

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 12Ordinance/Resolution# 2713For 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.

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

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

**BUDGET NARRATIVE**

N/A
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**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)

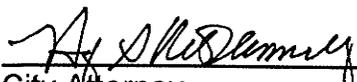
Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

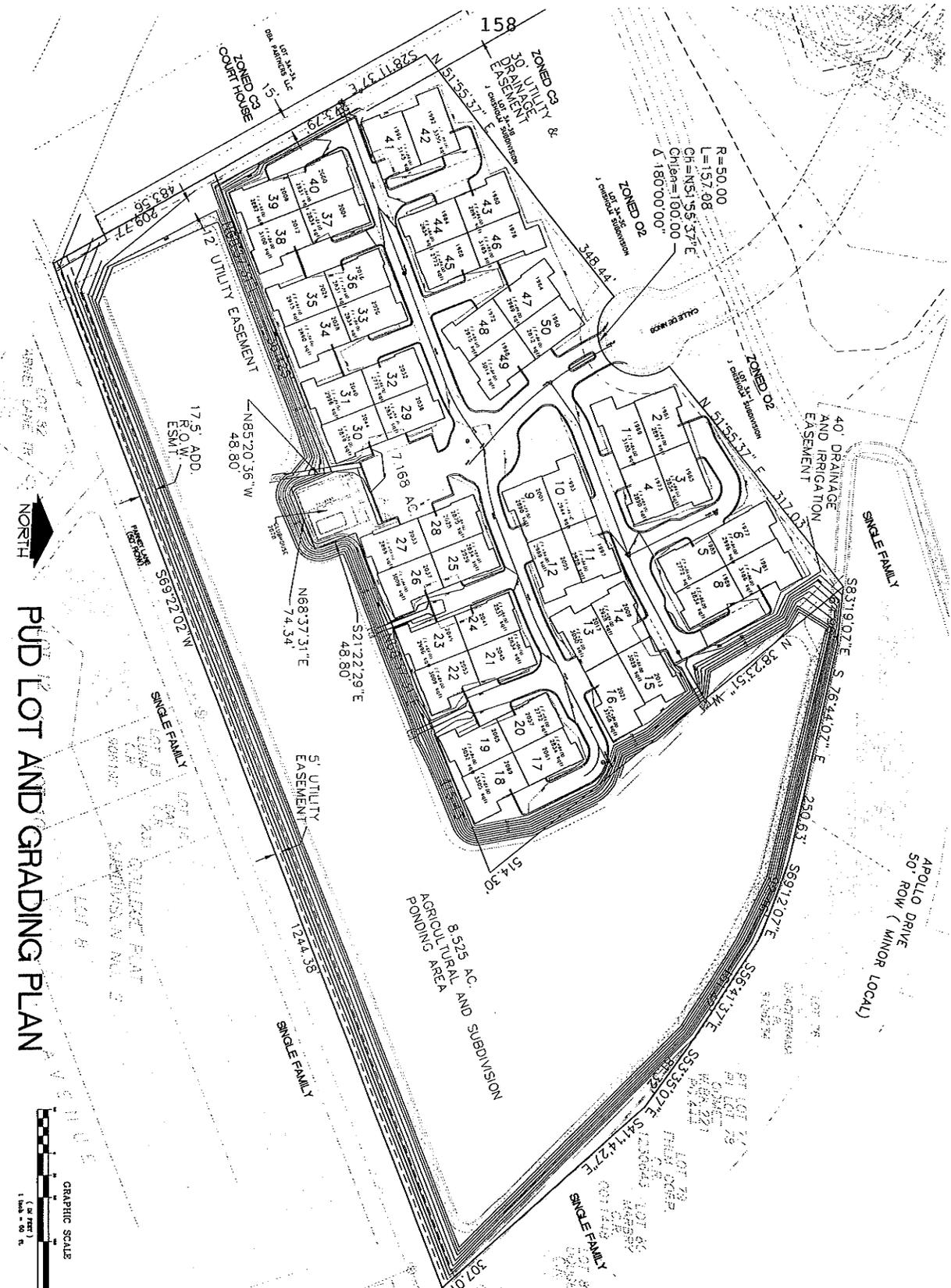
Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Levatino: \_\_\_\_\_

APPROVED AS TO FORM:

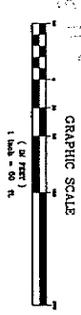
  
\_\_\_\_\_  
City Attorney







**PUD LOT AND GRADING PLAN**



**ANTICIPATED TRAFFIC VOLUME**

TRIP RATE	16 @ 6.7 = 107.2 TRIPS
DESTINY TRIPS	16 @ 6.7 = 107.2 TRIPS
TOTAL TRIP GENERATION	16 @ 6.7 = 107.2 TRIPS

NOTE: C.A. IS DOWN AND COUNTY CLERK'S RECORD NUMBER

**PUD**  
**CONCEPT PLAN**  
**SUNSET GROVE**  
**TOWNHOMES**

DESIGNED FOR  
 LAS CRUCES  
 NEW MEXICO

CARE PHASE

0000	PAID SUBMITTAL
0001	PAID REV. 1
0002	PAID REV. 2
0003	PAID REV. 3
0004	PAID REV. 4
0005	PAID REV. 5

DATE: 11/11/2011  
 TIME: 10:53:28 AM  
 USER: JEFFREY W. HARRIS

**3**  
 SHEET

## **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)



**Planning & Zoning  
Commission  
Staff Report**

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

**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)

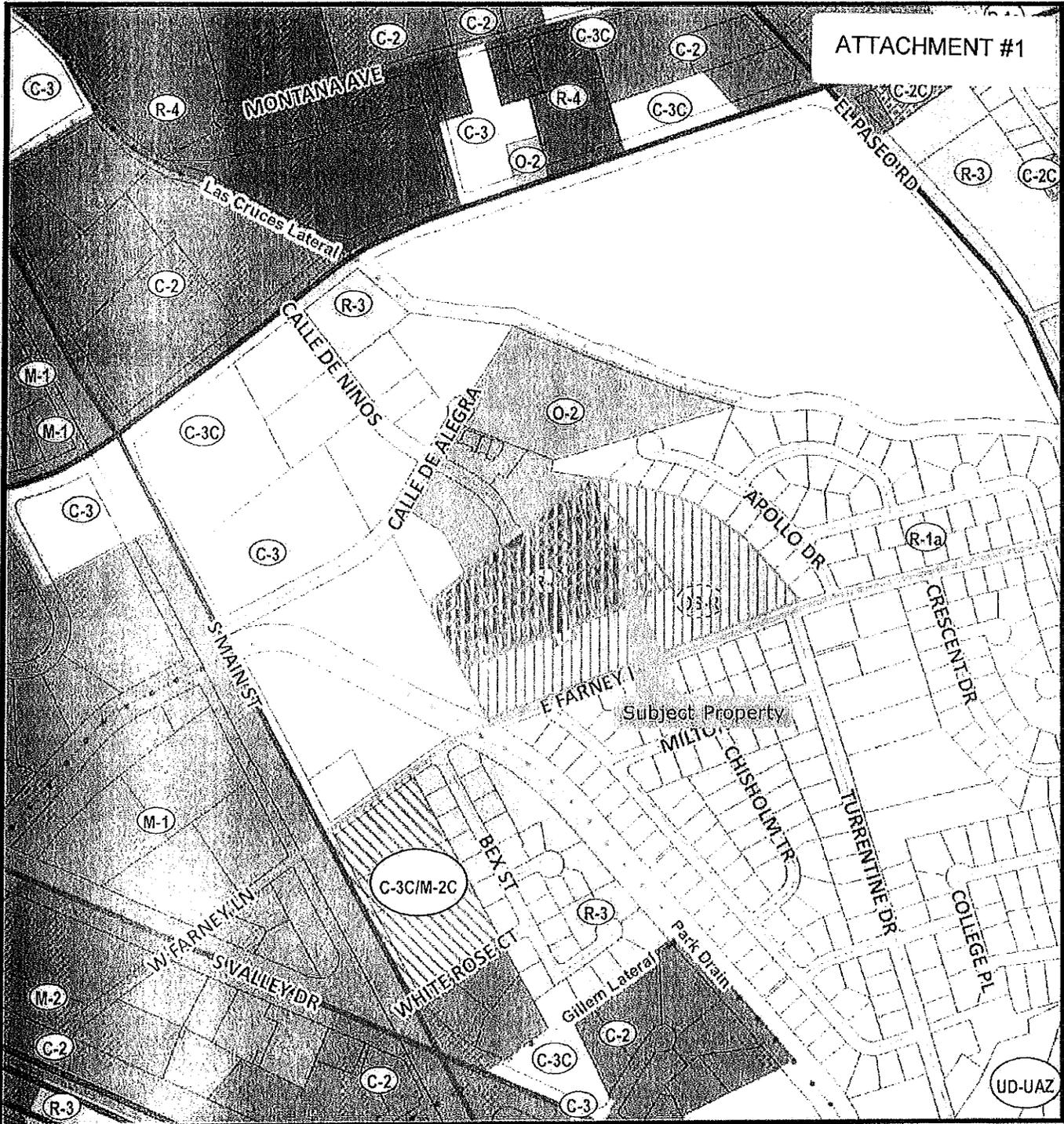
### **ATTACHMENTS**

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

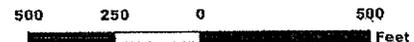
ZONING: R-4/OS-R to PUD  
OWNER: Deko Properties LLC

### Location Vicinity Map

DATE: 03/10/2014



ATTACHMENT #1



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

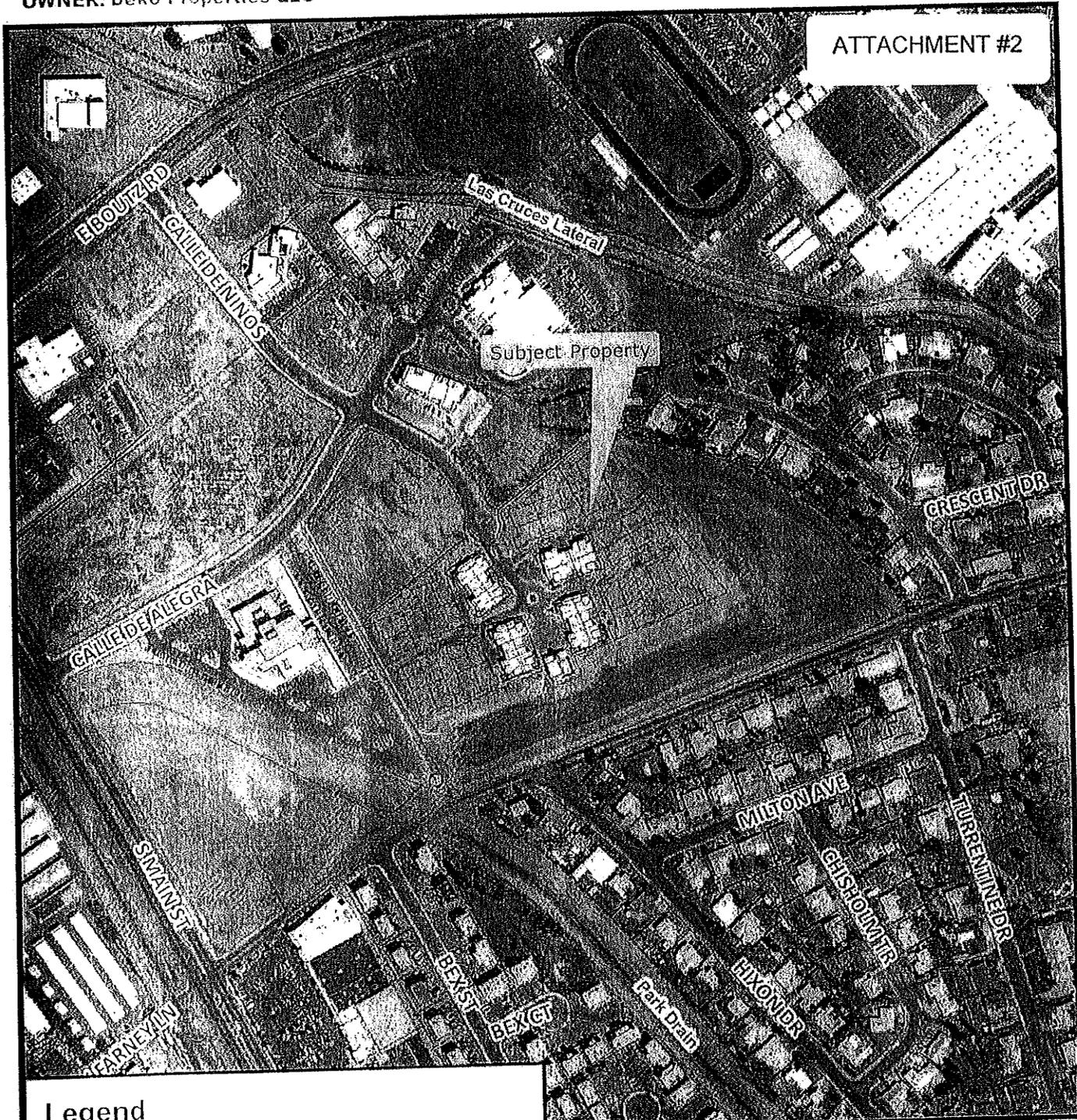
*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

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

### Aerial View

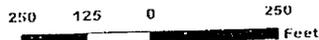
DATE: 03/10/2014

ATTACHMENT #2



#### Legend

-  City Parcel
-  EBID Water System
- DAC\_2010.ecw
- RGB
-  Red: Band\_1
-  Green: Band\_2
-  Blue: Band\_3
-  Interstates\_Highway



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.*

## 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 1/2" 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

## **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 CHARACTER**

##### **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

**DEVELOPMENT REVIEW COMMITTEE (DRC)**

January 29, 2014

1  
2  
3  
4 Following are the verbatim minutes of the City of Las Cruces Development Review  
5 Committee meeting held on Wednesday, January 29, 2014, at 9:00 a.m. in Room 1158  
6 located at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

7  
8 **DRC PRESENT:** Robert Kyle, Community Development (Chair)  
9 Meei Montoya, Utilities  
10 Mark Dubbin, Fire Department  
11 Tom Murphy, MPO  
12 Rocio Dominguez, Engineering Services

13  
14 **STAFF PRESENT:** Adam Ochoa, Development Services  
15 Katherine Harrison-Rogers, Community Development  
16 Diana Garcia-Parra, Recording Secretary

17  
18 **OTHERS PRESENT:** Harold Denton, DVI  
19 Barbara Denton, DVI  
20

**I. CALL TO ORDER**

21  
22  
23 Kyle: Alright we'll go ahead and call the meeting to order of the Development Review  
24 Committee. It's Wednesday, January 29<sup>th</sup>. It's approximately 9:03 a.m.  
25

**II. APPROVAL OF MINUTES****1. November 20, 2013**

26  
27  
28 Kyle: First item on the agenda is approval of minutes. We have two sets of minutes,  
29 one from November 20, 2013 and one from November 27, 2013.  
30

31  
32 But in regards to the November 20<sup>th</sup> minutes, were there any corrections?

33  
34 Seeing none, may I have a motion to approve the minutes as presented.

35  
36 Dominguez: Rocio Dominguez, so moved.

37  
38 Kyle: Second.

39  
40 Montoya: Second, Meei Montoya.

41  
42 Kyle: All those in favor, please signify by saying aye.

43  
44 All: Aye.

45  
46 Kyle: Any opposed. Very well, the November 20<sup>th</sup> DRC minutes are approved.

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**2. November 27, 2013**

Kyle: Next set is the November 27<sup>th</sup> 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

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

18  
19 Kyle: Okay so the primary purpose of this application really, is to dissolve the  
20 condominium association and turn it into a typical, fee simple subdivision, correct?

21  
22 H. Denton: Correct.

23  
24 Kyle: Alright. Going the PUD route due to the number of variances, etc.

25  
26 Ochoa: That's correct.

27  
28 Kyle: Alright. Las Cruces Fire, any comments.

29  
30 Dubbin: Mark Dubbin, Las Cruces Fire Department. Will there be like a  
31 homeowners association that does maintenance of systems and landscape and all  
32 that sort of thing?

33  
34 H. Denton: Correct.

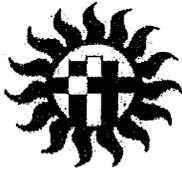
35  
36 Dubbin: And it's mostly, my understanding is that it's all existing.

37  
38 H. Denton: Uh the darker buildings in here and the clubhouse is just these  
39 buildings remain to be constructed. All the dirt work is done, not all the landscape.  
40 All the landscape with these buildings, but yes. And there will be an association  
41 because land outside of each of the individual lots . . . and they're actually 52 lots,  
42 50 residential, the clubhouse and common area. There's another lot, and the  
43 agricultural tract is the 52<sup>nd</sup> lot.

44  
45 Dubbin: Okay. Are there sprinkler systems on these?  
46

1 H. Denton: Pardon me.  
2  
3 Dubbin: Are there sprinkler systems on these or are they designed without  
4 sprinkler systems.  
5  
6 H. Denton: There's irrigation for the landscape.  
7  
8 B. Denton: No each building.  
9  
10 Dubbin: No I know . . .  
11  
12 H. Denton: No there's no sprinkler systems.  
13  
14 Dubbin: Okay.  
15  
16 H. Denton: It meets the uh . . .  
17  
18 Dubbin: The townhouse . . .  
19  
20 H. Denton: Yeah it meets the townhouse requirements.  
21  
22 Dubbin: Okay. Yeah Fire has no issues.  
23  
24 Kyle: Yeah they're all separated. They're separated townhomes, correct . . .  
25  
26 H. Denton: Correct.  
27  
28 Kyle: . . . pursuant to the building code. MPO.  
29  
30 Murphy: Tom Murphy, MPO, with no issues.  
31  
32 Kyle: Utilities.  
33  
34 Montoya: We conditionally approved this saying the construction plan would be  
35 subject to review for compliance with the current utility standard. As far as I  
36 understand that the utility line still needs to be extended to those, the proposed new  
37 buildings, so depending on when the plan, the construction plan were approved,  
38 cause it was all approved, all this building, but there may be new utility standard that  
39 was, you know become effective between then and now.  
40  
41 H. Denton: And we agreed to do, well it's been long enough . . .  
42  
43 Montoya: Right.  
44  
45 H. Denton: . . . that there's been no activity that we would resubmit . . .  
46

1 Montoya: The construction plan for . . .  
2  
3 H. Denton: . . . the construction plan at that point and time.  
4  
5 Montoya: . . . for review, okay. Then we have no issues.  
6  
7 Kyle: Engineering and Technical Services.  
8  
9 Dominguez: This property is on the zoning, on the flood zone hazard area. I  
10 think its OAO2, right?  
11  
12 H. Denton: Correct.  
13  
14 Dominguez: It's in a flood zone. The (inaudible) is being under review right now.  
15 Other than that we have no issues. And I just wanted to state it for the record.  
16  
17 Kyle: Development Services, any comments.  
18  
19 Ochoa: No further issues, no.  
20  
21 Kyle: Applicants do you have anything to add, clarify?  
22  
23 H. Denton: No I think it, what's been stated is very clear. The purpose is really  
24 to deal with the current economic conditions and financing.  
25  
26 Kyle: Okay.  
27  
28 H. Denton: That's really what the change is.  
29  
30 Kyle: If there are no other comments, then I would entertain a motion to approve  
31 the PUD concept plan.  
32  
33 Dubbin: So moved, Mark Dubbin.  
34  
35 Murphy: Second, Tom Murphy.  
36  
37 Kyle: It's been moved and seconded. All those in favor please signify by saying  
38 aye.  
39  
40 All: Aye.  
41  
42 Kyle: Any opposed. Seeing none, the motion is approved. Thank you.  
43  
44 H. Denton: Thank you.  
45



# 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 PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).**

APPROVED AS IS: YES

NO

APPROVED WITH CONDITIONS:

DATE: 8/30/13

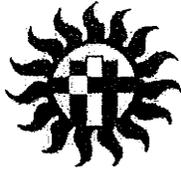
REVIEWER NAME: *Adam Ochoa*  
REVIEWER CONTACT NO. 5283204

*577 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 publ. 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.

*Set red lines*

- *Please list benefits.*
- *Provide landscaping details, Why?? How much? When?*



# City of Las Cruces<sup>®</sup>

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 PLANNER AT [Kroggers@las-cruces.org](mailto:Kroggers@las-cruces.org).**

APPROVED AS IS: YES

**NO**

APPROVED WITH CONDITIONS:

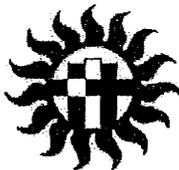
DATE: 10/17/13

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 PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).**

APPROVED AS IS:                    YES                    NO

APPROVED WITH CONDITIONS:

DATE: 12/6/13

*Public benefits shall have time line or phasing detailing for completion. What ever comes 1st.*

REVIEWER NAME: *Adam Ochoa*

REVIEWER CONTACT NO. 5283204

### 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)

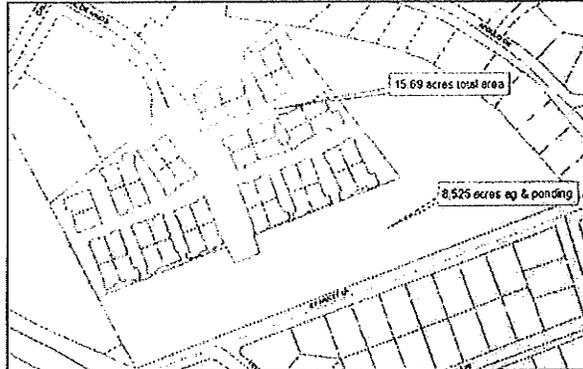
- Green infrastructure/low impact development techniques and green building techniques would be looked upon favorably. It is not clear from the proposal whether the developers intend to incorporate these; more information is needed.

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.

Urban Design Goal 2 (Conservation/Preservation)

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:

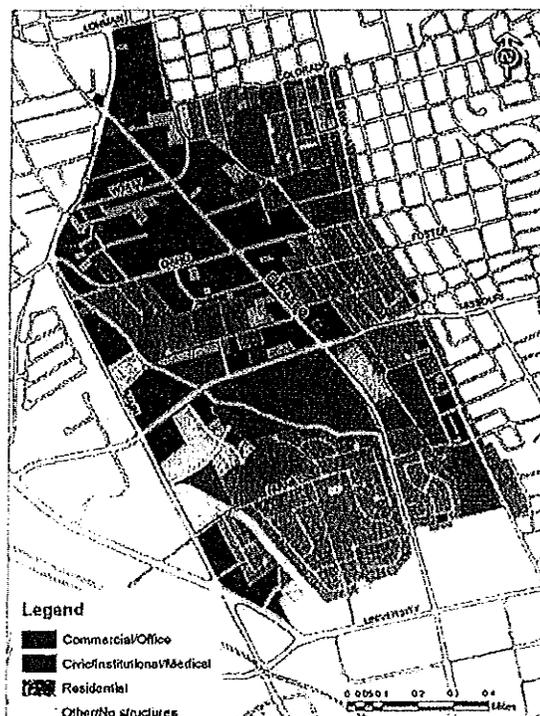
- 3.1.1. Residential and Commercial development should preserve a regional Desert Southwestern image rooted in a variety of architectural styles and design elements and strengthened by creative contemporary expression.
- 3.10.1. Infill development, both new development and redevelopment, should be required 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 *Designing Walkable 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](http://www.las-cruces.org) and in the upper right corner Google search "El Paseo Blueprint."*

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  
2<sup>nd</sup> AMENDMENT  
Advanced Planning Comments (C McCall)**

**October 17, 2013**

**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 CHARACTER

##### 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**

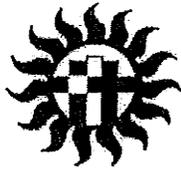
**GOAL 2:** Create a variety of development choices for individuals and families of all socioeconomic levels.

- 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:** ~~MRC~~

**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 PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).***

APPROVED AS IS: YES

NO

APPROVED WITH CONDITIONS:

DATE: 8/28/13

REVIEWER NAME: Andrew Wang

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 Act	120'	Bus Route 40	11496 (2010)		

Recommended Conditions of Approval

*Please show existing ROW on Tamez*

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Additional Comments

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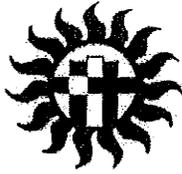
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# City of Las Cruces®

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.

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 PLANNER AT [krugers@las-cruces.org](mailto:krugers@las-cruces.org).**

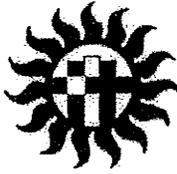
APPROVED AS IS:                    YES                    NO

**APPROVED WITH CONDITIONS:**

DATE: 10/22/13

REVIEWER NAME: Andrew Whang  
REVIEWER CONTACT NO. 3070

*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: **MPO**

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 PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).**

APPROVED AS IS:

YES

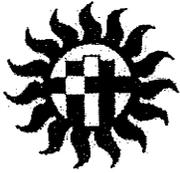
NO

APPROVED WITH CONDITIONS:

DATE: 12/9/13

REVIEWER NAME: Andrew Wray  
REVIEWER CONTACT NO. 3070

*No Comment*



# City of Las Cruces<sup>®</sup>

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.

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.

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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 PLANNER AT [krugers@las-cruces.org](mailto:krugers@las-cruces.org).**

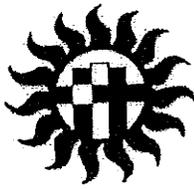
APPROVED AS IS: YES  NO

APPROVED WITH CONDITIONS:

DATE: 9/3/13

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

Provide conceptual drainage plan



# City of Las Cruces<sup>®</sup>

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)	<input type="checkbox"/>
Zone AE	(Flood elevation known)	<input checked="" type="checkbox"/>
Zone AH	(Flood 1' - 3' ponding)	<input type="checkbox"/>
Zone AO	(Flood 1' - 3' - steep slopes)	<input type="checkbox"/>
Zone A99	(100-year flood)	<input type="checkbox"/>
Zone X		<input type="checkbox"/>
Zone X(500)	(500 Yr. flood zone)	<input type="checkbox"/>
Zone D	(Unknown flood determination)	<input type="checkbox"/>

### DEVELOPMENT IMPROVEMENTS:

Drainage Calculation needed	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Drainage Study needed	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
Sidewalk extension needed	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Curb & gutter extension needed	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Paving extension needed	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
NMDOT permit needed	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	

### DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation:  Approval  Denial



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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APPROVED AS IS:

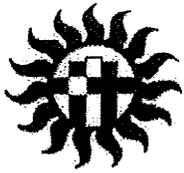
YES

NO

APPROVED WITH CONDITIONS:

DATE: 10/22/13

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



# City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: August 21, 2013

RECEIVED

TO: ~~TRAFFIC~~

AUG 21 2013

FROM: Adam Ochoa, Planner

TRAFFIC

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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APPROVED AS IS: YES

NO

APPROVED WITH CONDITIONS:

DATE: 8/26/13

REVIEWER NAME: K. Espinoza  
REVIEWER CONTACT NO. 5701

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 driving aisle  
Adequate curb cut  
Intersection sight problems  
Off-street parking problems

Yes \_\_\_ No \_\_\_  
Yes \_\_\_ No \_\_\_  
Yes \_\_\_ No X  
Yes \_\_\_ No \_\_\_

N/A   
N/A   
N/A \_\_\_  
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



DATE: October 11, 2013

TO: **Traffic**

RECEIVED

FROM: Adam Ochoa, Planner

OCT 11 2013

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

TRAFFIC

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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APPROVED AS IS:

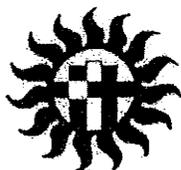
YES

NO

APPROVED WITH CONDITIONS:

DATE: 10/22/13

REVIEWER NAME: Katherine Rogers  
REVIEWER CONTACT NO. 528-2598



# 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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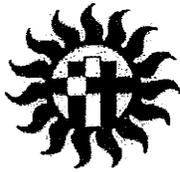
*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).*

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: ~~Parks and Rec~~

FROM: Adam Ochoa, Planner

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

SUBJECT: Sunset Grove Townhouse Condominium PUD  
Concept Plan

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APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 8/22/13

REVIEWER NAME: [Signature]

REVIEWER CONTACT NO. 2530



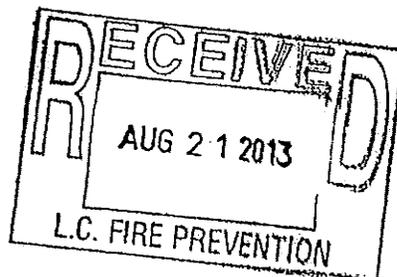
DATE: August 21, 2013

TO: ~~Site~~

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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APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 8/28/13

REVIEWER NAME: Maria P...

REVIEWER CONTACT NO. 44150

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	<u>X</u>	___	___
Secondary Site/Lot Accessibility	<u>X</u>	___	___
Fireflow/Hydrant Accessibility	<u>X</u>	___	___

Type of Building Occupancy: R

Closest fire department that will service this property:

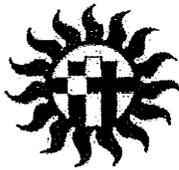
Name: Station 2Address/ Location: 1199 FosterDistance from subject property (miles): 2Adequate capacity to accommodate proposal? Yes X No \_\_\_

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.***

## DEPARTMENTAL RECOMMENDATION &amp; 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

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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 #: PLD-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 R. ...*





GRAPHIC SCALE  
1" = 20'-0"



SUNSET GROVE PUD CONCEPT PLAN  
SCALE: 1" = 40'-0"

**LEGEND**

- SWIRE THICKNESS
- LANDSCAPE ROAD AND TRAIL SOIL CONTRACT SOIL
- APPROXIMATE USE AREA

**LEGAL DESCRIPTION**

1. CERTIFICATE OF SUBDIVISION  
2. PLAT OF SUBDIVISION  
3. PLAT OF SUBDIVISION  
4. PLAT OF SUBDIVISION  
5. PLAT OF SUBDIVISION  
6. PLAT OF SUBDIVISION  
7. PLAT OF SUBDIVISION  
8. PLAT OF SUBDIVISION  
9. PLAT OF SUBDIVISION  
10. PLAT OF SUBDIVISION

**PHASING PLAN**

CERTIFICATE OF SUBDIVISION FILE IN RECORDS  
OF THE COUNTY CLERK, COUNTY OF WASHINGTON  
STATE OF WASHINGTON  
DATE: 01/15/2010

**SITE TABULATION**

TOTAL LOT AREA	15,118 ACRES
TOTAL LOT AREA EXCEPT FOR OPEN SPACE	15,118 ACRES
TOTAL LOT AREA EXCEPT FOR OPEN SPACE AND TRAIL SOIL	15,118 ACRES
TOTAL LOT AREA EXCEPT FOR OPEN SPACE AND TRAIL SOIL AND CONTRACT SOIL	15,118 ACRES
TOTAL LOT AREA EXCEPT FOR OPEN SPACE AND TRAIL SOIL AND CONTRACT SOIL AND APPROXIMATE USE AREA	15,118 ACRES

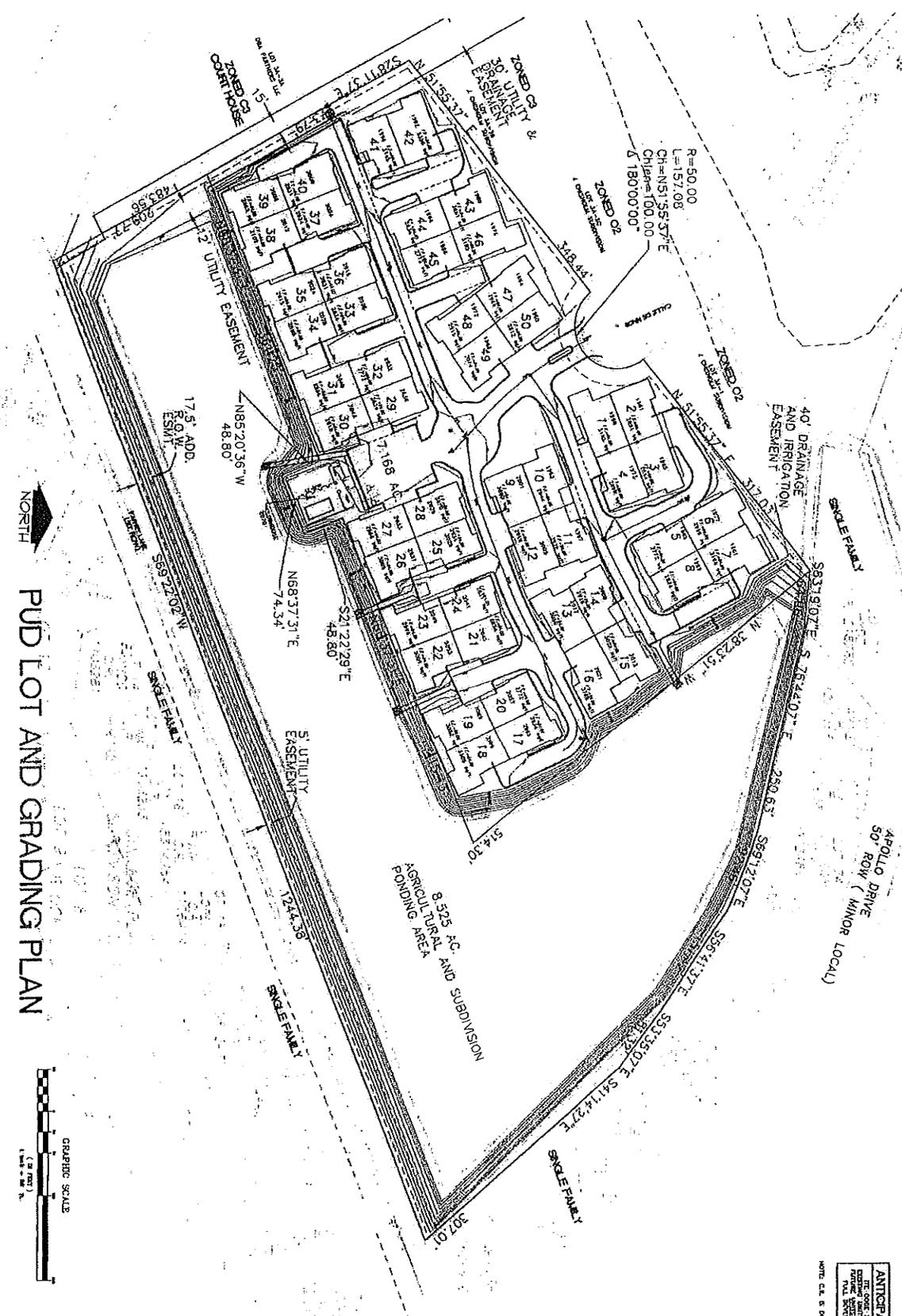
**PARKING**

TOTAL PARKING SPACES	100 SPACES
MINIMUM PARKING SPACES	100 SPACES
MAXIMUM PARKING SPACES	100 SPACES
TOTAL PARKING SPACES	100 SPACES
TOTAL PARKING SPACES	100 SPACES
TOTAL PARKING SPACES	100 SPACES

**2**  
CONTRACT



**PUD CONCEPT PLAN**  
**SUNSET GROVE TOWNHOMES**  
PREPARED FOR  
PARK PROPERTIES LLC  
NEW GROVES  
NEWSPROJECT



PUD LOT AND GRADING PLAN



ANTICIPATED TRAFFIC VOLUME

DATE	11-11-1973
BY	W. S. S. & S. S. S.
PROJECT	NEW MEXICO
CLIENT	NEW MEXICO

NOTE: C.F. S. ROW, AND COUNTY CLERK'S RECORD NUMBER

**PUD**  
**CONCEPT PLAN**  
**SUNSET GROVE**  
**TOWNHOMES**

PREPARED FOR  
 LAS CRUCES  
 NEW MEXICO

DATE: 11-11-1973  
 BY: W. S. S. & S. S. S.  
 PROJECT: NEW MEXICO  
 CLIENT: NEW MEXICO

3  
 SHEET

Draft

**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

- 1 Crane: Approval of the minutes for the last meeting 25th of February. Does any  
2 Commissioner have any amendments? Mr. Shipley.  
3  
4 Shipley: Page 4, line number 22, the sentence reads "there are pet owners maybe  
5 who lost a pet and has extra", and I think that "has" should be "have  
6 extra".  
7  
8 Crane: Did you say?  
9  
10 Shipley: Have. H A V E.  
11  
12 Crane: Oh, I beg your pardon, you're on page 22.  
13  
14 Shipley: Page 4, line 22.  
15  
16 Crane: Have, yes.  
17  
18 Shipley: And page 10, line number 44, the first word in the sentence is "shifted" it  
19 should be "sifted". S I F T E D. And that's all I had Mr. Chairman.  
20  
21 Crane: Thank you. Any other Commissioner? I have one, page 9, line 24, "any  
22 other questions for Ms. Montana" I think should be, rather than "from Ms.  
23 Montana". That's all I have. And so I'll entertain a motion that the minutes  
24 of the last meeting be accepted as amended.  
25  
26 Shipley: I move to accept the minutes.  
27  
28 Crane: Moved by Mr. Shipley. Do I have a second?  
29  
30 Beard: Second.  
31  
32 Crane: Seconded by Mr. Beard. All in favor aye.  
33  
34 ALL: AYE.  
35  
36 Crane: Against? Abstaining? Okay, it passes five/zero. Thank you.  
37

#### 38 IV. CONSENT AGENDA

- 39 1. **Case PUD-13-02: MOVED TO NEW BUSINESS**
- 40
- 41 2. **Case Z2870: MOVED TO NEW BUSINESS**
- 42
- 43

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

Draft

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

12  
 13 **V. OLD BUSINESS - NONE**

14  
 15 **VI. NEW BUSINESS**

16  
 17 Crane: So now let me explain how we handle new business items. A member of  
 18 the Community Development Department, very probably Mr. Ochoa, will  
 19 make a presentation and then the Commissioners may have questions of  
 20 him. Then we invite the interested parties, the people who have applied  
 21 for the variance or whatever the matter is, to come up and give an  
 22 address, again we may have questions. Finally we open the mike to the  
 23 public to come up and give their opinions and we may have some  
 24 questions of them. Could I please see a show of hands, number of people  
 25 in the audience who expect to come up and talk to us about any one of  
 26 these ... either one of these two matters? I see one, okay, in that case I'm  
 27 not going to ask our secretary to time people, but we'd all appreciate it if  
 28 you could keep it succinct, but take the time necessary to make your point.

- 29  
 30 1. **Case PUD-13-02:** Application DVI on behalf of Deko Properties, LLC,  
 31 property owner, for a Concept Plan for a Planned Unit Development (PUD)  
 32 known as the Sunset Grove PUD. The Concept Plan proposes to convert the  
 33 existing and proposed condominiums, 50 in total, into fee-simple townhome  
 34 lots with all interior roads and common areas, including the existing  
 35 clubhouse, privately owned and maintained. The subject area encompasses  
 36 24.23 +/- acres and is located at the southern dead-end of Calle de Ninos,  
 37 north of Farney Lane; Parcel ID# 02-41508 & 02-41509. Proposed use:  
 38 Single-Family Residential; Council District 2 (Councillor Smith).

39  
 40 Crane: All right, so Case PUD-13-02, Mr. Ochoa.

41  
 42 Ochoa: There you go. Thank you Mr. Chairman. Adam Ochoa, Development  
 43 Services for the record. Mr. Shipley since you are the Commissioner that  
 44 took this off, is there any specific question you had about the PUD that I  
 45 could answer for you or possibly the applicant can answer for you, or  
 46 would you like a full presentation sir?

Draft

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46

Shiple: 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

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

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

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1 questions, curious about what's going on, but no general consensus either  
 2 against or for the proposed PUD. With that the applicant is ... the  
 3 applicant's representative is here to answer any questions you might have  
 4 for them, and I stand for questions.  
 5

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

7

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

9

10 Ochoa: Thank you.

11

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

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

18

19 Shipley: Yes.

20

21 Ochoa: That is correct.

22

23 Shipley: Went up four feet. Also, there was a question, I had a question, you've  
 24 got 11 parking stalls with two ADA parking stalls and that of course is at  
 25 the swimming pool; with the number, was that size for the number of  
 26 people that are going to be there? The total number?  
 27

28 Ochoa: Mr. Chairman, Commissioner Shipley, those are more of a public parking  
 29 area intended for the pool house or clubhouse area. There is still the  
 30 garage parking as well as the (inaudible) parking area behind each unit if  
 31 you will. As to if that was taken into account for public parking I would not  
 32 know sir. I'm going to pass that to the applicant.  
 33

34 Shipley: Okay. I'll let the applicant answer that. But the other question that I had  
 35 was the street width was cut to 20-feet and if you park a row there, there's  
 36 no sidewalks, there's I think everybody has to walk in the street basically  
 37 to go through the addition as you add on to that addition. The second  
 38 thing that I was concerned about was that there was no second means of  
 39 egress or ingress to this facility, so if there was ever a catastrophe on the  
 40 entryway there's ... and someone else had a medical emergency there  
 41 would be no way to get them out unless you walked in, put them on  
 42 gurney and then hoisted them on your shoulders and carried them out.  
 43 And I was concerned with that. I did go look at the property and what  
 44 you're calling an agricultural area I believe is basically being used as a  
 45 retention pond. Is that not correct?  
 46

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- 1 Ochoa: Mr. Chairman, Commissioner Shipley, currently yes it is.  
2
- 3 Shipley: Okay. So there was no means of connecting to the street to the south in  
4 other words?  
5
- 6 Ochoa: Mr. Chairman, Commissioner Shipley, that is correct. I believe when the  
7 original master plan was approved that was kind of one of the conditions  
8 for approving it was that there was to be no access to Farney Lane  
9 because of I believe public opposition for that sir.  
10
- 11 Shipley: Could there not be an emergency access around ... built across there to  
12 give them that kind of ... you know with a gate on it that only the police or  
13 fire or whatever could have you know keys like they do in many places  
14 around here so that there would be a second means of ingress or egress  
15 there in case of emergency?  
16
- 17 Ochoa: Mr. Chairman, Commissioner Shipley that's something we can definitely  
18 take into account. I believe the applicant was in contact with our fire  
19 department for all code requirements and I'll defer to them and they can  
20 probably answer that a little better than I can sir.  
21
- 22 Shipley: Okay, and the other thing was the parking spaces it states in here that at  
23 least this was a part of your Sunset Grove townhouse PUD advanced  
24 planning comments, it might've been Carol McCall's comments.  
25
- 26 Ochoa: Yes sir.  
27
- 28 Shipley: With regard to 200 residential parking spaces or four per unit but for the  
29 pool you've only got a total of 11 parking places for basically the 50 units.  
30
- 31 Ochoa: Mr. Chairman, Commissioner Shipley the way the clubhouse and the  
32 parking area it currently already exists the way it is. I don't know if there  
33 is actual any prevention from people just parking at their homes, at their  
34 destination and walking to the pool area or to the clubhouse. And I don't  
35 know ... I believe there will be some I guess not allowing some on street  
36 parking if you will but I'm sure there'll be some areas for that parking.  
37 Again the applicant can probably answer that a little better sir.  
38
- 39 Shipley: Okay. When was this completed, the initial four buildings completed?  
40
- 41 Ochoa: I believe that was all completed in 2006 sir.  
42
- 43 Shipley: 2006, so they've had seven years. Have there been any problems there  
44 with parking or?  
45
- 46 Ochoa: Mr. Chairman, I'll go ahead and let the applicant answer that sir.

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1  
2 Shipley: All right.  
3  
4 Crane: Thank you. Any other Commissioner wish to ask any questions of Mr.  
5 Ochoa? All right, the applicant is here I believe. Please identify yourself  
6 sir and I will swear you in.  
7  
8 Denton: Commission members, my name's Harold Denton with DVI. I'm the  
9 architect, planner. I'm here representing Chisholms, that's the actual  
10 owner of the property.  
11  
12 Crane: Let me swear you in sir. Now we know your name, let me swear you in.  
13 Do you swear and affirm that the testimony you're about to give is the truth  
14 and nothing but the truth under penalty of law?  
15  
16 Denton: I do.  
17  
18 Crane: Thank you, please proceed.  
19  
20 Denton: I wanted to introduce Chad Everhart back here with Chisholms, one of the  
21 owners of the property also. To address a few of the specifics that you  
22 raised; we would be required by codes to have two parking spaces per  
23 unit and since the facility is dedicated to those 50 units for use and not a  
24 public use, we would not be required to have any parking spaces. So we  
25 are well over twice the number of parking spaces that would be required.  
26 And since we are providing parking spaces at the clubhouse pool facility  
27 we included handicaps there also. Okay. As far as access, again, and we  
28 went through reviews on this back in 2006, with the fire department, with  
29 all of the city utilities and staff and so forth. We're only required to have  
30 one access by code. If we were a residential single-family we would have  
31 ... at 50 I think we go to two, but when it's multi-family I think we can have  
32 up to 90, maybe it's 100, but it's just one of those two numbers and so  
33 we're well within that requirement. We originally proposed an access out  
34 to Farney and we were told by the P&Z and others not to do that access.  
35 We didn't. We've had no problems. It works very well. The problem is  
36 financing. And that's really why we're here and I want to just say, you  
37 know I can give you a whole full presentation again, but I think the short  
38 presentation is we're here because we're in a different economy today  
39 than we were back in 2006. Financing a condominium today is very very  
40 difficult and so really we're using the PUD as a replat if you can look at it  
41 that way. It's what we needed to go through to replat this to create fee-  
42 simple townhouse units. And they are set up as townhouse units, there  
43 are no changes being made. The height change, that's not meant - I  
44 mean that's a typo if you will. We're not raising the height of the units. I  
45 think by the zoning we're allowed quite a bit more, like 40 feet or so, so  
46 we're just really pulling it down. But it's the same buildings, it's the same

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

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

13  
 14 Crane: Thank you Mr. Denton. Now don't sit down yet. Anybody have a question  
 15 for Mr. Denton? Mr. Stowe.

16  
 17 Stowe: What does it mean agricultural in the context of townhouses?

18  
 19 Denton: Well we haven't tied down exactly what the crop is. At one point we were  
 20 thinking about pecan trees but because of the water usage and the  
 21 drought conditions that we're in, I think today we're thinking of a less  
 22 ntense water use type of crop. A number of things have been suggested.  
 23 Pat what would you thinking (inaudible) in there.

24  
 25 Denton: Pat's brother-in-law produces. Excuse me?

26  
 27 Crane: Could you please repeat what Pat said? Because he wasn't at the mike.

28  
 29 Denton: Pat said probably rosemary. His brother-in-law grows rosemary  
 30 commercially and that's one of the things we're looking at doing there and  
 31 would be a very nice smelling addition to the neighborhood.

32  
 33 Stowe: But would townhouse owners have a plot of land for their use?

34  
 35 Denton: Pardon me?

36  
 37 Stowe: Would townhouse owners have access to the agricultural land?

38  
 39 Denton: They have use ... they have the right to use the maintenance or walking  
 40 trails that do surround the property and those trails do go from Farney  
 41 over to the lateral okay, cause that's where irrigation water comes from to  
 42 get to the tract of land. But it is a separate piece of property because it's  
 43 got to be handled like a farm to work.

44  
 45 Stowe: Right. It sounds like it would be an interesting amenity for townhouse  
 46 owners to be able not to own but to use a small plot.

Draft

- 1  
2 Crane: Like an allotment. You have nothing in mind for that, giving a little plot to  
3 farm.  
4  
5 Denton: There was some discussion with the city about that and we talked about  
6 making it available if there was some interest but there wasn't when we  
7 got into it. It's a kind of difficult thing to make happen, it really is.  
8  
9 Crane: Mr. Shipley.  
10  
11 Shipley: How many people reside in the current condominium?  
12  
13 Denton: The 16 units that are there are fully occupied.  
14  
15 Shipley: Fully occupied.  
16  
17 Denton: And the clubhouse was built in that first phase also, so the pool's there,  
18 the recreation area, meeting area, and bathrooms, basically what it is.  
19  
20 Crane: Thank you. Any other Commissioner have a question? Thank you Mr.  
21 Denton.  
22  
23 Denton: Thank you.  
24  
25 Crane: Any member of the public wish to address this issue, PUD-13-02? In that  
26 case I'll close the matter to ... yes.  
27  
28 Dubbin: Mr. Chairman, point of clarification about the second access and fire. Just  
29 for your information the current fire code allows up to 30 dwelling units  
30 with a single point of access or 200 if they are sprinklered. So it does not  
31 meet the current code. We're aware of this. It's a plan that was  
32 developed 10 years ago and it's something that we work with. But just for  
33 your information it does not meet the current code.  
34  
35 Crane: Well Mr. Denton do you want to add to your statement?  
36  
37 Denton: Well that's 30 single-family lots. Yes it is. Multi-family it's higher than that.  
38 It's both in the uniform fire code and in the international building code.  
39  
40 Dubbin: The code ...  
41  
42 Crane: Fire department.  
43  
44 Dubbin: The code calls it dwelling units it doesn't differentiate apartments or  
45 houses. Single dwelling units.  
46

Draft

- 1 Denton: So you're overriding the national codes on that?  
2
- 3 Dubbin: I'm not overriding it, it's a plan that was approved 10 years ago. It's not  
4 something that would be approved today. We can sprinkle the further  
5 developments, but in a case like this we deal with what's there and what  
6 the best we can deal with.  
7
- 8 Crane: Are you saying this cannot go ahead as planned?  
9
- 10 Dubbin: It can yes. We did approve it.  
11
- 12 Crane: Okay.  
13
- 14 Dubbin: But just to clarify what the code was.  
15
- 16 Crane: So the changing from co-ops ... from condos to townhouses does not fall  
17 over the regulations, there's no change?  
18
- 19 Dubbin: Not in the fire code.  
20
- 21 Crane: Okay.  
22
- 23 Dubbin: We don't oppose the zone change.  
24
- 25 Crane: Thank you. Anyone else wish to address this issue? Okay, so I'll close it  
26 to public discussion. Commissioners? We have a motion before  
27 effectively to approve this application.  
28
- 29 Shipley: No we don't. We haven't made a motion.  
30
- 31 Stowe: I have a question.  
32
- 33 Crane: All right Mr. Stowe.  
34
- 35 Stowe: Maybe Mr. Ochoa can help. I'm confused whether all of the requirements  
36 were met under the DRC? All the different city departments, did they all  
37 eventually approve or is there more work that remains to be done?  
38
- 39 Ochoa: Mr. Chairman, Commissioner Stowe the DRC does review, if you can read  
40 the second sentence there, DRC does review the infrastructure, utilities,  
41 and improvement requirements for subdivisions from a technical  
42 standpoint so that essentially includes our engineering department, that  
43 includes planning of course, utilities, parks, fire is part of that DRC as well,  
44 and everybody did vote to approve that.  
45
- 46 Stowe: Traffic.

Draft

1  
2 Ochoa: Traffic as well, yes sir. And as you can see in your packets as well on the  
3 back you do have all the reviews that it went through. Basically those  
4 technical departments did approve the proposed PUD after just two  
5 reviews I believe is what it was.  
6  
7 Stowe: Right. A number of them had punch lists that required work. That work  
8 has been done?  
9  
10 Ochoa: Essentially yes sir. The final is what is being proposed now.  
11  
12 Stowe: Thank you.  
13  
14 Crane: Commissioner Beard.  
15  
16 Beard: I was going to recommend ... I was going to move to approve PUD-13-02.  
17  
18 Crane: Okay, do I have a second.  
19  
20 Beard: With staff recommendations for approval.  
21  
22 Crane: All right. Is there a second for that?  
23  
24 Stowe: Second.  
25  
26 Crane: Seconded by Mr. Stowe. Any further discussion among the  
27 Commissioners? Mr. Shipley.  
28  
29 Shipley: I only had one other question. There was a comment that I read about  
30 there was supposed to be a sidewalk along the ... was it Farney and that's  
31 I think what Mr. Stowe was alluding to is that had never been completed.  
32  
33 Ochoa: Mr. Chairman, Commissioner Shipley that sidewalk against Farney was  
34 something that they were requesting, but because of again the neighbor  
35 back when the master plan was approved and this project was approved  
36 the neighborhood actually came against that sidewalk and now that the  
37 applicant has actually built a rock wall so close to the curb now if you've  
38 gone out there.  
39  
40 Shipley: Yes.  
41  
42 Ochoa: A sidewalk would be almost impossible to build right now so that's  
43 basically why the sidewalk has been left alone sir. Farney is classified as  
44 a collector roadway by the Metropolitan Planning Organization but it is a  
45 constrained thoroughfare. So they did ... they took into account that that

Draft

- 1 roadway is going to stay essentially what's there now is what it's going to  
2 be.  
3
- 4 Shipley: Okay. Thank you.  
5
- 6 Ochoa: Yes sir.  
7
- 8 Crane: Okay, Commissioners, anybody want to discuss this further? If not we'll  
9 do a roll call vote. Let's start for a change with Mr. Shipley.
- 10  
11 Shipley: I vote aye, findings, discussion, and site visit.  
12
- 13 Crane: Mr. Stowe.  
14
- 15 Stowe: I vote aye, findings, discussion, and site visit.  
16
- 17 Crane: Mr. Alvarado.  
18
- 19 Alvarado: I vote aye, findings and discussion.  
20
- 21 Crane: Mr. Beard.  
22
- 23 Beard: Aye, findings, discussions, and site visit.  
24
- 25 Crane: And the Chair votes aye based on findings, discussion, and site visit. The  
26 applicant passes five/zero. Thank you.  
27
- 28 2. **Case Z2870:** Application by the City of Las Cruces for a rezoning of 8 City-  
29 owned parcels from R-4, High-density Multi-family Residential and Limited  
30 Retail and Office District, to C-3C, Limited High Intensity Commercial District  
31 to support recreational activities, institutional uses such as public safety  
32 offices, and City equipment and supply storage activities, and ancillary uses  
33 on Parcel ID# 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-  
34 28345, 02-28348, 02-28346 for a total of 5.41 acres of land located at 5110  
35 Porter Drive and 6221 Reynolds Drive. Council District 6 (Councillor  
36 Levatino)  
37
- 38 Crane: We'll go on now to Case Z2870, application by the city for rezoning of  
39 some parcels from R-4 to C-3 at 5110 Porter Drive and 6221 Reynolds  
40 Drive. And Ms. Montana is standing up there which means she's going to  
41 give the introduction. Please continue. Oh my, you have to be sworn.  
42 Mr. Ochoa nothing you said was ... nothing you said is any good because  
43 I forgot to swear you. But you look honest. Do you swear and affirm that  
44 the testimony you are about to give is the truth and nothing but the truth  
45 under penalty of law?  
46

March 16, 2014

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

Reference  
Case PUD-13-02

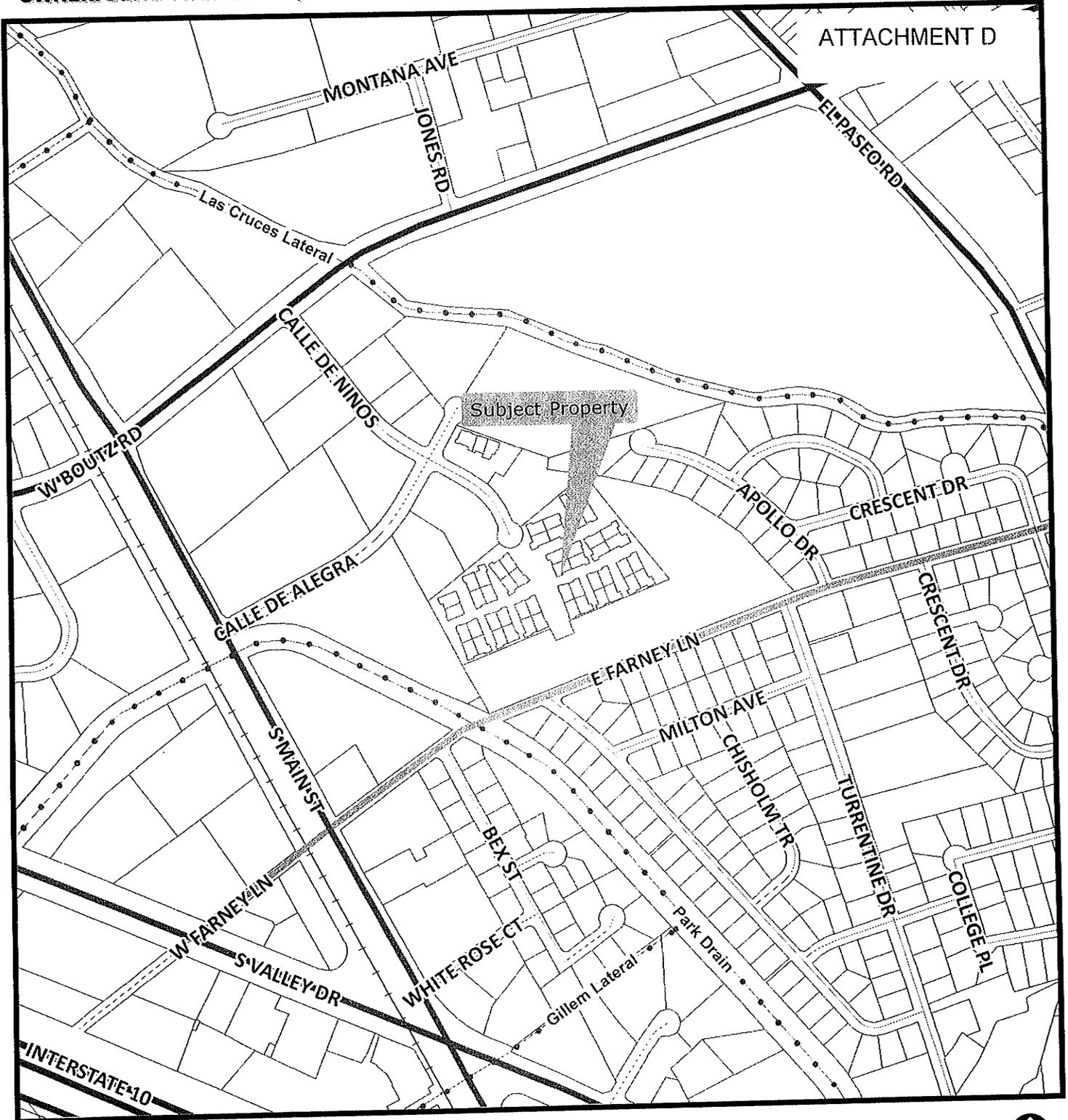
This is in response to your letter dated March 5, 2014. The information in your letter did not provide enough information to evaluate the proposed change. Please provide me the following information in writing (preferably on an updated site plan) prior to the hearing on March 25, 2014

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 [lc mayor@gmail.com](mailto:lc mayor@gmail.com)  
Greg Smith, city councilor [gsmith@las-cruces.org](mailto:gsmith@las-cruces.org)



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