

1. **Case Z2861:** Application by the Mesilla Park Baptist Church to rezone a 1.84-acre parcel located at 106 E. Manso Avenue at S. Valley Avenue and Oak Street, Parcel No. 02-31716, from R-1a (Medium-density, Single-family Residential) and C-2 (Medium-intensity Commercial) to O-2 (Professional Office, Limited Retail Service) District to allow the church to remain and to allow counseling services and a preschool and day care services on the property. District 2 (Councilor Smith)

Crane: So we proceed to the consent agenda item and, as I said, this is an item which there are sometimes many things on it, which is considered so uncontroversial that we simply vote on whatever's in there as a block item without discussion. However any Commissioner, any member of the

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

Scholz: So moved.

Crane: Scholz moves. Second?

Shipley: Second.

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

ALL: Aye.

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

## VI. OLD BUSINESS - NONE

Crane: Any old business, Mr. Ochoa?

Ochoa: No, sir, none tonight.

## VII. NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scholz: Okay.

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

Scholz: And it's less than an acre.

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

what it is now. So, the applicant has seen this as his only and quickest avenue to try to get the second home on the property.

Scholz: Thank you.

Crane: Commissioner Ferrary.

Ferrary: Yes. I was wondering ... you were mentioning if it had been one acre it could be subdivided into two lots. And is it true that the city had to take easement from their one acre to make it now less than one acre?

Ochoa: Mr. Chairman, Commissioner Ferrary, essentially that did happen in the past. Whether as to we gave just compensation for it or not, I wasn't able to get that information from our Land Management Department. But yes, essentially in the past as, if you all did a site visit, possibly you saw there is a pretty decent 50-foot wide right-of-way road with curb, gutter, sidewalk, and lighting out there. For that project to be done by the city, they'd have to go and either take or purchase property from adjacent property owners in order to build that out. That was done in the past and that did shrink down the property of the property owner.

Ferrary: So they wouldn't have to be going through this if they hadn't had to give up some of that land?

Ochoa: Mr. Chairman, Commissioner Ferrary, there is a possibility they might still have had to go through this simply because even if they did want to subdivide they would still have to provide right-of-way and do additional road improvements. So, a public process would still have to be done in order for them to obtain two individual single-family homes on that property.

Ferrary: Okay, thank you.

Ochoa: No problem.

Crane: Mr. Ochoa, what happened here was that if they had replaced that mobile home that was removed or destroyed within, what was it? One year? They could have continued to have a second home on the lot.

Ochoa: Mr. Chairman, that is correct. Since the property was annexed into the city with two homes it was nonconforming. So, one of the standards being if one is ... if an existing home or that nonconformity is removed and is removed for a period over a year, then essentially, yes, sir, the property must come into compliance with the 2001 Zoning Code, meaning you're no longer allowed to have two homes, just one now.

Crane: And how long has it been since the permission to have two has run out?

Ochoa: Mr. Chairman, the staff did do some research on ... we essentially looked at a home being removed from a property is when they cease utility connections or utility services. That was done back in April 2009. So they would have had to bring it back by April 2010 in order for it to still be a nonconforming lot, sir. So it's over three/four years that's been gone.

Crane: How did the applicant find out that he couldn't put the second home back?

Ochoa: Mr. Chairman, I'll leave that up to him. He will probably explain a little bit better his process that he went through with that, sir.

Crane: Thank you.

Ochoa: Thank you.

Crane: Anything else, Commissioners? Is the applicant present? Please come up, sir.

Lara: Good evening, Commissioners.

Crane: Speak to the mike please and identify yourself for the record.

Lara: Hi, my name is Eric Lara and I'm here applying for the zoning variance on 5610 Central. As Mr. Ochoa stated there was a mobile home previously set there and removed on the said date of 2009. The way I found out was I purchased a mobile home and was proceeding to put it on the property, pulling the permit which got denied. As you can see here the electrical meter is still there. El Paso Electric does a monthly reading on it to this day. Natural gas hook up. Actually when we first lived on the property it was set up for propane and we actually paid to have the second gas meter put on, purchased from the City of Las Cruces and had the lines installed as well. Water, utilities, and it's pretty much the same as what Mr. Ochoa was stating. We have all utilities still on site. The property, my father's on the property for over 30 years. This is the post site, the back end of the property, approximately a half an acre, not exactly. As you can see it's a fairly large piece of property, more than enough room for a second home there. And here's just another portion of the property. This would be in compliance with the Fire Department. This would give them more than enough room to have a drive if there was fire. This would be the west portion of the property. There's no drive on this end. The drive would be on the other side. Also, just another look of the back portion of the lot just showing where the mobile home would be set. And again there's utility poles. This is an adjacent neighbor to the south. Actually he has three homes on this property. I could only fit two in the picture, but there are

several lots around there that have more than one home. And just a front view of the existing home which my parents live in and I take care of them, you know, in their old age.

Crane: Thank you. Commissioners any questions for Mr. Lara? Commissioner Shipley.

Shipley: The one question was: are you on well and septic or are you on city water and city sewer?

Lara: We're on septic actually right now.

Shipley: Septic. But you have city water?

Lara: No, there's actually water we get from Mesa Development up on Jimmy Lane.

Shipley: Okay. But you are septic?

Lara: But we do get gas, trash, everything else from City of Las Cruces.

Shipley: Right.

Crane: Commissioner Scholz.

Scholz: Is there a sewer on Central Avenue?

Lara: There is … yes, there is sewer on the street. I guess there's the option to tap into that now. I know there are some neighbors that have tapped into the sewer. There are still several on septic.

Scholz: Okay. How big is the septic field?

Lara: It is fairly large. I'm not sure exactly the size. I can get that information, but it is a large septic tank, good enough to support the two homes.

Scholz: Well, I'm thinking of the leach field. Where is the leach field? It's in back of the first house isn't it?

Lara: Yes.

Scholz: So are you going to be locating on top of the leach field?

Lara: No.

Scholz: Okay. Thank you.

Crane: Further to that, is just the one septic tank for the two houses if you get two houses, right?

Lara: Yes sir.

Crane: Okay. I think I'll ask the city if there's any means that come to the collective mind that Mr. Lara can rescue himself from this situation. Mr. Scholz brought up a couple of possibilities regarding rezoning and so on. Mr. Ochoa.

Ochoa: Yes sir, we did look at some options: one again, like we said before, zoning aspect, getting the property zoned to a multi-family zoning designation essentially making ... it'd be one property zoned for multi-family and a very large single-family and abundantly rural single-family zoning district, if you will so there's chances for spot zoning if that zone change was approved or moved forward. Not only that but also the time restraints for Mr. Lara was a zone change and would have to go all the way to City Council for final approval and he was just trying to see ... this being his quicker option coming for a variance to try to get this done.

The second option being a subdivision: the existing 0.93 acre property, if it was split in half he would have to go for a variance as well to minimum lot size since in the REM Zoning District you're required to have a minimum half an acre in lot size. So he'd have to get a variance along with that subdivision in order to have both lots; one at half an acre and the other one less than half an acre in size. As well, as I did talk to Mr. Lara about he would have to give up the additional right-of-way for Central Road and potentially do any type of road improvements. If he was not able to do that, then he would have to go for a waiver as well with the subdivision and the variance.

Crane: Thank you.

Shipley: Question, Mr. Chairman.

Crane: Mr. Shipley.

Shipley: Mr. Ochoa, what other ... the right-of-way there has been done and the road it's in so what additional right-of-way would he have to give up?

Ochoa: Mr. Chairman, Commissioner Shipley, Central Road is a Collector roadway which requires a minimum of 85-foot wide right-of-way. Currently the road out there right now, Central Road is only 50-feet wide. So he would have to dedicate an additional 17.5-feet, I believe, of right-of-way plus provide for improvements to that additional right-of-way or payment in lieu of or he would have to go for a waiver, as you've seen before different

subdivisions needing to go for a waiver to road improvements. So that would've been his other lengthier option and again the variance was seen by the applicant as the quicker way.

Crane: Anyone else? Any other Commissioner? Thank you, Mr. Lara. Thank you, Mr. Ochoa. Any member of the public wish to address this particular issue? In that case we'll close to public discussion and Commissioners. Mr. Shipley.

Shipley: I have one item that I'd like to discuss about this particular address. This is 5610 but it's in the 5200 block. Isn't there something in the city Code that requires this to have a change of address? Because right now if he called in for a fire and did like I did today and used my GPS, I ended up about three miles east of there out on a dirt road. And until I called you to find the exact location I wasn't able to find it because the house on either side is 5200 and he's 5600 in the middle of a block and I can't understand why he hasn't been required to change his address to some confirming address so that it would show up correctly.

Ochoa: Mr. Chairman, Commissioner Shipley, that could definitely be made a condition for the subject property that they get an address change for that property. As to why it's currently addressed the way it is, I really have no idea to be quite honest with you, sir. But that definitely can be taken care of relatively easily. It's just a submittal of an address request form and then the changing of that address sir.

Shipley: Wouldn't the city be responsible for making sure that if there's a nonconforming address in a block after they've put in public utilities and public streets that they would be responsible for making that happen? What my point is, it's not up to the applicant to do that. It's up to the city to do something like that.

Ochoa: Mr. Chairman, Commissioner Shipley, I'm not sure if the city has something installed in order to do that, sir. Typically we do catch things like that and get those addresses changed. I don't know what happened at this in the system, sir.

Shipley: Well, it should be to no expense to him because, you know, he was there before. If he has to change stationary or has a business or runs anything out of that, that's expense to him that he shouldn't have to forego. But right now it's a safety feature because if he calls for an ambulance or a fire truck, they're going to show up at the wrong place and that's one lot in the middle of a block and I think that that's very, very serious.

Ochoa: Yes sir.

Weir: Mr. Chair and Commissioner Shipley. That's something we can address. We can contact the property owner and start the process for changing the address. But if you do take an action on this to approve this variance, it's something that you could also make a condition of approval and provide an additional guarantee that that would be take place.

Crane: Sir, identify yourself please, we have no live recorder.

Weir: David Weir, Community Development Director.

Crane: Commissioner Beard.

Beard: Could you correct me if I'm wrong, but all of these structures here that we see including the one that has the three trailers on it, this was all put in place before the city took over that part of the town, is that correct? This was county.

Ochoa: Mr. Chairman, Commissioner Beard, that is correct sir.

Crane: Commissioner Scholz.

Scholz: Yeah, I think I would support this variance. I've been to the neighborhood. I've looked it over. I think he's right in saying that this is not going to be something that imposes a hardship on the neighborhood. This is the way the neighborhood is, it's a rural neighborhood and it was ... all of these structures were grandfathered in. I have a feeling if he had known that he had to replace this thing within a year's time perhaps they would've replaced it, you know most people don't pay attention to you know what I would consider a minor regulation like that. And the fact that there was a piece on it before, it seems to me that you know we can accommodate him here. My only concern is the sewage, I would rather that they attach to the city sewer since there is one on Central Avenue. But that's another issue and I'm not going to make that ...I wouldn't make that a condition of approval.

Crane: You're not making it a condition?

Scholz: No.

Crane: Okay. Any other Commissioner have a comment on this issue? In that case we can proceed to a vote. I will entertain a motion that Case Z2860, the application to ... correction, Case A1718 application to add a dwelling unit to this property at 5610 Central Avenue be approved. Commissioner Shipley.

Shipley: I'd just like to be clear that ...

Crane: Ms. Harrison-Rogers.

Shipley: Because this is for denial of the variance.

Crane: You're quite right. Yes.

Shipley: So if we're going to go the other way and add a condition as Mr. Weir said, then we need to do an amendment to this. And that would in my opinion be the way to go if Mr. Scholz' recommendation was to approve a variance with … we need a recommendation that the address be changed to corresponding correct address for that block. Then that can be …

Crane: Well there are two issues there, right?

Shipley: Pardon.

Crane: We have two issues there.

Shipley: Yes we do.

Crane: The apparent erroneous address and the format of the motion.

Shipley: Correct.

Crane: Mr. Babington can we move a different motion to the effect that the variance be granted?

Babington: Mr. Chairman, normally the motion should be in the affirmative, so if the applicant has asked for a variance then the motion would be to approve the variance.

Crane: Yes, that's what I thought. Okay.

Babington: And then after that you would then add any conditions that the Commission feels to be appropriate.

Crane: Yes. All right so we've … you moving Commissioner Scholz?

Scholz: Yes, I would like to move the approval of A1718.

Crane: 1716 sir.

Scholz: Beg your pardon?

Crane: 1716.

Scholz: I have 1718 on my …

Ochoa: Yes, sir that is a mistake. It is 1718.

Crane: Okay, it's wrong on the agenda. A1718. Thank you.

Scholz: With the condition that the number be changed to conform to the street numbering on Central Avenue.

Crane: Okay, before we go to a second Ms. Harrison-Rogers you have a point?

H-Rogers: Just a reminder to the members of the Commission that if you are going to move forward in approving this, and making a motion to approve it and the votes will be also in the affirmative for approval, that of course findings will have to be made to support that. Because currently the findings in the staff report are supporting denial.

Crane: Yes, understood. So we cannot claim the staff findings as backup for an affirmative vote. Commissioner Shipley.

Shipley: I vote …

Scholz: Excuse me Mr. Chair, was that seconded?

Crane: Pardon?

Scholz: Was my motion seconded?

Crane: Not it wasn't. Is there a second for the motion?

Ferrary: I will second it.

Crane: Commissioner Ferrary seconds. Commissioner Shipley.

Shipley: I vote aye, discussion and site visit.

Crane: Commissioner Ferrary.

Ferrary: I vote aye according to discussion and conditions.

Crane: Commissioner Scholz.

Scholz: I vote aye discussion, site visit, and previous history.

Crane: Commissioner Stowe.

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.

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

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

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

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

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

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

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

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

The staff recommended three conditions of approval we believe would mitigate potentially adverse impacts of the development. And finally the site is vacant and rezoning the property for limited commercial and residential uses would satisfy the city's comprehensive plan policies, the purposes and intent of the zoning code, the decision criteria of the Planning and Zoning Commission, and relevant New Mexico case law as outlined in the staff report. The city agencies and the New Mexico Department of Transportation have reviewed the rezoning request against all their applicable regulations and plans and have recommended conditional approval with the three conditions noted below. The C-3c and R-4c zoning allowable uses shall be limited to those listed on pages seven and eight of attachment five to the staff report. Those are the uses that were submitted by the applicant. Condition number two, a traffic impact analysis shall be submitted with the first building permit or subdivision application for land within the rezoning area and it shall be approved by the city's traffic engineer. Third, 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 marshall and traffic engineer.

Your options Commission; 1) is to vote yes to recommend approval of the rezoning to the City Council with the conditions of approval recommended by staff; 2) vote yes to recommend approval to City Council with new or amended conditions of approval; 3) to vote no recommending denial to the City Council; or 4) vote to table or postpone the request and direct staff accordingly, such as the need for more information. With that I stand for questions. I would like to advise you that the applicant is here and there are also representatives of the neighborhood association that would like to speak.

Crane: Thank you Ms. Montana. Any ... see lights are lite. Okay, Mr. Beard.

Beard: Many of my maps show the R-1a, the 7.31 acres encroaching onto Camino del Rex Road. Is that going to narrow that road?

Montana: This part of the ...

Beard: Yes.

Montana: Rezoning, the R-4c would not.

Beard: I'm looking at this map right here.

Montana: It lies ... it would not. It lies within the existing Las Cruces County Club property.

Beard: Okay. But that road doesn't ... does the road narrow? I went down there but I don't remember if that road narrows there.

Montana: You know I would let the applicant's engineer answer that question.

Beard: Okay.

Montana: Thank you.

Crane: Commissioner Scholz.

Scholz: Yeah I have two questions. These seem to me to be two separate issues; the C-3 for the hospital and the R-4c for the assisted living. Why aren't they being discussed separately?

Montana: Well the applicant actually first submitted a rezoning application for the C-3, limited C-3 for the entire 30-acres. It was staff that suggested to them to separate out just the assisted living facility to R-4c because C-3 does

not allow assisted living. So it was at our suggestion that we had the two different zoning designations are part of this …

Scholz: Okay, well is one incumbent on the other? In other words if we approve the assisted living facility do we have to approve the hospital? Or if we approve the hospital do we have to approve the other facility? Because it seems to me that's how the vote would have to go. You know we're voting on two different things on one piece. Mr. Babington maybe you can help us out here. What is our legal remedy for this sort of thing?

Babington: Mr. Scholz and members of the Commission, I think if you have questions concerning whether or not you can vote on both at the same time or split them out.

Scholz: Yes.

Babington: You could certainly table that if that becomes a major concern. I think what's occurred and I think what Ms. Montana has indicated that for the purposes of the request for the zoning change, the applicant has decided at one setting if you will introduce this proposal. I think your question is excellent and perhaps the applicant can address whether it's an up or down on both issues or one, table both, but it's the applicant that's basically requested this particular zoning change for this 32-acre piece to be split two different ways.

Scholz: Okay. My second question is about the access that you showed us. Could you go back to that slide?

Montana: Yes.

Scholz: The secondary access.

Montana: Yes. From North Main to the rezoning area and then an emergency vehicle road, not a public road through a piece of Apodaca Park's parking lot to the intersection, the signalized intersection at Solano and East Madrid.

Scholz: So how much of Apodaca Park does that take up?

Montana: I couldn't tell you in square feet right now, but it would take up a portion of the … see if I could have a better slide. It would take up a portion of … if you can see this is parking area.

Scholz: Yes, I've used the parking area (inaudible).

Montana: About … because it's an emergency vehicle access only, it's not the full

width that a collector would be, so part of the parking area and maybe a couple of trees.

Scholz: So this road would use the parking area as a road as opposed to parking? Does that mean that there would be no parking on this area then? Cause it seems to me if you park there then you're blocking the road.

Montana: I can't say definitively because those negotiations are undergoing now with the City Manager's office and the applicant, but there would be a tradeoff certainly, either land, money, both, for the applicant to get the easement through that park.

Scholz: Okay. I just can't understand why the easement would have to be through the park, why can't it be on the rest of the property?

Montana: Commissioners as I understand it this is an engineer problem. You need a certain radius curve to get to the intersection and because of the design of this intersection you can't get it from here. And we wouldn't want a third ... necessarily a third signal here, so the idea is to get the proper curve and a piece of the park might have to be taken.

Scholz: Well if it's an emergency road why would you need a signal there? I mean it's just an exit isn't it?

Montana: You know these are very good questions Commissioner, I'm going to have to defer to the applicant's engineer.

Scholz: I'd be interested in hearing that.

Montana: Yes.

Scholz: Thank you.

Crane: Commissioner Shipley.

Shipley: There is a road along there as I recall outside the fence because people sit ... there's an entrance into there and people sell golf balls along the fence all the time, when I played the course there when it was operational. So it seems that's outside the boundaries of the Las Cruces Country Club, but there is an existing road which is part ... there are parking areas to the right hand side, but there's a road almost that goes back to the back of that area. So I assume that's what you're really talking about. My major concern of this is that I'm looking at this heliport option and number one I understand that requires a special use permit and a variance and all of that kind of stuff coming up, but I'm looking at ... you haven't involved the FAA, the Federal Aviation Administration to look at that at all. And number

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

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

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

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

does seem to me that that would be a better thing to do to the city to take parking there. There is little enough parking at Apodaca Park anyway in my experience.

Dubbin: Mr. Chairman. Mark Dubbin, Las Cruces Fire Department.

Crane: Yes sir.

Dubbin: In our discussions, Parks and Rec has been involved with discussions about rearranging the parking lot of Apodaca Park so that there wouldn't be a loss of space to accommodate any additional road that went through there. There are some concerns with traffic and I know the traffic engineer's been involved with alignment of that intersection so that it does work, it functions better with its proximity to the jog in Madrid there.

Crane: You're saying it would not be necessary to run through the parking lot?

Dubbin: I'm saying that there would be parking accommodations that would be made so that there wouldn't be a loss of parking spaces in the park.

Crane: Okay. Thank you.

Dubbin: Also.

Crane: Yes sir.

Dubbin: Just to address the question about the heliport. The heliport is used not only for that specific hospital but also for immediate transport to a level one trauma center in El Paso or what would be necessary in Albuquerque, so it's a heliport that's available at a medical facility, but might not necessarily be for that facility. It might be used by the air transport that we would use.

Crane: Thank you. Commissioner Beard.

Beard: I have a big concern with that road that goes by Apodaca Park. I'd just like to see it completely left alone and find another access to this piece of property. Can we make that a condition tonight on the other two parcels?

H-Rogers: Mr. Chair, Commissioner Beard, if I could. I just do want to specify that the alignment of a new sort of emergency access road is subject to change. This is just the preliminary idea. It is not necessarily something that's going to remain in exactly that location. There are other options. It's not necessarily something that we feel is required to be tied down at this point in time. We know an emergency access has to exist, but where exactly, that's still up for some negotiation and isn't really ... that's why the

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

Beard: Could we make it a condition?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this area you don't want to start not providing services, but this is not a trauma center and you're not going to see that kind of activity. Most of the residents around there now tell us they hear lots of ambulances already, it means they may have a shorter distance to go now.

Beard: Okay. I understand that, but you will be available 24/7?

Pofahl: Yes.

Beard: Okay. Would the doctor be on call I guess?

Pofahl: Yes.

Beard: You would have a nurse on full time?

Pofahl: There'd be a physician full time.

Beard: Okay. We were also provided with financial impacts to the city that this was going to be good for the city financially and so I'm going to go to this next question based on that. How much of the new hospital services will come from patients now going to El Paso and Albuquerque?

Pofahl: It's estimated that there could be somewhere between five, 10, and as high as 20% of our medical services, it's hard to determine that, but that consultant's not here with us tonight, but it's felt like a lot of services are leaving our community going to El Paso, Albuquerque, Dallas, Phoenix, Tucson.

Beard: That was what, 20 or 25%?

Pofahl: We've heard numbers that range anywhere from five to 20%, yes.

Beard: Okay. How much of an impact do you think you will have on the full service hospitals located in Las Cruces?

Pofahl: You know our goal is not to impact those to provide an additional service particularly in a retirement environment like we're trying to create here. You know we do not think that it's going to draw away, those are large hospitals with large facilities and this is a ...42-bed is a small impact compared to those. We're a little rowboat compared with those big battles ships.

Beard: Okay. And do you think you will create new patients by having this hospital there?

Pofahl: We think it will attract patients, whether we use Galichia or one of the

operators we've talked about. They've been very successful at creating what we call medical tourism by the proper offering of what you have. We think we'll continue to bring customers in from the outlying areas around the community as well as the level of service that we'd be providing here to bring an in-migration of patients from surrounding areas.

Beard: Thank you.

Crane: Commissioner Scholz.

Scholz: Thanks for your presentation. I'm glad you focused on the area that we're talking about, the zoning areas rather than on the PUD that you're obviously thinking about. You're allowed two stories for the hospital. You keep saying it's only going to be one story, why do you say that?

Pofahl: Cause that's what our operator … we only want to do a one story hospital here.

Scholz: Okay.

Pofahl: The purpose of it is trying to be a much easier to find your way around, small, easy to access facility and there is no interest in being a multi-story hospital.

Scholz: Okay. Now the medical offices, could you go back to that slide where you showed the medical offices in blue?

Pofahl: Yes.

Scholz: Okay. There are two sets of medical offices, why is that? I assume one is going to be attached to the hospital.

Pofahl: One is attached to the hospital.

Scholz: Okay, which one is …

Pofahl: And the others are future. This one is attached to the hospital.

Scholz: The one in back.

Pofahl: Right.

Scholz: Okay. So why do you need room for … or why do you need approval for a second one right now?

Pofahl: For these right here?

Scholz: Yes.

Pofahl: It was contiguous with the whole property to have broken that piece out and not do this today. We needed to zone, you couldn't create this little island over there and so we wanted to make a continuous 30-acres you know coming off of Main Street. In the future, today that's planned, this is just an open option based on demand for you know medically related or you know office space on the campus.

Scholz: Yeah I've seen that grow at Mountain View.

Pofahl: Right.

Scholz: And of course also at Memorial. Generally though that's been off campus.

Pofahl: Right.

Scholz: You know, that's been on the side or across the street or something like that. Okay, why is there a need for institutional office for public, private, educational, religious, and philanthropic.

Pofahl: Those are just stated uses in the code, zoning code. We were told to put those on there if you build an office building here that's primarily medically related you may have an accountant that wants to be in one end or something like that so we were just ... it was recommended that we put those other uses that are allowed within this particular zoning.

Scholz: Okay. Well what about a cafeteria, a café, a coffee shop, or restaurant, why is that there?

Pofahl: Again, we're a hospitality focused model for people on this campus, particularly we have a lot of people bringing family in from outside.

Scholz: Wouldn't you have a cafeteria in the hospital?

Pofahl: The goal, the idea here is a café outside of the hospital cafeteria. Feels like it's more of the user oriented and usually serves better, that's just kind of the model of the operators that we're talking with, to give options to both the employees as well as visitors to the medical campus.

Scholz: I see. Okay, and how about the residential, let's see the assisted living or retirement facility, what's the point of recreational court, tennis, etc.?

Pofahl: Probably, that tennis is cause it's on the uses. We want to have a rehab/ fitness/sports medicine center here, but particularly the rehab/fitness area

that close with our assisted living. It's an important part of …

Scholz: Well you have that under a separate designation, it says recreational land use, health exercise club, gymnasium, sports, and so on.

Pofahl: Right.

Scholz: Yeah but what's that doing up at the assisted living?

Pofahl: That's part of this complex. The recreational facilities are all part of this front building here and it makes it easier for people on the entire campus to use it as well as easier access from the assisted living.

Scholz: Well my concern Mr. Pofahl is that if for some reason the hospital isn't built what we're setting this up for is a C-3 zone, right, with restaurants and you know sports medicine, and all kinds of other things. And I don't know if that's what the neighbors want. Now the neighbors are looking at it because you emphasized the hospital.

Pofahl: Right.

Scholz: And you say that's going to be the anchor for this. If the hospital doesn't occur for whatever reason, you've opened the zoning to all these other uses, right?

Pofahl: That's correct.

Scholz: Yeah, and the zoning goes with it regardless of whether the property is sold or not, doesn't it?

Pofahl: That's correct.

Scholz: Yes, okay. So I wanted to establish that. So in other words what you're saying is that even if we don't build the major thing, the hospital or the assisted living facility or any of that, we're opening it up to offices and restaurants and the like.

Pofahl: No.

Scholz: No?

Pofahl: I would say right now that our goal …

Scholz: Well that's allowed under C-3 zoning, it says right there.

Pofahl: It is. I would say our plan is on these uses as we've laid them out here.

Scholz: Well I understand that, and I think that makes sense in the, what did you call it, the synergistic way of …

Pofahl: Right.

Scholz: Putting it together. On the other hand if for some reason one of these two facilities is not built then the rest of the facilities can be built. You're opening it to that kind of zoning that's what I'm trying to say. Is that right?

Pofahl: Right. And I could say our plan is to build the assisted living, the rehab/ fitness, the hospital and the medical office buildings, if we don't do that we probably won't acquire the property.

Scholz: Okay. Well I really can't afford or can't support these other structures, you know the restaurants, that sort of thing, I don't think that fits here. I had one other question, let me find my notes here just a moment. No, I guess that's it. Thank you very much.

Pofahl: Okay.

Crane: Commissioner Beard.

Beard: Commissioner Scholz on page eight I think it's the document that they provided it says that they will put in institutional land uses, as it says hospital.

Scholz: Yes, yes, I see that Commissioner Beard. Yes. Thank you.

Beard: Okay, and it would be the primary … it says also the primary consisting of hospital.

Scholz: Yes.

Beard: I think the other stuff is just secondary.

Scholz: Well it's secondary but it's an allowed usage you know.

Beard: Yes.

Scholz: And so if we don't see a hospital what we're doing is you know allowing other development under C-3. You remember what C-3 allows, in total it allows you know amusement parks and junk yards and all kinds of things, that's obviously not allowed here, at least as I understand it. We're using a different form I think …

Beard: I'm interpreting it differently.

Scholz: Okay.

Crane: Commissioner Shipley.

Shipley: Thank you for your presentation it did help a great deal. And on page eight I did see at the bottom that the heliport will be used to serve the hospital transportation needs and is anticipated to be located on the roof of the hospital.

Pofahl: Right.

Shipley: But again you're talking about a one story building with two story buildings surrounding it on its approach or take off access to the west of that, so you know I'm not sure that that's ... again I think that's why I suggested when you propose something you should have looked at it through the FAA and let them give you some guidance because that may not be allowable, an allowable use for that and that's one of your marketing points that you're putting out to the community for them to buy into. So, that still is a concern with me.

Pofahl: Yes, and we have ... once we get to that point, we wanted to get the zoning first before we started getting into final building plans. Our architectural firm and our planners have talked with professional heliport consultants. The two operators locally have come out and looked at the site and we would take you know all that into consideration to make sure the location of that is done properly and protects the neighborhood. They've looked at all those landing patterns that you've talked about.

Shipley: But to put a helipad on top of a building, there is a lot more consideration about noise and other things that affect the people that are in the building and that if they ... you know that's generally why you don't generally see in any of the helipads that are in this area are adjacent to the area, on the ground. Because of the fact that if they happen to have a malfunction it's on the ground outside. You haven't endangered anybody in the building per se other than flying debris, so it's something that you know ...

Pofahl: Exactly. And I think those options are open. It was one of the proposals because of sound they felt ... the consultants said that there is less sound created higher up than down between buildings.

Shipley: It's the same all around. The DBs are the same.

Pofahl: Yeah.

Shipley: Carry. But it's also the fact that you know … I'm also concerned about the neighborhoods, the safety of the neighborhoods …

Pofahl: Certainly.

Shipley: That are adjacent to this property and I think that's what you've got to look at as well.

Pofahl: I agree. Thank you.

Crane: Any other Commissioner? I have a question Mr. Pofahl. Does your organization own the 110-acres yet?

Pofahl: No. We have a contract with the country club that is subject to obtaining zoning for the full 110-acres before we close on it.

Crane: So what impact does the decision today have on your purchase? The R-1a you're happy with, correct?

Pofahl: Yes.

Crane: Yeah.

Pofahl: And the C-3 is necessary and you know …

Crane: Okay.

Pofahl: I mean this would have … this whole project would have to go to an optional site without zoning approval.

Crane: Thank you. Commissioner Beard.

Beard: Maybe Ms. Montana can clarify this. I want to make sure that Commissioner Scholz' concerns are not a big concern. If there is no hospital then there's no … the project reverts back to its original designation?

Montana: No Commissioner. If the rezoning were approved by Council to C-3c, the array or the menu of uses that you see on page seven and eight of the attachment five would be permitted. If the hospital did not go forward and this particular applicant went away, the property owner in Las Cruces County Club, LLC could still submit applications for building permits or subdivision plats for any of the other uses that are permitted in this limited C-3 zoning designation within two years. So a building permit by this applicant or another one within the two-year period could vest the zoning and any of the other uses that you see on that page seven or eight, would

be permitted.

Beard: In short though, there has to be a hospital within two years?

Montana: No, a hospital does not have to be developed.

Beard: Does not.

Montana: Does not have to be developed. It's one of the uses that would be allowed, but it does not have to be developed, nor does an assisted living facility have to be developed. If none is built though in the R-4 since that's the only use that is being requested, then within a two year period if an assisted living facility is not developed there or tennis court, then that zoning would revert back to R-1a. But in the C-3c there are a lot more choices. You don't have to build a hospital to vest the C-3c zoning.

Beard: Thank you.

Crane: Any other questions for Mr. Pofahl. Commissioner Beard.

Beard: I think the applicant was going to make a comment.

Crane: You have a comment Mr. Pofahl?

Pofahl: I probably should confer with my partners and a lot of them aren't here right now but I would say as long as we can have these cafes we're not looking to build bars and restaurants like that, but we're looking to get this campus built like this. If we ... I don't care if it's conditional for this hospital, we're not interested in the property if we can't build the campus. And I don't want some other use, you know we're not trying to get it for some other use and hope that this doesn't happen we put something else there. The balance of the 110-acres has plenty of places in its design for other commercial uses up on the front of Main Street and so that's the use we're looking for. Commissioner does that help answer your question for both you and Mr. Scholz?

Crane: You satisfied gentlemen? Thank you. Thank you Mr. Pofahl.

Pofahl: Thank you.

Crane: Ladies and gentleman it's time for public comments, but I'm thinking that probably you'd like to take a five minute break so I'm going to call one right now and we'll reconvene at 7:50. Thank you.

RESPITE PERIOD.

Crane: Okay, thank you ladies and gentlemen. Ms. Montana has asked to have a moment to clarify something about the permitted land uses, go ahead Ms. Montana.

Montana: Thank you Mr. Chair, Commissioners. I said earlier that the R-4c zone would have the assisted living facility and the tennis courts only, that's not the case. As the applicant described it would also have the rehabilitation facilities, the gymnasium, health, exercise, sports instructions as part of the R-4c as well. Thank you for that.

Crane: Thank you. All right I'd like Mr. Stevens and Ms. Potter to come up and have a chat for a minute just to the podium please. I understand you both want to make a … over there so you get on the record. I understand you both want to make 10-minute presentations.

Stevens: I'm asking for 10 minutes for me, 10 for Eva Booker, and 10 for Connie Potter due to the size and scope of this whole thing.

Crane: I've also been told that Ms. Potter's presentation is going to telescope two of the 10-minute ones.

Stevens: No, 10 minutes for each.

Crane: Ms. Montana.

Montana: You're not sharing yours with Ms. Eva?

Stevens: I want her to push the buttons for me, yes, but I want her to present 10-minutes too.

Montana: Oh, I'm sorry.

Crane: Okay. Who is the third person?

Stevens: Eva Booker.

Crane: Is she here?

Stevens: Yes.

Crane: I'm sorry. Ma'am would you please get on mike.

Potter: Mr. Stevens, Eva Booker, myself.

Crane: Okay.

Potter: In that order.

Crane: All right, now you three represent what organization?

Stevens: Country Club Neighborhood Association.

Crane: The three of you.

Stevens: I'm the president.

Crane: Have you all got different presentations?

Stevens: Yes we do.

Crane: And how many people do you represent? Do you officially represent your membership?

Stevens: The membership is 50 members, mostly dual membership, about 80 people.

Crane: You say dual membership, you mean (inaudible).

Stevens: Well a man and wife or whatever.

Crane: Okay. And you speak officially for them?

Stevens: Yes I do.

Crane: All right, just hold it there a minute please. May I see a show of hands for other members of the public who would like to address the Commission? Please hold them up and the secretary and I will count. What've you got?

Beard: Fourteen.

Crane: Fourteen, I got 15. Okay. It could be a long evening. Are you quite convinced you three that you have to have 10 minutes each? What convinces you of that?

Stevens: Yes we are.

Crane: You've got a speech written out you've performed before the mirror.

Stevens: We have a slide show.

Crane: I'm sorry.

Stevens: We have a slide show. And you know ...

Crane: Very well, I'm going to let you do it. But please 10 minutes only and please bear in mind that the Planning and Zoning Commission only passes on matters of appropriate land use. We are not here to judge whether this is going to be a viable commercial enterprise or what the ethics of the people who are proposing this set up are. It's strictly a land use matter, so please expunge from your presentation and the same goes for members of the public anything that doesn't address this land use issue. We've already heard a few things like that. I'd also say if you find yourself repeating other people's work say it's already been covered by somebody, that again goes for members of the public. It's okay to come up and say I completely agree with the person who just spoke, that is your right and privilege to do it and we're glad to hear from you, but please don't spend your time repeating that person's arguments. Our secretary will time the public three minutes apiece and I will ask him also to time these folks 10 minutes apiece. Okay, so you have 10 minutes each and please keep it to 10 minutes.

Shipley: Mr. Chairman.

Crane: Mr. Shipley.

Shipley: I have a question. Could you ask them to tell us what the difference in the three presentations? In other words what ...

Crane: I'll ask Mr. Stevens, what's your topic?

Stevens: It's ... I'd like to get the slides up here first of all but I need help for that. There we go. Okay. Are you going to hang in here?

Crane: Just give me your topic.

Stevens: Could I have Eva push the buttons for me to get these slides moving?

Crane: Your topic is what?

Stevens: The Country Club Neighborhood Association number one and our position is we want smart development, smart growth, sensible development.

Crane: Okay, and ...

Stevens: Next picture.

Crane: This lady, your, what your topic is?

Stevens: She's pushing the buttons for me.

Crane: I understand. When you speak what are you going to be speaking about?

Booker: I'll be speaking about how we believe the zoning code requires more complete analysis of the entire 110-acre development primarily.

Crane: Ms. Potter, what do you plan to speak about?

Stevens: Does this count against my 10 minutes now?

Crane: No sir.

Potter: Thank you. I, Connie Potter, am going to speak about particularly the hospital, the medical complex, and I'm going to speak about the helipad a little bit, one slide. I am going to speak about the economic impact of this facility based on data that has been presented by the hospital association and some other sources which you already have.

Crane: It sounds to me Ms. Potter if you're going to get into that area that we're not really qualified to pass on, but let's face that when we come to it. Does that answer your question Mr. Shipley?

Shipley: Yes sir.

Crane: Okay, sir the floor is yours, Mr Stevens.

Stevens: Thank you very much. Susana Montana told you about our organization so I don't have to explain who we are. We're all around the neighborhood. So slide number two please. This I want to point out ... is there a mouse? There we go ... the townhouses, I want to point out the townhouses. We got that out of there, too bad. My point here is that we're going from R-1 residential to C-3 commercial, that's a big jump. And 80-foot setbacks, let's go to the next picture. There. This is kind of personal, the view out my back door. To give you an example of what 40-feet is, the top picture, the tree on the left is 40-feet from my property line. So 40-feet is not very far. Mr. Pofahl has been in my house several times. He has always commented on what a lovely view we have and that's the view we have now and in the future we're going to have 80-feet, 40-feet barrier, 80-feet buildings. I proposed, or we proposed to the developer breaking this up into something from the townhouses that's approximately ... the green space is approximately 2.75-acres. They could put a small park in there and upscale houses bordering that. And he said his developers or his partners said no to that proposal because they couldn't afford that much green space and it might lower the property values of the properties around us. I don't quite agree with that. I want to quote from the city's

comments (inaudible), they would like two to six acre parks and they would encourage a development that "considers usage, fit within the neighborhood and environmentally friendly design". It also mentions to "preserve and respect scenic views, sights, 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".

We've worked with two developers before this, we've done this for six years now people. And the first developer was Mr. Philippou, second one Mr. Moscato, and Mr. Philippou would propose for this whole 110-acres and I know we're talking about 30-acres here but Mr. Pofahl did mention the 110-acres. Mr. Philippou wanted to put in two-thirds of it in green space. Mr. Moscato, 50% green space. This is wall-to-wall infill. So, we tried to give the developer suggestions on how to add some amenities to this property such as from the Centennial Park in Minnesota, paddle wheel boats, 18-hole miniature golf course, and those figures on that, I didn't look them up again, the paddle wheel boats did $50,000 last year. The miniature golf course did $198,000 and those are five months seasons. Down here you have a 12-month season.

I have a connection up in Albuquerque, Leonard Berg, runs five golf courses and two driving ranges and I suggested that Mr. Pofahl contact him about what a driving range could do here and Mr. Berg said it would $200,000 a year. Mr. Pofahl didn't contact him. So, in closing Mr. Pofahl said in his last meeting if he doesn't get his 30-acres rezoned he'll probably build the complex someplace else and I would suggest that the city has lots of land for sale, so maybe they can make some kind of a deal. Thank you for your time. And if I have some time left I'll (inaudible) to Eva and Connie.

Crane: Okay sir you just went five minutes, so you have a little more slack ma'am. Please introduce yourself.

Booker: My name's Eva Booker. I'm a resident of the country club neighborhood and a member of the Country Club Neighborhood Association. First of all I want to make it clear that CCNA does not want an abandoned golf course as the gateway to the country club neighborhood, that's not our objective. At our most recent meeting on June 10th, the members voted unanimously in favor of sustainable development of the country club property that is safe and consistent with the neighborhood character. And as John mentioned they have been working with developers since 2006, so we are trying to work to achieve a development that is compatible with the neighborhood.

Our main concerns, it kind of groups into five categories; the primary concern is that the entire 110-acres should be considered as planned unit development as it was originally filed. The second point is that 30-acre zoning application is incomplete. Third that C-3 and R-4

zoning is too high for the entire site. And then we also have some concerns about the feasibility of the proposed hospital which Connie will discuss in her remarks. We do have some concerns about the developer and an investor that has been recruiting other investors but we are not going to discuss that in this presentation. We do have some information on that in our written comments. Sorry, I've got to grab my water.

The developers filed a planned unit development concept plan on March 4th with the city and the city raised numerous concerns related to that. First was that there were no waiver requests for the design deviations that were being asked for and the city requested a development schedule for the phases of the project and the total build out as well as a number of different drawings and plans including open space plan, flood plan, noise impacts, and ADA compliance. There were also a number of issues related to the traffic as has been previously discussed, the need for a second entrance. The original drawing or layout that was presented with the PUD concept plan included relocation of Apodaca Park and realignment of Madrid Avenue for that purpose. The city let them know that that wasn't an option because they didn't own that property and so as you see the current version includes taking a corner of Apodaca Park and coming out on Madrid and Solano at the north intersection there. Also driving lanes and sidewalks were too narrow, bike lanes were insufficient, parkways inadequate for the promised trees. There are no vehicular, bicycle and pedestrian circulation plans, no street illustrations, and no traffic mitigation plan to keep nonresidents off country club minor residential streets.

Instead of responding to the city's comments on its PUD application a zoning application was submitted on April 22nd for the 30-acres which represents phases one and two of the PUD. The developer as you know just went over that layout and showed it to everyone so as you can see they're still planning on developing the entire 110-acres. Our position is that we should be looking at the entire 110-acre development for a thorough assessment of economic, environmental, social, and traffic impacts. The zoning code seems to support that position. Section 38.49 of the zoning code states that "the PUD process shall be required for those proposed developments that are to be subdivided and multi-phased and that request three or more deviations to planning related minimum development standards". This is definitely a project that is subdivided and multi-phased and is requesting three or more deviations to planning related minimum development standards based on the concept plan that they submitted. The code also states "all contiguous property owned or legally controlled by the developer shall be included within the PUD".

Also concerned that the current zoning application is incomplete. Again referring to the zoning section 38.10 requires applicants appearing before the Planning and Zoning Commission for zoning district changes, special use permits, planned unit developments, and variances to include within their site plan with an adequate scale with improvements and

setbacks, architectural renderings, and dimensions of buildings, vehicular, pedestrian, and bicycle circulation, landscaping, open space, and drainage facilities plans, site lighting and signage, and an environmental impact statement. None of that has been submitted with this application.

Surprisingly the city's planning staff has recommended conditional approval but references the need for construction drawings and a traffic study as was mentioned earlier that would be required before permits are issued, but after zoning has already been approved. And utility master plan for the entire 110-acres before certificates of occupancy could be issued. It's our position that the above should be provided before approval of a zoning change not after.

Another concern is that C-3 and R-4 zoning is too high density for the entire property. Susana went through this existing zoning chart so you can see again clearly it's primarily residential in the country club neighborhood. The existing golf course which is ... and the park is to the south and the west. The only other zoning along the Madrid and Solano, I'm sorry I don't know how to use the pointer there, is C-1 and C-2, the only other C-3 is interspersed with C-2 along Main Street. So we feel that C-2 development would be sufficient for the one story hospital that the developer says it intends to build. We had a slide ...

Okay traffic issues, in the zoning application itself the developer estimates 6,950 trips per day into the site. An existing traffic study shows the streets in the country club neighborhood are already used frequently by nonresidents to get to school in east Las Cruces. The residents are concerned about ambulances and other traffic using neighborhood streets and posing a safety hazard to children and elderly. The country club neighborhood is primarily made up of retired people and young families that are moving in as retired people transition.

We also have concerns about drainage issues; Madrid to Mesquite is a flood plain zone. This highly concentrated, intense development will alter this land from 10% retention to plus 30% runoff, a 40% increase. And Madrid and Solano are already inadequate for runoff.

And finally as one of the Commissioners brought up, our biggest fear is that this is a Trojan horse, if the hospital isn't built but the land continues to carry the C-3 and R-4 high intensity zoning. We prefer to look at the entire project, entire zoning and address it as one project as it is. We don't want to be in the same position as for example the recent Indian Hollow which was zoned for a mini Trader Joe's, C-3, that developer decided to build elsewhere and now it's going to be a liquor store. So now I will turn it over to Connie.

Crane: Thank you Ms. Booker. One moment please. You raised a number of points which the city in the form of Ms. Montana may be prepared to rebut or comment on. Do you have anything you want to say about the, for example the city's views of the PUD?

Montana: What you have before you is the rezoning application, the PUD is moving along in its review process. A lot of the comments that were shown in the slide were City comments on the PUD. The applicant has not submitted a response to comments and a second submittal. We expect that they would address all those comments with a second submittal. For the rezoning we believe that the applicant did not submit his site plan with the rezoning application, so it's just a gross rezoning within which there are no property lines, there are no building pads, none of that, and we could not do an analysis of the traffic impacts on that kind of gross rezoning/foot print so to speak and we didn't find it necessary to do it at the rezoning stage. We are requiring those studies with the first either building application or subdivision application which we do feel is adequate.

Crane: So that all comes later. If the zoning change goes through.

Montana: If the zoning is approved.

Crane: Thank you. Thank you Ms. Booker.

Booker: Thank you.

Crane: Ms. Potter. And you have your 10-minutes.

Potter: She didn't go under, so I don't have any left over from John.

Crane: Actually she did so you've also got a little slack.

Potter: A little slack would be helpful. I have had three strokes. I've had heart surgery. I'm having heart surgery again July 15th. The more pressure I have on me the more my speech is affected, the more I stutter and the more trouble I have finding words. So let's make it easy on all of us.

Montana: Would you like to have a seat?

Potter: No, I'm fine. I can stand.

Crane: The chair will be gentle.

Potter: I appreciate the time and the thought that you're giving to this application and to the CCNA's issues with this application. I'm a resident. My husband and I own two homes in Las Cruces. We've been taxpayers here since 1993. I've been a nurse for 45 years. It's really hard to separate all that. My background's open heart, critical care, flight nursing. I founded a flight service. Bell on rancher 421 Cessna. I've been the trauma system manager for the state of Oregon. I was the ER and trauma director for R.E. Thomason when there was only one hospital here and I lived here. I

have stood before the City Council and asked for a trauma center for six years. So when we talk trauma talk to me. I'm senior vice-president of a healthcare consulting national company. I'd done CDC studies, I've done HICFA studies, and I'm CEO and founder of a national nonprofit that I brought to this city that's brought in over tens of millions of dollars since 2005. I'm now retired. I'm speaking as a CCNA founder, co-founder with John. I was its first president and I'm now chair of the infrastructure committee. I'm also patient. I got out of the hospital coronary care unit less than a month ago and I'm going for surgery again, so I beg your ... whoops, oh my gosh. Okay, wrong button.

Okay, first of all I want to emphasize this is an application for a hospital. This is a zoning application for a hospital. There is no need for another hospital in Las Cruces. I have data for you, 2011 data, the most recent data shows total out migration since Mountain View was built has dropped from 25% to less than 7%. El Paso 5%, excluding OB which Galichia Medical Center, this new boutique medical center will not provide, nor trauma care. Much of this out migration is at the convenience of extended families, that's why I'm going to Portland, Oregon again, besides the fact that's where my heart surgeon is. Albuquerque 1.8%. Much of it trauma although most of it goes to Thomason UMC. You see these, 13 trauma, burns trauma, TBI trauma. The source of this is the American Hospital Association dot Commissioner, Solucient, and the Texas Healthcare Information Council. This is in your packet. Well studied impact on safety net hospitals and the two existing hospitals I am going to tell you are safety net hospitals. They qualify. Okay. The increase of cost to care when speciality limited service hospitals enter the market is well researched. The McManus Consulting Group and American Hospital Association etc. have all looked at these and I'm going to focus on only two. I'm not going to insult your intelligence or anybody in this audience by dumbing down these slides. I think that everybody here can understand what this is about and what physician investor speciality hospitals do. Physician investor, I'm using that term, not owned, and we're going to get into that, direct or indirect, opened in '95 to 2005 in four communities, three of whom had two safety net hospitals just like us. Never mind Oklahoma City, thank God they were there for the tornados. Key factors in physician speciality investor hospitals are this, they select patients by redirecting the physicians practice and this is an IPO, you all know what that is, for investors for a certain surgery center in the Black Hills. The ability to schedule consecutive cases without preemption by emergency procedures. So you don't have trauma coming in, you don't have you know messes, train wrecks that we used to get from you guys and gunshot wounds from Juarez. Patient selection tactics yield high profits. This is documented, this is out there. You don't even have to hardly look for it. They focus on well reimbursed procedures; cardiology, neurology, spine. Focus on patients with good reimbursement, private, Medi/Medi okay, Medicare/Medicaid, and Medicare supplemental. They

avoid emergency cases. They are allowed because of EMTALA, the emergency medical transfer and labor act, requires that receiving hospitals, safety net hospitals must accept or undergo huge fines, $50,000 a case, for refusing a referring hospitals transfer of a patient that they can't care for 24/7. Now they say they've got 24/7 coverage, does that mean ... I'm going to get into that. OB, peds, all these other specialities, likely not. So they avoid emergency cases and they focus on patients in overall good health. This is the business model. Physician investors move patients at will to their hospital. The Galichia hospital prospectus that was given to the city manager that's out there for your perusal talks about physicians working at their hospital. At Bryan LGH in Lincoln they started out in '99 with over 1,500 cardiac procedures. They were an excellent heart hospital, so a level one trauma center, the only one in eastern Nebraska. By '04 after the Nebraska Heart Institute opened its new heart hospital, they only had 60 cases. One great cardiac program became two good programs according to the faculty at that hospital. Focus on well reimbursed procedures is also very well researched. Four heart hospitals, three neurosurgery hospitals, four general surgery hospitals, look at the net income per case. I will tell you that most of the cases we got at R.E. Thomason and UC Irvine where I ran the ER medical center and the trauma program, they were a minus.

Physician investor speciality hospitals serve more commercial and few Medicaid patients. They leave the safety net hospitals at risk with a predominance of Medicare, Medicaid, and self-pay. Documented, fact. They offer limited emergency services. They especially don't like OB, peds, complex medical, so they transfer them and the other hospitals have to accept them under EMTALA. Ready or not. Specialty hospital entry point is through physician offices that can prescreen for complexity, core morbidity, and do a thorough wallet biopsy. Refer complex cases to tertiary safety net hospitals at their financial risk. They have a higher profit margin 3-7%. Community hospitals profit margin is zero. When I was in the hospital recently I was told my ... the hospital I was a guest in was losing a million dollars a month here. Focus on profits not patients. I would like you to listen carefully to this quote from Larry Teuber, founding partner of Black Hills Surgery Center at a medical surgeon's annual meeting. "And the last thing and the easiest thing is money. There will be a lot of money out there ... Why go to a surgical facility? Profit, profit, profit." Impact is declining finances and resources at safety net hospitals. The physicians at Bryan LGH said "The Nebraska Heart Hospital doesn't provide anything we don't already have in the community". Ask these other hospitals. Is this bringing something new here? The answer is no. Fragmentation occurs out of business, erodes margins, and puts quality at risk. Net incomes at safety net hospitals dropped drastically. Wesley Medical Center in Wichita, the net income fell $16 million dollars the year after the opening of Galichia Heart Hospital. Rapid City, net income fell $18 million after opening Black Hills. Interestingly enough Black Hills

surgery centers income group grew by the exact same amount. Now I'm going to tell why. Safety net hospitals cut staff and patients have access problems. The key physician investors owners opt out of emergency call. You have to pay them lots and lots and lots of money. In Oklahoma the trauma system nearly fell apart and the Bishop and Associates, a company I was senior vice-president of engineered a six million dollar Medicaid taxpayer bailout to keep then open. Critical unprofitable services are cut at the safety nets. Behavioral health, trauma, subsidized services for low income, read them, medical education. More borrowing occurs at the safety nets and their bonds are downgraded. Now Wesley at Wichita laid off a 120 FTEs in '01, the year after Galichia opened, 54 more in 2003. Galichia's hospital was 55 beds. Most of these speciality hospitals are eight to 60 beds. They are not huge. They're one story, they're boutique. They sold occupational health. They closed two research programs. They closed the outpatient pharmacy. They downsized anything else that they couldn't make money on, but they still had to increase salaries because they were competing for staff. I'm going to tell you about New Mexico staff. We've got trouble here. Speciality hospitals decrease utilization at safety net facilities and increase overall cost of care. And I'm going to tell you why this part of your zoning requirements here; this now doubles or more the capital investment in the community to provide the same services. That a senior manager at Blue Cross. Specialty hospitals raise issues of over utilization. Outpatient surgeries in Black Hills went up 120%, inpatient by 50, there are benchmarks that show you that this happens every time these folks move in. Rapid City hit the 99th percentile for back surgery.

I want to speak to the helipad issue because I'm a flight nurse and I'm still here cause I'm not stupid. Air medical crashes are 14 times that of general aviation. I draw your attention to an issue of Flying Magazine that came out two days ago, take a look. Research shows no better outcomes from air versus ground, none. It doesn't help. Cost is $25,000 a flight. It costs $30,000 to come from Alamogordo to here. Data shows that hearing damage occurs at 80 decibels. A jackhammer is 90, a landing is a 120. Structural damage occurs to neighboring building because of the shaking. Loss of property values has been documented the closer you get to the source of the noise. Now, trees and high-tension lines make this an inherently unsafe landing site. My Bell long ranger Vietnam Vet pilot and I would no more landed on that facility with trees and high tension power lines than we'd landed on the moon. Other hospitals in this city are only averaging 30 flights a month. Flights over residential neighborhoods, parks, and schools are inherently unsafe. Need I say more? Thank you.

The MVEDA revenue forecast, you can throw it out. MVEDA didn't consider that few or none of these patients, visits, procedures would be new to the community, five percent to six to 7.7 percent out migration. Staff and physicians that were in that study are already in practice here and paying taxes. The income and revenue stream is going to come from

existing practices and patients already being treated here. Now so I put this all in red ink because all you need to read is based on flawed data, monies will be scavenged, the other term we use in healthcare economics is cannibalized but that's not proper, from safety net hospitals which will have equal or greater net losses. These are facts. Here again, red ink, red ink. So rather than a net gain or even a zero sum effect based on household incomes and physician practice collections, the developer has utilized in a misleading fashion the MVEDA estimates regarding new jobs, new state and local taxes, and could be considered intellectually dishonest because they do not subtract the losses at the two existing viable hospitals. Memorial running at 50% occupancy. Close. My nurse was sent home at midnight, middle of her shift because there weren't enough patients. From whence physicians, staff, and patients will be selectively transferred within the city to a new physician investor specialty hospital. MVEDA has clarified this for your public record. It's in there.

So in summary, there's no need. The cost of labor is going to be extreme. We already have a severe nursing shortage. New Mexico's short 3,000 nurses. We compete with El Paso already and the closure of Dona Ana Community College has exacerbated this program. The physician community is short 2,000 physicians for the upcoming affordable care act. And this is a very divisive situation once these healthcare situations occur. So here is the question that I have to leave, economic development element to zoning, goal number one, to provide strong development, policies, allow the retention, expansion and attraction of existing and new businesses, and industries to Las Cruces. So the fundamental zoning question is how does a third hospital with no new healthcare services, utilizing and shifting the same physicians and hospital work force in a community with significant excess capacity and only seven percent outmigration meet this important criteria for approval? Does it retain and expand Memorial Medical Center and its vital services? Thank you.

Crane: Thank you. That was an interesting presentation. Not quite relevant to what we're doing here, but this goes further as you know to City Council and I think they will be very interested to hear that presentation as well. Will that be possible? Depends on your ...

Potter: Will it be possible what?

Crane: For you to make that presentation later to the City Council?

Potter: The City Council's meeting is actually scheduled for when I am recovering from my heart surgery. And I don't know of frankly anybody else that can explain this, but perhaps one of you would like to take it on or someone from the city. I would also invite one of the CEOs of the hospitals to do this same talk.

Crane: Well it's not quite for me to say, but I think it would be better coming from one of your neighbors on the Country Club Neighborhood Association.

Potter: If I can do it remote, I have done that. I have interviewed with the Wall Street Journal's health editor while I was in coronary care recovering from my last surgery.

Crane: Well ma'am in that case the City Council should be a push over. Thank you. Okay, members of the public. Do you have something to say Ms. Montana?

Montana: Oh no, I'm just changing the slide.

Crane: You can line up if you like or you can just rely on me to pick one of you when your hand goes up, and trust ... yes Mr. Beard.

Beard: I'd like to explain how this timing is going to go. You'll see a green light, that means you have one minute left. You're going to have three minutes to talk. Green light comes on with one minute, the orange light comes on at 30 seconds, the red light is 3 minutes.

Crane: Then Guido comes in. Please identify yourself.

King: Richard King. With the presentation that's has been sited and the previous presentation but talking about the traffic study I would disagree with Ms. Montana and the proposed, probably for the infill there's proper infrastructure around the hospital, but the construction of it, my concern is on North Main Street/Highway 70, Camino del Rex on which I live on and Country Club Circle the corner, and then Madrid extension up there the school and everything. I am ... the zoning, if the zoning is changed ... I think it needs to be tabled till the traffic impact study comes in. Traffic right now on Highway 70 is congested at best, but with the construction of the hospital and the nursing facility I think it's going to complicate Highway 70 and certainly people right now from Triviz are coming down to Camino del Rex to avoid Elks Club and North Main Street and so my recommendation to the Commission is that at best table this until the traffic impact study comes back, cause once again supposedly the state is supposed to start on Main Street/Highway 70 from Juniper to Three Crosses, signs went up and signs went down. That has nothing to do with this proposal, but once again I think the traffic impact study is vital for this project to go forward. The drawings certainly showed what the boulevard affect. In the infill there are enough streets and stuff but Highway 70, Camino del Rex, Madrid, and stuff like that I'm very concerned about the traffic impact from this particular development. Thank you.

Crane: Thank you sir. Another person, lady coming up here right now.

Haynie: Good evening. My name is Billie Haynie. I'm a townhome owner. My husband and I own a home at 880 Camino del Rex. I'm a member of the County Club Neighborhood Association and I strongly support the rezoning request put forth in front of you today. I strongly disagree with the opposition presented by our president John Stevens. I feel that he is out of touch with the members of his association, the Country Club Neighborhood Association. He has not sent out a survey to ask us how we feel or how we want him to represent us. He does not know what we want and does not speak for my husband, myself, and a lot of my neighbors. Today you received petitions in support of the Park Ridge project. My townhome neighbors will be greatly impacted by the project and we have collected 14 out of 18 homeowners signatures in support of the rezoning and of this project. In addition ... I'm sorry, we have collected 260 signatures in total from our neighbors, our association members, and the Las Cruces residents as a whole supporting this rezoning and the Park Ridge project. John Stevens has presented his own plans to the developer and today on the overhead projector and has not shown them to us for our approval. By his own bylaws, by the bylaws of the CCNA it states that this association mission has been developed to support the development of premiere park. Those bylaws are not being followed. Our bylaws do not direct the opposition of development of the Las Cruces Country Club property. Tonight Mr. Stevens has stated that he has 80 members, yet his slide shows that he represents 700 homes. That's very misleading. I ask you to please look over the petitions. My neighbors association members, there are a lot of us here that are in support. Thank you.

Crane: Thank you ma'am.

Hanson: Good evening my name is Harry Hanson. I'm a property owner on Camino del Rex 870. As an owner of a home adjacent to the proposed medical center I am excited about the plans to transform the deteriorating golf course property into a moderate medical facility. The neighborhood will be much enhanced with a new hospital, rehabilitation, and assisted living facilities. It will provide a positive economic impact for the area creating jobs and increased demand for housing in our neighborhood. I believe this is a good thing and will have a positive impact on my property's value. This will also be a significant city infill project providing millions of dollars in new property and gross receipts taxes to support city, county, and schools. As a real estate appraiser for over 40 years I know that large vacant land tracts are best developed under the concept of highest and best use. For a property like the golf course this usually means developing the frontage areas that have the most exposure for commercial, retail, office uses, and the rear portions to less density such

as multi-family and single-family residential. The concept being put forward at Park Ridge includes developing some of the interior area also for commercial uses including the hospital and medical facilities and offices. This is an excellent plan. And the diverse uses within the development together with the plan; walking trails, bike lanes, and open space should prove to be a welcome change to a declining neighborhood. We need more medication facilities in Las Cruces in my opinion. They attract retirees, half of the people I know over 50 go to Tucson or Phoenix to get medical help. We need more special care facilities in Las Cruces. I am very much in support of the zone change and the Park Ridge development. Thank you for the opportunity to speak.

Crane: Thank you sir. Gentleman in the white shirt.

Jaramillo: Mr. Chairman, members of the committee. I'll introduce myself in just a moment but I first want to thank you for giving me the opportunity to speak to you in regards to the proposed Park Ridge development plan and I promise to be brief. My name is Ray Jaramillo and I'm the director of Alpha School for young children. Alpha School is a five star nationally accredited childcare center who has been caring and educating young children in Las Cruces for over 30 years. I have worked at Alpha School for 19 years. Alpha School is located near the T-box on the old Las Cruces Country Club par five, seventh hole. One my of favorite holes. I miss it. If you build it he will come. It's a quote from a movie, Field of Dreams. It's a 1989 fantasy drama film starring Kevin Costner, nominated for three academy awards. This project reminds me of this movie. In the movie a novice farmer hears the voice and whispers, if you build it he will come, and decides to take a leap of faith and plows his cornfield to build a baseball diamond risking everything he's always known and risking bankruptcy. People are afraid of change and taking leaps of faith. Las Cruces residents are no different and I understand that. For any business to be successful we need customers. Customers that will need quality child care, groceries, dance lessons, storage, electronics, frozen yogurt, good burgers, and even auto repair just to name a few. This project plans to bring those customers to this empty field and revitalize this area of town to the established businesses that surround this project and also attract new businesses that will be drawn to this area. I don't live in this neighborhood, but after driving through it for the past 19 years I do feel connected to this area and to the neighbors. I understand their concerns with this project. I've heard that the people that are opposed to this project have concern about losing green space, has anyone seen the space lately? There is nothing attractive about this and it is more of an eyesore to this neighborhood and the community. I welcome growth and everything that comes with it, the good and the bad. But I trust our city and those officials that are in charge of making our city a place of opportunity for families such as mine while making tough decisions to

better our community. In closing, I ask that you take a leap of faith and listen to those voices, if you build it they will come. Because if we don't build it, nobody will come and Las Cruces will be left behind again. I stand in full support of this project.

Crane: Thank you sir. Any other member of the public? Yes sir.

Colon: Good evening. My name is Carlos Colon. I am also a member of the country club neighborhood and a member of the Country Club Neighborhood Association. I don't have a prepared speech or anything like that so I'm going to speak from the heart. I support fully the proposals put forth, the information given to you from our Neighborhood Association. I have to ask the question how many people that have come out in support of this zoning change are realtors and I think it's a shame that we have realtors come out here and put down our organization and especially our president because we have nothing but the best of intentions and for the neighborhood and for Las Cruces. This is not anything where we're against development. We are in favor of development, we just want the right type of development for this community and this city. Thank you.

Crane: Thank you sir. Ma'am.

Smith: Good evening. My name is Tammy Smith. I do not live in the country club area, but I live reasonably close to it. And so I am coming before you to speak on not only my own behalf but the large number of residents in Las Cruces who had fervently hoped that that property would become our regional park. That seems to be out of the question now although quite frankly I still haven't given up hope and I'm sort of a diehard. But I have concerns about some of the plans that are being made. I want to mention that I think Mr. Pofahl's project is very attractive and I think it has a lot of fine features, but not for there. Highway 70 is sort of a death trap road and I don't care how many barriers they put up in the middle of it, it is still terrible. There is hardly any time of day when it is not laden with traffic. I'm concerned about having more traffic added, there are going to ... there will have to be another exit as far as I know onto the highway. There will have to be traffic going through the neighborhood. It will be diverted and I'll tell you why I know. Because a similar project took place in my neighborhood North Alameda section and it's a very very nice development. We begged and pleaded not to have it approved because we knew it was going to put a tremendous amount of traffic through two residential streets where I live; one is Highland and one is Phillips Drive. Our roads we use for cut through to avoid having to go, what had been the obvious road which was a road straight from Alameda over to Valley Drive. The same thing is going to happen in this neighborhood. They going to be cars cutting through, cars that don't have to be there, they don't live there, but they will take short cuts. We all take short cuts. I

question whether if the helicopter pad goes through, is that really a safe place to have one where there are residential areas that close and where there's a potential for a kindergarten and a private school that close? And tell me, do you use Apodaca Park? Do you ever go there with your families? Do you really want to have a helicopter buzzing over because you can't be assured when it might or when it might not go through? Would you like to be having a cook out when an emergency vehicle has to go rushing through the area? I think these are things that we really need to consider and hopefully there will be some attractive development there. I'm sorry to see the grass die and the trees die. I'm sorry that the codes officials were not able to convince the owners of the property that they had to keep up their trees and keep up their grasses. I have been cited because my grass looks terrible and my tree is dying, but I'm just a citizen. Thank you.

Crane: Thank you ma'am.

Beard: Ms. Montana, I don't think they can see this lighting with the monitor in front of them.

Crane: Can we move the box a little bit, left or right? Okay if speakers could position themselves so they can see the bad box there. Can you see that sir?

Townsend: Oh yes, certainly. Gentlemen, first I want ... my name is Dan Townsend. I live about six blocks away from the subject property. But it was valuable when it was being maintained. One of the particular reasons why we bought in that area. And it certainly has potential for many things. The problem that I see is really that we have been through a lot of cycles of developers that did not fulfill the promises made. In fact I don't envy Mr. Pofahl in this situation because of some of the things that have gone on in this community before. What I wanted to say was that if we really have plans it has been pointed out that once you get C-3 zoning then all gloves come off because in the first place the petitioner is not the owner, so of course this could transition into several ownerships. And of course what happens to the original plan. So what I would say is why don't we say if the people are really planning to do what they want to do, assuming it does not have negative outcomes, they need to post a bond which would pay the community in some way if the promises made and the proposals offered result in negative outcomes for the community. I refer of course to the possible loss of our not-for-profit hospital, some of the other things that could happen for instance one, you might think about this as well and that is an assisted living facility is for people who want to live quietly and so forth, they do not necessarily want to live in a commercial zone. And especially not one where you've got the you know activities of a hospital and some of the other things that have been mentioned. So if the

developer, the petitioner wishes to post a bond saying that they will do what they promise to do and it has no negative outcome for the community, I think that is a good starting point. Thank you.

Crane: Thank you sir.

Burlbaugh: My name is Edward Burlbaugh. I saw a bunch of initials earlier. I have a bachelors, a masters in science, two masters in science, a PhD and an MBA. So I'm qualified to speak of nothing. I'm not a member of the Country Club Association. They don't represent me. They don't speak for me. If I had to say anything about them I would just say with perhaps disrespect, that they are kind of an obstructionist organization when it comes to this project. At any rate, I know I've been in a number of meetings and the developer has proposed a number of items that he wants to present and I think he's been more than adequately accommodating to the residents. As someone pointed out, you know it'd be really wonderful if, I don't know who the man with all the money would pay to have the country club maintained, have lots of trees and we could all go walk our dogs there. But I think the financial reality is that it doesn't happen that way. There was a mention of a couple of previous developers that had been looking at this and I would just submit how'd that work out for you? I have a friend who builds furniture for a living and someone came to him and asked for a bid on a project and he gave them a bid and the response from the potential customer was, well that's kind of expensive. I talked to this other guy and he could do it for you know 50% or 80% of that. He says okay, well why don't you go to the other guy? And the potential customer said well the other guy's not in business any more. So, maybe that's why the two previous developers couldn't put together a project that maintained 90% green space. You have to have something to make your money in order to do that. The concern about why we ... or the need for another hospital, frankly I think if we all believe Las Cruces is going to grow it's certainly possible that it could grow into the need for another hospital. I want to say that I thought what Harry Hanson had to say was very astute and I agree with that and I say I'm in favor of the zone change. Thank you very much.

Crane: Thank you sir. Yes sir.

Caldwell: Good evening. I feel for you guys. My name is Robert Caldwell. I am the president of the board of directors for Las Cruces Country Club. And I just want to say that we are not going to ever be able to go back to Las Cruces Country Club property. That won't ever happen. We feel very badly about the way the place looks. We are unable to maintain it. It is ... everybody that played golf there has a great feel for it, I know I do. I'm speaking from my heart right now. Member there for over 20 years and I'm on the board of directors so that we can move on to other things. But, we are very

much in support of this project for many reasons; one being is it's offering something to this community that we all care about. Something that we all as members of Las Cruces Country Club, we are very supportive of this community providing many many services, not just golf, we are a polling place for all of the elections that were ever held in Las Cruces. We were a gathering place for a lot of weddings. We were a gathering place for a lot of graduations, my two kids graduated and had their receptions there. A lot of good things. This hospital is another good thing. Now, we support the fact that they're trying to do a good thing with it. And I hope you do too. Thank you.

Crane: Thank you sir.

Van Damme: My name is Anita Van Damme. I've lived in Las Cruces on and off for 60 years. I have found ... I don't live here now, but I came to this meeting just to see what was going on because I really think this is a good project. My parents belonged to the country club and while I come here and I see how terrible it looks, I think it would be great to have a pond with paddleboats. I think it'd be great to have trees and grass, but New Mexico is in a drought and we don't have water. This is not Minnesota or Oregon where it rains every day. In all the years I've lived here, you always notice that the people that hold you back, that hold the city from going anywhere are the people that move here from other places and try to change things, try to make it like back home. This is not back home. This is Las Cruces, it's a laid back style. I think what these gentlemen are doing is really wonderful. It's a thing that Las Cruces should embrace. We need somebody to come in here and build. We have a problem with the fact that we don't have any kind of big ... what do I want to say ... there's not anybody that comes in here that finds something other than the government and that's why Las Cruces does not grow. It's why it looks like to does. And I hope that the City Council and the people of Las Cruces vote this in because it's something that's very much needed. These people are coming in with money to fix something that looks terrible. I can remember when the country club was beautiful, we'd go swimming there. It was a place like the gentleman said to have parties and dance and it was really nice place to go. And now it's just terrible and the people that don't want to change it, well sorry for them.

Crane: Thank you.

White: Chairman and Commission. Thank you. My name is Clayton White. I lived at 2310 Desert Drive which is across the street from the country club for right at 40 years. I've grown old there. My kids were raised there. Talking about the swimming pool. They learned to swim in the pool. I played golf. My daughter got a scholarship to New Mexico State in golf. My son has a three handicap but that has nothing to do with land use.

They were raised at that country club. While I was there I can think of at least four times when people came in to buy our club, trade our club, they wanted our club. And there was nobody at that time standing up and fighting it. There was never a word said anything about what they were going to do with the land or why they were going do with the land. There wasn't any interest in it. And when I got the word about this hospital and I went out to a meeting and I was highly skeptical what these guys were going to do and then I listened, I asked questions, and I walked away extremely impressed. I think it'll be good for the neighborhood, it'll be a lot better than a park. Parks don't pay money and Las Cruces is in trouble and a hospital would pay a lot in taxes and employ a lot of people. It could do nothing but help this community. Now why people are against a hospital, I don't know. I don't know. I was telling my daughter about what was going on and she said well, sounds like somebody's doing a little subterfuge lobbying doesn't it? When will they fight that? I don't know, I'm very curious why they would be so interested in fighting the project that I see. I'm in favor of it and I hope to live another 40 years over there in a neighborhood I'm proud of. Thank you for your attention and I hope it goes on.

Crane: Thank you sir.

Miller: My name is Ralph Miller. I live at 1525 Altura. I'm a relatively newcomer to this area, I've only been here since 1997. And I lived in Clovis for about 23 years thinking I was going to live and die there the rest of my life and my work gave out and I had to leave and go to California to make my fortune out there. And so I left and came back. I chose Las Cruces because it happened to be half way between my children's residences. I have two boys that live over in Texas, one girl that lives over in Las Vegas, and one daughter that lives here, so I got a day's drive either way. I chose Las Cruces because for many reasons, it has interstate highway north and south and go all the way to Canada. I can go all the way to the east coast or all the way to the west coast on the interstate on 10, which I have done several times. However, I chose Las Cruces because this area had the same basic climate I found out in California. And I moved here in '97, there were 60,000 people. Recently I read in the paper they said now we're over 100,000. So I beg to differ for the previous person who spoke saying we're not growing, I think we're growing quite well. I selected my location because I've always been told that the people who build homes close to a golf course always have nice homes and they seem to be stabilized, they seem to stay that way. Five or six, maybe seven years ago I had several constant people from the real estate would come by leaving a little card on my door and wanting me to sell my home. And I thought gee these people maybe they know something I don't know. Well I found out the approximate value and boy sounded pretty good. Well that was a few years ago. Now I've lost about $50,000 or $60,000 of that

value because of the situation. Now I see I have a caution light. I did want to emphasize that basically that this group of people who wanted to develop this, I am totally in favor of this. I hesitate in saying this is the biggest blight I can see in the center of our town. I skipped my notes of what I had down here but I'm glad to hear some of the various reasons both pro and con. We have a rough diamond in there, it needs to be polished and I think we should proceed. Thank you.

Crane: Thank you sir.

Jenson: Good evening. I'm Rick Jenson. I'm a townhouse owner adjacent to the new hospital project. And I'm CEO of Cloudcroft's Sacramento Mountain Medical facility. I'm concerned about the health and the welfare of all our citizens in Las Cruces, as well as the highest and best use of this newly proposed multiuse development providing an innovative continuum of care especially for newly arriving baby boomers. Locally this project will have a very positive economic impact on Las Cruces. It'll create 1,300 jobs. It'll have over $50 million payroll and that'll directly stimulate our local economy leading to an annual commercial impact of over $120 million rolled throughout the community. The project will enhance the quality of life for almost 2,900 people and 900 families in the Las Cruces area. And enroll more than 1,500 children into our school system. This development is projected to generate more than $4.7 million in local taxes. And it's projected to generate more than $2.3 million for the state. Locally this project will have a very positive cultural impact on Las Cruces. This planned unit development incorporates a unique approach to health care from emergent treatment, to assisted living, to rehabilitation and preventive fitness facilities all in one campus. For loved ones from out of town, plans include access to residential facilities on-site. Health-wise, the overall park design encourages safe walking on-site between residences, retail shopping, all healthcare facilities, as well as links to existing Las Cruces fitness trails. The Park Ridge project deserves to be a signature project for Las Cruces. It will provide a new model of healthcare for the future, improve property values in the neighborhood, provide new jobs within our community, and provide state and local governments the needed tax funds to accommodate our growing population. I whole-heartedly endorse this project. Thank you.

Crane: Thank you sir. Yes sir.

Hayes: Is there a camera attached to those three lights?

Crane: There's a camera behind you. Actually there's a camera up there.

Hayes: Okay, will I get a ticket if I go past red? Good evening, my name is Michael Hayes. I'm a resident of Las Cruces. I'm happy to say that I'm a

resident near the country club area. I don't have a personal story to tell you. I'm not a realtor. I'm not as I say an adjacent resident. I'm a retired consultant who consulted to government agencies and private companies in the Washington, DC area and around the country. My job as a consultant was to come in and evaluate plans, documents, reports, recommendations, environmental impact statements, the operations of the nuclear weapons facility at Pantex. I was a hired gadfly. My concern on this issue is whether you have received from the city, not to mention the developer and not to mention the various speakers, an adequate basis for making a decision to go forward. When I came down here, this is my first public meeting in this town that I've attended, my concern was this is a large development, the fix is in, you're a rubber stamp organization and the city government will just pass you something and you'll approve it. I've been really impressed with your questioning. You're on the right track but I think you need to do a great deal more before you can act on this and let me tell you why I came in with my suspicions and why I have this judgment of this, that the materials of which I've seen. The city manager has written that the city administrations role to facilitate the application not to analyze and evaluate it. I think that some of the problems we've had with the work that the city has done in its responses have already indicated that they have not done a very good work. This puts you in a ... the many failings of this report have already been indicated by the critics of the proposal. I do not see them opposed to development. I see them in favor of sensible development that makes sense not just for this particular site and the nearby residences, but the entire city. That's what planning should be for. There are too many unanswered questions. I think that the city manager and the staff have assumed and I'll put in rather blunt language, that you are either fools willing to avoid due diligence or naves willing to be complicit in giving away an enormously valuable public asset for nothing in return but non-binding promises called plans subject to change without notice at the developers discretion. I would urge you ...

Crane: Thank you Mr. Hayes.

Hayes: I'm sorry.

Crane: Would you conclude please?

Hayes: Oh yes, I'm right there. I would urge you to send this back to the city to develop more adequately and explore more of these issues and to give you a better bases for making a decision to go forward. Thank you very much.

Crane: Thank you sir.

Beard: I have a question.

Crane: Mr. Hayes one of the Commissioners have a question for you.

Hayes: Do I have to testify against myself?

Beard: This will give you some more time, but what are the unanswered questions. Can you give me some ideas where we should be going?

Hayes: I do not think, I mean we've heard from both sides, I do not think we know what the economic impacts are going to be on this. I don't think we know the social impacts. We have some problems with helicopters flying around, I don't have to be a pilot to know that they're noisy and they're dangerous because I live on a flight path. So I think that there's a range of these, we do not know what the effect will be. We've been told and I'm inclined to believe this because my wife is a nurse at an assisted living facility. I am inclined to think that instead of generating money we'll just be moving from one pocket to another. I don't think we know. And I'm very uncomfortable with a piece of Jell-O being tacked to the wall. I don't think we know how this site will actually be developed, I don't think we have assurances how it will be developed. I think we need more specificity, I think we need more ... if the developer's got a good idea and I do favor multipurpose mixed use development and I find the site that they've drawn up very attractive, only at the bottom it says subject to change without notice at developer's discretion. And I think that until you have answers to these questions and have more specificity, you really are operating in the dark and can't serve a public interest if you don't even know what interest might be affected.

Beard: Okay, thank you.

Hayes: Does that help?

Beard: Yes. I would also like to remind the audience that this is only the first phase of this program. I mean it goes through a lot more approvals, so we're just going through the first phase on this thing.

Crane: Yes sir.

Perez: My name's Edward Perez. My home will be ... there'll only be two houses between my home east of the hospital. So I live right there. I have got a general statement to make that is not aimed at this body and it is ... I've already got a yellow light. Okay, thank you.

Crane: Go ahead, you're starting from scratch, three minutes.

Perez: I have a general statement, not directed at this body, but the statement is,

are you kidding me? Have you seen the place? I don't care if there's a hospital there. I don't care if there's an Appleby's. I don't care if there's a Trader Joe's. I want some intelligent things drawn up and put in there. It seems to me that this is an intelligent system that some thought has gone into this, a lot of money has gone into this. We can sit back and say well what if we had this, well I don't want this, I want that. Well, you know the hospital may not make money. Well this is America, if they don't make money I'm sorry. It's worth a try. We have people say who's going to live in the assisted living center, well they're not going to kidnap people and put them in there. People will choose to live there. Let's give them the opportunity. Again I don't care if it's a hospital. I don't really care what it is. I don't want it to be what it is and if this doesn't go through, you all know how much time it's going to take for a new developer to come in, for them to get before this body and get to this point again. This seems to be a fairly intelligent thing going on here. It seems really it's silly to say well what if it was a Trader Joe's, well what if it was this, well we don't want this. I'm hesitant about the helicopter, it'll probably be going right over my house. But something needs to be done. Thank you.

Crane: Thank you sir.

Maese: Good evening. My name is Hector Maese. I'm here to endorse the Park Ridge proposed development. The past 18 years I have lived next to the proposed development. My townhouse is at 920 Camino del Rex adjoining the north side of the Las Cruces Country Club property. As a golfing member of the country club I've known that the closure of the course was necessary. I have attended five meetings pertaining to this project. The meetings have expressed a consistent theme and objective. Mr. Pofahl and the developers propose a new upscale village that will serve not only the immediate community but the entire area surrounding it and our city. It will offer sustainable options and needs like health, education, employment and housing that will add to our community's quality of life and services. It will likely enhance the property values for all of us that live near or in the surrounding area. I believe going forward with this development will add balance, life, and beauty to the former Las Cruces Country Club golf course property and to the City of Las Cruces. These are the reasons I'm endorsing the project. In closing, I want to personally thank everyone that's here. I also want to say thank you to all of you on the Planning and Zoning Commission for your time and service to our city. Thank you.

Crane: Thank you sir. Yes ma'am. Do you have new information?

Mitchener: My name is Becky Mitchener. My husband and I own 900 Camino del Rex. We are one of the townhome owners. The slides that you're going to see, we traveled the golf course on Sunday morning and took some

pictures to display the deterioration that's happened to this poor property. I have watched through my back window as plants, trees have died and how animals have left the golf course. We don't even have pigeons left at this point. They left also. So I just wanted to go ahead and show you a few slides about the dead trees that are there. This is a little overkill, but there are left over things like fertilizer on the property. All of these things have created safety problems, I know that there have been some break-ins along the Desert Bright property. I believe that Ms. Potter's property was also broken into as well. I don't know how to do this any way. Okay. You'll see, these were the water areas on those top features. This is where Mr. Stevens wants to put the paddleboats as I understand it. This particular property in the lower left corner is the break-in that's happened at the Las Cruces Country Club. I have observed this over several months and there is ongoing activity in and out of that particular property. I suspect that it's youth, but it also creates a safety risk for all of us that live there. I don't know why the country club hasn't boarded that up, but it still continues to remain. So we have vacant properties, on the property in my opinion we have severe fire danger. It's just going to take somebody with a can of gasoline and few matches and we're going to go up in a puff of smoke over there. The nearest fire hydrant as I see it is out toward the gate at the entrance to the country club. So in closing, I just think that ... my husband and I are stakeholders in this in the sense that we have all of our property at risk. I'm concerned about our neighbors and our community, our community as a whole, and we fully support the plan that's proposed by the developer. Thank you.

Crane: Thank you.

Mitchener: If you'll just look at my slides as they end here. You can see the dead growth of the back of the townhomes, etc. So, anyway, that's what we're looking at now.

Crane: Thank you. Something new to say ma'am?

Jensen: Yes, sir. My name is Claudia Jensen. I live at, or I own 8850 Camino del Rex, so I own one of the townhomes. I am also a nurse. In fact I work at Holloman Air Force base. And what I'm going to address is something I heard a question earlier about and that was would this bring people in from someplace else for the medical and I can tell you yes, because where I work, like I said I work at the medical facility on base, and I have talked to people about this project that I've been hearing about from these people and I was really excited about it. And I told them all about it and I have had a lot of people saying they are really looking forward to this because this will bring in new doctors, more doctors than what we have. Currently Alamogordo is very very poor in doctors and especially different specialities. This will bring in a few more specialities here. They won't

have to go as far. Right now they're having to go to El Paso, Albuquerque, to get some of the specialities that they need. If we have these specialities here, then we can bring more of them over here. And I already know that a lot of people would come here. And we do send military people to any place for the specialities. And so I believe this would really bring in the people from as far away as Alamogordo, Rowell, not Roswell but Ruidoso and that area. So I think it would be a very positive thing to have this speciality hospital with specialty doctors coming. And of course I want this to come to. Thank you.

Crane: Thank you.

White: Good evening and thank you.

Crane: Something new ma'am?

White: Pardon me?

Crane: Something new to say.

White: Yes. My name is Sharon White. I am a resident of the country club. The association does not represent me. My great grandparents settled in this valley around the time of statehood. So I am a long time resident, but I've also lived around the world. When my mother was born there were 6,000 residents in the city and no hospital. My brother was born at one hospital which used to be the old Memorial Medical. Since then I've seen Memorial move to another location and it's gotten larger. And I have since seen yet another hospital being built. I think that this can be an asset and I support it.

Crane: Thank you. If there's no other public input then we'll close this to public discussion and the Commission will debate. Okay, I'm calling on Commissioner Scholz, you wanted to say something. Commissioner Scholz.

Scholz: Well I was interested in hearing the supporters, particularly their applause. I thought that was amusing. But absolutely unnecessary. I think if you really support this you'll probably present facts and figures and I had a gentleman from I think it was Cloudcroft right, who presented facts and figures. It's interesting. I assume you're a medical professional sir and you would know things like this, or possibly you were primed by the people who want to build the hospital. You know, whichever. Anyway, I think the public input is absolutely necessary and I'm convinced there are a lot of people in this room who support this project. And I think we have evidence of that in the, let's see, it's the Las Cruces Country Club Redevelopment Resident Community Support petitions which we all

received a copy of. I'm less than convinced that this is a great project and my concerns I articulated earlier and that is you know I don't mind seeing a hospital there or an assisted living facility, I think those are practical kinds of things, and they will live and fall on what money they make. If they don't make money well they'll probably go out of business. They're certainly not going to be dependent on Medicare and Medicaid from what I've heard. So, I'm not concerned about that. What I'm concerned about is the rezoning which allows oh, you know restaurants and tennis courts, and things like that which I don't think are necessary for an assisted living facility or frankly for a hospital. So I can't support this project as it is right now, as it's presented. I also think that we have to divide this project and look at it as two separate things and say okay the hospital is being built I assume by one developer or one group of people and I suspect the assisted living facility is being developed or built by another group of people. I don't think they're absolutely linked and consequently until we can separate those and treat them as separate zoning issues, I don't think I can support that either. So that's how I feel about that.

Crane: Commissioner Shipley do you have a remark?

Shipley: I have a few comments. First of all I'd like to thank everybody here who came out tonight to contribute to this exercise. This is something that needs to be done with a great deal of visibility and that, so everybody can see what goes on. There are no preconceived opinions. We listen to the facts, we go out and look at sites, we do things along that line. We are concerned about the growth in this city and how it's structured and how it goes, that's why we are the Planning and Zoning Commission. I want to say that I would like to see this entire 110-acre, I'd like to see the plan done as a total thing. And the reason I say that is because in my previous experience I've been part of development of large 100-acre, 200-acre sites, some of them were all commercial, some of them were commercial and medical. So I've seen this same kind of thing go. I understand there is concern about boutique hospitals and that, but they have a place, they have a part in the medical system. You're shaking your head no, but they do. There are people that want to go to a certain place to have a hip replaced and they may not want to go to Memorial Medical or they may not want to go to Mountain View, they may not want to go to El Paso. They can pick and choose if their insurance or Medicare allows them to do that. So that's the choice that they get to make. Just like you get to choice which burger joint you go to on any given day. So there are choices that can be made. But the point of this is, is that we want to make sure that this development comes to fruition as planned because we don't like change, bait and switch, and those kinds of things as Mr. Scholz has just stated. We want to see this particular parcel developed for the benefit of the community as a whole. Yes there's going to be shifting of jobs and people are going to shift around, that goes with any industry. You open a

new restaurant, you take customers from other restaurants. You open a new car dealership you take prospective customers, that's the way the system works. We've all been raised that way. I would like to see the entire development plan put together with a little more (inaudible) one entrances off of Main Street is not going to be sufficient for 110-acre parcel; one or two entrance. There are going to be people who use that as a cut through when you develop it, we don't want that to happen. So how do you develop this so that it doesn't happen, you know. Right now you've given us a little bit of a piece and I would have to agree with Mr. Scholz, you've not given us enough information to make an intelligent decision. And I wouldn't support it now based upon that.

Crane: Anyone else? I too have some misgivings about the impact of this suggested hospital on the existing hospitals. On the whole I think they'll be mitigated by the ongoing expansion of Las Cruces. We came here 22 years ago, I think we had 70,000 people, now there are 100,000 and the county of course is also expanding. I also have some reservations about the fact that zoning change that's being requested will open the space up to some business, some activities, some uses that don't quite fit in with the hospital concept but I do believe that the applicant in good faith that they do want to have primarily a hospital and assisted living facility there and the other things are just incidental. On the whole I'd rather see this get started and so misgivings not withstanding I will support the application. Commissioner Beard.

Beard: I think this is a very large, 110-acres, I don't, maybe developed by different developers and I don't know how we can put together a whole 110-acre plan or how somebody might be able to do that. Our biggest developer didn't … failed on the projects that they have started and the ones that are still going have just been dragging on forever. I think parcel type development might be the way to go here, to go the 30-acres, consider the remaining acres, 80-acres later on. I mean we have to approve it. It has to be something that's going to meld together, it has to be accepted by the neighbors. So I don't think that going ahead with the 30-acre approval is a problem. It's too bad that we can't do a traffic impact study because I can see that the outlets to this particular 110-acres might be a problem getting people in and out. But I think we should go ahead with the 30-acre approvals. The helicopter concern, we'll address that when it comes up. We're not approving that here. They can put in a helicopter pad but we don't … they still have to get a special permit whatever that's called, a special use permit in order to bring in a helicopter or not. And if I can read my notes.

Scholz: Did someone lean against the light switch again? We've had that before. Well it's not 10 yet, I have 9:33 I think.

Beard: Concerning the hospital, I think Commissioner Scholz has come up with a big concern and I think it's a concern with me now. And I think maybe I could resolve it if we put a condition in it that that hospital has to go there before all of these other things go in there. We can make that a condition. When I read these recommended conditions I see where you're having that problem and I have that now too. So that's page 11-11.

Shipley: I didn't see the condition that said that after two years it reverts back. I don't see that as a written condition.

Montana: Mr. Chair, Commissioners, that is a part of the zoning regulations, it's in the zoning code. It didn't need to be a condition of this particular approval. I cited the section of the code, so article two, section 38-10 states that, so it's part of the code, it is a requirement. It didn't need to be placed as a special condition if this were to be recommended by you for approval.

Scholz: Yeah, I'm okay with that. No I understand, that's part of the code. Not a problem.

Beard: I think we could put a condition in there that the hospital is part of this 30-acres.

Scholz: Well that's the condition that refers ... excuse me, it says condition number one.

Beard: Right.

Scholz: This is on page 11, as stipulated in the rezoning application the C-3c and R-4c zoning designations allow what uses shall be limited to those listed on page seven and eight of attachment five. And so that's what I was referring to.

Beard: Right.

Scholz: Page seven is the hospital and the assisted living facility and then talks about the buffer. And then page eight lists related land uses, institutional land uses, recreational land uses, and service land uses.

Beard: Right, but I see your point though that it says all of those are allowable uses.

Scholz: Yes they are.

Beard: And if the hospital doesn't go in there the other things could go in there.

Scholz: That's right.

Beard: Yeah. And so we ... I think that we could put a condition, another condition for ... that says that in that 30-acres a hospital has to be included.

Scholz: In other words what you're suggesting is that we have ... so the hospital has to be developed in order to allow the other things?

Beard: Yes.

Montana: Mr. Chair, Commissioners if I may, during the break after the beginning of your discussion when we had the break the applicant was willing to clarify and remove or delete some of the land uses and if he could have a few minutes now to clarify what he would be willing to remove from those land uses I would ask that he be invited back to clarify if that's okay with you.

Crane: That's acceptable, but would you please put up the slide you had a moment before about the ...

Montana: The land uses.

Crane: The zoning change dying if it's not ...

Montana: Oh, surely.

Beard: You know I don't want to argue that a tennis court can't be used for rehabilitation, you know, doctors know more about that than I do, so I hate to limit them on that.

Scholz: That's because you don't play tennis.

Crane: Okay, Ms. Montana. Nothing in this that you just put up here about this dying if it's not used or developed in accordance with the conditions and all of the applicable regulations stipulates that the hospital has to be started.

Montana: That's correct.

Crane: Right.

Montana: That's correct.

Crane: So, this revocation of a conditional zoning designation does not meet Commissioner Scholz' concern or Commissioner Beard's.

Montana: That's correct.

Crane: So let's hear Mr. Pofahl handle it please.

Pofahl: We're more than happy to make this approval conditional on the hospital. We've got a plan for the whole 110-acres, right now we're dealing with this, but we're happy to make that hospital conditional. That's what our plan is and that's what we plan to do. And if there's some other use on there that you know recreational courts or tennis courts that are causing heartburn we're happy to remove those. Those were just conditional uses, but we're not trying to attempt to get zoning so we can go do something else. We'd be happy if that would you know satisfy the rest of the Commissioners.

Crane: Okay. Don't go away. Commissioner Beard do you want to specify what things you'd like Mr. Pofahl to remove?

Beard: No, I'm ... as long as the hospital goes there I'm happy with whatever else he wants to put in there.

Crane: Okay. Commissioner Scholz, do you want to specify something to be removed?

Scholz: No my concern was with the hospital, that the hospital had to be there. I'm not sure how to phrase that, perhaps legal can help us with a (inaudible) ...

Crane: Can we have some professional help?

Scholz: On Mr. Babington again, he loves to do this.

Crane: Mr. Babington.

Babington: Mr. Chairman and Commissioners what I want to sort of stress on this with respect to the zoning and the conditional C-3 uses, the applicant's basically said my plan is to put a hospital in there. It also has other things that because of the zoning that could go there, if the hospital fails. What you have to realize is that this is a recommendation for a zoning change. And I normally think of these types of things as one bite at the apple because of the statutory requirements on further zoning change. As Ms. Montana has indicated in her package, the requirements under state case law basically say you have to sort of justify why we're changing it from R-1a to something else. So the applicant has come forward with a proposal realizing that they take the risk that the hospital may not come through and that this property is now zoned with certain limitations and conditions. I would be reluctant to recommend that you consider just narrowing it to one thing because if the applicant and the hospital deal should fall

through, then you have a piece of property that's been specifically zoned for a hospital that may or may not occur and have another bite or another zoning change may become very difficult.

Crane: Thank you sir.

Scholz: Yes, thank you. I appreciate your input.

Crane: Any other comments Commissioners? Then I'll entertain a motion that Case Z2860, the application by the country club to rezone be approved. May I have a mover?

Scholz: So moved.

Crane: Moved by Scholz.

Stowe: Second.

Crane: And seconded by Stowe. Thank you. Well start the voting with Commissioner Beard.

Beard: I vote aye for this project based on hearings that I've heard here and site visit.

Crane: Commissioner Stowe.

Stowe: Aye based on site visit, discussions this evening, and presentations by the public.

Crane: Commissioner Scholz.

Scholz: No, for presentations, economic analysis, and site visit.

Crane: Commissioner Shipley.

Shipley: Nay for discussion this evening, the site visit, and also the traffic impact analysis, also the … I just don't think that the plan is descriptive enough to handle the traffic that's important. I think I can work with the helipad eventually but I still think that's a safety concern, so no.

Crane: And the Chair votes aye based on the city recommendations, the findings, site visit and tonight's discussion. Motion passes 3:2. Thank you.

## VIII. OTHER BUSINESS

1. **CPB-13-01:** Discussion of the East Mesa Community Blueprint submitted by

the City of Las Cruces. The East Mesa Community Blueprint area is located south of US Highway 70 and east of Porter Road. The planning area is roughly bounded by Cortez Dr., Mauro Dr., the Alameda Arroyo and Davis Rd. The intent of the blueprint is to serve as a policy guide for future planning and development efforts in this area. The planning area falls in Council District 6 (Councilor Thomas)

Crane: Next item of other business is discussion of the East Mesa Community Blueprint. Is that (inaudible) Mr. Michaud?

Shipley: I was just going to say that by virtue of it being almost 10 o'clock. The lights are going to go off at 10 o'clock again. We probably ought to see about making this move to the next meeting. This is only two discussion items.

Scholz: Yes.

Crane: Who's in charge here? Ms. Montana. Ms. Harrison-Rogers. Mr. Weir. I don't have the power to adjust the agenda do I?

Weir: Mr. Chairman and Commissioners, you could always postpone that to another meeting, but I'd recommend that you hear that this evening. We wanted to get this onto you work session last month to move forward, there are some recommendations. I'm sure Susana can do a summarized version but it really would be nice if we could hear these cases this evening. I know the lights will stay on past 10:00.

Crane: Okay. Do we have an official sunset at 10 o'clock?

Weir: No we don't. We have the chambers as long as we need.

Crane: I think we're going to have an official sunset at 10 o'clock. Okay. Mr. Scholz.

Scholz: Point of personal privilege, this meeting is scheduled to run from 6:00 to 10:00, I'm not planning on being here after 10:00. I don't know about anybody else, but you know we should be done by then. And if we're not done by then, then we finish up next time.

Crane: Okay.

Scholz: I don't think it's a big deal.

Crane: Who is scheduled first Mr. Michaud. Can you attain your objectives in half of the time between now and 10 o'clock?

Basnyat: I can try.

Crane: Okay, and who's the other person going to present? Ms. Montana?

Basnyat: Mr. Michaud.

Crane: Mr. Michaud. Can you present in the other half of the time? Okay, go ahead ma'am. And I don't know you so would you identify yourself?

Basnyat: Yes, my name is Srijana Basnyat for Community Development and I'll be presenting the East Mesa Community Blue Print. So this is the second blueprint, Mr. Chair and Commissioners. Good evening as well. This is the second blueprint to be drafted in our community planning blueprint series and the intent of this document is to act as a policy guide for future planning and development efforts in the area. So the planning area is located south of US 70 and east of Porter Road. And the redline is the city limits. So the neighborhood has distinctive features that made it a candidate for a blueprint. They have large residential lots and paved streets, they have a natural desert landscape going on and surrounding undeveloped lands. They have views of the Organ Mountains and they have horses and other animals. There are some pictures and I'm just going to rush through the presentation, so if I'm going too fast please let me know.

So the process, this was a community-initiated process and the residents have been very active in participating. We had three neighborhood meetings and then we've also had some e-mail and phone interaction and comments. The first neighborhood meeting was more about ... it was more informational and we had some visioning activities. We also had some discussion and then we had a mapping exercise where the residents sort of drew and noted on maps what they wanted to see in their area and what they didn't like. The second meeting was to establish the vision and we had a poll where 95% of attendees approved of the drafted vision statement. Then we also polled on issues just to get a sense of what were the most important ones and then we also tested out some goals. And this is the blueprint boundary map. As you can see we have two different sub areas within the blueprint; one is inside the city limits and area two is outside.

The third meeting was about more, we focused on the urban (inaudible) discussion which I can go into further a bit later, and then we also had some goals defined and then we had a dot exercise where residents just went around and placed some dots on graphics that they preferred to see or something that spoke to them. And then we also had a trails map that was presented to the group and we polled them on that and it received their approval as well.

So the framework of the blueprint document, the key components are the issues and opportunities section, the vision, the goals, and the

actions. One of the most important issues that came up repeatedly was the preservation of a rural atmosphere. Residents were concerned that further subdivision or new development could compromise the look and feel of their neighborhood. And they really wanted to maintain the access to open space and just the rural aesthetics and uses like raising of large animals etc. They also had concerns on roadways and how they were being maintained, they have a lot of drainage issues in the area and some dust concerns as well. They also talked about trails and how they would like to see some connections and retain access to public lands. There is a portion of defunct zoning district within the blueprint boundaries, it was originally zoned urban ranch which is no longer a zoning district in our current code, so the residents expressed their concern on the potential subdivision of property in that area and that they could possibly create smaller lots and the desire was to update that zoning district to a similar existing current zoning district. And the residents also expressed some interest in maintaining the night sky and protect the visibility of the rural night sky.

So some of the issues also present some opportunities. We see an opportunity for planning a trail network in that area which is also a benefit to the city as a whole and not just the neighborhood. And then because of the unique community character of the East Mesa Neighborhood it presents opportunities for a different type of housing choice. It promotes diverse living. And there is also an economic potential of equestrian facilities and activities in the area since we do have a presence of equestrians and that's something that we can look into as well. And this also presents an opportunity to use some best practices and planning and development to maybe improve the roadway design standards or promote certain types of development standards that would enhance that area and retain its rural character. So the vision for East Mesa is, the East Mesa is a unique community that embraces the rural lifestyle within the city. This is a place that respects its natural surroundings, offers access to open spaces and night skies, and one that balances the needs and activities of pedestrians, cyclists, and motorists with those of equestrians and owners of large animals.

And then we have a set of goals; goal number one is to maintain the existing rural community character. Goal two is to ensure the future infrastructure design takes into consideration the surroundings and the communities desires as identified by this blueprint. Goal three is to expand on the recreational opportunities to ensure access and promote functional linkages with the surrounding open space. Goal four, provide public facilities and surfaces that support residents and visitors of diverse backgrounds and needs without compromising the vision of this blueprint. And then the actions which actually are aimed to assist in implementing these goals; number one would be to convert the defunct zoning designation of urban ranch to a comparable zoning district; two to develop appropriate design and roadway standards that enhance and protect the

rural environment; number three, encourage the design of multi-modal trail network within and around the planning area. Number four to support the adoption of a conversation easement agreement among the city, the state, and private property owners, basically to implement the trail network plan that's been proposed as part of this blueprint. Then number five is to investigate the economic potential for utilizing equestrian oriented site programing in and around the planning area. Number six, to have the residents work with the city police department to consider a neighborhood watch program. And number seven to encourage Dona Ana County to recognize this blueprint during development review for properties within the ETZ that are included in the blue print boundaries.

Crane: Excuse me ma'am, you're eating into Mr. Michaud's 15 minutes.

Basnyat: I am done.

Crane: Thank you, sorry for the rush.

Basnyat: That's okay.

Crane: Mr. Michaud.

Scholz: Oh, don't we have time for comments?

Crane: Sir?

Scholz: Don't we have time for comments?

Crane: For comments?

Scholz: Well gosh, yes.

Crane: Not really.

Scholz: Oh I thought we always did comments. Can I comment?

Crane: Well we do when we're not rushed. I want to hear from Mr. Michaud.

Scholz: Well he said he'd only need five minutes and we actually have six and a half left, so …

Crane: Okay, so you have one minute and 12 seconds to comment Commissioner Schulz.

Scholz: You want to turn the timer on Commissioner Beard. I appreciate your work on this and I did read … I did play the CD this afternoon and looked

at all the things and it seems to me to sum it up we could say they don't want any change. You know they like it the way it is. And the only person who complained was somebody who bought land in speculation out there and decided that oops it's no longer you know going to be able ... he's no longer going to be able to subdivide it and build you know housing and apartments or whatever he wanted to do. But I think it's a good land use. I really do. And I think we need to protect neighborhoods like this because too often what happens is developers come along and take a big swath of land and then leave us with border lands which are in a sense undevelopable but they're also impacted by you know the new construction and half built roads and things like that. So I'm very glad you did this and I think it's a good addition and I hope we can preserve this land. Thanks a lot. How was my time?

Crane: Commissioner Ferrary.

Ferrary: Just real quick, this just sounds like a wonderful place to live and I used to own horses back in the '70s and to have a community like this and the cooperation with the city and developing these different trails just sounds like a wonderful place. It's great.

Crane: Thank you.

Ferrary: Thank you.

2. **CP-13-01:** Discussion of the administrative update to the 1999 City of Las Cruces Comprehensive Plan submitted by the Community Development Department. The planning area is the entire City of Las Cruces. The intent of the administrative update is to remove obsolete policies and completed actions, make formatting changes, and do updates based on current policies and plans adopted since 1999. Phase 2 of the comprehensive plan process will involve expanded engagement opportunities to update this plan. The planning area falls in all Council Districts.

Crane: Mr. Michaud. You have four and half minutes less the time for Commissioner Scholz to comment.

Michaud: Thank you. Mr. Chairman, members of the Commission. You've seen this ... my presentations regarding the comprehensive plan and the update process. You've been very involved in this. A couple of months ago you approved the schedule and the public engagement plan. We did have a meeting with ... an unexpected meeting with the City Council, they did want to meet regarding the process so we met with them actually yesterday. So we went over the process, they got the same packet that you have. We went over ... what they had recommended just to kind of cut to the chase is, we had recommended that we were going to break, or

reorganize the document into themes and if you looked at the … I can pull my PowerPoint up but there are five bubbles in the introduction. Those themes, we were just going to actually present as themes and then develop them in phase two as kind of what the public engagement plan and the schedule originally purported. We asked the Council if they would like us to do that in phase one and they said yes, so that will require us to work with our interdepartmental work group a little more. So what we're hoping to do is to have a recommendation on the administrative update to the Planning Commission in July. What we'd like to do is to bring it back to work session to you in our August session of August 20th. So that's really the general gist of it unless you of course have any questions or comments on the administrative draft. It is an interim process. The draft that you have in front of you that's also on the website isn't really going to change much, we're going to reorganize the policies and make a key where they go. We'll hopefully be able to consolidate some of those as we're bringing those into the themes as well as there are still some other ones that are code-like, we're working with the transportation section right now and we'll try to whittle those down. But we'll produce another administrative draft for you for your August meeting if that's agreeable to the Commission.

Crane: Sounds like a good arrangement. Any comments/questions for Mr. Michaud? Then I congratulate you for finishing two minutes early.

## IX. PUBLIC PARTICIPATION

Crane: Any more public? You sir, you sitting there.

## X. STAFF ANNOUNCEMENTS

## XI. ADJOURNMENT (9:58)

Crane: All right. Thank you all. I call this meeting adjourned as of 9:58.

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Chairperson