City of Las Cruces®
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Council Action and Executive Summary

Item # 9 **Ordinance/Resolution#** 2725

For Meeting of August 18, 2014 (Ordinance First Reading Date)

For Meeting of September 2, 2014 (Adoption Date)

Please check box that applies to this item:

☒ QUASI JUDICIAL ☐ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FOR A 50± ACRE PORTION OF A 350 ACRE PARCEL 02-39551 LOCATED AT 100 N. SONOMA RANCH BLVD. FROM H (HOLDING) TO C-3C (HIGH INTENSITY COMMERCIAL, CONDITIONAL). SUBMITTED BY THE CITY OF LAS CRUCES. PROPERTY OWNER, U.S. BUREAU OF LAND MANAGEMENT (Z2875).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 6		
Drafter/Staff Contact: Susana Montana, Planner	**Department/Section:** Community Development/Building and Development Services	**Phone:** 528-3207
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

This zone change relates to the East Mesa Public Safety Complex which the City is in the process of designing. The site is located on Sonoma Ranch Boulevard near the intersection of Sonoma Ranch Boulevard and the South Fork of the Las Cruces Arroyo. Currently the land is owned by the Bureau of Land Management (BLM) and is designated by them as available for disposal. The East Mesa Public Safety Complex would consist of a building two stories in height in one wing and with a partial basement containing fitness training and mechanical systems. The first floor would house the Fire Station 8 and Fire and Police Department operations. The second floor would house only the Police Department's East Area Command operations. This facility would occupy approximately 8 acres of the 50 acre rezoning area. The remaining land would consist of open space and trails maintained by the City's Parks and Recreation Department for public use. The property is undeveloped and the current zoning, H (Holding), is suitable for vacant land but does not allow development of the proposed public uses. The proposed C-3C zoning would limit the land uses to those public/institutional and recreation uses and would allow the 50 acre lot size.

The City of Las Cruces is negotiating a lease agreement with the BLM for use of the 350 acre Parcel 02-39551. However, the rezoning request is solely for the 50 acre portion for the purpose of developing a building, parking lots and vehicle storage areas for the Police and Fire Departments which would serve the East Mesa community.

On June 24, 2013, the Planning and Zoning Commission considered the rezoning application at a duly-noticed public meeting. Members of the public who live near the rezoning site expressed the following concerns at the meeting: (1) The zoning allows 60 foot tall buildings which would block existing views of the Organ Mountains; (2) the public safety buildings are proposed to be located too close to existing homes on the western boundary of the site and requested that the City provide a 500 foot buffer zone of undeveloped land between buildings and the western boundary of the rezoning area; (3) the design of the buildings should reflect southwest and New Mexico architectural styles; (4) the City should protect and preserve the existing South Fork of the Las Cruces Arroyo which lies on the 50-acre rezoning site; (5) the City should involve neighbors in reviewing and commenting on the site design and the building design for future development within the rezoning site; (6) there was not adequate notice given to residents in the area for public meetings and in the future the City should notice all property owners affected by the development; (7) there was concern about the noise from fire and police sirens emanating from the public safety complex which would disturb the peace and quiet of the neighborhood; and (8) there was concern that speeding fire and police vehicle traffic would conflict with bicycle and pedestrian traffic in the adjacent neighborhoods. After reviewing the staff report, receiving public comment and additional information from staff, and after their own discussion, the Commission voted to conditionally-approve the rezoning request by a 5 to 0 vote (Commissioner Alvarado was absent and one Commission seat was vacant) with the following conditions:

1. Prior to submittal of the construction drawings for the East Mesa Public Safety Complex, a Traffic Impact Analysis (TIA) shall be provided to the City and reviewed by a neutral third party; and
2. As part of the construction of the East Mesa Public Safety Complex, the City shall improve the full section of Sonoma Ranch Blvd. adjacent to the 50-acre project site; and
3. A public input meeting shall be held to solicit comments for the proposed design of the building(s) for the East Mesa Public Safety Complex. Notice of said meeting shall be sent to all property owners within a 500-foot radius of the 50-acre site.

To address the Commission's concerns, City staff has committed to undertake a Traffic Impact Analysis of the proposed development on the rezoning site as part of the proposed project. The City will improve the full section of Sonoma Ranch Boulevard adjacent to the access point of the rezoning site as funded in the approved FY 14-15 budget. As part of the normal development of the project, City staff conducted a public meeting on July 22, 2014 to present the project. City staff mailed notice to owners of property located within a 1,200-foot radius of the rezoning site in addition to the typical newspaper advertising. Because of these commitments and actions which satisfy the Commission's recommended conditions of approval, staff does not recommend that any conditions be placed on the rezoning approval.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Rezoning Site Map.
3. Exhibit "B", Land Uses for the C-3C Zoning Designation.
4. Exhibit "C", Findings for Approval.
5. Attachment "A", Staff Report to the Planning and Zoning Commission.
6. Attachment "B", Draft Minutes of the June 24, 2014 Planning and Zoning Commission Meeting.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the rezoning Ordinance without conditions. The subject 50± acres would be rezoned from H to C-3C.
2. Vote to Amend; this will allow the City Council to modify the Ordinance by placing a condition or conditions of approval on the rezoning Ordinance which may be consistent with the conditions of approval recommended by the Planning and Zoning Commission. The subject 50± acres would be rezoned from H to C-3C.

3. Vote "No"; this will reverse the recommendation by the Planning and Zoning Commission for conditional approval of the rezoning Ordinance. The current H zoning for the 50± acre property would remain.
4. Vote to "Table"; this would allow the City Council to table/postpone action on the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. N/A

COUNCIL BILL NO. 15-006
ORDINANCE NO. 2725

AN ORDINANCE APPROVING A ZONE CHANGE FOR A 50± ACRE PORTION OF A 350 ACRE PARCEL 02-39551 LOCATED AT 100 N. SONOMA RANCH BLVD. FROM H (HOLDING) TO C-3C (HIGH INTENSITY COMMERCIAL, CONDITIONAL). SUBMITTED BY THE CITY OF LAS CRUCES. PROPERTY OWNER, U.S. BUREAU OF LAND MANAGEMENT (Z2875).

The City Council is informed that:

WHEREAS, the City of Las Cruces, is negotiating a lease agreement for 50 ± acres of a 350-acre parcel owned by the U.S. government and managed by the Bureau of Land Management; and

WHEREAS, the City seeks to build a fire station and police station, along with accessory parking and storage areas, and nature trails which would serve the East Mesa community and is known as the East Mesa Public Safety Complex; and

WHEREAS, the Planning and Zoning Commission, after conducting a duly-noticed public hearing on June 24, 2014, recommended that said zone change request be conditionally-approved by a 5 to 0 vote (Commissioner Alvarado absent and one Commission seat vacant).

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

(I)

THAT the 50± acre portion of Parcel 02-39551, more particularly shown in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3C (High Intensity Commercial, Conditional) limited to the uses noted in Exhibit "B," attached hereto and made part of this Ordinance.

(II)

THAT the zoning is based on findings contained in Exhibit "C," attached hereto

and made part of this Ordinance.

(III)

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

(IV)

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

DONE AND APPROVED this _____ day of _____20__.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

Rezoning Site Map

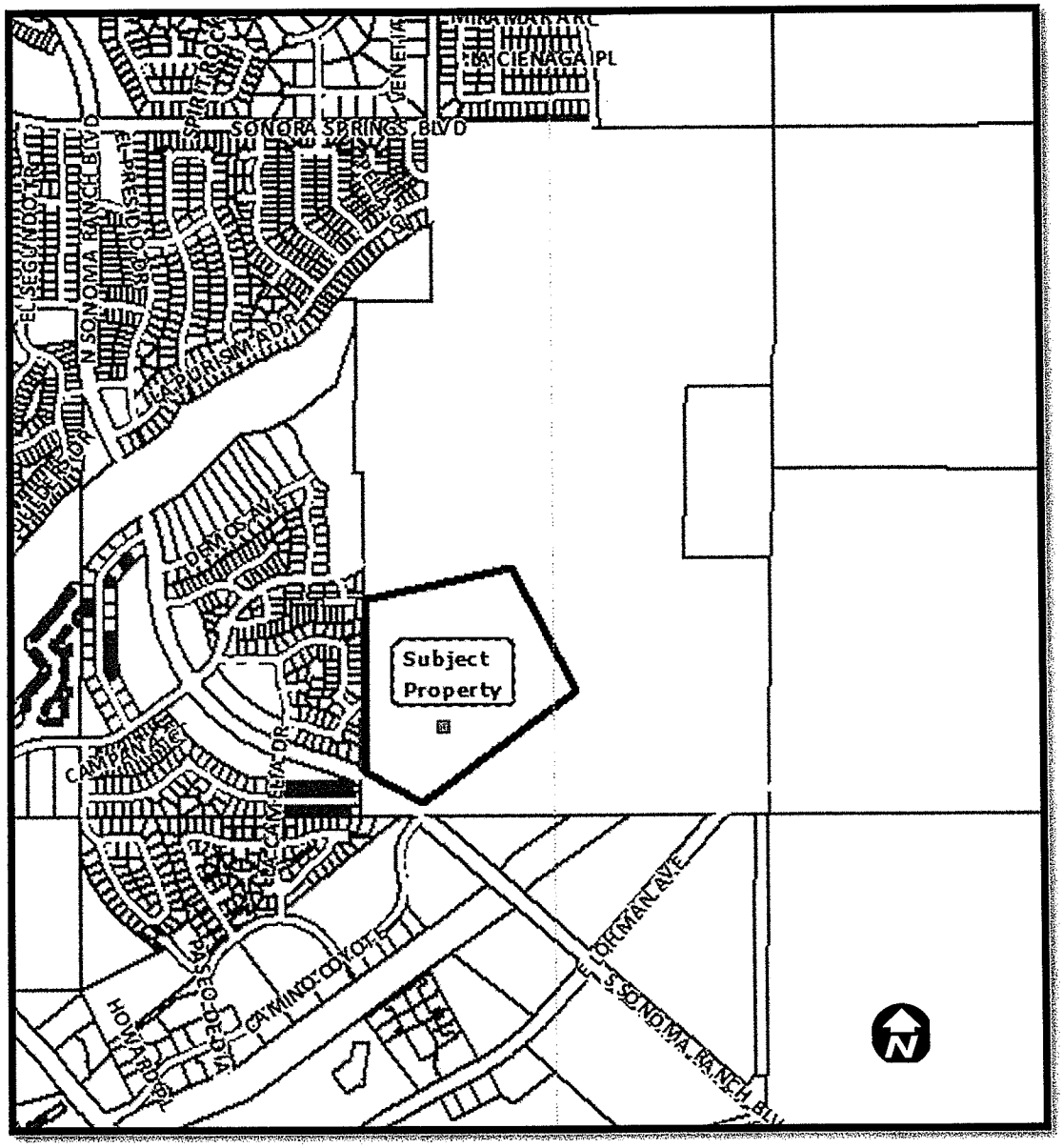


Exhibit "B"

Z2875; East Mesa Public Safety Complex and Recreation Facility

C-3C land use list

C-3C – LIMITED COMMERCIAL HIGH INTENSITY ZONING DISTRICT: The following C-3 district land uses are permitted within the 50 ± acre land area which is the subject of the Z2875 rezoning application for the East Mesa Public Safety and Recreation Facility.

LAND USES ALLOWED AS-OF-RIGHT

INSTITUTIONAL LAND USES (See Section 38-33D)
- Child Care Center or Preschool
- Community Buildings – Public Uses, including accessory uses for public safety purposes such as storage yards for vehicles, equipment and supplies, telecommunications facilities, and training facilities.
- Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)
- Batting Cages
- Golf Course, Miniature
- Health/Exercise Club/Gymnasium/Sports Instruction
- Recreational Courts, e.g., Tennis (Public)
- Skating Rink
- Botanical Park, Community Garden

SERVICE LAND USES (See Section 38-33F)
- Institutional Office: Public, Private, Educational, Religious, & Philanthropic
- Motion Picture Production

RETAIL LAND USES (See Section 38-33G)
- Plant Nursery (for public use and accessory to City Parks Department purposes)
- Telephone & Communication Ctr. (for public use)

LAND USES ALLOWED WITH CONDITIONS

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)
- Firing Range – Indoor (accessory to public safety uses); see Sec. 19-164 of the LCMC for conditions
- Parks, trails (including equestrian trails) and trailheads

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H and Section 38-53)
- Storage outside of buildings of materials, equipment, and supplies for public use
- Storage, warehousing accessory to Public Uses, Office, Retail Service or Industry

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)
- Antenna, Towers, Communication Structures, and Other Vertical Structures for Public Uses
- Face Mount (Attached to Primary Use)

Exhibit "C"

FINDINGS FOR APPROVAL

1. Based upon the evaluation of applicable City codes and plans by the relevant City Departments, the limited C-3C zoning designation, with the conditions stated in Exhibit "C" to this Ordinance, would minimize or eliminate off-site impacts of City-sponsored development or land uses on the 50± acre Site which would positively address applicable Zoning Code Intent and Purpose Statements;

2. Based upon the evaluation of the proposal by relevant City Departments, the rezoning would allow the City to provide public safety and passive recreational activities which would positively address relevant City Comprehensive Plan goals and policies; and

3. The rezoning would allow the City to provide needed public services to an area experiencing substantial residential growth; this would address the following New Mexico case law rezoning criteria:

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

Attachment "A"

City of Las Cruces
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: June 24, 2014
Drafted by: Susana Montana, Planner SM

CASE #	Z2875	**PROJECT NAME:**	East Mesa Public Safety & Recreation Complex
APPLICANT/ REPRESENTATIVE:	Bill Hamm, Land Manager for the City of Las Cruces	**PROPERTY OWNER:**	U.S. Bureau of Land Management (BLM)
LOCATION:	100 N. Sonoma Ranch Blvd.	**COUNCIL DISTRICT:**	6 (Levatino)
SIZE:	50 ± acres of a 300± acre Parcel 02-39551	**EXISTING ZONING/ OVERLAY:**	H-Holding No overlay
REQUEST/ APPLICATION TYPE:	Rezone approximately 50 acres to C-3C to accommodate new construction of a City-owned and operated East Mesa Public Safety & Recreation Complex.		
EXISTING USE(S):	Vacant land in its natural state.		
PROPOSED USE(S):	A police station, fire station and recreation (trail) facilities.		
STAFF RECOMMENDATION:	Approval based on the findings noted below in Section 4 on page 10.		

TABLE 1: CASE CHRONOLOGY

Date	Action
5/5/2014	Application submitted to Development Services
5/5/2014	Case sent out for review to all reviewing departments
5/13/2014	All comments returned by all reviewing departments
5/28/2014	Early notification neighborhood meeting by Applicant at the DACC East Mesa Campus
6/4/2014	Staff reviews and recommends approval of the zone change
6/8/2014	Newspaper advertisement
6/9/2014	Public notice letter mailed to neighboring property owners
6/9/2014	Sign posted on property
6/24/2014	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The City is proposing a zone change from H-Holding to C-3C to accommodate the East Mesa Public Safety and Recreation Complex which would provide a Police Station, a Fire Station and recreation activities serving the East Mesa community. The current H-Holding zoning designation is for undeveloped land and this zoning must be changed to accommodate the City's proposed uses. The proposed C-3C designation would be limited to City-sponsored community buildings and associated parking and storage yards and recreational uses.

The proposed East Mesa Public Safety Complex would feature a multi-story building, as well as parking and storage yards for the Fire and Police Departments. Their offices would be open 24-hours a day and would be open to the public from 8 AM to 5 PM daily. The City would also develop trails throughout the remainder of the 50-acre Site with much of the native vegetation remaining intact. Access to the Site would be from S. Sonoma Ranch Blvd. through an extension of Camino Coyote (see Attachment 4--Site Plan).

The property is vacant and is under the jurisdiction of the U.S. Bureau of Land Management (BLM) and the City is seeking a lease from the BLM to construct and operate the complex. It is anticipated that in the future the BLM will sell the land to the City.

The adjacent neighborhoods to the far north and to the west are characterized as single-family homes. Lands to the southwest are developed with duplex townhomes.

The closest Fire Station, Station 6, is located two miles (as the crow flies) north of the Site at Northrise Drive. The closest community park is the 34-acre Desert Trails Community Park located approximately 1 mile northwest (as the crow flies) from the Site. The City's single Police Station is located downtown at Picacho and N. Main Streets, approximately 3 miles (as the crow flies) west of the Site.

HOLDING ZONING DISTRICT CHARACTERISTICS

The Holding Zoning District is intended for property that is not predominantly developed and the property owners do not have plans or are not ready to develop their property. In the H District, the following uses are allowed: (1) Subdividing the property into lots of one acre or larger; (2) One detached single-family dwelling may be constructed on any lot of record; and (3) A one-time remodeling of an existing structure is also allowed.

The public uses and facilities proposed by the City for the 50 acre Site are not allowed in the H District and, therefore, a new zoning designation must be sought. The mix of public/institutional uses sought and the 50-acre size of the Site dictate a C-3, High-intensity Commercial District designation. Because only some of the uses permitted in the C-3 District are desired for this complex, the City is seeking a very limited range of C-3 uses for this rezoning request. Those uses are noted in Table 2 below. The C-3C District would retain the normal setbacks and building height limits of the C-3 District which are also noted below in Table 2.

TABLE 2: LIST OF LAND USES IN THE PROPOSED C-3C DISTRICT.

LAND USES ALLOWED AS-OF-RIGHT
INSTITUTIONAL LAND USES (See Section 38-33D) Child Care Center or Preschool Community Buildings – Public Uses, including accessory uses for public safety purposes such as storage yards for vehicles, equipment and supplies, telecommunications facilities, and training facilities. Library/Museum
RECREATIONAL LAND USES (See Section 38-33E) Batting Cages Golf Course, Miniature Health/Exercise Club/Gymnasium/Sports Instruction Recreational Courts, e.g., Tennis (Public) Skating Rink Botanical Park, Community Garden SERVICE LAND USES (See Section 38-33F) Institutional Office: Public, Private, Educational, Religious, & Philanthropic Motion Picture Production
RETAIL LAND USES (See Section 38-33G) Plant Nursery (for public use and accessory to City Parks Department purposes) Telephone & Communication Ctr. (for public use)
LAND USES ALLOWED WITH CONDITIONS
RECREATIONAL LAND USES (See Section 38-33E and Section 38-53) Firing Range – Indoor (accessory to public safety uses); see Sec. 19-164 of the LCMC for conditions Parks, trails (including equestrian trails) and trailheads
TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H and Section 38-53) Storage outside of buildings of materials, equipment, and supplies for public use Storage, warehousing accessory to Public Uses, Office, Retail Service or Industry
UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59) Antenna, Towers, Communication Structures, and Other Vertical Structures for Public Uses Face Mount (Attached to Primary Use)
C-3 DEVELOPMENT STANDARDS
Building Height: Maximum 60 feet
Building setbacks: Front=15 feet; Rear= 15 feet or 0; Side=5 feet or 0; Street Side= 15 feet.
Minimum lot size: 21,780 square feet (1/2 acre); Minimum lot depth= 70 feet; Min. lot width= 60 feet.

TABLE 3: DEVELOPMENT & SITE CHARACTERISTICS

PARCEL	ADDRESS	CURRENT DEVELOPMENT
02-39551	100 N. Sonoma Ranch Blvd.	Undeveloped land

TABLE 4: SPECIAL CHARACTERISTICS

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

TABLE 5: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Zoning Designation
Subject Property	Undeveloped land	H-Holding
North	Undeveloped land	H-Holding
South	Single-family Residential in the following subdivisions: Obispo Estates, Las Ventanas a Los Organos, and South Fork Annexation.	Planned Unit Development of single-family zoning with a small pocket of commercial (C-3) zoning along the southeast border of the proposed Site
East	Undeveloped land	H-Holding
West	Single-family residential and duplex townhomes, both in the Mission Espada subdivision.	Single-family neighborhood is zoned R-1a, Medium-density single-family residential zone; Multi-family area is zoned R-2, Low-density multi-family zone.

TABLE 6: PARCEL LAND USE HISTORY

Number	Status
Permits	None
Ordinance	Ordinance No. 2373, adopted in 2007, created the Vistas at Presidio I annexation, Master Plan and Initial Zoning of H-Holding for the 367.8-acre "Parcel 1" which contains the 50-acre subject parcel.

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

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

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

SECTION 3: PUBLIC NOTIFICATION AND COMMENT

On May 12, 2014, the Applicant mailed an "Early Notification" public notice letter to neighborhood associations whose boundaries lie within a 500 foot radius of the boundaries of the 50-acre Site. The letter described the proposed rezoning project and its purposes and included a location map, site plan and a list of proposed land uses within the rezoning area. The letter invited the association's members to a community meeting to be held on May 28, 2014 to answer questions and solicit comments on the proposed rezoning and public safety and recreation complex.

The Early Notification meeting took place the evening of May 28th at the East Mesa Campus of the Dona Ana Community College. Three members of the public attended and their comments are summarized as follows (see Attachment 7):

- Concern with the access to the Site.
  - Response: Access to and from the Public Safety Complex for emergency vehicles would be from Sonoma Ranch Blvd.; access for the public and employees would most likely be from an extension eastward of Camino Coyote.

- Concern with the height of structures in the C-3C District where the zoning allows heights of 60 feet. There is concern with blockage of views from homes to the west.
  - Response: The initial concept for the Public Safety Complex buildings would be two stories at the highest point. It is unknown if other buildings would be built on the 50 acres and what height they would be.

- Concern with the land use called "warehousing" and "wholesale trade".
  - Response: That land use refers to the potential outdoor storage for the Fire and Police Departments of equipment and vehicles. Any outdoor storage or "warehousing" would be strictly associated with the Public Safety Complex uses.

- Concern with the Public Safety Complex' communication towers. Would they be "stealth" and made to look like trees?
  - Response: The communication towers for the complex would most likely be "face-mounted" to the buildings rather than stand-alone structures.

- Concern with the availability of parking for trail users to avoid their parking on nearby residential streets.
  - Response: As trails and trailheads come up for development on the Site, a public input process would be initiated for each individual project. Program and design decisions for each project would incorporate public input at that time.

On June 6, 2014, a letter announcing the Planning and Zoning Commission public meeting on the proposed rezoning was mailed to owners of property lying within a 500-foot radius of the rezoning Site. This letter also included a location map, site plan, and a list of proposed land uses within the proposed C-3C zone. As of the date of this report, June 16th, no comments or inquiries have been received on this rezoning request as a result of the legal notice published on June 9th, the public notice sign posted on the property facing S. Sonoma Ranch Blvd. on June 6th, or the adjacent property owner letters that were mailed June 6, 2014.

SECTION 4: STAFF ANALYSIS AND CONCLUSIONS

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

Applicable Comprehensive Plan Elements & Policies

LAND USE
Chapter 4 Healthy Community

Balanced Development

Goal 1: Encourage mixed use development.

Policy 1.1: Encourage development using the mixed use concept of this Comprehensive Plan, such as developing compatible non-residential uses within walking distance of existing residential uses.

Chapter 5 Community Character
Subsection: Flexible Design & Positive Image

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

Policy 19.12 Follow mitigation techniques in the City Code, as amended, related to buffering, spacing between uses, site design, and architectural controls as a means to place potentially incompatible uses adjacent to one another to encourage flexibility in land use that provides for compatibility and quality design.

Policy 19.27 Support a policy of mixed land uses which are not traditionally considered compatible that may be located next to one another depending upon design features and compatibility with the adjacent area as a result of the mixed land use policy of this Comprehensive Plan. Those uses with lower intensities must be protected from any negative impacts from adjacent uses with higher intensities in order to protect a desirable quality of life within the city.

PUBLIC SERVICES
Chapter 4 Healthy Community
Subsection: Wide-ranging Community Facilities & Services

Goal 6: Ensure a safe and secure community through the provision of high quality, effective and efficient public safety services.

Policy 6.2: Consider fire service standards, such as response time, when reviewing development proposals and encourage growth where subscribed standards can be met.

Policy 6.3: Plan future public safety locations where growth is anticipated and/or in accordance with policies of this Comprehensive Plan.

Policy 6.5: Expand and/or enhance fire and rescue services when feasible.

Great Parks & Recreation Element

Goal 4: Enhance the quantity and quality of parks programs, and associated facilities to satisfy the recreational, cultural, and educational needs of residents.

Policy 4.3: Encourage an even distribution of parks and recreational facilities throughout the city.

Policy 4.5: Establish standards and policies for trails, pocket, neighborhood, and community parks.

f. Provide a combined trail service standard of 0.25 miles per 1,000 persons.

Goal 5: Provide a comprehensive, attractive, cost- and resource-efficient system of parks and recreation facilities responsive to the needs and desires of the community.

Policy 5.1: Encourage parks and multi-use activity/recreational fields (functional open space) in conveniently located areas.

Policy 5.6: Locate City facilities in areas most appropriate to their primary function so that they may better serve their target populations.

Policy 5.7: Promote and locate City-sponsored activities and events in parks and/or facilities best suited to accommodate the activity/event.

Policy 5.8: Provide a variety of recreational opportunities to meet the various needs in Las Cruces.

Wide-Ranging Community Facilities & Services Element

Goal 6: Ensure a safe and secure community through the provision of high quality, effective and efficient public safety services.

Policy 6.3: Plan future public safety locations where growth is anticipated and/or in accordance with policies of this Comprehensive Plan.

Policy 6.7: Continue and expand community policing and Neighborhood Watch programs as a means of increasing and strengthening crime prevention strategies.

Goal 7: Provide a balance of community, social and cultural services that meet the needs of all segments of the community.

Policy 7.3: Promote and maintain a balanced system of community and social services for the health, safety and welfare of all Las Cruces' residents.

Goal 8: Provide public facilities that serve multiple functions.

Policy 8.4 Wherever possible, cluster public facilities with other facilities where such clustering allows optimal use of facilities, joint use of drainage facilities and an increased availability of recreation programs to neighborhoods throughout the city.

Chapter 8 Operational Support

Active Cooperation & Engagement Element

Goal 47: Coordination and cooperate with providers of community services.

Policy 47.1: Work cooperatively with community-oriented agencies and organizations which provide community programs, services, or activities in order to maximize their availability to residents.

Responsive Processes Element

Goal 49: Establish procedural and development requirements.

Policy 49.7: Require zoning actions to be in general conformance with this Comprehensive Plan.

Policy 49.8: Do demonstration projects on City owned or sponsored projects.

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

The Purpose and Intent Statements relevant to the proposal are:

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

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

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

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

Case Law Rezoning Criteria Considerations

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

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply, because
    a. there is a public need for a change of the kind in question, and
    b. that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Analysis

This is a City-initiated rezoning request from the current H-Holding designation to a limited C-3 (C-3C) designation for the purpose of building a Police Station, a Fire Station with related parking and storage of vehicles and equipment, and trails and recreation facilities such as a playground, picnic area, interpretative signage and accessory parking for its users. The recreation uses would be designed to conserve and protect native vegetation and tributaries of the South Fork Las Cruces Arroyo in the undeveloped portions of the Site. Walking trails through the majority of the 50-acre Site would be developed for public use.

The C-3C zoning allows the uses listed above in Table 2 and on Attachment 5 as principal permitted uses with the exception of antennas, towers, communication structures which remain a Special Use requiring Planning and Zoning Commission authorization. Typical C-3 District land uses that are not listed in Table 2 and Attachment 5 would not be permitted on the subject parcels. The limitation on land uses is the "condition" of the C-3C zone. The Applicant limited the land uses to those that would provide the needed institutional uses for the City and to satisfy the existing and anticipated future demand in the East Mesa area for recreational, public safety (police, fire) and related institutional activities and facilities. The proposed C-3C uses and activities are not expected to generate noise, dust, fumes, parking congestion or traffic congestion to the Site or neighborhood and would not introduce an incompatible land use or activity to the adjacent residential neighborhoods.

The Site, a 50-acre portion of a 350-acre "parent parcel", would be accessed from N. Sonoma Ranch Blvd. Emergency police and fire vehicles would enter and exit the Site using N. Sonoma Blvd. The City may extend Camino Coyote from its current terminus at N. Sonoma Ranch Blvd. eastward into the Site. If this occurs, members of the public and employees of the Complex would access the Site from Camino Coyote via N. Sonoma Ranch Blvd. If this does not occur, all access would be from N. Sonoma Ranch Blvd.

Conclusion

The proposed rezoning would allow the City to provide needed recreational, public safety and support services and facilities to the East Mesa community. The limitation of land uses in the C-3C designation would minimize off-site impacts to the neighborhood. A significant portion of the Site would remain in natural desert landscape thereby minimizing dust, conserving wildlife habitat, conserving natural stormwater management, preserving open space, and providing passive recreation opportunities and trails for the public

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the project based on the findings noted below.

FINDINGS FOR APPROVAL

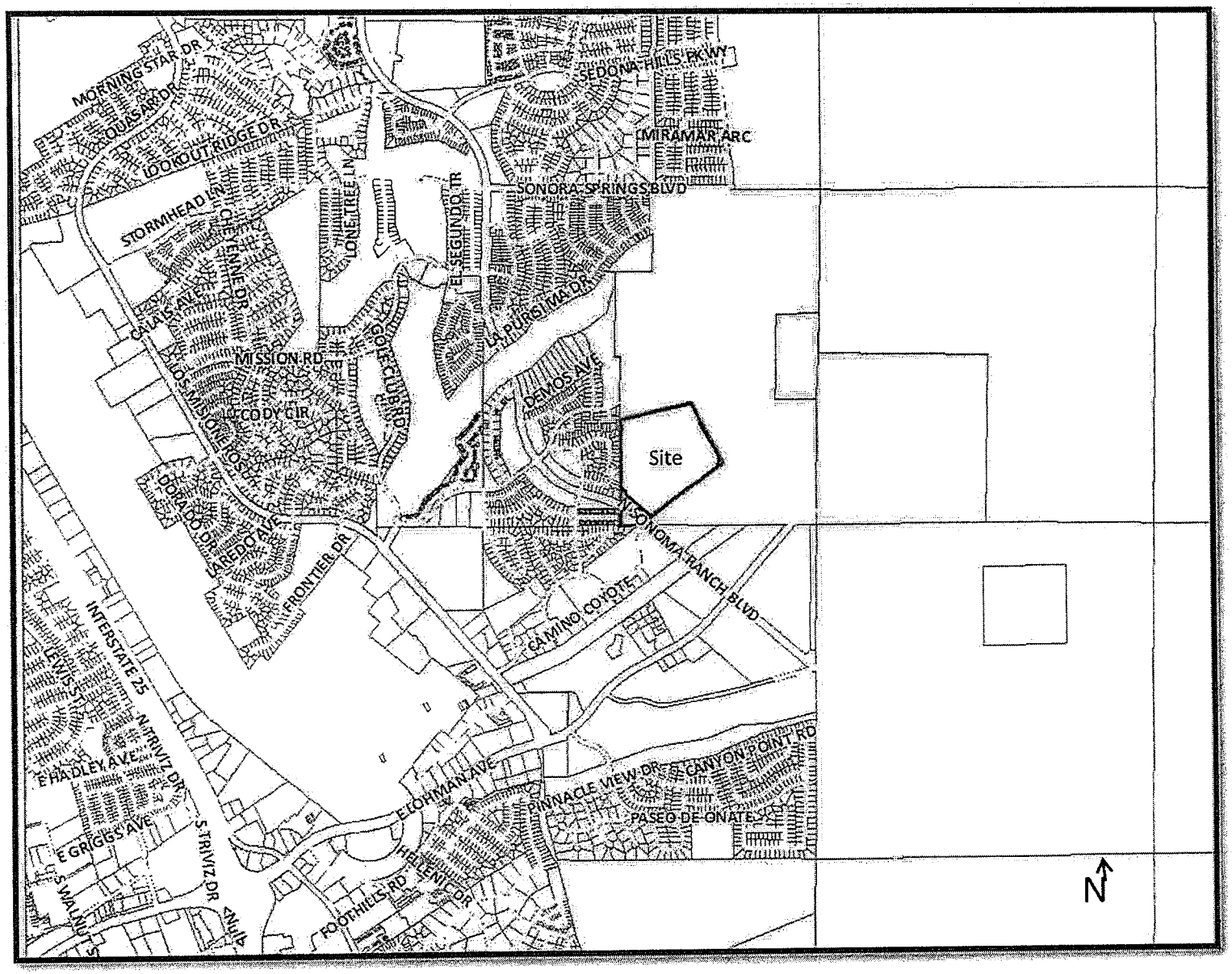
1. Based upon the evaluation of applicable City codes and plans by the relevant departments, the limited C-3C zoning designation would minimize or eliminate off-site impacts of City-sponsored development or land uses on the 50-acre Site which would positively address applicable Zoning Code Intent and Purpose Statements and Planning and Zoning Commission decision criteria.
2. Based upon the evaluation of the proposal by relevant City Departments, the rezoning would allow the City to provide public safety and passive recreational activities which would positively address relevant City Comprehensive Plan goals and policies.
3. The rezoning would allow the City to provide needed public services to an area experiencing substantial residential growth; this would address the following New Mexico case law rezoning criteria:
    - Changed neighborhood or community conditions justify the change; or

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

ATTACHMENTS

1. Location Map
2. Zoning Map
3. Rezoning Site Location Map
4. Site Plan
5. Development Statement and list of C-3C land uses
6. Reviewing Department/Agency Comments and/or Conditions
7. Public Comments from Early Notification Neighborhood Meeting

Attachment 1



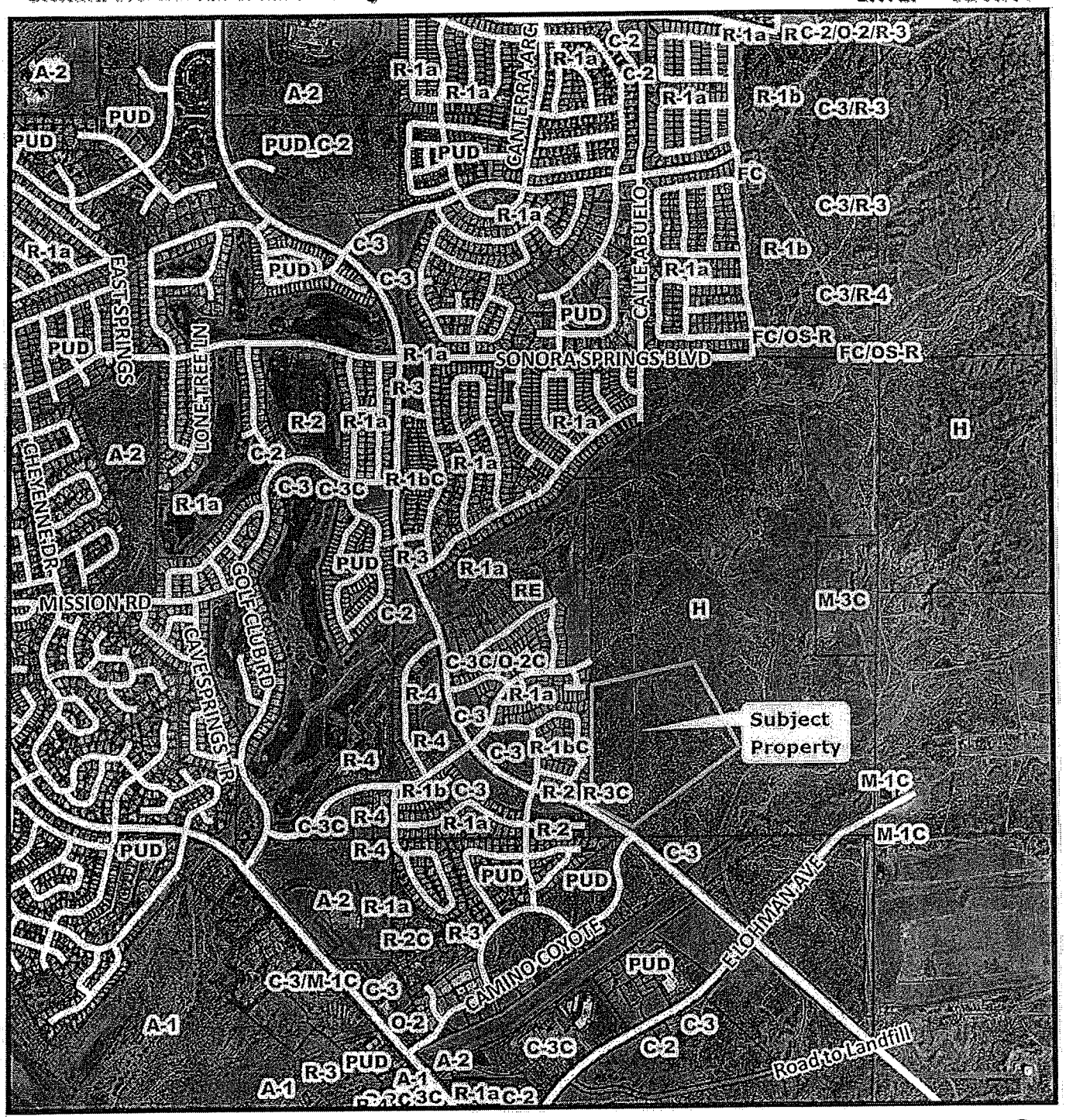
Z2875; East Mesa Public Safety & Recreation Complex Rezoning
Location Map

Attachment 2

Zoning Map

ZONING: H-Holding
OWNER: U.S. Bureau of Land Management

PARCEL: 02-39551
DATE: 06/10/14



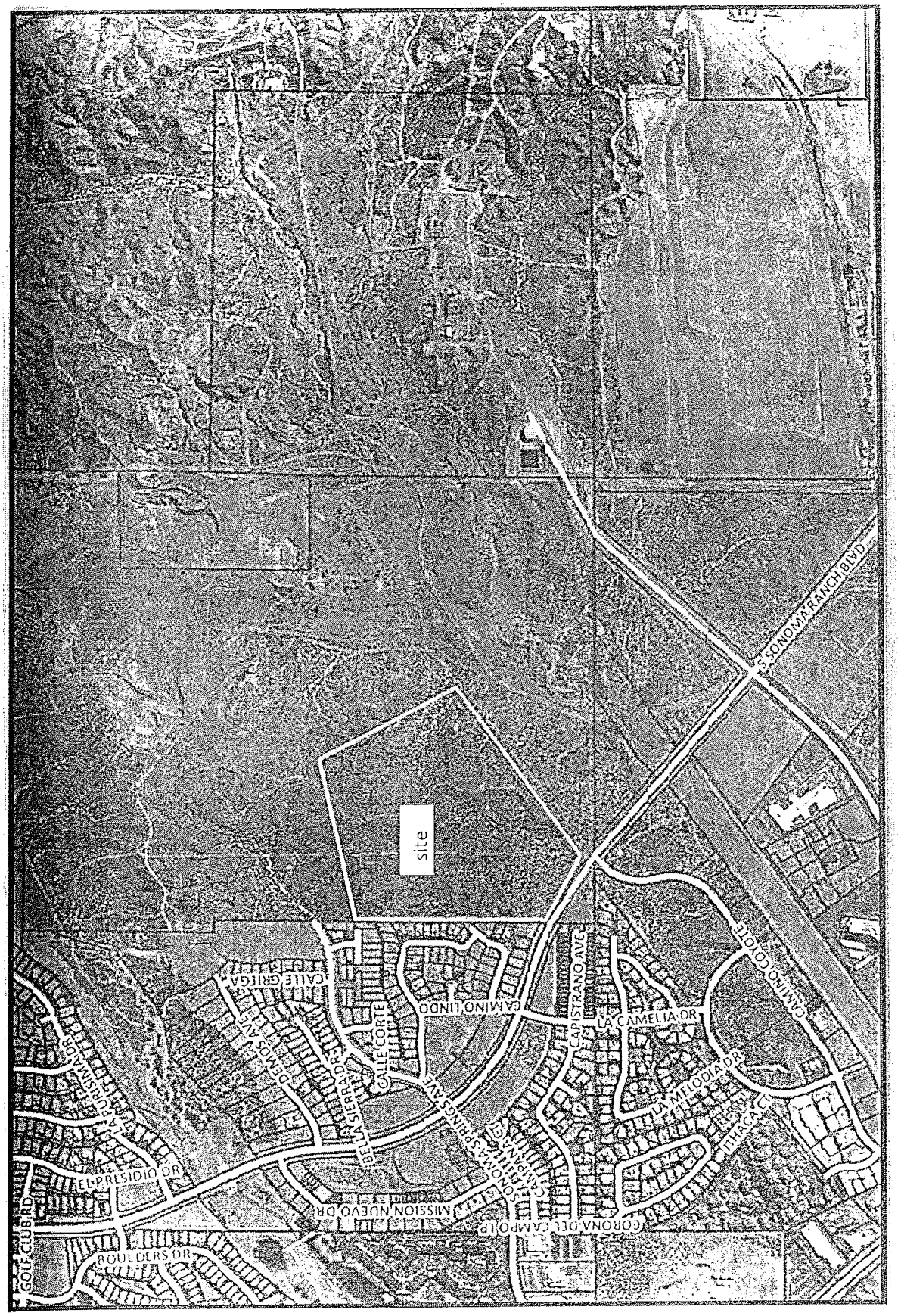
Z2875: East Mesa Public Safety & Recreation Complex

Feet

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

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

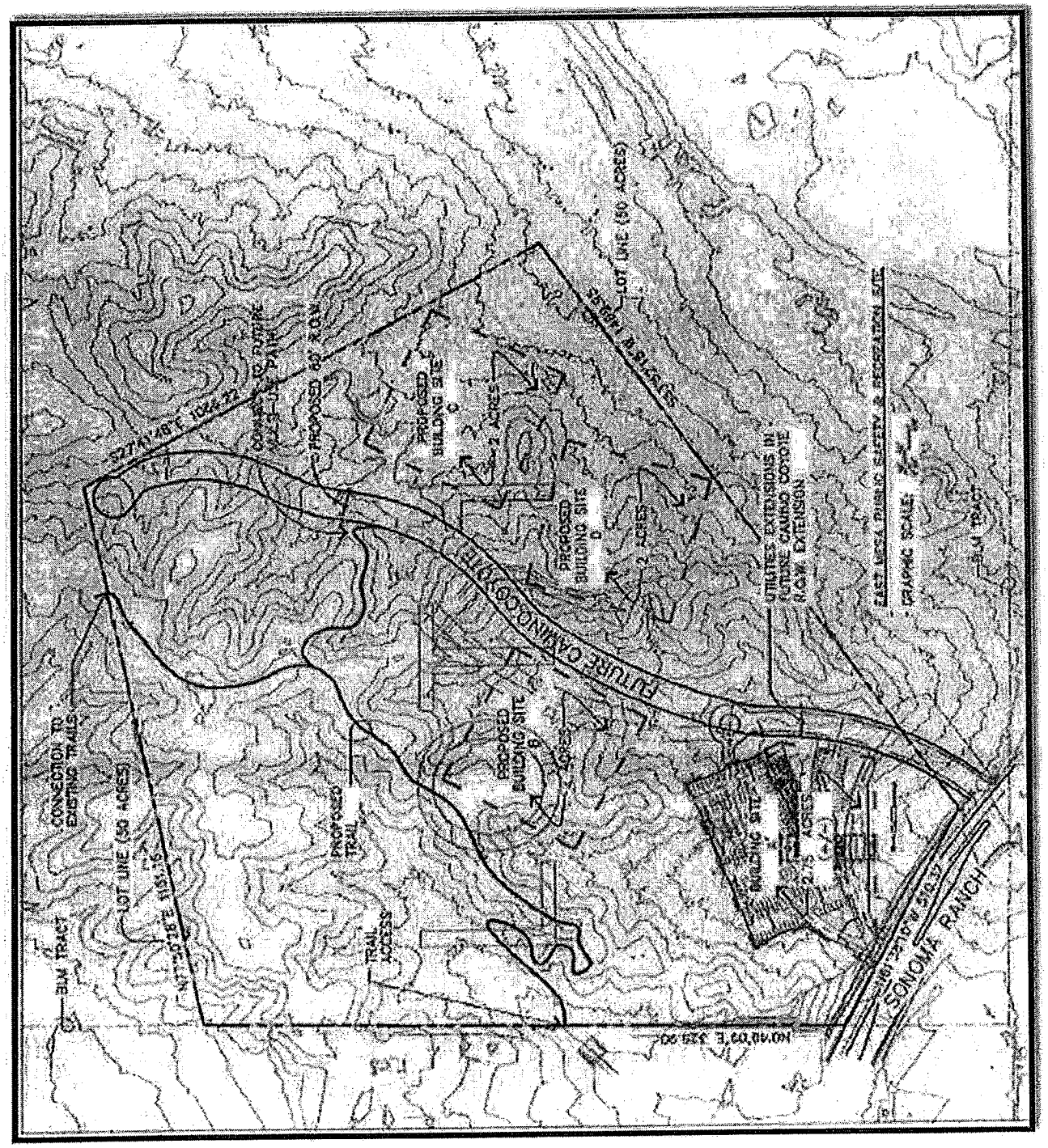
Attachment 3



Rezoning Site Location Map

Attachment 4

Site Plan



Attachment 5

City of Las Cruces
PEOPLE HELPING PEOPLE

CITY OF LAS CRUCES DEVELOPMENT APPLICATION

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

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

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

(Case # ZZ875)

SUBJECT PROPERTY ADDRESS: 100 N SONOMA RANCH BLVD (TEMPORARY ADDRESS - FOR APPLICATION PURPOSES ONLY)

PROPERTY TAX ID# 02-39551 4-010-133-431-264 **PARCEL ID#** 02-39551

PROPERTY OWNER(S) of record: UNITED STATES OF AMERICA - BUREAU OF LAND MANAGEMENT

Address: 1800 MARQUESS ST City LAS CRUCES State NM Zip 88005

Phone: Home( ) Work(575) 525-4385 Mobile( ) Fax( )

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

Name: BILL R. HAMM Title/Company: LAND & REAL ESTATE MANAGER

Address: PO BOX 20000 City LAS CRUCES State NM Zip 88004

Phone: Home( ) Work(575) 541-2502 Mobile( ) Fax( )

email address: whamm@las-cruces.org

Check and complete all boxes that apply: 4-010-133-431-264

PLANNING AND ZONING COMMISSION					
X	Zoning	From H (HOLDING) to C3C		X	Master Plan
	Variance	From ____ to ____			Preliminary Plat
	Special Use Permit (SUP)				Final Plat
	New	Renewal/Time Ext.	Amendment		Replat
	Planned Unit Development (PUD)				Alternate Summary
	1. Concept Approval				Infill Sub. Conceptual Plan
	2. Final Site Plan Approval				Vacation Subdivision
	3. Amendment				Annexation Petition/Plat/Initial Zoning Req.
	4. Renewal / Time Extension				
	West Mesa Ind. Park				University District
	Infill Development Requests(s):				South Mesquite
APPEAL TO:		PLANNING & ZONING COMMISSION			CITY COUNCIL

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

Owner(s):

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

Property Owner Please Initial: Yes _____ **No** ___x___

_____ Date_____

Property Owner 1 BUREAU OF LAND MANAGEMENT

_____ Date_____

Property Owner 2

CLC PUBLIC WORKS Date 5-2-14

Applicant/Representatives(s), if different from owner: CITY OF LAS CRUCES

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

ADDITIONAL APPLICANTS / CONTACT PERSONS, if different from owner:

Property Owner 1:

Name: WILLIAM T. CHILDRESS Title/Company: DISTRICT MANAGER / BUREAU OF LAND MANAGEMENT

Address: 1800 MARQUESS ST City LAS CRUCES State NM Zip 88005

Phone-Home (____)_____ Work(575) 525-4385 Mobile(____)_____ Fax(____)_____

Property Owner 2:

Name:_____ Title/Company:_____

Address:_____ City_____ State____ Zip_____

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

Applicant/Representative:

Name: CATHERINE BURR MATHEWS Title/Company: LANDSCAPE ARCHITECT/CITY OF LAS CRUCES

Address: PO BOX 20000 City LAS CRUCES State NM Zip 88004

Phone-Home (____)_____ Work(575) 541-2502 Mobile(____)_____ Fax(____)_____

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

Accepted by:		Fee Paid:	$	Date Fee Paid	
Receipt No.	#	Check Number	#	Case Number	
Submittal Date		Submittal Complete		Assigned to:	

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: CITY OF LAS CRUCES

Contact Person: BILL HAMM

Contact Phone Number: 528-3410

Contact e-mail Address: bhamm@las-cruces.org

Web site address (if applicable): _____

Proposal Information

Name of Proposal: EAST MESA PUBLIC SAFETY COMPLEX

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

COMMERCIAL

Location of Subject Property ON SONOMA RANCH BLVD. NEAR INTERSECTION WITH LOHMAN AVE.

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

Acreage of Subject Property: _____

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

THE PROPERTY IS CURRENTLY UNDER THE MANAGEMENT OF THE BUREAU OF LAND MANAGEMENT AND IS PART OF A PROPERTY SLATED FOR DISPOSAL BY THE BLM. NO PARTICULAR USES ARE CURRENTLY PERMITTED ON THE PROPERTY, BUT AN OVERHEAD ELECTRICAL LINE EASMENT BORDERS THE SOUTH-SOUTH EAST BOUNDARY OF THE PARCEL.

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

SEE SEPARATE SHEET.

Zoning of Subject Property: H - HOLDING

Proposed Zoning (If applicable): C3C - HIGH INTENSITY COMMERCIAL CONDITIONAL

Proposed number of lots 1, to be developed in 1 phase (s).

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

Proposed square footage and height of structures to be built (if applicable):
50,000 SF, TWO STORY WITH PARTIAL BASEMENT

Anticipated hours of operation (if proposal involves non-residential uses):
PUBLIC SAFETY FACILITY WILL OPERATE 24 HOURS A DAY, BUT WILL BE OPEN TO THE PUBLIC FROM 8 AM TO 5 PM DAILY

Anticipated traffic generation _____ trips per day.

Anticipated development schedule: work will commence on or about AUGUST 1, 2014

and will take 24 MONTHS to complete.

How will stormwater runoff be addressed (on-lot ponding, detention facility, etc.)?
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). SITE LANDSCAPE WILL BE INCLUDED PER CITY DEVELOPMENT CODE AS WILL LANDSCAPING OF ADJACENT PARKWAY AND MEDIAN.

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? NO

Are there existing buffers on the property? NO

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

If yes, is it paved? Yes ___ No ___

How many spaces? _____ How many accessible? _____

Attachments

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

Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

Z2875; East Mesa Public Safety Complex and Recreation Facility

C-3C land use list

C-3C – LIMITED COMMERCIAL HIGH INTENSITY ZONING DISTRICT: The following C-3 district land uses are permitted within the 50 ± acre land area which is the subject of the Z2875 rezoning application for the East Mesa Public Safety and Recreation Facility.

LAND USES ALLOWED AS-OF-RIGHT

INSTITUTIONAL LAND USES (See Section 38-33D)
- Child Care Center or Preschool
- Community Buildings – Public Uses, including accessory uses for public safety purposes such as storage yards for vehicles, equipment and supplies, telecommunications facilities, and training facilities.
- Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)
- Batting Cages
- Golf Course, Miniature
- Health/Exercise Club/Gymnasium/Sports Instruction
- Recreational Courts, e.g., Tennis (Public)
- Skating Rink
- Botanical Park, Community Garden

SERVICE LAND USES (See Section 38-33F)
- Institutional Office: Public, Private, Educational, Religious, & Philanthropic
- Motion Picture Production

RETAIL LAND USES (See Section 38-33G)
- Plant Nursery (for public use and accessory to City Parks Department purposes)
- Telephone & Communication Ctr. (for public use)

LAND USES ALLOWED WITH CONDITIONS

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)
- Firing Range – Indoor (accessory to public safety uses); see Sec. 19-164 of the LCMC for conditions
- Parks, trails (including equestrian trails) and trailheads

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H and Section 38-53)
- Storage outside of buildings of materials, equipment, and supplies for public use
- Storage, warehousing accessory to Public Uses, Office, Retail Service or Industry

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)
- Antenna, Towers, Communication Structures, and Other Vertical Structures for Public Uses
- Face Mount (Attached to Primary Use)

FILE COPY

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MAY 08 2014
CITY OF LAS CRUCES
DEVELOPMENT SERVICES

East Mesa Public Safety & Recreation Site
Zoning Application
Attachment 1

City of Las Cruces

1.0 This narrative has been compiled in support of the Zoning Development Application for the project currently titled East Mesa Public Safety and Recreation Complex. The purpose of the application is to secure proper zoning for the site selected for the development of new public safety and passive recreational facilities.

1.0.1 The City of Las Cruces is undertaking the planning, design and construction of new public safety and recreational facilities to improve first responder services for the East Mesa area of Las Cruces as well as to enhance recreational amenities not currently available in this area of Las Cruces.

1.0.2 The facilities will be located on a portion of an approximately 350 acre parcel of land belonging to the United States Bureau of Land Management and used by the City through a Recreation and Public Purpose Lease. The site is north of Lohman Avenue and east of Sonoma Ranch Blvd. in Las Cruces, New Mexico.

1.1 The Public Safety Facilities and its related site are currently in the design stage of development with the space programming having been completed in December 2013.

1.1.1 The facility will house a fire station with functional areas consisting of three apparatus bays, offices, living quarters (kitchen, sleeping, and personal bathing facilities), firefighting equipment storage, specialized support spaces, and a parking area for fire department staff's personal vehicles.

1.1.2 The police sub-station is programmed to house the following: Administration, evidence holding, investigators' offices and interview rooms, patrol officer work spaces, short term-holding, animal control and codes enforcement officer work spaces, and parking areas for police staff's personal vehicles as well as various police vehicles.

1.1.3 The facility will be providing shared uses of specific functions by both Police and Fire personnel. These areas include conference rooms, physical training and fitness rooms, public entries and lobby, lounges areas, public parking areas, as well as sharing the building's heating and cooling plant.

1.1.4 The land area necessary to accommodate vehicle parking and maneuvering (visitors, personal, and fire and police vehicles assigned to facility); pedestrian and vehicular access, landscaping, and all site and building utilities are in the process of being finalized. At present this area is estimated to be in the 3.5 to 5 acre area, depending

on the on-water runoff requirements and the amount of space required for driveways off of Sonoma Ranch Blvd.

1.1.5 The maximum allowable construction cost for site development and building construction is in the process of being developed as the project continues to be designed. At present and for the purposes of this zoning application, the maximum allowable construction cost is estimated to be $10,000,000.00.

1.2 Passive recreational facilities will be included in the development of the site. These recreational facilities likely will include trails suitable for hiking or walking and amenities associated with those trails. This portion of the overall site development is currently in preliminary design.

1.2.1 These amenities could include safety and standard City rules signage, doggy litter bag holders and trash receptacles, and simple rest areas with benches and shade structures.

1.2.2 Some grading and erosion control measures may enhance the safety of the proposed trails and gravel or other simple materials may be used to improve the maintenance characteristics of the proposed trails. Any new trails will be designed to coincide as much as possible with the existing trails and paths throughout the site.

1.2.3 Existing native vegetation will be minimally disturbed.

1.2.4 The adjacent neighborhood will have direct access to the trails, however, the majority of the length of the trails will be kept at a suitable distance from private properties, typically 30 feet distance minimum, similar to trails in other parks throughout the city (e.g. Desert Trails Community Park and Paseo de Oñate Neighborhood Park).

1.3 The proposed facility will be consistent with the City of Las Cruces Sustainability Action Plan. Sustainable design features being considered in the design of the facility include:

1.3.1 site placement of the building;

1.3.2 orientation for thermal performance based on computer-generated modeling;

1.3.3 minimized earthwork;

1.3.4 retaining existing flora and watersheds;

1.3.5 use of native low-irrigation plant materials;

1.3.6 on-site rainwater retention;

1.3.7 high-performance low-e coated insulating glazing;

1.3.8 maximized daylighting throughout the facility;

1.3.9 nighttime ventilation using operable windows;

1.3.10 consideration of raised floor air and data distribution;

1.3.11 extensive use of local, renewable and recycled-content materials and;

1.3.12 LEED certification.

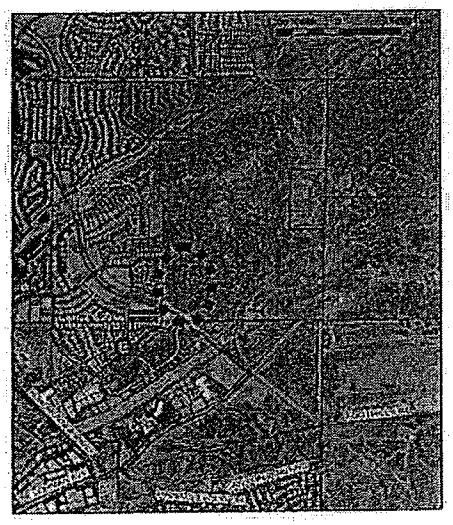
1.4 The City of Las Cruces is the owner and fiscal agent for the project, charged with procuring services necessary for the design and construction of the facilities.

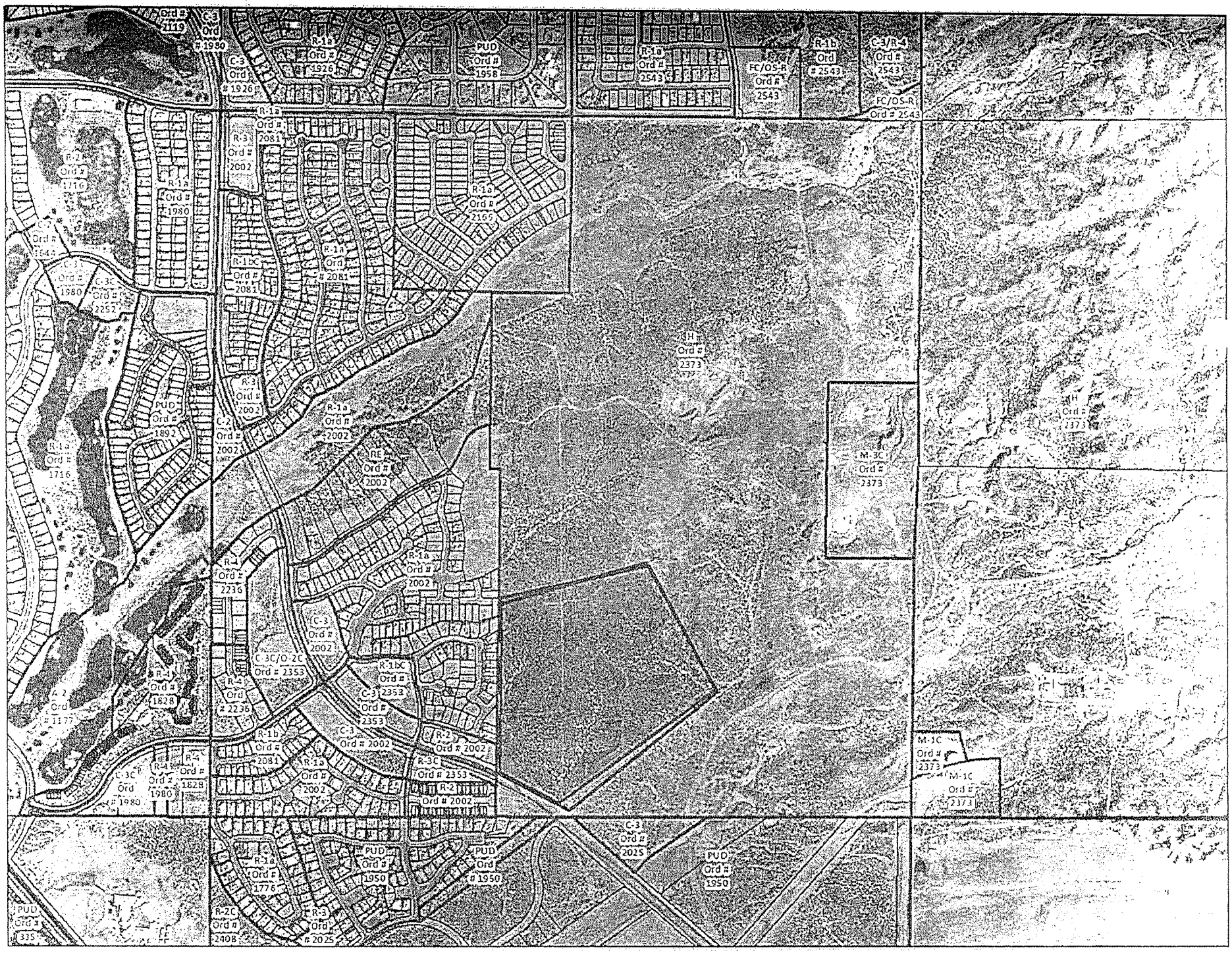
1.4.1 The Las Cruces Fire and Police Departments are the primary users directly involved in the programming and design phases of the proposed public safety facility.

1.4.2 The City of Las Cruces Parks and Recreation Department is the primary user directly involved in the layout and design of the proposed passive recreation amenities, including the network of trails.

1.4.3 The City's Facilities Management Section, through its Design and Construction Services group is the contract administrator of the design and construction contracts and as such is the City's authorized project representative.

1.5 Site Location Map

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C-3 Ord # 1980
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PUD Ord # 1958
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FC/OS-R Ord # 2543
R-1b Ord # 2543
C-3/R-4 Ord # 2543
FC/OS-R Ord # 2543
R-1a Ord # 2081
R-3 Ord # 2002
R-1a Ord # 1980
R-1a Ord # 2169
R-1bC Ord # 2081
R-1a Ord # 2081
R-3 Ord # 2002
PUD Ord # 1892
C-2 Ord # 2002
R-1a Ord # 2002
RE Ord # 2002
H Ord # 2373
M-3C Ord # 2373
R-1a Ord # 1716
R-4 Ord # 2236
R-1a Ord # 2002
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R-1b Ord # 2081
R-1a Ord # 2002
R-3C Ord # 2353
R-2 Ord # 2002
C-3C Ord # 1980
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M-1C Ord # 2373
M-1C Ord # 2373
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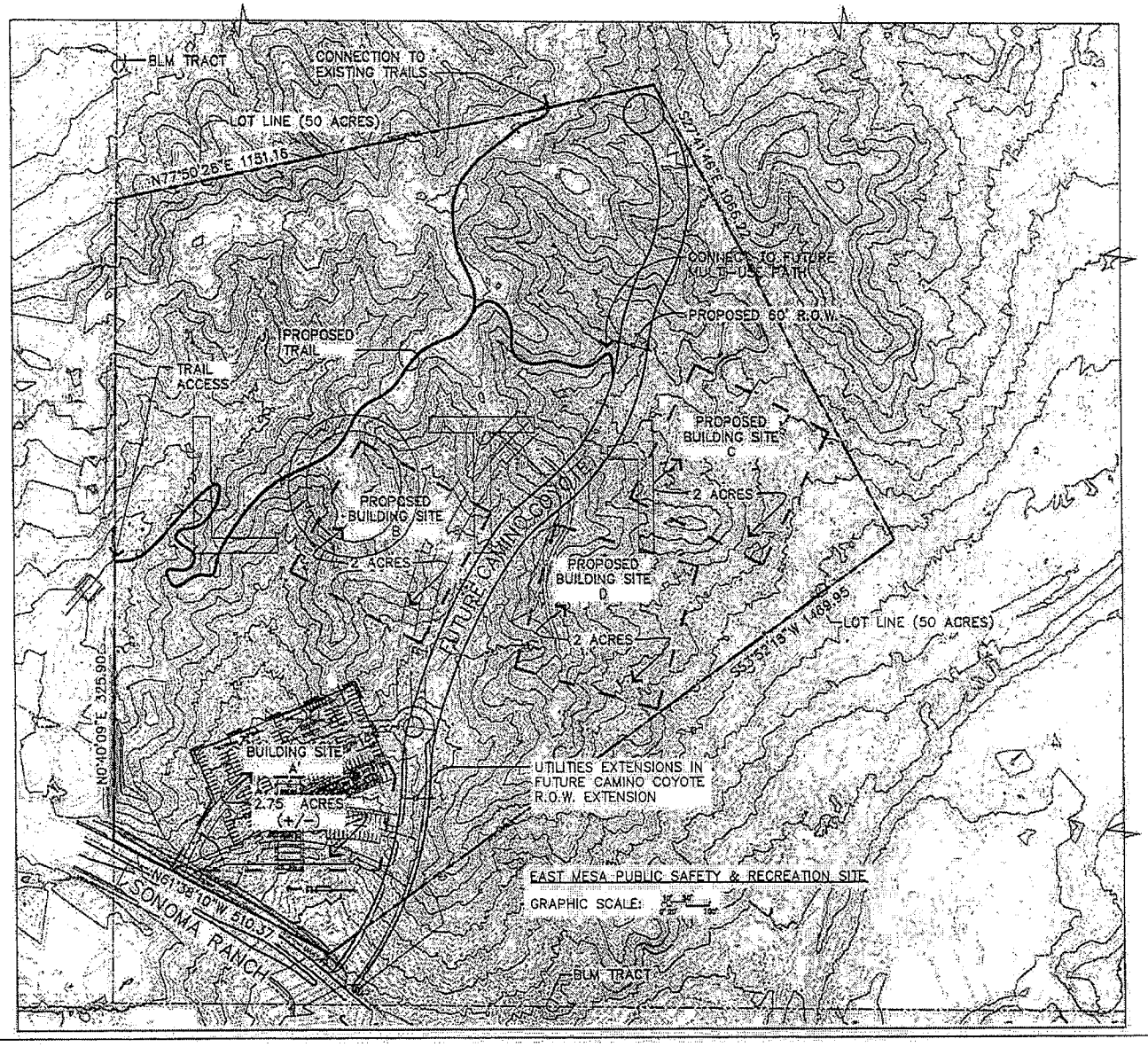

BLM TRACT

Site Graphic Scale

SCALE

X

3/31/14

East Mesa Public Safety & Recreation Site
Zoning Application Attachment 2

CITY OF LAS CRUCES

A-1

SHEET 1 of 1

Attachment 6

City of Las Cruces®

PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

To: Engineering Services

Case #: Z2875 Date: May 6, 2014

Parcel 02-39551 Tax ID # 4-010-133-431-264

Location: East of South Sonoma Ranch Blvd. (about the 1000 block) and north of Lohman Avenue.

Proposal: Rezoning of 350 ± acres of land from H—Holding zoning district to C-3C, Limited High Intensity Commercial zoning district to accommodate a new Public Safety Facility (Police & Fire Departments) and a "passive recreation" (trails) facility for the general public. See attached Application and list of land uses proposed for the limited C-3 District. This land is part of "The Vistas at Presidio I Master Plan" Ordinance # 2373 annexation and initial zoning of 2007.

Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, May 13, 2014. Thank you.

FLOOD ZONE DESIGNATION:

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

519 F

DEVELOPMENT IMPROVEMENTS:

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Comments:

- Various tributaries traverse the lot; historic flows must continue. Blockage of natural arroyos is not allowed & A drainage report will be required
- The use of a regional drainage facility is recommended as opposed to a individual on-lot ponding.
- Floodplain analysis will be required for South fork of the LC Arroyo.

Recommendation: __V__ Approval Conditional ____ Denial

Reviewer: N. Billy Date: 10/6/2004

City of Las Cruces
PEOPLE HELPING PEOPLE

MPO REZOINING REVIEW COMMENTS

Case #: Z2875 Date: May 6, 2014
Parcel 02-39551 Tax ID # 4-010-133-431-264
Location: East of South Sonoma Ranch Blvd. (about the 1000 block) and north of Lohman Avenue.

Proposal: Rezoning of 350 ± acres of land from H—Holding zoning district to C-3C, Limited High Intensity Commercial zoning district to accommodate a new Public Safety Facility (Police & Fire Departments) and a "passive recreation" (trails) facility for the general public. See attached Application and list of land uses proposed for the limited C-3 District. This land is part of "The Vistas at Presidio I Master Plan" Ordinance # 2373 annexation and initial zoning of 2007.

Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, May 13, 2014. Thank you.

MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
Sonoma Ranch	Adj		Princp Art	120'			Lanes	

Recommended Conditions of Approval
Approved on condition that, in light of MVMPO working on an update to our Metropolitan Transportation Plan, the City provide a written statement saying it has no intention of constructing Calle Abuelo south of ~~[illegible]~~ Sonoma Springs Ave.

Additional Comments

Reviewer: Andrew Wray x 3070 Date: 5/14/14

City of Las Cruces®
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

RECEIVED
MAY 07 2014
L.C. FIRE PREVENTION

FIRE PREVENTION & EMERGENCY SERVICES:

Case #: Z2875 Date: May 6, 2014
Parcel 02-39551 Tax ID # 4-010-133-431-264
Location: East of South Sonoma Ranch Blvd. (about the 1000 block) and north of Lohman Avenue.

Proposal: Rezoning of 350 ± acres of land from H—Holding zoning district to C-3C, Limited High Intensity Commercial zoning district to accommodate a new Public Safety Facility (Police & Fire Departments) and a "passive recreation" (trails) facility for the general public. See attached Application and list of land uses proposed for the limited C-3 District. This land is part of "The Vistas at Presidio I Master Plan" Ordinance # 2373 annexation and initial zoning of 2007.

Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, May 13, 2014. Thank you.

ACCESSIBILITY ISSUES: *

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

Type of Building Occupancy: unknown

Closest fire department that will service this property:

Name Station 6

Address/ Location 2750 Northrose Dr

Distance from subject property (miles) 2

Adequate capacity to accommodate proposal? Yes X No ____

Explain: ____

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

DEPARMENTAL RECOMMENDATION & OTHER COMMENTS:

Comments:

Recommendation: X Approval ____ Denial
Comments:

Reviewer: [illegible] Date: 5/8/14

City of Las Cruces®
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

CLC Facilities/Parks & Recreation Department:

Case #: Z2875 Date: May 6, 2014

Parcel 02-39551 Tax ID # 4-010-133-431-264
Location: East of South Sonoma Ranch Blvd. (about the 1000 block) and north of Lohman Avenue.

Proposal: Rezoning of 350 ± acres of land from H—Holding zoning district to C-3C, Limited High Intensity Commercial zoning district to accommodate a new Public Safety Facility (Police & Fire Departments) and a "passive recreation" (trails) facility for the general public. See attached Application and list of land uses proposed for the limited C-3 District. This land is part of "The Vistas at Presidio I Master Plan" Ordinance # 2373 annexation and initial zoning of 2007.

Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, May 13, 2014. Thank you

COMMENTS:

RECOMMENDATION: X Approval _____ Approval with Conditions
_____ Denial

Reviewer: _____ Date: 5/8/14

331 Tomas Mendez
541-2583

RECEIVED
MAY 08 2014
TRAFFIC

City of Las Cruces®
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

TRAFFIC ENGINEERING:

Case #: Z2875 Date: May 6, 2014
Parcel 02-39551 Tax ID # 4-010-133-431-264
Location: East of South Sonoma Ranch Blvd. (about the 1000 block) and north of Lohman Avenue.

Proposal: Rezoning of 350 ± acres of land from H—Holding zoning district to C-3C, Limited High Intensity Commercial zoning district to accommodate a new Public Safety Facility (Police & Fire Departments) and a "passive recreation" (trails) facility for the general public. See attached Application and list of land uses proposed for the limited C-3 District. This land is part of "The Vistas at Presidio I Master Plan" Ordinance # 2373 annexation and initial zoning of 2007.

Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, May 13, 2014. Thank you.

SITE ACCESSIBILITY: *

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

ON-STREET PARKING IMPACTS:
None X Low ____ Medium ____ High ____

Explain: ____

FUTURE INTERSECTION IMPROVEMENTS:
Yes X
No ____
If yes, what intersection? SR / New Proposed Road
when (timeframe)? ____

Is a TIA required? Yes ____ No X

If yes, please provide findings: ____

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).

TIA - No

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Comments:

SIGHT DISTANCE ISSUES @ THE INTERSECTION ARE IDENTIFIED & MITIGATED.

Recommendation: YWC Approval _____ Denial

Reviewer: K. Espinoza Date: 5/12/14

City of Las Cruces®
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

CLC Land Management/ROW

Case #: Z2875 Date: May 6, 2014

Parcel 02-39551 Tax ID # 4-010-133-431-264
Location: East of South Sonoma Ranch Blvd. (about the 1000 block) and north of Lohman Avenue.

Proposal: Rezoning of 350 ± acres of land from H—Holding zoning district to C-3C, Limited High Intensity Commercial zoning district to accommodate a new Public Safety Facility (Police & Fire Departments) and a "passive recreation" (trails) facility for the general public. See attached Application and list of land uses proposed for the limited C-3 District. This land is part of "The Vistas at Presidio I Master Plan" Ordinance # 2373 annexation and initial zoning of 2007.

Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, May 13, 2014. Thank you

COMMENTS:

RECOMMENDATION: X Approval _____Approval with Conditions _____Denial

Reviewer: Michael [illegible] Date: 5/13/14

RECEIVED

MAY 09 2014

CITY OF LAS CRUCES
LAND MANAGEMENT

City of Las Cruces®
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

CLC Development Services/Planning:

Case #: Z2875 Date: May 6, 2014

Parcel 02-39551 Tax ID # 4-010-133-431-264
Location: East of South Sonoma Ranch Blvd. (about the 1000 block) and north of Lohman Avenue.

Proposal: Rezoning of 350 ± acres of land from H—Holding zoning district to C-3C, Limited High Intensity Commercial zoning district to accommodate a new Public Safety Facility (Police & Fire Departments) and a "passive recreation" (trails) facility for the general public. See attached Application and list of land uses proposed for the limited C-3 District. This land is part of "The Vistas at Presidio I Master Plan" Ordinance # 2373 annexation and initial zoning of 2007.

Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, May 13, 2014. Thank you

COMMENTS:

RECOMMENDATION: X Approval _____ Approval with Conditions
_____ Denial

Reviewer: SMontana Date: 5/8/14

City of Las Cruces®
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

Case #: Z2875 Date: May 8, 2014 **revision**

Parcel 02-39551 **PARTIAL** Tax ID # 4-010-133-431-264
Location: East of South Sonoma Ranch Blvd. (about the 1000 block) and north of Lohman Avenue.

Proposal: Rezoning of **50 ± acres of a 350-acre** parcel of land from H—Holding zoning district to C-3C, Limited High Intensity Commercial zoning district to accommodate a new Public Safety Facility (Police & Fire Departments) and a "passive recreation" (trails) facility for the general public. See attached Application and list of land uses proposed for the limited C-3 District. This land is part of "The Vistas at Presidio I Master Plan" Ordinance # 2373 annexation and initial zoning of 2007.

Please provide your comments to MUNIS and Planner Susana Montana by Thursday, May 15, 2014. Thank you

Approved
John Reid 528.3635
05/15/14

CITY OF LAS CRUCES
PLANNING AND ZONING COMMISSION
CASE REVIEW SHEET

CASE #: Z2875 DATE: 05/15/14

REQUEST: H to C-3C

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 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.***

Additional comments: _____

John Reid
05/15/14

Attachment 7

May 28, 2014 City-sponsored Early Notification Neighborhood Meeting

On May 28, 2014 at 6:00 pm, the applicant conducted a public meeting regarding the application for zone change for the property known as the East Mesa Public Safety Complex, Z 2875. The meeting was conducted at the Doña Ana Community College East Mesa Campus, Student Resources Building, Commons Area. The meeting was advertised in the Las Cruces Sun News and in The Bulletin. Notification letters were sent out to the two neighborhood associations in the vicinity.

In attendance were Bill Hamm, Land Management Manager; Tomas Mendez, City Architect; Cathy Mathews, City Landscape Architect; and Katherine Harrison-Rogers, Senior Planner. Three members of the public were in attendance.

The application information was presented by Bill Hamm and Tomas Mendez and the floor was opened for public comment and questions. The following comments and questions were posed by the members of the public.

Q: Will there be access to the Public Safety Complex directly from Sonoma Ranch Boulevard?

A: Emergency vehicles only will exit the site on to Sonoma Ranch Boulevard. Public entry and exit from the site will be via a service road which will intersect with Sonoma Ranch Boulevard.

Q: What is the proposed height of the Public Safety Complex?

A: The proposed height at this time is approximately 45 feet at the highest point.

Q: What types of structures are anticipated for the "future building sites"?

A: At this time there are no specific plans for development of the "future building sites". Those areas are shown on the graphic to illustrate potential areas suitable for development on the site. Each of those locations are typically in lower or depressed areas.

Q: Where can the public access topographic information for this site?

A: The local office of the Bureau of Land Management should have topographic maps, which include this site, available to the public.

Q: How many stories are proposed for the Public Safety Complex?

A: The initial concept for the building includes two stories (at the highest) and a partial basement.

Q: The list of allowed land uses seems to allow retail warehousing. What does this mean?

A: The warehousing use is listed as allowed to accommodate the potential need for outdoor storage for the Fire and Police Departments. Any outdoor storage or "warehousing" will be strictly associated with the Public Safety Complex building(s).

Q: Communications towers are an allowed use. What will be the aesthetics of any communications towers? Will they look like pine trees?

A: Communications towers included in the building project will most likely be face mounted to the building(s) rather than stand-alone structures.

Q: A member of the public is concerned that the Public Safety Complex project will set a precedent for height for other C-3 zoned properties in the area. This person is concerned about the views from the residences in the area.

A: Priviate property zoned as C-3 in the area must comply with the requirements of the zoning code for the C-3 zone.

Q: For the trails represented on the site, trailheads with parking area(s) should be considered so that parking by trail users on the nearby residential streets will be limited or eliminated.

A: As trails and trailheads come up for development on the site, a public input process will be initiated for each individual project. Program and design decisions for each project will incorporate public input at that time.

Attachment "B"

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
June 24, 2014 at 6:00 p.m. Draft

BOARD MEMBERS PRESENT:
Godfrey Crane, Chairman
William Stowe, Vice-Chair
Charles Beard, Secretary
Joanne Ferrary, Member
Kirk Clifton, Member

BOARD MEMBERS ABSENT:
Ruben Alvarado, Member

STAFF PRESENT:
Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Ted Sweetser, CLC Fire Department
Robert Cabello, CLC Legal Staff
Shannon Martin, CLC Police
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 24th of June. We'll start as we usually do by introducing the Commissioners present. My far right is Commissioner Clifton, representing District 6, and to his left Commissioner Stowe who represents District 1 and is also our Vice Chairman. And Commissioner Ferrary for District 5. Commissioner Beard for District 2, he's also our secretary. I'm Godfrey Crane, the Chairman, I represent District 4. And we have at present no Mayor's appointee.

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: Now we ask if any Commissioner or anybody in Community Development Department has a conflict in interest in regard to any item on tonight's agenda? No one so indicates. So we will proceed. We have two items on the consent agenda tonight Z2873. You signaling me Mr. Ochoa?

Ochoa: Yes sir, I believe we skipped the approval of the minutes.

III. APPROVAL OF MINUTES

1. May 27, 2014 - Regular Meeting

Crane: Oh I beg your pardon and it says right in front of me, approval of minutes. We go onto the approval of the minutes for the last meeting, May 27th. Commissioners does anyone have any points to make about last meeting's minutes? Mr. Clifton you're reaching for your button but your light is not on so that means you're satisfied?

Clifton: I'll make a motion to approve the minutes.

Crane: All right, that's accepted. And is there any second.

Stowe: Second.

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

ALL: Aye.

Crane: Against, nay. And any abstentions? Then the minutes are accepted by vote of five for, zero against. Thank you.

IV. CONSENT AGENDA

1. **Case Z2873: MOVED TO FIRST ITEM OF NEW BUSINESS**

2. **Case Z2874:** Application of Laura Stull Kaczmarek & Nancy Abeyta on behalf of Ann F. Stull, property owner, to rezone two lots encompassing 6.06 +/- acres from M-1/M-2 (Industrial Standard) to C-3 (Commercial High Intensity), located on the southwest corner of Nevada Avenue and Triviz Drive; 960 S. Triviz Drive; Parcel ID# 02-22084 and 02-31034. Proposed Use: Storage unit facility and truck/trailer rentals; Council District 3 (Pedroza)

Crane: The two items on the consent agenda are Z2873 and Z2874. These are matters that the Community Development Department has judged are probably noncontroversial and therefore they are put together in a group called consent agenda. There is no debate on them and we vote on them as one group, just up or down. However, if anybody on the Commission, any Community Planning person, or anybody, maybe member of the public wishes to discuss either of these matters or both, we will take them off this agenda and put them onto the new business agenda. Does anybody want to move it?

I have a point to make about Z2873. We've received a letter from a couple called Test, Donald and Diane who are adjacent property owners

to this and they have some concerns. And so I'm going to pull this from the consent agenda and put it as the first item on new business, over the page if you have the agenda with you. Any objection to ... anybody want to discuss Z2874? Nobody so indicates, so that will be the consent agenda item. May I hear a motion that the consent agenda Case Z2874 only be affirmed?

Stowe: So moved.

Crane: Moved by Mr. Stowe.

Beard: Second.

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

ALL: Aye.

Crane: Any against? It passes five/zero. So Z2874 passes.

V. OLD BUSINESS - NONE

VI. NEW BUSINESS

Crane: We have a postponement Mr. Ochoa.

Ochoa: Yes, sir. Thank you Mr. Chairman. Under new business it is item number two, case S-13-030W. It's a request for a waiver to road improvements for a proposed subdivision known as Gamboa Acres Subdivision. The property owner was unable to make tonight's meeting unfortunately and is asking to be postponed date specific to the July 22nd Planning and Zoning Commission Meeting.

Crane: Okay, July 22nd. All right. Thank you. Anything else before we get into the new business Mr. Ochoa? No, okay.

Ochoa: No sir, that's it.

Crane: Tonight's meeting could be longer than usual. With that in mind, I am thinking of taking a suggestion from Community Development and moving case PA-14-01 which concerns the Arroyo Management Plan to the end of the new business, but I don't want to do that if that's going to be more disruptive than leaving it where it is. May I see a show of hands from the public as to who has come with the objective of speaking to the Arroyo Management Plan? Hands up. I see one, two, three people. Okay, so I take it that the rest of you are here for the other business. And since there are only the three, we'll ask you to wait until the end of the business, the

three other cases so we don't have to have the public sit through the discussion of the Arroyo Management Plan which they're probably not familiar with. Does any Commissioner have any objection to that? So Case PA-14-01 goes to number five on the list.

1. **Case PA-14-01: MOVED TO THE LAST ITEM OF NEW BUSINESS.**

Case Z2873: Application of Kary Bulsterbaum on behalf of Shared Equity Holdings, LLC, property owner, for a zone change from C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) to C-3C/R-4C in order to add additional permitted uses to a 4.4 +/- acre lot located on the northwest corner of Mars Avenue and Del Rey Boulevard; Parcel ID# 02-03267;. Proposed Use: Multi-dwelling high density uses and limited office and commercial uses: Council District 5 (Sorg)

Crane: We'll now discuss Case Z2873 in the normal way. The way we do this is that first of all Mr. Ochoa tonight will give a presentation on this and then Commissioners may have questions of him. Then we ask the applicant, if present, to come up and tell us about the application, and we may ask the applicant questions. And finally we invite members of the public to come up and speak to the matter. Typically we don't time people's presentations unless there are quite a lot of people, in which case we'll specifically limit you to three minutes, but I suspect there aren't too many people interested in this particular case. After all the members of the public have spoken, we close the matter to discussion and the Commissioners will discuss it among themselves and then vote. So, Mr. Ochoa shall one of us put into the record this comment on the, from Donald and Diane Test or are they present? Yes, Ms. Montana?

Montana: The oath. We have to give the oath.

Crane: Oh yes. To Mr. Ochoa. I beg your pardon. Mr. Ochoa do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Ochoa: I do sir.

Crane: Thank you.

Ochoa: For your question about the public ... the letter we got from the public there sir. What we can do, I can do a quick presentation, kind of touch base on it and then if you like you could read it into the minutes if you like sir or I could read it into the minutes. It's definitely up to you sir. Or if you could just ...

Crane: I think rather than read the whole thing as you mentioned to me before the meeting that almost all of their objections are in fact already taken care of and there was only one that was not, so we could perhaps confine ourselves to that.

Ochoa: We could definitely do that Mr. Chairman. The members from the public essentially had no issues with the proposed potential Veteran's Affairs Medical facility on the property, but are adjacent property owners of residential lots and essentially were asking for a couple of requirements or conditions to be placed on the proposed zone change. The first thing being ... asking the Planning and Zoning Commission to require the facility to be limited to a single story and to include sufficient setbacks to the existing residential homes on the adjacent residential lots. And additionally they also requested to require the applicant to provide a sound wall and mature trees along the adjacent residentially zoned properties to the west to assure some type of I guess buffer if you will between the subject property and, excuse me, the residential lots. Now those ... the first condition that they're asking for, that's something that they're asking for that's outside of the bounds of the zoning code of course, but the second item about sound wall/landscape area, that is already kind of a requirement required by code. If this property gets developed for a nonresidential use, commercial, or the VA facility, they are required to provide a buffer yard adjacent to that residentially zoned property, anywhere from a 15-foot semi-opaque buffer yard or a 10-foot opaque buffer yard which is anywhere between about a six-foot tall opaque wall and then landscaping behind it or a four-foot tall landscape ... opaque wall with landscaping behind it. So, that is kind of taken into effect and the setbacks are required to be met there as well with that.

Crane: So the sound wall and mature trees requirement is there already, they will have to do that. The single story cannot be required, or could we require it?

Ochoa: That's something that the Planning and Zoning Commission may require or ask the property owner, the applicant, to possibly take into consideration. It's definitely up to you sir.

Crane: And includes sufficient setbacks to the existing residential homes and lots. Sufficient is not specified here.

Ochoa: No sir.

Crane: Is there any elbowroom to change that? Ms. Harrison-Rogers, your light's on.

H-Rogers: Yes sir. Mr. Chair, members of the Commission, I was just ... I was going to wait until you were done with your statement, but did want to specify just for reference the height limits in terms of what's allowed in various zones so that you had a reference point for that since they were asking for a single story, I was just going to point that out for you. For the type of zoning that's being requested, it's 60-feet, however for residential, typical single-family residual it's 35-feet as a maximum height.

Crane: Okay. Thank you.

Ochoa: And, sorry sir, to answer your question about the setbacks, since that buffer yard is required they cannot build within that buffer yard area. They can't even put parking in that buffer yard area. It has to be actual dedicated kind of left alone space if you will between the property line and where they can commence to start developing of the building or parking area for the facility sir.

Crane: Okay. Is there any representative of Mr. and Mrs. Test present? All right, nobody indicates they're a representative.

Ochoa: Mr. Chairman. I also just wanted to add, the existing zoning on the property now is still C-3C/R-4C, so technically if this zone change to add additional uses was not permitted they could still develop a potentially 60-foot tall building, or the maximum building height in the existing zoning on the property is 60-feet in height.

Crane: They could.

Ochoa: Yes sir.

Crane: They're permitted to do it, so I'm trying to phrase this in a way that we could vote on. I can't regard this as a ... this is simply a public comment is it not? And if the zoning permits two stories then the people who are making this note to us are really unable to force it single. Correct?

Ochoa: Mr. Chairman, it is basically a public comment that is ... they're requesting for you to take that into consideration.

Crane: In that case if we have no further input from ... Commissioners you have any questions on this for Mr. Ochoa? No. And nobody from Community Development ... yes, Ms. Ferrary.

Ferrary: I haven't been able to locate their plans for the building size. Is that included in this request?

Ochoa: Mr. Chairman, Commissioner Ferrary, there is a narrative by the applicant's representative in there. Mr. Kary Bulsterbaum kind of explaining what they're looking at potentially building with the VA facility, and I believe he could possibly touch a little ... give more example of what they're looking at building, but there are no actual specific building plans as of now ma'am.

Ferrary: And they ... do they ... is there a request for how tall the building will be?

Ochoa: Mr. Chairman, Commissioner Ferrary, no there is not a request for the height of the building.

Ferrary: Okay. Thank you.

Crane: So, let me swear you in. Perhaps you should state your name first.

Bulsterbaum: My name is Kary Bulsterbaum. I'm a commercial real estate broker here in town.

Crane: Okay. Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Bulsterbaum: I do.

Crane: Carry on please.

Bulsterbaum: I guess first of all just to answer your question Commissioner Ferrary, sorry. The ... this may be subject to change, especially in lieu of all the politics that's going on. All I can tell you is it's a potential site for the VA clinic, not a guarantee that it may be located there. The specs as of this moment would be approximately just over 10,000 square foot facility, somewhere in the neighborhood of I believe 11,000 plus or minus. To my knowledge the ... this could be subject to change. Most of these VA clinics just due to the nature they don't want a lot of second story space and elevator space and things like that. The likelihood that this would just be a single story facility is pretty high. I don't see this going another level if you will, and I can't say that with certainty element. It sounds likes the zone codes already covered, they certainly don't want that changed if that were to happen, but I would say the probability of this being a single story would be pretty probable I guess would be the point.

Ferrary: Thank you for answering that.

Crane: Anybody else have any questions for Mr. Bulsterbaum? Any members ... thank you sir. Any member of the public wish to address this question? Yes, sir. Please come up, identify yourself. Say your name please.

Winham: Good evening. My name is Steve Winham. I live there on Valverde Loop, close by.

Crane: Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Winham: Yes.

Crane: Thank you.

Winham: A couple of questions I have ... after we had looked at the notice is; one is I can foresee there being a need for a traffic light being put in there at Mars and Del Rey with the activity that would be created between ... with the VA clinic, not knowing exactly how much activity would be there but I would suspect it would be rather significant, so I think that would be something that would need to be considered.

Crane: Mr. Ochoa do you ... is there a traffic study involved in this at this point?

Ochoa: Mr. Chairman our traffic engineering department did review the proposed zone change. They did recommend approval for the proposed zone change with the conditions that essentially in the future when development does happen a TIA or traffic impact analysis would be required of the property, when development happens and potential changes to you know, to the road, adding decel. lanes and acceleration lanes, or possibly adding lights there at that intersection. That's what the traffic impact analysis would determine for traffic engineering sir.

Crane: Okay. Thank you, so that's in hand. Does that answer your question sir?

Winham: Yes, and I guess one of the second questions would be included as to the ... where the entrance would be ... entrance and exit, would it be off of Del Rey or off of Mars?

Crane: Can you illuminate Mr. Ochoa?

Ochoa: Mr. Chairman at this time that has not been determined as of yet. Unfortunately it's in such a preliminary phase they don't know where exactly that entrance or exit would be on the property sir.

Crane: Thank you.

Winham: Just a comment follow-up on that, is ... as a citizen or person that lives there on Valverde I would highly recommend ... I think all the residents that live there, that it would be placed ... the entrance would be on Del

Rey rather than on Mars which is the street that goes to the housing there which would create a lot of congestion. So the other comment I have is I would support the building being only one story if that's enforceable. Thank you.

Crane: Thank you sir. Any other member of the public wish to address this matter? Then I'll close this to public discussion. Commissioners. Let me hear a motion that Z2873 be approved. The change of zoning from C-3C/R-4C conditional to C-3C/R-4C. Somebody ... Mr. Clifton.

Clifton: I make a motion we approve Case Z2873 as recommended with conditions by staff. Condition one, a minimum of 10 dwelling units per acre and a minimum of 40 dwelling units per acre shall be permitted on the subject property. Two, all newly constructed utilities be placed underground. Three, the C3 commercial high intensity uses on the subject property shall be limited to those specified in the attachment, attachment number five. And four, chain link fencing adjacent to Del Rey Boulevard will only be permitted in conjunction with mini storage units. If chain link fencing is utilized, a broken landscape buffer shall be established along the entire property boundary adjacent to Del Rey Boulevard with the fence placed behind said landscape. A broken landscape buffer requires trees and shrubs to be located so that their outmost limbs touch the time of maturity.

Crane: Thank you.

Beard: Second.

Crane: Seconded by Mr. Beard. Any discussion? Then we'll do a roll call vote starting with ... did you want to say something Ms. Ferrary?

Ferrary: Yes. The question, was it finalized whether or not we could enforce a single story or not?

Crane: My impression was from what Mr. Ochoa said was we could not enforce it but Mr. Bulsterbaum did say that it was very unlikely that it would go beyond a single story.

Ferrary: Okay, I just wanted to confirm that.

Crane: Am I correct Mr. Ochoa?

Ochoa: Mr. Crane you definitely are allowed to limit the height of a building with a condition, of course that condition would be something you'd have to vote on and the applicant would have to be agreeable to that condition to move

that condition forward. Essentially that's typically how it works by adding additional conditions like that sir.

Crane: Thank you. Ms. Ferrary do you want to suggest an amendment as ... an additional condition as an amendment?

Ochoa: Mr. Chairman, pardon me for interrupting sir but there's already a motion set forward by Commissioner Clifton and it's been seconded so it does need to be voted on sir.

Crane: Surely we can vote on amendments to that before we vote on the motion.

Ochoa: No sir. Since it's already been seconded we cannot.

Beard: Couldn't we have a discussion?

Crane: Well we can discuss.

Ochoa: I believe a discussion can be made or can be done but that motion still needs to be voted up sir.

Crane: Very well, so those of us who would perhaps like to see an additional condition put there should vote against the motion as it stands and then we can entertain a new motion with the additional condition. Very well, let's take a vocal vote on Z2873. Mr. Clifton.

Clifton: Aye.

Crane: And could you say why sir.

Clifton: Aye based on staff presentation, case packet materials, applicant presentation, the fact that the case meets zoning code article one, section 38-2d, Comprehensive Plan 2040, sustainable growth goal 32, policy 32.3 and section 38-2 of the 2001 Zoning Code as amended.

Crane: Thank you. Commissioner Stowe.

Stowe: Nay, based on discussions this evening.

Crane: Okay. Commissioner Ferrary.

Ferrary: Nay, based on site, visit, discussions, and findings.

Crane: Commissioner Beard. Thank you.

Beard: Yes, based on conditions and discussions.

Crane: The chair votes aye based on findings, discussion, and site visit. So the motion passes three votes to two. Thank you all.

Beard: Could we even discuss a little bit about her objection? I mean I would like to ...

Crane: I think we're allowed to do that.

Clifton: Mr. Chair.

Crane: Mr. Clifton, yes.

Clifton: Could we get conformance from legal before we proceed discussing a case that's been voted on?

Cabello: I don't think ... since this has already been voted on, it's not on the consent to have new findings that were not on there. I don't think this could be discussed again right now.

Crane: Thank you. So that matter is closed.

2. **Case S-13-030W:** Application of Western Lands Surveying on behalf of Jose A and Martha C Gamboa, property owners, to waive 100% of the road improvement requirements for Saromi Lane and Cortez Drive, a proposed collector roadway. The proposed waiver is associated with improvements required for a proposed alternate summary subdivision known as Gamboa Acres Subdivision on a 5.01 +/- acre tract located on the southwest corner of Cortez Drive and Saromi Lane; 7486 Cortez Drive; Parcel ID# 02-25523. Proposed Use: Two (2) new rural single-family residential lots; Council District 6 (Levatino). **POSTPONED UNTIL JULY 22ND PLANNING AND ZONING MEETING.**

3. **Case PUD-14-01:** Application of The Arbors at Del Rey located at 3731 Del Rey Boulevard, Parcel numbers 02-25264 and 02-25265, to rezone two lots totaling 4.98 +/- acres from C-2C (Commercial Medium Intensity, Conditional) to Planned Unit Development (PUD) in order to: (1) allow an existing nursing home/assisted living facility as a principal permitted use; (2) allow the raising of small animals as an accessory use to the assisted living facility use; (3) allow the existing 2.49-acre lot size as-of-right; and (4) allow other 2001 Zoning Code C-2 District development standards and land uses to apply with the PUD. Council District 5 (Sorg)

Crane: We will proceed, since Case S-13-030W is postponed, to Case PUD-14-01, application of the Arbors at Del Rey located at 3731 Del Rey Boulevard to rezone two lots from commercial C-2C to ... conditional ... to

planned unit development. And you've all got the details in front of you. You're going to present Ms. Montana?

Montana: Yes, thank you Mr. Chair, Commissioners. If you'll give me a moment to get my mouse working so I could switch.

Crane: You know it's a principle that no animals are hurt during Planning and Zoning meetings.

Montana: Come here. Come here. Come here. Okay. Thank you Commission. What you have before you is a request to rezone a property at 3731 Del Rey Boulevard and ... there we go. Right now the property is zoned C-2 but it's a 1981 designation of the C-2. The property was built or developed in 1996 under the 1981 Zoning Code. At the time that zoning code allowed a nursing home to be built on the property and it was built with permits. In 2001 the zoning code changed and no longer allowed nursing homes in the C-2 district. I remembered I need to take an oath of office. Not an oath of office but an oath that I'm telling the truth tonight.

Crane: Of course you do. Do you swear or affirm Ms. Montana that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Montana: I do. Thank you.

Crane: We could of course say that all members of Community Development are continually under oath.

Montana: Automatically. Yes. So, now the existing nursing home wishes to add a program, a therapeutic program to the existing nursing home which is now called assisted living facility. However, because it's a legal nonconforming use the current C-2 zoning doesn't allow a nursing home or assisted living facility. It isn't allowed to do that, so for that reason they're seeking a rezoning and in this case it's ... we're calling it an application for a planned unit development because we want to add a specific land use which is the nursing home or assisted living facility and we're adding the raising of animals as an accessory use to that principle use at the assisted living facility. And in addition, the C-2 ... the current C-2 zoning does not allow more than one acre per lot. So the current lots each, there's two lots, they each are about 2.49 acres, so they exceed that maximum lot size. So for that reason we're approaching this as a planned unit development. The property is located right off of Del Rey Boulevard, north of Mars. And I will show you in later slides what the land uses are adjacent to it, but it's mixed commercial, institutional, and residential.

These are the two parcels that are subject to the PUD. This parcel is half developed with the nursing home and the next parcel under the

same ownership is vacant. So half of this parcel is vacant as well. There's medical facilities here and residential ... single-family residential here, and you just heard a case for this property here which may or may not be the Veteran's Administration clinic. This is the subject parcel with the nursing home and there is existing outdoor, enclosed or fenced, outdoor patio area, resting area for the residents. These are elder residents. And this is the area where the animal care program would be located. And I have a few more slides of that. Again the nursing home, the outdoor resting area, garden area, and the animal care area. And this is the enclosed garden area and this would be where the animal care facilities would be located. And I want to go back to show you the distance between where the animal care facility would be and the nearest homes, is quite some distance. The animal care facility would be located behind the outdoor garden so it would not be visible from the street, from the public street, and it's quite some distance to these residential homes. And I have a later slide that shows you where some of the protests are located, where the homes are located.

So we would be legalizing an existing use and allowing an accessory use, the animal care, as an additional therapy program for the elder residents. It would make both properties, bring them into jurisdiction of the 2001 Zoning Code with the exception it would allow the nursing home or assisted living facilities and the animal care as accessory. And it would legalize the lot size. Now there have been protests from adjacent property owners in a later slide I'll show you where those homes are located relative to the property. And yesterday and today I received additional letters of both support and protest in this packet. It was too late to put into your packet which you received last week, so some of the protester from property owners nearby and some of the supporters are from organizations that support the care of animals, but mostly they support, oh what's called food security, growing of food, raising of animals, mainly for food. The applicants are not going to be raising these animals for food, they're going to be caring for them for therapy for the elder residents, for comforting, companionship, and cuddling so to speak for the residents, not for food.

This is a slide showing the animal care ... location of the animal care facility and one of the protesting property owners, and another protesting property owners, and a third. Staff believes that the animal care facility is quite some distance from these residential properties and noise from the animals would not be discerned at these residential properties. This property to the north is a medical care facility, it's not a residence, so we don't believe that the project ... the animal care portion of the project would be a nuisance to adjacent property owners. Now there is some controversy so to speak about roosters. I don't know if the applicants are planning to have a rooster. They want to have a pair of chickens, a pair of ducks, and some other small animals. They can speak to you, they're here tonight of course, as to whether or not they'd have

roosters. I don't think the sound, the crowing of roosters in the morning would be discerned by these residents, maybe to these residents here, and I don't know if you want to limit the care of animals or condition them such that they don't have a rooster. That's something that we could discuss tonight. As I mentioned, we don't believe that any noise or odor emanating from the animal care portion of this PUD would be a nuisance or a distraction to neighboring residents and therefore staff is recommending approval without conditions.

So your options of course tonight Commissioners are to; vote yes to recommend to the City Council this PUD; to vote no to deny it, recommend denial to the ... of the PUD to City Council; to vote to modify by adding a condition; or to table this for further discussion. I'm happy to answer any questions you may have.

Crane: Thank you Ms. Montana. Commissioners? Commissioner Beard.

Beard: I noticed that in the application it didn't state which animals and I would not like to approve an open ended statement of animals and not know just which animals we're talking about, so I would like to have a list of the animals that would be put ... possibly be put into this area, into this permit before we vote on it.

Montana: Commissioner Beard. The applicant is here to sort of speak into or read into the record what animals they would propose. We've had a back and forth discussion via e-mail as to which animals they would bring to this location and so they are here tonight and I think they're prepared to make a statement as to what animals and how many of each they would bring to the facility.

Beard: Okay. What I was looking at was their application which it didn't have that in there. And the Chairman just pointed out on page 210 that there is a list of animals. I don't know if that's part of the condition.

Montana: That list of animals were suggestions. I think tonight they will make a firm statement as to which animals they would like to bring to the facility and how many of each.

Beard: Okay. Thank you.

Crane: Mr. Clifton.

Clifton: Mr. Chair I think I know where Commissioner Beard was going with this and if the Commission does vote to authorize animals on site, I do think we do need a list of how many and what exactly are they. I don't know if you've ever heard a peacock, but they're pretty loud.

Crane: Thank you. Ms. Montana is this going to be a totally enclosed facility as to say a building, or a building combined with an outdoor ranging area?

Montana: Mr. Chair, Commissioners, this is an open-air enclosed facility, so they will have coops and little cages and benches for the elders to be within the enclosed area, but it's not an ... totally enclosed ... it's fenced. When I say enclosed I mean fenced.

Crane: So odors, flying insects, and so on would not necessarily be confined to the premises?

Montana: Well to the degree that they're attracted to the premises, they're confined, but not necessarily roof enclosed with walls.

Crane: All right. Thank you. Any other Commissioners have questions for Ms. Montana? Thank you. Is the applicant present? Please come up, give us your name. Are you gentlemen going to speak jointly or separately?

Trevizo: Jointly.

Crane: Jointly. All right. Very well. Each give your name please, you first sir.

Trevizo: My name is Tony Trevizo. I'm the executive director for the Arbors of Del Rey.

Crane: All right. And you sir?

Spradlin: And my name is Gregory Spradlin. I'm the registered nurse at the Arbors of Del Rey.

Crane: Thank you. Gentlemen do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Trevizo: Yes.

Spradlin: Yes.

Crane: Thank you. Okay, who wants to go first?

Trevizo: Okay, the reason that we're planning not only to kind of bring us back to you know today's modern zoning, the reason we're asking for this application and for the animals specifically is that we're trying to achieve or actually we're trying to partake in a national movement, it's a different way of approach in providing care for our elders and it's called the Eden Alternative. I'm not sure if you folks had a chance to kind of do a little research on that but the premise behind that is just reconnecting our

elderly with animals, people, and children. I mention children because in many cases a lot of times you find that people are reluctant to bring their children to places like nursing homes and assisted facilities because it's just not ... it doesn't seem to be appropriate place for them, even though you know mom, grandpa, cousin, uncle, whoever the relationship may be is in that place. Having animals at our location, part of the therapeutic program is to encourage not only family members but the community at large, from schools to even the daycare across the street from us. They've come and visited us, many a times come over and spend time with our elders and outside and enjoy our ... we have a couple of rabbits already in a nice hutch in the backyard and so we find that that's a positive thing.

I know we were just talking, and I asked Greg, I thought he put that in there to answer your question as far as the types of animals, and I'm going to let you answer that.

Spradlin: Yeah, what we're looking at is having like a couple of ducks, couple of chickens, a small miniature goat, and a peacock if possible, along with the two rabbits that we have, the cockatiels inside, and we also have a couple of turtles inside. So that's basically what we're looking at as far as the number of animals and types of animals that we'd like to have.

Crane: Thank you. Commissioners, any questions for these gentlemen? Commissioner Ferrary.

Ferrary: How will the animals be provided conditions from the heat and the cold, if they're just going to be out in the open air?

Trevizo: Yes, well we are ... what we're doing is just trying to mirror a model that we have in Sierra Vista up in Santa Fe. We are owners, we own two properties, this one here, the Arbors, and Sierra Vista in Santa Fe. They to this day are the only assisted living home in the state of New Mexico that has achieved the Eden Alternative. We're very proud of that. It brought a lot of recognition to the state of New Mexico when they were featured on the USA Today. And it made quite an impact because to this day, not from the business standpoint, but it's really generated a lot of interest, people have literally moved from different parts of the country to Santa Fe to get their loved ones in that particular facility. Not to get off on your ... you know get away from the question but, we have that experience. We've had those animals at Sierra Vista now for over 12 years and from our experience and what we have there again to kind of model what they have is we will have an open enclosed structure. We have dens if you will for like the goat, protecting ... right now currently on the property we have kind of ... it's kind of like the volcanic rock. That's going to be taken out and replaced with probably two or three inches of earth. That will address the heat from the rocks. So we're going to make

the ground appropriate for the animals, but there will be overhangs and there will be cover for the animals. Probably some of the climate differences between Santa Fe and us obviously is the heat, but then again they have you know harsher winters than we do. And you know it's ... these are very resilient animals. I personally have ... I have ducks on my property and they quack and I can't hear them and they're like 80 yards away from my window and I ... as far as the noise is concerned. And you know in the wintertime they ... they're very resilient you know. When you get really harsh conditions ... I have no problem, not that I've ... not that we've experienced it up in Santa Fe, but our number one concern is that you know good care of those animals. If we've got to bring them indoors somewhere temporarily, take them to my property and house them there until the weather gets better, we will. You know we're committed to this. You know, not only do we care for elders but we're going to care for animals just as much because they're going to be our pets. You know we love our dogs and we love our cats, and we'll do anything for our dogs and cats. That's the same thing that we're going to do for your animals.

Crane: Thank you. Mr. Beard.

Beard: Excuse me. How large is the facility in Santa Fe in comparison to what you're doing here?

Trevizo: The facility is actually almost the same size. We're licensed for 24, they're licensed for 24. Now the structure itself is almost like, kind of call it the pentagon because it has a large courtyard in the center of the home, so yes, do they have a bigger footprint, they do, but as far as the square footage, they're probably about 3,000 square foot larger than we are, but the number of residents is ... it's the same. We're licensed for the same.

Beard: I was thinking about the area that would be away from the neighbors for smell, feather, or noise. In the area that you show that I see on the map, it doesn't look very large for all of the numbers of animals that you're talking about; peacocks take a large area. I mean you just don't put them in a small area, and they make a lot of noise by the way. And the ducks require probably a pond, so I just didn't think that from what I was looking at that there was a large enough area for all of these animals that you're talking about. Have you ... I mean do you have ... obviously you've thought about it but it would be nice to see a plan as to how big of an area you have for each one of these animals.

Trevizo: Again, you know everything that we've done and we're looking to mirror what we currently have at Sierra Vista and the space that we're looking to use is exact space that they have in Santa Fe now. Are the rules a little different in Santa Fe? I'm not sure as far as the size and containment. I do know that it works. It's in existence and we just look to model that.

Beard: Well that's good, but I think we would ... the audience or the president and the commission would like to see that.

Trevizo: Okay. And the other thing Commissioner is that the proposed site up there, that's one. The other alternative is on the opposite side of the property which gives us more space which does bring us a little closer to the road but again I think that you know it's debatable as to whether it still gets a little too close to other properties or other people that's concerned about this. But if that was going to be a challenge and this is too small, we have space on the other side which is much larger to work with.

Beard: Thank you.

Crane: Commissioner Ferrary.

Ferrary: Does the Eden Alternative have guidelines for the care of the animals or would you be conducive to working with Animal Protection of New Mexico?

Trevizo: Part one ...

Crane: Excuse me a minute. I have a hand up, Ms. Rogers, is this point or order?

H-Rogers: It's not a point of order. I ... Mr. Chair, members of the Commission, we can wait until Commissioner Ferrary was done. I just wanted to provide some additional information about the care of animals, the sizing of their enclosures, number of those things.

Crane: Okay, I'll recognize you in a minute. Thank you.

H-Rogers: Thank you.

Crane: Continue Ms. Ferrary.

Ferrary: That was my question. Just if they would be agreeable to those things, but it sounds like they ...

Crane: I too am ... have questions about the size and the number of occupants at this facility. Go ahead Ms. Harrison-Rogers.

H-Rogers: Mr. Chair, members of the Commission, I do want to specify that although our zoning can dictate whether or not certain types of animals are allowed within city limits, the Municipal Code, Chapter seven, is what dictates the minimum size of their enclosures, how they're cared for, and a number of other items regarding the shade structures that are provided, the size of

the parcel, the density of the animals on that particular parcel how that's broken down. If you'd like some information regarding that I do know that we ... I don't have a copy of the full Municipal Code here, since that is outside our purview, that's a code enforcement issue, but I might check with legal to see if they have their Chapter seven Municipal Code and I can give you some details on that if you'd like me to get that organized for you.

Crane: Thank you. Let me ask the applicants if they are familiar with this code that you presumably have to obey in the care of your animals?

Trevizo: I am not familiar with the particulars but we are willing to conform to whatever guidelines are set forth.

Crane: Commissioner Beard.

Beard: I raise homing pigeons in the city limits. There's seven of us. In order to get ... we had to get a permit and be inspected. We had to join a society for that species so that we were up to date as to the care and the medicines required for those particular ... in my case for homing pigeons. I would think that that would be done on each species of animal that you had and your facility would have to be inspected for each species of animal or bird that you have. And I'm not certain that we should be passing something that we don't know ... I don't know, for if this is the right order ... whether they should get a permit first or whether we should allow them to do it without a permit.

Crane: We're looking at a zoning question. Ms. Harrison-Rogers can you elucidate.

H-Rogers: Yes. Mr. Chair, members of the Commission, again Chapter seven of the Municipal Code regarding animals dictates what requires a special permit and what does not. Typically there are certain types of animals; chickens, even in some districts equine, swine, and of course we're not going there with this particular case, but depending upon the zoning district, there are some animals that are allowed without requiring a special use permit. In certain areas of the city if you're not zoned appropriately you can get a special permit for bird rehabilitation for example is one, but it does require certain permits and inspections, but that's something that's dictated by the Municipal Code. It's also somewhat dictated by the zone that you're in, it's sort of two fold. The zoning code speaks to parts of it but then the care of that and special permits is found within the Municipal Code, Chapter seven regarding animals.

Crane: Thank you. Do you happen to know gentlemen what code or rules they have to follow up in Santa Fe?

Trevizo: Santa Fe ... you know one of the things that my regional or my boss up there who runs Sierra Vista is ... we talk about how different Las Cruces and Santa Fe is. You know ...

Crane: We're more sophisticated down here.

Trevizo: Yeah. I agree.

Crane: Thank you.

Trevizo: So they kind of ... they're not as restricted up there, so they didn't face these challenges. This is ... you know this is ... this is new for us, we're asked you know to move forward and join this movement which we're committed on doing ... you know, in some conversations with ... up in Sierra Vista they're kind of dumbfounded because really why so much red tape and you know, they didn't find these challenges so I don't have a reference or that history for them to kind of guide me through the process. Don't know if that's the answer you're looking for but they're kind of not restricted to many rules. I don't know if they're kind of living in the wild wild west up there but, again they're successful up there. No one's complained about it and again it's ... it's a great program.

Crane: I'm surprised to find as gentrified a place as Santa Fe is so relaxed but I'm personally a little, more than a little concerned about the fuzziness of this proposal. I'd like to know how many square feet this enclosure is. I'd like to know how many of each animal you're planning to get, and I am concerned that roosters can be noisy in the morning, evidentially you've considered the feelings of your residents. I agree with Mr.

Beard: Beard.

Crane: Beard, peacocks are noisy. I camped some place with peacocks once and I couldn't believe the noise in the morning. Charming but noisy and I can't see big animals like that, big birds like that being in a small enclosure with chickens and rabbits, particularly if they're all scurrying around. It seems to me a little more thinking out needs to be done or at least some research on what they're doing in Santa Fe. And I don't know where that place is within the city limits of Santa Fe, whether it's close in as you are to residential areas, but in any event that's not particularly relevant for what we're doing here. Commissioners, any other questions for these folks. Mr. Clifton.

Clifton: I do have a question for staff. Did animal control review this? I mean I understand that there's other elements of animal control laws that fall into the Municipal Code, but it's not uncommon in the past that the staff has

imposed conditions on an applicant outside the zoning code and ... cause I know as a dog owner if my dog's barking too much I get a visit from codes enforcement and a citation to magistrate court.

Crane: Ms. Harrison-Rogers you want to say something at some point?

Montana: Mr. Chair, Commissioners ...

Crane: Ms. Montana's speaking.

Montana: Yes.

Crane: Put your mike on ma'am.

Montana: I think it is. Can you hear me? We did not submit this for review to animal control or the police department. Usually they get involved if there's a complaint and there had not been a complaint. The applicant came in proactively to seek this ... to seek this permit.

Crane: Thank you. Sir. On the mike please.

Spradlin: When I did start this whole process I did call animal control and spoke with ... I didn't bring his name but the supervisor in that section and he actually referred me to here.

Crane: Thank you. Mr. Beard.

Beard: Did you ask if ... it used to be ducks you couldn't have in the city. Did you ask him about ducks?

Spradlin: He actually spoke of different exotic birds and things like that that you had to work with as far as code number seven that you were talking about in those laws and things like that. And that's ... in our application I did put that in there that we would abide by that as well in the type of animals that we would be having.

Crane: Thank you. Mr. Clifton ... Mr. Harrison-Rogers.

H-Rogers: Mr. Chair, members of the Commission, our legal staff was able to bring down the Municipal Code that speaks to the keeping of small animals which is what we're discussing this evening, so if you would like me to provide additional information about the size limitations, the types of animals, I would be glad to provide that for you.

Crane: Thank you. Mr. Clifton.

Clifton: Thank you Mr. Chair. Staff didn't really answer my question, I mean it's not uncommon that in situations like this, it's not typical that you see an applicant come in with a request for peacocks, that it would've been sent to the code enforcement department just as a courtesy review. It would've been good feedback for the Commission to know that somebody at the city's on top of this and quite frankly I agree, I don't ... I don't feel comfortable at all with the animal issue, it's too loose, there's really no specific conditions.

Crane: Thank you. Mr. Beard.

Beard: I think the Commission deserves to know exactly what it is that they can have, what they want to have, and how many. And then secondly I think that the neighbors also require that information so that they can better judge whether they want it in their neighborhood or not.

Crane: Any other Commissioners have questions for the applicants? Thank you gentlemen.

Trevizo: On last thing, just for the record, there's been a lot of talk about rooster and all kinds of things, it's going to be ... and we're going to look at the type of species of chicken, it's not going to be just any kind of chicken, we're going to look to see ... we have a couple and my boss couldn't tell me what breed, so we're going to refer back to the maintenance person who bought the chickens a couple of years ago, but, two chickens, two ducks, a miniature goat, and a peacock. Now to the peacock, up in Santa Fe that bird, they crow and they crow in the springtime. They crow because they want to mate, they're seeking a mate. If there's not a mate they're relatively quiet. And when they do crow they crow because they've been startled or scared. That's our experience and that's coming from the staff up in Santa Fe in regards to that. I know there's some ... there's a lot of things and things are moving quite quickly but if we get the parameters and the conditions as far as the size ... we will work with that. That's not a problem. We have the space for it, as you can see from the property that we own. Secondly, if we can ask for a postponement or you know a review down the road and I will be more than happy to then provide not only pictures of Sierra Vista but a more thought out plan, you know drawn out with structures and size, and the such.

Crane: Thank you sir and let me point out that chicken is generic, we're concerned here with hens or roosters. Now two hens would not be a problem as far as I'm concerned, two roosters would be a hell of a problem, and one of each probably a problem. I like your suggestion of getting us some detail. Any other Commissioner? Yes, Mr. Beard.

Beard: I think what you're trying to do is great okay, I just don't know that we have the plan down so that we can really say yeah or nay. We may want to table it for additional information. I would personally like to hear from the audience to see what their concerns are first.

Crane: Does any other Commissioner need to talk to the applicants? Thank you gentlemen. Members of the public.

Trevizo: Thank you.

Crane: Thank you. Hands up please, I'd just like to get a feeling how many people want to address this question. One, two, that's it? Three, okay. Okay. Let me see the hands again so I can call on one of you; gentleman in the blue shirt. Please identify yourself and I'll swear you in.

Burgos: My name is Juan Burgos.

Crane: Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Burgos: Yes sir I do.

Crane: Thank you.

Burgos: Well I'm not necessarily against their proposal you know, I actually find that very interesting and beneficial for the people they're taking care of. My biggest concern is if you guys approve this change what kind of benefits they're going to get in the near future to increase the amount of animals and the type of animals that they can bring into the property. That's my only concern. In the other hand is if there's any kind of clause that you can somehow recommend to limit the number and the type of animals they're going to have into the facility.

Crane: Thank you sir. We'll take it into account. Gentleman, you sir, in the brown shirt. Give us your name again please, but we'll consider you still under oath, all right.

Winham: Yes. Steve Winham.

Crane: Go ahead.

Winham: You have a letter that my wife and I submitted, I would just I guess refer you to that letter for our thoughts on the matter.

Crane: Were you supportive or against?

Winham: Against.

Crane: Okay.

Winham: And for some of the same reasons that've been discussed; the noise level, the possible sanitation issues. I realize maybe some people would say it's ... our property is not that close to it, but especially with the peacock issue, I've been around them as well. You can hear them for a great distance if they do crow, so I would just refer you to the letter that we issued or sent.

Crane: Thank you sir. There was somebody in the back, lady in the back.

Aguilar: Hello. I'm Christin Aguilar. And I'm here representing Las Mia Food Center.

Crane: Ms. Aguilar, do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Aguilar: Yes I do.

Crane: Go ahead please.

Aguilar: We would just like to express our support for this, recognizing fully that this has nothing to do with raising animals for food, but just general community health and wellbeing, documented benefits of animal interaction. I would advocate for people having a garden even if they weren't going to eat the food which I can't imagine, but you never know. So, and just to reiterate that there are a lot of municipalities throughout the nation, I have a background in food studies and anthropology and am fairly familiar with animals allowed in other city limits like Santa Fe and Albuquerque, though I don't know the specific details about all of their codes and zoning. El Paso as well allows chickens and roosters. According to their codes departments they get less than one call regarding even their roosters per every 100 calls for nuisance regarding roosters and chickens. So there are a lot of different ways to mitigate those and just to reiterate that that's always a completely viable option you know, making sure that the goats of a certain size are spade or neutered to control odor, certain species for example. So, we just wanted to voice our support for such programs that really work to support community health in innovative ways. Thank you all.

Crane: Thank you. Any other member of the public wish to contribute on this? Then I'll close it to public discussion. Commissioners? I did hear some talk which I thought was rather good about getting more clarification before we move any further on this.

Beard: I'm certainly for that actually. I think it needs to be looked at a little bit closer. The ... I hadn't even thought about the goats being neutered in order ... and I don't what benefits that provides but ... and the chickens we might specify that the chickens be only female type chickens. And the peacocks, my ... the thing on peacocks, I don't know whether it was a crow, but it was at nighttime and they cried like a screaming woman and that's what they sounded like.

Crane: I agree.

Beard: But anyway I thought there might be rabbits that would be included. I think rabbits would be a very nice thing to have in this particular thing. I mean it'd be a ... I don't know whether this is going to be a petting zoo or not you know, we didn't talk about that. I think it would be kind of nice where you can actually go in and put their hands on the animals and actually feed the animals. I don't know what the city allows in that particular area. I do know that they were very strict on me when I got my permit and I was very happy to do everything that they requested. It's not a hard thing to do, but you have to do certain things. It's ... one of them is the knowledge of the animal that you're taking care of; are you taking care of it correctly, are you giving it the right food, the medications, are there diseases going around for that like mine on a homing pigeon, but anyway, I do think that there's more information required and maybe we should ask the applicant if it would be alright to ... if they would object to having it tabled and providing this type of information.

Crane: I hear you. Let me hear from the other Commissioners. Ms. Ferrary.

Ferrary: I agree with Commissioner Beard that it's ... sounds like a great program and good for the residents and maybe they encourage people to come and visit them, especially young children more often. I thought we could rely on Municipal Codes but we're not real sure exactly how they apply to all the animals that they're trying to attain and have, of whether or not they really could have them or not. So possibly tabling until we can check all these things out would be a good thing.

Crane: Commissioner Stowe.

Stowe: I'm of a like mind; number of animals, specific breeds, types, and leaning toward the smaller animals.

Crane: Thank you. I agree with my colleagues. I have many many questions about the enclosure; how high is it, will people be able to lean over in to it or will it be much higher. What about admission to the enclosure? What about supervision of the residents who might ... residents or their guests

who might want to go in there? What indeed are the feeding methods? I would like to see dimensions, plans of where the hutches and coops and what have you are going to be. I think peacocks are very problematical, roosters probably would not be a good idea, hens are good, they get around in a flock without any roosters and they don't seem to feel any pain. Rabbits are good, and a miniature goat, as long as it doesn't butt you are good. What about the issue of children being in there? I would like to see details and the applicants did volunteer photographs of the situation in Santa Fe, I'd like to see that too. So I agree with my colleagues that if you are agreeable we'd like to table the matter until you can come in with some more information. Are you clear as to what we seem to be concerned about? The applicants are indicating clear. Yes ma'am, Ms. Montana.

Montana: Mr. Chair, Commissioners, I believe we can get this information available for the July 22nd Commission hearing. So if we could postpone this to date certain of July 22nd then we wouldn't need to re-advertise everything.

Crane: I think that would be a good idea. Mr. Clifton.

Clifton: I make a motion we postpone this case ... what is it ... PUD-14-01 to the July 22nd, 2014 Planning and Zoning meeting.

Crane: Seconded by ...

Ferrary: I second it.

Crane: Ms. Ferrary. Any discussion? Mr. Beard.

Beard: Could we have a city animal control person here for that meeting?

Montana: Certainly. But as part of the packet to you I will have all the chapter seven regulations related to the animals that they select in the packet for you, but I can also ask one of our codes people in charge of the animals to attend that meeting.

Beard: Good, I would like that.

Montana: Okay.

Crane: Okay, we'll ... we'll do a roll call vote, but of course we don't have to give reasons for our decision, we'll start with Mr. Beard. We have a motion. Mr. Clifton's motion that this be postponed to the 22nd.

Beard: Okay, I am saying yes or no?

Crane: Yep.

Beard: Oh, I see. I vote for the table, yes based on discussions.

Crane: Ms. Ferrary.

Ferrary: I vote yes to postpone.

Crane: Mr. Stowe.

Stowe: I vote yes.

Crane: And Mr. Clifton.

Clifton: Yes.

Crane: And the Chair votes yes. So we will vote five/nothing to postpone this until 22nd of July. Thank you.

4. **Case Z2875:** Application of the City of Las Cruces to rezone approximately 50 acres of a 300 acre parcel of vacant land owned by the U.S. Bureau of Land Management (BLM) from H-Holding to C-3C-High Intensity Commercial Conditional to accommodate new construction of a City-owned and operated East Mesa Public Safety and Recreation Complex providing a police station, a fire station and trails on land leased to the City by the BLM. Location is 100 N. Sonoma Ranch Boulevard; Parcel 02-39551. District 6 (Levatino)

Crane: The next item on the agenda is application Z2875. Application of the City of Las Cruces to rezone approximately 50 acres of land owned by the BLM from H-Holding to C-3C high intensity commercial conditional. And Ms. Montana has the floor.

Montana: Thank you Mr. Chair, Commissioners. As you say this is a request for rezoning of property that is currently under the ownership of the Bureau of Land Management and it's designated H-Holding. Holding is a zoning designation for property that is undeveloped and at the time it was designated there were no plans for development. The property is located off of Sonoma Ranch Boulevard, one would access it from Lohman or ... winding across from, or down from 70. So it's right at the bottom really of North Sonoma Ranch Boulevard. This is a close up. The larger property owned by the Bureau of Land Management is about 350 acres and this would be a 50-acre piece of that. The city would lease this property from the BLM. As you can see this is a zoning map. I'm showing residential zoning around it, a small pocket of commercial, planned unit development which is also developed in residential use. So this would be the East Mesa Public Safety and Recreation complex.

Usually at a rezoning stage we don't have site plans but in the next slide I will show you a conceptual site plan to give you and members of the public an idea of what would be developed in phases, and the first phase would be the public safety complex. This is the conceptual site plan, access from Sonoma Ranch Boulevard. This is the phase one, it would be about a two-story building which would house police and fire and some associated city agencies, parking, public access parking, and parking for the police and fire vehicles. Again this would be for the East Mesa community ... servicing the East Mesa Community. In the future there is land available in this 50 acres for an extension of a service road, some other city agency development, but mainly it would remain undeveloped for passive or trail recreation activities. I want to bring out a point to you, this area here would remain undeveloped and it's about I believe about 150-feet distance from the property line and then residential development here. So that's a good-sized buffer from the building or the site of the Public Safety complex and the closest residential development.

It is undeveloped. There are some service roads for BLM on the property but mainly it's native desert. The city would lease the land, about 50 acres, again for police, fire, and some public trails. In order to achieve that the zoning is required because the holding designation does not allow development. They selected the C-3 zoning, there is limited C-3 and it's very limited land uses to the public safety, institutional, recreational uses, because the property is 50 acres, and C-3 zoning does not have a maximum lot size, whereas C-2, a lower intensity commercial does have a maximum lot size. So that's why the C-3 was selected. The applicant, the city did conduct an early notification meeting. They notified a registered neighborhood association within a 500-foot radius of the site. They invited them to a neighborhood meeting. It was held at the Dona Ana County College campus and it was attended by about half a dozen people. Most of the concerns expressed were possibly blockage of views, views of the mountains to the east, and also they wanted to be assured that people using the trail would have a ... parking on the property as a trial head such that those trail users would not park on their residential streets. We mailed notice to owners of property within the 500-foot radius as well and of course posted a big yellow sign on the property, and we received no comment as a result of that public notice. Based on the findings presented in the staff report, staff is recommending approval or recommending that the Commission recommend approval to City Council. And I'm happy to answer any questions you may have. The applicant of course is here.

Crane: Thank you Ms. Montana. Commissioners, any questions for Ms. Montana? Mr. Clifton.

Clifton: Just a few questions and I just think we need to get it on the record to clear it, typically with a zoning application whether you're the city or a

private developer you're required to submit an affidavit of zoning and a signed application by the property owner. Now I understand it's unreasonable to have ... the president or congress sign an application directly for this one zone change request, but in the past I have seen letters authorizing an applicant on take down of a lease on a BLM piece to proceed with a zone change, not in support or denial or whatever, but just authorizing on behalf of the property owner, the U.S. Government. And I would just like clarification as to why that's not in here and if this is in fact authorized by the U.S. Government and then I will have some follow-up questions. Thank you.

Montana: Mr. Chairman, Commissioner Clifton, that was raised during the application process. William Hamm, the director of our Land Management Department is in negotiation with BLM and asked them if they would sign such the affidavit, they declined. They're in negotiation about the lease but it's their practice not to sign such a thing, but they of course are participant, or well aware of the rezoning request by the city.

Clifton: Mr. Chair, staff, if a private landowner came in, a developer with a similar zoning application on BLM land, would staff request an application signed by the BLM, an affidavit, or would you allow them to further pursue their proposal?

Montana: Mr. Chair, Commissioner, I can't answer that. However, the applicant is here. Cathy Mathews and Tomas Mendez are here and they can answer that on the part of their negotiations with BLM and I may have to defer to the city attorney in terms of what I ... would we want a private applicant who is seeking to rezone BLM land to have BLM sign that application ... that affidavit, I'm not sure. Oh, Mr. Hamm is here. About your negotiation with BLM.

Crane: Please identify yourself sir.

Hamm: Bill Hamm.

Crane: Can you speak on the mike pease?

Hamm: Bill Hamm, City Real Estate Manager, City of Las Cruces.

Crane: Okay, Mr. Hamm do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Hamm: Yes sir.

Crane: Go ahead please. Can you answer the question?

Hamm: The city is entering into what's called a recreation and public purposes act lease with the Bureau of Land Management for this parcel. That conveys ... does not convey, it leases long-term to the city at a nominal rate for public purpose uses only. As part of that process we asked to be specifically advised the BLM that the ... what our intentions were, that the property was unzoned or zoned H. We needed to rezone it to accomplish the project. They did provide in writing to my office that they do not basically get involved or otherwise sign any applications for rezones on any of their properties. That's a policy that goes all the way to Washington, DC evidentially, so that's where they're at.

Crane: Thank you sir. Did that answer your question Mr. Clifton?

Clifton: Mr. Chair, Mr. Hamm good evening.

Hamm: Good evening, Kirk. How you doing?

Clifton: I'm doing good. Thank you. Yourself?

Hamm: Yes sir.

Clifton: Good. Do you have an executed lease from the BLM yet?

Hamm: We do not. It's due probably looking like about August.

Clifton: Would that be before the City Council takes final action?

Hamm: Probably about the same time.

Clifton: An executed lease in essence would act as authorization. Obviously they signed it, but the concern I have though is again whether a private citizen came in with a development request, how they would be treated conversely to how the city's proceeding with this application.

Hamm: Yeah, I'm not sure. The R and PP process that we're following right now would not be available to the private sector. It's government specific, so what their policy is in terms of how they handle the private ... private sector end of things I am not privy to. I do not know.

Clifton: Okay. Thank you.

Hamm: Yes sir.

Crane: Any other questions of Mr. Hamm? Thank you sir.

Hamm: Yes, sir. Thank you.

Crane: Is the applicant here please? That was he. I was glad to get the opportunity to introduce you. Okay, well we've asked our questions of you, so thank you. Ms. Montana do you have something to add?

Montana: No, I'm available to answer any questions that I can.

Crane: Any other questions for Ms. Montana? Mr. Clifton.

Clifton: Just for the benefit of the public and the Commission, can you guys give us some kind of an idea what we're going to see here. What's it's going to be like, is there going to be a lot of traffic, was there a TIA, is there going to be noise, smoke, what's going to happen to the mountain right there? I mean it's awfully close to the residents and I just ... you know I'm concerned for the public and any potential disturbances it may cause. And would just like a little more clarification on what is going to occur there, that way the neighbors have an idea, they live there.

Crane: Who is this gentleman? Can you identify yourself sir?

Mendez: Yes sir. Good evening Commissioner. My name is Tomas Mendez, architect for the City of Las Cruces.

Crane: Okay. Mr. Mendez do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Mendez: I do.

Crane: Go ahead please sir.

Mendez: To address Commissioner Clifton's questions, this area in here is the only parcel or the only portion of the entire site that is going to be disturbed with the inclusion of this service road, and you can barely make out a turnaround right there, traffic circle, to allow emergency vehicles to get in and out, as well as to allow traffic that may get in here to again exit back onto Sonoma Ranch. If I may, I'd like to switch presentations. Okay. Yes, on your drive. Is it here?

This is the same site plan with the superimposition of the floor plan showing what it looks like, more or less to scale. I'd like to mention and conferring with Cathy Mathews, the city's landscape architect, at present these trails are not funded, they're not in our present ... in our next year's fiscal budget but we do show them to illustrate to the Commission the intent of the development. These boxes here, these three parcels are potential building sites, each approximately two acres which is comparable to this area down here to show future sites. There is no specific designated function for those areas at present.

This is a mass study that we showed at the public meeting that we had up at the East Campus, or the Dona Ana Community College campus, and this is a massing study, the building design has not been finalized. We will hopefully begin the preparation of construction documents within the next two to three weeks, but this is a brief or a massing study. This roadway here that I'm highlighting with the cursor would be Sonoma Ranch Boulevard. This is the service driveway showing that roundabout back over here. This is an entrance to the public parking lot and this would be the in and out for the fire department vehicles. This graphic by the way was prepared by Williams Design Group, Gary Williams is the project architect, he is in fact in the audience if you have more specific questions, but at this point this is a preliminary massing study. This shows the two story of the building here, one story of the fire station apparatus bay over here. Does that answer your question Mr. Clifton?

Clifton: More or less. Thank you.

Mendez: Thank you.

Crane: Thank you sir. Anybody else have any questions for Mr. Mendez? Thank you. Members of public wish to address this issue? Okay I see one, two, three, four, five. Okay, are you coming up as a couple? Two people sitting next to each other. All right, come up please. Please identify yourselves and I'll swear you in. Is the mike on Ms. Montana?

D. Overhiser: Dorothy Overhiser.

Crane: Thank you. And …

C. Overhiser: Charles Overhiser.

Crane: Thank you sir. Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

D. Overhiser: Yes.

C. Overhiser: I do.

Crane: Continue.

C. Overhiser: I'll start. Over two years ago there was a project to take 300 acres with … from BFL, BML, what is it?

D. Overhiser: BLM.

C. Overhiser: Yeah, that group and you know the city was going to ... going to take it. And this was part of the ... part of the whole thing. And it was six months ago or so that you know we got a notice, a public notice on the whole thing and we sent in our comments about it and so forth. And I see no connection what so ever talked about with that. So I don't know what this is all about. But anyway this 50 acres is part of that 300, so I don't know ... is this going totally separate. Is that dead? I don't know. Is there any answers to that? Secondly is it the ... with that they were talking about a public safety building and some issues there and that's all they were talking about, but now we have 50 acres carved out and we have a generic code change that's going to be applied and in the plans some buildings set out here and there. I'm very concerned that we're you know just opening up the gate for something here because what gets started is going to be the future. And making the zoning change, I heard earlier that I believe the zoning change allows 60-foot buildings. Also I heard earlier on a project that a land or a buffer zone you cannot do anything, even build parking lots. In this previous project they're talking about a 500-foot buffer and now I see or hear that it's only going to be 150-feet. In addition to this, is apparently there was a public hearing on this? I never got notified. I live in the area. Apparently it was just organizations and not just independent citizens living in the group. So there's a public hearing, six people showed up and the only people that were notified were organizations, not independent people living in that area. I'm not a member of any organization that has a group there, even if I was a member, if I wasn't on the board I never would've heard about it. So I think this is got very little public information out here about it and I'm very confused about what's going on here. I'd like a few answers.

Crane: Well you're in the right place sir. Ms. Montana can you address some of Mr. Overhiser's problems or Mr. Hamm?

Hamm: In terms of the lease, the notification that the gentleman is speaking about I believe would've been the notification, the notice of reality action that the BLM publishes in the federal register. That's a national database publication where the BLM notifies the public at large of their intentions of what they ... their intensions are for land holdings throughout the country. That would pertain to R&PP leases which this 350 acres total, that parcel, this 50 acres is part of 350 acres total, that would pertain to R&PP as well as disposals into the private sector, things of that nature. So that's the notification that is likely, it's about six months ago. And this application here on the 50 acres is specifically for the Public Safety facility campus. The remaining acreage is there ... at this time it's planned for, conceptually for recreational uses, but there are no plans for the next 10, 20 years for that component. The plan of development that was submitted to the BLM which is required as part of their application, city's application with them, requires a timeframe and timeframes into the future that shows

a phasing approach; of what is imminent now is only the campus ... the safety facility. The remainder of it is pure speculation at this point, but it's obviously dependent on funding, etc. I'm not sure if I addressed the question totally.

Crane: Thank you sir. The Overhiser's, how does that help you? Does that answer some of your questions at least?

C. Overhiser: Not at all. We've been very very concerned about this issue and we read our mail and our e-mails very carefully. This meeting at the Dona Ana Community College campus, I don't understand, was that open to the public or not?

Crane: Ms. Montana.

Montana: Mr. Chair, Commissioners, of course that meeting was open to the public but the neighborhood associations within the 500-feet radius of the boundary of the 50 acres were the only ones that are required by code to be invited and therefore those are the organizations that were invited.

C. Overhiser: We live on Calle Belleza. This is going to impact us greatly and we never received notification. And you also said you got no disconcerting or negative ...

Montana: Comments.

C. Overhiser: Input from any of the residents and my husband and I did send an e-mail probably four months ago when we were asked, do we have any input?

Crane: Ms. Overhiser you have to be recognized by the chair before you speak. Okay.

C. Overhiser: I'm sorry.

Crane: Ms. Montana, you're looking for some answers there?

Montana: Yes, I am. The ... I'm looking for the list of neighborhood associations.

C. Overhiser: May I speak?

Crane: Mr. Overhiser.

C. Overhiser: Yes, where we live there is no neighborhood association. There's ...

Crane: What we ...

C. Overhiser: We don't pay dues. We don't have an organization. We don't have one.

Crane: What, out of interest, what main street do you live near, Sonoma Ranch?

C. Overhiser: Sonoma Ranch. We're just off from Sonoma Ranch.

Crane: Okay.

C. Overhiser: Calle Belleza.

D. Overhiser: May I speak?

Crane: Yes ma'am.

C. Overhiser: We would be greatly impacted by this. I mean you're talking about building this 150 feet from our home when we have been told prior it was going to be 500 or a minimum of 500 feet, now it's down to 150, this is going to be in our backyard. And my husband and I ... I have to say this because it's ... it's ... I have become a New Mexican. We lived in California for 23 years. We lived across from the Pacific Ocean. California's a beautiful state but we fell in love with New Mexico. It is a land of enchantment and the Organ Mountains are exquisite. We see hikers back there. We're not so greedy as to say nobody else should enjoy this view, nobody else should you know avail themselves of the beauty New Mexico offers, but there's a lot of other area there than to put this 150 feet from our homes. And it's not only our home, this place is the home to pyrrhuloxia and roadrunners and jackrabbits and desert cottontail. I have embraced what New Mexico has to offer so much, when I go out in my backyard jackrabbits come into the arroyo because they know I'm going to give them cold water. I feed the birds. I will spend a thousand dollars a year feeding the birds back there because I just get so much pleasure from them. It's just ... it's beautiful. It's a gorgeous area and I don't understand why this has to be placed so close to the residential homes when there's so much land there.

Crane: We hear you ma'am. Okay. Thank you. Ms. Montana, do you have an answer?

Montana: Yes Mr. Chair, Commissioners. The neighborhood organizations that were notified were the Capistrano Estates and the Mission Espada North. They are the ones that lie within the 500-foot radius.

Crane: Thank you.

C. Overhiser: Mr. Chairman.

Crane: Yes sir.

C. Overhiser: I don't know what the rules and regulations are but I would say just two organizations? And having that be a public hearing is very very small amount of people.

Crane: Well we are in another one now.

C. Overhiser: Yes, we are. And also is that I heard that you know the sign had been put up and there'd been nothing. The first time I saw that sign was this weekend. I don't know how long it's been there, but maybe I haven't seen it.

Crane: Ms. Montana how long's the sign been up, any idea?

Montana: Yes. It was posted June 6th and the letters went out June 6th, and there was a display add in the ... both the Bulletin and the Sun News announcing the neighborhood meeting at the Dona Ana Community College, you remember what dates? About a week or a week and a half before that meeting.

Crane: That was the meeting to which the neighborhood associations were invited.

Montana: Yes. That meeting was held May 28th.

Crane: So that was publicized by other means than simply getting in touch with the neighborhood associations?

Montana: That's correct.

Crane: Okay. That help you sir?

D. Overhiser: May I speak?

Crane: Yes ma'am.

D. Overhiser: We were told. We signed up when we first heard about this and we're very concerned to be on any e-mails, any correspondence through the U.S. Postal Service, anything that transpired. Putting it in the newspaper, I mean to me that's ...

Crane: But I think Ms. Montana said there was a mailing. But did I understand you right?

Montana: Yes, we mailed to owners of property within the 500-foot radius as well.

Did you receive the letter?

C. Overhiser: For this meeting.

Montana: For this meeting.

D. Overhiser: For this meeting, yes. Not for the Dona Ana Community.

Montana: Yes.

D. Overhiser: Where you said there were no objections and that everybody was fine, there were no e-mails. We also sent an e-mail with our objection, was that never received?

Montana: Not …

C. Overhiser: That was the other …

Crane: Well let me point out that we're in the process of continuous public hearings. Now this happens to be somewhat different format from the original one, but here you are, saying your piece, so I think you're covered.

D. Overhiser: Okay.

Crane: Now what gets done about it, we don't know yet.

D. Overhiser: Okay.

Crane: But we here you.

D. Overhiser: And Mr. Clifton I appreciate your request to find out about the noise and everything else. I don't believe that was addressed in terms of the noise level or anything. One of the beauties of New Mexico is the fact that it is so serene, it is so peaceful, it is so tranquil, that right now we can go out in our backyard and just you know admire nature. I don't think that was addressed at all.

Crane: Thank you.

D. Overhiser: And we're not the only ones. People do walk around there on the cliff and … and I'd also like to know about the 500-foot buffer zone. What happened to that?

Crane: I hope our neighbors will come and see us. I hope they're here now as this is their opportunity.

D. Overhiser: Okay. Thank you.

Crane: Thank you. There were some other ... yes sir.

C. Overhiser: Yes, just to close. Is it ... with this code change you know there's a whole lot of issues but this code change, I'm very concerned about making a general code change that would allow things like antennas and so forth just to flap up, 60-foot buildings and so forth. I would like to make sure that we you know just don't let it run rampant, that we have some control over it other than just within this code. And also, right now it sounds like the only need is maybe two, three acres of that, but to go and get this whole code change for 50 acres at this point seems like it's just kind of ... okay we'll take care of it and then we can just build anything that we want, whenever we want. Thanks.

Crane: Mr. Beard do you have a comment for Mr. Overhiser?

Beard: The issue before us is the road improvement isn't it? And that's it.

Crane: I don't it's ... no the issue before us is the zone change.

Beard: Huh?

Crane: It's the zone change.

Beard: I don't see in here where it says zone change.

Crane: Rezone approximately 50 acres to C-3C.

Beard: Oh, okay. Okay. I got you.

Crane: Mr. Beard apologizes.

Beard: Yes.

Crane: Okay, other members of the public. I saw some hands, the gentleman in the grey shirt on the left. Please identify yourself.

Smith: My name is Timothy Smith.

Crane: And Mr. Smith do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Smith: I do.

Crane: Go ahead please.

Smith: I own property on Tres Ninos which buts against the proposed lot. While I certainly appreciate the fact that we would have a public safety building so close to this part of town for emergencies, I have a couple of concerns; one is that the ... my primary concern is really that 150-foot buffer. Although you contacted people within a 500-foot radius because they may be affected by it, the fact that we're putting this building 150-feet away from them seems to crunch that space down considerably in terms of how much effect it's going to have. I'm primarily nervous about the idea of the sound. We're going to be having fire trucks and police cars, so that 150-foot buffer may be okay in terms of visuals, although I'm not sold on that, but just the idea of the sound itself carrying over through all hours of the night seems to be pretty close to where housing is. Since it is such a large acreage I don't know why some of the proposed future spaces for public buildings aren't utilized instead to create a buffer that is greater than that 150-feet from, for example my backyard. I also am curious about whether or not there will be a speed limit change, right now just about a block away there's a hospital zone for Memorial Medical Center which slows down traffic quite a bit, going up Lohman right as Lohman turns in ... or crosses Sonoma Ranch. I assume that because this would be a public safety building that there would be another speed zone then almost immediately following that one which I think because Sonoma Ranch is such a busy intersection kind of adds more stress to just people's daily commute.

In general I also know that the trails aren't in discussion necessarily but they were presented to us as homeowners as part of the future plan or what that might look like and many of those trails butt up much closer to backyards than even this public safety building does. So I'm very concerned that the buffer is not enough for sound, that the traffic slowing down is already problematic and will just get compounded, and again I'm not really sure why we don't take advantage of that full 50 acreage and just move the building deeper into that location.

Crane: Thank you sir. Any other member of the public? Gentleman in the blue shirt, who I think is Mr. Binns.

E. Binns: Yes sir.

Crane: Mr. Binns do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

E. Binns: I do.

Crane: All right, please.

E. Binns: I sat back there as a taxpayer observing what's going on as well as monitoring the proposed project, and I have a couple of items of concern. The first item is that I would like to send a message to the right people to give our esteemed and my friend architect the privilege of designing a building that looks like New Mexico. This thing doesn't look like New Mexico building. It looks almost as bad as our bus depot over there which I'm ashamed of. I'm responsible to design buildings that look like the southwest and when I bring in design facilities why they always try to ... put an arch over here, let's put some tile over here. I'd like to see them give him the latitude to do what he's capable of doing, of designing a building that looks like New Mexico and the southwest. I know he'd appreciate that. And he can't say that but I can. The other one, we have an item on the agenda here shortly that we'll get to sooner or later which if all sit down and shut up and that's the arroyo subject. I'm extremely disappointed that the negotiations for the leasing of this land did not include the arroyo next to it, so that the city could set an example of how to handle and how to develop and arroyo in a proper manner. But in looking at the layout, they went close to the arroyo boundary but the city did not incorporate the arroyo in their lease agreement and I'd like to see if you can expand that so the city acquires the arroyo so that they can use that as an example and understand how to maintain it and what kind of costs might even be involved and it would be a good starting point for our arroyo system to take advantage of inexpensive land and also to set an example. So just a couple of points I'd like to make and one of them is the arroyo subject and the other is let's get a building that we're proud of, something that looks like New Mexico. Thank you.

Crane: Thank you Mr. Binns. Any other member of the public? Gentleman in the red shirt. Let me interject while he gets here, that for those who are uncomfortable, I'll be calling a break right after we deal with this matter. Yes sir.

Chavira: Thank you Mr. Chairman. My name is Steve Chavira.

Crane: Mr. Chavira do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Chavira: I do so affirm.

Crane: Go ahead please.

Chavira: Mr. Chairman thank you for giving me the opportunity to come up here and speak. I am the chief executive officer of the Las Cruces Home Builders Association and simply for the record all I would like to do is ... I see another opportunity where the city is looking at a policy change or changes to codes or ordinances without much input from the constituency

groups that are involved, whose life will make a difference here. In this situation we have residents who are very close to the project and who apparently have not had much input or any input at all in what is going on and what will be ... they'll be forced to live with in very short order. I would ... I would urge this Commission to recommend to the City Council and to the city staff that issues like this be taken with every effort possible to try to involve the constituency groups that are ... that the input is necessary that is needed, and that we all work together to make sure that this community is ... that we work to make sure that our quality of life is good and strong, that ... for people that move to Las Cruces for the reasons that they've cited, that they continue to like living here and we have a community that is comfortable to live in. I would also agree with Mr. Binns that if Mr. Mendez had the opportunity to design something that was more in keeping with the architecture or the feel of our community, we probably may not have that ... the picture that we see up there, but a more ... different picture. But just for the record I'd like to say, let's involve everybody, let's work harder to make sure that we get all the people involved who need to be involved. And once you try to get them out there, try again and make sure we get them. Thank you Chair.

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

Cedebaca: Mr. Chairman.

Crane: Give us your name please sir.

Cedebaca: Richard Cedebaca.

Crane: Would you ... do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Cedebaca: I do.

Crane: Go ahead please.

Cedebaca: I just want to state for the record, I am a homeowner adjacent to this property and I do walk these trails every day with my dog. My primary concern is; one, the size of the rezoning parcel with such ill-defined uses. I observed earlier this evening the detail required for a chicken coop for instance and with the city having no real defined plans within the next I heard 10 to 20 years, why request rezoning such a large parcel of land? The intended uses I have a problem with, one being in the list of acceptable uses is storage yards, antennas, and so on. And so my primary concern with that is that yes they'll get the go ahead to build the building and there's not adequate funding to build any more buildings but there's adequate funding to put up a fence and make it a big storage yard

or there's adequate funding to put up a big tower and you know make that be the regional Commissioner. center for the City of Las Cruces. And I think such a large change and such a small meaning and with ill-defined notices, I for one received just a notice for tonight. I hadn't received any other previous notices. I did receive a notice from the BLM when the application was made to them, but nothing from the city itself until this notice for this evening. So I was unable to prepare my comments in writing, but I wanted to make sure I stated it for the record here my concerns.

Crane: Glad you came sir. Thank you. Anyone else? Lady in the white shirt. You have two people, are you going to speak as one, or separately.

Ulibarri: He's going to listen.

Crane: Okay.

MALE: I'm just here for support.

Crane: Identify yourself ma'am.

Ulibarri: My name is Sabrina Ulibarri and I live at 1013 Calle Griega. It am too sorry, I'm not very well prepared.

Crane: That's okay. Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Ulibarri: I do.

Crane: Thank you. Go ahead.

Ulibarri: Okay I heard about this meeting tonight and I thought this was where everyone was going to talk about yes or no, but looking at the presentation it seems like it's already in the making to me, and I'm hoping that's not the case, you know cause when I moved to this area it was nice and quiet, that's why I moved there. I liked it. It was tranquil. It's like an old time neighborhood, you have kids playing in the street, you have kids riding their bikes, families running, and then with you bringing this with the noise from the sirens, the lights, I'm concerned about you know fire trucks flying down the streets, kids in those streets. It's not a very well mix. And as far as they made a very good presentation you know as far as the animals there, it's quiet, it's serene, you can go out at night, and you're not concerned about any noise, any lights. I would hope that they could find a different place to put this.

Crane: Okay. Thank you. Any other member of the public? Then we'll close this

to further discussion. Commissioners? Commissioner Clifton.

Clifton: This is certainly an interesting case, I guess the shoe's on the other foot. I see a lot of issues with this but at the end of the day the end users the fire and police department and I really feel bad for them because quite frankly they've been in negotiations with many people; the city, private developers for a number of years to build this facility and it's nice to see it coming to fruition, but I think given this information that we have it's really penalizing them as the user of the facility. There was at one time it was going to be about a mile east of here and then at another time it was going to be even further than here. And I do support it, and I probably will support it, but I'm just not comfortable with the level of work the city has done because I know if Mr. Binns for example came in with a proposal like this it would probably get denied. There is no TIA, there is no descriptions of use, no height issues, is there going to be a communications tower? What's going to occur there? How much noise, smoke? Are they going to improve ... is the city going to improve Sonoma Ranch? There's a stretch of Sonoma Ranch that's unimproved right there. This is going to increase traffic. It's going to impact the neighborhood. And to me it's an equity issue and the fact that it started off with no applicant signing an application, that's concerning in itself although an executed lease would have been nice to see to verify that authorization, but it's an equity issue for me and I don't ... what's good for the goose is good for the gander. And I don't really see a lot of equity here in this. Again I fully support this use. I think we need it. I think the fire and police department need it. But I do think that the city does need to do a better job in recognizing their needs and obtaining those needs for them.

Crane: Commissioner Beard.

Beard: I agree. I would like to see how this 50 acre parcel fits in with the other 350 or I guess it'd be the other 300, but the total being 350. What is the proposed use for the other 300 acres? How does that meld in aesthetically, what not with the proposed 50 acres, and why would this 50 acres have to be at this particular location as opposed to somewhere else in the 350 acres?

Crane: I'd like to comment that, yes that will be quite a radical change in the environment for the residents because there will be sirens at all hours of the day and night and no doubt communication antennas. I wonder whether as somebody else mentioned that the 50 acre ... within that 50 acre area the police and fire building could not be moved somewhat further up the future Camino Coyote Road that we have on our plan here, just to get a little bit further away from the houses. Right now it seems to be situated right on Sonoma Ranch. I realize that quick access to a major highway is important, but I'm not sure that delay of getting vehicles out

there would be very great if the exit from the area were just a little bit further to the east in this 50-acre parcel. Any other comments? Commissioner Ferrary.

Ferrary: When I went for a site visit this afternoon the ... there was a huge mounding behind the homes that would run along what seemed like the edge of the 50 acres. And I also wonder if even though it's ... would ... has a possibility of being 60-foot high building, they're planning on no more than two story and just part of the building, that I would be because of the undulations of the land, if it would be almost down below their sight. So I know a lot of people were objecting, but I'm wondering if actually this won't be an impediment to their views.

Crane: Anyone else? While it seems to me at the moment we're here to address the zoning change and nothing else, but presumably sometime in the future we will get to address the exact design and location of property ... Mr. Clifton's indicating no. What are ... what's your view?

Clifton: Mr. Chair, members of the Commission, we're providing a recommendation to the Las Cruces City Council. From that point we're done. The only time we would see this again before us, if there was a modification to the improved zoning change or if there was a preliminary plat that the P&Z would have to approve.

Crane: I see. Well do I hear a motion that this ... let me get the correct number for it, application Z2875 be approved? Anybody want to move? Mr. Clifton will ...

Clifton: Before we move forward I ... you know this is a fire and emergency issue and it's a needed issue. It's a needed facility and we've ... it's been on the table for several years. I don't know if the fire department, hate to put you on the spot to Deputy Chief Mims, but if you're all prepared to address this at all. I mean again I really feel like you've been put in a bad position here and it would be nice to hear everybody in the room talk about the need and is this an end all site, you know when will it happen, etc.

Crane: Mr. Mendez.

Mendez: Commissioner Crane, may I address the Commission?

Crane: Go ahead.

Mendez: Thank you very much. I assume that I'm still under oath. I would like to move forward ... back to this drawing. As Commissioner Ferrary mentioned this area is a bowl; there is a high hill here, there is a crest here, there is a crest there, and there's another crest in this area. We

specifically located this part of the site to allow us and to allow the fire department quick access onto Sonoma Ranch. Yes, Commissioner Crane, the distance, the travel distance further in would not be long, but it could in fact sometime be a matter of life and death. We don't know that. So we chose to put it up here to allow quick and easy egress. The police department is further back, again because they don't respond as quickly as the fire department would have to. Again this area is ... this area in here is in a bowl, an actual bowl that's out there that we're taking advantage of. I would like to quickly comment on Mr. Binns comments. I appreciate his comments and as a matter of fact that is precisely one of the reasons why the city chose to pursue the entire 350 acres so that we could capture as much of the north fork of the Las Cruces Arroyo as possible and a portion of the south fork of the Las Cruces Arroyo, specifically for the points that he raised in his comments. So I would like to assure him that we tried to get as much of that land for the city to manage it for flood control, for biological resources, for cultural resources, as possible. So we did put a lot of thought into that. The area to the north ... excuse me to the south of us is not accessible. We cannot get that land under our R&PP lease act purposes or privileges. It is in private hands. So we think we ... we're trying to blend as many needs and functions as possible. I would also like to add, Commissioner Crane, that this is not the end all, this is a step in the process to get us to ... get us the necessary authority to construct on this property. We will be taking this to the neighborhood specifically on the project. This is a zoning hearing. It is not about the building yet. We will take that ... we, staff, myself, Cathy Mathews, Deputy Chief Mims, Deputy Chief Martin, we will take this to the citizens who live in that area for additional input and for a review of the drawings and plans as they continue to develop. So again this ... this ... part of the process has its own trajectory, separate and distinct from our developing the project. Thank you very much Commissioner Crane.

Crane: Thank you sir. Commissioners. I would like to hear a motion that this be approved. You don't have to vote for it but I have to have a motion.

Clifton: I'd like to make a motion that Case Z2875 submitted by the City of Las Cruces be approved. And may I add a condition?

Crane: Yes, go ahead.

Clifton: The City of Las Cruces submit a traffic impact analysis prior to any plans going to the construction industries division for review to be reviewed by an outside the state ... I don't ... what I'm getting at is I don't know who would review it cause it's a city application, but that would need to be resolved. And I would also condition it as such, Sonoma Ranch Boulevard be improved 100% adjacent to this site as there will be a traffic increase. And three, additional public hearings be held with the

stakeholders including all the residents within a 500-foot boundary.

Crane: Is there a second for that?

Beard: I second it.

Crane: Mr. Beard seconds. Let's do a roll call starting with Mr. Clifton.

Clifton: Aye.

Crane: Based on ...?

Clifton: Aye based on presentation by city staff, case packet information, and various aspect of the city comprehensive plan as referenced in the case material.

Crane: Thank you. Mr. Stowe.

Stowe: Aye based on discussions.

Crane: Ms. Ferrary.

Ferrary: Aye based on discussions, findings, and site visit.

Crane: Commissioner Beard.

Beard: Aye based on findings, conditions, and discussions and site visit.

Crane: And the Chair votes aye based on findings, discussions, and site visit. The item passes five for, and none against. Thank you. It's now about eight minutes now after eight, I'd like to call a break for ten minutes. We will ... let's say we will reconvene at 8:20, we will continue with our agenda. Thank you.

PER THE CHAIRMAN, TOOK A TEN-MINUTE RECESS.

5. **Case PA-14-01:** Review of and action on the Arroyo Management Plan, a citywide policy document prepared and presented by the City of Las Cruces Community Development Department.

Crane: It's 8:23, ladies and gentlemen we'll reconvene. We're now on case PA-14-01, review of and action on the Arroyo Management Plan. Ms. McCall, you have the floor.

McCall: Thank you. Do I ... I don't need to do the swearing in or anything?

Crane: Oh.

McCall: Am I supposed to do that?

Crane: It can't do any harm. Let's do it or we will have to watch you repeat this. Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

McCall: I do.

Crane: Go ahead please.

McCall: Thank you. This is Case PA-14-01, a review and action on the Arroyo Management Plan. You would be making a recommendation or not making a recommendation to the City Council for adoption. I was here a month ago for the Planning and Zoning work session and at that time I went through the contents of the plan and during the discussion we talked about some ... the major things we talked about; definition of detention and retention ponds and the differences between the two, some concerns about utilities in the arroyos, and some ... how to address privately owned arroyos and how the arroyo plan would impact private property owners. And then I also went over public input. And so this time I want to focus specifically on just some revisions to the plan and your concerns, and addressing some of the public input. So I'll go very quickly through the contents of the plan just as a review and for those in the audience who were not at the work session. The plan has six chapters, introduction, definitions, regional characterization which is like a snapshot or a portrait of the area, and then description and discussion of some of the issues and problems that we're facing right now and some possible ways that they can be addressed. The goals and policies, and then administration and implementation which talks about how we actually carry out the policies and the plan, and then appendices.

This is the study area. One of the things I did in the revision following the work session was change the map, so this is slightly different, it includes the Organ Mountain Desert Peaks National Monument boundaries and just has clearer labeling and that sort of thing.

The purpose of the plan as we've discussed is primarily flood control and improved drainage functions and to protect arroyos in their natural state to the greatest extent possible and in doing so we hope that we can protect native vegetation and wildlife habitat and protect private property from flood damage, address utility installation, and improve stormwater quality, and increase protected open space, and perhaps add trails and trail connectivity and other recreational opportunities.

The regional characterization chapter just physically describes our area and then there is a discussion of the flood control dams and the current stormwater management and drainage practices that the city

operates under. Utilities and how they're installed and maintained in the arroyos, and then what our current parks and open space inventory is as it relates to the arroyos.

The issues and challenges that we are dealing with include some related to development, watershed issues, addressing flood control and stormwater management at a watershed level, a more regional level, and then addressing specifically stormwater management, erosion, sedimentation, and slopes, that sort of thing through design standards. Again utilities and infrastructure. There is a section on the dam ... or the flood control dams and we discussed last time the reality that the City of Las Cruces really has very little to do with control of the dams, they're governed by larger entities, although we are a participating partner. And so later on I'll discuss how that was addressed in the revision of the plan.

Weather and climate variability and how that is likely to impact thunderstorms and flood ... floods in the area. Vegetation and habitat, wildlife, parks and open space, and the economy and quality of life. Issues and challenges section pretty much mirrors the regional characterization section. And then the goals, policies, and actions address the issues and challenges that are discussed in the previous chapter.

The land use section has three goals, they're primarily intended to look at big picture situations regarding land use, not necessarily focused problems that may be addressed by design standards. The environment originally in the March 1st draft had one goal and it said protect and maintain natural habitat and wildlife connectivity within arroyo systems to the greatest extent possible and mitigate damage that may result from development. And that was divided into two goals so that vegetation and wildlife could be addressed individually.

Community facilities didn't change. This primarily addresses passive recreation and trails. And utility and stormwater management is directed towards sound engineering standards and minimizing soil and slope instability, erosion, and addressing the utility installation and maintenance.

Implementation primarily involves amending chapter 32 which is the design standards and other related codes to reflect the plan policies. And then a lot of it really has to do with securing funding for, in a minute I'll describe the arroyo characterization model, and funding to update the storm drain master plan which was done in 2006. And then because vegetation play such a large part in habitat, wildlife, and also in characterizing the arroyos and where the boundaries of the arroyos go, there would have to be some work done to map vegetation outside the 100 year flood zones and map wildlife corridors.

I talked about the arroyo characterization model and that is I think the most important part of this plan or the most important thing that this plan suggests. There's currently a hydrology model in use when doing drainage studies and other types of data analyses regarding flood control

and it is based on the Army Corps of Engineers model, HEC, HMS, and RAS stands for hydrologic engineering center which is the Army Corps of Engineers database and center for this sort of information. Hydrologic modeling system which is designed to simulate hydrologic processes of watersheds, and then RAS is river analysis system which looks at flow rates, sedimentation transport, and that kind of thing. So, the model would start with that but because it would be used for a lot of other things, it would also include data related to the topography of the arroyos and surrounding terrain, drainage areas on a larger scale, a watershed level, soils, vegetation, presence of wildlife, other development in the area or other open spaces in the area, and existing infrastructure and land uses. The purpose of the model in addition to being used for drainage studies and other analyses related to flood control, would be to determine the buffers and as I described in the work sessions, the plan does propose a buffer beyond the 100-year flood zone within which there would be no development. It could possibly be used for open space or I guess you could call it a lower level of development, for example parking lots, or things of that nature that don't necessarily involve a larger amount of infrastructure. And then the characterization model more or less describes the arroyo and this would be useful for example in the case we just heard about the safety complex, how the arroyos could be incorporated into developments, into park systems. There would be a lot of different references or uses for it. The thing I want to say about the buffer, I think in the earlier draft of the plan it wasn't really clear where the buffers would be applied or how they would be applied. And so I do want to state that part of the reason for the arroyo characterization model is that it would tell us which arroyos would require a buffer, and if it did require a buffer how wide it might need to be. The ... I hope that the language and the revision make ... clears that up a little bit. It isn't intended to be a blanket buffer that all arroyos would have a certain distance within which there would be no development. It would just identify places on any given arroyo where it may be suitable due to erosion factors or other things of that nature.

And then the appendices just provide a lot of background information. Certainly most of it is available other places, but it's kind of a consolidated place where people can go to get information. And a lot of this information is also referenced in the body of the plan where there is the source and the website noted where people can learn more. And then from last month to this month I did not have any additional stakeholder or public meetings. I did receive quite a few e-mails and those are included in your packet. And then primarily the public input is ... I have to find my notes, sorry. There were concerns about building too close to the arroyos, people thought it was very important to educate residents, developers, and planners etc. on planned policies and what it might imply for private property owners. Develop more incentives and less regulations, make it more of a positive thing, a carrot rather than a club sort of thing. Analyze

policies across city departments, this is something that does happen from time to time. There are policies in certain plans that may not be in other plans, in other departments, or ordinances that affect one department and one discipline but not necessarily others.

Green infrastructure and low impact development were brought up quite a bit as ways to reduce the amount of runoff that actually enters the arroyo; for example the use of rain barrels or cisterns on the property. Tighten, review, and enforcement of current regulations. Plan policies should only address those arroyos which are in public ownership because private landowners already bought the property under certain assumptions and this is certainly true. I think this is something that ... that is a concern whenever there ... our ordinances are updated and so we would have to look at how this would impact private property owners and specifically property owners who have ... who own portions of arroyos. And then along with that the suggestion was made to create buffers for arroyos that have not yet been developed and of course we can't really make buffers for arroyos that have been developed or have development immediately adjacent to them, but it sort of goes hand-in-hand with the idea that it would impact arroyos that are in public ownership rather than private ownership. And then there was the sentiment that current regulations already address the issues raised in the plan and so the arroyo plan isn't needed. And another related thing has to do with funding and a financial investment. Arroyos that are privately owned as part of development, the landowner, the property owner, has the right to build as they've been expected to be able to do so. So the argument was made that if the city wants to manage the arroyos in a certain way then they should acquire those arroyos by whatever means necessary, if it's not conveyed by the BLM or the State Land Office, then the land should be purchased by the city. And then hand-in-hand with that again is acquiring and maintaining the arroyos would also be expensive and Commissioner Clifton brought this up last time that the city does have to anticipate funding and how it would be acquired for maintenance.

And as I said earlier the flood control dams are an issue that is really larger than the city, so the city is a partner and would certainly be involved in support any regional storm water management effort, but I did revise the text a little bit and the goals and policies to get rid of the implication that the city would be taking this on or would be responsible for upgrade of the flood control dams.

The concerns primarily related to environment have to do with protecting vegetation and wildlife habitat, the sentiment that those areas should be mapped and that in determining buffers habitat specialist should be brought in as part of the team. On the maps that various people filled out on our map exercise at our public meetings, they pointed out sites of interest, sites that they felt should be protected, areas where trails are already in existence and where people walk a lot, places where there's a lot of illegal dumping already. And the notion that the arroyo boundaries

should not be specifically related or identified by the 100-year flood zone, but that it should be looked at on a larger scale and include stands of native vegetation which indicate a history of flooding or water flow in those areas even though it may not be in the flood zone boundary. And community facilities input primarily relates to parks and ... trails following the MPO trail plan and there was a comment that the plan should focus primarily on flood control and minimize amenities since those are addressed in the trail plan; the parks and rec. master plan and the MPO trail pain. Oh and I should add also there were comments about putting trails directly behind private property and in the comments I received distances weren't really discussed, so that would be another thing I think for further public input; I was just thinking about this during the previous case and in the abstract I thought 25 feet might be appropriate, but I measured and that isn't even as far as this distance of where you are, and I'm not really sure that private property owners would feel comfortable with that distance, so that is something to be determined.

And then utilities and stormwater management primarily concerning flood control techniques and having a more comprehensive hydrologic analysis of the East Mesa which goes back to the arroyo characterization model and addressing utilities in the arroyos and ways to minimize erosion for that ... for those. There was also a discussion about the arroyos within the city limits or the developed areas maybe using, like not necessarily leaving those in a natural state but a naturalistic state; using pervious concrete or other structures that would help modify the flow into the arroyos while maintaining a naturalistic appearance. And there did seem to be some confusion at public meetings about utilities and how they operate and why they're in the arroyos so I think that calls for just greater education and awareness.

And then the idea of revegetation following construction which is a very difficult thing to do, I ... in reading the federal permits I discovered that there is already a regulation on the books that the construction company or the developer or whoever is responsible for the construction has three years to revegetate to 70% of what the original vegetation was. And so that is something that's already required, it isn't anything that the arroyo plan is calling for that's new.

As a review, the other governmental entities have looked at the plan, the City of Las Cruces, the Flood Commission, the Land Office, the BLM, Bureau of Reclamation and Elephant Butte, and then some of the comments that were made at the work session last month, the lack of data behind the statements regarding quality of life and economic development, and the lack of data to substantiate climate change issues. The sense that the process is being rushed. And there was some confusion about or concern about how private property owners would have to follow the plan as I mentioned earlier and that is something that I hope is clarified to some extent, but possibly could use some further clarification. FEMA boundaries that reference to the flood zones and the proposed flood

zones have been removed from the plan because there was some concern about discussing these issues since the city does not have authority over them. And then as I said concerns about utilities in the arroyos and erosion problems. Oh, I got ahead of myself. So are the things that I primarily changed in the plan, they aren't radical changes, but I hope that the language was modified to an extent that it clarifies a lot of the confusion and adds information that was asked for. I did add data to support the quality of life issue including reports and research on indirect benefits of open space, but can't necessarily be quantified in dollars. And I kind of beefed up the information regarding vegetation and vegetative species in the regional characterization. So, with that I'll close and open it up for discussion. Your options tonight would be to vote to recommend to the City Council that the plan be adopted, to vote no and not recommend adoption to the City Council; vote yes with conditions which could include further revisions in the plan or other actions or modifications that you think are appropriate; or vote to postpone the recommendation and I would welcome further direction. Thank you.

Crane: Thank you Ms. McCall. Any Commissioner have questions for Ms. McCall? Commissioner Ferrary.

Ferrary: Well I don't have a question I just want to say that I think after the last work session you went back and accommodated all of the different suggestions and this is I think just a wonderful plan and you should be commended on it. It's very good.

McCall: Thank you.

Crane: Mr. Clifton.

Clifton: Mr. Chair, Carol, you did in fact address a lot of the comments that I had, thank you. I do still have some specific questions or concerns rather; the first being what is the buffer distance going to be?

McCall: Mr. Chair, Commissioner Clifton. I don't know. That would depend on the characterization model and then the characterization of each individual arroyo. And it may even be ... I'll go back to the map ... it's very possible that different sections of the same arroyo would have different buffers. It would depend on surrounding existing development, proposed development that's already on the books and is already vested so it would follow the regulations that it was adopted under. It would depend on upstream flows; one of the recommendations that was made by the engineering stakeholders group is that the current hydrology model that's in use stops at the flood control dams, but the recommendation was made as part of the update and expansion of the model to go up stream which would give us more data related to how upstream flows would impact

development and adds to the idea of looking at it more on a regional scale. So, it would just depend.

Clifton: So I'm trying to understand at what point a process of a development application will this issue come up. I mean the plans can go to City Council presumably, presumably to the August meeting and at that point if it were to be adopted then you can in turn start codifying it so to speak and filtering it into the appropriate codes via ordinance, but during that time if development applications or even after that time when development applications come in, what's going to happen to them when they go through the grinder mill here at the city. Are they going to get held up because they are adjacent to an arroyo and you have to run the characterization model? You don't quite know yet what the buffer's going to be. Are you going to wait till it's codified in the design standards? And that leads into the next question, do you guys ... does staff have a handle on what portions of this plan will be codified and where will they be placed in the various ordinances throughout the city?

McCall: Mr. Chair, Commissioner Clifton, if and when the arroyo plan is adopted regardless of anything else, any development proposal that comes in would fall under purview of the current regulations until those regulations are amended. There is a committee already, an interdepartmental committee working on updating and revising the design standards to address road crossings, landscape standards, I believe there will be a section added to chapter 32 of the Municipal Code on arroyos rather than incorporating the various aspects like road crossing or erosion control into those smaller sections of the chapter. So, until the design standards are updated, any development proposal that comes in would follow the current design standards. The model will take some time because as I said first of all we have to find funding for it and to be honest I don't know how long a study of this type would take. I would think that it would be approximately equivalent to the time it took to do the storm drain master plan in 2006 and I honestly don't know how long that was, but I could foresee it taking a year.

Clifton: So with that said, this is a policy document much like the comprehensive plan and the concern I have is getting a case recommendation from staff under the findings of fact that utilizes aspect of a comprehensive plan of policy document that plays into a recommendation of an application, whether it's zoning or subdivision, and the concern I have is this will be on a shelf, utilized to formulate that recommendation without it being codified and that's a concern. I mean it's an awfully grey area and I think it would be awfully uncomfortable for members of the community that invest money in developments and real estate.

McCall: Mr. Chair, Commissioner Clifton, I completely understand your concern. I

do the comprehensive plan reviews for the development proposals and it's been my experience, I can't say this for sure with current planning, but in the absence of a regulation then plan policy is referred to. So, if the situation arises in which it's not already addressed by code, then staff and appointed and elected officials would have to follow some sort of guidance and so it would be a policy. But, it's been my experience that if there's a code in place then that's what it would follow even though it may run counter to what the policy says. And I guess I would add to that the situation that anybody would be in would be the same whether it's the comprehensive plan, or the storm drain master plan, or the stormwater management plan, the parks and rec. master plan, everybody faces the same situation when there's a proposal of any kind that goes for approval. If it's not already on the books they would run into that problem regardless of what plan it is, it's not just the arroyo plan.

Clifton: And I think that's what makes me uncomfortable. I think it's a slippery slope. You know if it's not being addressed ... a code is the law. A policy is an opinion. You know you make the policy an ordinance and it's law. And until so if an individual comes in to develop a project, you know what assurances do they have that it's not going to be a taking ... I think it's really creating a legal issue for the city and an uncomfortable position for the Planning and Zoning Commission in the future if that were to occur. I'm not saying it will occur, I don't even know if it will or it may, but I think in this room we've all seen a little bit of everything so it wouldn't surprise me. Thank you.

Crane: Any other Commissioner have any questions? Commissioner Ferrary.

Ferrary: Well my understanding is that this is a management plan and it's in the process of being adopted, and as you've explained that if something happens until this is codified then it would just be a suggestion and tried to be followed as a model and what we're working towards. So, I think this is a good thing to go ahead and approve.

Crane: Thank you. Anyone else? Thank you Carol. So, Commissioners may I have a ...

Beard: You might have some public input.

Crane: Quite right Commissioner Beard. Input from the public. There were three people I believe at the beginning of the meeting indicated they had ... they wanted to address this. I notice those people still here. Mr. Binns or have you said it all? You want to come up. Anybody else so I can get some idea of how many? Okay. Mr. Beard, our secretary will give you three minutes apiece, is that satisfactory? Can you do that?

E. Binns: I think I'm here. I swear to tell the truth.

Crane: Okay. I didn't swear you in yet, did I?

E. Binns: Let me turn my hearing aid up a little louder.

Crane: I didn't ... I didn't swear you in earlier?

Baum: Yes.

Crane: I did?

Baum: Yes you did.

Crane: You're still sworn in.

E. Binns: Good.

Crane: Go ahead.

E. Binns: First of all Carol did a fantastic job of trying to analyze the various aspect of this arroyo ordinance. Her analysis has generated more questions than answers, unfortunately, and I hate to see something come along like Obamacare that's on four pages that passed the first go around and then 700 pages that are written after the fact that nobody knows what they say until someone tries to make them work. And I don't want to see something going that direction cause this is a very complicated issue. And the Planning and Zoning Commission has an obligation to analyze these types of things from several levels. And probably the most important level is safety and welfare of the community. This is something that has not been addressed in all of these studies. The arroyo system that may go in has got to have some means of protecting the public there and keeping it in a safe order. The fire department's got to have access to these things in some form or fashion. The police department's got to have access, and they've got to have personnel to handle this additional load of this public property. And at this time those entities are stressed financially taking care of the streets and the normal public without an additional burden of trying to take care of the safety in miles and miles of arroyos.

In addition to the safety and the welfare, we have an issue of the maintenance of them, i.e. taking care of the trash issues. I have real estate scattered in numbers of places around the town and I have codes enforcement contact me and says, Eddie you got a truckload of trash over here so-and-so, you need to go clean it up. Well the same thing's going to happen in arroyos that end up in this and there's going to be trash dumped and it's going to be a trash maintenance problem that takes place. The park system isn't in any position to take on additional park

financial loading in taking care of trails and such here, so you've got a problem from the parks standpoint of them taking care of it.

The second major issue on this thing is the funding of it, because this type of program is heavily city oriented. The staff identified that there was over 6,000 parcels in arroyos that are owned by 6,000 different individuals and in trying to acquire those properties it's going to be a major problem to find the financial resources to buy the land, because it is private land. A lot of people think the arroyos public, but they're not, they're on the tax rolls. My own real estate on the tax rolls that has arroyos going through it has the same tax value as the piece of land on top of the hill, so that the value of the real estate is a major issue. The city did a series of appraisals of real estate to acquire land and in those appraisals that value of the land adjacent to the arroyos was the same as the land there, so value's a big problem.

Crane: Are you about through sir?

E. Binns: I'm getting a little closer.

Crane: Please get a lot closer.

E. Binns: Okay. We'll try to push it on up a little bit. The ... your maintenance, your money, and ... I can foresee and I have the fear that the arroyo issue in a future date will be placed on a developer to dedicate the land in order for him to have the privilege of developing the land adjacent to it. This is what happened with parks. This is what happened with major arterials through the years, that if a developer wanted to develop, then he was squeezed and forced to do that, and I can see this moving in that direction at some future date and that's not a reasonable property right for the city to take away from people.

At this time there are so many unanswered questions that I would be very hard pressed to see this thing issued to recommend to the city without some answers coming in. The boundaries of the flood control require a survey and the survey is done by taking the cross section of the arroyo to calculate the volume flow and then identify the outside boundaries. This is a very complicated effect and to identify the 100-year flood, to the 500-year flood or whatever, it's going to take extensive surveys to identify the real estate that you're speaking of and are going to try to acquire. So that's a major problem. FEMA has maps but they move, arroyos move, arroyos may be at one place this year and next year they may be at the other side, so that they do move around. They're not static. So it does become a major problem in trying to identify and from a property right standpoint an individual has a responsibility to take the water in one side of his property and take it out the other side of his property. And what he does in between if he channelizes or whatever he has a property right and he has the privilege to do whatever he feels is his

right to do. So this is something that I can see is being taking away from the property owner, it's moving in that direction, and I'd like a lot more questions answered, a lot more studies done before this thing moves forward. Thank you.

Crane: Thank you. Who's next? The gentleman in the red shirt. Please identify yourself sir.

Moscato: John Moscato. Good evening Commissioners.

Crane: Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Moscato: Yes.

Crane: Go ahead please.

Moscato: Thank you. I'd like to suggest that the first test that the Commission should impose on a proposal like this is whether it's really necessary. And if you look at what's currently on the books in terms of drainage requirements, subdivision, construction requirements, there is plenty on the books already. I'm a developer. I was at a pre-submittal meeting with city staff this morning for instance and our engineer in connection with a project developing totally flat land, no arroyo involved at all, had to present a drainage plan the size of the Las Cruces telephone book. It's incredible if you haven't seen what's required of developers already to develop their property with respect to drainage, I think you'd be surprised to see the burdens and the hurdles that we have to overcome already, but even if you were to think that some kind of arroyo plan is needed, I think you should ask yourself is one of this magnitude really needed. This has 75 separate policy recommendations, it has 57 separate actions recommended. I think that's a prescription for over regulation which is simply going to stifle economic development. It's going to raise cost of development. It's going to raise the cost to the city to manage to supervise, to impose its various mandates in connection with all these policies and all these proposed actions. As Commissioner Clifton mentioned, this is a classic slippery slope. We're going to go from policy to regulations to extra costs, you know just one last example; there's a proposal here to try to incentivize single loaded streets along arroyos, well, I'm not sure how you can successfully incentivize a recommendation which would effectively double the cost of development. If you're only developing one side of the street, you have half the lots to develop, but you have the same costs of infrastructure. So I think on so many levels this is unneeded. If anything is needed it's certainly not of this magnitude. Thank you.

Crane: Thank you sir. Someone else? Please tell us who you are.

Bower: Max Bower. Red Mesa Development and also ...

Crane: Mr. Bower do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Bower: Yes.

Crane: Go ahead please.

Bower: Just to really reiterate what John just said, the proposed ordinance in its current form, the preliminaries, the full potential of arroyos as a community asset was thrown around a lot in there and the plan admittedly discloses that it is unable to quantify the value of this community asset and I have the answer right here, if you want to put it in there. The proposed plan as John pointed out, specifically the buffers will have a very ... it'll have a very negative impact on private property affected by the ordinance. And example, as he's saying, if you have a piece of private property, an arroyo runs through some of it or half of it, again based on tonight's presentation and discussion the proposed buffer of 25 feet is inadequate, it's probably grossly inadequate, in some cases it essentially just doubled the cost of infrastructure because now you have an arroyo, it's in the private land, you create a buffer, you've still got to get a road through there. Half the land is now essentially off the market and ... not to mention you just trampled the private property owners rights pretty significantly right there.

But ... but also from just another angle to this is probably the benefit to the city from a revenue standpoint. The unintended consequence of this is that you're essentially removing property from the market so that the city at some later date can't benefit from revenue from impact fees, building permits, so on and so forth, you're actually strangling revenue to the city by going with something like this. But I do appreciate the time that staff's put in for it. That's not an easy subject to tackle and you know we all want to ... we all want a beautiful community I do commend them for where they're going with it, but there's just a lot of pitfalls that need to be addressed before I believe it should go any further. Thank you.

Crane: Thank you Mr. Bower. Gentleman in the red shirt that we've heard from before but please remind us of your name.

Chavira: Yes, Mr. Chairman, my name is Steve Chavira.

Crane: You're still sworn in, okay.

Chavira: Yes sir. Thank you so much. Mr. Chairman, members of the Commission

I would thank you again for giving me this opportunity to speak to you. I do ... I would like to congratulate Carol on a great job putting the presentation together. She's been very fastidious in looking at all the questions and all the issues and meeting with the groups, and I think she's probably done the best job I've seen of anybody bringing the constituent groups together and to meet on this policy issue. I would like to raise a couple of quick points, but first of all I have a point of order that I would like to just bring up for the record. I'm not sure why you decided to time the public input on this part of the session when you didn't do it for the rest of the evening. I think this is a much more important issue than you know whether we're bringing chickens to the neighborhood or not and I really don't ... I think we probably could've had less talk on chickens, a little more talk from Mr. Binns, but that's obviously your decision Mr. Chairman.

Crane: We're all wiser after the event. Yeah.

Chavira: Right. I would like to say that ... to Commissioner Ferrary's point you know it's a great plan and it's a policy plan and you know approve it as ... push it forward and help facilitate more discussion. I would say not to approve it just for the sake of approving it. This is ... this is a policy discussion that's right, but as you know that when things start getting approved and start pushing forward they turn into ... they turn into laws, they turn into ordinances, they turn into changes that affect a whole lot of things down the road. I urge you to open this up, let's have more discussion. As Carol said, that it would take a long time to really start to quantify exactly what's going to be going into this when we start to really delve into it and look at it. I'd love to see Carol's first day when she decided to tackle this project and all those sleepless nights I'm sure she had looking at the breadth and the scope of this project and looking at what is all involved here. And I'm sure she realizes that those days are not over, especially depending on what goes on here today. Let's take the time to work this plan. Let's look at it. Let's not push it forward to Council and start the ball rolling or start the water flowing as it is, no pun intended, but let's look at it and let's really figure out what is going to be involved in here. We do have an economic impact for our community, for our ... for the business community, our city in general, and looking at this policy is important that we take the time and be as equally fastidious as Carol has been to make sure that we look at it all from ... from all areas of the spectrum. That's my recommendation. I think that I would want to mirror the comments that Mr. Moscato, Mr. Binns, and Mr. Bower have made, those are not only comments of three people but of a large group of people that they represent. Take the time.

Crane: Thank you sir. I think we've heard from four fifths of the people and the gentleman in the grey shirt is going to make it unanimous. And you are?

D. Binns: Hi, I'm David Binns. Binns Limited *(inaudible)*.

Crane: Mr. Binns do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

D. Binns: Yes I do.

Crane: Go ahead sir.

D. Binns: It's kind of interesting that I don't see anybody in the audience that's here to affirm this decision. Everyone here is pretty much against it and there's a reason why. There's too much grey area. The buffer zones are not described here. If this passed on to the city, the city's going to say okay here's the buffer zone and they're going to put a number up there or they're just going to do it case by case according to however they want. There's no studies here that says okay this buffer zone is going to be here, here, and here, and I think we need to evaluate this plan a lot more. One of the things Carol was talking about putting parking lots you know for low density. Parking lots don't work in arroyos. That's kind of against what she was after, the natural aesthetics of the plan. Something else to take into consideration, basically they're trying to keep channelization away from this plan. The Rio Grande River was channelized. It used to meander all up and down the valley. It was channelized for a reason, so people could put farms in, people could put development in. The same thing with arroyos, they can be channelized in a certain manner that the wildlife can still run up and down, we have the aesthetics of an arroyo, but we don't have to let it meander you know one quarter mile one way, on quarter mile the other way, it can be channelized in a smart way but we don't need 400 or 500 foot buffer zones in places. I think when they start looking at different arroyos you're going to have a buffer zone that they might want for 500 feet which is getting pretty ridiculous on a real estate. If the city wants to buy that 500 feet, well that's great, but they don't have the money to do it right now, something to keep in mind. It gets back into an economic portion of the city what they can afford, what they can't afford on private land. And again you're taking the rights of property owners in your own hands right now. And this is something that's going to affect me and my children with different lands all over the city. You guys will be down the road, move away, what not and I'm going to have to deal with this, my children will have to deal with this with different lands all around the city. So I would like to recommend if you could not to pass this and not to let it go forward anymore. Thank you.

Crane: Thank you Mr. Binns. We've heard from everybody. So, Commissioners? Ms. Ferrary, let's let you go and then Mr. Clifton.

Ferrary: Thank you Commissioner Crane. I disagree with all of the naysayers. I

think this is a typical response that we have too much regulation, that these are going to cause us all kinds of problems, we need more discussion. I think the discussion has been at ad nauseam and there will still be more discussion when the City Council goes to approve it. I think there has been great compromise with a lot of the suggestions and improvements to the plan. These are planning measures that will provide a future for Las Cruces to have the protections from the damages by arroyos and not being able to flow. And it will also provide a vision for our community and that will provide you know how Las Cruces will grow in a really great way.

Crane: Thank you. Commissioner Clifton.

Clifton: Thank you Mr. Chair. First of all thank you Mr. Moscato, I have to echo your comments. And at last month's meeting I followed along that same line, that you know what point does the regulation and over regulation stop and that is the upmost concern especially considering the fact that we don't know what this is going to look like and I still believe it's going to hold up projects and lock up land until it's decided how the city will treat that once this is adopted, if it's adopted. And a question to Carol, not to keep beating this to death, but you have a captive audience right now, is there something you could possibly do to set up something that we know about, you have Mr. Binns, Mr. Moscato here, Mr. Chavira. You've had multiple meetings but it still sounds like ... I don't know if the two sides will ever agree but at least come back to us with something that shows that there were some negotiations and this is as far as we can get. And I'm not getting that and that's really what I was requesting last month and it doesn't appear that that's happened and you've got them here tonight and maybe you can work something out with them. Thank you.

Crane: Carol.

McCall: Mr. Chair, Commissioner Clifton, I'd be glad to meet with all of the stakeholder groups more as well as have an additional public meeting.

Crane: That help? Mr. Clifton.

Clifton: I think it will. I mean based on the ... action we commence with, I mean I don't agree that we should take action tonight, you have five individuals in the audience, adamant, passionate about this issue and I think it would be out of respect that at least we pursue you know one more attempt at a meeting before we take action on this and then we can put it to bed.

Crane: Mr. Beard.

Beard: I didn't comment last ... or when you finished because I have so many

questions in my mind and I didn't know where to go. It's like are we going to start planning habitat in the arroyos. You know a plan says that you're going to do something and so we come up with these ideas, but we don't say that we're going to put bushes or trees in this arroyo on this particular type or we're not going to do it on another type. It's a very comprehensive subject and I just didn't know myself, is this really a plan that tells people what to do or is this a plan that sort of make ... puts things really up in the air as to what they should be doing? I think postponing it would be a good idea, having more meetings. But I really don't ... I think this thing really ... this is ... you really have to go deep ... I mean a buffer zone, just that buffer zone alone, what is the buffer zone going to be for different situations. That's a very hard subject to cover. People should know what it is and maybe we address those things as they come up, I don't know. We need the inputs from our developers probably more than anybody else. I can't decide that. So I'm really up in the air as to what I would do and if I don't know what I want to do then I don't want to pass it. So that's my ... where I stand. I think you did a fantastic job though based on the situation.

Crane: Let me play for time a little bit here by saying yes, this is an enormously broad and deep task that you've been given Carol and you've done a bang up job. It goes against my grain to say this but I have substantial sympathy for the points made by the five speakers tonight. It still seems to me as it did after the work session that we're probably going to have to write off those sections of arroyo which are at present in developed areas. I don't see how we could retroact if we go back and recommend accept as a general policy but certainly not as a matter of regulation. The people go back and remake the arroyos in the way that we might all like to see them be done. Clear distinction should therefore be made between plans for existing developed arroyos or arroyos that are in developed areas and those that are in what you call developable areas in which all negotiations regarding the land and the cost of it and so on could be done with the idea in mind that the arroyos would belong to the city and the city can dictate how the channels are supposed to be handled. Then the realtors, the developers, would know where they are, where their land begins and they wouldn't have to be worried about having any of their property taken from them.

Another major section is what I think reflects some of the concerns of my colleagues, this is all very vague and necessarily so, it's impossible to make a plan at this point that has regulation in it. I don't think you had any regulation. This is more a concept plan of what it would be nice to do to preserve the quality of the arroyos for the benefit of everybody in the future. If we send this up to the City Council I hope they'd read it and think about it and ask questions and maybe get some modifications made, but it still wouldn't be quite regulation. I don't think ... correct me if I'm wrong Carol ... that you have anything in there which stipulates anything as

opposed to recommending, is that right?

McCall: Mr. Chair, Commissioners, to my knowledge I don't.

Crane: Yeah. Thank you. So I think this is a question for planning ... for Community Development. If we pass this, send it up to City Council, City Council says great plan, at what point and by whom are regulations going to be written to implement the plan? The City Council has this with a stamp on it saying okay. What happens next?

McCall: Mr. Chair, Commissioners, if it were to be adopted, then steps would be taken to look at the policies that are in the plan and determine whether there is already a regulation or something in an ordinance that addresses it and if not, how it should be addressed in ordinance form. And I honestly can't say how quickly that would happen. I mentioned earlier that there is an interdepartmental committee working on amendments to chapter 32 of the Municipal Code already, the design standards, which will be changed ... I think the title is going to be changed to Development Standards. So, some of these things are already ... oh, some of these things are already being addressed.

LIGHTS WENT DOWN FOR A MOMENT.

Crane: *(inaudible)* some cosmic source.

McCall: Simultaneous to this process.

Crane: Okay, so as I understand it, there will be opportunities in the future for the issues to be addressed, the issue of regulation. I mean Community Development if it comes up with regulations as you state, in the absence of anything current. Those regulations have to be voted on by Planning and Zoning, City Council, who?

McCall: Mr. Chair, Commissioners, yes. There would be public comment and any changes to the Municipal Code as I believe would come to this body and then go to the City Council, after public input.

Crane: Okay. Thank you. Anyone else have questions for Ms. McCall? Mr. Clifton.

Clifton: Again, that's just my very concern. This gets adopted and it's so loose we don't know what will happen and Mr. Binns comes in with a development application next to an arroyo, in all likelihood I think most of us in this room know exactly what's going to happen. We all ... we all know what's going to happen, even if it hasn't been codified yet you have a policy document that has been adopted by the City Council that is still a guiding document

formulating your recommendations and I echo once again Mr. Beard's comments, this is just so broad. And you have your stakeholders right here. I think we can get at least a couple meetings in before we take any type of action. I mean I am not prepared to ... well I'm prepared to act on it tonight but I'd prefer to see some consensus building amongst the staff and the individuals in this room.

Crane: Let me ask you for clarification. What do you see happening when Mr. Binns comes to the council and says I've got this new piece of property I want to develop that straddles an arroyo, what do you see happening?

Clifton: That we don't know. I mean it won't ... if he has a project at the staff level it probably won't even reach this body until they resolve the arroyo issue based on the policy document. In terms of what would I envision if they ... if we give them some time to meet, at least an opportunity to build some consensus and if not they can at least come back and say, we couldn't reach an agreement, this is ... it is what it is.

Beard: The City has comment.

Crane: Yes Ms. Harrison-Rogers.

H-Rogers: Just a point of clarification, I would like to point out if there was private property and let's assume that it was zoned multi-family or commercial and they came in simply for a building permit underneath the auspices of that particular zone, this policy document would not halt that project. They would only be obligated to construct to our minimum standards, which is outlined in our design standards as they currently sit. So, a project of that type wouldn't be delayed because of this policy document. But Commissioner Clifton it is accurate that perhaps the policy document could influence projects that came before this Board, such as a zone change, a planned unit development, things of that nature.

Crane: Thank you. Mr. Stowe did you have your light on?

Stowe: Just a comment that as I understand it at the end of the day there's no funding to implement this plan.

McCall: Mr. Chair, Commissioner Stowe, that's correct at this time, there is not.

Stowe: That's kind of strike two. Thank you.

Crane: You have indicated that you are prepared to meet with this group of people behind you representing essentially the building industry to see if you can iron out some questions.

McCall: Mr. Chair, Commissioners, I would be glad to. In fact, in listening to the gentlemen state their case and articulate their concerns, it's ... it is clear to me that the language in the plan could be improved because there is some misunderstanding between what I've written and what I think it says and what they're reading.

Crane: Is there any parallel but opposite group of people that you could meet with, not necessarily the same time, but to give some balance here, cause these are very articulate and energetic gentlemen, and have somebody from the grassroots who might have a different view that you could get with?

McCall: Mr. Chair, Commissioners ...

Crane: If it hasn't already been done I'm assuming.

McCall: I would actually schedule additional meetings with all three stakeholder groups; engineers, conservationists, and the developers, and I would have an additional public meeting.

Crane: Thank you. Mr. Clifton.

Clifton: I'd like to make a motion that Case PA-14-01 be postponed indefinitely. That's just simply non-date specific, we can't pin a date to it.

Crane: You really mean indefinitely or to ... until Ms. McCall has had these meetings that she has spoken of? Indefinitely sounds like you shot it in the head.

Clifton: I will rephrase my motion. I would like to recommend postponement until such time as staff has had the opportunity to meet with the necessary stakeholders regarding Case PA-14-01.

Crane: Is there a second for that?

Beard: Comment. Discussion.

Crane: Let's get a second first.

Beard: Last time I seconded I didn't get a discussion.

Crane: You're too shy. Okay. Mr. Stowe are you going to second?

Stowe: I second the motion.

Crane: Okay, now Mr. Beard.

Beard: Should we include what we want to hear in this postponement? I mean for postponement we're going to have an input, are there things that we ... that we want to definitely hear somebody say something on, like on the buffer zone. We've got to address the buffer zone. Do we actually want to put in a criteria for the various buffer zones or do we ... do we want recommendations that ... that these types of things will be decided later on? What I'm trying to say is, this is a ... the buffer zones happen to be an important subject, how do we want ... how do we want that to be addressed back to us? Do we want definitive numbers or do we not care? Do we ... can we live without the numbers? Do we want to plant trees in all of the arroyos, I mean or put bushes in all of them? Just to have more discussion and then come back, what I'm trying to say is, I answered many government proposals, those were plans and in there we said exactly what we were going to do. The government then decided which contractor they were going to pick. This plan doesn't really come down to saying this is exactly what we're going to do, yeah or nay on it. It has a lot of recommendations but it doesn't have any ... I don't think, policies. Do we want the policies to be addressed in here? I don't know if I'm getting my thoughts across or not, but what do we expect out of ... in the next meeting?

Crane: Ms. Ferrary.

Ferrary: I don't think we can define those things. This is a management plan. This is something that you know the policies are going to be reviewed and then presented later on even after the plan has been adopted. I think this is a stall tactic and I commend Carol for having the patience to do more.

Crane: Mr. Clifton.

Clifton: Mr. Chair ...

Crane: If you're going ... are you going to address Mr. Beard's point?

Clifton: Yes.

Crane: Okay.

Clifton: I was going to touch on that just a bit. I think it's ... staff can correct me if I'm wrong, I think it's ... even though we postpone, I think it's well within the Commissions purview to recommend certain items that you may want to see before we take action at the next meeting. Maybe another work session next month would be appropriate, I don't know. But I think it's well within your right to ask for certain items. I don't know that we can drill down to the specific width as that would be more of the technical issue

addressed in the *(inaudible)* ordinance, but I think you can.

Crane: Commissioner Beard.

Beard: I agree. I was just trying ... what are we expecting differently next time than what we got this time?

Crane: I don't think we are in a ... at a point yet where we should try to get very specific. There've been all kinds of concerns expressed tonight by all kinds of people and they're all in the record, whether Carol and the others will have access to the record, I don't know. But in any event do you have access to the recordings, I mean excluding what Becky's going to come up with, the minutes?

McCall: Mr. Chair, Commissioners, yes I have ... I do have access to the minutes.

Crane: Okay. So you know what at least some of the points of contention are and if you can work something out with the industry and separately no doubt with the conservation and engineers groups, I think we'd all profit from whatever you can come up with. Specifics at this point I don't know, like numbers defining buffer zones and so on, I don't think we're ready for it. Is it ... the questions more like is it feasible to even have the concept of buffer zones?

Beard: Right. Exactly right. Right. And there was one ... one comment made that we have too many regulations already, well what's the alternate proposal then? I don't know that that is.

Crane: Okay, so we have a motion that this ... essentially this be postponed until *(inaudible)* until Ms. McCall has made adjustments to her plan based on meetings with these three stakeholder groups, does that summarize it nicely Mr. Clifton?

Clifton: Yes Mr. Chair.

Crane: Okay. So, we have a second for that. Are we ready to vote? I think we are. Okay, stating with you Mr. Beard.

Beard: Yes based on discussions.

Crane: Yes, Ms. Ferrary.

Ferrary: No based on discussions.

Crane: Mr. Stowe.

Stowe: Yes based on discussions.

Crane: Mr. Clifton.

Clifton: Yes based on discussion.

Crane: The Chair votes yes. So the measure passes four to one and we will readdress this in the future. Thank you.

McCall: Thank you very much.

VII. OTHER BUSINESS - NONE

Crane: As the sole representative of your department here is there ... I beg your pardon. Are there any more matters of business?

H-Rogers: None this evening.

Crane: Okay.

VIII. PUBLIC PARTICIPATION

IX. STAFF ANNOUNCEMENTS

X. ADJOURNMENT (9:37)

Crane: In that case we are adjourned at about 9:36. Thank you all.

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Chairperson