

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

16  
17 Clifton: More or less. Thank you.

18  
19 Mendez: Thank you.

20  
21 Crane: Thank you sir. Anybody else have any questions for Mr. Mendez? Thank  
22 you. Members of public wish to address this issue? Okay I see one, two,  
23 three, four, five. Okay, are you coming up as a couple? Two people  
24 sitting next to each other. All right, come up please. Please identify  
25 yourselves and I'll swear you in. Is the mike on Ms. Montana?

26  
27 D. Overhiser: Dorothy Overhiser.

28  
29 Crane: Thank you. And ...

30  
31 C. Overhiser: Charles Overhiser.

32  
33 Crane: Thank you sir. Do you swear or affirm that the testimony you are about to  
34 give is the truth and nothing but the truth under penalty of law?

35  
36 D. Overhiser: Yes.

37  
38 C. Overhiser: I do.

39  
40 Crane: Continue.

41  
42 C. Overhiser: I'll start. Over two years ago there was a project to take 300 acres with ...  
43 from BFL, BML, what is it?

44  
45 D. Overhiser: BLM.

46

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

28  
29 Crane: Well you're in the right place sir. Ms. Montana can you address some of  
30 Mr. Overhiser's problems or Mr. Hamm?

31  
32 Hamm: In terms of the lease, the notification that the gentleman is speaking about  
33 I believe would've been the notification, the notice of reality action that the  
34 BLM publishes in the federal register. That's a national database  
35 publication where the BLM notifies the public at large of their intentions of  
36 what they ... their intentions are for land holdings throughout the country.  
37 That would pertain to R&PP leases which this 350 acres total, that parcel,  
38 this 50 acres is part of 350 acres total, that would pertain to R&PP as well  
39 as disposals into the private sector, things of that nature. So that's the  
40 notification that is likely, it's about six months ago. And this application  
41 here on the 50 acres is specifically for the Public Safety facility campus.  
42 The remaining acreage is there ... at this time it's planned for,  
43 conceptually for recreational uses, but there are no plans for the next 10,  
44 20 years for that component. The plan of development that was submitted  
45 to the BLM which is required as part of their application, city's application  
46 with them, requires a timeframe and timeframes into the future that shows

1 a phasing approach; of what is imminent now is only the campus ... the  
2 safety facility. The remainder of it is pure speculation at this point, but it's  
3 obviously dependent on funding, etc. I'm not sure if I addressed the  
4 question totally.  
5  
6 Crane: Thank you sir. The Overhiser's, how does that help you? Does that  
7 answer some of your questions at least?  
8  
9 C. Overhiser: Not at all. We've been very very concerned about this issue and we read  
10 our mail and our e-mails very carefully. This meeting at the Dona Ana  
11 Community College campus, I don't understand, was that open to the  
12 public or not?  
13  
14 Crane: Ms. Montana.  
15  
16 Montana: Mr. Chair, Commissioners, of course that meeting was open to the public  
17 but the neighborhood associations within the 500-foot radius of the  
18 boundary of the 50 acres were the only ones that are required by code to  
19 be invited and therefore those are the organizations that were invited.  
20  
21 C. Overhiser: We live on Calle Belleza. This is going to impact us greatly and we never  
22 received notification. And you also said you got no disconcerting or  
23 negative ...  
24  
25 Montana: Comments.  
26  
27 C. Overhiser: Input from any of the residents and my husband and I did send an e-mail  
28 probably four months ago when we were asked, do we have any input?  
29  
30 Crane: Ms. Overhiser you have to be recognized by the chair before you speak.  
31 Okay.  
32  
33 C. Overhiser: I'm sorry.  
34  
35 Crane: Ms. Montana, you're looking for some answers there?  
36  
37 Montana: Yes, I am. The ... I'm looking for the list of neighborhood associations.  
38  
39 C. Overhiser: May I speak?  
40  
41 Crane: Mr. Overhiser.  
42  
43 C. Overhiser: Yes, where we live there is no neighborhood association. There's ...  
44  
45 Crane: What we ...  
46

1 C. Overhiser: We don't pay dues. We don't have an organization. We don't have one.  
2  
3 Crane: What, out of interest, what main street do you live near, Sonoma Ranch?  
4  
5 C. Overhiser: Sonoma Ranch. We're just off from Sonoma Ranch.  
6  
7 Crane: Okay.  
8  
9 C. Overhiser: Calle Belleza.  
10  
11 D. Overhiser: May I speak?  
12  
13 Crane: Yes ma'am.  
14  
15 C. Overhiser: We would be greatly impacted by this. I mean you're talking about  
16 building this 150 feet from our home when we have been told prior it was  
17 going to be 500 or a minimum of 500 feet, now it's down to 150, this is  
18 going to be in our backyard. And my husband and I ... I have to say this  
19 because it's ... it's ... I have become a New Mexican. We lived in  
20 California for 23 years. We lived across from the Pacific Ocean.  
21 California's a beautiful state but we fell in love with New Mexico. It is a  
22 land of enchantment and the Organ Mountains are exquisite. We see  
23 hikers back there. We're not so greedy as to say nobody else should  
24 enjoy this view, nobody else should you know avail themselves of the  
25 beauty New Mexico offers, but there's a lot of other area there than to put  
26 this 150 feet from our homes. And it's not only our home, this place is the  
27 home to pyrrhuloxia and roadrunners and jackrabbits and desert cottontail.  
28 I have embraced what New Mexico has to offer so much, when I go out in  
29 my backyard jackrabbits come into the arroyo because they know I'm  
30 going to give them cold water. I feed the birds. I will spend a thousand  
31 dollars a year feeding the birds back there because I just get so much  
32 pleasure from them. It's just ... it's beautiful. It's a gorgeous area and I  
33 don't understand why this has to be placed so close to the residential  
34 homes when there's so much land there.  
35  
36 Crane: We hear you ma'am. Okay. Thank you. Ms. Montana, do you have an  
37 answer?  
38  
39 Montana: Yes Mr. Chair, Commissioners. The neighborhood organizations that  
40 were notified were the Capistrano Estates and the Mission Espada North.  
41 They are the ones that lie within the 500-foot radius.  
42  
43 Crane: Thank you.  
44  
45 C. Overhiser: Mr. Chairman.  
46

1 Crane: Yes sir.  
2  
3 C. Overhiser: I don't know what the rules and regulations are but I would say just two  
4 organizations? And having that be a public hearing is very very small  
5 amount of people.  
6  
7 Crane: Well we are in another one now.  
8  
9 C. Overhiser: Yes, we are. And also is that I heard that you know the sign had been put  
10 up and there'd been nothing. The first time I saw that sign was this  
11 weekend. I don't know how long it's been there, but maybe I haven't seen  
12 it.  
13  
14 Crane: Ms. Montana how long's the sign been up, any idea?  
15  
16 Montana: Yes. It was posted June 6th and the letters went out June 6th, and there  
17 was a display add in the ... both the Bulletin and the Sun News  
18 announcing the neighborhood meeting at the Dona Ana Community  
19 College, you remember what dates? About a week or a week and a half  
20 before that meeting.  
21  
22 Crane: That was the meeting to which the neighborhood associations were  
23 invited.  
24  
25 Montana: Yes. That meeting was held May 28th.  
26  
27 Crane: So that was publicized by other means than simply getting in touch with  
28 the neighborhood associations?  
29  
30 Montana: That's correct.  
31  
32 Crane: Okay. That help you sir?  
33  
34 D. Overhiser: May I speak?  
35  
36 Crane: Yes ma'am.  
37  
38 D. Overhiser: We were told. We signed up when we first heard about this and we're  
39 very concerned to be on any e-mails, any correspondence through the  
40 U.S. Postal Service, anything that transpired. Putting it in the newspaper,  
41 I mean to me that's ...  
42  
43 Crane: But I think Ms. Montana said there was a mailing. But did I understand  
44 you right?  
45  
46 Montana: Yes, we mailed to owners of property within the 500-foot radius as well.

1                   Did you receive the letter?  
2  
3 C. Overhiser: For this meeting.  
4  
5 Montana:     For this meeting.  
6  
7 D. Overhiser: For this meeting, yes. Not for the Dona Ana Community.  
8  
9 Montana:     Yes.  
10  
11 D. Overhiser: Where you said there were no objections and that everybody was fine,  
12                   there were no e-mails. We also sent an e-mail with our objection, was that  
13                   never received?  
14  
15 Montana:     Not ...  
16  
17 C. Overhiser: That was the other ...  
18  
19 Crane:        Well let me point out that we're in the process of continuous public  
20                   hearings. Now this happens to be somewhat different format from the  
21                   original one, but here you are, saying your piece, so I think you're  
22                   covered.  
23  
24 D. Overhiser: Okay.  
25  
26 Crane:        Now what gets done about it, we don't know yet.  
27  
28 D. Overhiser: Okay.  
29  
30 Crane:        But we here you.  
31  
32 D. Overhiser: And Mr. Clifton I appreciate your request to find out about the noise and  
33                   everything else. I don't believe that was addressed in terms of the noise  
34                   level or anything. One of the beauties of New Mexico is the fact that it is  
35                   so serene, it is so peaceful, it is so tranquil, that right now we can go out in  
36                   our backyard and just you know admire nature. I don't think that was  
37                   addressed at all.  
38  
39 Crane:        Thank you.  
40  
41 D. Overhiser: And we're not the only ones. People do walk around there on the cliff and  
42                   ... and I'd also like to know about the 500-foot buffer zone. What  
43                   happened to that?  
44  
45 Crane:        I hope our neighbors will come and see us. I hope they're here now as  
46                   this is their opportunity.

1  
2 D. Overhiser: Okay. Thank you.  
3  
4 Crane: Thank you. There were some other ... yes sir.  
5  
6 C. Overhiser: Yes, just to close. Is it ... with this code change you know there's a whole  
7 lot of issues but this code change, I'm very concerned about making a  
8 general code change that would allow things like antennas and so forth  
9 just to flap up, 60-foot buildings and so forth. I would like to make sure  
10 that we you know just don't let it run rampant, that we have some control  
11 over it other than just within this code. And also, right now it sounds like  
12 the only need is maybe two, three acres of that, but to go and get this  
13 whole code change for 50 acres at this point seems like it's just kind of ...  
14 okay we'll take care of it and then we can just build anything that we want,  
15 whenever we want. Thanks.  
16  
17 Crane: Mr. Beard do you have a comment for Mr. Overhiser?  
18  
19 Beard: The issue before us is the road improvement isn't it? And that's it.  
20  
21 Crane: I don't it's ... no the issue before us is the zone change.  
22  
23 Beard: Huh?  
24  
25 Crane: It's the zone change.  
26  
27 Beard: I don't see in here where it says zone change.  
28  
29 Crane: Rezone approximately 50 acres to C-3C.  
30  
31 Beard: Oh, okay. Okay. I got you.  
32  
33 Crane: Mr. Beard apologizes.  
34  
35 Beard: Yes.  
36  
37 Crane: Okay, other members of the public. I saw some hands, the gentleman in  
38 the grey shirt on the left. Please identify yourself.  
39  
40 Smith: My name is Timothy Smith.  
41  
42 Crane: And Mr. Smith do you swear or affirm that the testimony you are about to  
43 give is the truth and nothing but the truth under penalty of law?  
44  
45 Smith: I do.  
46

- 1 Crane: Go ahead please.  
2
- 3 Smith: I own property on Tres Ninos which butts against the proposed lot. While I  
4 certainly appreciate the fact that we would have a public safety building so  
5 close to this part of town for emergencies, I have a couple of concerns;  
6 one is that the ... my primary concern is really that 150-foot buffer.  
7 Although you contacted people within a 500-foot radius because they may  
8 be affected by it, the fact that we're putting this building 150-feet away  
9 from them seems to crunch that space down considerably in terms of how  
10 much effect it's going to have. I'm primarily nervous about the idea of the  
11 sound. We're going to be having fire trucks and police cars, so that 150-  
12 foot buffer may be okay in terms of visuals, although I'm not sold on that,  
13 but just the idea of the sound itself carrying over through all hours of the  
14 night seems to be pretty close to where housing is. Since it is such a  
15 large acreage I don't know why some of the proposed future spaces for  
16 public buildings aren't utilized instead to create a buffer that is greater than  
17 that 150-feet from, for example my backyard. I also am curious about  
18 whether or not there will be a speed limit change, right now just about a  
19 block away there's a hospital zone for Memorial Medical Center which  
20 slows down traffic quite a bit, going up Lohman right as Lohman turns in  
21 ... or crosses Sonoma Ranch. I assume that because this would be a  
22 public safety building that there would be another speed zone then almost  
23 immediately following that one which I think because Sonoma Ranch is  
24 such a busy intersection kind of adds more stress to just people's daily  
25 commute.  
26 In general I also know that the trails aren't in discussion necessarily  
27 but they were presented to us as homeowners as part of the future plan or  
28 what that might look like and many of those trails butt up much closer to  
29 backyards than even this public safety building does. So I'm very  
30 concerned that the buffer is not enough for sound, that the traffic slowing  
31 down is already problematic and will just get compounded, and again I'm  
32 not really sure why we don't take advantage of that full 50 acreage and  
33 just move the building deeper into that location.  
34
- 35 Crane: Thank you sir. Any other member of the public? Gentleman in the blue  
36 shirt, who I think is Mr. Binns.  
37
- 38 E. Binns: Yes sir.  
39
- 40 Crane: Mr. Binns do you swear or affirm that the testimony you are about to give  
41 is the truth and nothing but the truth under penalty of law?  
42
- 43 E. Binns: I do.  
44
- 45 Crane: All right, please.  
46

- 1 E. Binns: I sat back there as a taxpayer observing what's going on as well as  
2 monitoring the proposed project, and I have a couple of items of concern.  
3 The first item is that I would like to send a message to the right people to  
4 give our esteemed and my friend architect the privilege of designing a  
5 building that looks like New Mexico. This thing doesn't look like New  
6 Mexico building. It looks almost as bad as our bus depot over there which  
7 I'm ashamed of. I'm responsible to design buildings that look like the  
8 southwest and when I bring in design facilities why they always try to ...  
9 put an arch over here, let's put some tile over here. I'd like to see them  
10 give him the latitude to do what he's capable of doing, of designing a  
11 building that looks like New Mexico and the southwest. I know he'd  
12 appreciate that. And he can't say that but I can. The other one, we have  
13 an item on the agenda here shortly that we'll get to sooner or later which if  
14 all sit down and shut up and that's the arroyo subject. I'm extremely  
15 disappointed that the negotiations for the leasing of this land did not  
16 include the arroyo next to it, so that the city could set an example of how  
17 to handle and how to develop and arroyo in a proper manner. But in  
18 looking at the layout, they went close to the arroyo boundary but the city  
19 did not incorporate the arroyo in their lease agreement and I'd like to see if  
20 you can expand that so the city acquires the arroyo so that they can use  
21 that as an example and understand how to maintain it and what kind of  
22 costs might even be involved and it would be a good starting point for our  
23 arroyo system to take advantage of inexpensive land and also to set an  
24 example. So just a couple of points I'd like to make and one of them is the  
25 arroyo subject and the other is let's get a building that we're proud of,  
26 something that looks like New Mexico. Thank you.  
27
- 28 Crane: Thank you Mr. Binns. Any other member of the public? Gentleman in the  
29 red shirt. Let me interject while he gets here, that for those who are  
30 uncomfortable, I'll be calling a break right after we deal with this matter.  
31 Yes sir.  
32
- 33 Chavira: Thank you Mr. Chairman. My name is Steve Chavira.  
34
- 35 Crane: Mr. Chavira do you swear or affirm that the testimony you are about to  
36 give is the truth and nothing but the truth under penalty of law?  
37
- 38 Chavira: I do so affirm.  
39
- 40 Crane: Go ahead please.  
41
- 42 Chavira: Mr. Chairman thank you for giving me the opportunity to come up here  
43 and speak. I am the chief executive officer of the Las Cruces Home  
44 Builders Association and simply for the record all I would like to do is ... I  
45 see another opportunity where the city is looking at a policy change or  
46 changes to codes or ordinances without much input from the constituency

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

20  
21 Crane: Thank you sir. Gentleman in the blue shirt.

22  
23 Cedebaca: Mr. Chairman.

24  
25 Crane: Give us your name please sir.

26  
27 Cedebaca: Richard Cedebaca.

28  
29 Crane: Would you ... do you swear or affirm that the testimony you are about to  
30 give is the truth and nothing but the truth under penalty of law?

31  
32 Cedebaca: I do.

33  
34 Crane: Go ahead please.

35  
36 Cedebaca: I just want to state for the record, I am a homeowner adjacent to this  
37 property and I do walk these trails every day with my dog. My primary  
38 concern is; one, the size of the rezoning parcel with such ill-defined uses.  
39 I observed earlier this evening the detail required for a chicken coop for  
40 instance and with the city having no real defined plans within the next I  
41 heard 10 to 20 years, why request rezoning such a large parcel of land?  
42 The intended uses I have a problem with, one being in the list of  
43 acceptable uses is storage yards, antennas, and so on. And so my  
44 primary concern with that is that yes they'll get the go ahead to build the  
45 building and there's not adequate funding to build any more buildings but  
46 there's adequate funding to put up a fence and make it a big storage yard

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

10  
11 Crane: Glad you came sir. Thank you. Anyone else? Lady in the white shirt.  
12 You have two people, are you going to speak as one, or separately.

13  
14 Ulibarri: He's going to listen.

15  
16 Crane: Okay.

17  
18 MALE: I'm just here for support.

19  
20 Crane: Identify yourself ma'am.

21  
22 Ulibarri: My name is Sabrina Ulibarri and I live at 1013 Calle Griega. It am too  
23 sorry, I'm not very well prepared.

24  
25 Crane: That's okay. Do you swear or affirm that the testimony you are about to  
26 give is the truth and nothing but the truth under penalty of law?

27  
28 Ulibarri: I do.

29  
30 Crane: Thank you. Go ahead.

31  
32 Ulibarri: Okay I heard about this meeting tonight and I thought this was where  
33 everyone was going to talk about yes or no, but looking at the presentation  
34 it seems like it's already in the making to me, and I'm hoping that's not the  
35 case, you know cause when I moved to this area it was nice and quiet,  
36 that's why I moved there. I liked it. It was tranquil. It's like an old time  
37 neighborhood, you have kids playing in the street, you have kids riding  
38 their bikes, families running, and then with you bringing this with the noise  
39 from the sirens, the lights, I'm concerned about you know fire trucks flying  
40 down the streets, kids in those streets. It's not a very well mix. And as far  
41 as they made a very good presentation you know as far as the animals  
42 there, it's quiet, it's serene, you can go out at night, and you're not  
43 concerned about any noise, any lights. I would hope that they could find a  
44 different place to put this.

45  
46 Crane: Okay. Thank you. Any other member of the public? Then we'll close this

1 to further discussion. Commissioners? Commissioner Clifton.

2  
3 Clifton: This is certainly an interesting case, I guess the shoe's on the other foot. I  
4 see a lot of issues with this but at the end of the day the end users the fire  
5 and police department and I really feel bad for them because quite frankly  
6 they've been in negotiations with many people; the city, private developers  
7 for a number of years to build this facility and it's nice to see it coming to  
8 fruition, but I think given this information that we have it's really penalizing  
9 them as the user of the facility. There was at one time it was going to be  
10 about a mile east of here and then at another time it was going to be even  
11 further than here. And I do support it, and I probably will support it, but I'm  
12 just not comfortable with the level of work the city has done because I  
13 know if Mr. Binns for example came in with a proposal like this it would  
14 probably get denied. There is no TIA, there is no descriptions of use, no  
15 height issues, is there going to be a communications tower? What's going  
16 to occur there? How much noise, smoke? Are they going to improve ... is  
17 the city going to improve Sonoma Ranch? There's a stretch of Sonoma  
18 Ranch that's unimproved right there. This is going to increase traffic. It's  
19 going to impact the neighborhood. And to me it's an equity issue and the  
20 fact that it started off with no applicant signing an application, that's  
21 concerning in itself although an executed lease would have been nice to  
22 see to verify that authorization, but it's an equity issue for me and I don't  
23 ... what's good for the goose is good for the gander. And I don't really see  
24 a lot of equity here in this. Again I fully support this use. I think we need  
25 it. I think the fire and police department need it. But I do think that the city  
26 does need to do a better job in recognizing their needs and obtaining  
27 those needs for them.

28  
29 Crane: Commissioner Beard.

30  
31 Beard: I agree. I would like to see how this 50 acre parcel fits in with the other  
32 350 or I guess it'd be the other 300, but the total being 350. What is the  
33 proposed use for the other 300 acres? How does that meld in  
34 aesthetically, what not with the proposed 50 acres, and why would this 50  
35 acres have to be at this particular location as opposed to somewhere else  
36 in the 350 acres?

37  
38 Crane: I'd like to comment that, yes that will be quite a radical change in the  
39 environment for the residents because there will be sirens at all hours of  
40 the day and night and no doubt communication antennas. I wonder  
41 whether as somebody else mentioned that the 50 acre ... within that 50  
42 acre area the police and fire building could not be moved somewhat  
43 further up the future Camino Coyote Road that we have on our plan here,  
44 just to get a little bit further away from the houses. Right now it seems to  
45 be situated right on Sonoma Ranch. I realize that quick access to a major  
46 highway is important, but I'm not sure that delay of getting vehicles out

1 there would be very great if the exit from the area were just a little bit  
2 further to the east in this 50-acre parcel. Any other comments?  
3 Commissioner Ferrary.  
4

5 Ferrary: When I went for a site visit this afternoon the ... there was a huge  
6 mounding behind the homes that would run along what seemed like the  
7 edge of the 50 acres. And I also wonder if even though it's ... would ...  
8 has a possibility of being 60-foot high building, they're planning on no  
9 more than two story and just part of the building, that I would be because  
10 of the undulations of the land, if it would be almost down below their sight.  
11 So I know a lot of people were objecting, but I'm wondering if actually this  
12 won't be an impediment to their views.  
13

14 Crane: Anyone else? While it seems to me at the moment we're here to address  
15 the zoning change and nothing else, but presumably sometime in the  
16 future we will get to address the exact design and location of property ...  
17 Mr. Clifton's indicating no. What are ... what's your view?  
18

19 Clifton: Mr. Chair, members of the Commission, we're providing a  
20 recommendation to the Las Cruces City Council. From that point we're  
21 done. The only time we would see this again before us, if there was a  
22 modification to the improved zoning change or if there was a preliminary  
23 plat that the P&Z would have to approve.  
24

25 Crane: I see. Well do I hear a motion that this ... let me get the correct number  
26 for it, application Z2875 be approved? Anybody want to move? Mr.  
27 Clifton will ...  
28

29 Clifton: Before we move forward I ... you know this is a fire and emergency issue  
30 and it's a needed issue. It's a needed facility and we've ... it's been on the  
31 table for several years. I don't know if the fire department, hate to put you  
32 on the spot to Deputy Chief Mims, but if you're all prepared to address this  
33 at all. I mean again I really feel like you've been put in a bad position here  
34 and it would be nice to hear everybody in the room talk about the need  
35 and is this an end all site, you know when will it happen, etc.  
36

37 Crane: Mr. Mendez.  
38

39 Mendez: Commissioner Crane, may I address the Commission?  
40

41 Crane: Go ahead.  
42

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

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

31  
32 Crane: Thank you sir. Commissioners. I would like to hear a motion that this be  
33 approved. You don't have to vote for it but I have to have a motion.

34  
35 Clifton: I'd like to make a motion that Case Z2875 submitted by the City of Las  
36 Cruces be approved. And may I add a condition?

37  
38 Crane: Yes, go ahead.

39  
40 Clifton: The City of Las Cruces submit a traffic impact analysis prior to any plans  
41 going to the construction industries division for review to be reviewed by  
42 an outside the state ... I don't ... what I'm getting at is I don't know who  
43 would review it cause it's a city application, but that would need to be  
44 resolved. And I would also condition it as such, Sonoma Ranch  
45 Boulevard be improved 100% adjacent to this site as there will be a traffic  
46 increase. And three, additional public hearings be held with the

- 1 stakeholders including all the residents within a 500-foot boundary.  
 2  
 3 Crane: Is there a second for that?  
 4  
 5 Beard: I second it.  
 6  
 7 Crane: Mr. Beard seconds. Let's do a roll call starting with Mr. Clifton.  
 8  
 9 Clifton: Aye.  
 10  
 11 Crane: Based on ...?  
 12  
 13 Clifton: Aye based on presentation by city staff, case packet information, and  
 14 various aspect of the city comprehensive plan as referenced in the case  
 15 material.  
 16  
 17 Crane: Thank you. Mr. Stowe.  
 18  
 19 Stowe: Aye based on discussions.  
 20  
 21 Crane: Ms. Ferrary.  
 22  
 23 Ferrary: Aye based on discussions, findings, and site visit.  
 24  
 25 Crane: Commissioner Beard.  
 26  
 27 Beard: Aye based on findings, conditions, and discussions and site visit.  
 28  
 29 Crane: And the Chair votes aye based on findings, discussions, and site visit.  
 30 The item passes five for, and none against. Thank you. It's now about  
 31 eight minutes now after eight, I'd like to call a break for ten minutes. We  
 32 will ... let's say we will reconvene at 8:20, we will continue with our  
 33 agenda. Thank you.

34  
 35 **PER THE CHAIRMAN, TOOK A TEN-MINUTE RECESS.**  
 36

- 37 5. **Case PA-14-01:** Review of and action on the Arroyo Management Plan, a  
 38 citywide policy document prepared and presented by the City of Las Cruces  
 39 Community Development Department.  
 40

41 Crane: It's 8:23, ladies and gentlemen we'll reconvene. We're now on case PA-  
 42 14-01, review of and action on the Arroyo Management Plan. Ms. McCall,  
 43 you have the floor.  
 44

45 McCall: Thank you. Do I ... I don't need to do the swearing in or anything?  
 46

1 Crane: Oh.

2

3 McCall: Am I supposed to do that?

4

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

8

9 McCall: I do.

10

11 Crane: Go ahead please.

12

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

33

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

38

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

46

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

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

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

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

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

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

34 Implementation primarily involves amending chapter 32 which is the  
35 design standards and other related codes to reflect the plan policies. And  
36 then a lot of it really has to do with securing funding for, in a minute I'll  
37 describe the arroyo characterization model, and funding to update the  
38 storm drain master plan which was done in 2006. And then because  
39 vegetation play such a large part in habitat, wildlife, and also in  
40 characterizing the arroyos and where the boundaries of the arroyos go,  
41 there would have to be some work done to map vegetation outside the  
42 100 year flood zones and map wildlife corridors.

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

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

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

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

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

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

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

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

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

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

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

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

18  
19 Crane: Thank you Ms. McCall. Any Commissioner have questions for Ms.  
20 McCall? Commissioner Ferrary.

21  
22 Ferrary: Well I don't have a question I just want to say that I think after the last  
23 work session you went back and accommodated all of the different  
24 suggestions and this is I think just a wonderful plan and you should be  
25 commended on it. It's very good.

26  
27 McCall: Thank you.

28  
29 Crane: Mr. Clifton.

30  
31 Clifton: Mr. Chair, Carol, you did in fact address a lot of the comments that I had,  
32 thank you. I do still have some specific questions or concerns rather; the  
33 first being what is the buffer distance going to be?

34  
35 McCall: Mr. Chair, Commissioner Clifton. I don't know. That would depend on the  
36 characterization model and then the characterization of each individual  
37 arroyo. And it may even be ... I'll go back to the map ... it's very possible  
38 that different sections of the same arroyo would have different buffers. It  
39 would depend on surrounding existing development, proposed  
40 development that's already on the books and is already vested so it would  
41 follow the regulations that it was adopted under. It would depend on  
42 upstream flows; one of the recommendations that was made by the  
43 engineering stakeholders group is that the current hydrology model that's  
44 in use stops at the flood control dams, but the recommendation was made  
45 as part of the update and expansion of the model to go up stream which  
46 would give us more data related to how upstream flows would impact

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

3  
4 Clifton: So I'm trying to understand at what point a process of a development  
5 application will this issue come up. I mean the plans can go to City  
6 Council presumably, presumably to the August meeting and at that point if  
7 it were to be adopted then you can in turn start codifying it so to speak and  
8 filtering it into the appropriate codes via ordinance, but during that time if  
9 development applications or even after that time when development  
10 applications come in, what's going to happen to them when they go  
11 through the grinder mill here at the city. Are they going to get held up  
12 because they are adjacent to an arroyo and you have to run the  
13 characterization model? You don't quite know yet what the buffer's going  
14 to be. Are you going to wait till it's codified in the design standards? And  
15 that leads into the next question, do you guys ... does staff have a handle  
16 on what portions of this plan will be codified and where will they be placed  
17 in the various ordinances throughout the city?

18  
19 McCall: Mr. Chair, Commissioner Clifton, if and when the arroyo plan is adopted  
20 regardless of anything else, any development proposal that comes in  
21 would fall under purview of the current regulations until those regulations  
22 are amended. There is a committee already, an interdepartmental  
23 committee working on updating and revising the design standards to  
24 address road crossings, landscape standards, I believe there will be a  
25 section added to chapter 32 of the Municipal Code on arroyos rather than  
26 incorporating the various aspects like road crossing or erosion control into  
27 those smaller sections of the chapter. So, until the design standards are  
28 updated, any development proposal that comes in would follow the current  
29 design standards. The model will take some time because as I said first of  
30 all we have to find funding for it and to be honest I don't know how long a  
31 study of this type would take. I would think that it would be approximately  
32 equivalent to the time it took to do the storm drain master plan in 2006 and  
33 I honestly don't know how long that was, but I could foresee it taking a  
34 year.

35  
36 Clifton: So with that said, this is a policy document much like the comprehensive  
37 plan and the concern I have is getting a case recommendation from staff  
38 under the findings of fact that utilizes aspect of a comprehensive plan of  
39 policy document that plays into a recommendation of an application,  
40 whether it's zoning or subdivision, and the concern I have is this will be on  
41 a shelf, utilized to formulate that recommendation without it being codified  
42 and that's a concern. I mean it's an awfully grey area and I think it would  
43 be awfully uncomfortable for members of the community that invest money  
44 in developments and real estate.

45  
46 McCall: Mr. Chair, Commissioner Clifton, I completely understand your concern. I

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

15  
 16 Clifton: And I think that's what makes me uncomfortable. I think it's a slippery  
 17 slope. You know if it's not being addressed ... a code is the law. A policy  
 18 is an opinion. You know you make the policy an ordinance and it's law.  
 19 And until so if an individual comes in to develop a project, you know what  
 20 assurances do they have that it's not going to be a taking ... I think it's  
 21 really creating a legal issue for the city and an uncomfortable position for  
 22 the Planning and Zoning Commission in the future if that were to occur.  
 23 I'm not saying it will occur, I don't even know if it will or it may, but I think in  
 24 this room we've all seen a little bit of everything so it wouldn't surprise me.  
 25 Thank you.

26  
 27 Crane: Any other Commissioner have any questions? Commissioner Ferrary.

28  
 29 Ferrary: Well my understanding is that this is a management plan and it's in the  
 30 process of being adopted, and as you've explained that if something  
 31 happens until this is codified then it would just be a suggestion and tried to  
 32 be followed as a model and what we're working towards. So, I think this is  
 33 a good thing to go ahead and approve.

34  
 35 Crane: Thank you. Anyone else? Thank you Carol. So, Commissioners may I  
 36 have a ...

37  
 38 Beard: You might have some public input.

39  
 40 Crane: Quite right Commissioner Beard. Input from the public. There were three  
 41 people I believe at the beginning of the meeting indicated they had ... they  
 42 wanted to address this. I notice those people still here. Mr. Binns or have  
 43 you said it all? You want to come up. Anybody else so I can get some  
 44 idea of how many? Okay. Mr. Beard, our secretary will give you three  
 45 minutes apiece, is that satisfactory? Can you do that?

46

1 E. Binns: I think I'm here. I swear to tell the truth.  
2  
3 Crane: Okay. I didn't swear you in yet, did I?  
4  
5 E. Binns: Let me turn my hearing aid up a little louder.  
6  
7 Crane: I didn't ... I didn't swear you in earlier?  
8  
9 Baum: Yes.  
10  
11 Crane: I did?  
12  
13 Baum: Yes you did.  
14  
15 Crane: You're still sworn in.  
16  
17 E. Binns: Good.  
18  
19 Crane: Go ahead.  
20  
21 E. Binns: First of all Carol did a fantastic job of trying to analyze the various aspect  
22 of this arroyo ordinance. Her analysis has generated more questions than  
23 answers, unfortunately, and I hate to see something come along like  
24 Obamacare that's on four pages that passed the first go around and then  
25 700 pages that are written after the fact that nobody knows what they say  
26 until someone tries to make them work. And I don't want to see  
27 something going that direction cause this is a very complicated issue. And  
28 the Planning and Zoning Commission has an obligation to analyze these  
29 types of things from several levels. And probably the most important level  
30 is safety and welfare of the community. This is something that has not  
31 been addressed in all of these studies. The arroyo system that may go in  
32 has got to have some means of protecting the public there and keeping it  
33 in a safe order. The fire department's got to have access to these things  
34 in some form or fashion. The police department's got to have access, and  
35 they've got to have personnel to handle this additional load of this public  
36 property. And at this time those entities are stressed financially taking  
37 care of the streets and the normal public without an additional burden of  
38 trying to take care of the safety in miles and miles of arroyos.  
39 In addition to the safety and the welfare, we have an issue of the  
40 maintenance of them, i.e. taking care of the trash issues. I have real  
41 estate scattered in numbers of places around the town and I have codes  
42 enforcement contact me and says, Eddie you got a truckload of trash over  
43 here so-and-so, you need to go clean it up. Well the same thing's going to  
44 happen in arroyos that end up in this and there's going to be trash  
45 dumped and it's going to be a trash maintenance problem that takes  
46 place. The park system isn't in any position to take on additional park

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

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

15  
16 Crane: Are you about through sir?

17  
18 E. Binns: I'm getting a little closer.

19  
20 Crane: Please get a lot closer.

21  
22 E. Binns: Okay. We'll try to push it on up a little bit. The ... your maintenance, your  
23 money, and ... I can foresee and I have the fear that the arroyo issue in a  
24 future date will be placed on a developer to dedicate the land in order for  
25 him to have the privilege of developing the land adjacent to it. This is what  
26 happened with parks. This is what happened with major arterials through  
27 the years, that if a developer wanted to develop, then he was squeezed  
28 and forced to do that, and I can see this moving in that direction at some  
29 future date and that's not a reasonable property right for the city to take  
30 away from people.

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

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

5  
6 Crane: Thank you. Who's next? The gentleman in the red shirt. Please identify  
7 yourself sir.

8  
9 Moscato: John Moscato. Good evening Commissioners.

10  
11 Crane: Do you swear or affirm that the testimony you are about to give is the truth  
12 and nothing but the truth under penalty of law?

13  
14 Moscato: Yes.

15  
16 Crane: Go ahead please.

17  
18 Moscato: Thank you. I'd like to suggest that the first test that the Commission  
19 should impose on a proposal like this is whether it's really necessary. And  
20 if you look at what's currently on the books in terms of drainage  
21 requirements, subdivision, construction requirements, there is plenty on  
22 the books already. I'm a developer. I was at a pre-submittal meeting with  
23 city staff this morning for instance and our engineer in connection with a  
24 project developing totally flat land, no arroyo involved at all, had to present  
25 a drainage plan the size of the Las Cruces telephone book. It's incredible  
26 if you haven't seen what's required of developers already to develop their  
27 property with respect to drainage, I think you'd be surprised to see the  
28 burdens and the hurdles that we have to overcome already, but even if  
29 you were to think that some kind of arroyo plan is needed, I think you  
30 should ask yourself is one of this magnitude really needed. This has 75  
31 separate policy recommendations, it has 57 separate actions  
32 recommended. I think that's a prescription for over regulation which is  
33 simply going to stifle economic development. It's going to raise cost of  
34 development. It's going to raise the cost to the city to manage to  
35 supervise, to impose its various mandates in connection with all these  
36 policies and all these proposed actions. As Commissioner Clifton  
37 mentioned, this is a classic slippery slope. We're going to go from policy  
38 to regulations to extra costs, you know just one last example; there's a  
39 proposal here to try to incentivize single loaded streets along arroyos,  
40 well, I'm not sure how you can successfully incentivize a recommendation  
41 which would effectively double the cost of development. If you're only  
42 developing one side of the street, you have half the lots to develop, but  
43 you have the same costs of infrastructure. So I think on so many levels  
44 this is unneeded. If anything is needed it's certainly not of this magnitude.  
45 Thank you.

46

- 1 Crane: Thank you sir. Someone else? Please tell us who you are.  
2
- 3 Bower: Max Bower. Red Mesa Development and also ...  
4
- 5 Crane: Mr. Bower do you swear or affirm that the testimony you are about to give  
6 is the truth and nothing but the truth under penalty of law?  
7
- 8 Bower: Yes.  
9
- 10 Crane: Go ahead please.  
11
- 12 Bower: Just to really reiterate what John just said, the proposed ordinance in its  
13 current form, the preliminaries, the full potential of arroyos as a community  
14 asset was thrown around a lot in there and the plan admittedly discloses  
15 that it is unable to quantify the value of this community asset and I have  
16 the answer right here, if you want to put it in there. The proposed plan as  
17 John pointed out, specifically the buffers will have a very ... it'll have a  
18 very negative impact on private property affected by the ordinance. And  
19 example, as he's saying, if you have a piece of private property, an arroyo  
20 runs through some of it or half of it, again based on tonight's presentation  
21 and discussion the proposed buffer of 25 feet is inadequate, it's probably  
22 grossly inadequate, in some cases it essentially just doubled the cost of  
23 infrastructure because now you have an arroyo, it's in the private land, you  
24 create a buffer, you've still got to get a road through there. Half the land is  
25 now essentially off the market and ... not to mention you just trampled the  
26 private property owners rights pretty significantly right there.  
27 But ... but also from just another angle to this is probably the  
28 benefit to the city from a revenue standpoint. The unintended  
29 consequence of this is that you're essentially removing property from the  
30 market so that the city at some later date can't benefit from revenue from  
31 impact fees, building permits, so on and so forth, you're actually strangling  
32 revenue to the city by going with something like this. But I do appreciate  
33 the time that staff's put in for it. That's not an easy subject to tackle and  
34 you know we all want to ... we all want a beautiful community I do  
35 commend them for where they're going with it, but there's just a lot of  
36 pitfalls that need to be addressed before I believe it should go any further.  
37 Thank you.  
38
- 39 Crane: Thank you Mr. Bower. Gentleman in the red shirt that we've heard from  
40 before but please remind us of your name.  
41
- 42 Chavira: Yes, Mr. Chairman, my name is Steve Chavira.  
43
- 44 Crane: You're still sworn in, okay.  
45
- 46 Chavira: Yes sir. Thank you so much. Mr. Chairman, members of the Commission

1 I would thank you again for giving me this opportunity to speak to you. I  
2 do ... I would like to congratulate Carol on a great job putting the  
3 presentation together. She's been very fastidious in looking at all the  
4 questions and all the issues and meeting with the groups, and I think she's  
5 probably done the best job I've seen of anybody bringing the constituent  
6 groups together and to meet on this policy issue. I would like to raise a  
7 couple of quick points, but first of all I have a point of order that I would  
8 like to just bring up for the record. I'm not sure why you decided to time  
9 the public input on this part of the session when you didn't do it for the rest  
10 of the evening. I think this is a much more important issue than you know  
11 whether we're bringing chickens to the neighborhood or not and I really  
12 don't ... I think we probably could've had less talk on chickens, a little  
13 more talk from Mr. Binns, but that's obviously your decision Mr. Chairman.  
14

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

16  
17 Chavira: Right. I would like to say that ... to Commissioner Ferrary's point you  
18 know it's a great plan and it's a policy plan and you know approve it as ...  
19 push it forward and help facilitate more discussion. I would say not to  
20 approve it just for the sake of approving it. This is ... this is a policy  
21 discussion that's right, but as you know that when things start getting  
22 approved and start pushing forward they turn into ... they turn into laws,  
23 they turn into ordinances, they turn into changes that affect a whole lot of  
24 things down the road. I urge you to open this up, let's have more  
25 discussion. As Carol said, that it would take a long time to really start to  
26 quantify exactly what's going to be going into this when we start to really  
27 delve into it and look at it. I'd love to see Carol's first day when she  
28 decided to tackle this project and all those sleepless nights I'm sure she  
29 had looking at the breadth and the scope of this project and looking at  
30 what is all involved here. And I'm sure she realizes that those days are  
31 not over, especially depending on what goes on here today. Let's take the  
32 time to work this plan. Let's look at it. Let's not push it forward to Council  
33 and start the ball rolling or start the water flowing as it is, no pun intended,  
34 but let's look at it and let's really figure out what is going to be involved in  
35 here. We do have an economic impact for our community, for our ... for  
36 the business community, our city in general, and looking at this policy is  
37 important that we take the time and be as equally fastidious as Carol has  
38 been to make sure that we look at it all from ... from all areas of the  
39 spectrum. That's my recommendation. I think that I would want to mirror  
40 the comments that Mr. Moscato, Mr. Binns, and Mr. Bower have made,  
41 those are not only comments of three people but of a large group of  
42 people that they represent. Take the time.  
43

44 Crane: Thank you sir. I think we've heard from four fifths of the people and the  
45 gentleman in the grey shirt is going to make it unanimous. And you are?  
46

- 1 D. Binns: Hi, I'm David Binns. Binns Limited (*inaudible*).  
2
- 3 Crane: Mr. Binns do you swear or affirm that the testimony you are about to give  
4 is the truth and nothing but the truth under penalty of law?  
5
- 6 D. Binns: Yes I do.  
7
- 8 Crane: Go ahead sir.  
9
- 10 D. Binns: It's kind of interesting that I don't see anybody in the audience that's here  
11 to affirm this decision. Everyone here is pretty much against it and there's  
12 a reason why. There's too much grey area. The buffer zones are not  
13 described here. If this passed on to the city, the city's going to say okay  
14 here's the buffer zone and they're going to put a number up there or  
15 they're just going to do it case by case according to however they want.  
16 There's no studies here that says okay this buffer zone is going to be  
17 here, here, and here, and I think we need to evaluate this plan a lot more.  
18 One of the things Carol was talking about putting parking lots you know for  
19 low density. Parking lots don't work in arroyos. That's kind of against  
20 what she was after, the natural aesthetics of the plan. Something else to  
21 take into consideration, basically they're trying to keep channelization  
22 away from this plan. The Rio Grande River was channelized. It used to  
23 meander all up and down the valley. It was channelized for a reason, so  
24 people could put farms in, people could put development in. The same  
25 thing with arroyos, they can be channelized in a certain manner that the  
26 wildlife can still run up and down, we have the aesthetics of an arroyo, but  
27 we don't have to let it meander you know one quarter mile one way, on  
28 quarter mile the other way, it can be channelized in a smart way but we  
29 don't need 400 or 500 foot buffer zones in places. I think when they start  
30 looking at different arroyos you're going to have a buffer zone that they  
31 might want for 500 feet which is getting pretty ridiculous on a real estate.  
32 If the city wants to buy that 500 feet, well that's great, but they don't have  
33 the money to do it right now, something to keep in mind. It gets back into  
34 an economic portion of the city what they can afford, what they can't afford  
35 on private land. And again you're taking the rights of property owners in  
36 your own hands right now. And this is something that's going to affect me  
37 and my children with different lands all over the city. You guys will be  
38 down the road, move away, what not and I'm going to have to deal with  
39 this, my children will have to deal with this with different lands all around  
40 the city. So I would like to recommend if you could not to pass this and  
41 not to let it go forward anymore. Thank you.  
42
- 43 Crane: Thank you Mr. Binns. We've heard from everybody. So, Commissioners?  
44 Ms. Ferrary, let's let you go and then Mr. Clifton.  
45
- 46 Ferrary: Thank you Commissioner Crane. I disagree with all of the naysayers. I

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

11  
12 Crane: Thank you. Commissioner Clifton.

13  
14 Clifton: Thank you Mr. Chair. First of all thank you Mr. Moscato, I have to echo  
15 your comments. And at last month's meeting I followed along that same  
16 line, that you know what point does the regulation and over regulation stop  
17 and that is the upmost concern especially considering the fact that we  
18 don't know what this is going to look like and I still believe it's going to hold  
19 up projects and lock up land until it's decided how the city will treat that  
20 once this is adopted, if it's adopted. And a question to Carol, not to keep  
21 beating this to death, but you have a captive audience right now, is there  
22 something you could possibly do to set up something that we know about,  
23 you have Mr. Binns, Mr. Moscato here, Mr. Chavira. You've had multiple  
24 meetings but it still sounds like ... I don't know if the two sides will ever  
25 agree but at least come back to us with something that shows that there  
26 were some negotiations and this is as far as we can get. And I'm not  
27 getting that and that's really what I was requesting last month and it  
28 doesn't appear that that's happened and you've got them here tonight and  
29 maybe you can work something out with them. Thank you.

30  
31 Crane: Carol.

32  
33 McCall: Mr. Chair, Commissioner Clifton, I'd be glad to meet with all of the  
34 stakeholder groups more as well as have an additional public meeting.

35  
36 Crane: That help? Mr. Clifton.

37  
38 Clifton: I think it will. I mean based on the ... action we commence with, I mean I  
39 don't agree that we should take action tonight, you have five individuals in  
40 the audience, adamant, passionate about this issue and I think it would be  
41 out of respect that at least we pursue you know one more attempt at a  
42 meeting before we take action on this and then we can put it to bed.

43  
44 Crane: Mr. Beard.

45  
46 Beard: I didn't comment last ... or when you finished because I have so many

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

19  
 20 Crane: Let me play for time a little bit here by saying yes, this is an enormously  
 21 broad and deep task that you've been given Carol and you've done a  
 22 bang up job. It goes against my grain to say this but I have substantial  
 23 sympathy for the points made by the five speakers tonight. It still seems  
 24 to me as it did after the work session that we're probably going to have to  
 25 write off those sections of arroyo which are at present in developed areas.  
 26 I don't see how we could retroact if we go back and recommend accept as  
 27 a general policy but certainly not as a matter of regulation. The people go  
 28 back and remake the arroyos in the way that we might all like to see them  
 29 be done. Clear distinction should therefore be made between plans for  
 30 existing developed arroyos or arroyos that are in developed areas and  
 31 those that are in what you call developable areas in which all negotiations  
 32 regarding the land and the cost of it and so on could be done with the idea  
 33 in mind that the arroyos would belong to the city and the city can dictate  
 34 how the channels are supposed to be handled. Then the realtors, the  
 35 developers, would know where they are, where their land begins and they  
 36 wouldn't have to be worried about having any of their property taken from  
 37 them.

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

1           opposed to recommending, is that right?

2

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

4

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

10

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

21

22   **LIGHTS WENT DOWN FOR A MOMENT.**

23

24   Crane:       *(inaudible)* some cosmic source.

25

26   McCall:     Simultaneous to this process.

27

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

33

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

37

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

40

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

- 1           formulating your recommendations and I echo once again Mr. Beard's  
2           comments, this is just so broad. And you have your stakeholders right  
3           here. I think we can get at least a couple meetings in before we take any  
4           type of action. I mean I am not prepared to ... well I'm prepared to act on  
5           it tonight but I'd prefer to see some consensus building amongst the staff  
6           and the individuals in this room.  
7
- 8   Crane:     Let me ask you for clarification. What do you see happening when Mr.  
9           Binns comes to the council and says I've got this new piece of property I  
10           want to develop that straddles an arroyo, what do you see happening?  
11
- 12   Clifton:   That we don't know. I mean it won't ... if he has a project at the staff level  
13           it probably won't even reach this body until they resolve the arroyo issue  
14           based on the policy document. In terms of what would I envision if they ...  
15           if we give them some time to meet, at least an opportunity to build some  
16           consensus and if not they can at least come back and say, we couldn't  
17           reach an agreement, this is ... it is what it is.  
18
- 19   Beard:     The City has comment.  
20
- 21   Crane:     Yes Ms. Harrison-Rogers.  
22
- 23   H-Rogers:   Just a point of clarification, I would like to point out if there was private  
24           property and let's assume that it was zoned multi-family or commercial  
25           and they came in simply for a building permit underneath the auspices of  
26           that particular zone, this policy document would not halt that project. They  
27           would only be obligated to construct to our minimum standards, which is  
28           outlined in our design standards as they currently sit. So, a project of that  
29           type wouldn't be delayed because of this policy document. But  
30           Commissioner Clifton it is accurate that perhaps the policy document  
31           could influence projects that came before this Board, such as a zone  
32           change, a planned unit development, things of that nature.  
33
- 34   Crane:     Thank you. Mr. Stowe did you have your light on?  
35
- 36   Stowe:     Just a comment that as I understand it at the end of the day there's no  
37           funding to implement this plan.  
38
- 39   McCall:     Mr. Chair, Commissioner Stowe, that's correct at this time, there is not.  
40
- 41   Stowe:     That's kind of strike two. Thank you.  
42
- 43   Crane:     You have indicated that you are prepared to meet with this group of  
44           people behind you representing essentially the building industry to see if  
45           you can iron out some questions.  
46

- 1 McCall: Mr. Chair, Commissioners, I would be glad to. In fact, in listening to the  
2 gentlemen state their case and articulate their concerns, it's ... it is clear to  
3 me that the language in the plan could be improved because there is  
4 some misunderstanding between what I've written and what I think it says  
5 and what they're reading.  
6
- 7 Crane: Is there any parallel but opposite group of people that you could meet  
8 with, not necessarily the same time, but to give some balance here, cause  
9 these are very articulate and energetic gentlemen, and have somebody  
10 from the grassroots who might have a different view that you could get  
11 with?  
12
- 13 McCall: Mr. Chair, Commissioners ...  
14
- 15 Crane: If it hasn't already been done I'm assuming.  
16
- 17 McCall: I would actually schedule additional meetings with all three stakeholder  
18 groups; engineers, conservationists, and the developers, and I would have  
19 an additional public meeting.  
20
- 21 Crane: Thank you. Mr. Clifton.  
22
- 23 Clifton: I'd like to make a motion that Case PA-14-01 be postponed indefinitely.  
24 That's just simply non-date specific, we can't pin a date to it.  
25
- 26 Crane: You really mean indefinitely or to ... until Ms. McCall has had these  
27 meetings that she has spoken of? Indefinitely sounds like you shot it in  
28 the head.  
29
- 30 Clifton: I will rephrase my motion. I would like to recommend postponement until  
31 such time as staff has had the opportunity to meet with the necessary  
32 stakeholders regarding Case PA-14-01.  
33
- 34 Crane: Is there a second for that?  
35
- 36 Beard: Comment. Discussion.  
37
- 38 Crane: Let's get a second first.  
39
- 40 Beard: Last time I seconded I didn't get a discussion.  
41
- 42 Crane: You're too shy. Okay. Mr. Stowe are you going to second?  
43
- 44 Stowe: I second the motion.  
45
- 46 Crane: Okay, now Mr. Beard.

1  
2 Beard: Should we include what we want to hear in this postponement? I mean for  
3 postponement we're going to have an input, are there things that we ...  
4 that we want to definitely hear somebody say something on, like on the  
5 buffer zone. We've got to address the buffer zone. Do we actually want  
6 to put in a criteria for the various buffer zones or do we ... do we want  
7 recommendations that ... that these types of things will be decided later  
8 on? What I'm trying to say is, this is a ... the buffer zones happen to be  
9 an important subject, how do we want ... how do we want that to be  
10 addressed back to us? Do we want definitive numbers or do we not care?  
11 Do we ... can we live without the numbers? Do we want to plant trees in  
12 all of the arroyos, I mean or put bushes in all of them? Just to have more  
13 discussion and then come back, what I'm trying to say is, I answered  
14 many government proposals, those were plans and in there we said  
15 exactly what we were going to do. The government then decided which  
16 contractor they were going to pick. This plan doesn't really come down to  
17 saying this is exactly what we're going to do, yeah or nay on it. It has a lot  
18 of recommendations but it doesn't have any ... I don't think, policies. Do  
19 we want the policies to be addressed in here? I don't know if I'm getting  
20 my thoughts across or not, but what do we expect out of ... in the next  
21 meeting?  
22  
23 Crane: Ms. Ferrary.  
24  
25 Ferrary: I don't think we can define those things. This is a management plan. This  
26 is something that you know the policies are going to be reviewed and then  
27 presented later on even after the plan has been adopted. I think this is a  
28 stall tactic and I commend Carol for having the patience to do more.  
29  
30 Crane: Mr. Clifton.  
31  
32 Clifton: Mr. Chair ...  
33  
34 Crane: If you're going ... are you going to address Mr. Beard's point?  
35  
36 Clifton: Yes.  
37  
38 Crane: Okay.  
39  
40 Clifton: I was going to touch on that just a bit. I think it's ... staff can correct me if  
41 I'm wrong, I think it's ... even though we postpone, I think it's well within  
42 the Commissions purview to recommend certain items that you may want  
43 to see before we take action at the next meeting. Maybe another work  
44 session next month would be appropriate, I don't know. But I think it's well  
45 within your right to ask for certain items. I don't know that we can drill  
46 down to the specific width as that would be more of the technical issue

- 1 addressed in the (*inaudible*) ordinance, but I think you can.  
2
- 3 Crane: Commissioner Beard.  
4
- 5 Beard: I agree. I was just trying ... what are we expecting differently next time  
6 than what we got this time?  
7
- 8 Crane: I don't think we are in a ... at a point yet where we should try to get very  
9 specific. There've been all kinds of concerns expressed tonight by all  
10 kinds of people and they're all in the record, whether Carol and the others  
11 will have access to the record, I don't know. But in any event do you have  
12 access to the recordings, I mean excluding what Becky's going to come  
13 up with, the minutes?  
14
- 15 McCall: Mr. Chair, Commissioners, yes I have ... I do have access to the minutes.  
16
- 17 Crane: Okay. So you know what at least some of the points of contention are and  
18 if you can work something out with the industry and separately no doubt  
19 with the conservation and engineers groups, I think we'd all profit from  
20 whatever you can come up with. Specifics at this point I don't know, like  
21 numbers defining buffer zones and so on, I don't think we're ready for it.  
22 Is it ... the questions more like is it feasible to even have the concept of  
23 buffer zones?  
24
- 25 Beard: Right. Exactly right. Right. And there was one ... one comment made  
26 that we have too many regulations already, well what's the alternate  
27 proposal then? I don't know that that is.  
28
- 29 Crane: Okay, so we have a motion that this ... essentially this be postponed until  
30 (*inaudible*) until Ms. McCall has made adjustments to her plan based on  
31 meetings with these three stakeholder groups, does that summarize it  
32 nicely Mr. Clifton?  
33
- 34 Clifton: Yes Mr. Chair.  
35
- 36 Crane: Okay. So, we have a second for that. Are we ready to vote? I think we  
37 are. Okay, stating with you Mr. Beard.  
38
- 39 Beard: Yes based on discussions.  
40
- 41 Crane: Yes, Ms. Ferrary.  
42
- 43 Ferrary: No based on discussions.  
44
- 45 Crane: Mr. Stowe.  
46

1 Stowe: Yes based on discussions.

2

3 Crane: Mr. Clifton.

4

5 Clifton: Yes based on discussion.

6

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

9

10 McCall: Thank you very much.

11

12 **VII. OTHER BUSINESS - NONE**

13

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

16

17 H-Rogers: None this evening.

18

19 Crane: Okay.

20

21 **VIII. PUBLIC PARTICIPATION**

22

23 **IX. STAFF ANNOUNCEMENTS**

24

25 **X. ADJOURNMENT (9:37)**

26

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

28

29

30

31

32

33

34 \_\_\_\_\_  
Chairperson

35

36

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
DRAFT July 22, 2014 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

Godfrey Crane, Chairman  
William Stowe, Vice-Chair  
Joanne Ferrary, Member  
Ruben Alvarado, Member  
Kirk Clifton, Member

**BOARD MEMBERS ABSENT:**

Charles Beard, Secretary

**STAFF PRESENT:**

Katherine Harrison- Rogers, Senior Planner, CLC  
Susana Montana, Planner, CLC  
Mark Dubbin, CLC Fire Department (departed 9:50)  
Robert Cabello, CLC Legal Staff  
Becky Baum, Recording Secretary, RC Creations, LLC

**I. CALL TO ORDER (6:00 p.m.)**

Crane: Good evening ladies and gentlemen. Welcome to the meeting of the Planning and Zoning Commission for Tuesday July 22nd. Let me start as we usually do by introducing my fellow Commissioners; starting at my far right, Commissioner Clifton represents District 6, then Commissioner Stowe who is also our Vice Chairman, District 1; Commissioner Ferrary District 5; Commissioner Alvarado, District 3. I'm Godfrey Crane the Chair and I represent District 4. We presently have one vacancy on the Commission.

**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: The next thing is to ask if any member of the Commission or any City person present has any conflict of interest of anything on tonight's agenda. Ms. Ferrary.

Ferrary: Commissioner Crane I have a conflict as I am a member of the Las Cruces Country Club, so I would like to recuse myself when we get to the second item of new business, Case IDP-14-04.

1 Crane: Okay. Thank you. So noted. Anyone else? No one else. Thank you.

2

3 **III. APPROVAL OF MINUTES**

4 **IV.**

5 1. June 24, 2014 - Regular Meeting

6

7 Crane: Next we go to the approval of the minutes for the last meeting.  
8 Commissioners does anyone have any points to make about them? If not  
9 I have a few, mostly picky. Page 18, line 23, "Ms. Rogers, is this a point of  
10 order". And page 20, line 28, that word second from the end of the line is  
11 "evidently". Page 21, line 37, "Ms. Harrison-Rogers". Page 37, Line 30,  
12 "But we hear you" H E A R. Finally page 67, line 37, "starting with you Mr.  
13 Beard". Any other Commissioner? Commissioner Ferrary.

14

15 Ferrary: On page 10, line 42, there is not a comma between site and visit.  
16 And on page 25, line 30 should be "it sounds". And line 31, they'll instead  
17 of just they. And then on page 44, line 5; "the" should be eliminated. And  
18 also on line 7, it and then take out would. And line 9, insert "it".  
19 **PAGE 25, 31, 44 LINE 5 AND LINE 7 ARE CORRECTIONS TO WHAT**  
20 **SHE SAID VERBATIM IN THE JUNE MEETING.**

21

22 Crane: Thank you, any other Commissioner have some points to make about the  
23 minutes? In that case I'll entertain a motion that the minutes as corrected  
24 be agreed to, be accepted.

25

26 Stowe: So moved.

27

28 Crane: Moved by Mr. Stowe. Seconded?

29

30 Ferrary: I'll second.

31

32 Crane: Seconded by Ms. Ferrary. All in favor aye.

33

34 ALL: AYE.

35

36 Crane: Against? Extensions? Passes five/zero. Thank you.

37

38 **V. CONSENT AGENDA**

39

40 1. **Case S-14-020:** An application of Raci Management Company, Inc.,  
41 property owner, for a replat known as Ameriwest Subdivision No. 3, Replat  
42 No. 6 on a 5.00 +/- acre commercial lot zoned C-3 (Commercial High  
43 Intensity) and located on the east side of Telshor Boulevard, 0.53 +/- miles  
44 north of its intersection with Spruce Avenue; Parcel ID# 02-31275. Proposed  
45 Use: Two (2) new commercial lots; Council District 6 (Levatino).

46

1 Crane: Now we pass the consent agenda. Let me explain for those of you who  
 2 may not know how we handle this. Items on the consent agenda are put  
 3 there by the Community Planning Department in the belief that they are  
 4 not particularly contentious items and therefore there probably will be no  
 5 need for debate on them. However, if any member of the public, any  
 6 Commissioner, or any member of Community Development Department  
 7 actually wants to debate any item on the consent agenda we will remove it  
 8 from the consent agenda and put it into new business, otherwise we  
 9 simply take an up or down vote on the whole consent agenda which today  
 10 includes only one item, Case S-14-020. So is there anybody who wishes  
 11 to debate that particular matter? No one so indicates, so we will vote on  
 12 the consent agenda. May I have a motion to that effect?  
 13

14 Clifton: So moved.

15  
 16 Crane: Moved by Mr. Clifton.

17  
 18 Alvarado: Second.

19  
 20 Crane: Seconded by Mr. Alvarado. All in favor aye.

21  
 22 ALL: AYE.

23  
 24 Crane: Opposed? The case passes five to zero. Thank you.  
 25

26 **VI. OLD BUSINESS - NONE**

27  
 28 1. **Case S-13-030W:** An application of Western Lands Surveying on behalf of  
 29 Jose A & Martha C. Gamboa, property owners to waive 100% of the road  
 30 improvement requirements for Saromi Lane and Cortez Drive, a proposed  
 31 collector roadway. The proposed waiver is associated with improvements  
 32 required for a proposed alternate summary subdivision known as Gamboa  
 33 Acres Subdivision on a 5.01 +/- acre tract located on the southwest corner of  
 34 Cortez Drive and Saromi Lane; 7486 Cortez Drive; Parcel ID# 02-25523.  
 35 Proposed Use: Two (2) new rural single-family residential lots; Council  
 36 District 6 (Levatino).  
 37

38 Crane: Now we pass to the regular agenda which is two sections; old business  
 39 we have a couple of items, and new business, three items. And the  
 40 regular agenda is handled this way; a member of the Community  
 41 Development Department will come up and give us a presentation on  
 42 each item in turn. The Commission may have questions of that person.  
 43 When our questions are over we ask the applicant to come up or the  
 44 applicant's representative speak to us if that person wishes. We may  
 45 have questions of that person. Finally, we ask interested Members of the  
 46 public to come up and say their piece. We may have some questions of

1 them. When the public has had its say, then we close the matter to further  
 2 debate and we, the Commissioners, will discuss the matter among  
 3 ourselves and take a vote. Before each of the regular items I will ask for a  
 4 show of hands on how many Members of the public wish to speak and if  
 5 it's quite a large number I'll ask our ... I'll ask Mr. Alvarado here to operate  
 6 our machine for timing people, typically we give three minutes per person.  
 7 If there's only a scattering of people then we probably will dispense with  
 8 that. So, Ms. Harrison-Rogers starts off and this is the Case S-13-030W,  
 9 in old business. Go ahead please.

10  
 11 H-Rogers: Thank you. Chairman, Members of the Commission. This particular case  
 12 is associated with the Gamboa Acres subdivision. This is specifically a  
 13 waiver request to the road improvements. The particular property is  
 14 located at the corner of Cortez Drive and Saromi Lane. It is zoned EE  
 15 which is single-family equestrian estate and agriculture. It encompasses a  
 16 little over five acres and has one existing single-family home. They're  
 17 proposing to split it into two lots, a little over three acres, a little over one  
 18 acre for the other. This is part of the alternate summary subdivision  
 19 process. That particular actual subdivision is administrative and isn't  
 20 actually a matter before the Commission this evening. It is for reference  
 21 compliant with the zoning code. The only thing that is a little different is  
 22 that they are requesting a waiver from the road improvements that are  
 23 required as part of the regulations.

24 Here's a picture of the plat, you can see the layout of those two  
 25 lots. You have Cortez and Saromi right here, and of course a flag lot for  
 26 the smaller of the two parcels, and of course the remaining lot right here.  
 27 Now Cortez Drive specially is a collector roadway. Currently it's 25-feet, it  
 28 is paved. They ... as part of the subdivision process they're required to  
 29 provide a right-of-way dedication for Cortez Drive, that's one-half of a  
 30 collector which is 85-feet, approximately 42.5 feet in this case. They're  
 31 also required to construct half of the collector which is also 42.5 feet, that  
 32 includes sidewalk, curb, gutter, all of those sorts of things that make a city  
 33 street. They're also required as part of the process to construct a minor  
 34 local roadway from the edge of the subdivision, that would be the western  
 35 boundary all the way to the nearest paved road, which is Dunn. The  
 36 applicant is proposing specifically for Cortez Drive to dedicate the right-of-  
 37 way, they are going to do that; however, they would like 100% of the  
 38 required road improvements waived.

39 Now onto Saromi Lane. This is designated as a local roadway. It  
 40 is currently an unimproved dirt road. Again they're responsible for  
 41 dedicating half of the required 50-foot segment which is 25-feet, and  
 42 they're also responsible for constructing that 25-feet to local road  
 43 standards. The applicant again is requesting a waiver of 100% of those  
 44 road improvements but will dedicate the additional right-of-way for Saromi  
 45 Lane. For your reference, here's the minor local road, of course they  
 46 would be required to construct half of that for Saromi. And then here's the

1 collector and of course they would be required to build half of that for  
 2 Cortez, if this waiver were not granted. This is a good idea of what they're  
 3 supposed to construct. You can see with the red line here, this is a minor  
 4 local roadway all the way to Dunn and then of course from the edge of the  
 5 subdivision to this edge of the subdivision they would be required to do  
 6 that half of a collector along Cortez, and then from this point to this point in  
 7 the yellow as you can see it'd be half of the road cross section for a local  
 8 road, that's 25-feet. You can see that this is the paved roadway along  
 9 Cortez looking west and this is Saromi, you can see again that that's just a  
 10 dirt road looking south.

11 The applicant's particular rationale, mind you this is ... this is  
 12 specifically from the applicant, is that the proposed subdivision isn't done  
 13 to sell off the land, rather it's for family. Additionally it's been designed to  
 14 prevent additional traffic onto the unimproved Saromi Lane and restrict  
 15 access to the existing paved Cortez. And the proposed subdivision is  
 16 within the East Mesa Community Planning Blueprint, where roadway  
 17 standards and designs are desired to protect the rural environment of the  
 18 area. And the required road improvements would not accomplish this.  
 19 And of course that being the applicant's rationale, they can speak more to  
 20 that and they do have a presentation this evening to talk about that for  
 21 you.

22 Staff looked at the hardships expressed by the applicant and  
 23 unfortunately Article 6, section 37-33 of the City of Las Cruces Code  
 24 states that the hardship must be due to an exceptional topographic, soil,  
 25 or other surface or subsurface condition and those conditions would result  
 26 in the inhibiting of the objectives of the code. Upon review of this, there  
 27 isn't any sort of hardship related to the topography or subsurface  
 28 conditions of this particular parcel; it's simply a monetary issue. Therefore  
 29 staff is stating that this particular waiver is not justified. The DRC did look  
 30 at this particular project on May 21st, they also have recommended denial  
 31 to this Commission of the waiver citing that there are some concern for  
 32 just the proliferation of these types of waivers and ultimately what it does  
 33 to the road system down the line in the future as a number of these occur.

34 Staff recommends denial for the proposed waiver based on the  
 35 findings outlined in the staff report. And of course the Planning and  
 36 Zoning Commission is a recommending body for the proposed waiver to  
 37 City Council. And your options tonight are to vote yes to the waiver, vote  
 38 yes to approve it with conditions, or vote no to deny the waiver, or table  
 39 and postpone the request. With that I'm open to any questions or we can  
 40 go ahead and turn that over to the applicant who has a presentation  
 41 prepared for this Commission.

42  
 43 Crane: Commissioners, any questions for Ms. Harrison-Rogers? Commissioner  
 44 Stowe.

45  
 46 Stowe: Do you have a cost on the ... how much it would cost the applicant?

1  
2 H-Rogers: I currently do not have a cost, but the applicant may be able to speak a  
3 little bit more to that, however, just knowing the general costs of these  
4 things it would be in the several tens of thousands of dollars.  
5  
6 Stowe: And we're saying that's not a hardship?  
7  
8 H-Rogers: Unfortunately our code does not site monetary reasons as a hardship.  
9 Generally topographic and soil conditions that might prevent it.  
10  
11 Crane: Commissioner Stowe you through?  
12  
13 Stowe: Thank you.  
14  
15 Crane: Commissioner Ferrary.  
16  
17 Ferrary: Is there a timeline when if they ... if we denied this and they were forced to  
18 pay for that, it doesn't make much sense for them to have to make those  
19 improvements until the rest of the road is ready, is that right?  
20  
21 H-Rogers: Mr. Chair, Members of the Commission, Commissioner Ferrary, there is a  
22 mechanism by which the City will take a fee in lieu of improvements and  
23 generally in situations like this you're correct, the City does not want to  
24 see these piecemeal segments of roadway. Rather they would take the  
25 fee in lieu and then keep the monies so that when the time comes they  
26 can improve the whole segment of roadway in a more logical sequence.  
27  
28 Ferrary: Is there a time when they would have to have that into the City's hands?  
29  
30 H-Rogers: Mr. Chair, Commissioner Ferrary, yes, indeed there is ... basically they  
31 would have to do that prior to filing the subdivision. The subdivision  
32 couldn't be filed until we actually had those fees in place. The other  
33 mechanism if they were to build it would be a surety, a financial surety of  
34 some sort like a bond or an escrow account or a letter of credit and  
35 basically an agreement with the City, a guarantee of improvements; that  
36 those improvements would be done within a certain timeframe. That  
37 allows them to record the plat but then they have to build that within I  
38 believe its three years.  
39  
40 Ferrary: Thank you.  
41  
42 H-Rogers: You're welcome.  
43  
44 Crane: I think Commissioner Alvarado's light was on first.  
45  
46 Alvarado: Who paved Cortez? Did the City pave Cortez or was that there before?

1  
2 H-Rogers: I actually don't know the answer to that question. That's something that I  
3 could look into for you. I'm under the assumption though just knowing that  
4 most of those lots are not part of a previously filed subdivision, that that  
5 was most likely the City that did that, just based on the area itself. That  
6 would've been either a City or county project before it was brought into the  
7 city.  
8  
9 Alvarado: Because a lot of those roads were paved by the county before they were  
10 annexed into the city.  
11  
12 H-Rogers: Correct.  
13  
14 Alvarado: Thank you.  
15  
16 Crane: Commissioner Clifton.  
17  
18 Clifton: Mr. Chair, Katherine question, could you go back to the aerial photo for  
19 me? Okay, I couldn't ... perhaps I missed it in the packet and I can't read  
20 the plat but how much right-of-way did they have to dedicate as part of the  
21 subdivision plat for Cortez?  
22  
23 H-Rogers: So along the entire frontage of the parcels themselves it is going to be a  
24 42.5-foot wide strip along those parcels.  
25  
26 Clifton: So they dedicated ... they're dedicating 42 ...  
27  
28 H-Rogers: They will dedicate that, yes sir.  
29  
30 Clifton: Okay. Then across the street is owned by the State of New Mexico, the  
31 state land office, did they review this project?  
32  
33 H-Rogers: The state land office, Members of the Commission, Mr. Chair, the state  
34 land office is always given copies of any sort of land use permits or  
35 subdivisions that go through on any lands that are adjacent or may be  
36 influenced by the development.  
37  
38 Clifton: And the reason I ask, the state land office just doesn't go out and openly  
39 pave roads just to pave roads. It could be a hundred years before they  
40 pave Cortez. It just ... it does seem a little bit of a burden on the property  
41 owner to have already accumulated 42.5-feet of their property and further  
42 assess them road improvements adjacent to that when who knows when  
43 Cortez is going to get built. It's already paved. Were there any other  
44 negotiations attempted with the applicant in terms of what would you be  
45 willing to do? They're giving up a lot of property.  
46

- 1 H-Rogers: Correct. Mr. Chair, Members of the Commission, Commissioner Clifton,  
2 during the process we always talk about the ability to fee in lieu or maybe  
3 some other alternatives such as development agreement with City Council  
4 to do some sort of alternative. In this particular case their preference was  
5 to waive 100% of the road improvements.  
6
- 7 Crane: Ms. Harrison-Rogers let me make sure I understand this, they have to  
8 dedicate 42.5-feet on Cortez as half of the collector road and put gutter,  
9 sidewalk there and curb, and that extends all the way down to Dunn?  
10 Why do they have to do all the way down to Dunn? Am I right?  
11
- 12 H-Rogers: Mr. Chair, members of the Commission, it's two part; in front of the  
13 subdivision they have to dedicate the 42.5 foot road section and then  
14 construct the half section of a collector which is the curb, gutter, sidewalk.  
15 And then from the western edge or the end of that particular subdivision to  
16 the nearest paved road that's accepted by the City which is Dunn, they  
17 would have to improve that to a minor local, the entire length of this  
18 roadway, so that means essentially 50-foot cross section. And then the  
19 Saromi Lane is a half local improved at this point with 25-foot dedicated  
20 along the subdivision boundaries.  
21
- 22 Crane: So they are required to make the red highlighted part of Cortez up to a  
23 minor local standards which is a 25-foot, did you say dedication?  
24
- 25 H-Rogers: It's ... they don't have to dedicate, Mr. Chair, Members of the  
26 Commission, they don't have to dedicate any land cause of course they  
27 don't own, but they do have to improve it. Let me show you what the  
28 cross section looks like so you have a good sense. It's actually 50-feet  
29 and this is what it looks like.  
30
- 31 Crane: Okay now if you could save me a little trouble digging here, is there any  
32 conflict between what they would do as bringing Cortez up to a minor local  
33 and what Cortez would look like as a collector? In other words are they  
34 doing something that has to be ripped out before Cortez can be brought  
35 up to its collector form?  
36
- 37 H-Rogers: Ultimately it ... Mr. Chair, Members of the Commission, ultimately that's an  
38 engineering call at the time of construction. If it can be used they will use  
39 the pavement but often times things may have to be altered significantly,  
40 but ultimately that's at the time of construction. So if it was to be  
41 constructed as a minor local for a length of the way all the way to Dunn  
42 and then it would transition into the 42.5-foot of half a collector, potentially  
43 they could utilize this but I'm not certain of that, it's really an engineering  
44 question that I'm not capable of answering at this point.  
45

- 1 Crane: Well looking a little closer at these diagrams I see that half a minor local is  
2 an 11-foot driving lane and a 5.5-foot parking lane. And half a collector is  
3 a two-foot C&C, and a 12-foot driving lane and another 12-foot driving  
4 lane. These are incompatible. So if this is done as the City requires we  
5 will have right outside the north side of this lot half of a collector build to  
6 the standards you just showed us and then when we transition from the  
7 green arrow to the red arrow we will go to a different standard, which will  
8 not be a collector, which is a waste of time and money if anybody had that  
9 much time and money. We have a problem here, or am I imaging this?  
10
- 11 H-Rogers: Chairman Crane and Members of the Commission, indeed there would be  
12 a transition. This essentially would be built to a full local, the red segment  
13 here and then this would be built to a half collector, this segment here.  
14 The little yellow over here would be a half local, it's a bit confusing. But  
15 indeed they would be of different standards, there would be a transition  
16 point between the two and generally as I explained to Commissioner  
17 Ferrary, in circumstances like these the City actually does prefer a fee in  
18 lieu as opposed to the actual full construction so that those monies can be  
19 set aside so that it can be built in a more uniform way in the future.  
20
- 21 Crane: I make the point that I think when we've had this kind of thing come up  
22 before there's been a fee in lieu as an acceptable way all around for  
23 getting out of this very strange situation. I mean its unconscionable that  
24 put in another house on a flag lot in that block that somebody would have  
25 to build half a mile of road, half of half a mile of road, for which the other  
26 people benefit. It hardly seems fair and is ... financially I imagine is  
27 completely out of reach. Thank you. Any other questions for Ms.  
28 Harrison-Rogers? Commissioner Ferrary.  
29
- 30 Ferrary: I was ... Ms. Rogers, I was wondering the fee in lieu, is that for the total  
31 amount to take that down to Dunn Road that would be required?  
32
- 33 H-Rogers: Mr. Chair, Members of the Commission, Commissioner Ferrary, yes  
34 indeed. Essentially what would happen is their engineer would have to  
35 provide us an estimate and then that's what that fee in lieu would be  
36 based upon and it would be for the entire ... all of these improvements  
37 that you see up on the screen right now.  
38
- 39 Crane: Anyone else? Mr. Stowe.  
40
- 41 Stowe: It was mentioned of a rural road. How does that impact these standards?  
42
- 43 H-Rogers: So what was mentioned by Members of the Commission, Commissioner  
44 Stowe what was mentioned by the applicant and their rationale had to do  
45 with the East Mesa Blueprint which was planning initiative that I think you  
46 are all familiar with as many of you or most of you sitting on the

- 1 Commission tonight did review that and recommend that for approval. In  
2 that particular policy document that was formulated essentially by the  
3 residents that live out there along with City staff, one of the things that  
4 they desired was a rural atmosphere including the possibility of perhaps  
5 creating different types of road standards in the future for that particular  
6 neighborhood. Currently our road standards don't have ... we do not have  
7 a rural category for our road standards.  
8
- 9 Stowe: Why not?
- 10  
11 H-Rogers: Members of the Commission, Commissioner Stowe, that's something that  
12 we haven't been directed to do by City Council. We are revising our  
13 design standards but we still haven't contemplated a rural road design in  
14 those standards as we have not been directed by Council to prioritize that.  
15 However, it is a possibility in the future if they so choose.  
16
- 17 Stowe: Thank you.
- 18  
19 H-Rogers: You're welcome.  
20
- 21 Crane: Commissioner Clifton.
- 22  
23 Clifton: Mr. Chair, Katherine, I thought a minor local was 37-feet back of curb,  
24 back of curb improved.  
25
- 26 H-Rogers: Members ...
- 27  
28 Clifton: Where I'm going with that is for Saromi cause it indicates a 25-foot road  
29 section would be required.  
30
- 31 H-Rogers: Correct. Commissioner ... excuse me, Chairman Crane and Members of  
32 the Commission, when we say the 50-feet, it's the full minor local section  
33 that we have here. That includes sidewalks as well as any improvements,  
34 curb, gutter. The ... I believe that the pavement itself is the 37-feet that  
35 you were speaking to, but the full 50-feet is incorporating of course the  
36 sidewalks and the curb and gutter and I believe that that's where the  
37 discrepancy takes place.  
38
- 39 Clifton: But the sidewalk would not actually be constructed until time of building  
40 construction, correct?  
41
- 42 H-Rogers: Generally it is not, you are correct.  
43
- 44 Clifton: So, unless something changed I thought the design standards used to  
45 read that there were 100% requirements for minor locals adjacent and to  
46 the subject property.

1  
2 H-Rogers: I believe that the information that we have is with the current standards;  
3 one has to do with adjacent to and the other has to do with the closest  
4 paved roadway. I may be wrong and we'll have to double-check that, but  
5 to the best of my knowledge these are the standards by which we are ...  
6 we are working.  
7  
8 Clifton: I ... I just look across the street and it looks like those properties have  
9 been subdivided. I realize it's an EE zone, they're probably two-acre lots  
10 roughly, I mean the likelihood of Saromi being further improved is probably  
11 as likely as Cortez I would guesstimate based on the current land use  
12 situation.  
13  
14 H-Rogers: Members of the Commission, Commissioner Clifton, these are designated  
15 as large lots, you are correct and Saromi Lane is not part of our MPO  
16 Thoroughfare Plan for any major type of roadway expansion. It's just  
17 considered a local road, so I think you have come to a good assumption.  
18  
19 Clifton: Thank you.  
20  
21 Crane: Any other Commissioner? Thank you Ms. Harrison-Rogers. Is the  
22 applicant here or the applicant's representative? Are both of you  
23 gentlemen going to speak?  
24  
25 Gutierrez: No. I'm going to be speaking for the applicant. I'm Anthony Gutierrez.  
26  
27 Crane: Okay sir. Do you swear or affirm that the testimony you are about to give  
28 is the truth and nothing but the truth under penalty of law?  
29  
30 Gutierrez: Yes sir I do.  
31  
32 Crane: Thank you. Continue.  
33  
34 Gutierrez: I'm just going to go through a quick presentation and try to shed some  
35 light on what our side of this whole thing is. Basically what we had here in  
36 the beginning, you've already seen some pictures of the plat, but basically  
37 we first submitted this plat with four lots, it was originally a four-lot split out  
38 of one. And then we reduced it and the intent just right off is to give this  
39 parcel as a gift to his daughter. The only thing I would point out is that  
40 Saromi Lane is basically the county boundary, so this is adjacent  
41 immediately to the county boundary right now. Some of you were asking  
42 about questions of the plat, this might ... this one might be a little more  
43 legible, but shows clearly what we're dedicating as far as right-of-way.  
44 We took some more pictures and with these pictures up I'd like also  
45 to clarify for the Commission and the public that the improvements will not  
46 just be adjacent to the property. We'll be improving, if this waiver isn't

1 granted, all the way down basically to the highway, to Highway 70. And  
2 just the ... a quick note on how the land resides adjacent to that property  
3 right now. Right now you have the state to the north, we'd have to acquire  
4 or have an agreement with them to improve their share of that right-of-way  
5 as well as four other parcels to the west. We'd have to acquire that right-  
6 of-way which is not acquired at this point. There aren't easements or ...  
7 you know there's not dedicated property. It's not in the City's hands right  
8 now for us to do those improvements, as well as all the topographical  
9 surveying and mapping that would have to be done in order to do the  
10 engineering estimate to provide a fee in lieu of. That's one of the reasons  
11 why we choose this route first, to try and get a full waiver.

12 And these pictures show I believe a little more detail on what the  
13 existing section looks like out there. But just to make that clear that just  
14 the half of those improvements adjacent to his property would be cost  
15 intensive, improving all of Cortez all the way down to the highway would  
16 be even much greater. If you consider all the drainage requirements and  
17 all the infrastructure that you'd have to put in. This is the waiver request  
18 letter, I'm sure it was included in your packet. This what we want to get to  
19 is East Mesa Community Blueprint, now participants in this blueprint were  
20 the community like City staff had previously stated, as well as City staff.  
21 And with the blueprint like this in place we feel confident that the  
22 community surrounding this area is in approval of keeping things the way  
23 they are or improving them according to this blueprint. Right now City  
24 design standards do not accommodate this blueprint whatsoever. If we  
25 were to entertain a fee in lieu of we'd want to conform to this blueprint, and  
26 those design standards simply don't exist. When you read through this  
27 packet we've got some ... some of these paragraphs highlighted for you.  
28 Current City standards are for general application throughout the city and  
29 may not be best suited for the context and/or users in the planning area.  
30 The fact that many of the roads and trails in this area are not completely  
31 developed or not yet built presents the opportunity to establish new rural  
32 and equestrian design standards for roadways and trails located here and  
33 in similar rural areas in the city.

34 Right here you can see some pictures of what they intend to see.  
35 They've got some points under their goals which I think are important to  
36 note. Ensure future infrastructure design and development that take into  
37 consideration the surroundings and the community's desires as identified  
38 by this blueprint. I mean this is just a unique case where we have  
39 something that is presented by the community and I believe that this  
40 subdivision in no way impacts the goals of this blueprint. And we think  
41 that improving the area according to the design standards now that we  
42 have in place would definitely be in contradiction to this blueprint. And  
43 again just some highlights here, I won't read this one. Well maybe I will,  
44 this points to a ... on the next page here what this layout looks like. But  
45 one is you can see the location by the red square of where the property is

1 now and where a proposed park is to be put in place and all of the  
2 different trails that they would like to see happen.

3 So basically we'd like a waiver from improving both Cortez Drive  
4 and Saromi Lane within the limits of the proposed alternate summary  
5 subdivision. We'd like a full waiver from the design standards completely  
6 and would like to leave it as is while we still dedicate the property so that  
7 in future when these design standards are created and made part of the  
8 code that the property's there to use. I think it's ... it's easy to say at this  
9 point that we're probably giving more property than will be necessary for  
10 those design standards, but that it will be available. It's not available in  
11 the four parcels adjacent. We are requesting approval of the flag lot  
12 configuration as proposed in the said alternate summary subdivision and  
13 the benefits are the City of Las Cruces will be able to honor the wishes of  
14 the residents in the East Mesa Community Blueprint area, and the  
15 objectives of the community blueprint. Density in this area will remain  
16 lower than the current zoning of the parent tract which is true if you look at  
17 this on an aerial view it's not increasing the density any more than the  
18 surrounding neighborhood. I just want to put emphasis on the fact that  
19 this isn't for financial gain. I believe that is something to consider. It may  
20 not be in the code but in this hearing we have a large part of the  
21 community, I don't think they are here to hear this case, but it's important  
22 for people to understand that sometimes these situations are created  
23 simply by just overlooking something when we're creating these codes.  
24 We don't always anticipate these types of situations and that's why you all  
25 are here. So we're asking for your serious consideration of this waiver  
26 and that you would grant it so that we can stay in compliance with this  
27 blueprint. Thank you.

28  
29 Crane: Thank you sir. Commissioners, any questions for Mr. Gutierrez? Mr.  
30 Stowe.

31  
32 Stowe: Mr. Gutierrez.

33  
34 Gutierrez: Yes sir.

35  
36 Stowe: About how long would it take in your estimation, in your opinion for  
37 development to take place near you at this property?

38  
39 Gutierrez: Which development ... are you referring to development of the roadway  
40 improvements or just of the lot itself?

41  
42 Stowe: The ... is it BLM that's across the way?

43  
44 Gutierrez: It's State of New Mexico right now.

45  
46 Stowe: State of New Mexico.

- 1  
2 Gutierrez: Yes.  
3  
4 Stowe: In one opinion that might take a century.  
5  
6 Gutierrez: Yes. Yes I mean in my experience just dealing with ... I was involved with  
7 acquisition of right-of-way on Elks Drive when that was improved and that  
8 took some serious time. We had to prepare any legal descriptions and  
9 deal with property owners, and that process was very intensive. Just  
10 dealing with one property, just one, is a serious issue. We'd have to deal  
11 with four adjacent to the west and then the State of New Mexico ...  
12  
13 Stowe: Right.  
14  
15 Gutierrez: Before we could even approach you know that issue. So it's a big deal.  
16  
17 Stowe: Ten years might be a feasible estimation.  
18  
19 Gutierrez: A good estimate. Yes. That's correct.  
20  
21 Stowe: Thank you.  
22  
23 Crane: Any other Commissioner have questions? Okay, thank you gentlemen.  
24 Please sit down, and any member of the public wish to address this issue?  
25 No one so indicates, so we'll close this to further discussion.  
26 Commissioners, your wish?  
27  
28 Clifton: Mr. Chair, members of the Commission.  
29  
30 Crane: Mr. Clifton.  
31  
32 Clifton: Although the letter of the law does require these road improvements I  
33 would argue that the applicant is giving up over 30,000 square feet of  
34 property to the City through their dedication. That's approximately just  
35 under three-quarters of an acre. In an R-1a zoning district you could get  
36 on a regular standard street almost 10 lots out of that, that's a lot of dirt  
37 they're giving to the City for half of a collector and half of a minor local that  
38 probably won't have the traffic on it. And I think there's a reasonable trade  
39 for property and improvements and with that I'll vote when we're prepared  
40 to.  
41  
42 Crane: Are you figuring that as running ... that property running all the way down  
43 to Dunn Road or just what's on the edges of this lot?  
44  
45 Clifton: Mr. Chair it was just a rough calculation on the adjacent edges of this lot in  
46 particular.

- 1  
2 Crane: Okay.  
3  
4 Clifton: The northern boundary, the 42.5-foot was just under 20,000 square feet  
5 and Saromi was about 10,000 square feet.  
6  
7 Crane: Okay. Thank you. Comments from anyone else? I'm disappointed that  
8 while the applicant has every right to bring up the fact to give a flag lot and  
9 build a home for a family member is going to cost immense amounts of  
10 money because of this road build out that's required, that he has not  
11 offered a fee in lieu of this road work or said that he would be glad to sit  
12 down with the City and work out something. This is what has been done  
13 before in this kind of situation which is even before this Commission, more  
14 than once in the six years or so I've been on it. Any other comments by  
15 members?  
16  
17 Ferrary: The representative for the Gamboa family mentioned about Elks Drive  
18 being you know kind of a patch work you know long, and I can see how  
19 that is going to probably happen with this road even though it's not quite  
20 as long to Dunn, but the responsibility of making those improvements in  
21 front of other property owners and since this isn't really a development  
22 that could share that amongst other you know lots being sold with homes,  
23 there isn't a builder that could afford that kind of development, but I agree  
24 that probably some type of consideration for partial, like just maybe what  
25 the improvements would cost in front and on the side of the lot might be  
26 something to consider.  
27  
28 Crane: Thank you. Anyone else? In that case Mr. Clifton would you like to make  
29 a motion, possibly with the condition regarding fee in lieu of, which might  
30 make it easier for some of us to vote for the waiver.  
31  
32 Clifton: Thank you Mr. Chair. I suspect I can craft a motion from that. I would like  
33 to make a motion to approve a waiver request for Case S-13-030W,  
34 conditioned that the applicant provide payment in lieu of road  
35 improvements equal to the amount required by the City subdivision  
36 standards.  
37  
38 Crane: Thank you, is there a second for that?  
39  
40 Stowe: Second.  
41  
42 Crane: Seconded by Mr. Stowe. Any further discussion? Mr. Alvarado.  
43  
44 Alvarado: Yes I'd like to ... do we have any idea at all how much the in lieu amount  
45 is going to be? Does anybody have any ideas, \$10, \$10,000?  
46

- 1 Crane: Ms. Harrison-Rogers can you help us, or anyone else with the City?  
2
- 3 H-Rogers: Mr. Chair, Members of the Commission as ... as I am not an engineer and  
4 I don't typically do the cost estimates, I'm not certain. We do have a  
5 general number that sometimes we can throw out, but it's going to be in  
6 the tens of thousands of dollars. I would also like to remind the  
7 Commission that a fee in lieu is something ... a waiver's not required if a  
8 fee in lieu is paid. Just so that you're aware. That a fee in lieu is  
9 something that we will accept in lieu of the road improvements. It does  
10 meet our standards and a waiver is not necessarily required as part of that  
11 process.  
12
- 13 Crane: Then how would we work that into a motion?
- 14
- 15 H-Rogers: Mr. Chair, Members of the Commission, I did hear from some of the  
16 Commission members, that perhaps there was some interest in only  
17 applying that fee in lieu to the areas immediately adjacent to the  
18 subdivision as opposed to the entire lengthy of the road all the way to  
19 Dunn, that of course would be a waiver from the required standards, in  
20 which case you could suggest that a fee in lieu for the remainder be a  
21 condition.  
22
- 23 Crane: I see, okay, Mr. Clifton does that ... was that intentioned? You had the fee  
24 ... we would waive the requirement for the edges of the lot and then take a  
25 fee in lieu for the extension down to Dunn, or were you ... had in mind a  
26 fee in lieu of any roadwork at all?  
27
- 28 Clifton: Mr. Chair, Commissioners, what I was struggling with was just what was  
29 discussed and Ms. Rogers is absolutely correct in that if they did a  
30 payment in lieu of road improvements for what was required, they would  
31 not need a waiver. But with that said, as I sit here and think about that I  
32 have to worry about how the City staff over time will track that payment  
33 and when and how it will be applied. Twenty years from now the time  
34 value, monies can be much different than it is now, so I would respectfully  
35 rescind my initial request and I would recommend denial of waiver request  
36 S-13-030W.  
37
- 38 Crane: While we'll have to have a motion that it be approved and then if  
39 necessary vote it down. And you wish to put aside the matter of payment  
40 in lieu.  
41
- 42 Clifton: That would be me my motion Mr Chair.
- 43
- 44 Crane: All right. So that's moved and Mr. ... who will second this? I will second it  
45 if it's ... Ms. Ferrary you do it, it looks better on paper.  
46

- 1 Ferrary: I'll second that.  
2  
3 Crane: All right. Thank you. Let's do a roll call vote starting with Mr. Clifton.  
4  
5 Clifton: Aye.  
6  
7 Crane: And you should ...  
8  
9 Clifton: Based on staff presentation and the relevant articles of the subdivision  
10 code and design standards.  
11  
12 Crane: You realize you are voting for the waiver?  
13  
14 Clifton: I believe I was voting for the motion which was to deny the waiver.  
15  
16 Crane: We have to have the motion phrased positively, so your motion would be  
17 to approve the waiver.  
18  
19 Clifton: Mr. Chair I vote no.  
20  
21 Crane: Right. And you have to give your reasons.  
22  
23 Clifton: Based on staff presentation, applicant's presentation, and the applicable  
24 code section from the subdivision regulations and the design standards.  
25  
26 Crane: Thank you. Mr. Stowe.  
27  
28 Stowe: I vote aye based on discussions this evening.  
29  
30 Crane: Ms. Ferrary.  
31  
32 Ferrary: I vote nay for site visit, discussion, and findings.  
33  
34 Crane: Mr. Alvarado.  
35  
36 Alvarado: I vote yes based on discussions, site visit, and presentation.  
37  
38 Crane: And the Chair votes nay based on findings, discussion, and site visit. So  
39 the motion fails two votes to three. Thank you.  
40  
41 2. **Case PUD-14-01:** An application of The Arbors at Del Rey located at 3731  
42 Del Rey Blvd, Parcel numbers 02-25264 and 02-25265, to rezone 2 lots  
43 totalling 4.98 +/- acres from C-2C (Commercial Medium Intensity,  
44 Conditional) to Planned Unit Development (PUD) in order to : (1) allow an  
45 existing nursing home/assisted living facility as a principal permitted use; (2)  
46 allow the raising of small animals as an accessory use to the assisted living

1 facility use: (3) allow the existing 2.49-acre lot size as-of-right; and (4) allow  
 2 other 2001 Zoning Code C-2 District development standards and land uses to  
 3 apply within the PUD. Council District 5 (Sorg).  
 4

5 Crane: We proceed to the next item of old business, Case PUD-14-01, regarding  
 6 an application of Arbors of Del Rey to rezone two lots. This is a  
 7 continuation of discussion we had in our last meeting you may remember.  
 8 Ms. Montana you have the floor.  
 9

10 Montana: Thank you Mr. Chair. If you don't mind, I expect some testimony for this  
 11 case, so could you take the oath?  
 12

13 Crane: I'm sorry. Do you swear or affirm that the testimony you are about to give  
 14 is the truth and nothing but the truth under penalty of law?  
 15

16 Montana: Yes I do. Thank you.  
 17

18 Crane: Thank you.  
 19

20 Montana: Commissioners. You have a memo, an update of this case that was  
 21 heard last month. You asked at that time that the applicant provide more  
 22 information as to the species of animals that they would like to have at the  
 23 assisted living facility, the number per species, and generally how they  
 24 would care for and provide shade for, and enclosures for those animals. I  
 25 believe in the staff report they did describe, we did describe how they  
 26 would address that. I would like to mention that the animals they have  
 27 requested are two chickens, no roosters, two ducks, and a miniature goat.  
 28 Now if this Commission ... if you recommend to City Council the approval  
 29 of the PUD it would allow the nursing home is a principal permitted use  
 30 because the current C-2 zoning does not. It would allow the larger lot size  
 31 because C-2 ... current C-2 only allows up to one acre and this is nearly  
 32 five acres. And it would allow the caring of animals as an accessory use.  
 33 If the Council approves the PUD, the land uses, the applicant still needs to  
 34 meet Chapter 7 of the Las Cruces Municipal Code. And Chapter 7 does  
 35 have a special use permit required for chickens. The special use permit is  
 36 granted by the director of codes, the police department, and to qualify for  
 37 the special use permit the facility, the operators would have to participate  
 38 with ... I'm sorry. Could you ... the applicant would have to participate  
 39 with Future Farmers of America or 4-H programs to qualify for the  
 40 chickens, or Chapter 7 would have to be amended very narrowly to allow  
 41 assisted living facilities as an accessory use to have the chickens. So we  
 42 recognize that if this goes forward, this PUD goes forward, it does allow  
 43 for the chickens as a land use but the applicant still needs to meet  
 44 Chapter 7 with regard to the chickens. So with that I would ... I hope  
 45 that's clarified. I will move forward.

1           As you know this is the property location and right now the two  
2 parcels are owned by the same company. There is one facility, the  
3 assisted living facility and they have an outdoor enclosure. Now the  
4 residents of this facility have particular medical and therapeutic needs and  
5 they need to have an enclosed outdoor area. The applicant will explain  
6 that later when they come up to give their presentation, but they do need  
7 ... the residents do need to be in an enclosed area. So the animals would  
8 be an extension of that enclosed area, so the fence would be enlarged  
9 and the animals would be kept here. The applicant met with our codes  
10 department, actually five members of the codes staff did come to the  
11 facility, took a look at the residence, got an idea of the care that they need  
12 and what kinds of species of animals would be compatible with their age  
13 and their disability, their level of disability, and the applicant responded to  
14 that by redesigning their program, the kinds of animals and the passive  
15 kinds of animals that would ... that would work well with this ... this  
16 population, and they'll explain that later. Again this is the area where the  
17 animals would be located. This would be an extension of the current  
18 enclosed area, fenced area here, and this is their proposed design,  
19 theoretical design for the animal enclosures, where they would be kept; a  
20 little pond for the ducks; the chickens, the goats. These are just examples  
21 of some of the enclosures they could provide for the chickens, the goat,  
22 and the ducks with the pond. Again codes did meet with the applicant,  
23 took a look at the facility, the proposed enclosure area, did some ... made  
24 some recommendations for the kinds of animals that would work well with  
25 their population, and then how to protect the animals from the wildlife that  
26 surrounds the property. And the applicant is aware that they would still  
27 have to meet Chapter 7 requirements for the enclosures, for the care, for  
28 the sanitation, and the medical care of the animals.

29           Staff does not believe that any noise or odor or pests generated by  
30 these animals will affect any off-site properties, would not affect the  
31 hospital immediately north of the property or any of the housing across the  
32 street or a minimum 300-feet south and west of this site. So with that staff  
33 is recommending approval of the PUD based on the findings and the staff  
34 report and reiterated in the memo to you, and the limitation of the animals  
35 to two chickens, no rooster, two ducks, and one miniature goat. Your  
36 options of course are; to vote yes to recommend approval of the PUD to  
37 the City Council; to vote no to deny it; vote to modify it by recommending  
38 new conditions of approval or conditions of approval to Council; or to  
39 postpone as you did last month. I wanted to go quickly though this. I'm  
40 happy to answer any questions you have, but the applicant is here with a  
41 slide show that he would like to present.

42  
43 Crane:       Thank you Ms. Montana. Any questions? Commissioner Alvarado your  
44 light's on.

45  
46 Alvarado:    Sorry.

1  
2 Crane: Any questions Commissioners? Then thank you. We'll hear from the  
3 applicant.  
4  
5 Spradlin: Yes, my name is Gregory Spradlin.  
6  
7 Crane: And ...? You going to speak too sir?  
8  
9 Trevizo: Yes sir. I'm Tony Trevizo.  
10  
11 Crane: Okay. Gentlemen do you swear or affirm that the testimony you are about  
12 to give is the truth and nothing but the truth under penalty of law?  
13  
14 Spradlin: Yes we do.  
15  
16 Trevizo: Yes sir.  
17  
18 Crane: I remember you two gentlemen from a month ago and I imagine my fellow  
19 Commissioners do, so if you could tell us new things that might speed  
20 things up rather than repeat what you told us before. I think we're all  
21 convinced that it's a great idea to have this therapeutic purposes for your  
22 clients, but tell us what's new.  
23  
24 Spradlin: Tell you what's new?  
25  
26 Crane: Yes.  
27  
28 Spradlin: Well this presentation, basically we put together just to enhance the  
29 information that you already have, give you an idea of what we do at the  
30 Arbors of Del Rey and why we want to accomplish what we're trying to  
31 take care of here tonight. So here we have the Arbors of Del Rey is a 24-  
32 bed, it's just a dementia/Alzheimer's assisted living facility. And we have a  
33 portion of the staff and family members present. Up in Santa Fe our sister  
34 unit, Sierra Vista community is also an Eden Alternative facility. And here  
35 we have, you can see in their back portion of their facility one of the elders  
36 and one of the miniature goats and it's Billy and Bill. To give you an idea  
37 of a couple of miniature goats that they have and the elders they do  
38 interact with the animals and their farming area. Prior to placement of the  
39 animals there at Sierra Vista the elders did work with the staff in building  
40 the appropriate housing for them and also the areas that they would be  
41 housed in. Here we have one of the roaming little creatures for the elders,  
42 her name is Laverne and it's ... she kind of roams around in one of the  
43 yards for the elders when they're out back. They have actually Polish  
44 hens at Sierra Vista and that's what we would like to have here at the  
45 Arbors.

1 Here at the Arbors our motto is "we laugh, we cook, we dance".  
 2 Here we have one of the elders, we actually have an art studio and  
 3 several of them actually participate in doing their own paintings, and to the  
 4 right bottom corner is actually the finished product of the painting that he  
 5 created. We also play music. We have piped in music throughout the  
 6 facility, ongoing throughout the day and also here we have Randy  
 7 Granger, he comes in from time to time to play his Indian flute music for  
 8 the elders.

9  
 10 Trevizo: He volunteers his time.

11  
 12 Spradlin: Yes, he does volunteer when he comes in to play. We did bring in a  
 13 couple of ducklings and here we have a son of one of the staff members  
 14 to see the interactions that the elders would have with these baby  
 15 ducklings and they were met with such love and compassion by the elders  
 16 and with them. They now reside at Tony's house.

17 We cook is another one of our mottos. We do have granite counter  
 18 tops around our kitchen and it's low enough for the elders that can sit and  
 19 participate in preparing some of the meals, cutting up the vegetables, and  
 20 those that may even be in wheelchairs are easily accessible to the counter  
 21 tops as well. We dance. We do have folks that come in and participate  
 22 with dancing. We do have groups, as you see there on the left and also  
 23 on the right. They actually come in and dance with the elders that are  
 24 able to get up and participate. And they seem to really enjoy themselves  
 25 playing the music that they dance to. Therapaws comes in from time to  
 26 time throughout the week and the interactions with the elders are just  
 27 outstanding.

28 Dr. Schumacher would be the veterinary service clinic that we  
 29 would use if approved, and to provide our services for the animals. And  
 30 also I wanted to mention that Pat Howard, the FFA person at Las Cruces  
 31 High School will be involved with our facility in training of the staff on  
 32 caring for the animals and working with building the shelters for them and  
 33 working with us throughout the year in the care of the animals. And then  
 34 have just photos of elders that have interacted with different types of  
 35 animals. I want to mention that Dr. Bill Thomas is the founder of the Eden  
 36 Alternative and I want to play a short little video, three-minute video if I  
 37 may, but one comment that he made was companionship is the crucial  
 38 missing link in long-term care settings and also dementia/Alzheimer's  
 39 settings. We do have ... he did mention that the elders tend to, with  
 40 interactions with the animals live longer and require less medications. If I  
 41 may play the video?

42  
 43 Crane: Yes, go ahead.

44  
 45 VIDEO FROM YOUTUBE PLAYED FOR THE COMMISSION AND AUDIENCE.

46

1 Trevizo: I would like to ...

2

3 Crane: Mr. Trevizo.

4

5 Trevizo: Yes sir. And what we're trying to do is trying to make that different in our  
6 own way as Sierra Vista has done, but I just want to just kind of cap things  
7 off by saying that 90% of our management team and 60% of our elders  
8 and our owners have also been around and raises animals in our youth or  
9 to out adulthood like myself. We are not approaching this quality of life  
10 approach for our elders through negligence by not willing to commit to the  
11 responsibilities and care of animals including the sanitation of and  
12 disposal of the excrement. We are professionals and ... who will not  
13 expose our unique pets to disease or illness as Greg has indicated, you  
14 know we partner up ... we're partnering with those people specifically for  
15 the hens to meet the state guidelines. But nothing will stop us from  
16 extending the same compassionate and quality care to their pets. We are  
17 pleased to have majority support of our commitment from our residents  
18 and their families and the healthcare community at large for how we intend  
19 to change the culture of how society cares for their elders.

20 Our opponents the last time we were here implied that we were  
21 discussing again to say roosters, pigs, horses, and bison, we are not. We  
22 are merely expecting to have no more than six small manageable pets.  
23 We also would have not purchased our property had we known someone  
24 would not be considerate of how seriously we take our responsibility in  
25 caring for the aging and the sick. We are making a public statement that  
26 our goal is to deinstitutionalize the institutional model with the Arbors of  
27 Del Rey being the catalyst and the journey of change in Southern New  
28 Mexico. Land of the aggies where our middle name is agriculture. We  
29 want to eliminate hopelessness and boredom and give hope and quality to  
30 the quality that's left for our elders. The Winhams in particular, one of our  
31 opponents, was accurate, our elders cannot care for themselves or for the  
32 animals, but that doesn't mean that their lives don't have meaning. They  
33 can still be connecting to living things, great food, great music, excellent  
34 nursing care, and fun. The elders are not entirely 100% responsible for  
35 the care and the cleanliness of their pets, the staff is. But if we can put a  
36 smile on the elders face for that day, that moment, it's worth it for us. If  
37 the elder can help or watch them eat, that's worth it for us, especially for  
38 them. Unfortunately our opponents and we did send out invitation to come  
39 out and visit our place so we can entertain any questions and kind of show  
40 them the area of proposed that we do this, and unfortunately no one came  
41 to our facility, to our invitation. We already have gardens that our elders  
42 and their families and our staff love and enjoy. We are blessed with salsa  
43 gardens, grape vines, fruit trees, and yes the elders nourish those. We  
44 remain steadfast with this international movement of culture change.  
45 What a sad day would be if an elder, an ill elder is denied part or is denied  
46 a pet while the rest of us get to enjoy ours. Thank you.

1  
2 Crane: Thank you gentlemen. Hold it there a minute. Any Commissioner have  
3 questions for these gentlemen? It seems not, so thank you. Any member  
4 of the public wish to speak to this? One person, yes sir. Please come up.  
5 Give us your name please and I'll swear you in.  
6  
7 Garza: Yes my name is Ray Garza and I reside at 254 Mule Deer Drive.  
8  
9 Crane: Mr. Garcia do you swear or affirm that the testimony you are about to give  
10 is the truth and nothing but the truth under penalty of law?  
11  
12 Garza: I do.  
13  
14 Crane: Please carry on.  
15  
16 Garza: I would like to speak in support of this zoning change proposed by the  
17 Arbors at Del Rey, or PUD-14-01. My wife Dorothy resides at the Arbors.  
18 She's been there since the first of July, just this month. And I would like to  
19 share with the panel, with the council, the reason that I recently relocated  
20 my wife from where she was at another in-facility or assisted living facility  
21 to the Arbors. Specifically on June 22nd I almost lost my wife due to heat  
22 exhaustion. She wandered away from the facility where she was living at  
23 the time and she suffered some severe heat exhaustion. Luckily a person  
24 that observed her and she was passed out by the street in the sun, a very  
25 hot day on that Sunday, and they called the police, they responded, and  
26 immediately took her to the emergency room at the Memorial hospital.  
27 Her clothes were drenched from perspiration. Her body temperature had  
28 reached 104 degrees, so we almost lost her. They informed me that a few  
29 more minutes and possibly she would not have recovered. Now, the  
30 reason I'm telling you this is because people with dementia, dementia  
31 patients as my wife, they need a secure and safe residence in which to  
32 live. They also can really appreciate and benefit from any activities that  
33 enhances their life, their daily lives. This is very important. These people  
34 have regressed in age to a time when they were younger and that's the  
35 reality, but they also live in the present time. They experience things that  
36 are positive to them which is very beneficial and they can also experience  
37 negative environments that can be also very detrimental. If they're sitting  
38 alone staring at the wall all day long we can imagine what that does to a  
39 person. So, they can really benefit from activities that they can interact  
40 with. They need things to see, to touch, and to talk with and to interact  
41 with. I believe that small animals such are being proposed by this  
42 proposal would be of great benefit. And they would experience this on a  
43 daily basis continuously because even though they have regressed in age  
44 they live at the present moment and in five minutes they lose what they  
45 have experienced, so they would be experiencing this over and over again  
46 on a daily basis and it could be very positive or it could be also

1 detrimental, negative. So, I can give you an example as far as the effect  
2 that animals can have on these patients, my wife for example she hardly  
3 knows me as her husband any more at this stage that she's at, but she  
4 lights up when I take her home for a short visit and she experiences our  
5 two little dogs and she talks to them and pets them and she laughs and  
6 she has a terrific time. And that's why I support this initiative. I think that  
7 it's a great thing that the Arbors is proposing. Unselfishly they are willing  
8 and committing resources, space to take care of these animals and to  
9 simply enhance the life of these residents. I think it's very commendable  
10 and I fully support it. Thank you very much.

11  
12 Crane: Thank you Mr. Garza. Any other member of the public? Then we'll close  
13 this to further discussion. Commissioners? Commissioner Ferrary.

14  
15 Ferrary: I have a question for Ms. Montana. I'm not sure if you were giving us a  
16 hint that if the chickens were to be allowed because they're not a 4-H or  
17 group like that, that there would have to be an exception from Chapter 7,  
18 is that something we include or they have to go through another process?

19  
20 Montana: Mr. Chair, Commissioner Ferrary, when codes did a site visit they  
21 suggested that both the zoning go forward to allow the animal use  
22 including the chickens but that also Chapter 7 be amended to very  
23 narrowly allow the chickens for an assisted living facility caring for  
24 Alzheimer's and dementia patients up to two chickens, no rooster. That  
25 kind of narrow amendment to Chapter 7, that could go forward either  
26 simultaneous with the PUD or a little bit after but codes would feel more  
27 comfortable if that were included in Chapter 7.

28  
29 Crane: But it's not within our power to do that is it?

30  
31 Montana: No. That would be separate. The City Attorney actually is working on  
32 some amendments with Ms. Harrison-Rogers and that will go forward as a  
33 separate piece of legislation.

34  
35 Crane: Thank you. Any other Commissioner have any questions of anyone? All  
36 right, I'll entertain a motion that Case PUD-14-01, this application for  
37 zoning change be approved.

38  
39 Stowe: So moved.

40  
41 Crane: Moved by Mr. Stowe. Do I have a second?

42  
43 Clifton: Second.

44  
45 Crane: Seconded by Mr. Clifton. I'll do a roll call vote starting with Mr. Alvarado.

46

- 1 Alvarado: I vote aye based on findings, discussion, and site visit.  
2  
3 Crane: Ms. Ferrary.  
4  
5 Ferrary: I vote aye, discussion, site visit, and discussion.  
6  
7 Crane: Mr. Stowe.  
8  
9 Stowe: Aye based on findings and discussion.  
10  
11 Crane: Mr. Clifton.  
12  
13 Clifton: Aye based on staff presentation, applicant's presentation, and findings  
14 one A-G and number two.  
15  
16 Crane: And the Chair votes aye based on findings, discussion, and site visit. This  
17 motion passes five/nothing. Thank you.  
18

## 19 VII. NEW BUSINESS

- 20  
21 1. **Case A1725:** A variance application of Jesus J & Crystal M. Tapia, property  
22 owners, to reduce the minimum required 15-foot secondary front yard  
23 setback by 15-feet, resulting in a 0-foot setback. The applicants constructed  
24 an attached, unpermitted open-air porch 0 feet from the property line and  
25 seek to keep the porch as it currently exists on the property. The subject  
26 property encompasses 0.16 +/- acres, is zoned C-2 (Commercial Medium  
27 Intensity) and is located on the northeast corner of Organ Avenue and Santa  
28 Fe Street; a.k.a. 1330 E. Organ Avenue; Parcel ID# 02-10105. Council  
29 District 1 (Silva).  
30  
31 Crane: We now proceed to new business, Case A1725, a variance application by  
32 Jesus and Crystal Tapia to reduce minimum required 15-foot secondary  
33 front yard setback by 15-feet resulting in zero-foot setback. This concerns  
34 the property at 1330 East Organ Avenue. Who is going to present?  
35  
36 H-Rogers: Katherine Harrison-Rogers.  
37  
38 Crane: You were camouflaged there. You know I didn't ... I didn't swear you in  
39 before so we're going to do it now, okay? Do you swear or affirm that the  
40 testimony you are about to give is the truth and nothing but the truth under  
41 penalty of law?  
42  
43 H-Rogers: I do.  
44  
45 Crane: Please carry on.  
46

1 H-Rogers: All right. Let me go back really quick. So this particular case is a request  
2 for a variance from the minimum required 15-foot secondary front yard  
3 setback for a property that's located at 1330 East Organ Avenue. Here's  
4 a zoning map, you can get an idea of the vicinity where Solano Drive is,  
5 Ridgetop, and Organ Avenue. This particular property is zoned C-2, so it  
6 is nonconforming. The required setbacks for C-2 in the front are 15, the  
7 second front because this has two streets fronting it, it's a corner lot, is  
8 also 15. The side is five, and the rear is also 15. The property is 0.16 of  
9 an acre. Currently there is a single-family residence on the property; it's  
10 been there for quite a long time. Again because of the zoning it's  
11 considered non-confirming, but they're allowed to continue the use of that  
12 property as a single-family home and do modifications and alterations and  
13 additions to the home. They again are requesting this particular setback  
14 due to the construction of an open-air porch. That porch was constructed  
15 without a permit. It is attached to the existing dwelling. There was some  
16 history behind that and now we're trying to move forward for a solution  
17 with the applicant.

18 As you can see the porch actually consists of sort of two  
19 components, there is this pergola component as well as the porch; they  
20 are attached so they are considered one structure. The porch or the  
21 entire structure itself goes all the way to the lot line. As you can see it's ...  
22 it's constructed right here. There were several ... people in the  
23 neighborhood were in support of this variance. You can see by this map  
24 that we have one phone call in support and the stars indicate a petition of  
25 support that was given to us by the applicant in regard to the variance for  
26 this structure so that it could remain.

27 Now the criteria for decisions on variances is a little bit more strict  
28 in terms of hardship, of course the Planning and Zoning Commission does  
29 review the goals and objectives and policies of the Comprehensive Plan  
30 and all applicable plans in relation to the request. They also look at the  
31 purpose and intent of the code. And of course this Commission for ...  
32 specifically for variances looks at the hardship criteria outlined in the code;  
33 (1) is it a physical hardship relative to the property, so for example are  
34 there some topographic constraints, are there some strange easements,  
35 right-of-way takes that create problems in terms of developing it normally.  
36 Is there a potential that the variance if granted would spur economic  
37 development in a neighborhood or city-wide level? In this case that's not  
38 really applicable simply because it's a single-family home and we're not  
39 dealing with perhaps a business of some sort that requires a variance to  
40 spur economic development. And then very last are monetary  
41 considerations, not as a whole, but relative to the options to meet the  
42 applicant's objectives under the application of the code provisions.  
43 Basically if the code requires something is it just going to be too expensive  
44 to do it that way or are there some other alternatives that a variance could  
45 assist in accomplishing?

1           Although staff saw no significant health, safety, or welfare issues  
 2 associated with the proposed variance, the variance itself does not meet  
 3 the stated criteria and those hardship criteria listed under the 2001 Zoning  
 4 Code as amended. Based on that, in particular strict interpretation of that,  
 5 staff does recommend denial based on the findings that were outlined in  
 6 the staff report. Of course, the Planning Commission has several options  
 7 this evening; you are final authority on any sort of vote on this variance.  
 8 You can approve the variance request, approve the request with  
 9 conditions, deny the variance request, or table or postpone. And with that  
 10 I would be glad to entertain any questions or turn it over to the applicants,  
 11 they are here tonight.

12  
 13 Crane: Thank you Ms. Rogers. Ms. Ferrary.

14  
 15 Ferrary: I do have a question, although I accidentally left my light on. I notice that  
 16 there was a comment that someone made that the roof or pergola might  
 17 be close enough to the fence where it might need drain spouts or  
 18 drainage, I can't really tell from the pictures, did you all notice that?

19  
 20 H-Rogers: Mr. Chairman, Members of the Commissioner, Commissioner Ferrary, our  
 21 engineering department did review this as did our building department in  
 22 terms of how the structure drains and I believe that ... and I will have to  
 23 double check the notes, but I do believe that the issues have been  
 24 satisfied in regard to that. If you notice, you can see that it's really ... the  
 25 structure itself isn't completely parallel to the property line, it is at  
 26 somewhat of an angle and so because of that you know the drainage  
 27 concerns aren't quite as significant. But they were looked at by our  
 28 engineering department.

29  
 30 Crane: Commissioner Clifton.

31  
 32 Clifton: Mr. Chair, Katherine, the C-2 zoning district, because this is a corner lot  
 33 has a secondary side setback of 15.

34  
 35 H-Rogers: Correct.

36  
 37 Clifton: So I'm looking ... could you go to the aerial for me?

38  
 39 H-Rogers: Absolutely. Let me do that.

40  
 41 Clifton: Okay, so Santa Fe Street, are you assuming that to be the front setback,  
 42 side setback?

43  
 44 H-Rogers: We're considering East Organ as the front and then I believe this is Santa  
 45 Fe Street, this is the secondary side setback and the structure is built  
 46 within this area right here.

1  
2 Clifton: Okay. And so based on the drawing, only a corner of that structure  
3 touches ... actually it may or may not be the property line but at least the  
4 fence line.  
5  
6 H-Rogers: That is correct.  
7  
8 Clifton: So, were you able to ever obtain an actual survey of this? Cause it may  
9 actually be off the property line and not right up against it.  
10  
11 H-Rogers: Commissioner ... Members of the Commission, Commissioner Clifton, we  
12 have not obtained a survey from the applicant but they may be able to  
13 speak a little bit more to that. I do know that if I recall our building  
14 department has inspected the property and typically as part of that  
15 inspection if they can locate the corners they will. I'm not quite sure if that  
16 drawing was based on that information or not, but the applicant is here  
17 and may be able to speak to that a little bit further, but we have not  
18 obtained a survey for reference.  
19  
20 Clifton: And typically in a commercial zoning district you can have a zero side  
21 setback, correct?  
22  
23 H-Rogers: In some instances yes, that's correct.  
24  
25 Clifton: Thank you.  
26  
27 Crane: Commissioner Alvarado.  
28  
29 Alvarado: When was the porch built, do you know?  
30  
31 H-Rogers: Commissioner Alvarado, Members of the Commission, that porch was  
32 recently built. It was ... it was ... there is some history behind it. The  
33 applicant did come in and apply for a building permit for a reroof and I  
34 think there was some misunderstanding as to that and ultimately when it  
35 was constructed, when the inspectors did go out they realized that it was  
36 an addition of a porch rather than just a reroof and essentially that's what  
37 set the ball rolling towards obtaining a variance and being here tonight.  
38  
39 Alvarado: Did they ever get a permit for the porch or what finally happened?  
40  
41 H-Rogers: They did submit the appropriate building permit documentation; however,  
42 as part of the process a variance is required in order to legitimize the  
43 location of that.  
44  
45 Alvarado: Thank you.  
46

- 1 Crane: Anyone else? Thank you Ms. Rogers. Is the applicant here? Please  
2 come up. Are you both going to speak?  
3
- 4 C. Tapia: Yes sir.  
5
- 6 Crane: Okay, well in that case this is the Tapia family, do you swear or affirm that  
7 the testimony you are about to give is the truth and nothing but the truth  
8 under penalty of law?  
9
- 10 C. Tapia: Yes sir.  
11
- 12 Crane: Carry on please.  
13
- 14 C. Tapia: As you can see from the pictures, the top, the geographical location of that  
15 actual plot and the home structure that we inherited from his father, one is  
16 of a concern in regard to the ability to continue building on. So the picture,  
17 the angle of the fence you're seeing now, the bottom right picture, it  
18 appears to be straight, correct? It is actually with a significant angle. So  
19 reason being the angle of the structure of the pergola that you're seeing  
20 attached, the smaller pergola, correct? The concern there, that what I'm  
21 understanding being is the overhang. The top right picture as you can see  
22 appears to be potentially past our property line. It has been clarified that it  
23 is not. It is within our property and the area outside of the wall to the  
24 sidewalk which is four-feet 11-inches has been discovered to be a  
25 parkway. The last 16 years of my residency there I have maintained that  
26 area, my husband, lifelong in the home has maintained it. We were  
27 unaware at the time that that was not our property and so upon building in  
28 October we did begin the structure, we got a notice and we did receive  
29 from codes that we needed a permit. The following day we did follow-up  
30 down with the permits department and clarify, paid for, and received  
31 permit. They came out to look at the structure and saw it was not a reroof,  
32 but the permit clearly states a pergola. So my concern being and  
33 confusion here is that we are within our property line but we at zero  
34 variance and our request being to have the five-foot variance as a side  
35 yard. I heard it was stated a few minutes ago, secondary side yard, not a  
36 secondary front. I do understand side yards are five-foot variance. We  
37 did get permission from the City of Las Cruces utilities to utilize that four-  
38 feet 11-inches as a variance. The permits department declined that, so  
39 we'd like all of you to please take that into consideration. And our zero  
40 variance request.  
41
- 42 Crane: Thank you. Do you have anything to say Mr. Tapia?  
43
- 44 J. Tapia: I just wanted to add that you know this is my home from birth, still today.  
45 My father built the home and surrounding homes around this area. And

1 this ... this area needs a ... improvements you know and I think we add  
2 that to this area. And it does inspire our neighbors.  
3  
4 Crane: Thank you. Commissioners any questions for the Tapias? I have ... I  
5 have some observations. First, congratulations on the appearance of your  
6 property, it's by far the nicest one I've seen around that area. I'm  
7 concerned with how a permit was pulled for a roof and got converted into  
8 the construction of a porch and pergola. You're saying the City made a  
9 mistake? The City, what does the permit say?  
10  
11 C. Tapia: As I can see here your honor, yes sir, it appears to be a mistake. It states  
12 here a reroof and the total amount of what it costs, but the plans that we  
13 submitted with this definitely showed as a full pergola. So I think there  
14 was confusion maybe from the beginning from the permits department.  
15 But since that time when we submitted for permit there's been significant  
16 financial and physical changes in our lives which has created many  
17 hardships as well that we can discuss as an option.  
18  
19 Crane: So in the application that you made did you mention the words pergola ...  
20  
21 C. Tapia: Yes.  
22  
23 Crane: And porch.  
24  
25 C. Tapia: Yes.  
26  
27 Crane: And you did not mention the word roof?  
28  
29 J. Tapia: No.  
30  
31 C. Tapia: No mention of roof sir.  
32  
33 Crane: Okay. Thank you. Any other Commissioner? Thank you. Any members  
34 of the public wish to address this? I don't think we need to hear at the  
35 moment unless my Commissioners do about hardship.  
36  
37 C. Tapia: They're fairly significant at this point. I would appreciate all of you to listen  
38 briefly. My husband is no longer employed; he's on disability due to  
39 multiple accidents at his work. His income has been cut into 1/100th of  
40 what it was. I am now supplying all financial means to the home. I also  
41 suffer with epilepsy and migraines and therefore the purpose of the  
42 savings while my husband was working to build this was so I could enjoy  
43 my yard. My husband now cannot lift his right arm and lift over 20 lbs. due  
44 to his fused back. So at this point financially and medically we really don't  
45 have options to do much further at this time.  
46

- 1 Crane: Thank you.  
2
- 3 C. Tapia: I hope you appreciate that.  
4
- 5 Crane: Before we ask for members of the public can the City representatives  
6 throw any light on how an application with plans for a pergola and porch  
7 got approved as a reroof? Are these young people victims of bureaucratic  
8 error, if I may use the term?  
9
- 10 H-Rogers: Commissioner Crane, Members of the Commission, although I don't  
11 directly review those types of permits, generally the way the permitting  
12 system is we have different types of permits for different things so a reroof  
13 would be a particular type of permit, and addition to a home would be  
14 another type of permit, things of that nature. So, they are separated into  
15 permit types. And I'm not certain as to how the error occurred but  
16 ultimately my understanding of the history behind this is when it was  
17 reviewed at that level it was essentially reviewed as a reroof and that was  
18 issued and the mistake was caught when the inspector went out there. It  
19 was unknown whether or not it was reroofing and existing pergola or an  
20 existing porch, it was just simply a reroof permit and the inspector went to  
21 check the roof and ultimately found that there was an entire new structure  
22 at the site. There may have just simply been a misunderstanding about  
23 how the paperwork needed to be filled out, I'm not entirely certain. I can't  
24 speak to that.  
25
- 26 Crane: As it stands the Tapias seem to have been victims of actually no  
27 malevolence but, they have been victims. They're doing their best and  
28 thought they had permission and found out they didn't. Is that a fair  
29 statement?  
30
- 31 H-Rogers: That may be accurate. I ... it may be accurate.  
32
- 33 Crane: Thank you. Thanks Ms. Rogers. Any member of the public wish to  
34 address this? Yes sir. Tell us your name please sir.  
35
- 36 Perez: I'm Gilbert Perez. I live on 185 North Virginia, one block from Mr. and  
37 Mrs. Tapia.  
38
- 39 Crane: Mr. Perez do you swear or affirm that the testimony you are about to give  
40 is the truth and nothing but the truth under penalty of law?  
41
- 42 Perez: Yes I do.  
43
- 44 Crane: Please carry on.  
45

1 Perez: I'm here in support of Mr. and Mrs. Tapia. As I mentioned I live one block  
2 from them on the corner of Virginia and ... the southwest corner of Virginia  
3 and Organ Street. I saw the work that they were doing; I think they've  
4 done a beautiful job on their property. The property that ... surrounding  
5 property, most of those houses were built in 1959 and earlier and a lot of  
6 them don't even have any setbacks, so I see no problem in this house  
7 having no setback if that is what is required. I think that they ... they are  
8 very good neighbors. We have a good neighborhood where everybody  
9 supports each other and so I'm here to support them in their request for a  
10 variance.  
11

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

13

14 Jimenez: My name is Philip Jimenez. We live on Virginia; we're one block away  
15 from them. We live off of Ridgetop.

16

17 Crane: Mr. Jimenez do you swear or affirm that the testimony you are about to  
18 give is the truth and nothing but the truth under penalty of law?  
19

20 Jimenez: I do.

21

22 Crane: Go ahead please.

23

24 Jimenez: Okay, I think the improvements that he's done to the property has been a  
25 great asset to the whole surrounding neighborhoods. There's other pieces  
26 of properties that are in that area that don't look half as nice as what theirs  
27 do. Sorry my voice is squeaky, but I think it did ...  
28

29 Crane: So is mine. I'm with you.

30

31 Jimenez: I think it did a big improvement for that area. I think if anything it's going to  
32 increase the value of the properties that are in that area because it's I  
33 think enhanced other neighborhoods ... the people around the  
34 neighborhoods to do more for their yards to try to keep up with what they  
35 did to theirs. But I think that if anything it's increased the value.  
36

37 Crane: Thank you sir.

38

39 Jimenez: And we have no objections to that property the way it is.

40

41 Crane: Okay. Thank you. Anyone else? In that case I will close this to further  
42 public discussion. The lady in red. You're going to talk to us? Tell us  
43 who you are please.  
44

45 Carbajal: I am in support of the ...  
46

1 Crane: May I have your name?  
2  
3 Carbajal: Maria Carbajal.  
4  
5 Crane: Carbajal?  
6  
7 Carbajal: Maria Carbajal.  
8  
9 Crane: Carbajal.  
10  
11 Carbajal: Yes sir.  
12  
13 Crane: Go ahead.  
14  
15 Carbajal: And I am in support of this property the way it's been designed. I did a  
16 site visit and I wish people would take pride the way this man did. He ...  
17 it's beautiful, relaxing, promoting positive. And then I did a site ... I went  
18 outside the property to see the corners, if there's any thing that would  
19 impair the sight of the cars, nothing. If people would take pride and work  
20 on their homes like that and ... wow, the other neighbors what I saw was  
21 mostly an eyesore. I did not like it. I wish they would take pride in  
22 designing and making their home a real home not just a house. So, I am  
23 in support that they get the variance approved.  
24  
25 Crane: Thank you Ms. Carbajal.  
26  
27 Carbajal: Thank you.  
28  
29 Crane: Anyone else? Gentleman on his way down here. Tell us who you are sir.  
30  
31 Torrez: My name is Angel Torrez. I was brought up ...  
32  
33 Crane: Mr. Torrez ... I should've done this with Ms. Carbajal. Do you swear or  
34 affirm that the testimony you are about to give is the truth and nothing but  
35 the truth under penalty of law?  
36  
37 Torrez: I do sir.  
38  
39 Crane: Go ahead please.  
40  
41 Torrez: I have lived in the east side in the neighboring area where Mr. and Mrs.  
42 Tapia live and I have seen their home and I have seen the improvement  
43 that they have done to the property and I think this enhances the area, the  
44 neighborhood. And I think was their specific goal to help the  
45 neighborhood and I think they've accomplished that. Mr. Tapia is disabled  
46 right now and he needs an area to ... to decompress, you know after a

- 1 day or whatever. Mrs. Tapia has a very stressful job working with  
2 veterans and I don't know the exact number of how many veterans she  
3 has saved because of her job and it's a highly stressful profession that she  
4 has. And I think she needs an area like this to decompress after a very  
5 stressful and trying time. And I'm in complete support of what they've  
6 done. And as far as I know it doesn't ... there's no obstructions to the  
7 public, there's no safety obstructions. They did a beautiful job. I  
8 commend them for that.  
9
- 10 Crane: Thank you Mr. Torrez. As no other members of the public wish to speak  
11 to this, I'll close this to further discussion. Commissioners? Mr. Clifton.
- 12  
13 Clifton: Mr. Chair. Thank you. Mr. Chair, Members of the Commission, actually I  
14 ... you know, I look at the variance constraints and actually I would argue  
15 that to an extent this was even though on a micro scale, it was to an  
16 extent economic development. Somebody did the work, somebody got  
17 paid, somebody paid taxes on it, it got put back into the economy. Without  
18 an actual bona fide survey in front of me, not only do we not know where  
19 the property line, staff doesn't know where the property line is. This is part  
20 of in or near the original townsite of the City of Las Cruces when it was  
21 platted almost over a century ago. Organ was widened at some point. As  
22 you can see there's new curb and gutter in the photos here. The wall  
23 stops at the edge of an extremely wide parkway, there could be more  
24 distance that's actually there that we don't know about. With that said, I  
25 would argue that there is a physical hardship and I would have no support  
26 ... no problems supporting this variance request. Thank you.  
27
- 28 Crane: Any other Commissioner? In that case I'll ... Mr. Stowe.
- 29  
30 Stowe: Perhaps I need to direct this to staff. Is this area of the city included in any  
31 blueprint where?  
32
- 33 H-Rogers: Members of the Commission, Commissioner Stowe this ...  
34
- 35 Crane: For the record, Ms. Rogers.  
36
- 37 H-Rogers: Yes, this is Ms. Rogers. This particular property is not within a blueprint or  
38 with one of the overlays that, it's just outside those historic, a couple of  
39 those historic overlays. It's very very close, but it's not actually in it.  
40
- 41 Stowe: The word overlay escaped me. That was ... I thought there was a reason  
42 we could back up our decision by referring to an overlay but it's just  
43 outside. Thank you.  
44
- 45 Crane: Mr. Clifton.  
46

- 1 Clifton: Mr. Chair, Commissioner Stowe, were you perhaps thinking of the infill  
2 zone, infill area? This would fall within the infill area, correct?  
3
- 4 Crane: Ms. Rogers indicates it does. Okay.
- 5  
6 Stowe: If it works ... I'm of the same mind as you; this seems to be a worthy  
7 issue.  
8
- 9 Crane: Ms. Ferrary you're leaning forward, but you weren't going to push your  
10 button. Okay. Then I'll entertain a motion that Case A1725 variance  
11 application be approved. Do we have a mover?  
12
- 13 Clifton: I'd like to make a motion that Case A1725 be approved.
- 14
- 15 Crane: Seconded by Ms. Ferrary I think.
- 16
- 17 Ferrary: Yes, I second that.
- 18
- 19 Crane: I'll take a roll call starting with Mr. Clifton.
- 20
- 21 Clifton: Aye base on ...  
22
- 23 Crane: Based on?  
24
- 25 Clifton: Findings, site photos, applicant and staff discussion.  
26
- 27 Crane: Mr. Stowe.
- 28
- 29 Stowe: Aye based on discussions and photos. Thank you.  
30
- 31 Crane: Ms. Ferrary.
- 32
- 33 Ferrary: Aye based on discussions, staff comments and discussion.  
34
- 35 Crane: Mr. Alvarado.
- 36
- 37 Alvarado: I vote aye based on site visit, discussion, and presentation.  
38
- 39 Crane: The Chair votes aye based on findings, discussion, and site visit. The  
40 measure passes five/nothing. Thank you.  
41 At this point since we have a couple more items which probably will  
42 be fairly lengthy I'm going to call a 10-minute recess until let's make it five  
43 minutes to eight so we can all get more comfortable. Thank you.  
44

45 **RECESS OF APPROXIMATELY 15 MINUTES.**  
46

- 1           2. **Case IDP-14-04:** A Final Plat application for the subdivision of a 110 +/- acre  
 2 parcel (02-03647) located at 2700 N. Main Street which is the former Las  
 3 Cruces Country Club property. The Final Plat divides the property into 9 lots  
 4 and 5 Tracts to accommodate development of the Park Ridge Medical Center  
 5 which would provide a hospital, medical offices, and residential rehabilitation  
 6 and long-term care facilities and development would occur in 3 phases. The  
 7 property lies within the Infill Development Overlay District. Submitted by the  
 8 Las Cruces County Club Inc.; developer is Park Ridge Properties LLC;  
 9 engineering representative is Zia Engineering. Council District 1 (Silva).

10  
 11 Crane:       Please take your seats ladies and gentlemen. Forgive me for letting our  
 12 little break go on a couple of minutes. You'll remember that  
 13 Commissioner Ferrary recused herself from item two of the new business,  
 14 Case IDP-14-04, a final plat application for subdivision up at the old Las  
 15 Cruces Country Club. Ms. Ferrary is sitting in the hall right now. She may  
 16 have to leave if this goes on a little while but there is a quorum of  
 17 Commissioners here so we can have a legal meeting. Ms. Montana you  
 18 have the floor, and you're still under oath.

19  
 20 Montana:     Thank you. Yes I am.

21  
 22 Crane:       Okay.

23  
 24 Montana:     Thank you. Mr. Chair, Commission. I want to bring your attention to some  
 25 handouts that were placed in front of your chair on the dais; one is a  
 26 packet of public comments that were received since we delivered the staff  
 27 report to you last week, post packet comments to the commission I called  
 28 it. And they are comments that were e-mailed to me for you. Second,  
 29 there is some new information which would constitute a replacement to  
 30 the attachment seven that was included in your packet and that is a  
 31 stapled sheet one with an e-mail from Willie Roman, our traffic engineer  
 32 and it explains the conditions of approval for his approval of the traffic  
 33 impact analysis and he refers to the mitigation and that is the new  
 34 attachment seven for your staff report. Copies of this are in the front by  
 35 the door of the chambers and with that I will begin my presentation.

36           Now I'm doing a very short presentation because the applicant will  
 37 be presenting slides to you explaining the project in detail and the Country  
 38 Club Neighborhood Association has asked for time to present two slide  
 39 shows to you as well if you are in agreement to extending their time. So  
 40 my time will be very short. Just for the record the property is parcel 02-  
 41 03647, the address is 2700 North Main Street. This is the former Las  
 42 Cruces Country Club golf course and clubhouse. On August 19th, 2013  
 43 the City Council rezoned 30-some-odd acres of the 110-acre parcel for a  
 44 medical center. They rezoned it from R-1a single-family residential to R-  
 45 4C limited land uses for assisted living. So the R-4 land uses are limited  
 46 to rehabilitation, residential rehabilitation, assisted living facilities, and

1 accessory uses to that use. Part of the property was zoned C-3 high  
2 intensity commercial, again limited to hospital, medical offices, and  
3 associated or accessory uses to that principal use. One condition of the  
4 rezoning was that a traffic impact analysis, we'll call TIA, be approved by  
5 the City's traffic engineer prior to the issuance of the first building permit or  
6 subdivision application. The traffic engineer did approve that TIA with the  
7 conditions the applicant must satisfy the mitigation measures identified in  
8 the TIA. And so therefore you are free to consider the final plat application  
9 for approval, approval with conditions, or denial tonight. That's why we've  
10 calendared the final plat before you tonight.

11 The property lies within the infill development overlay district and  
12 there are special provisions in the subdivision code for properties lying  
13 within the infill district; one is that a concept plan is submitted for review,  
14 and the concept plan will identify the lots to be included within the  
15 subdivision and the phasing of those lots. The applicant did submit this  
16 concept plan; it was reviewed by the City's Development Review  
17 Committee and was recommended ... it was approved by the DRC with  
18 the condition that the traffic engineer approve the TIA. So, the applicant  
19 submitted the final plat, it can be approved today or approved by the ...  
20 approved with conditions and if it is then the applicant will submit cost  
21 estimate for the public improvements, the roads, the utilities, the drainage  
22 for all the public areas. When the City approves of that cost estimate the  
23 applicant can submit a surety, a financial surety, a bond, a letter of credit,  
24 for those improvements. At that point once we know the improvements  
25 will be made, the applicant can record, can file the final plat with the  
26 county deputy clerk or county clerk. Once the final plat is filed or  
27 recorded, then the property owner can sell the lots. The applicant tonight  
28 will describe to you the phasing of the development of the lots and the  
29 phasing of the building of those public improvements, so that will come  
30 later on in the applicant's presentation tonight. I just wanted to give you a  
31 little overview of tonight's steps and the next steps.

32 This is an image of the concept plan that was approved by the  
33 Development Review Committee on June 4th, it shows the nine lots within  
34 the medical center rezoning area and there are five tracts. The largest  
35 tract is the undeveloped, tract C is the undeveloped area, the 73-acre  
36 remaining R-1a land of the 110-acre former County Club site. There is a  
37 tract ... excuse me, for open space areas right below the power line right-  
38 of-way. There is a tract for cul-de-sac so to speak, it's actually a modified  
39 hammerhead turn around and we'll explain the purpose of that. There is a  
40 tract for sort of a regional drainage facility for continued stormwater flows  
41 from the streets and public areas. The individual lots will have on-lot  
42 ponding, so they will take care of their own drainage, but for the public  
43 areas there is this drainage facility.

44 The final plat again shows the details and I apologize for the  
45 busyness of this slide but you did have ... I did submit with your packet full  
46 size sheets of the final plat. Again the nine lots, the five tracts, the first

1 phase of development will be ... is proposed to be the hospital, the  
2 doctors offices associated with that hospital, and a residential  
3 rehabilitation or assisted living facility, 32 bed facility here. So with this  
4 first phase will be the development of all the public improvements. And  
5 again the applicant and his engineers will explain those in detail. The  
6 applicant has committed to the mitigation measures that are shown in the  
7 new, the revised attachment seven and those mitigation measures are  
8 expected to avoid or reduce to a level of insignificance or to ameliorate  
9 potential adverse traffic impacts associated with the development, with the  
10 phase one subdivision. Again those mitigation measures were identified  
11 in the traffic impact analysis. City agency reviewers have approved the  
12 final plat including the City's traffic engineer who's approved it based on  
13 the applicant's commitment to implement those mitigation measures. This  
14 traffic engineer has approved the TIA, again conditioned on the  
15 implementation of those mitigation measures. NMDOT has been a  
16 partner in the design of this final plat, particularly how the new road, the  
17 new main road into the subdivision from North Main connects to North  
18 Main and connects to or is not able to connect to Camino Del Rex.  
19 Camino Del Rex is too close to the intersection at North Main; the existing  
20 intersection does not meet the City's design standards in terms of distance  
21 to the intersection and doesn't meet NMDOT's standards as well, so  
22 NMDOT and the City's traffic engineer and the applicant agreed on a  
23 reconfiguration of that intersection whereby Camino Del Rex would  
24 terminate or dead end before it gets to the new intersection and there  
25 would be a modified hammerhead turnaround which we'll show you in a  
26 later slide. Traffic for residents living on Camino Del Rex would be  
27 rerouted and looped into the subdivision, the medical center subdivision  
28 and then find the correct lane to either go through the light, turn right, or  
29 turn left. And again the engineer has a slide that will show you how that  
30 will be accomplished. But with that redesign, NMDOT has agreed that the  
31 final plat is acceptable. They will not actually approve the final plat until  
32 they review construction drawings, detailed construction drawings of that  
33 intersection and those construction drawings cannot be developed until  
34 the step ... until the final plat is approved by this Commission, so there's a  
35 little Catch-22 so to speak. However, they have no further comments on  
36 the TIA and they did participate in the redesign of Main and Camino Del  
37 Rex and the new extension of Camino Real.

38 On July 9th the DRC recommended to this Commission approval or  
39 conditional approval of the final plat, again the condition being that the  
40 City's traffic engineer approve the TIA or conditionally approve the TIA  
41 and Mr. Roman has conditionally approved the TIA and you have his  
42 memo.

43 Your options tonight commission is to approve the final plat with the  
44 conditions recommended by staff and that is that the applicant commit to  
45 the mitigation measures; to vote to approve the final plat with some  
46 amended conditions that you may choose; to vote to deny the final plat; or

1 as always, to postpone this decision pending further information from staff  
2 and/or the applicant. With that I'm happy to answer any questions. Again  
3 the applicant has a much more detailed slide show with all the mitigation  
4 measures and new traffic configurations shown.  
5

6 Crane: Thank you Ms. Montana. Any Commissioner have questions of Ms.  
7 Montana at this point? Thank you. The applicant present or the  
8 applicant's representative? Tell us who you are sir.  
9

10 Pofahl: My name is Bob Pofahl.  
11

12 Crane: Do you swear or affirm Mr. Pofahl that the testimony you are about to give  
13 is the truth and nothing but the truth under penalty of law?  
14

15 Pofahl: I do.  
16

17 Crane: Carry on please.  
18

19 Pofahl: Well Mr. Chairman, Commissioners, thank you for letting us make our  
20 presentation this evening. As our planner Ms. Montana stated, we're  
21 talking about this 34 acres, it's the orange shaded area that's a portion of  
22 the 110-acre County Club property. On the northwest or the west side is  
23 U.S. Highway 70 or Main Street as most of us know it, Solano to the  
24 south/southwest, and then Madrid over on this side, and the existing  
25 neighborhood. The total development that we're talking about now is the  
26 34-acre area, again right here in this shaded area. This is the plat map  
27 showing the parcels, again we ... the 34 acres subdivision that we're  
28 platting tonight includes these nine lots and five tracts. Tract A will be part  
29 of a open space park area that will be dedicated to the City as will tract B,  
30 and tract C is all of this area, the balance, the 78, 73 acres which will be  
31 for future development. Tract D again as was stated earlier is a regional  
32 ponding area to handle drainage off of the streets. Tract E is a small area  
33 here that's part of the cul-de-sac, hammerhead cul-de-sac that will be at  
34 the end of Camino Del Rex.

35 This again talks about the land uses and shows the open space  
36 that'll be dedicated to the City here in the green. The medical center/  
37 hospital will be this portion that's in the blue, lot five. The lighter blue  
38 areas, lots one, two, six, seven, eight, and nine will all be office buildings,  
39 and then the lot three and four are the assisted living and rehab center.  
40 Again tract D is that regional pond area and then here is C which is the  
41 future ... future development. That future development area has a PUD  
42 that is in process that is walking through the process with the City at this  
43 time.

44 The phasing of the development is as stated here we'll take this in  
45 phases of the hospital, the first medical office building, and the assisted  
46 living would be phase one on the nine lots, the 34-acre area. Then the

1 rehab portion of this would be done at the same time the park areas would  
2 be developed and then the third phase would be the office buildings here,  
3 ancillary office buildings around that. And then again the future  
4 development area and tract D.

5 As it was stated, the traffic impact study was performed and this  
6 was to cover the phase one area and an updated one will be done when  
7 the additional 77 acres is done. Based on the results of the traffic analysis  
8 list of required mitigations was determined in order to maintain acceptable  
9 level of service in the roads within the area of influence. This area of  
10 influence was determined through discussions with the traffic engineer,  
11 NMDOT, and many meetings in many months of discussions. This list will  
12 show you here the items, it's ... I don't want to get in too much detail for  
13 you but the first three items here are basically the timing, reengineering of  
14 timing of the lights, and we have agreed to pay for the ... either the City or  
15 the City's private contractor to retime those lights. The next item has to do  
16 with the turn lanes and the improvements on Main Street and Camino  
17 Real at the intersection where we're handling the turn lanes coming in and  
18 out of the property. These individual costs are lists; the southbound left  
19 turns and the westbound right turns, this has to do with curb and gutter,  
20 sidewalks. In some cases we're acquiring additional right-of-way in order  
21 to create the stacking lanes and I'll have a drawing for that to show you  
22 that in just a second. The new traffic signal would be constructed and so  
23 that entire intersection would be pretty well redone. The widening of the  
24 intersection, additional paving, striping, and a new manhole that the City  
25 felt was necessary you know just to maintain the proper service. Again  
26 this is additional traffic lights that need to be reprogramed and timed. And  
27 this item here, the traffic calming was something that the City engineer  
28 wanted us to commit a certain number of funds, there's an additional  
29 \$28,000 for the future that we've set aside and agreed to should the City  
30 engineer think there's additional traffic calming needed in the  
31 neighborhood. Then the hammerhead and the cul-de-sac that will be  
32 done and I'll show that to you on a drawing. The additional improvements  
33 in curb and gutter for that. And then this last item is one of the last off-site  
34 items, kind of on the edge of the site, we've agreed to ... the 19  
35 townhomes today are on septic service. We've agreed at our cost to  
36 remove the septic tanks, put a new sewer line in, and provide a 40-foot  
37 landscape easement where that sewer line would run and I'll show you  
38 that in just a moment. The requirements according to City standards  
39 would be that we would pay the \$424,000, we've agreed to expend a total  
40 of \$939,000, about a million dollars for off-sites to make the necessary  
41 improvements.

42 This drawing here shows you the existing townhomes, they're here,  
43 that are on Camino Del Rex. This hashed area shows the 40-foot  
44 combination landscape, sanitary sewer easement, and ponding drainage  
45 area that we've agreed to put in. And again we'll be going down and  
46 decommissioning and paying the impact fees to hook up all 19 of these

1 homes onto sanitary sewer. Again here's this Tract D that's the part of the  
2 cul-de-sac hammerhead for the Camino Del Rex Street. This shows it in  
3 more detail where both the City engineer along with the New Mexico DOT  
4 and the MPO all felt that this was a better solution and a safer solution  
5 cause even today the traffic begins to stack up here and we will show you  
6 how that traffic will be handled. So this allows this traffic here to have a  
7 turnaround area. We would provide an Opticom and siren activated gate  
8 here which was request of the fire department that should they need a  
9 secondary access to come through. We will pay the cost of that gate.  
10 And the owners association for the 34 acres will pay the cost of  
11 maintaining that gate.

12 This demonstrates the modified traffic route in and out instead of  
13 coming here like this and the turn that was talked about, the traffic  
14 engineers felt this was a better more viable way to make this right turn and  
15 have stacking lanes for traffic that would be going you know out of the  
16 subdivision and turning left as well as the traffic coming in. It would've  
17 been difficult even today to turn across this ... you know these ...  
18 immediate left turn onto the Camino Del Rex. So this is the new proposed  
19 traffic route.

20 This is the new intersection that will be built at Main Street and the  
21 entrance to the property on Camino Real. Some of those improvements  
22 include the right turn lanes that would be added, left turn lanes as well as  
23 additional paved and curb and gutter area expanding this entire  
24 intersection to allow traffic to turn right down Camino Real. Additional  
25 right-of-way will be purchased along Camino Real which will allow for a  
26 right hand turn and additional stacking of cars that are turning right,  
27 allowing cars to both come straight or to make the left hand turn here.  
28 Eventually the state plans to expand the lanes here so in working with  
29 them we created a turn lane here and allowed a paved area that will be  
30 striped that would allow for the additional expansion in the future, so the  
31 new improvements would not need to be torn up someday when the  
32 NMDOT makes their additional improvements. Again, we'll have the ...  
33 four lanes were requested here so that we could have the left turn,  
34 straight, or right turn here and allow sufficient stacking that was  
35 determined from the traffic impact analysis prepared by Zia Engineering.

36 The traffic calming which has been a major request from our traffic  
37 ... the City traffic engineer, these are the areas where he would like to  
38 take those funds we committed to, to study how they begin to mitigate any  
39 potential traffic. The study doesn't say that it's going to be a huge  
40 consideration, but they wanted to make sure that they had functions to do  
41 anything necessary to make sure that future traffic and flows would be  
42 calmed here to keep the speeds down as has been requested by the  
43 residents in the neighborhood. That would be on San Acacio, Arlington,  
44 Fairfax, Camino Del Rex, and Desert Drive which runs parallel with the  
45 east boundary of the property, that street is not ... there's a row of homes  
46 that actually back up to the property here.

1                    Again this is the plat and the map, the survey that you were given,  
 2                    pretty detailed but it shows you that it has been completed. That lays out  
 3                    all of the lots, the tracts here and then is the survey all tied off with the City  
 4                    surveyor as far as the balance of the 77 acres. And with that we would  
 5                    entertain any questions if you have any questions for me.

6  
 7 Crane:            Thank you Mr. Pofahl. Commissioners? Apparently not.

8  
 9 Pofahl:            I did want to add just one closing comment, the ... each parcel will have to  
 10                    come back to the City for individual construction permits as well so right  
 11                    now what we're talking about tonight is the plat and the subdivision. Any  
 12                    special requirements by each of the lot owners or the entities that would  
 13                    be building on these lots would still come before the City in the future.  
 14                    Tonight was just the issues on the plat only and on the subdivision.

15  
 16 Crane:            Thank you sir.

17  
 18 Pofahl:            Thank you.

19  
 20 Crane:            Now Mr. Pofahl a couple of Commissioners have thought of things to say.  
 21                    Mr. Clifton.

22  
 23 Clifton:           Thank you Mr. Chair, you should've stopped when you had the  
 24                    opportunity, just don't know actually ... a couple of questions really  
 25                    directed at staff and just to clarify for the Commission and the audience.  
 26                    The zoning is done. At this point we're just here to discuss the platting.  
 27                    The land use, the issues, those have all been resolved. The only issue  
 28                    now is the actual subdivision of the property, is that accurate?

29  
 30 Montana:          Yes Mr. Chair, Commissioners. The zoning is adopted and the conditions  
 31                    of the rezoning are being met; first condition being limiting the uses to the  
 32                    medical center and accessory uses; second being the TIA; and the third  
 33                    being ... here we go ... the second access road which is the new loop  
 34                    road to Camino Del Rex, so that would be accomplished through this final  
 35                    plat.

36  
 37 Clifton:            Okay, so ... thank you. That essentially confirms my point that we're not  
 38                    here to talk about land use, we're not here to talk about the proposed uses  
 39                    on each parcel. At this point it's just the subdivision, the subdivision of the  
 40                    property, and to an extent the layout that may affect or benefit the public  
 41                    interest. The secondary question to staff, wouldn't a final drainage report  
 42                    be required anyway when they submit the construction plans?

43  
 44 Montana:          Mr. Chair, Commissioner Clifton, yes that is correct, so it does not need to  
 45                    be a condition of approval of the final plat, however our Community  
 46                    Development engineer did request that it be placed as a condition.

1  
2 Clifton: Not speaking for the Commission, but rather than muddying the waters on  
3 conditions and when we make motions I think it's a lot cleaner for us if  
4 there's already a City requirement. I don't know that we need to reiterate  
5 it and tell Mr. Pofahl, you have to submit a drainage report when we all  
6 know he has to submit a drainage report, just like to clarify that point.  
7 Thank you.  
8  
9 Crane: Commissioner Stowe.  
10  
11 Stowe: I was just curious, what conditions do you think will need to be in force for  
12 the development of tract C, the bulk of the land?  
13  
14 Pofahl: The balance of the land?  
15  
16 Stowe: Balance. The majority of the land.  
17  
18 Pofahl: Right now that PUD is in process and I think secondary access is being  
19 worked on with the City and the state and the design of that is in process  
20 at this time.  
21  
22 Stowe: Okay. Thank you.  
23  
24 Crane: Any other question for Mr. Pofahl? Thank you sir.  
25  
26 Pofahl: Thank you.  
27  
28 Crane: Now I suspect that most of the people in the audience right now are  
29 interested in this particular issue. May I see a show of hands as to how  
30 many people would like to address the Commission? Okay, please hold  
31 them up. I'm seeing one, two, three, four, five, six, seven, eight, nine.  
32 Thank you. Now does that include the neighborhood association people  
33 who want to speak? Okay. So with that number of people we'll limit the  
34 individuals to three minutes each. As to the neighborhood association  
35 people, I understand you've asked for 20 minutes, is that correct? Is that  
36 20 minutes give or take a bit or is it a solid 20? How many of you wish to  
37 talk? Just one of you? Two people, 20 minutes between you? Do I  
38 understand you represent a large number of people? Can you make that  
39 statement? I think we've been here before, that it turned out that you  
40 actually had a good deal of opposition in the room and you perhaps didn't  
41 represent as many people as you thought you did, in which case come up  
42 and make your case please. Tell me why I should give you 10 minutes  
43 each when others get three.  
44  
45 Potter: I'm the founder of the County Club Neighborhood Association. Currently  
46 we represent 50 households. We can only count one membership per

1 household, so that may be multiple people.  
2  
3 Crane: Okay. Ma'am. Are you representing the same organization?  
4  
5 Booker: Yes, I'm the president and it is the official registered neighborhood  
6 association. We were duly elected, I was duly ... I wasn't duly elected, but  
7 I took the place of the president that was elected when he resigned, I was  
8 the secretary membership, treasurer.  
9  
10 Crane: Are you asking for 10 minutes each?  
11  
12 Booker: Yes sir.  
13  
14 Crane: Okay. In the interests, unless any my fellow Commissioners have  
15 objections, in the interest of giving everybody a chance to speak, 10  
16 minutes each to you folks and three minutes to individual members of the  
17 public, one of whom is signaling he doesn't like that. But you represent  
18 only one person, right sir?  
19  
20 RESPONDING BUT NOT AT THE MICROPHONE.  
21  
22 Crane: Well let's let it stand. I think we will get by. Identify yourself please  
23 ma'am. Tell us who you are and then I'll swear you in.  
24  
25 Booker: Yes, my name is Eva Booker. I'm the president of the Country Club  
26 Neighborhood Association, and ...  
27  
28 Crane: Ms. Booker do you swear or affirm that the testimony you are about to  
29 give is the truth and nothing but the truth under penalty of law?  
30  
31 Booker: Yes I do.  
32  
33 Crane: Please continue.  
34  
35 Booker: Yes I did want to point out as you mentioned we do have a diversity of  
36 membership. Some of our memberships want to see the property remain  
37 open space with no development, some of our members support Park  
38 Ridge 100%, no qualms of any kind, some members support Park Ridge  
39 but do have some concerns, and some members support development of  
40 the Country Club property but not the Park Ridge plan itself.  
41 The Country Club Neighborhood Association is in favor of  
42 development. We don't want an abandoned golf course as the gateway to  
43 our neighborhood and our membership voted last June unanimously in  
44 favor of sustainable development of the Country Club property that is safe  
45 and consistent with the neighborhood character. We've also worked with  
46 three developers since 2006 to do that. Just to repeat, Planning and

1 Zoning conditionally approved the rezoning of the 30 acres on June 25th  
2 in a three to two vote. The City Council conditionally approved the  
3 rezoning on August 19th in a six to one vote, and one of the conditions of  
4 both those bodies was an approval of a traffic impact analysis by the City's  
5 traffic engineer with the first building permit or subdivision application  
6 which is why we're here. The first TIA was submitted in January which  
7 showed this second access and that was not approved initially, there were  
8 a number of significant comments. The second TIA was submitted in May  
9 and that was also not approved. And this third TIA was approved  
10 conditionally today.

11 Okay, the main point I want to make today, I'm going to try to focus  
12 on this, is that the TIA actually only covers the first phase of the three  
13 phases of development that Mr. Pofahl discussed and that is only three  
14 lots, lot three, lot five, and lot nine. So all the traffic information is based  
15 on activity resulting from development of only those three lots. The TIA  
16 itself admits that the two proposed access points that are currently  
17 included in this final plat do not provide sufficient capacity to convey the  
18 traffic generated by full build out. When we say full build out they were  
19 referring to the medical subdivision of the 30 acres, not the 110 acres, so  
20 even just talking about the part that has already been rezoned  
21 conditionally based on approval of a traffic impact analysis which should  
22 cover the whole 30 acres.

23 The subdivision concept plan for the 110 acres was filed in  
24 January. The June 4th Development Review Committee approved the  
25 concept plan, again on the condition of an approved TIA, so you can see  
26 the theme here. The subdivision final plat was filed in April, again for the  
27 total 110 acres which is what you're ruling on today, a total of 110-acre  
28 final plat. July 9th the Development Review Committee approved that  
29 final plat, again on the condition that the TIA would be approved prior to  
30 your consideration. Now the final plat is scheduled for consideration ...  
31 was scheduled for consideration even before the TIA was approved.

32 Again the conditional rezoning covered both 30.745 acres that was  
33 rezoned. The subdivision concept plan and final plat covered the 110.276  
34 acres and the TIA that has been approved today only covers the  
35 development of actually 17.052 acres for lots three, five, and nine. The  
36 TIA at a minimum should cover the 30.745 acres to meet the conditions of  
37 rezoning and ideally for the final plat which is what your consideration  
38 which should cover the 110 acres. Oops, sorry about that.

39 I'd also like to point out that section 32-407 requires that a TIA  
40 include all future traffic volume on a 10-year forecast horizon. That's all I  
41 have.

42  
43 Crane: Thank you Ms. Booker.

44  
45 Booker: If you have any questions for me?  
46

1 Crane: Not perhaps at the moment, perhaps later.  
2  
3 Potter: My name is Connie Potter. And I am with the infrastructure committee of  
4 the Country Club Neighborhood Association.  
5  
6 Crane: Ms. Potter do you swear or affirm that the testimony you are about to give  
7 is the truth and nothing but the truth under penalty of law?  
8  
9 Potter: I do.  
10  
11 Crane: Carry on please. And you have 10 minutes.  
12  
13 Potter: The Country Club Neighborhood Association has significant concerns  
14 about the traffic plan; the volume, the routing, the intrusion of  
15 nonresidents, and I will say the lack of a thorough and approved TIA for  
16 the full and complete build out of this property. We're going to have to live  
17 with this for as long as I'm breathing and it definitely has some work.  
18 Traffic volume, the main ingress and egress is U.S. 70 as you  
19 know. This adds currently estimates of 8,000 car trips a day. The  
20 healthcare scheduling is not the same as retail peak time so I'm not sure  
21 what kind of peak times for staff etc., visitors to come and go, but as you  
22 see this is military time, hope you can read it. It goes up to 10:00 to  
23 midnight. Emergency vehicles will traverse Country Club streets 24/7. I  
24 have been told by Joaquin Graham, that they will not circumvent our  
25 neighborhood, if that's the easiest way to get to this hospital. U.S. 70  
26 volume is 37,000 which is the same as a very infamous New York ... New  
27 Jersey Bridge. When it was blocked down to one lane traffic was blocked  
28 for almost eight hours. Avoidance route for all traffic that doesn't want to  
29 go on U.S. 70 is through the Country Club streets. Park Ridge adds 22%  
30 volume to our surrounding roadways. U.S. 70 is already the deadliest  
31 route in the city. Improvements were not planned for this development.  
32 We're undergoing improvements right now, but these were planned years  
33 ago, before this development was ever considered, so there ... they are  
34 absolutely inadequate and will have to be relooked at. Traffic will divert  
35 through the Country Club neighborhood particularly during the  
36 construction time to exceed allowable local street capacity which is 2,500  
37 car trips a day. Requiring Country Club residents to traverse the  
38 development adds time, inconvenience, and to a degree some risk. The  
39 second entrance location within County Club neighborhood is unsafe. It's  
40 within 100-feet of Desert Drive, so you'll be making a left hand turn off of  
41 Desert Drive onto Camino Del Rex when another car that can't see you is  
42 making a right hand turn to come out of the development. It makes no  
43 sense. It adds nonresidential traffic through our local streets, endangers  
44 pedestrians, children, pets, and seniors. The County Club already has  
45 significant number of nonresidents using streets to bypass U.S. 70, that's  
46 well known and has been admitted by traffic engineering. Emergency

1 vehicles will use our streets. We're already near local street capacity.  
 2 Camino Del Rex is 1,400, Desert Drive is 1,300, it doesn't take much to  
 3 push that up to 2,500. The infrastructure is inadequate for that volume  
 4 increase. And we're going to be the most adversely affected by the  
 5 development; traffic and noise, home values. There is excellent  
 6 documentation about residential backing up onto commercial  
 7 development; on the perimeter particularly and within a half-mile radius,  
 8 home values decline. Safety and inconvenience; we have virtually no  
 9 calming measures at this time. Speed bumps were removed from South  
 10 Desert Drive in June and speeding has occurred since then. Stop sign on  
 11 Desert Drive and Mariposa is readily ignored. The developer's gift of  
 12 \$21,000 for traffic mitigation and calming measures is unrealistic. One  
 13 serious mitigation effort would cost that much easily. The City plans to  
 14 study traffic issues instead of being proactive. We're concerned that we're  
 15 getting into a major development without plans in place and actions in  
 16 place to mitigate this traffic. There was no study or planning on County  
 17 Club streets, Desert Drive, or onto Madrid for mitigation.

18 Our input has been routinely ignored. The second road placement  
 19 for one thing was something that no one really wanted; to have to traverse  
 20 the development to go to the store. Egress from County Club to U.S. 70,  
 21 the problems with traffic mitigation measures. And again, there's going to  
 22 be more than 8,000 car trips out there. The project lacks professional  
 23 planning and progressive proactive measures to protect our existing  
 24 neighborhood as required by codes. We recommend that they realign the  
 25 second entrance with an arterial as required by code. Subdivisions  
 26 shouldn't be going out into minor residential streets. Where in the city  
 27 does that happen? Increase the barriers to traversing County Club. Limit  
 28 fire and EMS traffic to the hospital to arterials. Open Camino Del Rex to  
 29 U.S. 70 for residential traffic and if you need to use transponders do it.  
 30 They do such things in gated communities. Invest appropriately in traffic  
 31 calming measures.

32  
 33 **STARTED SOUND OF HELICOPTER, SEVERELY LIMITED UNDERSTANDING OF**  
 34 **SPOKEN WORDS.**

35 We are going to have a helipad if the project gets its way.  
 36 Helicopter and air medical crashes occur 10 times more than fixed wing.  
 37 We just had one north of us, killed three people.

38  
 39 **HELICOPTER NOISE DISCONTINUED.**

40  
 41 FAA has a final say over pad. The noise from a helicopter is 110  
 42 decibels, hearing damage occurs at only 80. Structural damage to  
 43 surrounding homes and buildings is 110 decibels. And this flight path  
 44 would be over totally unsafe areas; freeway, homes, park, school, trees,  
 45 high-tension power lines. As a flight nurse I'm telling you it's crazy. There  
 46 also is evidence that we have protected wildlife on that property.

1 Burrowing owls are protected. There's evidence of their existence. It's  
2 been reported to officials in the City and to the owners. No study's been  
3 done to assure their protection although NMSU has full capacity and  
4 expertise in this area. Dr. Desmond is awaiting a call.

5 So, complete the studies before approving massive projects; traffic,  
6 wildlife, impact on surrounding neighborhood as required by code and  
7 statute. Thank you.

8  
9 Crane: Thank you Ms. Potter. Commissioners, questions for Ms. Potter?  
10 Commissioner Alvarado.

11  
12 Alvarado: I have a question. Where do your numbers come from? How did you  
13 arrive at 8,000 cars?

14  
15 Potter: They were out of Park Ridge documents.

16  
17 Alvarado: Their own documents?

18  
19 Potter: Their own documents.

20  
21 Alvarado: Okay.

22  
23 Potter: I have a box full of them.

24  
25 Alvarado: Okay. Thank you.

26  
27 Crane: No other questions at present. Thank you Ms. Potter. Let me ask at this  
28 point, yes Ms. Montana? Okay. Mr. Pofahl, it might serve every bodies  
29 purposes if you had an opportunity to rebut at the moment if you're  
30 prepared to, before I call on the public and I don't want to wait until  
31 sometime from now and then get you to (*inaudible*).

32  
33 Pofahl: Call on our consulting engineers who worked on that traffic impact study if  
34 I could?

35  
36 Crane: There seems to be some pretty substantive issues were brought up.

37  
38 Pofahl: Right.

39  
40 Crane: In that connections.

41  
42 Pofahl: I'd like to introduce Eddie Martinez from Zia Engineering.

43  
44 Crane: Mr. Martinez I'm going to swear you in. Do you swear or affirm that the  
45 testimony you are about to give is the truth and nothing but the truth under  
46 penalty of law?

1  
2 Martinez: I do.  
3  
4 Crane: Carry on please.  
5  
6 Martinez: Okay I didn't get all the issues that were brought up.  
7  
8 Crane: Well, the thing that sticks in my mind is ... trigger your memory ... is that  
9 Ms. Potter and Ms. Booker pointed out that the TIA seems only to cover,  
10 and the plat, seems only to cover the currently planned level of  
11 development, not the traffic that will be expected in the future when the  
12 whole 110 acres is finished, and therefore are we looking at some  
13 structure ... some highway arrangements which will have to be redone in  
14 the future? Do I have that roughly right Ms. Potter? Yeah, okay, so see  
15 what you can do with that.  
16  
17 Martinez: Okay, regarding the phasing and the status of the project as a whole, the  
18 ... in order to create this 30-some acres we have to do a subdivision of the  
19 entire 110 acres to parcel out the 30 some acres. The TIA therefore  
20 covers the 30-some acres and we do identify the number of vehicles not  
21 only associated with the initial phase one of that 30-some acres but the  
22 entire 30-some acres as well as include a table of the ... what we  
23 understand the potential anticipated level of development will be for the  
24 entire 110 acres. The detailed modeling that's been done is specific to the  
25 parcels that are anticipated to be developed at this stage which is the  
26 assisted living, the hospital, and the medical complex. What we ... we are  
27 anticipating a ... as part of the next phase of development a tie to Solano  
28 and Madrid of the collector road, which by the way there was a question or  
29 a comment about the ... that this should be an arterial. What we are  
30 showing is a collector road and the collector road actually is specified by  
31 the MPO plan. So what we're putting in is what's specified by MPO for  
32 that collector.  
33 The reason why we have not done the more detailed analysis of the  
34 110 acres or even beyond this phase one is because that would entail  
35 needing that tie to Solano/Madrid. The tie to Solano/Madrid requires that  
36 we work out agreements with the City of Las Cruces for what we'll be  
37 doing is putting that tie through where the entrance to Apodaca Park  
38 currently is. We're working with the state land office ... well not the stand  
39 land office, but state parks as well as the City in working out that  
40 agreement, because funding was provided by state parks for some  
41 improvements to Apodaca and so as a result modifications to Apodaca  
42 require the agreement with state parks. So that's in process. Until that's  
43 worked out, we can't really count on that second access point. So since  
44 we can't count on that second access point we are limited to doing just  
45 this level of development at this stage. So that's the reason why the TIA is  
46 limited only to what we're asking for at this stage. Does that explain?

1  
2 Crane: I think I see what you're getting at sir. When the rest of it's developed  
3 there will be a further egress from the whole 110 acres that will be down  
4 towards Solano and Madrid.  
5  
6 Martinez: Correct.  
7  
8 Crane: To drain off some of the traffic.  
9  
10 Martinez: Correct. And that would ... at that stage will be a more detailed analysis  
11 of the entire 110 acres. That'll be done as part of the PUD.  
12  
13 Crane: Okay. Thank you. Any Commissioner have a question for Mr. Martinez?  
14 Thank you sir.  
15  
16 Martinez: If I may, regarding the analysis ... the TIA did cover analysis of the  
17 neighborhood roadways. That analysis showed that the roadways are  
18 currently not anywhere near capacity and that speed at this stage is not an  
19 issue within the Country Club area. It was I think something like 66% or  
20 somewhere around there; 66% of the traffic right now is going below 25  
21 mile per hour speed limit. Now, in the future, yes, are adding some  
22 additional traffic, but even with that additional traffic those roadways are  
23 not ... will not be near capacity.  
24  
25 Crane: Thank you. Ms. Potter, you'd like to have a minute to talk to Mr. Martinez  
26 answer, okay. Come up. Stand by sir.  
27  
28 Potter: I want to specifically address any roadways or any attachments to  
29 Apodaca Park. That land is protected under land and water conservation  
30 trust funds and anything done to it has to ... even one square foot ... has  
31 to be approved up to the Secretary of the Interior. So all this "will happen"  
32 is absolute conjecture.  
33  
34 Crane: Mr. Martinez.  
35  
36 Martinez: Actually that is incorrect as far as I understand. The approval is actually  
37 through the state parks as representatives of whatever their funding  
38 source is. So the approval is the state parks, not the Secretary of the  
39 Interior.  
40  
41 Crane: Thank you. Maybe we'll call that a standoff for the moment. Okay, let's  
42 get to ... thank you Mr. Martinez. Let's get to members of the public.  
43 Okay, if you would all ... you've got three minutes each, just line up in any  
44 order you care to. Identify yourselves. Ms. Harrison-Rogers, do I have to  
45 swear them in?  
46

- 1 H-Rogers: Mr. Chair, Members of the Commission, the answer is yes, you do have to  
2 swear everyone in.  
3
- 4 Crane: Okay. So come up sir. And Mr. Alvarado do you know how to operate the  
5 magic box here? Does anybody? All right, in that case we'll just keep it  
6 simple. I'll ask Mr. Alvarado to keep a rough check on your three-minute  
7 limit and maybe to give you a signal at 2:30, something like, okay? He  
8 has a modern device to take care of time. Go ahead sir. Your name.  
9
- 10 Stevens: I'm John Stevens.  
11
- 12 Crane: Mr. Stevens, okay, do you swear or affirm that the testimony you are  
13 about to give is the truth and nothing but the truth under penalty of law?  
14
- 15 Stevens: I do.  
16
- 17 Crane: Go ahead please.  
18
- 19 Stevens: My wife and I live at 820 Camino Del Rex that would be in one of those  
20 townhouses that they pointed out before. We bought the property 14  
21 years ago. The reasons we bought the property would be the open view  
22 out the back and the mountain view. And that's going to change to a view  
23 of a 40-foot barrier and then office buildings, two-story office buildings.  
24 We're not really happy about that. I'd like to read a short statement here.  
25 "Preserve and respect scenic views, sights and corridors in a manner that  
26 reasonably compensates, provides incentives, maintains similar existing  
27 property rights, or in another similar manner that balances the public and  
28 property owner interest." Now I didn't write that. I got that right from the  
29 City. And that's what the City said that's how this property should be  
30 developed, rezoned, and it's nothing like this at all. We proposed a small  
31 park that would be a barrier between the townhouses and the proposed  
32 development out there, commercial office buildings. We asked for  
33 approximately 2.7 acres and the answer came back from the developer,  
34 their investors can't afford to give up 2.7 acres of open space-green  
35 space. Very unhappy about that. The traffic's going to be horrendous and  
36 in my 81 years I've found that this deal about broadening tax bases and  
37 lowering our taxes, that doesn't happen. The bigger the city, the higher  
38 the taxes. That's it. Thank you.  
39
- 40 Crane: Thank you Mr. Stevens. Next please.  
41
- 42 King: Richard King.  
43
- 44 Crane: Mr. King do you swear or affirm that the testimony you are about to give is  
45 the truth and nothing but the truth under penalty of law?  
46

- 1 King: I do.  
2
- 3 Crane: Carry on please.  
4
- 5 King: My basic concern is two at this point; with the TIA study which has  
6 somewhat been expressed on North Main Street between Solano and  
7 Elks Drive, as currently to get out there on there is ... is quite difficult right  
8 now with the traffic flow. Secondly, with the proposed road that is being  
9 cut in coming out Camino Del Rex, basically what's going on now is that  
10 people are seeking to bypass the intersection at Elks Road and North  
11 Main Street and they're coming down San Acacio, dropping down to  
12 Camino Del Rex to get back on Highway 70. All you're basically doing  
13 with this road is rerouting the traffic to go back into the sub ... into the new  
14 development area, but you've still got to get back out on Highway 70.  
15 Now that's not considering the fact that during the construction phase of  
16 the hospital and this first phase there's going to be a lot of trucks, concrete  
17 trucks, and equipment coming in and out of there which is going to  
18 influence the traffic flow once again, and so those are my two basic  
19 concerns with this. There has to be further development when it comes to  
20 access and exiting of this particular, even the first phase of it, that it's a  
21 nightmare now and it's only going to get worse, not unless there's a  
22 different plan presented. Thank you.  
23
- 24 Crane: Thank you Mr. King. While I'm waiting for the next speaker to come up,  
25 Mr. Pofahl could you keep some kind of track of the points that're being  
26 made so you can rebut at the end? Okay. Yes, sir.  
27
- 28 Caldwell: My name is Robert Caldwell. I am the president of the Board of Directors  
29 for Las Cruces Country Club.  
30
- 31 Crane: Mr. Caldwell do you swear or affirm that the testimony you are about to  
32 give is the truth and nothing but the truth under penalty of law?  
33
- 34 Caldwell: I do.  
35
- 36 Crane: Carry on please.  
37
- 38 Caldwell: I represent probably about 135, 140, 150 members. We are also  
39 neighbors of the Country Club Neighborhood Association. As you can see  
40 if you take a look at all this, at one time all the way to Madrid, all the way  
41 over to Main Street on ... even to the north side of Main Street where you  
42 have the Three Crosses Mall, was at one time all part of Las Cruces  
43 Country Club when it was way out there in the boonies. Well we've had  
44 people move into our neighborhood and happily so. What we had to do  
45 was move out of this neighborhood, try to move to another neighborhood.  
46 So we're trying to do that. This Park Ridge Medical Center subdivision, or

1 Medical Center is a start of trying to get this area to look presentable, to  
2 be a nice area for families to enjoy themselves which is what 110 acres  
3 did for a hundred ... almost a hundred years, 88 years or something like  
4 that, 1928, actually prior to that. It was a center for this community to  
5 gather. It was a center for families to enjoy anniversaries, all sorts of  
6 things like that, and we as a Country Club if you will, a group of people,  
7 that all live here, have worked here, are a part of the community, are a  
8 part of the economic value to this community.  
9

10 Alvarado: Two minutes.

11  
12 Caldwell: Really want to stress that it can't stay like it is. It needs to be developed.  
13 And we think Park Ridge is heading in the right direction by starting this.  
14 Just want to say that we are in favor of it. We hope that you also are in  
15 favor of it. We think it's a great project. Of course we have some  
16 advantages and some benefits coming from it, but it also will benefit the  
17 community when we purchase another facility where the community can  
18 come and join us and play golf, eat at our facility, do community involved  
19 things such as putting on tournaments for the Dioceses of Las Cruces for  
20 tournaments for the public schools, a facility for the public schools.  
21

22 Alvarado: Three minutes.

23  
24 Caldwell: To come in and utilize our facility. So there's a lot of advantages that are  
25 being missed and have been missed for the last two or three years that we  
26 would like to continue. So, thank you for your time Commissioners.  
27 Thank you very much.  
28

29 Crane: Thank you Mr. Caldwell. Next please.

30  
31 Boyd: My name is James Boyd of 2121 Calle de Suenos.

32  
33 Crane: Mr. Boyd do you swear or affirm that the testimony you are about to give is  
34 the truth and nothing but the truth under penalty of law?  
35

36 Boyd: I so affirm.

37  
38 Crane: Go ahead please.

39  
40 Boyd: I would like to thank the Commission for hearing from the public. I would  
41 like to say that I agree with Ms. Booker and Ms. Potter's assessment. The  
42 current Park Ridge Development ... and I mainly would just like to say that  
43 I do hope that if this is approved it is approved with conditions that a TIA is  
44 submitted for the additional ... cause right now what's covered is one-fifth  
45 of the total amount of the acreage and I hope that it is approved with the  
46 condition that a further TIA is submitted for the total tract of the land. And

1 in addition to that that the protected species of the burrowed owl is  
2 considered in that report as well. Thank you for your time.  
3  
4 Crane: Thank you Mr. Boyd. Next please.  
5  
6 Colon: My name is Carlos Colon.  
7  
8 Crane: Mr. Colon do you swear or affirm that the testimony you are about to give  
9 is the truth and nothing but the truth under penalty of law?  
10  
11 Colon: I do.  
12  
13 Crane: Go ahead please.  
14  
15 Colon: I'm going to refer to the TIA and if this is truth then the gentlemen over  
16 there from Zia is incorrect in when he says the TIA is referring to the 30  
17 acres, if you go to page eight it mentions phase one, the phasing and time  
18 of development, the chart, table one on page five, phased one, lot three,  
19 lot five, and lot nine. Not the 30 acres that he refers to that this TIA is  
20 about. So you are wrong sir. Thank you.  
21  
22 Crane: Thank you. I'll get a clarification on that in a minute. Ma'am.  
23  
24 Haynie: Hi, Billie Haynie.  
25  
26 Crane: Ms. Haynie do you swear or affirm that the testimony you are about to give  
27 is the truth and nothing but the truth under penalty of law?  
28  
29 Haynie: I do.  
30  
31 Crane: Continue please.  
32  
33 Haynie: I'd like to thank you all for accepting my comments today. I want to give  
34 my full support to Park Ridge. We're talking about 30 acres, mainly today,  
35 I'm very ... got a lot of confidence in our City staff, in the engineers that  
36 approved the TIA today, and I hope that you all vote to push this forward  
37 and approve it. Thank you.  
38  
39 Crane: Thank you. Next please.  
40  
41 Larsen: My name is Phil Larsen.  
42  
43 Crane: Mr. Larsen do you swear or affirm that the testimony you are about to give  
44 is the truth and nothing but the truth under penalty of law?  
45  
46 Larsen: I do.

1  
2 Crane: Please continue.  
3  
4 Larsen: Well first off I did turn thumbs down on the 10 minutes. The reason being  
5 that the management of the Neighborhood Association is totally  
6 disassociated with the neighborhood, but that being said I have a home at  
7 800 Camino Del Rex, don't live there now, but did. And I think this project  
8 is going to be a very positive thing for the community. Okay. Thank you.  
9  
10 Crane: Thank you Mr. Larsen.  
11  
12 Aguilar: Hello my Commissioners. My name is Angelica Aguilar. I live at Country  
13 ...1423 Country Club and I just ...  
14  
15 Crane: Ms. Aguilar do you swear or affirm that the testimony you are about to give  
16 is the truth and nothing but the truth under penalty of law?  
17  
18 Aguilar: I do.  
19  
20 Crane: Thank you. Pull the mike a little towards you. Thank you.  
21  
22 Aguilar: Okay. I really disappoint with this because when I ... when I was little I  
23 grew up around this time ... this area and I always wished to have a house  
24 in the County Club you know so I make my dream came true you know.  
25 And the first thing that I like to living there is cause it's so ... you know it  
26 was a lot of peace around there and I see a lot of grown up people,  
27 respectable and all that you know. And like you see I think most of the  
28 peoples you know still living in there and I think it's what we ... you know  
29 hear about peace and that noise is not that much traffic and that, so I  
30 disappointed about this project. First because it's in the middle ... this  
31 Country Club you know is in the middle of our very beautiful city, so why  
32 do you guys ruin this you know if we ... for my opinion we should to keep  
33 this as a grandfather you know to keep this you know as a beautiful still  
34 and it's in the middle of you know everything. We don't need this kind of  
35 hospital ... hospital I think ... hospitals I think supposed to be out of city  
36 you know like Mountain View and all those (*inaudible*) you know. What we  
37 need and what I think we need in areas like an amusement park or park  
38 for families you know to really (*inaudible*) and keep kids you know ...  
39 keeping them from doing a bad things you know. Not for grow up you  
40 know in a healthy you know development you know, having reunions in  
41 park and all that. So I don't think it's ... it's a good idea to have a hospital  
42 in ... around there for my decision you know. We need more things you  
43 know in this part you know and ...  
44  
45 Alvarado: Two minutes.  
46

1 Crane: Thank you ma'am.  
2  
3 Jensen: Hello. My name is Claudia Jensen. I own one of the townhouses right  
4 there on the golf course.  
5  
6 Crane: Ms. Jensen do you swear or affirm that the testimony you are about to  
7 give is the truth and nothing but the truth under penalty of law?  
8  
9 Jensen: Yes sir.  
10  
11 Crane: Carry on please.  
12  
13 C. Jensen: I want first let you know that I fully support Park Ridge. I think it'd be a  
14 very good thing for the entire community, not just there around the golf  
15 course but the entire city. Second, I have lived on that street, Camino Del  
16 Rex, and right now I realize that there are a lot of people who live there  
17 are very concerned about the traffic there. And that the fact that this new  
18 loop won't really change the traffic there. And I don't totally agree with  
19 that because the way they come off of Highway 70 right now and they  
20 come down Camino Del Rex, it's a straight shot right into the middle of the  
21 subdivision. They got like a bat our of "you know", and with the way  
22 they're going to have to reroute it that will automatically have to slow them  
23 down because they can't go fast and stop and make turns. So I think that  
24 will actually slow the traffic down a little bit. Yes, we still probably will have  
25 a little more traffic going through but I don't think it's going to be as high  
26 impact as some of the people believe and I also think that we're not going  
27 to go back into planning and rezoning and make this a park again, so, I  
28 just want to let everybody know that I do approve this and I think that we  
29 should give our ... the people who know what they're doing when they're  
30 making these studies, to let them finish getting their studies and I realize  
31 they're not done with the studies because they're going to have to redo  
32 when they do the rest of the subdivision, that is not a question right now I  
33 don't believe, I think that is a given that they're going to have to redo that.  
34 What we want to do right now is just that some ... small subdivision that  
35 they're starting with those three lots so that they can (*inaudible*).  
36  
37 Alvarado: Two minutes.  
38  
39 C. Jensen: And so I'd like to support that they ... that you approve the plat as they're  
40 planning. Thank you.  
41  
42 Crane: Thank you Ms. Jensen.  
43  
44 R. Jensen: My name is Rick Jensen and I live at 850 Camino Del Rex, one of the  
45 townhouses that's been talked about so much.  
46

1 Crane: Mr. Jensen do you swear or affirm that the testimony you are about to give  
2 is the truth and nothing but the truth under penalty of law?  
3

4 R. Jensen: I do.  
5

6 Crane: Go ahead please.  
7

8 R. Jensen: Considering that we are approving the plat of the 30-plus acres, I think  
9 that's got to be the highest and the best use of this land as presented, as  
10 I've seen, in this infill area. I think the idea that a park would have  
11 replaced that at some point in time in the past is ludicrous, the City's  
12 already said that. And we have to find alternatives and rather than live in  
13 that past I suggest that choosing the highest and the best use benefits me  
14 as an adjacent landowner. And I can support that by looking at the value  
15 assessment of my property over the past few years in the deplorable state  
16 of the Country Club. I don't mean to denigrate the Country Club at all, I  
17 am a member and I intend to support it as best I can and we believe this is  
18 in that best interest. Furthermore, I believe the choices are very  
19 appropriate in any and all of our lives and having a hospital there is a very  
20 good choice for me. I would like to see that done. I would like to see the  
21 ability to have more than two hospitals in this town and so this is an  
22 excellent opportunity. Needless to say I'm in support of passing this plat.  
23 Thank you.  
24

25 Crane: Thank you Mr. Jensen.  
26

27 Rose: Good evening. My name is Nell Rose.  
28

29 Crane: Ms. Rose do you swear or affirm that the testimony you are about to give  
30 is the truth and nothing but the truth under penalty of law?  
31

32 Rose: I do.  
33

34 Crane: Go ahead please.  
35

36 Rose: Thank you for hearing me tonight. I just want to let you know I am a  
37 member of Las Cruces County Club. I moved here in '09 and I live on  
38 Country Club Circle which is right off Camino Del Rex, so I know a little bit  
39 of what you know everybody's trying to say, but the reason I moved there  
40 was because of the Country Club. Well with the condition of it right now  
41 it's just kind of an eyesore. I drive by it every day. And it needs to be  
42 developed and that's what we're trying to do here. It's for the betterment  
43 of the city, it's for ... the location is excellent for this kind of subdivision  
44 that they're trying to put in there, the developers that they're trying to put  
45 there, and I don't live that far from there. I would love to see a hospital  
46 there. I don't ... I'm not sure why people are so against that. You know

1 the older we get the more we need medical services closer. The other two  
2 hospitals are far away from us, far away from that end of town, the north  
3 side of town and with that I totally am in support of Park Ridge subdivision.  
4 Thank you.  
5  
6 Crane: Thank you ma'am.  
7  
8 Mitchener: My name is Becky Mitchener.  
9  
10 Crane: Ms. Mitchener do you swear or affirm that the testimony you are about to  
11 give is the truth and nothing but the truth under penalty of law?  
12  
13 Mitchener: I do sir.  
14  
15 Crane: Go ahead please.  
16  
17 Mitchener: My husband and I live at 900 Camino Del Rex. We live in one of the  
18 townhomes. When we purchased that particular property it very shortly  
19 went into this ... the steady decline that we've seen since. Everyday I look  
20 out my sliding glass door and see it worse and worse and worse. I think if  
21 we don't embrace this very innovative infill project we will all lose as  
22 citizens of this community and I know that as a property owner I ... in my  
23 opinion I actually have no value in that property at this point with the  
24 unknown that's involved, so I would just encourage you to go forward with  
25 this. My husband and I are 40-year residents of Las Cruces and we have  
26 invested ourselves from young people to where we are now in this  
27 community and we feel that this is the highest and best use for this  
28 particular parcel.  
29  
30 Crane: Thank you. Yes sir.  
31  
32 Robb: My name is Jay Robb. I'm the owner and operator of the Heritage  
33 Assistive Living.  
34  
35 Crane: Mr. Robb do you swear or affirm that the testimony you are about to give  
36 is the truth and nothing but the truth under penalty of law?  
37  
38 Robb: Yes I do.  
39  
40 Crane: Go ahead please.  
41  
42 Robb: I happen to be involved in some of the development, at least five of those  
43 30 acres which will consist of an assisted living for 50 of the residents that  
44 will live in that area. About 12 years ago when I built the Heritage  
45 Assisted Living or expanded it in the Heritage Farm subdivision off of  
46 Farney and El Paseo and there was great concern by the local residents

1 in that area that by adding additional beds or additional homes that was  
2 going to significantly affect the traffic that was coming in to a single-family  
3 home subdivision. The truth of the matter is the majority of the folks that  
4 we care for are no longer driving; they are completely dependent on those  
5 that care for them. Since the time there was concern in the neighborhood,  
6 I've had multiple neighbors come up and wish that we had more of those  
7 homes. Many of the homes have since turned into rental properties with  
8 students and so forth which has created much more of a trouble and  
9 problem for the neighborhood. Second point is what I am very excited  
10 about with this community is not only just with the hospital but with added  
11 medical services that this will be a centralized beautiful home-like  
12 environment that will give elderly folks that are no longer able to care for  
13 themselves a place to live close by to receive medical services and really  
14 to truly have a very high and strong quality of life. When you consider the  
15 doctors offices, the hospital, the rehab center, and then with the addition  
16 of other family type residences there for spouses that want to be close by  
17 to their loved ones and retail, you can't ask for a better opportunity and a  
18 place for people to plan ...

19  
20 Alvarado: Two minutes.

21  
22 Robb: To live. And so I hope that you will support this project. Thank you.

23  
24 Crane: Thank you Mr. Robb. Thank you.

25  
26 Smith: Good evening. My name is Tammy Smith.

27  
28 Crane: Ms. Smith do you swear or affirm that the testimony you are about to give  
29 is the truth and nothing but the truth under penalty of law?

30  
31 Smith: Yes I do.

32  
33 Crane: Go ahead please.

34  
35 Smith: I've lived here since about 1957. I'm here tonight to speak not only on my  
36 own behalf but a substantial number of people who I spoke to before the  
37 meeting tonight. We were among those who had hoped that we could  
38 convince the City the value of saving this property. Huge piece of property  
39 as a park for this area a chance we'll never have again as I'm sure you all  
40 know. There's probably nothing wrong with this development. I don't see  
41 anything wrong from the little bit we know about it, but it is in my opinion a  
42 bad location. It's going to generate a lot of traffic on an area which is  
43 already heavily trafficked. I realize that the people who live in the area, in  
44 the Country Club area are going to be probably the most severely  
45 impacted. It might ... as each one of you ... how would you like to have  
46 your street closed off after you had lived in a neighborhood for quite a

1 number of years. That's going to happen if this project goes through. But  
2 the majority of Las Crucians will also be impacted by the traffic that this  
3 development is going to produce. All of you I'm sure drive North Main on  
4 the way to Alamogordo or on the way to Lowe's, or the departments ... the  
5 department stores that are building up around there. So traffic is just  
6 normally going to increase as more commercial development takes place  
7 along Highway 70. We really don't need to add any more to it. I hope you  
8 will give serious consideration to the ramifications if this project is  
9 approved and I hope that you can maybe encourage the developer to  
10 consider building elsewhere. There's a lot of land around Las Cruces you  
11 know. Thank you.

12  
13 Crane: Thank you. Sir. Tell me your name please.

14  
15 Maese: My name is Hector Maese.

16  
17 Crane: Mr. Maese do you swear or affirm that the testimony you are about to give  
18 is the truth and nothing but the truth under penalty of law?

19  
20 Maese: I do sir.

21  
22 Crane: Go ahead please. Pull the mike up a little. Thank you.

23  
24 Maese: I have lived on the north side of the County Club at 920 Camino Del Rex  
25 for 20 years. I am a member of Las Cruces Country Club as well. Thank  
26 you all for your service to our city. I will be brief. I endorse the proposal of  
27 the development. Circumstances and continuing efforts of the Las Cruces  
28 Country Club and Park Ridge development have brought us to this  
29 moment in time. Most of us, if not all of us can agree that timing is  
30 everything. And also agree that there is no progress without change. The  
31 Las Cruces Country Club property has sat vacant for almost three years. I  
32 believe that the timing and the possibilities of change favor the Park Ridge  
33 proposal that is to move forward with this upscale development that will  
34 serve our city and surrounding communities. I hope you support it. Thank  
35 you.

36  
37 Crane: Thank you sir.

38  
39 Boudreau: Good evening Mr. Chairman and fellow Commissioners. My name is  
40 Silvia Boudreau and I live ... okay.

41  
42 Crane: Ms. Boudreau do you swear or affirm that the testimony you are about to  
43 give is the truth and nothing but the truth under penalty of law?

44  
45 Boudreau: Yes I do.

46

1 Crane: Go ahead; you were going to tell us where you live, right?  
2  
3 Boudreau: I live on 1565 San Acacio Street. My house was one of two in 1964 when  
4 I had it built for our family. My kids caught lizards, horny toads, chased  
5 rabbits in all that area. I still live there; have very nice neighbors that have  
6 lived there too for about that long. I walk two dogs in the mornings. I walk  
7 all over the area. There's not a home I couldn't run to if I needed to, it's a  
8 very nice friendly neighborhood. You wave to people even if you don't  
9 know them, probably like some of the neighborhoods you live in. What  
10 you are proposing or what you are contemplating now is a traffic situation  
11 from Triviz on San Acacio it's already a speedway. From Arlington from  
12 Triviz it's already a speedway. EMT vehicles are going to use that even  
13 though you would prefer they wouldn't, if they're on Triviz they're going to  
14 use one of those streets down into the hospital, so I guess the project that  
15 Mr. Pofahl is proposing is alright I suppose. It's probably a done deal, but  
16 my question is I want you to consider the traffic situation very seriously  
17 and also we don't need Medevac helicopters overhead and those power  
18 lines in that beautiful neighborhood where you can walk something like  
19 probably what you have. Thank you.  
20  
21 Crane: Thank you ma'am. Sir. You're going to talk?  
22  
23 Burchiaga: Good evening. My name's Jason Burchiaga.  
24  
25 Crane: Mr. Burchiaga do you swear or affirm that the testimony you are about to  
26 give is the truth and nothing but the truth under penalty of law?  
27  
28 Burchiaga: I do.  
29  
30 Crane: Go ahead please.  
31  
32 Burchiaga: My comment is just a simple comment on the traffic; everybody's  
33 concerned for the traffic. I understand the City has already approved the  
34 zoning and the planned building, but simply for the traffic if the ... the  
35 building of the 33 acres was just moved to that westerly corner where the  
36 three crosses currently stand, that would alleviate a lot of the traffic going  
37 through the neighborhoods that is going to be made. So that's all I have.  
38  
39 Crane: Thank you.  
40  
41 Burchiaga: Thank you.  
42  
43 Crane: Well I thought it was a bad sign but it was followed immediately by a good  
44 sign. Go ahead.  
45  
46 Jaramillo: My name is Ray Jaramillo.

1  
2 Crane: Mr. Jaramillo do you swear or affirm that the testimony you are about to  
3 give is the truth and nothing but the truth under penalty of law?  
4  
5 Jaramillo: I do sir.  
6  
7 Crane: Go ahead please.  
8  
9 Jaramillo: I am the director of Alpha School. It is a childcare center located on 1205  
10 East Madrid Avenue. We are ... our property line is adjacent to the Las  
11 Cruces Country Club near the old hole number seven, par number five,  
12 right there we used to be able to look out and see some of that stuff. I  
13 have been the director there for 20 years and so feel a part of this  
14 community and although I don't live there it has become a very important  
15 part of my life there. I just want to let you guys know that I ... we are in full  
16 support of this development and we urge you to this evening ... I would  
17 urge you that a lot of the things that have said ... that have been said in  
18 opposition to this proposal has nothing to do with what we're here ... what  
19 you guys are here to do tonight. I think a lot of it ... I would hope that we  
20 don't get caught up in a lot of the helicopter noises, the hooting for owls,  
21 and although they are important things to consider, I don't believe that is  
22 our job and your job tonight. I think that I hope we can stay focused on  
23 what we have to do tonight and like I said we stand in full support of this  
24 and I have brought this up with our preschoolers, or three, four, and five-  
25 year-olds and the majority of them also support this so thank you very  
26 much.  
27  
28 Crane: I'm sure Mr. Pofahl is very encouraged. All right, thank you all. If there's  
29 no further input I will close this ... oh I beg your pardon, yes you did have  
30 your hand up. Come up please.  
31  
32 Stevens: Just to correct something said by Mr. Jensen, that's all I want to do. He  
33 said he lives at 850 Camino Del Rex, I think he should say the past tense;  
34 he used to live at 850. That's all I have to say.  
35  
36 Crane: Thank you sir. Okay. So we'll close this to further input except I did ask  
37 Mr. Pofahl, can you come up and give such rebuttal that you want,  
38 extremely briefly please, it's getting late.  
39  
40 Pofahl: Yes.  
41  
42 Crane: Okay. Go ahead.  
43  
44 Pofahl: Mr. Chairman, Commissioners. Regarding the Park Ridge ... the parks  
45 and so forth, I want to say we will be donating when we develop the entire  
46 plan that we've already discussed with the City, adding over seven and a

1 half acres to the existing Apodaca Park plus adding substantial  
 2 improvements to the park. In addition to that additional open space, a  
 3 linear park will be added along the power lines that varies from 200 to 300  
 4 feet with walking trails connecting into the existing outfall water channel  
 5 park area. This is designed as a mixed use development with lots of open  
 6 space. It's a pedestrian friendly walkable community. We worked with the  
 7 MPO, trails, and bikeways, groups and so we believe the mix of uses here  
 8 will be an advantage. The other thing that these mixed use developments  
 9 do in the urban core where there's dense population, they provide  
 10 services that keep people from having to go to the outside of the city. This  
 11 stops urban sprawl when we redevelop these infill sites like this that allow  
 12 people not to have to leave their neighborhood. This is designed for  
 13 people to be able to walk into this community for services.

14 In addition, the City and state traffic engineers have spent  
 15 extensive time with our engineers, hours and days walking through this  
 16 with very professional groups to look at every angle of this development.  
 17 They've even had our engineers go back to the drawing board many  
 18 times. And so the mitigation and the over million dollars that we're  
 19 spending just in phase one is what was recommended by both the state  
 20 engineers and the City engineers. And then kind of in closing in addition  
 21 to what Eddie's going to add would be the project will be a state of the art  
 22 medical and retirement community. We believe it's going to be with ample  
 23 open space and again a walkable community. We think it's going to be  
 24 valuable for this neighborhood. We have an aging city, this is an aging  
 25 neighborhood and we think this level of service is ... these are ... a small  
 26 hospital and it's a small community served hospital and retirement village.

27  
 28 Crane: Thank you sir. Mr. Martinez.

29  
 30 Martinez: Eddie Martinez. Several of the comments were related to zoning which as  
 31 Mr. Clifton indicated zoning is not a point of discussion for tonight, this is  
 32 solely as (*inaudible*).

33  
 34 Crane: True.

35  
 36 Martinez: Anyway, regarding the concerns that the TIA once again only addresses  
 37 17 acres, specifically on table two on page 10 of the study we identify four  
 38 phases of the project that includes the daily trips generated and the  
 39 intensity for the entire 110 acres. Also in appendix A, table one in  
 40 appendix A we identify once again in detail the generation of the traffic for  
 41 the entire 110 acres. So therefore it was analyzed ... as I said we did  
 42 analyze, we did look at that. The modeling as we indicate because at this  
 43 stage without that second access point the modeling is specific to this  
 44 phase one. Regarding the burrowing owl, that is something that we Zia,  
 45 we have people internally that can do those studies. We did that for the  
 46 Spaceport America project and if it's deemed necessary we can analyze

1 that and have monitors during construction.

2 In general regarding whether or not this site is appropriate, etc., I  
3 will remind everybody that this is already zoned R-1a, except for the  
4 portion that's been rezoned at his point in time. If it was all residential and  
5 you went in with you know six to eight lots per acre, the impacts in regards  
6 to traffic would actually be worse than what's being generated by this  
7 project (*inaudible*) what's being proposed for the entire 110 acres. So, as  
8 I said, I mean this is actually a lesser impact in regards to traffic than if it  
9 was all fully developed as residential.

10 Regarding the Medevac helipad etc., that's not something that's ...,  
11 we have submitted on or is a point of discussion for tonight. If that is  
12 going to be submitted in the future that would require a special use permit  
13 from this Board as well as FAA approval. That's all I have.

14  
15 Crane: Thank you sir. Now this is closed to further discussion from the ... further  
16 input from the public. Commissioners? Mr. Clifton.

17  
18 Clifton: Mr. Chair, Members of the Commission. I can appreciate the public's  
19 comments and concerns and opposition to this project but as I brought up  
20 earlier unfortunately we're here at the subdivision stage. The land use  
21 discussion's over. That's been dealt with and I think we've probably  
22 beaten that quite enough tonight. Staff, could you go to a zoning map for  
23 me on the presentation please? If you recall the majority of the project  
24 such as where the hospital and other office type uses are going to be  
25 located has been rezoned to C-3 conditional. As many of you know on the  
26 Commission under the C-3 zoning district you don't have to subdivide that  
27 property to place these uses. As is, the developer could come in, build the  
28 pad sites, and simply lease the properties for the use, the end user, the  
29 hospital, whoever may be. So the subdivisions a mere formality to clear  
30 title, transactions, etc. So whether they subdivide it or not the land use is  
31 going to happen. That's not what we're here to vote on again. It's a  
32 subdivision. It's gone through the process. You know I've seen  
33 opposition in the past actually hire a consulting engineer to do a TIA to  
34 possibly counter the TIA of record. It looks like a TIA of record has  
35 cleared Mr. Roman's review process as of today. And quite frankly I think  
36 at this point really we're left with a subdivision, there's really nothing else  
37 to discuss. And the City staff has asked for a Rolls Royce in  
38 improvements from Mr. Pofahl and quite frankly he's delivered. And to  
39 your credit but also in the future that could also have consequences to  
40 other developers that come in with additional applications in the city, so,  
41 thank you but you know there ... there could be issues. With that I have  
42 no further comments.

43  
44 Crane: Thank you. Any other Commissioner have anything to say before we  
45 proceed to a vote? Then I'll entertain a motion that the final plat  
46 application be accepted.

1  
2 Montana: Mr. Chair.  
3  
4 Crane: Ma'am.  
5  
6 Montana: If I may, Susana right here.  
7  
8 Crane: Yes Ms. Montana.  
9  
10 Montana: If the Commission would like to follow the conditions recommended by  
11 staff, condition number two references an attachment seven, I would like it  
12 to be known that we are referring to the amended attachment seven as of  
13 this date. Thank you.  
14  
15 Crane: Thank you. So do I hear a motion that IDP-14-04 ... go ahead Mr. Clifton.  
16  
17 Clifton: Mr. Chair I'll make an attempt at this. I would like to recommend approval  
18 of Case IDP-14-04 with one condition, the applicant, developer, and/or  
19 any subsequent developer as applicable shall satisfy the mitigation  
20 measures listed in amended attachment seven as well as any on or off-  
21 site mitigation measures deemed by the City to be necessary to mitigate  
22 potential adverse impacts of the development to the site and surroundings  
23 that may be identified during the review of the public improvement  
24 construction drawings. And that would be the end of my conditions,  
25 simply because condition one as written in the packet is redundant, I don't  
26 believe ... I'm not going to include that in my motion. Thank you.  
27  
28 Crane: All right. Thank you. Let's have a second.  
29  
30 Stowe: I second the motion.  
31  
32 Crane: Mr. Stowe seconds. We'll do a roll call vote. I forget where I started last  
33 time so, you remember Mr. Alvarado? I like to take it into alternating  
34 directions, you want to go first? Commissioner Alvarado.  
35  
36 Alvarado: I vote yes based on the presentations here today, the public input, and  
37 staff recommendations and my site visit. I frequently drive by the Country  
38 Club and it's in a deplorable state. I think something needs to be done  
39 with that property. I personally would rather have seen a big park. I have  
40 a son that lives in Colorado and they have an awesome park right  
41 downtown, but since there was no money for the City to buy the property, I  
42 think we have to go with the development of it rather than see it go to  
43 waste like it's doing right now.  
44  
45 Crane: Commissioner Stowe.  
46

- 1 Stowe: Aye based on findings and discussion.  
2
- 3 Crane: Commissioner Clifton.  
4
- 5 Clifton: I vote aye based on findings specific to the compliance with the City  
6 subdivision regulations and zoning code, staff, and applicant's  
7 presentation.  
8
- 9 Crane: Thank you. And the Chair votes aye based on findings, discussion, and  
10 site visit. Thank you. Measure passes four/nothing.  
11
- 12 3. **Case IDP-14-05:** A variance application to (1) reduce the front setback from  
13 the required 11 feet to 10 feet; (2) reduce the off-street parking requirement  
14 from 2 spaces to 1; (3) reduce the lot depth from 70 feet to 62 feet; and (4)  
15 allow a 10 foot setback from the front property line for an attached garage  
16 rather than the required 25 feet setback. The property is vacant and is  
17 located at 913 N. Tornillo Street (Parcel 02-04853). The Applicant, Steven  
18 Klingler, seeks to build a single-family home with an attached garage.  
19 Council District 1 (Silva).  
20
- 21 Crane: We conclude this evening with Case IDP-14-04, a variance application  
22 concerning some property at 913 North Tornillo Street. Ms. Montana.  
23
- 24 Montana: Yes, thank you Mr. Chair, Commissioners. What you have before you is a  
25 request for what we're calling an infill development project. This property  
26 lies within the Infill Development Overlay district and they're requesting  
27 four variances. Now in the infill development overlay district you can ask  
28 for four variances without it becoming automatically a planned unit  
29 development. That is why we're bringing this to ... these four variances to  
30 you today. The property lies within the North Mesquite Overlay Zoning  
31 District; again the Infill Development Overlay District, and it's zoned R-2,  
32 medium density residential district. The site is vacant and has been for  
33 perhaps 30 years. The applicant seeks to build a 2,755 square foot single  
34 family home on a 4,915 square foot lot. Again this shows, this slide shows  
35 the property on Tornillo and within the North Mesquite District. Again it's a  
36 vacant lot ...  
37
- 38 Crane: Excuse me that was an infill district?  
39
- 40 Montana: It's in the Infill Development Overlay District.  
41
- 42 Crane: Thank you.  
43
- 44 Montana: And the North Mesquite Overlay District. Of course because it's vacant  
45 and it's not designated as significant or contributory to the historic district,  
46 but there are older adobe buildings to the north and the south and in the

1 area in the neighborhood, so this block does have historic abode  
2 structures. Across the street is a community center, it's called the Weed &  
3 Seed Community Center that focuses on activities for youth, particularly  
4 teenagers. There are apartments here, attached duplex, triplex,  
5 apartments, apartments, and single-family homes here and here. Right on  
6 this corner is the Dona Ana County Community College satellite campus  
7 which provides classrooms, computer education programs there.

8 There are four variance requests; one is to reduce the front setback  
9 from 11-feet to 10-feet. The second is to reduce the off street parking  
10 requirement from two for a single-family home to one. The third is to  
11 reduce the lot depth from the required 70-feet in the North Mesquite  
12 District to 65 feet. And lastly to reduce the garage setback from 25-feet  
13 from the front property line to 10-feet.

14 This is a site plan. It's a little odd shaped. It's not entirely square.  
15 This property was subject or is part of the original townsite subdivision in  
16 1853 and at that time it was platted this way, a little odd shaped. The  
17 applicant wishes to build the home with a 10-foot changed setback rather  
18 than the 11-foot. The 11-foot setback was calculated based on the  
19 average of the existing setbacks for the older adobe homes to ... on the  
20 same side of the street on the same block, so those on the north and the  
21 south. So the average of those produced the 11-foot required setback.  
22 The garage setback is shown as 10-feet but it's supposed to be 25-feet  
23 and this is a city-wide standard. The North Mesquite Overlay does not  
24 have its own garage setback requirement so it defers to the city-wide  
25 requirement of 25-feet. The property boasts this larger house on this ...  
26 4,900 square foot lot and there'd be a large garage although it's a one-car  
27 garage, or one-truck garage as you can see from the site plan, from the  
28 floor plan. The applicant wants this rear porch and for that reason the  
29 garage, he choose not to extend the garage back to allow the 25-foot  
30 driveway here. You can see this single truck garage and storage area,  
31 may be a laundry area and the front façade here.

32 Based on the staff report as you can see we describe the variance  
33 criteria for each of the requested variances and based on that criteria staff  
34 is recommending approval of the reduced lot depth, again because the  
35 subdivision or the lot was platted in 1853. No fault of the current owner  
36 and so we find that it does meet the hardship requirement and the criteria  
37 of the section 38-10.K of the zoning code and so staff is recommending  
38 approval of that variance request. However, reducing the setback from 11  
39 to 10 we feel is not necessary because the rear setback requirement is  
40 only five feet and they're providing six feet, so if he moves the house back  
41 to satisfy that five-foot rear setback, he's got his 11-feet in the front, so  
42 staff is recommending denial.

43 Third, to reduce the off-street parking requirement from two to one,  
44 the applicant we believe has sufficient room on the lot to provide the two-  
45 car garage, he choses not to do that. There is a substantial on-street  
46 parking congestion on his street because of the Weed & Seed operation

1 across the street and the Dona Ana County's satellite campus. People  
 2 during the day and in the evening park on the street and there's really not  
 3 ... can't guarantee that a second car owned by the family or the owner  
 4 would be able to park on the street. So staff is recommending denial.

5 Third the garage setback from the property line. We believe this is  
 6 a serious safety hazard because of the significant pedestrian traffic. A  
 7 vehicle has to swing into the driveway because of the cars that are parked  
 8 on the street, has to swing into the driveway and the applicant insists on a  
 9 garage with a garage door rather than a carport, so while the garage door  
 10 is opening he has to block the sidewalk. He just ... you know, a 10-foot  
 11 driveway cannot accommodate even the subcompact vehicle which we  
 12 measured to be at least 16-feet, so a truck would have to block the  
 13 sidewalk and we just ... we can't recommend, so we recommend denial of  
 14 that.

15 Your options tonight Commission is to approve all four variance  
 16 requests; to approve one or more; to deny all four; or to deny one or more.  
 17 And in your staff report I've outlined several options for you if you choose  
 18 to vote individually for the variance requests or if you want to either  
 19 approve all or deny all. And that can be found on page 14 of the staff  
 20 report. And with that I'm happy to answer any questions you may have.

21  
 22 Crane: Thank you.

23  
 24 Montana: The applicant is here with a presentation if you like.

25  
 26 Crane: Thank you Ms. Montana. Any questions for Ms. Montana? Mr. Clifton.

27  
 28 Clifton: Mr. Chair, quick question, did you discuss with staff whether they were  
 29 willing to move, shift that over a foot so that would eliminate the need for  
 30 that variance at all, was that on the table during this process?

31  
 32 Montana: If who would move ...

33  
 34 Clifton: If the applicant.

35  
 36 Montana: We ... yes. We asked the applicant to submit an application for a flexible  
 37 development standard waiver which is administrative waiver that we could  
 38 grant. The applicant insisted he wanted this design on this part of the  
 39 property and he didn't want to go for flexible development standard  
 40 waiver. He didn't want to reduce the size of the house. He didn't want to  
 41 have an open carport or an open garage. He wanted to move forward to  
 42 your ... to this Commission with this request. He said if he is not granted  
 43 these variances that he would either sell the property and go somewhere  
 44 else, or he would build a two-story house, which he could meet all the  
 45 requirements if he built up rather than out.

46

- 1 Clifton: Well I think that simply trying to make this easier than the level of  
2 complexity that it has reached. I mean, it's a foot, I don't ... you know, I  
3 don't know that it's that big of a problem considering the other issues and  
4 it is a dwelling they have designed specific to this lot. I do find it  
5 interesting versus the last variance case, you stated the subdivision was  
6 platted in 1853 so that is in essence a topographical constraint or falls in  
7 that hardship, but you know that was the point I made on the other ... the  
8 previous variance cases, it's an old subdivision, you know and Weed &  
9 Seed, they weren't there in 1853, I think they probably encumbered this  
10 gentleman's parking, so that probably needs to be taken into  
11 consideration.
- 12 Montana: Again the applicant is here if you would like to ... and see the  
13 presentation.
- 14 Crane: Any further questions for Ms. Montana? Okay, let's hear from the  
15 applicant or his representative.
- 16 Pompeo: Good evening Mr. Chairman, Paul Pompeo.
- 17 Crane: Mr. Pompeo do you swear or affirm that the testimony you are about to  
18 give is the truth and nothing but the truth under penalty of law?
- 19 Pompeo: Yes I do.
- 20 Crane: Go ahead please.
- 21 Pompeo: Good evening Mr. Chairman and Commissioners. Before I get started  
22 with my presentation after discussing it with the project contractor and  
23 reference Mr. Clifton to your point, it looks like we can just move that  
24 building one foot to the back, making the rear setback five-feet, so for the  
25 purposes of this discussion, we're going to take that variance request off  
26 the table. So we'll be limited to just the three variance requests.
- 27 Crane: Let me make sure we all know which one that is of the four; that's the  
28 number one, reduce the front setback from the required 11 to 10-feet.
- 29 Pompeo: Yes Mr. Chairman, so the final site plan would show an 11-foot setback in  
30 conformance with staff's measurements.
- 31 Crane: Okay, so you're dropping the number one. Okay. All right, please go  
32 ahead.
- 33 Pompeo: Thank you Mr. Chairman. Once again here's a vicinity map showing the  
34 location of the project at 913 Tornillo Street. Here's more of a close up  
35 view. Once again the property now sits vacant in its current condition.
- 36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

1 Once again here's the proposed site plan, the garage located here, the  
2 subject of the variance from 10-foot to 25-foot with the dwelling once again  
3 shown as an odd shaped lot there fronting Tornillo. Once again there's ...  
4 I want to make sure we're correct on the square footages, there's ... the  
5 total structure size is 2,975 square feet of total structure foot print, of that  
6 2,016 is heated space, so that doesn't include the garage, and obviously  
7 the porch. It is a single story building, and from the elevations that we  
8 provided which I believe staff provided to you in the staff report, is the  
9 intent to do adobe construction consistent with the other buildings in this  
10 neighborhood.

11 Once again variance number one on my presentation has to do  
12 with the lot depth. Now this first point Mr. Chairman and Commissioners  
13 is a point I'm going to reiterate in all of my variance ... the justification for  
14 our variance requests, that is the property lies within the City of Las  
15 Cruces infill zone. This concept seeks to take vacant underutilized land  
16 tracks, promote development via flexible standards to the zoning code.  
17 The lot has existed in its current shape or size for decades. And once  
18 again from the aerial photography you'll notice that there's development all  
19 the way around this property, so expanding the tract is not possible.

20 Reduction of the (*inaudible*), we've already taken that one off the  
21 table. Reduction of the required off-street parking. Skipping over the infill  
22 zone which is ... we've already spoken of, allows property owner to build a  
23 single-story residential home with applicable square footage meeting  
24 modern home standards of heated space. What we're trying to say by  
25 that is, sure you can take a building and shove it on this property and  
26 make it conform to the shape and the size but we are trying to meet  
27 modern standards of the appropriateness of room size, the number of  
28 rooms, and the you know kitchens and dining rooms and bedrooms and  
29 baths and things of that nature that you would find more in a modern type  
30 floor plan for a home. Single-car garage matches numerous home sites  
31 ... or single-car garage matches numerous home sites in the surrounding  
32 neighborhood and I have photographs to show of that. There is only one  
33 single individual that's going to be occupying this house with one single  
34 vehicle at this time, so once again that goes to not needing that second  
35 space.

36 Now the garage setback, once again the infill zone, the flexibility.  
37 Once again by allowing the setback, moving the garage forward that  
38 allows more square footage for a modern type footprint of a home of which  
39 the applicant desires. The setbacks of garages once again meets  
40 numerous home sites in the surrounding neighborhood with limited garage  
41 setback. And I think this is an important point, we're not advocating that  
42 this 10-foot setback for a garage in anyway, shape, or form is going to  
43 serve as a driveway. This is just the pathway from the street into the  
44 garage, and the issues of cars parking on the street or pedestrians on the  
45 sidewalk is immaterial when we compare it whether it's 10-foot long, or 25-  
46 foot long, it's a pathway into the garage. So in either case those issues ...

1 if you believe that those issues exist, they exist in either case. Once again  
 2 here's a shot of Tornillo Street, you'll notice the buildings that are very  
 3 close to the front setback lines. But one of the things I want you to notice  
 4 from these pictures and I'll go the second one of Tornillo Street, you do not  
 5 see two-story structures in this neighborhood, although they would be  
 6 allowed. We believe that granting these variances, allowing the property  
 7 to stay at one-story rather than two more fits into the character of this  
 8 neighborhood, which is something that the property owner is trying to  
 9 achieve. And once again this is a typical garage but there's others in this  
 10 neighborhood, you can see that this garage is approximately six-foot back  
 11 off the property line and it's also a one-car garage. These type of  
 12 buildings exist in this neighborhood. We believe by our application based  
 13 on architecture, based on the layout, based on the choice of adobe  
 14 construction, that this building by granting this variance it's very well within  
 15 this neighborhood.

16 The last point that I would like to make Mr. Chairman and  
 17 Commissioners goes to the issue of flexible standards. On page three of  
 18 16 of your packet, in paragraph two it says "since the North Mesquite  
 19 Overlay District does not specify a garage setback then basically the  
 20 garage setback is set to that that's city-wide". You've been shown  
 21 numerous pictures of the architecture, the front setbacks, all the other  
 22 structures in this neighborhood and not allowing that flexibility to get down  
 23 to these smaller setbacks does not allow structures without this variance  
 24 request to meet the character of the neighborhood. So with that we are  
 25 respectively submitting these variance requests. And I'd be happy to  
 26 answer any questions that you might have.

27  
 28 Crane: Thank you Mr. Pompeo. Excuse me. Commissioners, any question for  
 29 Mr. Pompeo? Ms. Ferrary.

30  
 31 Ferrary: My concern is for just having that 10-foot setback and as Ms. Montana  
 32 pointed out going in and out of the driveway even though you're calling it a  
 33 pathway, also blocking the sidewalks you get into that pathway to park in  
 34 the garage. I'm concerned about safety and even with some of the other  
 35 buildings that you're showing, how do they you know avoid pedestrians or  
 36 even other vehicles?

37  
 38 Pompeo: Mr. Chairman, Commissioner, what we're ... the builder's here to answer  
 39 any specific questions you might have about the building, but you know  
 40 we're fully intent on installing a garage door opener in this garage. It's our  
 41 intent, just like I do when I drive home, when you drive down the street as  
 42 you're approaching your house to get the garage door open, the garage  
 43 door goes up, you drive into your driveway. That's why we don't believe  
 44 that there is a difference between having the setback at 10, at having the  
 45 setback at 25. You still have to traverse through the parked cars on the  
 46 street. You still have to traverse over the sidewalk as you make your way

1 into the garage. The issues with conflicts of pedestrians or parked cars  
 2 exists in either condition and we don't see a difference in either one.  
 3 Although they may be of concerns, they exist whether the garage is at 10-  
 4 feet or the garage is at 25-feet.

5  
 6 Ferrary: Well except that you have more area to you know make your way from the  
 7 turn into the driveway and wait for the garage door to open or to pull out  
 8 and see people. I think that's probably the intent of having it longer.

9  
 10 Pompeo: Yes, Commissioner, but once again in our practical analysis of this we just  
 11 don't see a tangible difference between the two. The developers are  
 12 ahead of me and this is from the South Mesquite, by the way, so we're not  
 13 in the South Mesquite. On page V-224 "to assure the primary structure's  
 14 maintained principal focus attached and detached garages or carports  
 15 shall be setback at a minimum of 10-feet back from the primary structure  
 16 and primary street site façade". So, if this project or if this property had  
 17 been located in the South Mesquite District which you saw from staff's  
 18 presentation is only a block away, it's allowed in there, pursuant to the  
 19 South Overlay Zone. So, the City has contemplated this and the City  
 20 allows it in some areas of the city. So once again we just ... we don't see  
 21 that ... although we recognize that there may be some concerns we don't  
 22 believe that ... we believe we've overcome the burden of those.

23  
 24 Crane: Mr. Clifton.

25  
 26 Clifton: Yeah, I'm not too sure about the garage door opening issue. I mean it's a  
 27 garage door, it opens, it closes, you pull in, I don't know that many people  
 28 pull right up to the front of the door to wait for it to open, so I don't know  
 29 that cueing would necessarily be a problem. And eventually it's going to  
 30 get full of stuff anyways and you will be parking on the street so. Just a  
 31 speculation not a fact. You know with that said, I ... the zoning code  
 32 under R-1a allows a setback of 15-feet for garages in just a typical  
 33 residential neighborhood that are side loaded, so you know there is to an  
 34 extent precedents on a shorter, narrower setback and I really think this is  
 35 in the character of the neighborhood. I mean if you drive around this  
 36 neighborhood just about every house has these minimal setbacks, these  
 37 minimal entrances into their garages and anything other than what's being  
 38 constructed here would be out of character such as the newer uses that  
 39 are institutional in the neighborhood. Those are out of character and they  
 40 have thusly created a parking situation for the people that actually live  
 41 there. So I don't know that we should be penalizing the property owner for  
 42 the parking situation and that probably shouldn't even be discussed at this  
 43 point because they are institutional issues. And in favor of the variances, I  
 44 do see an economic impact here, the City will collect gross receipts taxes,  
 45 people will be employed to construct this house, City fees, impact fees,  
 46 building permit fees, park fees, they've gone up as we all know quite

- 1 extensively over the last two years, three years, so there will be a lot of  
2 positive economic impact, with this just one house. So, I think the return  
3 on the variance is well worth the request. The only question I do have Mr.  
4 Pompeo is do you have adequate ponding on the site?  
5
- 6 Pompeo: Yes.
- 7
- 8 Clifton: Thank you.
- 9
- 10 Crane: Any other questions for Mr. Pompeo?
- 11
- 12 Montana: Mr. Chair may I make a clarification?
- 13
- 14 Crane: Ms. Montana.
- 15
- 16 Montana: Section 38-62 of the zoning code does require for single-family R-1a  
17 districts, does require the 25-foot setback for garages, with the exception  
18 of the side loaded garage, then it may be only 20-feet, but I think you're  
19 referring to a side ... a secondary frontage setback of 15-feet, but for a  
20 garage it would have to be 25-feet. That's city-wide.
- 21
- 22 Clifton: Or a side loaded garage can be in the reduced setback?
- 23
- 24 Montana: Yes, 20.
- 25
- 26 Crane: Can someone explain to me what a side loaded garage is?
- 27
- 28 Montana: If you enter the driveway and then turn into the garage so that the side of  
29 the garage faces the front street, that would be side loaded.
- 30
- 31 Crane: Okay. Thank you. Any questions for Mr. Pompeo? Ms. Ferrary.
- 32
- 33 Ferrary: I think there was brought up a need for a second parking. Is there a way  
34 to accommodate that?
- 35
- 36 Pompeo: Based on the floor plan that we have and the desired use of the property,  
37 we've basically maxed out that ... with the building footprint that we have  
38 and there's just no way to add an additional parking space to the garage  
39 without eating up the heated floor space that's in the house and then that  
40 would take away ... it's kind of a rolling ball, if we add for the garage, then  
41 we take away from the bottom ... from the first floor and then we'd have to  
42 go to a second floor which then puts the house out of character for the  
43 neighborhood. So working backwards on that three step process, we  
44 believe that granting the variance, having the one car spot, and leaving  
45 the footprint as it is as a single-story building more has the structure meet

- 1 and fit into the neighborhood rather than to create that second space but  
2 then have to go to a two-story building.
- 3  
4 Crane: All right. Thank you Mr. Pompeo. Does ... you are presenting the  
5 applicant, so we are through with you. Is there any input from the public?  
6 Ma'am.
- 7  
8 Ayres: My name is Diana Ayres.
- 9  
10 Crane: Ms. Ayres do you swear or affirm that the testimony you are about to give  
11 is the truth and nothing but the truth under penalty of law?
- 12  
13 Ayres: It is.
- 14  
15 Crane: Carry on please.
- 16  
17 Ayres: I have an art studio on ... at 922 North Mesquite which does not back onto  
18 this property but we can see it from the studio. We intend to live in this  
19 house within the next few years. It's now a studio but we will live there.  
20 This is the very sort of development that we want in that neighborhood.  
21 He's designed it well and I think you'll find that in the next few years there  
22 will be many more people our age who are interested in moving into the  
23 city rather than out. And I think this is a very good idea, it's well designed,  
24 it looks good. I think the garage entryway is a quibble because there  
25 aren't mobs of people walking up and down the street. It's not a problem.  
26 I think ... I fully support it. Thank you.
- 27  
28 Crane: Thank you ma'am. So since there's virtually nobody left and Mr. Ayres is  
29 not going to speak, we'll close this to further discussion and  
30 Commissioners, we have to ... let's make up our minds how we're going  
31 to handle this. It seems to me that it's almost essential to take this item by  
32 item, voting on each one separately, otherwise we're going to get in a  
33 massive tangle if we try to permutate them various ways and item number  
34 one, reduce the front setback from the required 11 to 10-feet, Mr. Pompeo  
35 has told us that that's taken care of by simply shifting the house by a foot.  
36 So, may I hear a motion that the variance to reduce the off-site parking  
37 requirement from two spaces to one be approved? This is for IDP-14-05  
38 for the record. Somebody has to move it or we can't go anywhere.
- 39  
40 Clifton: I make a motion the Planning and Zoning Commission approve IDP-14-05  
41 variance request, reduce the off-street parking requirement from two  
42 spaces to one.
- 43  
44 Crane: Do I have a second?
- 45  
46 Alvarado: Second.

1  
2 Crane: Seconded by Mr. Alvarado. Discussion. Let's keep it simple and proceed  
3 to the vote. Mr. Clifton you go first.  
4  
5 Clifton: Aye.  
6  
7 Crane: Aye. Mr. Stowe.  
8  
9 Stowe: Aye.  
10  
11 Crane: Ms. Ferrary.  
12  
13 Ferrary: Aye.  
14  
15 Crane: Mr. Alvarado.  
16  
17 Alvarado: Aye.  
18  
19 Crane: And the Chair votes aye. So that passes five/none, that's item number  
20 two, the off-street parking requirement. Item number three is to reduce  
21 the lot depth from 70 to 62 feet. Let me hear a motion to that effect. Mr.  
22 Clifton, it's all falling on your shoulders, but you're younger than the rest of  
23 us perhaps. Go ahead, say your thing.  
24  
25 Clifton: Mr. Chairman, Members of the Commissioner, I make a motion to approve  
26 the reduction of the lot depth from 70 to 62-feet for Case IDP-14-05.  
27  
28 Crane: Thank you. A seconder?  
29  
30 Stowe: Second.  
31  
32 Crane: Seconded by Mr. Stowe. Mr. Alvarado how do you vote?  
33  
34 Alvarado: Aye.  
35  
36 Crane: Ms. Ferrary.  
37  
38 Ferrary: Aye.  
39  
40 Crane: Mr. Stowe.  
41  
42 Stowe: Aye.  
43  
44 Crane: Mr Clifton.  
45  
46 Clifton: Aye.

- 1  
2 Crane: The chair votes aye. Passes five/nothing. And finally item number four to  
3 allow a 10-foot setback from the front property line for an attached garage  
4 rather than the required 20-foot setback. Do I hear a motion to that effect?  
5 Let's give somebody else ... oh go ahead.  
6  
7 Clifton: Sure. Mr. Chair, Members of the Commission, I motion that we approve  
8 variance request to allow a 10-foot setback from the front property line for  
9 an attached garage rather than the required 25-foot setback for Case IDP-  
10 14-05.  
11  
12 Crane: Seconded by Ms. Ferrary.  
13  
14 Ferrary: I second it.  
15  
16 Crane: And we'll start ... where'd I start last time? Mr. Alvarado, all right.  
17  
18 Alvarado: Aye.  
19  
20 Crane: Ms. Ferrary.  
21  
22 Ferrary: I vote aye.  
23  
24 Crane: Mr. Stowe.  
25  
26 Stowe: Aye.  
27  
28 Crane: Mr. Clifton.  
29  
30 Clifton: Aye.  
31  
32 Crane: The Chair votes aye. Then all three of the remaining requested variances  
33 are approved by votes of five to nothing. Thank you.  
34  
35 **VIII. OTHER BUSINESS - NONE**  
36  
37 Crane: Any other business Ms. Montana.  
38  
39 Montana: No Mr. Chair.  
40  
41 **IX. PUBLIC PARTICIPATION**  
42  
43 Crane: Okay. Public participation, virtually no public, therefore probably no  
44 participation.  
45  
46

1 **X. STAFF ANNOUNCEMENTS**

2

3 Crane: Staff announcements? None.

4

5 **XI. ADJOURNMENT**

6

7 Crane: In that case we are adjourned at the hour of 10:10 p.m.. Thank you.

8

9

10

11

12 \_\_\_\_\_  
Chairperson

13

14