City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13 **Ordinance/Resolution#** 2713

For Meeting of May 5, 2014 (Ordinance First Reading Date) **For Meeting of** May 19, 2014 (Adoption Date)

Please check box that applies to this item:

☒ QUASI JUDICIAL ☐ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: **AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) AND OS-R (OPEN SPACE-RECREATION) TO PUD (PLANNED UNIT DEVELOPMENT); AND A REQUEST FOR APPROVAL OF A CONCEPT PLAN FOR A PUD KNOWN AS THE SUNSET GROVE PUD. THE SUBJECT PROPERTIES ENCOMPASS 24.23 ± ACRES OF LAND AND ARE LOCATED AT THE SOUTHERN DEAD-END OF CALLE DE NINOS, NORTH OF FARNEY LANE. SUBMITTED BY DVI ON BEHALF OF DEKO PROPERTIES, LLC, PROPERTY OWNER (PUD-13-02).**

PURPOSE(S) OF ACTION:

Planned Unit Development (PUD) Concept Plan approval.

COUNCIL DISTRICT: 2		
Drafter/Staff Contact: Adam Ochoa	**Department/Section:** Community Development/Building & Development Services	**Phone:** 528-3204
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed PUD Concept Plan is for property located at the southern dead-end of Calle de Ninos, directly east of the Magistrate Court building and the Park Drain. The subject properties currently consist of an open space/agricultural area and a partially constructed condominium complex. The proposed Sunset Grove PUD Concept Plan will convert the condominium development into a fee-simple townhome development with a total of 50 single-family residential lots and two tracts: one tract shall include all common areas, parking areas, roadways and the existing clubhouse that will all be privately owned and maintained and the second tract shall include the 8.5 ± acre open space/agricultural area that will also be privately owned and maintained. The property owner shall be required to dissolve the existing condominium association on the subject property following any and all State of New Mexico regulations and requirements before the subdivision can take place.

The proposed PUD offers several public benefits, such as a bus shelter along Main Street and a pedestrian trail within the open space/agricultural area. Some of the benefits are existing and some shall be developed in the future when triggered by set benchmarks in the Concept Plan. The proposed public benefits shall help balance the benefits for the community and the interests of the applicant. The proposed PUD is also a townhouse cluster development that offers a different type of residential development and housing type that currently does not exist in this area of the City of Las Cruces.

On March 25, 2014, the Planning and Zoning Commission (P&Z) recommended approval of the proposed PUD request by a vote of 5-0-0, (one Commissioner absent, one Commissioner position vacant). A discussion took place at the meeting between the applicant and the P&Z that covered some aspects of the proposed PUD including the roadways, the units, the existing club house and parking. There was no public input at the meeting for the proposed PUD Concept Plan. Staff did receive one letter from an adjacent property owner asking questions about the proposed PUD.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Sunset Grove PUD Concept Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case PUD-13-02.
5. Attachment "B", Draft Minutes from the March 25, 2014 Planning and Zoning Commission Meeting.
6. Attachment "C", Letter from the Public.
7. Attachment "D", Vicinity Map.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The proposed PUD Concept Plan known as the Sunset Grove PUD shall be approved and the subject properties encompassing 24.23 ± acres will be rezoned from R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreation) to PUD (Planned Unit Development).
2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designations of R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreation) will remain on the subject properties and the proposed Concept Plan shall be denied. Denial of the Concept Plan and zone change will require new information or facts not identified or presented during staff review or the Planning and Zoning Commission meeting.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. Ordinance #2108.

COUNCIL BILL NO. 14-028
ORDINANCE NO. 2713

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) AND OS-R (OPEN SPACE-RECREATION) TO PUD (PLANNED UNIT DEVELOPMENT); AND A REQUEST FOR APPROVAL OF A CONCEPT PLAN FOR A PUD KNOWN AS SUNSET GROVE PUD. THE SUBJECT PROPERTIES ENCOMPASS 24.23 ± ACRES OF LAND AND ARE LOCATED AT THE SOUTHERN DEAD-END OF CALLE DE NINOS, NORTH OF FARNEY LANE. SUBMITTED BY DVI ON BEHALF OF DEKO PROPERTIES, LLC, PROPERTY OWNER (PUD-13-02).

The City Council is informed that:

WHEREAS, Deko Properties, LLC, the property owner, has submitted a request to rezone; and a request to approve a concept plan for the properties located at southern dead-end of Calle de Ninos, north of Farney Lane; and

WHEREAS, the zone change request is for the 24.23 ± acres of land from R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreational) to PUD (Planned Unit Development) for a development to be known as the Sunset Grove PUD; and

WHEREAS, the concept plan consists of the development and design standards for the development known as the Sunset Grove PUD; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on March 25, 2014, recommended that said zone change and concept plan be approved by a vote of 5-0-0 (one Commissioner absent, one Commissioner position vacant).

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

(I)

THAT the land more particularly described in Exhibit "A", attached hereto and

made part of this Ordinance, is hereby zoned PUD (Planned Unit Development).

(II)

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

(III)

THAT the zoning and concept plan for the Sunset Grove PUD are based on the findings contained in Exhibit "B" (Findings), attached hereto and made part of this Ordinance.

(IV)

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

(V)

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

DONE AND APPROVED this _____ day of _____ 2014.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Levatino: ____

APPROVED AS TO FORM:

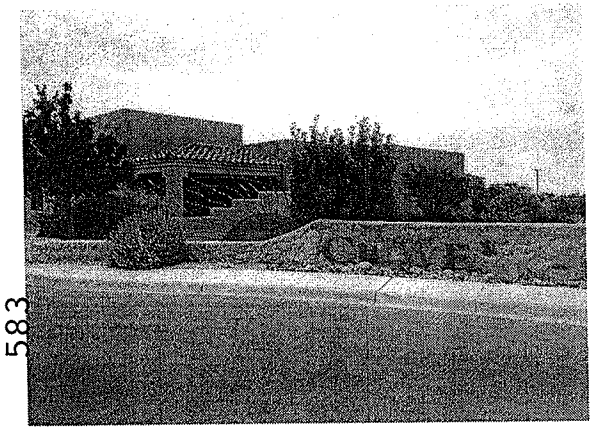
_____
City Attorney

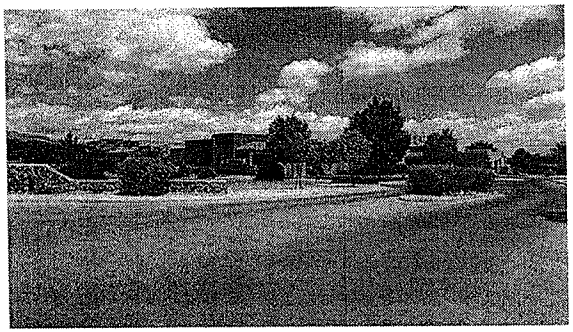
EXHIBIT A

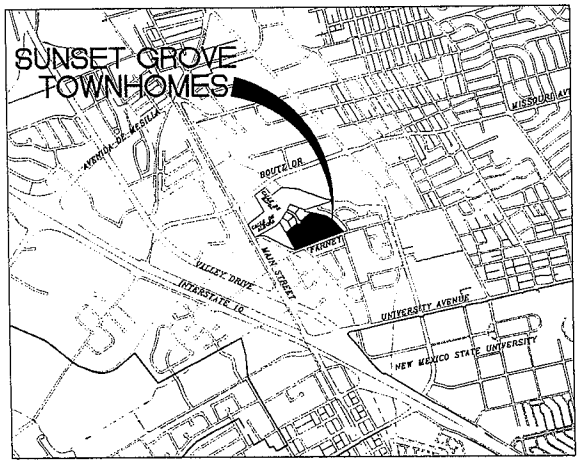
583

SUNSET GROVE

A PLANNED UNIT DEVELOPMENT CONCEPT PLAN







VICINITY MAP

NOT TO SCALE

NORTH

OWNER AND DEVELOPER:
DEKO PROPERTIES LLC.
PO BOX 397
LAS CRUCES, NM 88004
575 526 2281
575 526 4249 FAX

THIS PLANNED UNIT DEVELOPMENT HAS BEEN APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF LAS CRUCES, AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE PLANNED UNIT DEVELOPMENT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR APPROVAL OF THIS PLAT.

ZONING ADMINISTRATOR _____ DATE _____

HISTORY

SUNSET GROVE (originally called DEKO 50) is located on lot 3A-2 of the J Chisholm Subdivision which was subdivided in 2004/2005. Land use, access roads, master drainage, utilities and many other planning concepts were addressed as part of the J Chisholm subdivision.

Development of this subdivision has progressed slowly since its approval and it now holds First Step Center Women's Health and Pediatrics, Collato Animal Hospital, Children's Dental Clinic, La Clinica de Familia, and the Las Cruces Magistrate Court and a partially complete Sunset Grove residential community.

Sunset Grove was designed and construction drawings were prepared in 2006. The project incorporated the entire master planned multifamily lot 3A-2 of 15.69 acres. Development was proposed in three phases. Construction documents for the entire project were reviewed by the City and approved. A condominium plat was filed and phase 1 was constructed.

OBJECTIVE

Economic conditions have changed since 2006 and individual condominiums are very difficult to finance, and in a like manner construction financing for condominiums is difficult. We propose to vacate the condominium plat and use the PUD process to create fee simple lots for each unit. The individual lots created will be identical to the condominium lots they replace. All units are designed to meet IRC requirements for townhouse units.

THE PLAN

The plan for Sunset Grove clusters all of the 50 residential lots on half of the property, leaving a large (8.5+ acre) agricultural space adjacent to the residential development. The clustering of the units helps with affordability, and the open space buffer also provides ponding and retains agricultural use areas within the City. Following phase 1 construction there were problems with low level dust blowing across the open space. First soil stabilization was tried and when that failed a stone wall was built around the entire site.

A parking, access and recreation tract, which is owned in an undivided interest by all lot owners, surrounds the 50 residential dwelling unit lots. The private streets/lanes are all dead-end and carry only local vehicular traffic allowing for shared pedestrian use. Included in this area are the entry elements, the large fountain and circular drive, the community room and pool, common and guest parking and common landscape. Restrictive covenants will require all lot owners to contribute to the maintenance and replacement of the above improvements and clearly points out that the City will not accept private streets that are not built to city standards.

Two garage spaces and two parking spaces outside the garage are provided for each residential unit as well as 12 common spaces (including accessible) at the community pool. Total parking available is 212 spaces for 50 lots or 4.24 spaces per unit.

Individual residential lots have a zero setback on all sides. Construction may require adjustment of individual lot lines and if needed these minor corrections will be made by staff administratively. Any replat that creates a new lot will go through the public process. The typical residential lot area averages 2953 square feet.

With a completed first phase and grading complete for full development the owners proposed to develop one 4 unit structure at a time until the project is complete.

The architecture strives to create a high quality of indigenous New Mexico character and incorporates green elements. Pictures of phase 1 are included to demonstrate this, and future phases will match. Residential lots are limited to one story in height.

The landscape material palette draws from those plants indigenous to New Mexico. More lush material is restricted to patio areas. Plans for the full project were completed with the first phase and reviewed by the City.

Public benefits provided by this PUD are listed below. There are 14 total structures planned for Sunset Grove, 5 of which are built. The benefits will be provided with phased construction or (no later than) a specified date.

* The owners of Sunset Grove provided great public benefit when they gifted the 6 acre lot to the Community Foundation where First Step Women's Center is located (values at more than $1,000,000) in December, 2001 and they remain very involved in that wonderful organization to this day.
* The developer worked with the City to build a new lift station on the south west corner of the 8.5 acres that benefited not only the subdivision, but the surrounding neighborhoods. Ownership of this City lift station tract will be deeded to the City by completion (Certificate of Occupancy) of structure 6 or 12/31/2014.
* To benefit the Farney Neighborhood an 8.5 acre open space tract was retained as an "urban agricultural field". The 8.5 acres is currently covered with native dry land vegetation, but actual farm crops might include native wheat grasses or rosemary. Planting will be done by the completion of structure 10 or 12/31/2018.
* Within the 8.5 acre agricultural tract there are farm maintenance drives/paths that are also proposed for pedestrian connectivity between Farney Lane and the maintenance paths of the Las Cruces Lateral. The public will have use of these paths by completion of structure 12 or 12/31/2020. An easterly connection of this path to Farney will be incorporated.
* A new bus shelter located on Main adjacent to the J. Chisholm subdivision will be constructed by completion of building 14 or 12/31/2022. The exact location and shelter design will be coordinated with the City Transit Authority prior to construction.
* This infill housing complies with the City's comprehensive plan, utilizes existing infrastructure, incorporates green development and building techniques and addresses concerns of the neighborhood. This cluster development also provides a housing type that is needed and missing from this area of the City all in a unique high quality community.

PUD STANDARDS	
TOWNHOUSE(TH) LOT SIZE	2772 TO 3708 SQ FT AS SHOWN ON SHEET 3
TH LOT MIN. DIM.	40 FT. WIDTH 60 FT. LENGTH
BUILDING SETBACKS	ALL YARDS 0 FT
TH LOT SEPARATION	10 FT MIN. BETWEEN 4-PLEX'S
MAX. TH BLDG. AREA	ONE UNIT OF 2400 SQ FT MAX.
MAX. TH HEIGHT	ONE STORY 20 FT MAX.
TH MIN. PARKING	2 GARAGE SPACES AND 2 STACKED GARAGE SPACES
PUD LOT BUFFERING	PONDING/ AGRICULTURAL LOT
PROJECT DENSITY	50 TOTAL UNITS ONE RECREATION BUILDING

PUD
CONCEPT PLAN
SUNSET GROVE
TOWNHOMES

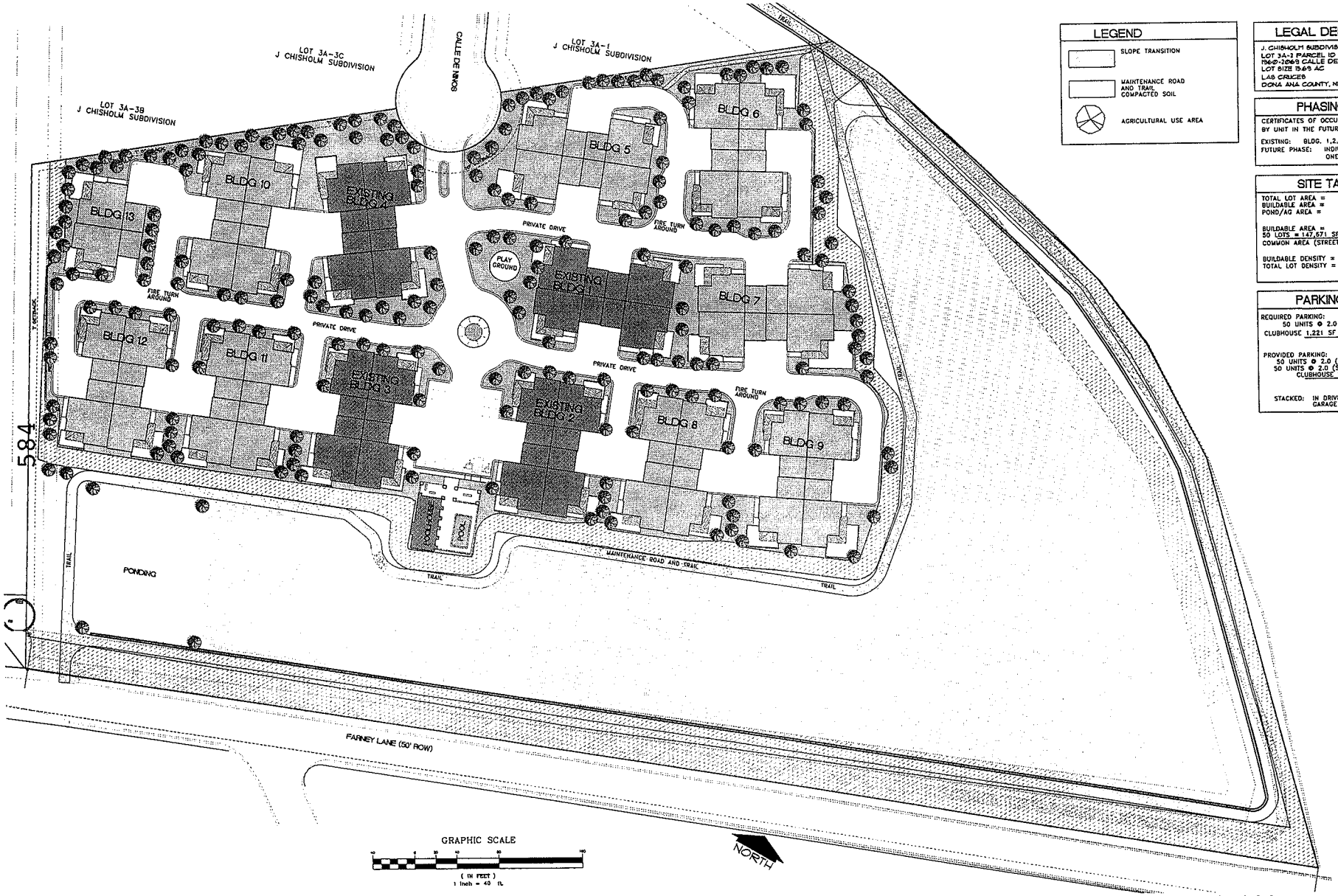
PREPARED FOR
DEKO PROPERTIES, L.L.C.
LAS CRUCES
NEW MEXICO

DATE	PHASE
8/19/13	PUD SUBMITTAL
10/9/13	PUD REV 1
11/15/13	PUD REV 2
1/22/14	PUD REV 3

denton ventures, inc.
architecture + planning
1338e pecacho hills drive
las cruces, nm 88007
office 575.523.0341
fax 575.523.9405
e-mail bob@dvi-architects.com

SHEET 1

D061CVR



LEGEND

- SLOPE TRANSITION
- MAINTENANCE ROAD AND TRAIL COMPACTED SOIL
- AGRICULTURAL USE AREA

LEGAL DESCRIPTION

J. CHISHOLM SUBDIVISION
LOT 3A-2 PARCEL ID 02-41458 THRU 02-41509
1960-2069 CALLE DE NINOS
LOT SIZE 15.69 AC
LAS CRUCES
DONA ANA COUNTY, NEW MEXICO

PHASING PLAN

CERTIFICATES OF OCCUPANCY WILL BE REQUESTED BY UNIT IN THE FUTURE PHASES:

EXISTING: BLDG. 1,2,3,4, CLUBHOUSE & POOL
FUTURE PHASE: INDIVIDUAL BUILDINGS ONE AT A TIME.

SITE TABULATION

TOTAL LOT AREA =	15.69 ACRES
BUILDABLE AREA =	7.17 ACRES
POND/AG AREA =	8.52 ACRES
BUILDABLE AREA =	7.17 ACRES
50 LOTS = 147,671 SF OR	3.39 ACRES
COMMON AREA (STREETS) =	3.78 ACRES
BUILDABLE DENSITY =	6.97 UNITS/ACRES
TOTAL LOT DENSITY =	3.19 UNITS/ACRES

PARKING

REQUIRED PARKING:
50 UNITS @ 2.0 SPACES = 100 SPACES
CLUBHOUSE 1,221 SF @ 400 SF = 3 SPACES
TOTAL = 103 SPACES

PROVIDED PARKING:
50 UNITS @ 2.0 (GARAGE) = 100 SPACES
50 UNITS @ 2.0 (STACKED) = 100 SPACES
CLUBHOUSE SPACES = 12 SPACES
TOTAL = 212 SPACES

STACKED: IN DRIVEWAY IN FRONT OF GARAGE DOOR.

PUD CONCEPT PLAN SUNSET GROVE TOWNHOMES

PREPARED FOR
DEKO PROPERTIES L.L.C.
LAS CRUCES
NEW MEXICO

DATE	PHASE
9/1/13	PUD
10/9/13	PUD REV #1
11/22/14	PUD REV #2

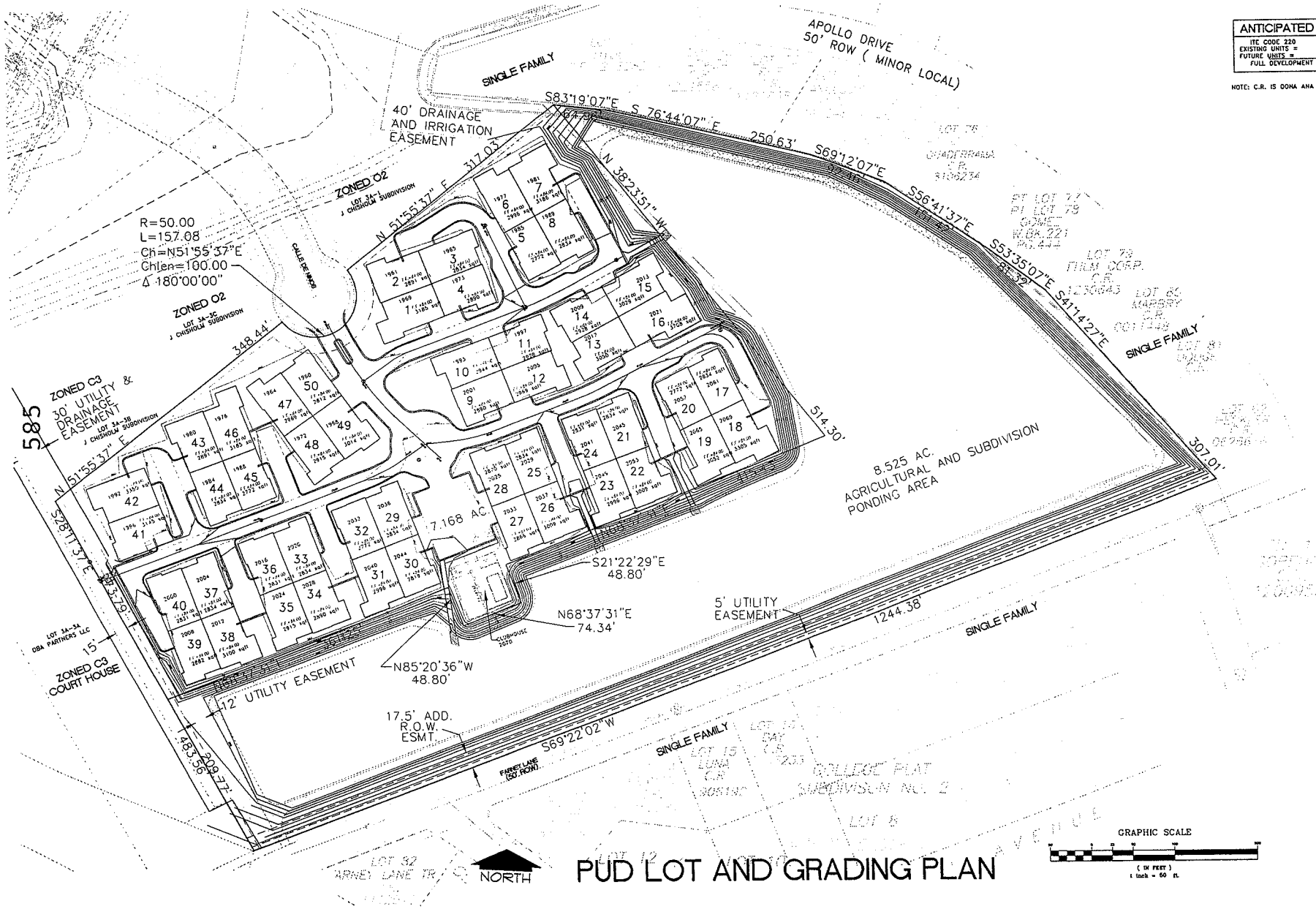
denton ventures, inc.
architecture • urban design • planning
1338 picacho hills drive
las cruces, nm 88007
office 575.525.0241
fax 575.525.9405
email bob@dvi-lasvegas.com

SHEET 2

D12618TPR

SUNSET GROVE PUD CONCEPT PLAN

SCALE: 1" = 40'-0"



PUD LOT AND GRADING PLAN

ANTICIPATED TRAFFIC VOLUME	
ITE CODE 220	
EXISTING UNITS =	16 @ 6.7 = 107.2 TRIPS
FUTURE UNITS =	34 @ 6.7 = 227.8 TRIPS
FULL DEVELOPMENT =	335 TRIPS

NOTE: C.R. IS DONA ANA COUNTY CLERK'S RECORD NUMBER

PUD CONCEPT PLAN SUNSET GROVE TOWNHOMES

PREPARED FOR
DEKO PROPERTIES L.L.C.
LAS CRUCES
NEW MEXICO

DATE	PHASE
8/9/13	PUD SUBMITTAL
10/9/13	PUD REV #1
1/22/14	PUD REV #2

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fax 575.525.9405
email bar@dv-lascruces.com

SHEET 3

D176 TUTIL

EXHIBIT B

Findings

1. The subject parcels currently encompass a total of 24.23 ± acres, are zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreational) and currently consist of a primarily undeveloped condominium project and an open space/agricultural area.
2. The proposed Sunset Grove PUD Concept Plan will help create some variety of residential development choices for individuals and families in this area of the City of Las Cruces. (Comprehensive Plan 2040, Chapter 4, Goal 2)
3. City staff has reviewed and confirmed that the proposed construction and use of the PUD will not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood. (2001 Zoning Code, Article 5, Section 38-49 D)
4. All applicable City departments have concluded that there is or will be adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy or letter of acceptance, as applicable, is to be issued. (2001 Zoning Code, Article 5, Section 38-49 D)
5. Community Development staff has confirmed that the PUD conforms to the intent, goals, objectives, policies, and standards of all city plans and codes. (2001 Zoning Code, Article 5, Section 38-49 D)
6. City staff has reviewed and confirmed that the uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located. (2001 Zoning Code, Article 5, Section 38-49 D)
7. All applicable City departments have concluded that the proposed uses will not subject surrounding properties and pedestrians to significant hazardous traffic conditions. (2001 Zoning Code, Article 5, Section 38-49 D)

ATTACHMENT A

City of Las Cruces
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: March 25, 2014
Drafted by: Adam Ochoa, Planner

CASE #	PUD-13-02	**PROJECT NAME:**	Sunset Grove Planned Unit Development (PUD) Concept Plan
APPLICANT/ REPRESENTATIVE:	DVI	**PROPERTY OWNER:**	Deko Properties, LLC
LOCATION:	Located at the southern dead-end of Calle de Ninos, north of Farney Lane	**COUNCIL DISTRICT:**	2 (Councillor Smith)
SIZE:	24.23 ± acres	**EXISTING ZONING/ OVERLAY:**	R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreation)

REQUEST/ APPLICATION TYPE: Application for a Concept Plan for a Planned Unit Development (PUD) known as the Sunset Grove PUD

EXISTING USE: A condominium complex and an open space/agricultural area

PROPOSED USE: The Concept Plan proposes to convert the condominium complex into fee-simple townhome lots with privately maintained roads and common areas with a clubhouse. The large open space/agricultural area shall remain

STAFF RECOMMENDATION: Approval based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
August 20, 2013	Application submitted to Development Services
August 21, 2013	Case initially sent out for review to all reviewing departments
December 9, 2013	Last comments returned by remaining reviewing departments
January 29, 2014	DRC reviews and recommends approval for the proposed Concept Plan
March 9, 2014	Newspaper advertisement
March 10, 2014	Public notice letter mailed to neighboring property owners
March 7, 2014	Sign posted on property
March 25, 2014	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

After the dissolution of the condominiums via all State requirements, the proposed Sunset Grove PUD Concept Plan and subsequent Final Site Plans (subdivisions) will convert the existing condominium development on the subject property into a fee-simple townhome lot development with a total of 50 single-family residential lots. Two additional tracts will also be created with this new proposal: one tract will include all common parking areas, roadways, common areas and the existing clubhouse that will all be privately owned and maintained and the second tract will include the 8.5 ± acre open space/agricultural area that will also be privately owned and maintained. The proposed PUD proposes several public benefits, some existing and some to be developed in the future when triggered by set benchmarks. No major changes are proposed for the new proposed PUD as compared to the original development.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	PUD Requirement
Max # of DU/parcel	50 DU/parcel	1 DU/parcel	1 DU/parcel
Max Density (DU/ac.)	3.19 ± DU/acre	Unchanged	Unchanged
Lot Area	Condominium lot: 15.69 ± acres; Agricultural area: 8.54 ± acres	0.063 ± acres to 0.085 ± acres in the residential area; Agricultural area will remain unchanged	0.063 ± acres to 0.085 ± acres in the residential area; Agricultural area will remain unchanged
Lot Width	Condominium lot: 515 ± feet; Open space/ agricultural area: 1,206 ± feet	40 feet min. in the residential area; Agricultural area will remain unchanged	40 feet min. in the residential area; Agricultural area will remain unchanged
Lot Depth	Condominium lot: 394 ± feet; Open space/ agricultural area: 326 ± feet	60 feet min. in the residential area; Agricultural area will remain unchanged	60 feet min. in the residential area; Agricultural area will remain unchanged
Structure Height	16 ± feet	20 ± feet maximum	20 ± feet maximum
Setbacks			
Front	20 ± feet	0 feet minimum	0 feet minimum
Side	7 ± feet	0 feet minimum	0 feet minimum
Side	7 ± feet	0 feet minimum	0 feet minimum
Rear	20 ± feet	0 feet minimum	0 feet minimum
Accessory Structure	N/A	N/A	Shall follow City of Las Cruces requirements
Parking			
Vehicular	11 parking stalls with 2 ADA parking stalls	Total of 212 parking stalls including garages, tandem parking stalls and clubhouse parking stalls	Total of 212 parking stalls including garages, tandem parking stalls and clubhouse parking stalls
Bicycle	N/A	N/A	N/A
ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property	20 %	20 %	20 %
Buffering			
Bufferyard	N/A	N/A	N/A

Screen Type	N/A	N/A	N/A
Open Space, Trails, Parks, Recreation			
Acreage	N/A	8.54 ± acre	8.54 ± acre
Type	N/A	Agricultural area with pedestrian trail	Agricultural area with pedestrian trail
Other	N/A	N/A	N/A

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Applies to Project?	Explanation
EBID Facilities	Yes	The Park Drain is located west of the subject area, but shall not be affected by this proposal
Medians/ Parkways Landscaping	N/A	
Other	N/A	

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay	Zoning Designation
Subject Property	Condominium development and an agricultural area	Infill Overlay District	R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreational)
North	Vacant/undeveloped	Infill Overlay District	O-2 (Office, Professional-Limited Retail Service)/C-3 (Commercial High Density)
South	Single-family residential subdivision	Infill Overlay District	R-1a (Single-Family Medium Density)
East	Single-family residential subdivision	Infill Overlay District	R-1a (Single-Family Medium Density)
West	Magistrate court	Infill Overlay District	C-3 (Commercial High Density)

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance 2108	Zone change to the existing zoning designations of R-4 and OS-R to the subject properties
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see attached.

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

CLC CD Engineering Services	Yes	No
CLC Traffic	Yes	No
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	Yes

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria

The Planning and Zoning Commission shall review each application in relation to the goals, objectives, and policies, of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of the 2001 Zoning Code to determine whether the request is consistent or inconsistent with the stated criteria.

Specifically, the purpose of a Planned Unit Development (PUD) is to:

1. Comply with growth management policy as established in the land use element, other applicable elements and all companion documents to the comprehensive plan;
2. Produce more flexibility in development than would result from a strict application of this Code;
3. Permit design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing and other development needs of the community;
4. Permit flexibility in land use, density, placement of buildings, arrangement of open space, circulation facilities, and off-street parking areas, and maximize the potential of individual sites under development;
5. Promote the infill of vacant land; and
6. Create developments that balance the benefits to the community with the developer's interests. For each private incentive (deviation from the minimum standards), one or more public benefits shall be required.

PUDs consist of two components: a Concept Plan and Final Site Plan(s). The Concept Plan of a PUD is similar to, and replaces, a subdivision master plan in that it is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings. The Final Site Plan acts as a preliminary plat and may consist of one or several phases and is required to conform with the Concept Plan. The Concept Plan forms the basis for approval of the PUD and may only be approved if it includes the following findings:

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

Applicable Comprehensive Plan 2040 Goals & Policies

The following policies from Comprehensive Plan 2040 are relevant to the current proposal:

Chapter 4 Healthy Community
1. Goal 1, Policy 1.4
2. Goal 2, Policy 2.3
3. Goal 2, Policy 2.4
4. Goal 11, Policy 11.2d

Chapter 5 Community Character
1. Goal 19, Policy 19.24

Chapter 7 Sustainable Growth
1. Goal 37, Policy 37.1
2. Goal 37, Policy 37.8
3. Goal 37, Policy 37.9
4. Goal 38, Policy 38.5
5. Goal 38, Policy 38.10

Please refer to Attachment #4 for a detailed description of the Comprehensive Plan 2040 Policies listed above.

Analysis:
The subject area was part of the J. Chisholm Subdivision Master Plan that was approved in 2004. Under the master plan the 8.54 ± acre agricultural area was zoned OS-R (Open Space-Recreational) to ensure that the open space area remained as it existed and the 15.69 ± acre residential property was zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office). The R-4 zoned property was limited to a maximum density of 24 dwelling units and units were limited to a maximum of 28-feet in height. The property owner created a condominium complex in compliance with the provisions of the code within the multi-family residential property.

The property owner is now seeking to modify the ownership mechanism of the property by converting the existing condominiums into and developing the remaining phases as fee-simple townhome lots. The applicant will be required to dissolve the existing condominium association on the subject property following any and all State regulations and requirements prior to subdivision. The original intent of the master plan project will remain for the subject area with the only difference being platted fee-simple lots in lieu of condominiums. The proposed PUD Concept Plan is needed to accommodate the existing and proposed development standards including the modified setback requirements. All of the roads, parking areas and common areas including the existing clubhouse shall be privately owned and maintained. The agricultural area shall remain unchanged and will offer additional public benefits such as a pedestrian trail. Public benefits were established during the development of various parcels in the J. Chisholm subdivision and additional public benefits such as a proposed bus stop shelter along Main Street shall be provided in the future with either a certain development phase or at a specific date.

The proposed Sunset Grove PUD Concept Plan is consistent with the goals and policies of Comprehensive Plan 2040, the intent of the 2001 Zoning Code and the standards of other City plans and codes. The proposed PUD proposes a townhouse cluster development that offers a different type of residential development and housing type that currently does not exist in this area of town. The Sunset Gove PUD will also help promote the development of this currently underutilized property within the Infill Development Overlay area of the City of Las Cruces. The proposed PUD will not subject nearby properties and pedestrians to any significant hazardous traffic condition due to the fact that the development will only have access to Calle de Ninos as it currently has and no other neighboring roads. The public benefits proposed by this PUD will help balance the benefits for the community and the interests of the applicant.

Conclusion:

The 2001 Zoning Code, as amended, states that a concept plan is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings and forms the basis for approval of a PUD. Staff has determined that the proposed Sunset Grove PUD Concept Plan achieves this. The proposed Sunset Grove PUD Concept Plan is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. Please refer to Attachment #7 for all comments from all reviewing departments.

DRC RECOMMENDATION

On January 29, 2014 the Development Review Committee (DRC) reviewed the proposed Sunset Grove Concept Plan. The DRC reviews the infrastructure, utilities and improvements required for subdivisions from a technical standpoint. After some minor discussion, the DRC recommended approval without conditions for the proposed concept plan. Please refer to Attachment #5 for more details about the DRC meeting.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** for the proposed concept plan based on the following findings listed below:

FINDINGS FOR APPROVAL

1. The subject parcels currently encompass a total of 24.23 ± acres, are zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreational) and currently consist of a primarily undeveloped condominium project and an open space/agricultural area.
2. The proposed Sunset Grove PUD Concept Plan will help create some variety of residential development choices for individuals and families in this area of the City of Las Cruces. (Comprehensive Plan 2040, Chapter 4, Goal 2)
3. City staff has reviewed and confirmed that the proposed construction and use of the PUD will not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood. (2001 Zoning Code, Article 5, Section 38-49 D)
4. All applicable City departments have concluded that there is or will be adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy or letter of acceptance, as applicable, is to be issued. (2001 Zoning Code, Article 5, Section 38-49 D)
5. Community Development staff has confirmed that the PUD conforms to the intent, goals, objectives, policies, and standards of all city plans and codes. (2001 Zoning Code, Article 5, Section 38-49 D)
6. City staff has reviewed and confirmed that the uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located. (2001 Zoning Code, Article 5, Section 38-49 D)
7. All applicable City departments have concluded that the proposed uses will not subject surrounding properties and pedestrians to significant hazardous traffic conditions. (2001 Zoning Code, Article 5, Section 38-49 D)

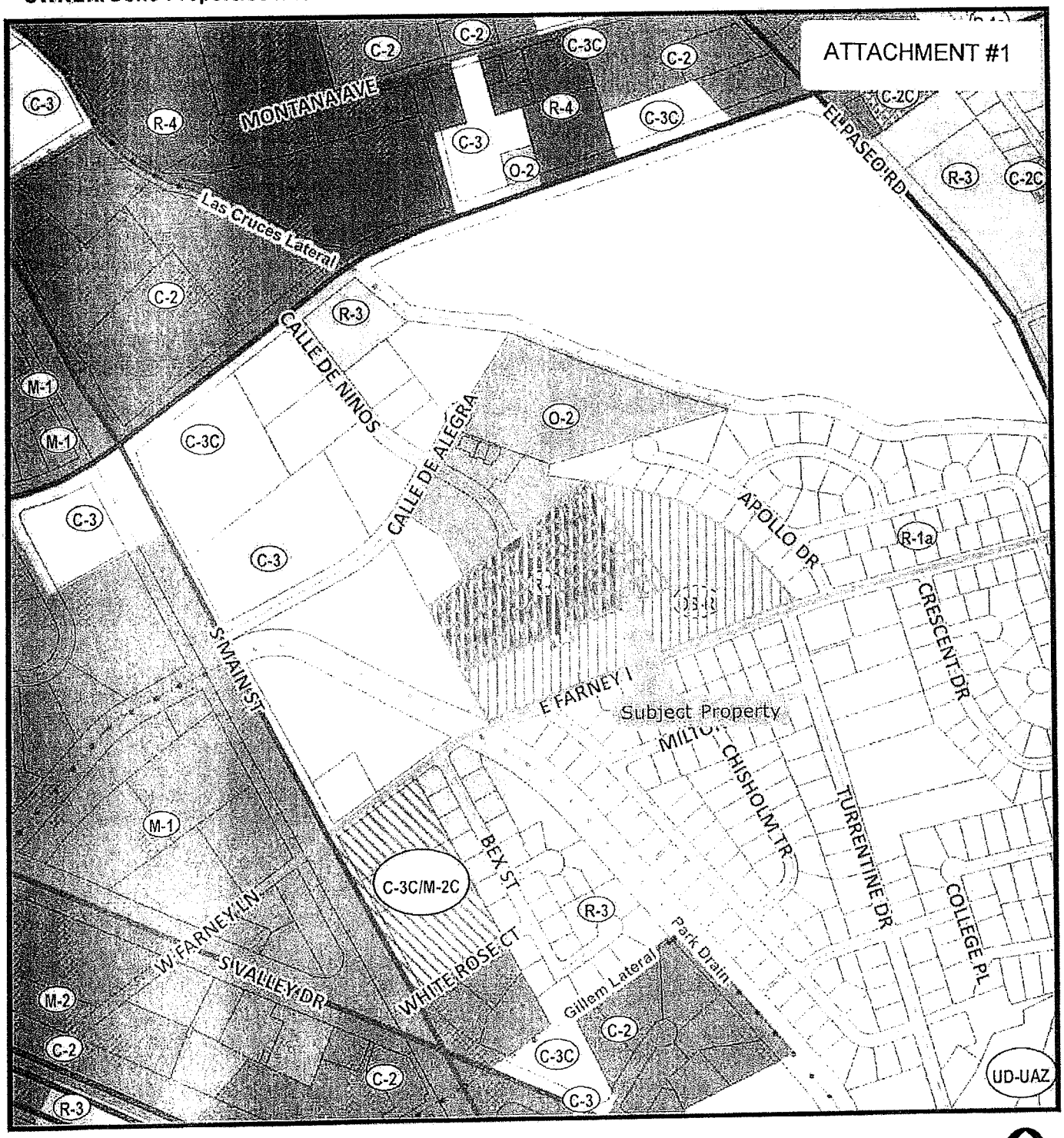
ATTACHMENTS

1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Comprehensive Plan Elements and Policies
5. January 29, 2014 DRC Minutes
6. Reviewing Department/Agency Comments and/or Conditions
7. Sunset Grove PUD Concept Plan

ZONING: R-4/OS-R to PUD
OWNER: Deko Properties LLC

Location Vicinity Map

DATE: 03/10/2014



500 250 0 500 Feet

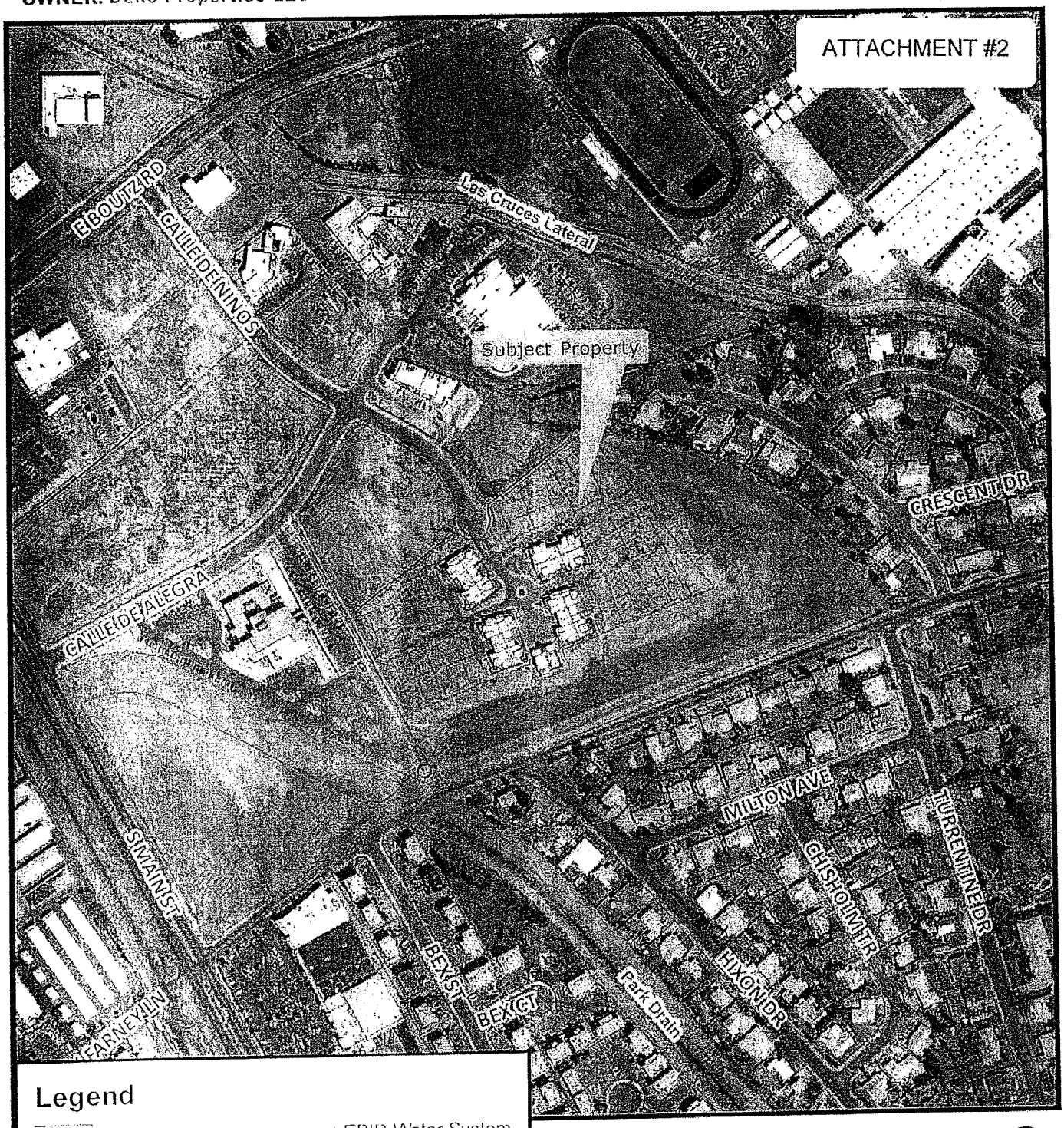
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

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.

ZONING: R-4/OS-R to PUD
OWNER: Deko Properties LLC

Aerial View

DATE: 03/10/2014



Legend

- City Parcel
- EBID Water System

DAC_2010.ecw

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Interstates_Highway

250 125 0 250 Feet

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

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ATTACHMENT #3

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: DVI

Contact Person: Harold Denton

Contact Phone Number: 575-525-0241

Contact e-mail Address: barb@dvi-lascruces.com

Web site address (if applicable): www.dvi-lascruces.com

Proposal Information

Name of Proposal: Sunset Grove Townhomes

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

Convert condominium project to townhomes

Location of Subject Property Calle de Ninos east of S. Main St. & south of Boutz Rd.

(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: 15.64

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

Phase 1 (16 units plus clubhouse) are built. Use of property will not change.

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

Owner wants to convert project from condominiums to townhomes, for easier financing. Total project was approved in 2006 to be built in 3 phases. Owner wants to build the same units in 4-plex configurations but each 4-plex will be a phase.

Zoning of Subject Property: R4/OSR

Proposed Zoning (If applicable): PUD

Proposed number of lots 52, to be developed in 9 phase (s).

Proposed square footage range of homes to be built from 1451 to 1608

Proposed square footage and height of structures to be built (if applicable):
1451-1608 sq.ft. Height shall be 16'

Anticipated hours of operation (if proposal involves non-residential uses):
This is a residential project

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.)?
Subdivision approved drainage study shows on-lot ponding

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). This project was approved in 2006. All amenities for the project (a clubhouse with community swimming pool, large fountain) were installed in phase 1.

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

Is there existing landscaping on the property? Yes. The first phase is fully landscaped. Future phases will be landscaped in accordance with approved landscape plans.

Are there existing buffers on the property? Yes. There is an 8.64 acre tract for open space and recreation, this tract is surrounded by a rock wall.

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

If yes, is it paved? Yes XX No ___

How many spaces? 11 How many accessible? 2

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

ATTACHMENT #4

Comprehensive Plan Elements and Policies

The following polices from Comprehensive Plan 2040 are relevant to the current proposal:

INFILL

CHAPTER 4 HEALTHY COMMUNITIES

BALANCED DEVELOPMENT section

GOAL 1: Encourage mixed use development.

Policies:

1.4 Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and work in one area of the community, particularly in designated Infill areas or where city services exist or are planned to support mixed use development.

GOAL 2: Create a variety of development choices for individuals and families of all socioeconomic levels.

2.4 Utilize PUD and Infill development regulations to address:

a. Provisions for design standard flexibility as a means of offering suitable opportunities for successful affordable housing creation.
b. Incentives such as density bonuses, streamlined development reviews, and waivers to or payment from other City sources of applicable development impact fees as a means to support and enhance development opportunities, especially those which primarily propose affordable housing for the target groups.
c. Methods of mitigating potential impacts to adjacent properties through application of design strategies aimed at increasing overall neighborhood compatibility.
d. Require that Master Plan, Concept Plan and other similar development documents clearly identify proposed locations of affordable housing, in context with surrounding land uses in a manner consistent with the Growth Management section of this Comprehensive Plan.

Developers are encouraged to take additional efforts such as disseminating the subject land use information in marketing brochures and other similar sources of information to ensure area residents are aware of proposed phasing/build-out.

HEALTHY AND SAFE ENVIRONMENT section

GOAL 11: Maintain and improve air quality.

11.2 Form cooperative agreements to establish uniform BACM's.

d. Implement vacant parcel development, such as the City's Infill Policy Plan, or mandatory ground cover plantings and maintenance on vacant parcels not ready for development.

CHAPTER 5 COMMUNITY CHAR4ACTER

FLEXIBLE DESIGN & POSITIVE IMAGE section

GOAL 19: Encourage development that is context-sensitive and compatible to the surrounding area.

19.24 Require infill development, both new development and redevelopment, to respect the architectural styles, massing, color palette, scale, character, landscaping and site design relationships of the surrounding neighborhood.

CHAPTER 7 SUSTAINABLE GROWTH

MANAGED GROWTH section

GOAL 37: Establish an urban form which reflects coordinated and efficient city growth, circulation, development, redevelopment, and preservation practices.

Policies

37.1 Create additional incentives to encourage infill development.

37.8 Extend water lines to those growth areas in the city as shown on the Future Concept Map as development extends to these designated areas and promote infill development in order to utilize existing water lines.

37.9 Extend wastewater lines to those growth areas in the city as shown on the Future Concept Map as development extends to these designated areas and promote infill development in order to utilize existing wastewater lines.

GOAL 38: Encourage sustainable practices that move toward a compact mixed-use urban form that supports infill and discourages "leap frog" growth.

38.5 Encourage infill development as defined by City Code, as amended, as a way to support the utilization of property within the urbanized areas of the city and enhancement of the existing infrastructure network.

38.10 Facilitate infill and/or higher density mixed use development in downtown and at key activity centers along transit.

CONCEPT PLANS

CHAPTER 4 HEALTHY COMMUNITY

BALANCED DEVELOPMENT section

GOAL 2: Create a variety of development choices for individuals and families of all socioeconomic levels.

2.3 Provide a supply of housing available to low and moderate income families within all areas of Las Cruces. To accomplish this, the City supports a partnership approach, between public and private sectors, to ensure affordable housing needs are met. Accomplishment of this policy may be achieved through a variety of means, but not limited to the following policies.

Require that Master Plan, Concept Plan and other similar development documents clearly identify proposed locations of affordable housing, in context with surrounding land uses in a manner consistent with the Growth Management section of this Comprehensive Plan. Developers are encouraged to make additional efforts such as

disseminating the subject land use information in marketing brochures and other similar means to ensure area residents are aware of proposed phasing/build-out.

PLANNED UNIT DEVELOPMENTS

PUDs are discussed in reference to mixed use development in Comprehensive Plan 2040 but specific policies regarding criteria are not described

ATTACHMENT #5

DEVELOPMENT REVIEW COMMITTEE (DRC)

January 29, 2014

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, January 29, 2014, at 9:00 a.m. in Room 1158 located at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

DRC PRESENT: Robert Kyle, Community Development (Chair)
Meei Montoya, Utilities
Mark Dubbin, Fire Department
Tom Murphy, MPO
Rocio Dominguez, Engineering Services

STAFF PRESENT: Adam Ochoa, Development Services
Katherine Harrison-Rogers, Community Development
Diana Garcia-Parra, Recording Secretary

OTHERS PRESENT: Harold Denton, DVI
Barbara Denton, DVI

I. CALL TO ORDER

Kyle: Alright we'll go ahead and call the meeting to order of the Development Review Committee. It's Wednesday, January 29th. It's approximately 9:03 a.m.

II. APPROVAL OF MINUTES

1. November 20, 2013

Kyle: First item on the agenda is approval of minutes. We have two sets of minutes, one from November 20, 2013 and one from November 27, 2013.

But in regards to the November 20th minutes, were there any corrections?

Seeing none, may I have a motion to approve the minutes as presented.

Dominguez: Rocio Dominguez, so moved.

Kyle: Second.

Montoya: Second, Meei Montoya.

Kyle: All those in favor, please signify by saying aye.

All: Aye.

Kyle: Any opposed. Very well, the November 20th DRC minutes are approved.

2. **November 27, 2013**

Kyle: Next set is the November 27th DRC minutes. Any corrections? Seeing none, may I have a motion to approve.

Dominguez: Rocio Dominguez, so moved.

Kyle: Second.

Montoya: Meei Montoya, second.

Kyle: Seconded by Meei Montoya. All those in favor please signify by saying aye.

All: Aye.

Kyle: Any opposed? Very well, the minutes are approved.

III. OLD BUSINESS - None

Kyle: We have no old business on the agenda.

IV. NEW BUSINESS

1. **PUD-13-02 – Sunset Grove Planned Unit Development (PUD) Concept Plan**
   - A request for approval of a Concept Plan for a Planned Unit Development known as the Sunset Grove PUD.
   - The proposed PUD encompasses 15.69 ± acres, is currently zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreation) and is located at the southern dead-end of Calle de Ninos, north of Farney Lane.
   - The PUD proposes to convert the existing condominium project on the existing R-4 zoned property into a townhouse development with fee simple lots and privately maintained roads and common areas. The currently zoned OS-R portion will be utilized for agricultural purposes and a pedestrian trail.
   - Submitted by Denton Ventures, Inc. on behalf of Deko Properties, LLC, property owner.

Kyle: We have two new business items. The first item is PUD-13-02, Sunset Grove Planned Unit Development Concept Plan. Staff can you give us a synopsis.

Ochoa: Yes. Adam Ochoa, Development Services, for the record. PUD-13-02 is the Sunset Grove Townhouse PUD. Subject property is located on the deadend, southern deadend of Calle de Ninos, I believe is what it is. The property encompasses approximately 15.69 acres and currently exists a residential

component to Zone R4, multi-dwelling, high density and an agricultural, kind of ponding area currently Zoned OSR, Open Space Recreational. The PUD proposes . .. well currently the way it exists, it is a condominium development. The property owners and the applicants are looking to actually now convert this to a townhouse development where property owners not only own the building on top of the land, but also the land that the building is on top of, essentially requiring the PUD because of the number of variances that would be required, setbacks, all 0 foot setbacks for the townhouses since it would all be just on top of that land, and other variances accompanying this. Roughly we're looking at about 52 units is what this area is going to be developed, phased out with development of each building, privately maintained roads, common areas, as well as a clubhouse and pool area. Public benefits are being provided, not only phased out with the building of certain buildings on the development, but also an actual deadline date if those don't come to fruition. The review did go through three (3) reviews. No department had any significant issues with those. Just the final cleaning up of the actual benefits and a time frame with Development Services and Long Range Planning to get that cleaned up, but other than that no other issues during the review.

Kyle: Okay so the primary purpose of this application really, is to dissolve the condominium association and turn it into a typical, fee simple subdivision, correct?

H. Denton: Correct.

Kyle: Alright. Going the PUD route due to the number of variances, etc.

Ochoa: That's correct.

Kyle: Alright. Las Cruces Fire, any comments.

Dubbin: Mark Dubbin, Las Cruces Fire Department. Will there be like a homeowners association that does maintenance of systems and landscape and all that sort of thing?

H. Denton: Correct.

Dubbin: And it's mostly, my understanding is that it's all existing.

H. Denton: Uh the darker buildings in here and the clubhouse is just these buildings remain to be constructed. All the dirt work is done, not all the landscape. All the landscape with these buildings, but yes. And there will be an association because land outside of each of the individual lots . . . and they're actually 52 lots, 50 residential, the clubhouse and common area. There's another lot, and the agricultural tract is the 52nd lot.

Dubbin: Okay. Are there sprinkler systems on these?

H. Denton: Pardon me.

Dubbin: Are there sprinkler systems on these or are they designed without sprinkler systems.

H. Denton: There's irrigation for the landscape.

B. Denton: No each building.

Dubbin: No I know . . .

H. Denton: No there's no sprinkler systems.

Dubbin: Okay.

H. Denton: It meets the uh . . .

Dubbin: The townhouse . . .

H. Denton: Yeah it meets the townhouse requirements.

Dubbin: Okay. Yeah Fire has no issues.

Kyle: Yeah they're all separated. They're separated townhomes, correct . . .

H. Denton: Correct.

Kyle: . . . pursuant to the building code. MPO.

Murphy: Tom Murphy, MPO, with no issues.

Kyle: Utilities.

Montoya: We conditionally approved this saying the construction plan would be subject to review for compliance with the current utility standard. As far as I understand that the utility line still needs to be extended to those, the proposed new buildings, so depending on when the plan, the construction plan were approved, cause it was all approved, all this building, but there may be new utility standard that was, you know become effective between then and now.

H. Denton: And we agreed to do, well it's been long enough . . .

Montoya: Right.

H. Denton: . . . that there's been no activity that we would resubmit . . .

Montoya: The construction plan for . . .

H. Denton: . . . the construction plan at that point and time.

Montoya: . . . for review, okay. Then we have no issues.

Kyle: Engineering and Technical Services.

Dominguez: This property is on the zoning, on the flood zone hazard area. I think its OAO2, right?

H. Denton: Correct.

Dominguez: It's in a flood zone. The (inaudible) is being under review right now. Other than that we have no issues. And I just wanted to state it for the record.

Kyle: Development Services, any comments.

Ochoa: No further issues, no.

Kyle: Applicants do you have anything to add, clarify?

H. Denton: No I think it, what's been stated is very clear. The purpose is really to deal with the current economic conditions and financing.

Kyle: Okay.

H. Denton: That's really what the change is.

Kyle: If there are no other comments, then I would entertain a motion to approve the PUD concept plan.

Dubbin: So moved, Mark Dubbin.

Murphy: Second, Tom Murphy.

Kyle: It's been moved and seconded. All those in favor please signify by saying aye.

All: Aye.

Kyle: Any opposed. Seeing none, the motion is approved. Thank you.

H. Denton: Thank you.

ATTACHMENT #6

City of Las Cruces
PEOPLE HELPING PEOPLE

DATE: August 21, 2013

TO: Development Services

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.1)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

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

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

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than **[August 28, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES (NO)

APPROVED WITH CONDITIONS:

DATE: 8/30/13

REVIEWER NAME: [illegible]

REVIEWER CONTACT NO. x3204

See comments attached

- In the tabular info on sheet 1 show that TH means Townhouse. Maybe put a (TH) after the first townhouse in the Townhouse Lot Size square.
- Call this out as a Concept Plan in the title.
- The third PUD Lot Setbacks is for the entire site? I don't think that is needed anymore since we are creating new lots with new setbacks.
- In the Building Separation table call out the 10 feet between units, clusters, buildings, or what exactly.
- Provide the Density, Minimum Lot Dimensions and street widths and requirements in the tabular information. Also reference the street cross-section wherever you will provide one.
- Under Objective, you state all units meet townhouse requirements, but the actually don't meet City Standards for required setbacks. You are actually creating your own standards.
- Under The Plan state individual lots have a zero setback on all sides.
- Note to one of your statements. Lot line adjustments and removal will be done administratively, but replats creating new lot lines will need to go through the public process.
- On sheet 2 remove the Phase 1 and future phase lines referencing sheets that are not in this document. These phase lines are no longer valid if individual buildings will be built one at a time.
- In Phasing Plan call out Phase 1 as existing.
- Is the Unit Mix table even needed? Maybe just show example floor plans and that they will be built when desired and not really providing the number of each type of unit that will be built.
- Please clarify the parking as I have redlined in sheet 2.
- Explain the maintenance road and trail. is the trail providing public benefit of ped. connectivity
- On sheet 3 provide the correct zoning of R-1a and O-2. You may just want to remove any reference to zoning and call out land uses like traditional single-family development, court house, etc.

See redlines

- Please list benefits.
- Provide landscaping details. Where? How much? When?

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: October 11, 2013

TO: Development Services

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.2)

SUBJECT: Sunset Grove Townhouse Condominium
Planned Unit Development (PUD) Concept Plan

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

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

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than **[October 21, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES (NO)

APPROVED WITH CONDITIONS:

DATE: 10/17/13

REVIEWER NAME: Adam Ochoa

REVIEWER CONTACT NO. X3204

See Attached.

- The PUD Concept Plan seems complete minus some minor changes and updates that need to be done, but there is still an issue with the public benefits. A couple of the public benefits are more for the actual residents of the proposed PUD and not the actual public as a whole so these cannot be listed as public benefits and should be removed. Staff has met and a couple of benefits were mentioned to complete the benefit list and move this PUD along. The suggested benefits are as follows:
    - The sidewalk should along the north side of Farney adjacent to the PUD area should have been built when the subdivision was approved so this can now be done and listed as e benefit to provide improved connectivity in the area.
    - Actually making the trail system in the PUD area public for everyone to use and not just restricted to those living in the PUD. Maybe by providing an access easement for the trail that will be connected to the existing trail system on the EBID property will be a great public benefit for the area.
    - Possibly working with the City Transportation Department and adopting a new bus shelter in the surrounding area.
    - Providing a landscape buffer consisting of drought tolerant trees adjacent to the wall along Farney to provide a visual screen of the open and unused drainage/agricultural area.

These are all suggested, but the sidewalk is required. Some of these benefits will suffice for the requested PUD and staff can move this forward with the recommendation of approval.

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: November 27, 2013

TO: Development Services

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.3)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

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

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

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than **[Dec. 6, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: Public benefits shall have time line or phasing deadline for completion. Whatever comes 1st.

DATE: 12/6/13

REVIEWER NAME: [signature]

REVIEWER CONTACT NO. X3204

PUD-13-02 Sunset Grove Townhouse PUD **August 23, 2013**
Advanced Planning Comments (C McCall)

Conclusions

This is a concept plan for a proposed PUD infill project near Main Street and Farney. The applicants wish to vacate the condominium plat and subdivide to create individual lots for each townhouse. The townhouses will be clustered in fours. The basic layout of the unit clusters has not changed substantially from the original condo plan in this proposed project.

The parcels are currently zoned R-4 and OS-R. Surrounding zoning is R-1a to the west, O-2 to the north, C-3 to the north and west and R-1a to the south of the OS-R component of the project. From a zoning and land use standpoint, the project is in compatible with surrounding uses. This is also a very attractive location for housing, with its proximity to Main Street, University Avenue, the nearby commercial areas and NMSU.

In a PUD, the applicants must provide public benefits to offset the deviations from development standards (policy 2.5.6 below). For the most part, the development does provide several attractive benefits:

- Distinctiveness and excellence in design and landscaping per the Urban Design Element – the applicants have included photos of the proposed townhouses. These are quite attractive with a distinctive southwest flair.

  Regarding landscaping, there is very little to go on in this proposal. There is a large open space tract to the south of the buildable area designated only as agriculture and ponding. Right now it is a dirt lot. Do the applicants truly intend to utilize this area invite for urban farming/community gardening or will it simply be available for lease? The latter would be unacceptable since there is no guarantee that it will be leased. This would result in 8+ acres of uninviting and unsightly land. This should be clarified. It would also be helpful to delineate between the ponding areas and the areas that could be used for urban farming area. More information is needed here.

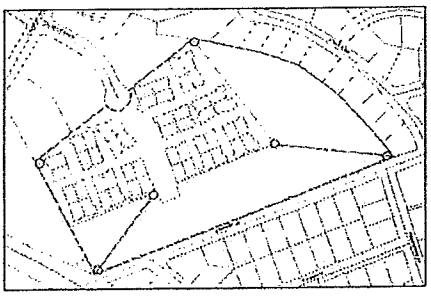
  Regarding the multi-use trail, will it be landscaped? This should also be clarified.

- Clustering of buildings – compact building design is a plus for infill development and these townhouse units are well suited in this location.

  Greater density would be much more appropriate as would a development that looks more urban (addressed below).

- Development of active or passive recreational areas – The project proposes a multi-use pathway to the south of the townhouses surrounding the ag/ponding area. A pathway is an excellent choice: in addition to recreation, it provides connectivity for pedestrian and cyclists.

  However, since the housing cluster is a rather small area and access to any of the units would be fairly easy from any point beyond it, it makes more sense to surround the entire 24+ acres with a multi-use path and have connections to the townhouse area. (Suggested at right. Circles indicate possible linkages.) This makes the pathway available to the public rather than exclusively to townhouse residents, therefore creating an additional public benefit. The trail would be of greater value to all cyclists and pedestrians if there were also connections to the nearby irrigation channels which are used as pathways within the city. Finding ways to connect the trail to Farney, El Paseo and Main Street would further enhance the usefulness of the trail.



  The plan description on page 1 states that the "private streets are utilized as an open space linkage to tie the community together" and includes the entry elements, the large fountain and circular drive, the

community room with pool, trails, common and guest parking and common landscape." With the exception of trails, none of these elements is true open space. Staff considers only the trails and the agricultural/ponding acreage as open space. It would be useful if the applicants would state the acreage of this open space area with their next submittal, especially if there is a minimum acreage open space requirement.

- Supply recreational facilities for owners/residents – the pool, clubhouse and playground are a nice addition. The playground seems dangerously placed so fencing, sidewalks, or other safety buffer elements should be noted in the next submission. There is very little true "common" outdoor space – only the playground – since the areas in front and to the side of each unit would in actuality function as the unit's front yard, even though commonly owned.

- Advancement of City policy or plan – an infill development serves the City's Comprehensive Plan and for the most part, complies with the policies noted below.

  There are several goals and actions in the El Paseo Community Blueprint and these are listed below. Of note, the proposal does not support the following:

  Goals:

  2. Allow diverse land uses and housing types to locate in proximity to each other in order to achieve a walkable, inclusive and economically viable area.
     - The walkability and inclusivity of this proposal is limited. It appears to be a low-density enclave in the midst of an urban area.

  5. Support active living and healthy community design through appropriate guidelines and regulations for the planning area.
     - These will be carried out as a function of the review process.

  Actions:

  - Advance the City's transit plan and affordable housing strategies by encouraging higher density housing along and around the corridor. (Goals 1, 2, 4, 5 & 6)
    - The low density of the project is problematic
  - Adopt policies that require, or at minimum encourage, affordable housing units to be integrated with other housing options within the same development. (Goal 2)
    - It is not clear from this proposal whether affordable units will be made available.
  - Develop standards to guide the evolution of destination-oriented and/or transit-oriented developments with distinctive, human-scaled urban environments and civic spaces. (Goals 1-6)
    - Much of the surrounding area is office and commercial, making this development a perfect place for multimodal transportation. Perhaps the developers would be willing to construct a bus shelter at the bus stop on S. Main Street as an additional public benefit?
  - Adopt urban design and architectural standards that can improve the aesthetics and user-appeal of the streetscape. (Goals 4 & 6)
    - As noted before, the townhouses are quite attractive, although the project has a suburban look to it, in part because of the lack of sidewalks throughout the development.
  - Adopt standards to incorporate green development and building techniques. (Goals 4, 5 & 6)

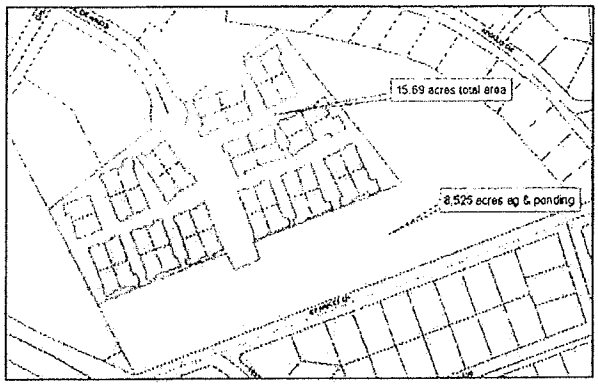
- Green infrastructure/low impact development techniques and green building techniques would be looked upon favorably. It is not clear from the proposal whether the developers intend to incorporate these; more information is needed.

The applicants are requesting the following deviations to the Zoning Code (policy 2.5.6 below):

- Setbacks – The concept plan indicates that the townhouses will be built with 0 front and side setbacks. This would indicate that what would normally be seen from the street as the "front yard" is actually common area and the townhouses have no outside space except the private patios.

  The common areas seem unusable as illustrated since they are xeriscaped and not especially inviting. Staff is not clear on the purpose or benefits of this arrangement and would like some clarification.

- Density – The entire townhouse area shown in our GIS database is 15.69 acres, thus creating a subdivision with an overall density of 3 dwelling units per acre. This is noted on page 2 of the concept plan in the Site Tabulation as "total lot density."



  Given this location and the fact that the proposal is an infill project, it is a perfect place for higher density, walkable housing area with easy access to NMSU, commercial hubs, bike routes and transit. These are neighborhood characteristics the City strongly supports. However, staff understands that changing the proposal at this point would not be possible without additional costs.

- Street width – The streets are proposed with widths of 20 feet, a variance from the 32 feet city street standard. This proposal designates "private drives" which are not defined, but as a PUD, the applicants need not comply with the City standard. It should be stressed, however, that there is a possibility that the HOA will eventually request that the streets be turned over to the City since private street agreements inevitably fail. The City will not accept private streets that are not built to City standards.

  The City strives to build walkable communities and this proposed private drive network would be very unsafe for pedestrians. There are no sidewalks so residents will have to play and walk in the street. What if visitors park on the street, which will inevitably happen? Driving area would be reduced to about 12 feet, acceptable to fire truck passage but not two-way traffic. Sidewalks on at least one side of each drive should be added.

- Parking – The development provides over 200 residential parking spaces or 4/unit. Two of these will be garage spaces, with the remaining two to be "stacked." (Note: does this mean behind the first two?)

- Ingress/Egress – This element is not listed in the list of possible PUD variances but is an important point to address. The project indicates only one entrance into/out of the development. This is unusual since the City usually requires two. Using the Calle de Ninos cul de sac for the noted 335 trips per day seems problematic to me. Access from another point would be ideal. However, the final determination would be that of Fire and Police.

Policy 2.5.5 below states what should be included in a concept plan:

- the purpose and intent of the development (including the explanation/justification for submitting a PUD)
- method for providing utilities
- phasing data

- density information
- land use information
- description of how proposed land uses will be integrated within the immediate and adjacent study areas'
- transportation impact information
- treatment of open space and recreational areas
- environmental/geologic impacts
- schematic site plan showing land uses, parking areas, walkways and landscaping
- a vicinity map showing the location of the site.

The applicants fulfill these requirements and in that regard, staff approves the proposal. But many issues remain and should be addressed adequately before submitting the site plan. As illustrated and proposed, staff does not support the proposal.

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

Land Use Element, Goal 1 (Land Uses)
Policies:

1.3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

1.8.1. The infill area shall be defined as the area buffered by Interstate 25 on the east, University Avenue to the south, Valley Drive from University Avenue to Hoagland Road on the west and Hoagland Road/Three Crosses/N. Main Street as the northern boundary.

1.8.2. Infill development shall be compatible with the existing architecture, landscaping, and character of the surrounding neighborhood. (See Appendix 1 for further information.)

1.8.3. Any infill development that generally requires two (2) or more variances as a result of topography, economic or other constraints, shall be required to go through the Planned Unit Development process. (See Planned Unit Developments for further information).

The Infill Planned Unit Development process shall be established in a streamlined approach to support development within the urbanized core of the City.

1.8.4. The City strongly encourages the developer to seek participation from adjacent landowners and neighbors of the proposed development via a neighborhood meeting where all neighborhood concerns may be addressed.

1.8.5. Incentives to create infill development will be considered for all types of development in the infill area.

1.8.6. Additional infill policies and incentives to create infill development shall be furthered defined through the development of an Infill Policy Plan.

Land Use Element, Goal 2 (Growth Management)
Policies:

2.5.1 The Planned Unit Development process shall observe growth management policy as established in the Land Use Element, other applicable elements and all companion documents.

2.5.2 Planned Unit Developments will only be used for those developments which can be created to benefit both the community and the developer.

2.5.3 The PUDs process shall be required for those subdivided, multi-phased developments which generally request more than two (2) planning-related variances.

2.5.4 Those developments which request variances to engineering standards (non-planning-related issues) will be considered and acted upon by the Development Review Committee (DRC).

2.5.5. PUDs are required to follow an appropriate process for the review and subsequent action by applicable City staff and boards/committees. PUDs shall be similar to Master Plans and special use permits in terms of the time-frame as well as the process itself. The PUD process requires the following information:

a. Submittal of a concept plan. The concept plan is similar to a Master Plan in that it is intended to serve as a tool which can assist in identifying the appropriateness of a proposed development in context with its surroundings. This plan shall address at minimum, the purpose and intent of the development (including the explanation/justification for submitting a PUD), method for providing utilities, phasing data, density information, land use information, description of how proposed land uses will be integrated within the immediate and adjacent study areas, transportation impact information, treatment of open space and recreational areas, environmental/geologic impacts, schematic site plan showing land uses, parking areas, walkways and landscaping, and a vicinity map showing the location of the site.

b. Submittal of a final site plan. This plan shall act as a Preliminary Plat when the applicant must go through the subdivision process. The final site plan shall address the location and dimensions of all buildings, setbacks, parking, walkways, lighting, signs, landscaping, open space, recreational and buffered areas, and other elements of development; all of which must conform to the approved concept plan. All proposed design-related issues, i.e. drainage, utilities, transportation, streets, and lot layout, etc., must be addressed and approved prior to building permit issuance and Final Plat consideration.

2.5.6 The City realizes that there must be an advantage and genuine interest for developers to initiate the PUD process. The City also realizes that it must make some inducements to motivate the developer to use the PUD's flexibility to create a unique, quality development. In return, a developer should provide a meaningful benefit to the community by providing specific types of development. Consequently, standard housing developments (typical R-1, single family zoning) shall not use the PUD process. In order to accomplish this, only particular types of development may utilize PUDs as a means to an end.

a. The types of developments or areas in which development may occur (or combinations of) which may utilize the PUD process are as follows:
   - High density residential development
   - Low density residential development
   - Affordable housing development
   - Environmentally sensitive area development
   - Redevelopment
   - Infill development
   - Historic District development
   - Clustering development
   - Social (quasi-public) development

- Commercial/Business development
- Industrial development

b. Incentives which may be used through the PUD
   - Setbacks
   - Building height
   - Density
   - Lot width
   - Lot size
   - Street width
   - Development-related fees
   - Signage
   - Parking

c. A developer may not be granted a variation in design elements without providing a benefit to the City/community which, in turn, may only be accomplished with quality design principles. Such benefits to the City/community include:
   - Distinctiveness and excellence in design and landscaping per the Urban Design Element
   - Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
   - Preservation of major arroyos as per the Storm Water Management Policy Plan
   - Preservation of important cultural resources such as known or potential archaeological sites
   - Provision of affordable housing and/or subsidized housing
   - Provide architectural variety
   - Clustering of buildings
   - Provide alternative transportation facilities
   - Increased park fees
   - Increased landscaping, including higher quality landscaping deeper vegetative buffers; or increased planting along roadways, in open spaces and recreational areas, and along the perimeter of the project
   - Use of greenways or landscaped corridors linking various uses.
   - Screening of or rear placement of parking areas
   - Use of sidewalks/footpaths or pedestrian bicycle circulation networks
   - Segregation of vehicular and pedestrian/bicycle circulation networks
   - Traffic mitigation measures
   - Other public benefits such as provision of a community center or day care center
   - Development of active or passive recreational areas
   - Public access to community facilities in PUD
   - Supply recreational facilities for owners/residents
   - Advancement of City policy or plan

2.5.7 The applicant shall clearly state that any deviations from required zoning and development standards are deserving of such waivers. The City shall not experience a decrease in level-of-service, increase tax burden or maintenance burden beyond typical development. Justification for waivers shall be in the form of traffic analysis, land use assumptions, or any other source which clearly demonstrates that such variations would not adversely impact the health, safety, and welfare of residents. Impacts resulting from code deviations must be thoroughly addressed and mitigation strategies provided before the City may grant any waivers.

2.5.8 A developer will not be granted a waiver to the City's design standards that may pose a threat to public health, safety, and welfare. Waivers must also be consistent with City policies found in all City documents and plans.

<u>Urban Design Goal 2 (Conservation/Preservation)</u>
Policies:

2.5.1. Advocate an appropriate balance between physical development and open space that will provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

2.5.2. Encourage new development to provide networks of open space. Open space should be linked with parks and recreational trails so that any open space areas may be considered "usable" space. Development waivers, such as density bonuses, shall be used as incentives to developers to create and/or maintain open space.

2.5.4. Encourage the preservation of agricultural pockets in the developed area of the City as one means of retaining a rural character. Agricultural pockets will be considered as open space which will add to our unique urban/rural views. The preservation of these areas will also provide as a reminder of our agricultural history.

Urban Design Goal 3 (Design)
Policies:

3.1.1. Residential and Commercial development should preserve a regional Desert Southwestern image rooted in a variety of architectural styles and design elements and strengthened by creative contemporary expression.

3.10.1. Infill development, both new development and redevelopment, should be required to respect the architectural styles, bulk, setbacks, color, scale, character and site design relationships of the existing neighborhood.

3.10.2. Support those residential developments which possess an identifiable neighborhood image while still providing a variety of housing styles in order to avoid a monotonous, "cookie-cutter" appearance.

a. Developers should provide a variation of residential facades to provide visual interest.

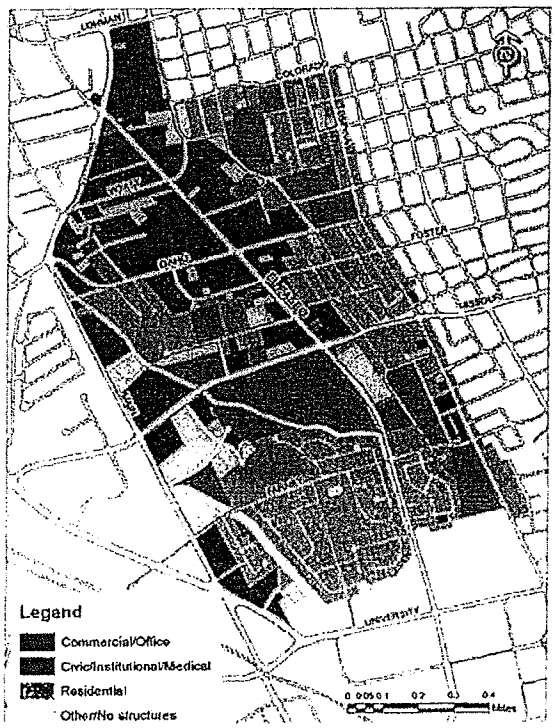
b. Encourage a variety in setbacks and structure spacing as a means of avoiding monotony and uniformity.

The following goals and actions from the El Paseo Community Blueprint are relevant to the current proposal:

Goals

In order to address the Vision for El Paseo and the issues noted above, the following goals have emerged as the main points in evaluating redevelopment options and improvements to the El Paseo planning area:

1. Redevelop El Paseo Road as a safer and more user-friendly corridor; prioritize equitable design to ensure pedestrians, bicyclists, transit-users, automobile users and people with varying abilities have equal opportunity in accessing uses along the corridor.
2. Allow diverse land uses and housing types to locate in proximity to each other in order to achieve a walkable, inclusive and economically viable area.



3. Allow flexibility in land and building uses such that development can respond to economic and ownership changes.
4. Improve the aesthetic appeal of the corridor; foster a "sense of place" or community identity along the corridor.
5. Encourage climate-responsive and environmentally sustainable development practices, such as traditional building forms, green building techniques and the use of green infrastructure along the corridor.
6. Support active living and healthy community design through appropriate guidelines and regulations for the planning area.

Actions

The goals outlined for the El Paseo planning area indicate the need for consideration of a regulatory measure, such as an overlay or alternative code, which addresses the quality of the built environment without being overly restrictive on land/building use. Although each of the following recommended actions supports specific goals identified for the planning area, it should be noted that the majority of these are mutually supportive and can be efficiently incorporated into one comprehensive planning document, such as a form-based code/manual.

- Develop and adopt a form-based code for the El Paseo planning area. (Goals 1- 6)
- Design El Paseo Road as a Complete Street. (Goals 1 & 6)
- Implement the Road Safety Assessment (RSA) recommendations for El Paseo Road as appropriate within the context of the Complete Street concept. (Goals 1 & 6)
- Incorporate the Institute of Transportation Engineers' recommended practices in *DesigningWalkable Urban Thoroughfares: A Context Sensitive Approach,* as they pertain to the overarching vision for the plan area. (Goals 1, 2, 4 & 6)
- Advance the City's transit plan and affordable housing strategies by encouraging higher density housing along and around the corridor. (Goals 1, 2, 4, 5 & 6)
- Adopt policies that require, or at minimum encourage, affordable housing units to be integrated with other housing options within the same development. (Goal 2)
- Develop standards to guide the evolution of destination-oriented and/or transit-oriented developments with distinctive, human-scaled urban environments and civic spaces. (Goals 1-6)
- Adopt urban design and architectural standards that can improve the aesthetics and user-appeal of the streetscape. (Goals 4 & 6)
- Adopt standards to incorporate green development and building techniques. (Goals 4, 5 & 6)
- Investigate options to incentivize redevelopment such as investing in infrastructure improvements, pilot/catalyst projects, public-private partnerships; shared parking provisions, density bonus allowances; streamlining the application process, and organizing design competitions and charrettes. (Goals 1- 6)

If adopted, this Blueprint will serve as a policy plan to guide the development of standards and code provisions (as recommended above). The process of developing a form-based code typically involves an intensive public planning process, which can define several aspects of the code, from the determination of its legal nature to the specificity of site-planning standards. Similarly, redesigning El Paseo as a Complete Street or walkable thoroughfare will also involve additional public input. The redesign of El Paseo Road can either be a process independent of the form-based code, or it can proceed in conjunction with the drafting of the code. The City of Las Cruces Community Development, Public Works and Finance Departments would need to coordinate with each other in order to implement the actions related to the design of El Paseo Road. Public

Works is currently working on funded projects such as the re-construction of the El Paseo/Idaho intersection and raised medians at El Paseo and Wyatt.

Since El Paseo is a constrained right-of-way with varying widths along the corridor, the logical next steps in the process of redesigning/redeveloping El Paseo Road would be to survey the existing corridor and develop a conceptual sketch, followed by a cost analysis and implementation plan with funding and phasing schedules. A conceptual sketch of El Paseo Road that incorporates the design-related recommendations in this Blueprint would provide guidance to any redevelopment plans for the corridor.

To review the entire El Paseo Community Blueprint, go to www.las-cruces.org and in the upper right corner Google search "El Paseo Blueprint."

PUD-13-02 **Sunset Grove Townhouse PUD** **October 17, 2013**
AMENDED **Advanced Planning Comments (C McCall)**

Conclusions

This is an updated concept plan for a proposed PUD infill project near Main Street and Farney. The applicants wish to vacate the condominium plat and subdivide to create individual lots for each townhouse. The townhouses will be clustered in fours. The basic layout of the unit clusters has not changed substantially from the original condo plan in this proposed project.

Since policies from the City's Comprehensive Plan and the El Paseo Community Blueprint were included in staff's initial review, they are not duplicated here. This discussion focuses on public benefits required to offset deviations from development standards in a PUD (Comp Plan Growth Management policy 2.5.6). The applicants are asking for zero lot lines on all sides. Current development standards require setbacks to be those found in the underlying R-4 zoning: 20 feet front; 7 feet side; and 7 feet rear. For the most part, the benefits noted in the proposal are actually private amenities for the residents, although completing the infill project will be a boost to the development of that area.

Long range planning staff met with the applicants to discuss some possible public benefits that would offset the request for setback deviations for the townhouses. One important benefit to pedestrians and the connectivity of the community would be a sidewalk along Farney, a collector roadway. According to Section 32-36 (Design Standards-City Streets) of the Development Code, a subdivider shall be responsible for 100% of the street improvements within the boundaries of the subdivision. When improvements are required on streets adjacent to a subdivision or property boundaries as indicated by street classification, as determined by the MPO transportation plan, transportation element of the comprehensive plan and/or the development review committee, the subdivider shall provide the following street improvements or pay for the cost of these improvements to the city:

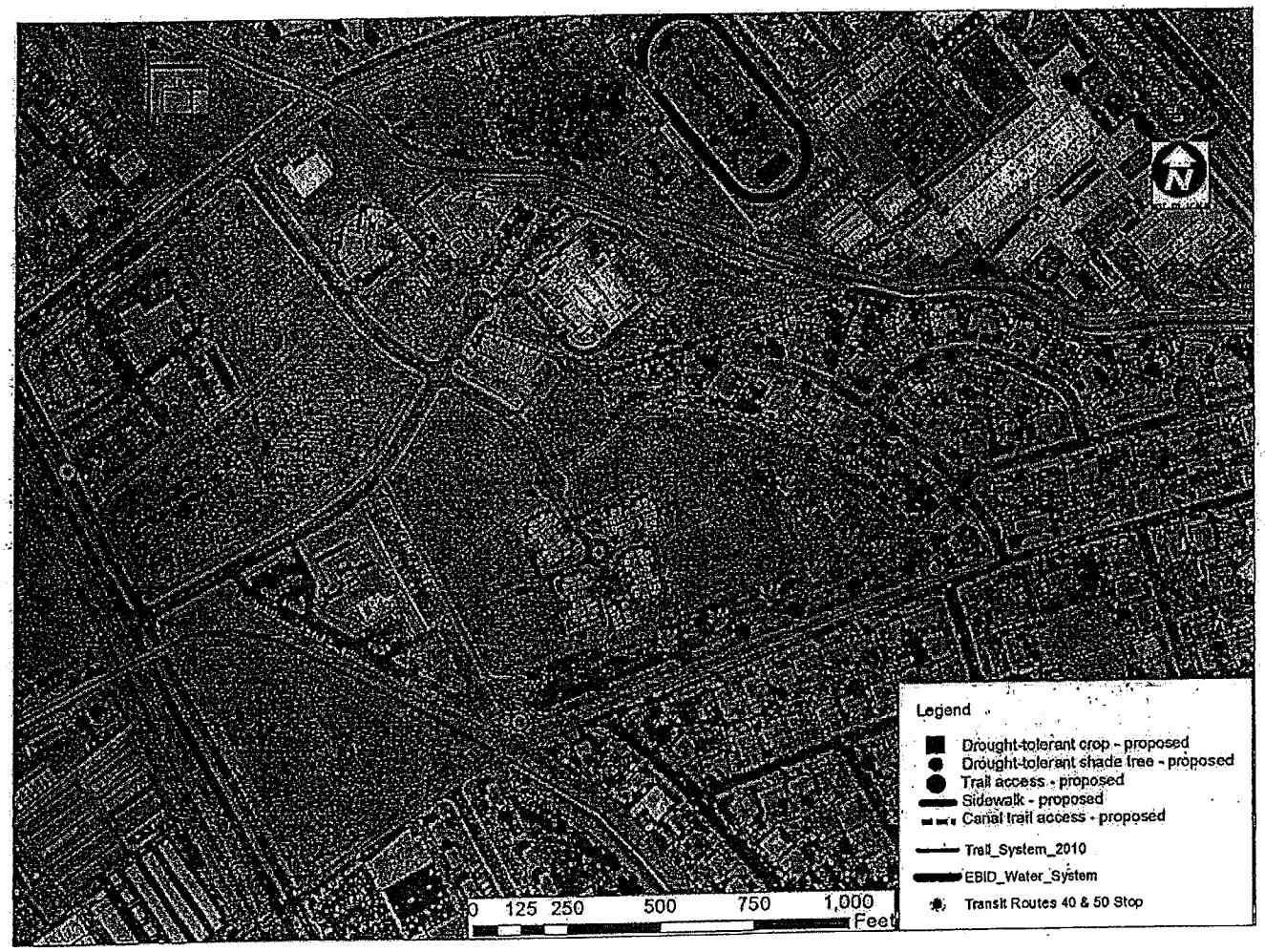
Adjacent Street Classification	Street Improvement Requirements
Low Density Local	full street section
Minor Local	full street section
Major Local	½ street section, including sidewalk, curb and gutter
Collector	½ street section, including sidewalk, curb and gutter
Minor Arterial	½ street section, including sidewalk, curb and gutter
Major Arterial	½ street section, including sidewalk, curb and gutter

In a review of the original ordinance adopted in 2004 (O-2108), it is unclear what kind of agreement the City and applicant reached regarding a sidewalk on Farney. Additional research by staff and the applicant is necessary to clarify any past agreement on this sidewalk. But since a sidewalk was not constructed at that time, it should be constructed as part of this PUD. Additional connectivity could be achieved by making all or part of the proposed internal trail network more available to users by providing connections to the City's trail network.

With the original vision of the pecan orchard no longer proposed, landscaping should also be provided and long range planning staff suggested a phasing approach that would tie improvements to unit sales or other agreeable benchmark. Improvements would not have to be completed at the beginning of the project but could be added over time as more townhouses are built and sold.

In addition to the sidewalk, which is required by Code, staff suggests the following public benefits, in order of phasing and priority. These are illustrated on the attached map. Staff understands that incorporating all of these may not be economically feasible, nor would they all be required. The applicants will have to weigh their importance against their ability to comply with the required development standards.

1. A drought-tolerant ground cover or cash crop in the OS-R acreage. This could be planted and maintained until such time as permanent crop plans could be made. Rosemary, native grasses or wildflowers are recommended. Pecan trees as an eventual commercial crop are discouraged, unless sustainable irrigation practices are employed in lieu of flood irrigation.
2. A few drought-tolerant shade trees inside the rock wall on the south side of the OS-R portion of the development, such as Arizona Ash or Mesquite. (The City's Landscape requirements include a list of acceptable species.)
3. Trail connections to the City's and EBID's canal trail network.
4. A shelter at the nearest bus stop, which is on Main, approximately ¼ mile north of Farney.
5. Access to the internal trail at both the east and west ends of the rock wall along Farney, not just the west end.



PUD-13-02 Sunset Grove Townhouse PUD **October 17, 2013**
2nd AMENDMENT
Advanced Planning Comments (C McCall)

Conclusions

This is an updated concept plan for a proposed PUD infill project near Main Street and Farney. The applicants wish to vacate the condominium plat and subdivide to create individual lots for each townhouse. The townhouses will be clustered in fours. The basic layout of the unit clusters has not changed substantially from the original condo plan in this proposed project.

Since the last submission, the City has adopted Comprehensive Plan 2040, an update of the 1999 plan. This new submission addresses staff concerns submitted previously. Public benefits provided include public unpaved trails within the 8.5-acre open space tract, a new bus shelter on South Main Street, openings in the south wall at both ends of Farney and infill development.

The applicants have also provided a schedule of completion for these benefits. All indicate completion at partial buildout (2018, 2020, 2022). Although not ideal, it does indicate a commitment on the part of the applicants to provide these benefits.

Overall, staff is supportive of the project.

The following polices from Comprehensive Plan 2040 are relevant to the current proposal:

INFILL

CHAPTER 4 HEALTHY COMMUNITIES

BALANCED DEVELOPMENT section
GOAL 1: Encourage mixed use development.
Policies:
1.4 Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and work in one area of the community, particularly in designated Infill areas or where city services exist or are planned to support mixed use development.
GOAL 2: Create a variety of development choices for individuals and families of all socioeconomic levels.
2.4 Utilize PUD and Infill development regulations to address:
a. ..... Provisions for design standard flexibility as a means of offering suitable opportunities for successful affordable housing creation.
b. ..... Incentives such as density bonuses, streamlined development reviews, and waivers to or payment from other City sources of applicable development impact fees as a means to support and enhance development opportunities, especially those which primarily propose affordable housing for the target groups.
c. ..... Methods of mitigating potential impacts to adjacent properties through application of design strategies aimed at increasing overall neighborhood compatibility.
d. ..... Require that Master Plan, Concept Plan and other similar development documents clearly identify proposed locations of affordable housing, in context with surrounding land uses in a manner

consistent with the Growth Management section of this Comprehensive Plan.

Developers are encouraged to take additional efforts such as disseminating the subject land use information in marketing brochures and other similar sources of information to ensure area residents are aware of proposed phasing/build-out.

HEALTHY AND SAFE ENVIRONMENT section

GOAL 11: Maintain and improve air quality.

11.2 Form cooperative agreements to establish uniform BACM's.

d. Implement vacant parcel development, such as the City's Infill Policy Plan, or mandatory ground cover plantings and maintenance on vacant parcels not ready for development.

CHAPTER 5 COMMUNITY CHAR4ACTER

FLEXIBLE DESIGN & POSITIVE IMAGE section

GOAL 19: Encourage development that is context-sensitive and compatible to the surrounding area.

19.24 Require infill development, both new development and redevelopment, to respect the architectural styles, massing, color palette, scale, character, landscaping and site design relationships of the surrounding neighborhood.

CHAPTER 7 SUSTAINABLE GROWTH

MANAGED GROWTH section

GOAL 37: Establish an urban form which reflects coordinated and efficient city growth, circulation, development, redevelopment, and preservation practices.

Policies

37.1 Create additional incentives to encourage infill development.

37.8 Extend water lines to those growth areas in the city as shown on the Future Concept Map as development extends to these designated areas and promote infill development in order to utilize existing water lines.

37.9 Extend wastewater lines to those growth areas in the city as shown on the Future Concept Map as development extends to these designated areas and promote infill development in order to utilize existing wastewater lines.

GOAL 38: Encourage sustainable practices that move toward a compact mixed-use urban form that supports infill and discourages "leap frog" growth.

38.5 Encourage infill development as defined by City Code, as amended, as a way to support the utilization of property within the urbanized areas of the city and enhancement of the existing infrastructure network.

38.10 Facilitate infill and/or higher density mixed use development in downtown and at key activity centers along transit.

CONCEPT PLANS

CHAPTER 4 HEALTHY COMMUNITY

BALANCED DEVELOPMENT section

GOAL 2: Create a variety of development choices for individuals and families of all socioeconomic levels.

2.3 Provide a supply of housing available to low and moderate income families within all areas of Las Cruces. To accomplish this, the City supports a partnership approach, between public and private sectors, to ensure affordable housing needs are met. Accomplishment of this policy may be achieved through a variety of means, but not limited to the following policies.

Require that Master Plan, Concept Plan and other similar development documents clearly identify proposed locations of affordable housing, in context with surrounding land uses in a manner consistent with the Growth Management section of this Comprehensive Plan. Developers are encouraged to make additional efforts such as disseminating the subject land use information in marketing brochures and other similar means to ensure area residents are aware of proposed phasing/build-out.

PLANNED UNIT DEVELOPMENTS

PUDs are discussed in reference to mixed use development in Comprehensive Plan 2040 but specific policies regarding criteria are not described

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: August 21, 2013

TO: [redacted]

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.1)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

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

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Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than **[August 28, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 8/28/13

REVIEWER NAME: Andrew Way

REVIEWER CONTACT NO. 3070

MPO REVIEW COMMENTS
Planning and Zoning Commission Cases

Case #: PUD-13-02 Date: August 21, 2013

Request: Sunset Grove Townhouse Condo PUD Concept Plan

MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
Main	954'		Princp Art	120'	Bus Route 40	11496 (2010)		

Recommended Conditions of Approval

Please show existing ROW on Tamey

Additional Comments

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: October 11, 2013

TO: [redacted]

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.2)

SUBJECT: Sunset Grove Townhouse Condominium
Planned Unit Development (PUD) Concept Plan

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

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IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 10/22/13

REVIEWER NAME: Andrew Wray
REVIEWER CONTACT NO. 3010

Approved on condition that sidewalks are provided on the north side of Farney

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: November 27, 2013

TO: [redacted]

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.3)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

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

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Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than **[Dec. 6, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 12/9/13

REVIEWER NAME: Andrew Wray

REVIEWER CONTACT NO. 3070

No Comment

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: August 21, 2013

TO: Engineering Services

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.1)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

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

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Please review and return to the Community Development Department no later than **[August 28, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES (NO)

APPROVED WITH CONDITIONS:

DATE: 9/3/13

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

Provide conceptual drainage Plan

City of Las Cruces®
PEOPLE HELPING PEOPLE

Case Review Sheet

To: Engineering Services

Case #: PUD-13-02 Date: August 21, 2013

Request: Sunset Grove Townhouse Condo PUD Concept Plan

FLOOD ZONE DESIGNATION:

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

DEVELOPMENT IMPROVEMENTS:

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: ___ Approval X Denial

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: October 11, 2013

TO: Engineering

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.2)

SUBJECT: Sunset Grove Townhouse Condominium
Planned Unit Development (PUD) Concept Plan

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

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Please review and return to the Community Development Department no later than **[October 21, 2013]**.

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: (YES) NO

APPROVED WITH CONDITIONS:

DATE: 10/22/13

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

City of Las Cruces®
PEOPLE HELPING PEOPLE

RECEIVED
AUG 2 1 2013
TRAFFIC

DATE: August 21, 2013

TO: ~~Traffic~~

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.1)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

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

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Please review and return to the Community Development Department no later than **[August 28, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 8/26/13

REVIEWER NAME: K. Espinoza

REVIEWER CONTACT NO. 2701

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

TRAFFIC:

Case #: PUD-13-02 Date: August 21, 2013

Request: Sunset Grove Townhouse Condo PUD Concept Plan

SITE ACCESSIBILITY: *

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

ON-STREET PARKING IMPACTS:

None ____ Low ____ Medium ____ High ____

Explain: _____

FUTURE INTERSECTION IMPROVEMENTS:

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

Is a TIA required? Yes ✓ No _____

If yes, please provide findings: Provide approved TIA for review.

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: _____ Approval X Denial

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: October 11, 2013

TO: Traffic

RECEIVED
OCT 11 2013
TRAFFIC

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.2)

SUBJECT: Sunset Grove Townhouse Condominium
Planned Unit Development (PUD) Concept Plan

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

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Please review and return to the Community Development Department no later than **[October 21, 2013]**.

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 10/22/13

REVIEWER NAME: Kirkman
REVIEWER CONTACT NO. 541-2595

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: August 21, 2013

TO: Land Management

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.1)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

RECEIVED
AUG 21 2013
CITY OF LAS CRUCES
LAND MANAGEMENT

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

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Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than **[August 28, 2013]**.

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 8-28-13

REVIEWER NAME: B. R. HAMM

REVIEWER CONTACT NO. 528-3416

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: August 21, 2013

TO: [redacted]

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.1)

SUBJECT: Sunset Grove Townhouse Condominium PUD
Concept Plan

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

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Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than **[August 28, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT kroqers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 8/22/13

REVIEWER NAME: [illegible]
REVIEWER CONTACT NO. [illegible] 2550

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: August 21, 2013

TO: [redacted]

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.1)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

RECEIVED
AUG 21 2013
L.C. FIRE PREVENTION

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

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Please review and return to the Community Development Department no later than **[August 28, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: (YES) NO

APPROVED WITH CONDITIONS:

DATE: 8/28/13

REVIEWER NAME: Mark Ryan

REVIEWER CONTACT NO. X 4150

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

FIRE PREVENTION BUREAU:

Case #: PUD-13-02 Date: August 21, 2013

Request: Sunset Grove Townhouse Condo PUD Concept Plan

ACCESSIBILITY ISSUES: * CONCERN

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

Type of Building Occupancy: R

Closest fire department that will service this property:

Name: Station 2

Address/ Location: 1199 Foster

Distance from subject property (miles): 2

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

City of Las Cruces®
PEOPLE HELPING PEOPLE

DATE: August 21, 2013

TO: Utilities

FROM: Adam Ochoa, Planner

CASE NO.: PUD-13-02 (Review No.1)

SUBJECT: Sunset Grove Townhouse Condominium PUD Concept Plan

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

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Please review and return to the Community Development Department no later than **[August 28, 2013].**

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 09/05/13

REVIEWER NAME: John Reid

REVIEWER CONTACT NO. 528-3635

This is conditional approval: the construction plans will be subject to review for compliance with current utility standards.

CITY OF LAS CRUCES
PLANNING AND ZONING COMMISSION
CASE REVIEW SHEET

CASE #: PUD-13-02 DATE: 09/05/13

REQUEST:

WATER AVAILABILITY & CAPACITY:*

Water Provider:

CLC ✓

Other _____

CLC Water System capable of handling increased usage:

Yes ✓

No ____

Comment _____

WASTEWATER AVAILABILITY & CAPACITY:*

Wastewater service type:

CLC Sewer: ✓

On-lot septic ____

CLC Wastewater System capable of handling increased usage:

Yes ✓

No ____

Comment _____

NATURAL GAS AVAILABILITY & CAPACITY*

Natural Gas Provider

City of Las Cruces ✓

Other _____

CLC Gas System capable of handling increased usage:

Yes ✓

No ____

Comment _____

**** 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 RECOMMENDATION & OTHER COMMENTS:

Recommendation: ~~Approval~~ / ~~Denial~~

Additional comments: See cover.

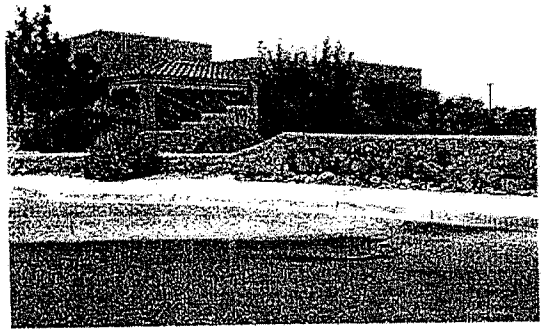
John Reid

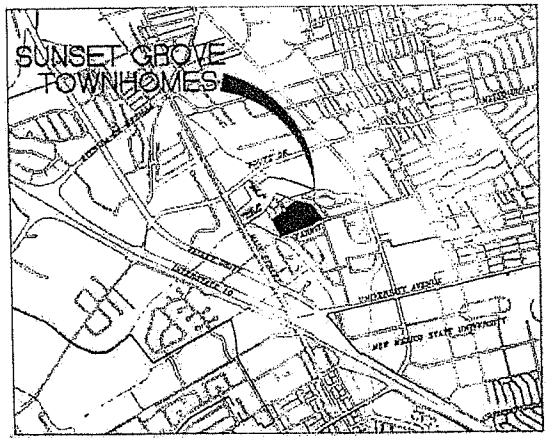
ATTACHMENT #7

640

SUNSET GROVE

A PLANNED UNIT DEVELOPMENT CONCEPT PLAN





VICINITY MAP

NOT TO SCALE

NORTH

OWNER AND DEVELOPER:
DEKO PROPERTIES LLC.
PO BOX 967
LAS CRUCES, NM 88004
575 526 2281
575 526 4249 FAX

THIS PLANNED UNIT DEVELOPMENT HAS BEEN APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF LAS CRUCES AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE PLANNED UNIT DEVELOPMENT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR APPROVAL OF THIS PLAT.

ZONING ADMINISTRATOR _____ DATE _____

HISTORY

SUNSET GROVE (originally called DEKO 50) is located on lot 34-3 at the J Chisholm Subdivision which was subdivided in 2004/2005. Land use, access roads, master drainage, utilities and many other planning concepts were addressed as part of the J Chisholm subdivision.

Development of this subdivision has progressed slowly since its approval and it now holds First Step Center Women's Health and Pediatrics, Collins Animal Hospital, Children's Dental Clinic, La Cocina de Tomilla, and the Las Cruces Magistrate Court and a partially complete Sunset Grove residential community.

Sunset Grove was designed and construction drawings were prepared in 2006. The project incorporated the entire master planned multifamily lot 34-3 at 15.88 acres. Development was proposed in three phases. Construction documents for the entire project were reviewed by the City and approved. A condominium plat was filed and phase 1 was constructed.

OBJECTIVE

Economic conditions have changed since 2006 and individual condominiums are very difficult to finance, and in a like manner construction financing for condominiums is difficult. We propose to vacate the condominium plat and use the PUD process to create lot simple lots for each unit. The individual lots created will be identical to the condominium lots they replace. All units are designed to meet IRC requirements for townhouse units.

THE PLAN

The plan for Sunset Grove clusters all of the 50 residential lots on half of the property, leaving a large (2.5+ acre) agricultural space adjacent to the residential developments. The clustering of the units helps with efficiency, and the open space buffer also provides ponding and retains agricultural use areas within the City. Following phase 1 construction there were pressures with low level dust blowing across the open space. First soil stabilization was tried and when that failed a stone wall was built around the entire site.

A parking, access and recreation tract, which is owned in an undivided interest by all lot owners, surrounds the 50 residential dwelling unit lots. The private streets/lanes are all dead-end and carry only local vehicular traffic allowing for shared pedestrian use. Included in this area are the entry elements, the large fountain and circular drive, the community room and pool, common and guest parking, and common landscape. Restrictive covenants will require all lot owners to contribute to the maintenance and replacement of the above improvements and clearly point out that the City will not accept private streets that are not built to city standards.

Two garage spaces and two parking spaces outside the garage are provided for each residential unit as well as 12 common spaces (including accessible) at the community pool. Total parking available is 212 spaces for 50 lots or 4.24 spaces per unit.

Individual residential lots have a zero setback on all sides. Construction may require adjustment of individual lot lines and if needed these minor corrections will be made by staff administratively. Any replat that creates a new lot will go through the public process. The typical residential lot area averages 2253 square feet.

With a completed first phase and grading complete for full development the owners proposed to develop one 4 unit structure at a time until the project is complete.

The architecture strives to create a high quality of indigenous New Mexico character and incorporates green elements. Pictures of phase 1 are included to demonstrate this, and future phases will match. Residential lots are limited to one story in height.

The landscape material palette draws from native plants indigenous to New Mexico. More lush material is restricted to patio areas. Plans for the full project were completed with the first phase and reviewed by the City.

Public benefits provided by this PUD are listed below. There are 14 total structures planned for Sunset Grove, 5 of which are built. The benefits will be provided with phased construction (or final lots then) a specified date.

- The owners of Sunset Grove provided great public benefit when they gifted the 5 acre lot to the Community Foundation where First Step Women's Center is located (values at more than $1,000,000) in December, 2001 and they remain very involved in that wonderful organization to this day.
- The developer worked with the City to build a new fire station on the south west corner of the 8.5 acres that benefited not only the subdivision, but the surrounding neighborhoods. Ownership of this City fire station tract will be deeded to the City by completion (Certificate of Occupancy) of structure 6 or 12/31/2014.
- To benefit the former Neighborhood an 8.5 acre open space tract was retained as an "urban agricultural field". The 8.5 acres is currently covered with native dry land vegetation, but actual farm crops might include native wheat grasses or rosemary. Planting will be done by the completion of structure 10 or 12/31/2018.
- While the 8.5 acre agricultural tract there are farm maintenance drives/paths that are also proposed for pedestrian connectivity between Forney Lane and the maintenance paths of the Las Cruces Lateral. The public will have use of these paths by completion of structure 12 or 12/31/2020. An easterly connection of this path to Forney will be incorporated.
- A new bus shelter located on Main adjacent to the J. Chisholm subdivision will be constructed by completion of building 14 or 12/31/2022. The exact location and shelter design will be co-planned with the City Transit Authority prior to construction.
- This infill housing complies with the City's comprehensive plan, utilizes existing infrastructure, incorporates green development and building techniques and addresses concerns of the neighborhood. This shelter development also provides a housing type that is needed and missing from the area of the City as in a unique high quality community.

PUD STANDARDS	
TOWNHOUSE(TH) LOT SIZE	2772 TO 3708 SQ FT AS SHOWN ON SHEET 3
TH LOT MIN. DIM.	40 FT. WIDTH 60 FT. LENGTH
BUILDING SETBACKS	ALL YARDS 0 FT
TH LOT SEPARATION	10 FT MIN. BETWEEN 4-PLEX'S
MAX. TH BLDG. AREA	ONE UNIT OF 2400 SQ FT MAX.
MAX. TH HEIGHT	ONE STORY 20 FT MAX.
TH MIN. PARKING	2 GARAGE SPACES AND 2 STACKED GARAGE SPACES
PUD LOT BUFFERING	PONDING/ AGRICULTURAL LOT
PROJECT DENSITY	50 TOTAL UNITS ONE RECREATION BUILDING

PUD CONCEPT PLAN
SUNSET GROVE TOWNHOMES

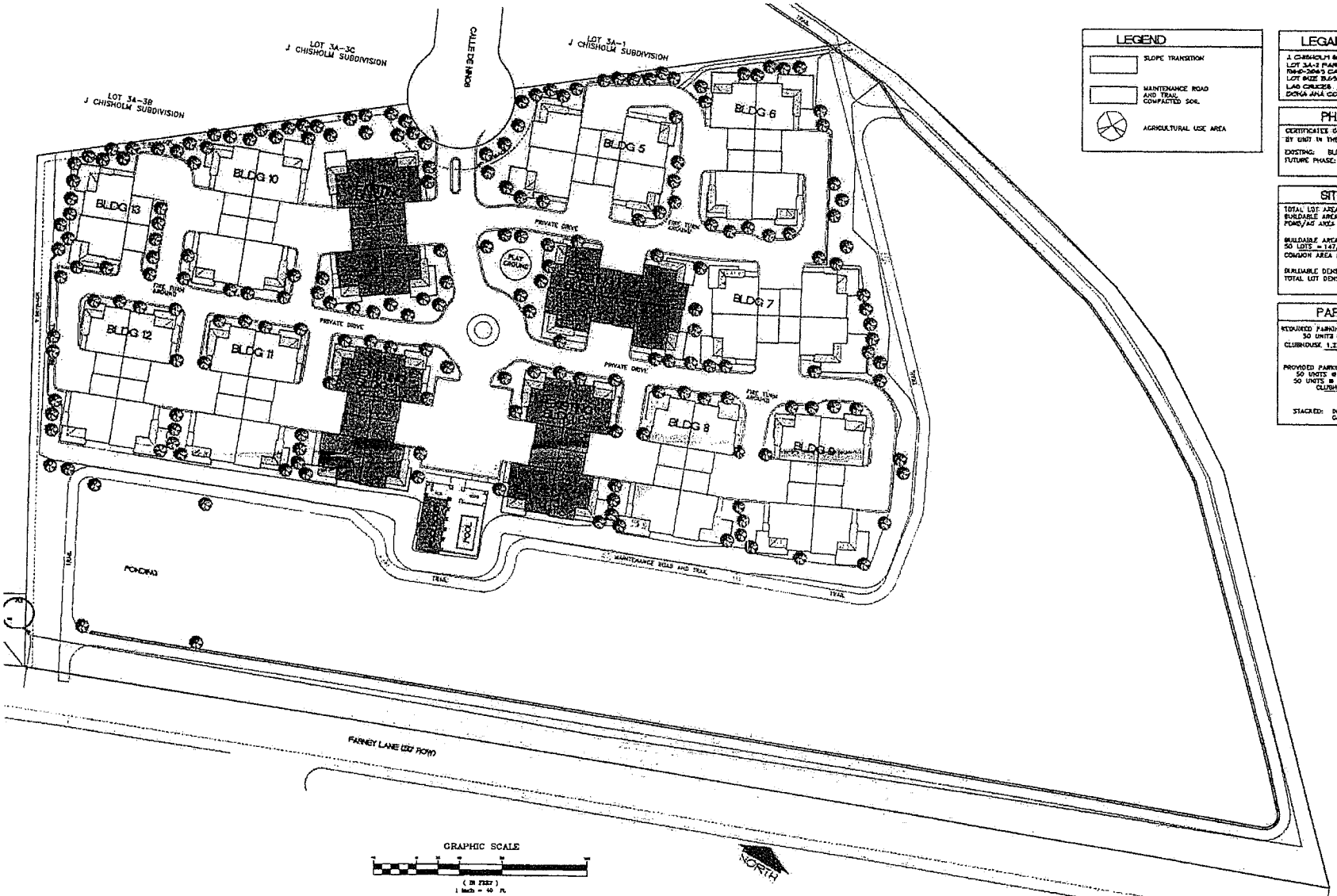
PREPARED FOR
DEKO PROPERTIES, LLC.
LAS CRUCES
NEW MEXICO

DATE	PHASE
8/15/13	PUD SUBMITTAL
10/4/13	PUD REV 1
2/13/14	PUD REV 2
3/24/14	PUD REV 3

dantón ventures, inc.
architecture + planning
1530 pinetree hills drive
las cruces, nm 88007
office 575.523.0311
fax 575.233.9483
email bob@dantonvenures.com

SHEET 1

DOB/KVR



LEGEND

- SLOPE TRANSITION
- MAINTENANCE ROAD AND TRAIL COMPACTED SOIL
- AGRICULTURAL USE AREA

LEGAL DESCRIPTION

J CHISHOLM SUBDIVISION
LOT 3A-2 PARCEL ID 02-4486 THRU 02-4565
1949-3049 S CALLE DE MAGO
LOT SIZE 15.65 AC
LAS CRUCES
DONA ANA COUNTY, NEW MEXICO

PHASING PLAN

CERTIFICATES OF OCCUPANCY WILL BE REQUESTED BY UNIT IN THE FUTURE PHASES:

EXISTING: BLDG. 1,2,3,4, CLUBHOUSE & POOL
FUTURE PHASE: INDIVIDUAL BUILDINGS ONE AT A TIME.

SITE TABULATION

TOTAL LOT AREA =	15.65 ACRES
BUILDABLE AREA =	7.17 ACRES
POND/AG AREA =	8.52 ACRES
BUILDABLE AREA =	7.17 ACRES
50 LOTS = 147,671 SF OR	3.39 ACRES
COMMON AREA (STREETS) =	3.78 ACRES
BUILDABLE DENSITY =	6.97 UNITS/ACRES
TOTAL LOT DENSITY =	3.19 UNITS/ACRES

PARKING

REQUIRED PARKING:
50 UNITS @ 2.0 SPACES = 100 SPACES
CLUBHOUSE 1,221 SF @ 400 SF = 3 SPACES
TOTAL = 103 SPACES

PROVIDED PARKING:
50 UNITS @ 2.0 (GARAGE) = 100 SPACES
50 UNITS @ 2.0 (STACKED) = 100 SPACES
CLUBHOUSE SPACES = 12 SPACES
TOTAL = 212 SPACES

STACKED: IN DRIVEWAY IN FRONT OF GARAGE DOOR.

PUD CONCEPT PLAN SUNSET GROVE TOWNHOMES

PREPARED FOR
DEKO PROPERTIES LLC.
LAS CRUCES
NEW MEXICO

DATE	PURPOSE
3/1/03	PUD
10/31/03	PUD REV 1
1/23/04	PUD REV 2

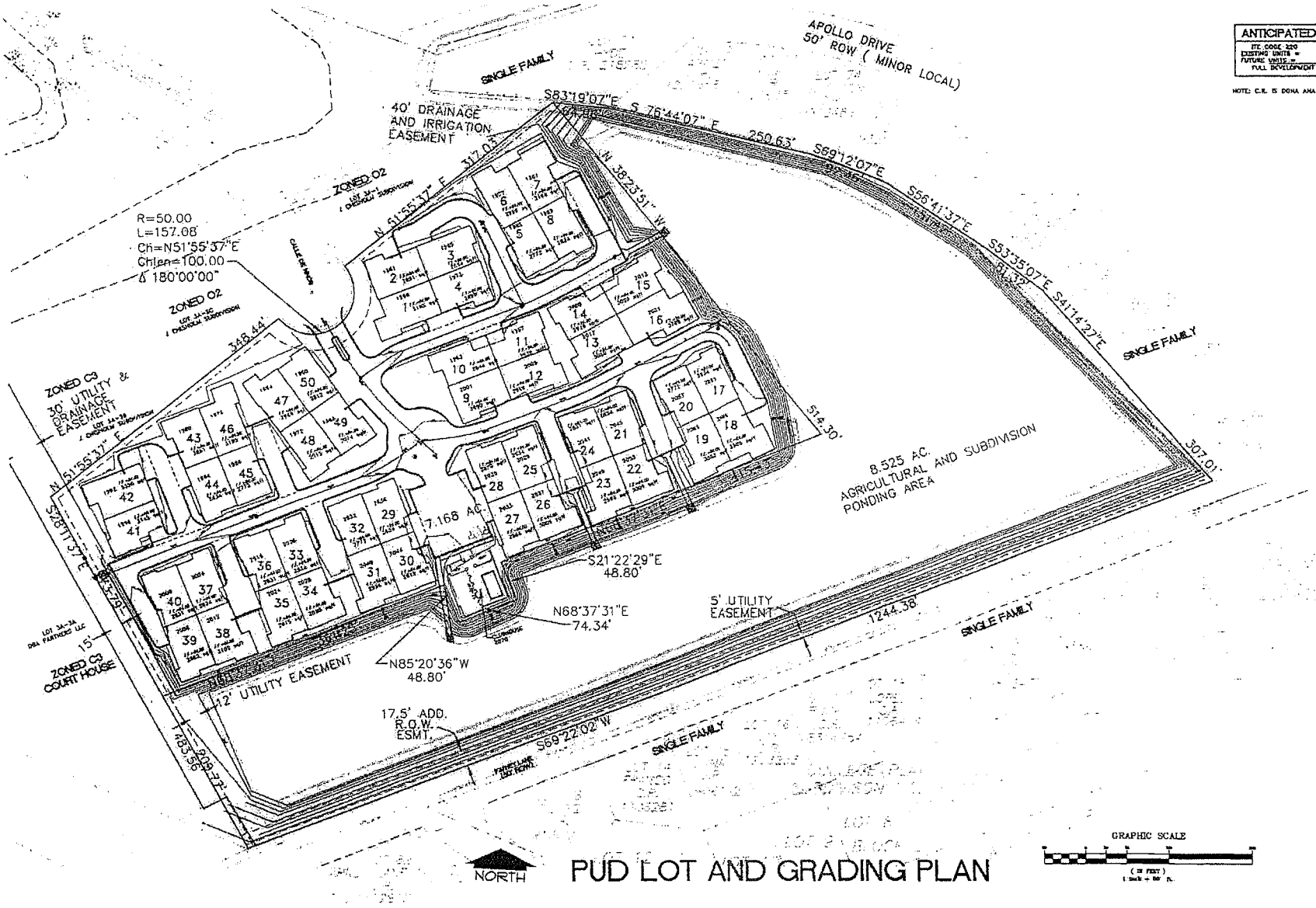
denton ventures, inc.
consultants • urban design • planning
1234 [illegible] blvd. ne
las cruces, nm 88001
voice/fax (575) 524-[illegible]
cell (575) 525-9409
email [illegible]

SHEET 2

SUNSET GROVE PUD CONCEPT PLAN

SCALE: 1" = 40'-0"

642



PUD LOT AND GRADING PLAN

ANTICIPATED TRAFFIC VOLUME	
ITE CODE 220	
EXISTING UNITS =	18 @ 6.7 = 107.3 TRIPS
FUTURE UNITS =	34 @ 6.7 = 227.8 TRIPS
FULL DEVELOPMENT =	335 TRIPS

NOTE: C.R. IS DONA ANA COUNTY CLERK'S RECORD NUMBER

PUD
CONCEPT PLAN
SUNSET GROVE
TOWNHOMES

PREPARED FOR
DEKO PROPERTIES L.L.C.
LAS CRUCES
NEW MEXICO

DATE	PHASE
8/5/13	PUD SUBMITTAL
10/9/13	PUD REV 1
1/22/14	PUD REV 2

denton ventures, inc.

SHEET 3

Draft

ATTACHMENT B

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
March 25, 2014 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Charles Beard, Secretary
Ray Shipley, Member
Ruben Alvarado, Member

BOARD MEMBERS ABSENT:

Joanne Ferrary, Member

STAFF PRESENT:

Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Mark Dubbin, CLC Fire Department
Robert Cabello, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00)

Crane: Good evening ladies and gentlemen. Welcome to the Planning and Zoning Commission meeting for the 25th of March, 2014. Let me start as usual by introducing the Commissioners here present. On my far right Commissioner Shipley, representing District 6; then Commissioner Stowe who's also our Vice Chairman, District 1. Commissioner Alvarado, District 3. Commissioner Beard, District 2, and he's also our secretary. And I'm Godfrey Crane, Chair, and I represent District 4.

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: And I go on to ask if any Commissioner or any member of the Community Development Department has any conflict of interest regarding tonight's agenda? Everybody's signifying no. So we will continue.

III. APPROVAL OF MINUTES

1. February 25, 2014 - Regular Meeting

DRAFT

Crane: Approval of the minutes for the last meeting 25th of February. Does any Commissioner have any amendments? Mr. Shipley.

Shipley: Page 4, line number 22, the sentence reads "there are pet owners maybe who lost a pet and has extra", and I think that "has" should be "have extra".

Crane: Did you say?

Shipley: Have. H A V E.

Crane: Oh, I beg your pardon, you're on page 22.

Shipley: Page 4, line 22.

Crane: Have, yes.

Shipley: And page 10, line number 44, the first word in the sentence is "shifted" it should be "sifted". S I F T E D. And that's all I had Mr. Chairman.

Crane: Thank you. Any other Commissioner? I have one, page 9, line 24, "any other questions for Ms. Montana" I think should be, rather than "from Ms. Montana". That's all I have. And so I'll entertain a motion that the minutes of the last meeting be accepted as amended.

Shipley: I move to accept the minutes.

Crane: Moved by Mr. Shipley. Do I have a second?

Beard: Second.

Crane: Seconded by Mr. Beard. All in favor aye.

ALL: AYE.

Crane: Against? Abstaining? Okay, it passes five/zero. Thank you.

IV. CONSENT AGENDA

1. **Case PUD-13-02: MOVED TO NEW BUSINESS**

2. **Case Z2870: MOVED TO NEW BUSINESS**

Crane: The next item on our agenda is the consent agenda. Let me explain for the public what this means. There are two items on it, Case PUD-13-02 and Case Z2870. Consent agenda items are matters that the Community

Development Department has guessed may not be controversial so they're put together like this so we can vote on them as a block, however, if any Commissioner, or any Community Development person, or any member of the public present tonight wants to debate either of these issues we will lift it from the consent agenda and put it under new business and address it in a few minutes. Is there anybody who wishes to discuss Case PUD-13-02? Anybody present wish to discuss that one? Mr. Shipley. Okay, we'll put that to new business. And secondly, does anybody present want to discuss Case Z2870? Yes, people there (*referring to the seated public*). All right, so PUD-13-02 will be the first item of new business and Z2870 will be the second item.

V. OLD BUSINESS - NONE

VI. NEW BUSINESS

Crane: So now let me explain how we handle new business items. A member of the Community Development Department, very probably Mr. Ochoa, will make a presentation and then the Commissioners may have questions of him. Then we invite the interested parties, the people who have applied for the variance or whatever the matter is, to come up and give an address, again we may have questions. Finally we open the mike to the public to come up and give their opinions and we may have some questions of them. Could I please see a show of hands, number of people in the audience who expect to come up and talk to us about any one of these ... either one of these two matters? I see one, okay, in that case I'm not going to ask our secretary to time people, but we'd all appreciate it if you could keep it succinct, but take the time necessary to make your point.

1. **Case PUD-13-02:** Application DVI on behalf of Deko Properties, LLC, property owner, for a Concept Plan for a Planned Unit Development (PUD) known as the Sunset Grove PUD. The Concept Plan proposes to convert the existing and proposed condominiums, 50 in total, into fee-simple townhome lots with all interior roads and common areas, including the existing clubhouse, privately owned and maintained. The subject area encompasses 24.23 +/- acres and is located at the southern dead-end of Calle de Ninos, north of Farney Lane; Parcel ID# 02-41508 & 02-41509. Proposed use: Single-Family Residential; Council District 2 (Councillor Smith).

Crane: All right, so Case PUD-13-02, Mr. Ochoa.

Ochoa: There you go. Thank you Mr. Chairman. Adam Ochoa, Development Services for the record. Mr. Shipley since you are the Commissioner that took this off, is there any specific question you had about the PUD that I could answer for you or possibly the applicant can answer for you, or would you like a full presentation sir?

DRAFT

Shipley: I think I'd like for you to do the presentation for this matter because I have several questions but the presentation may clarify that.

Ochoa: Sounds good. No problem sir. First case tonight gentlemen is case PUD-13-02. It is a request for approval of a concept plan for a Planned Unit Development or PUD known as the Sunset Grove PUD. Shown here on the vicinity map, hashed out in the blue lines. It is at the dead-end of Calle de Ninos, north of Farney Road, relatively northeast of Main Street and southwest of El Paseo to give you a general idea of where this is at. Looking at the current zoning map around there, as you can see subject's property is currently zoned R-4, multi-family high density and limited retail and office and OS-R which is Open Space-Recreational. As you can see surrounding the property to the east and south majority is single-family residential and to the west and north office and commercial zoning designations. Here taking a look at the aerial map, you can see here the subject property with some existing buildings already on the property, magistrate court directly west, park drain to the west as well, and Las Cruces Lateral to the northeast, right behind Las Cruces High School to give you a general idea of where this is at.

As I stated the property is located at the southern dead-end of Calle de Ninos. It is currently zoned R-4 and OS-R and the entire area encompasses approximately 24.23 acres, roughly about 15 acres for the residential area and about 8.5 acres that is the open space area. Currently there is a condominium project that's partially built out and of course the other portion being that open space/agricultural area. The applicant is proposing to dissolve the condominium and the condominium association on the property following all state requirements and regulations since that is something that is taken care of through the state, not here in the city for overview, so that will have to first be done. When that is accomplished the applicant is seeking to convert that condominium project into townhome subdivision essentially making fee-simple townhomes where people who own the building will not only own the building like in a condominium association but they will own the building and the land it's on top of. That is the biggest change that is essentially happening with this PUD. Everything else is essentially the same proposed from the original master plan which was approved back in 2006 for the condominium association. It's just being changed again into townhomes now.

The total number of lots you're looking at is 50 single-family residential lots with townhomes on them, same number proposed with the original master plan. Along with that there will also be two tracts created; one tract that will encompass the privately owned and maintained by a homeowner's association roads, the parking areas, all common areas and landscaping areas, and the existing clubhouse and pool that is on the subject property. Tract two includes the privately owned and maintained

agricultural area/open space that is being proposed for agricultural development growing rosemary, other cash crops like that and then adding an open space type of use on the property with kind of a privately maintained trail around that area for people to utilize to get to and from the laterals and so forth like that. As I stated, again no major changes are proposed with this new PUD as compared to the original development. With the PUD though the applicants did ... the reason for the PUD, excuse me, is the applicants required a number of variances in order to follow ... in order to meet their development standards if you will when being required zero foot setbacks around the entire home if you will or the new lots that are being developed. Because of that the applicant was required to provide public benefits. The applicant did outline a number of existing public benefits from donating lots within the subdivision that was developed by the property owner for community foundation for the First Steps Women's Center, building of a lift station with the city, as well as they will be providing other benefits as ... like a bus shelter along Main Street and of course also that, as I stated before, the pedestrian connectivity, kind of the pathway around the agriculture area to the laterals.

Here is a conceptual plan of the proposed PUD, the existing four buildings here, there's kind of a cluster development, clustering four buildings together and leaving everything else open. For the private roads and for the landscaped areas here in the southern half is the L-shaped agricultural area with that maintenance driveway/trail going all around it. Seen here, as you can see here are the standards that they would be outlined ... that they outlined for themselves; minimum lot dimensions, minimal lot size, separation requirements, setbacks and so forth. On January 29, 2014 the DRC or Development Review Committee did review the proposed Sunset Grove concept plan. After some minor discussion the DRC did recommend approval without conditions for the proposed concept plan. With that tonight gentlemen, staff has reviewed the proposed concept plan and recommends approval without conditions based on the findings presented in your staff report. Planning and Zoning Commissioner is a recommending body to City Council for PUD concept plans, or Planned Unit Development concept plans. With that gentlemen your options tonight are to 1) to vote yes to approve the request as recommended by staff and DRC for case PUD-13-02; 2) to vote yes and approve the request with conditions deemed appropriate by the commission; 3) to vote no to deny the request; and 4) to table or postpone the proposed PUD and direct staff accordingly. Just to let you know we did ... staff did receive a couple of phone calls from adjacent property owners after mail-outs were sent out. A couple of them just ... the majority of the questions were just what's going on, what's going to happen, nobody necessarily against what's going on or for, just more curious about what's happening. You did get one printout from an e-mail that I received from an adjacent property owner, again more asking

questions, curious about what's going on, but no general consensus either against or for the proposed PUD. With that the applicant is ... the applicant's representative is here to answer any questions you might have for them, and I stand for questions.

Crane: Thank you Mr. Ochoa. Mr. Shipley.

Shipley: Thank you Mr. Ochoa. That's a very good presentation.

Ochoa: Thank you.

Shipley: And you did answer some of the questions that I had, at least one. The thing that I noticed obviously is you said no major changes but we've changed the height of the buildings from 16 feet to 20 feet. That's what it says in your plan.

Ochoa: It'll be to the maximum height, yes sir.

Shipley: Yes.

Ochoa: That is correct.

Shipley: Went up four feet. Also, there was a question, I had a question, you've got 11 parking stalls with two ADA parking stalls and that of course is at the swimming pool; with the number, was that size for the number of people that are going to be there? The total number?

Ochoa: Mr. Chairman, Commissioner Shipley, those are more of a public parking area intended for the pool house or clubhouse area. There is still the garage parking as well as the (inaudible) parking area behind each unit if you will. As to if that was taken into account for public parking I would not know sir. I'm going to pass that to the applicant.

Shipley: Okay. I'll let the applicant answer that. But the other question that I had was the street width was cut to 20-feet and if you park a row there, there's no sidewalks, there's I think everybody has to walk in the street basically to go through the addition as you add on to that addition. The second thing that I was concerned about was that there was no second means of egress or ingress to this facility, so if there was ever a catastrophe on the entryway there's ... and someone else had a medical emergency there would be no way to get them out unless you walked in, put them on gurney and then hoisted them on your shoulders and carried them out. And I was concerned with that. I did go look at the property and what you're calling an agricultural area I believe is basically being used as a retention pond. Is that not correct?

DRAFT

Ochoa: Mr. Chairman, Commissioner Shipley, currently yes it is.

Shipley: Okay. So there was no means of connecting to the street to the south in other words?

Ochoa: Mr. Chairman, Commissioner Shipley, that is correct. I believe when the original master plan was approved that was kind of one of the conditions for approving it was that there was to be no access to Farney Lane because of I believe public opposition for that sir.

Shipley: Could there not be an emergency access around ... built across there to give them that kind of ... you know with a gate on it that only the police or fire or whatever could have you know keys like they do in many places around here so that there would be a second means of ingress or egress there in case of emergency?

Ochoa: Mr. Chairman, Commissioner Shipley that's something we can definitely take into account. I believe the applicant was in contact with our fire department for all code requirements and I'll defer to them and they can probably answer that a little better than I can sir.

Shipley: Okay, and the other thing was the parking spaces it states in here that at least this was a part of your Sunset Grove townhouse PUD advanced planning comments, it might've been Carol McCall's comments.

Ochoa: Yes sir.

Shipley: With regard to 200 residential parking spaces or four per unit but for the pool you've only got a total of 11 parking places for basically the 50 units.

Ochoa: Mr. Chairman, Commissioner Shipley the way the clubhouse and the parking area, it currently already exists the way it is. I don't know if there is actual any prevention from people just parking at their homes, at their destination and walking to the pool area or to the clubhouse. And I don't know ... I believe there will be some I guess not allowing some on street parking if you will but I'm sure there'll be some areas for that parking. Again the applicant can probably answer that a little better sir.

Shipley: Okay. When was this completed, the initial four buildings completed?

Ochoa: I believe that was all completed in 2006 sir.

Shipley: 2006, so they've had seven years. Have there been any problems there with parking or?

Ochoa: Mr. Chairman, I'll go ahead and let the applicant answer that sir.

Shipley: All right.

Crane: Thank you. Any other Commissioner wish to ask any questions of Mr. Ochoa? All right, the applicant is here I believe. Please identify yourself sir and I will swear you in.

Denton: Commission members, my name's Harold Denton with DVI. I'm the architect, planner. I'm here representing Chisholms, that's the actual owner of the property.

Crane: Let me swear you in sir. Now we know your name, let me swear you in. Do you swear and affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Denton: I do.

Crane: Thank you, please proceed.

Denton: I wanted to introduce Chad Everhart back here with Chisholms, one of the owners of the property also. To address a few of the specifics that you raised; we would be required by codes to have two parking spaces per unit and since the facility is dedicated to those 50 units for use and not a public use, we would not be required to have any parking spaces. So we are well over twice the number of parking spaces that would be required. And since we are providing parking spaces at the clubhouse pool facility we included handicaps there also. Okay. As far as access, again, and we went through reviews on this back in 2006, with the fire department, with all of the city utilities and staff and so forth. We're only required to have one access by code. If we were a residential single-family we would have ... at 50 I think we go to two, but when it's multi-family I think we can have up to 90, maybe it's 100, but it's just one of those two numbers and so we're well within that requirement. We originally proposed an access out to Farney and we were told by the P&Z and others not to do that access. We didn't. We've had no problems. It works very well. The problem is financing. And that's really why we're here and I want to just say, you know I can give you a whole full presentation again, but I think the short presentation is we're here because we're in a different economy today than we were back in 2006. Financing a condominium today is very very difficult and so really we're using the PUD as a replat if you can look at it that way. It's what we needed to go through to replat this to create fee-simple townhouse units. And they are set up as townhouse units, there are no changes being made. The height change, that's not meant - I mean that's a typo if you will. We're not raising the height of the units. I think by the zoning we're allowed quite a bit more, like 40 feet or so, so we're just really pulling it down. But it's the same buildings, it's the same

plan that was proposed and we'll rebuild on those lots. The lots actually are bigger than what would be allowed for townhouses and when you average them and in most instances there are few that are a little under the 2,880 square feet that would be, you know that's required for a townhouse. Most I think we average more like, I don't know, but it's in here, it's 3,000 something. It's a good number. It's a good project. We need to work in the economy that is this today and that's really what we're trying to do. We're not trying to change anything.

The field, you're right. It's not pretty today. We need more rain. We need to move a well and get it set up to do some agriculture on there which hasn't been done yet. But it is intended to be agriculture and it will be. Okay.

Crane: Thank you Mr. Denton. Now don't sit down yet. Anybody have a question for Mr. Denton? Mr. Stowe.

Stowe: What does it mean agricultural in the context of townhouses?

Denton: Well we haven't tied down exactly what the crop is. At one point we were thinking about pecan trees but because of the water usage and the drought conditions that we're in, I think today we're thinking of a less ntense water use type of crop. A number of things have been suggested. Pat what would you thinking (inaudible) in there.

Denton: Pat's brother-in-law produces. Excuse me?

Crane: Could you please repeat what Pat said? Because he wasn't at the mike.

Denton: Pat said probably rosemary. His brother-in-law grows rosemary commercially and that's one of the things we're looking at doing there and would be a very nice smelling addition to the neighborhood.

Stowe: But would townhouse owners have a plot of land for their use?

Denton: Pardon me?

Stowe: Would townhouse owners have access to the agricultural land?

Denton: They have use ... they have the right to use the maintenance or walking trails that do surround the property and those trails do go from Farney over to the lateral okay, cause that's where irrigation water comes from to get to the tract of land. But it is a separate piece of property because it's got to be handled like a farm to work.

Stowe: Right. It sounds like it would be an interesting amenity for townhouse owners to be able not to own but to use a small plot.

DRAFT

Crane: Like an allotment. You have nothing in mind for that, giving a little plot to farm.

Denton: There was some discussion with the city about that and we talked about making it available if there was some interest but there wasn't when we got into it. It's a kind of difficult thing to make happen, it really is.

Crane: Mr. Shipley.

Shipley: How many people reside in the current condominium?

Denton: The 16 units that are there are fully occupied.

Shipley: Fully occupied.

Denton: And the clubhouse was built in that first phase also, so the pool's there, the recreation area, meeting area, and bathrooms, basically what it is.

Crane: Thank you. Any other Commissioner have a question? Thank you Mr. Denton.

Denton: Thank you.

Crane: Any member of the public wish to address this issue, PUD-13-02? In that case I'll close the matter to ... yes.

Dubbin: Mr. Chairman, point of clarification about the second access and fire. Just for your information the current fire code allows up to 30 dwelling units with a single point of access or 200 if they are spinklered. So it does not meet the current code. We're aware of this. It's a plan that was developed 10 years ago and it's something that we work with. But just for your information it does not meet the current code.

Crane: Well Mr. Denton do you want to add to your statement?

Denton: Well that's 30 single-family lots. Yes it is. Multi-family it's higher than that. It's both in the uniform fire code and in the international building code.

Dubbin: The code ...

Crane: Fire department.

Dubbin: The code calls it dwelling units it doesn't differentiate apartments or houses. Single dwelling units.

DRAFT

Denton: So you're overriding the national codes on that?

Dubbin: I'm not overriding it, it's a plan that was approved 10 years ago. It's not something that would be approved today. We can sprinkler the further developments, but in a case like this we deal with what's there and what the best we can deal with.

Crane: Are you saying this cannot go ahead as planned?

Dubbin: It can yes. We did approve it.

Crane: Okay.

Dubbin: But just to clarify what the code was.

Crane: So the changing from co-ops ... from condos to townhouses does not fall over the regulations, there's no change?

Dubbin: Not in the fire code.

Crane: Okay.

Dubbin: We don't oppose the zone change.

Crane: Thank you. Anyone else wish to address this issue? Okay, so I'll close it to public discussion. Commissioners? We have a motion before effectively to approve this application.

Shipley: No we don't. We haven't made a motion.

Stowe: I have a question.

Crane: All right Mr. Stowe.

Stowe: Maybe Mr. Ochoa can help. I'm confused whether all of the requirements were met under the DRC? All the different city departments, did they all eventually approve or is there more work that remains to be done?

Ochoa: Mr. Chairman, Commissioner Stowe the DRC does review, if you can read the second sentence there, DRC does review the infrastructure, utilities, and improvement requirements for subdivisions from a technical standpoint so that essentially includes our engineering department, that includes planning of course, utilities, parks, fire is part of that DRC as well, and everybody did vote to approve that.

Stowe: Traffic.

DRAFT

Ochoa: Traffic as well, yes sir. And as you can see in your packets as well on the back you do have all the reviews that it went though. Basically those technical departments did approve the proposed PUD after just two reviews I believe is what it was.

Stowe: Right. A number of them had punch lists that required work. That work has been done?

Ochoa: Essentially yes sir. The final is what is being proposed now.

Stowe: Thank you.

Crane: Commissioner Beard.

Beard: I was going to recommend ... I was going to move to approve PUD-13-02.

Crane: Okay, do I have a second.

Beard: With staff recommendations for approval.

Crane: All right. Is there a second for that?

Stowe: Second.

Crane: Seconded by Mr. Stowe. Any further discussion among the Commissioners? Mr. Shipley.

Shipley: I only had one other question. There was a comment that I read about there was supposed to be a sidewalk along the ...was it Farney and that's I think what Mr. Stowe was alluding to is that had never been completed.

Ochoa: Mr. Chairman, Commissioner Shipley that sidewalk against Farney was something that they were requesting, but because of again the neighbor back when the master plan was approved and this project was approved the neighborhood actually came against that sidewalk and now that the applicant has actually built a rock wall so close to the curb now if you've gone out there.

Shipley: Yes.

Ochoa: A sidewalk would be almost impossible to build right now so that's basically why the sidewalk has been left alone sir. Farney is classified as a collector roadway by the Metropolitan Planning Organization but it is a constrained thoroughfare. So they did ... they took into account that that

DRAFT

roadway is going to stay essentially what's there now is what it's going to be.

Shipley: Okay. Thank you.

Ochoa: Yes sir.

Crane: Okay, Commissioners, anybody want to discuss this further? If not we'll do a roll call vote. Let's start for a change with Mr. Shipley.

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

Crane: Mr. Stowe.

Stowe: I vote aye, findings, discussion, and site visit.

Crane: Mr. Alvarado.

Alvarado: I vote aye, findings and discussion.

Crane: Mr. Beard.

Beard: Aye, findings, discussions, and site visit.

Crane: And the Chair votes aye based on findings, discussion, and site visit. The applicant passes five/zero. Thank you.

2. **Case Z2870:** Application by the City of Las Cruces for a rezoning of 8 City-owned parcels from R-4, High-density Multi-family Residential and Limited Retail and Office District, to C-3C, Limited High Intensity Commercial District to support recreational activities, institutional uses such as public safety offices, and City equipment and supply storage activities, and ancillary uses on Parcel ID# 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348, 02-28346 for a total of 5.41 acres of land located at 5110 Porter Drive and 6221 Reynolds Drive. Council District 6 (Councillor Levatino)

Crane: We'll go on now to Case Z2870, application by the city for rezoning of some parcels from R-4 to C-3 at 5110 Porter Drive and 6221 Reynolds Drive. And Ms. Montana is standing up there which means she's going to give the introduction. Please continue. Oh my, you have to be sworn. Mr. Ochoa nothing you said was ... nothing you said is any good because I forgot to swear you. But you look honest. Do you swear and affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

DRAFT

ATTACHMENT C

March 16, 2014

Adam Ochoa
City of Las Cruces,
PO Box 20000
Las Cruces, NM 88004

Reference
Case PUD-13-02

This is in response to your letter dated March 5, 2014. The information in your letter did not provide enough information to evaluate the proposed change. Please provide me the following information in writing (preferably on an updated site plan) prior to the hearing on March 25, 2014

How many homes will be built?
What will be the size of the lots that the homes will be built on?
What is the size of the homes to be built in sq. ft?
What is the best estimate of sales price of homes?
Will the homes be fenced?
What are the setbacks front and rear from lot lines and right- of- ways
What are the side setbacks?
How many garages per house and what will be the access from alleys?
Will there be on-street parking
Will there be designated guest parking, not adjacent to homes
What is the street size? Does it meet standard?
How many curb cuts will there be on Farney road
How many acres will be used for streets, alleys, and right –of ways?
How many acres will be used for open space, and who will maintain it?

Respectfully,

Louis R. Gomez
1810 Apollo Dr.

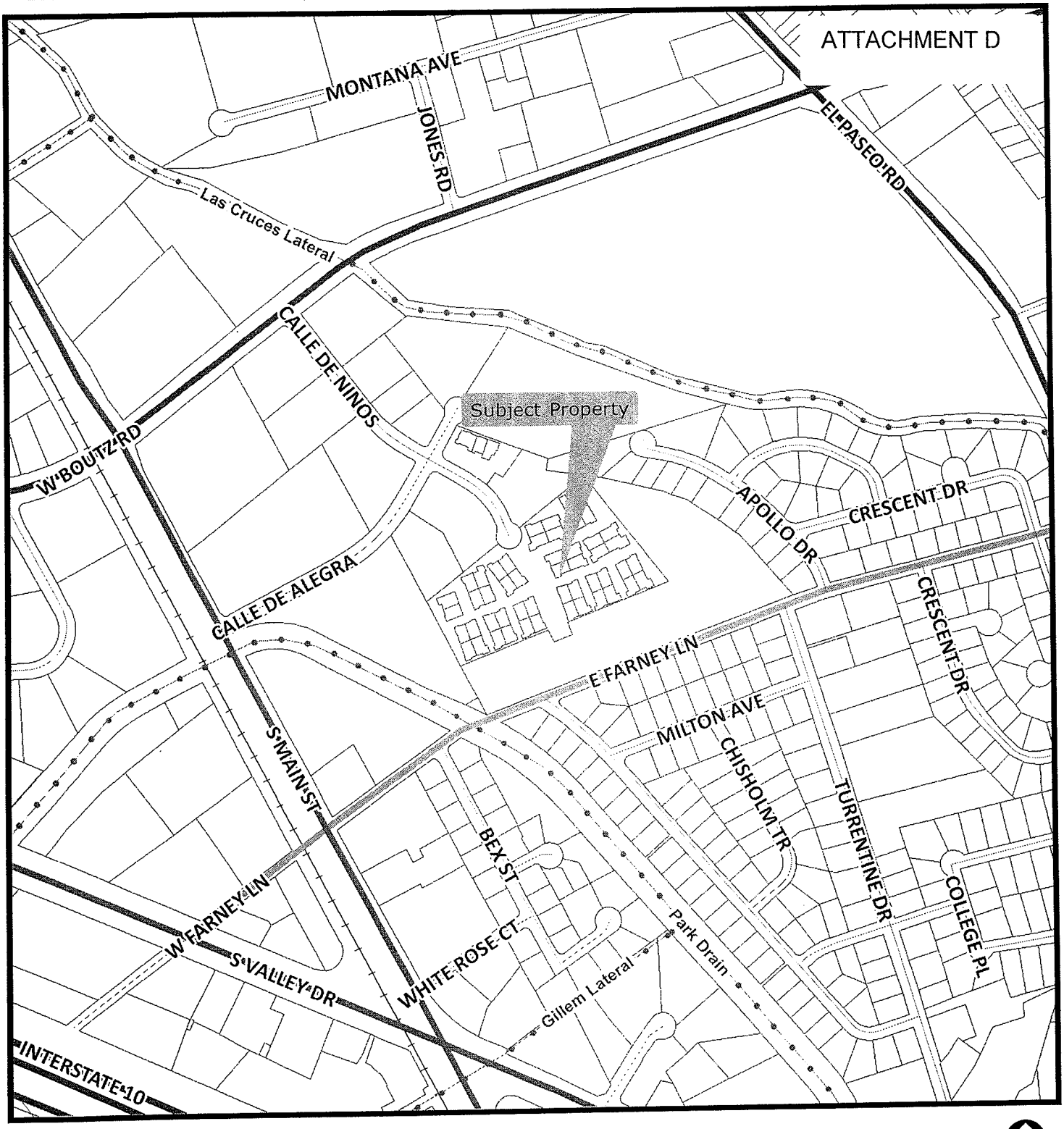
CC: Ken Miyagishima, Mayor lcmayor@gmail.com
Greg Smith, city councilor gsmith@las-cruces.org

ZONING: R-4 & OS-R TO PUD
OWNER: DEKO PROPERTIES, LLC

VICINITY MAP

DATE: 04/16/2014

ATTACHMENT D



300 150 0 300 600 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.