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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 12 Ordinance/Resolution# 15-055

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of October 6, 2014
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION REVERSING THE DECISION OF CONDITIONAL APPROVAL BY THE PLANNING AND ZONING COMMISSION ON JULY 22, 2014 FOR THE PARK RIDGE MEDICAL CENTER INFILL SUBDIVISION FINAL PLAT APPLICATION (IDP-14-04) LOCATED AT 2700 N. MAIN STREET, PARCEL 02-03647. APPEALED BY MEMBERS OF THE COUNTRY CLUB NEIGHBORHOOD ASSOCIATION.

PURPOSE(S) OF ACTION:

An appeal to reverse a decision by the Planning and Zoning Commission.

COUNCIL DISTRICT: 1		
<u>Drafter/Staff Contact:</u> Susana Montana, Planner	<u>Department/Section:</u> Community Development	<u>Phone:</u> 528-3207
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The purpose of the appeal by the appellants, the Country Club Neighborhood Association and various residents of that neighborhood, is to reverse the decision by the Planning and Zoning Commission (Commission) on July 22, 2014 at a duly-noticed public hearing on the Park Ridge Medical Center Infill Subdivision Final Plat at which the Commission conditionally-approved the Final Plat. The subdivision would create nine lots and five tracts within the former Las Cruces Country Club property. Three lots would be developed in a first phase with a hospital on Lot 5, a building for doctors' offices on Lot 9, and a residential rehabilitation and long-term care facility on Lot 4. Phases 2 and 3 of the subdivision development could occur if a second major access road were provided.

Persons commenting at the July 22, 2014 Planning and Zoning Commission public hearing for this case were placed under oath and were subject to cross examination. After reviewing the staff report and slide show presentation, a slide show presentation by the applicant, two slide show presentations by members of the Country Club Neighborhood Association, reviewing written public comments, listening to comments by members of the public, and discussing the application among themselves, the Commission voted 4 to 0 (one Commissioner recused herself, one Commissioner was absent, and one seat is vacant) to approve the Final Plat with

the condition that the applicant satisfy the mitigation measures identified in the Traffic Impact Analysis (TIA) prepared for the subdivision development. The condition states: *"The applicant, developer and/or any subsequent developer, as applicable, shall satisfy the mitigation measures identified in the July 22, 2014 amended Attachment 7 as well as any on- or off-site mitigation measures deemed by the City to be necessary to mitigate potential adverse impacts of the development to the site and surroundings that may be identified during the review of the public improvement construction drawings."* The mitigation measures are estimated to cost \$939,938.00 which would be paid by the applicant during Phase 1 of the development.

On July 24, 2014, a Notice of Decision was filed with the City Clerk pursuant to Section 38-10.K of the City of Las Cruces 2001 Zoning Code, as amended. On August 6, 2014, the appellants submitted a letter of appeal pursuant to Section 37-13.F of the City's Subdivision Code contending:

1. The City of Las Cruces Planning and Zoning Commission failed to comply with the provisions of the Las Cruces Land Development Code;
2. The decision of the Planning and Zoning Commission was based on significant misrepresentations, not substantial competent evidence; and
3. The Planning and Zoning Commission gave undeserved weight to the testimony of parties with a financial interest in approval of the Final Plat.

Pursuant to Section 37-13.F. of the Subdivision Code, when an appeal alleges that there is error in the Commission's decision or determination, the City Council, by a majority vote of all its members, may reverse or affirm any decision or determination of the Commission, or make any change in a decision or determination of the Commission. The minutes of the subject Commission meeting are the public record that indicates each Planning and Zoning Commission Member's participation.

SUPPORT INFORMATION:

1. Resolution.
2. Attachment "A", Appeal Letter.
3. Attachment "B", July 22, 2014, Planning and Zoning Commission Notice of Decision on the Final Plat, Case No. IDP-14-04, with the mitigation measures condition of approval.
4. Attachment "C", July 22, 2014 staff report to the Planning and Zoning Commission.
5. Attachment "D", Written public comments submitted to the Commission on July 22, 2014.
6. Attachment "E", All PowerPoint presentations shown to the Planning and Zoning Commission at the July 22, 2014 public hearing for case IDP-14-04 Final Plat.
7. Attachment "F", Draft Minutes of the July 22, 2014 Planning and Zoning Commission meeting.
8. Attachment "G", Park Ridge Medical Center Infill Subdivision Final Plat.
9. Attachment "H", City of Las Cruces Traffic Engineer's email stating conditional approval of the project Traffic Impact Analysis (TIA).
10. Attachment "I", August 19, 2013, City Council Notice of Decision conditionally-approving the Park Ridge Medical Center rezoning, Case No. Z2860.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY: N/A

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will reverse the Planning and Zoning Commission's conditional approval of the Final Plat and the subdivision will be denied.
2. Vote "No"; this will affirm the Planning and Zoning Commission's conditional approval of the Final Plat.
3. Vote to "Remand"; this would send the Final Plat application back to the Planning and Zoning Commission for further consideration at a public hearing.
4. Vote to "Table"; this would postpone the appeal hearing and could allow Council to direct staff and the appellants to provide additional information to the Council at a later appeal hearing.

REFERENCE INFORMATION:

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

1. Ordinance No. 2689

RESOLUTION NO. 15-055

A RESOLUTION REVERSING THE DECISION OF CONDITIONAL APPROVAL BY THE PLANNING AND ZONING COMMISSION ON JULY 22, 2014 FOR THE PARK RIDGE MEDICAL CENTER INFILL SUBDIVISION FINAL PLAT APPLICATION (IDP-14-04) LOCATED AT 2700 N. MAIN STREET, PARCEL 02-03647. APPEALED BY MEMBERS OF THE COUNTRY CLUB NEIGHBORHOOD ASSOCIATION.

The City Council is informed that:

WHEREAS, the Planning and Zoning Commission (Commission) held a duly-noticed public hearing on July 22, 2014 to consider the Park Ridge Medical Center Infill Subdivision Final Plat request (Case No. IDP-14-04) submitted by Park Ridge Properties, LLLP on behalf of the Las Cruces Country Club, Inc., property owner; and

WHEREAS, the Final Plat would create nine lots and five tracts for the development of uses permitted by Ordinance No. 2689; and

WHEREAS, after reviewing evidence in the record and considering public testimony, the Commission voted 4 to 0 (one Commissioner recused herself, one Commissioner was absent, and one seat was vacant) to approve the Final Plat with the condition that the applicant satisfy the mitigation measures identified in the Traffic Impact Analysis (TIA) prepared for the subdivision development; and

WHEREAS, on August 6, 2014, the appellants appealed the Commission's decision on the Final Plat pursuant to Section 37-13(F) of the Las Cruces Subdivision Code citing:

- 1) The City of Las Cruces Planning and Zoning Commission failed to comply with the provisions of the Las Cruces Land Development Code;
- 2) The decision of the Planning and Zoning Commission was based on significant misrepresentations, not substantial competent evidence; and
- 3) The Planning and Zoning Commission gave undeserved weight to the testimony of

parties with a financial interest in approval of the Final Plat; and

WHEREAS, the City Council (Council), at a duly-noticed public hearing to consider the appeal, reviewed the record of the July 22, 2014 Planning and Zoning Commission meeting, heard and considered comment by the appellants, heard clarification of issues and questions from City staff, and discussed the record and testimony about the appeal.

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

(I)

THAT the Council finds that the decision by the Planning and Zoning Commission to conditionally-approve the Park Ridge Medical Center Infill Subdivision Final Plat, Case Number IDP-14-04, is deemed incorrect.

(II)

THAT the Council hereby reverses the decision of the Planning and Zoning Commission of July 22, 2014 for Case Number IDP-14-04 and by adopting this Resolution hereby denies the Park Ridge Medical Center Infill Subdivision Final Plat.

(III)

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

DONE AND APPROVED this ____ day of _____, 20____.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

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

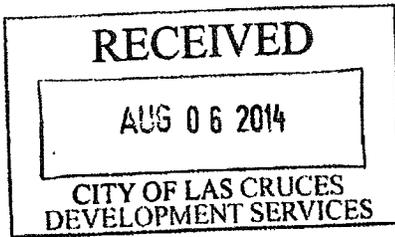
Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney



P.O. Box 1631
Las Cruces, New Mexico 88004
August 5, 2014

Robert Kyle
City of Las Cruces
Subdivision Administrator
700 North Main Street
Las Cruces
NM 88001-3512

Dear Mr. Kyle,

Pursuant to Las Cruces Municipal Code Sec. 37-13 and Sec. 38-13, we are officially appealing the decision of the Planning and Zoning Commission on June 22, 2014 regarding Case No. IDP-14-04 to the Las Cruces City Council.

The grounds for this appeal are as follows.

1. The City of Las Cruces Planning & Zoning Commission Failed to Comply with the Provisions of the Las Cruces Land Development Code
2. The Decision of the Planning and Zoning Commission was based on Significant Misrepresentations, Not Substantial Competent Evidence
3. The Planning and Zoning Commission Gave Undeserved Weight to the Testimony of Parties with a Financial Interest in Approval of the Final Plat

A detailed statement of the grounds for this appeal is attached. The \$200 fee for an appeal to the City Council is also attached.

The parties to this appeal request a "Battershell" due process proceeding in place of the automatic standard due process.

A handwritten signature in cursive script, appearing to read "Eva Booker".

Eva Booker
President, Country Club
Neighborhood Association
and personally

A handwritten signature in cursive script, appearing to read "Carlos Colón".

Carlos Colón

Constance Potter
Constance Potter

Murray Potter
Murray Potter

Tommie Schroeder
Tommie Schroeder

~~James Tyler Boyd~~
~~James Tyler Boyd~~

Charlotte Lipson
Charlotte Lipson

**Grounds for Appeal of
City of Las Cruces Planning & Zoning Commission
Decision of July 22, 2014
Case IDP-14-04**

I. The City of Las Cruces Planning & Zoning Commission Failed to Comply with the Provisions of the Las Cruces Land Development Code

Rezoning of Park Ridge Medical Center Subdivision

On April 22, 2013, Park Ridge Properties, LLLP submitted an application to the City of Las Cruces for the rezoning of 30.745 acres of the 110.276 acre parcel owned by the Las Cruces Country Club for the Park Ridge Medical Subdivision.¹

On June 25, 2013, the Planning & Zoning Commission voted to recommend **“conditional-approval** of the requested rezoning (Case Z2860) to the City Council by a vote of 3 to 2,” which included the following condition.

“A Traffic Impact Analysis, in accordance with the requirements of applicable permitting agency (i.e., City of Las Cruces Traffic Engineer, NMDOT, etc.), shall be submitted with the first building permit or subdivision application for land within the rezoning area and shall be approved by the City’s Traffic Engineer.”²

On August 19, 2013, the City of Las Cruces City Council approved the recommendation of the Planning and Zoning Commission by a vote of 6 to 1. The City Council’s decision included the same conditions recommended by the Planning and Zoning Commission.³

Traffic Impact Analysis (TIA)

Section 32-407 of the City of Las Cruces Land Development Code addresses the requirements for preparation of Traffic Impact Analyses (TIA’s). Section 32-407 (1) c. includes the following requirements.

- c. Future traffic volume shall be based on a ten-year forecast horizon. Forecasts shall be based upon locally adopted zoning, land use and transportation plans and demographic forecasts. It will consider background growth as well as build out of adjacent sites and/or the general vicinity possibly up to a mile away as determined by the Traffic Engineer. Future traffic conditions surrounding the development shall be

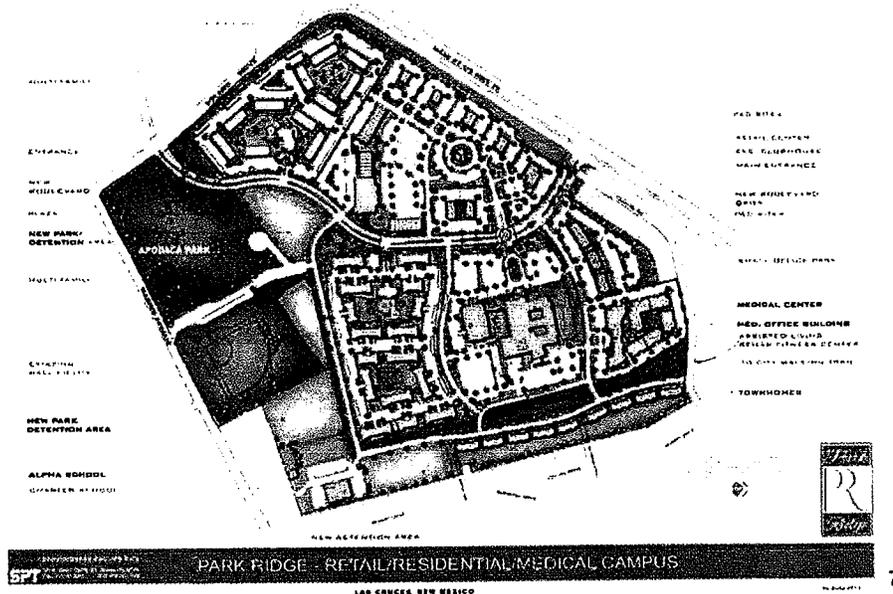
¹ City of Las Cruces Development Application (April 22, 2013)

² Planning and Zoning Commission Notification of Decision (June 25, 2013)

³ City of Las Cruces City Council Notice of Decision (August 20, 2013)

analyzed for AM, Noon, and PM peaks without the site development, in comparison to peak conditions with site development traffic included.⁴

Park Ridge Properties, LLLP intends to acquire and develop the entire 110.276 acre parcel currently owned by the Las Cruces Country Club.⁵ A contract to buy the property was initially executed in November 2012;⁶ however, the sale has not been completed to date. Site plans for the development of the entire 110.276 acre parcel have been widely distributed since March 2013. The following version is on their website.



Complete development of the 110.276 acre parcel is expected to be completed by 2021, which is within the “ten-year forecast horizon” that must be included in the TIA.⁸

Park Ridge submitted its first version of its Traffic Impact Analysis (TIA) for the Park Ridge Mixed Use Development, Medical Center to the City of Las Cruces on January 10, 2014. That TIA only addresses the traffic that is expected to be generated by the first phase of development of the Medical Center, which consists of the hospital, medical office building and assisted living facility.⁹ Phase I only covers a total of 17.035 acres.

⁴ LCMC Sec. 32-407 (1) c (Ord. No. 2663, §1 (exh. A), 9-14-12)

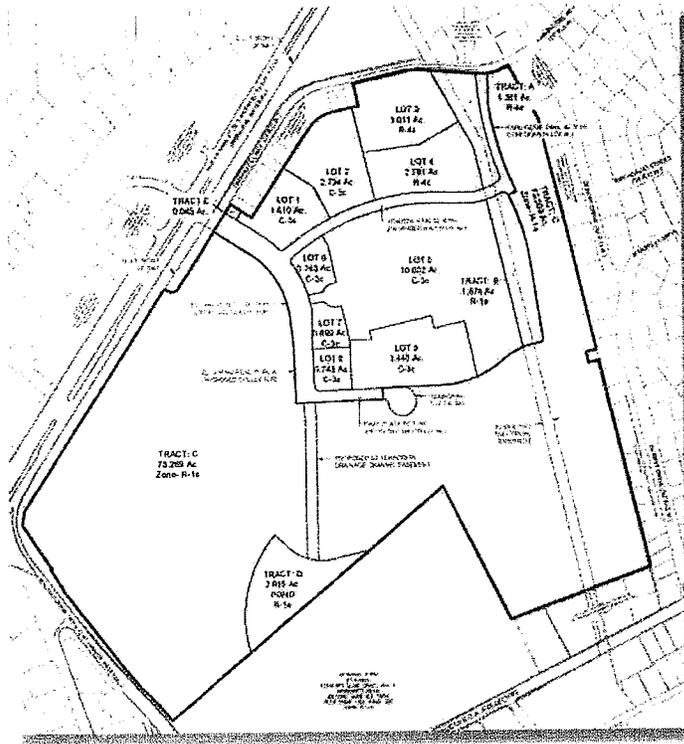
⁵ Traffic Impact Analysis: Park Ridge Medical Center Subdivision, Phase I (July 1, 2014) p. 1

⁶ Las Cruces Country Club property has been sold (Las Cruces Sun-News, November 8, 2012)

⁷ <http://parkridge-lc.com/site-plan/>

⁸ Traffic Impact Analysis: Park Ridge Medical Center Subdivision, Phase I (July 1, 2014) p. 8, 10

⁹ Traffic Impact Analysis: Park Ridge Mixed Use Development, Medical Center (January 10, 2014) p. iii, 3,



Park Ridge Medial Center Infill Subdivision¹⁰

The first two comments of the City of Las Cruces Traffic Engineer addressed the Land Development Code's requirement of including all known future development in a TIA.

1. The impact of all known future development needs to be provided and accounted for to confirm improvements are adequate and identify if staged improvements are necessary.
2. If development of the Rehab Facility and Medical/Professional offices will be in immediate succession, why are those improvements not included in this analysis?¹¹

Park Ridge's response to these comments was that the City's Traffic Engineer and other city staff "all agreed that a phasing approach is to be used for this development" and that an addendum to the TIA would be submitted "at the time of planned construction . . . when the site plans become more specific and when a third

¹⁰ Park Ridge Medial Center Infill Subdivision Final Plat, July 22, 2014 Power Point Presentation, Slide #3

¹¹ Park Ridge Mixed Use Development Medical Center Traffic Impact Analysis, 1st Submittal, January 10, 2014 City of Las Cruces Comments, February 14, 2014 p. 1

access point becomes available.”¹² This response does not meet the requirements of the Land Development Code.

Park Ridge submitted its second version of its Traffic Impact Analysis (TIA) for the Park Ridge Medical Center Subdivision, Phase I to the City of Las Cruces on May 9, 2014. Again, that TIA only addresses the traffic that is expected to be generated by the first phase of development of the Medical Center, which consists of the hospital, medical office building and assisted living facility.¹³

The comments of the City of Las Cruces Traffic Engineer again addressed the requirement of including all known future development.

13. The TIA did not provide any indication or information regarding future commercial improvements as part of this overall development site. If the developer, or their agents, have working knowledge of additional commercial developments that are to be a part of the final future build out and is further evidenced by conceptual plats or site plans they need to include those developments and anticipated land use types (i.e., “Big Box” Store, restaurants, entertainment centers, etc.) for the proposed trip generations. These commercial centers can be phased as indicated for the medical center developments, but ethically should be disclosed for planning efforts and cost considerations for impacted transportation network systems and cut through traffic to adjacent neighborhood subdivisions. Coordination with MPO for future forecast network modelling travel demand should occur to create model scenario runs with the full build out development to see the impacts to the transportation network. High end trip generating land uses will create significant impacts and should accounted for in the TIA and design of improvements.¹⁴

Park Ridge’s response to these comments was that City staff told Zia that “the TIA cannot include analysis of the planned secondary access since it is still in process of being coordinated/agreed to with the City and therefore the City indicated that this project could not rely upon it until it was fully approved. Therefore, we mutually agreed with City staff and management on limiting the analysis solely to the first phase of the Medical Center.”¹⁵ Again, this response does not meet the requirements of the Land Development Code.

Park Ridge submitted its third version of its Traffic Impact Analysis (TIA) for the Park Ridge Medical Center Subdivision, Phase I to the City of Las Cruces on July 1, 2014. Again, only the “first phase [of the Park Ridge Medical Subdivision] . . . is the

¹² Comment Responses of Zia Engineering & Environmental Consultants (May 9, 2014) p. 2

¹³ Traffic Impact Analysis: Park Ridge Medical Center Subdivision, Phase I (May 9, 2014) p. iv

¹⁴ Comment Responses of Zia Engineering & Environmental Consultants (July 1, 2014) p. 3

¹⁵ Ibid p. 3

subject of this report.”¹⁶ The following excerpts from Table I clearly show what is covered in Phase I.

Table 1: Medical Center Subdivision Land Uses¹⁷

Lot/Tract	Area	Land Use	Phase I Intensity	Final Intensity
Lot 3	3.011 Acres	Assisted Living Facility	32 beds	76 beds
Lot 5	10.602 Acres	Hospital	80,600 sq. ft.	101,500 sq. ft.
Lot 9	3.440 Acres	Medical Office Building	50,000 sq. ft.	50,000 sq. ft.
Total	17.035 Acres			

The following excerpts from Table 2 show Park Ridge’s planned phases and estimates of trips generated. The full build out of the Medical Center Subdivision (30+ acres) is estimated to generate 9,398 trips daily and the full build out of the entire 110+ acres is estimated to generate 19,397 trips daily.

Table 2: Future Phasing and Land Uses¹⁸

Phase	Land Use	Intensity	Daily Trips Generated
Phase I (2015)	Hospital Medical Office Building Assisted Living Facility	80,600 SF 50,000 SF 32 beds	5,022
Phase II (2017)	Assisted Living Facility Rehabilitation Facility	44 beds 50,000 SF	2,706
Phase III (2018)	Hospital Expansion Office Park General Offices	20,900 SF 50,000 SF 30,000 SF	1,670
Phase IV (2021)	Shopping Center Multi-Family Apartments Charter School Town Homes Hotel	65,000 SF 510 units 220 students 30 DU 140 rooms	9,999
Total			19,397

Even assuming that Park Ridge’s estimates are accurate and that actual trips generated aren’t even higher, the volume of daily trips generated upon completion of

¹⁶ Traffic Impact Analysis: Park Ridge Medical Center Subdivision, Phase I (July 1, 2014) p. 2, 8, 9, 10

¹⁷ Ibid p. 5

¹⁸ Ibid p. 10

each phase beyond Phase I is clearly too high for the proposed access points included in Park Ridge's TIA. The TIA acknowledges that the two proposed access points in the TIA "do not provide sufficient capacity to convey the traffic generated by full build out of the medical center subdivision."¹⁹ Reference is made to the creation of "a third access point by intersecting Park Ridge Boulevard with Solano Drive/West Madrid Avenue. Upon approval of the third access point, this study will be revised to reflect the additional traffic from phases two and three and revised trip distribution due to the third access point."²⁰

Appendix A includes a map, which provides more details related to proposed future development of the entire site, including the third access at Solano Drive/West Madrid Avenue that cuts through Apodaca Park.

Subdivision Concept Plan and Final Plat

The Park Ridge Medical Center Infill Subdivision Concept Plan for 110.276 acres was filed on January 7, 2014.²¹ A revised Concept Plan for the 110.276 acres was filed on May 9, 2014.²² The revised Concept Plan was conditionally approved by the Development Review Committee on June 4, 2014. The condition was the "resolution of the TIA comments."²³

The Park Ridge Medical Center Infill Subdivision Final Plat for 110.306 acres was filed on April 4, 2014.²⁴ The Final Plat was conditionally approved by the Development Review Committee on July 9, 2014. The condition was "That the TIA be approved by the City's Traffic Engineer prior to the Planning and Zoning Commission acting on the plat."²⁵

The Park Ridge Medical Center Infill Subdivision Final Plat was scheduled to be heard at the July 22, 2014 meeting of the Planning and Zoning Commission even prior to the July 9, 2014 Development Review Committee meeting. The TIA was not "approved" by the City's Traffic Engineer until hours before the Planning and Zoning Commission meeting on July 22, 2014. We suspect the City's Traffic Engineer was pressured to "approve" the TIA. He did provide some written comments for clarification, including the following. "I am concerned with one of their comment responses that indicated the City had an 'agreement' concerning the scope of the TIA." He specifically

¹⁹ Ibid p. 8

²⁰ Ibid p. 8

²¹ Park Ridge Medical Center Infill Subdivision Concept Plan Las Cruces, New Mexico 110.276 Acres (1/07/14)

²² Park Ridge Medical Center Infill Subdivision Concept Plan Las Cruces, New Mexico 110.276 Acres (5/9/14)

²³ Development Review Committee Minutes (June 4, 2014) p. 7

²⁴ City of Las Cruces Development Application (April 4, 2014)

²⁵ Development Review Committee Minutes (July 9, 2014) p. 5

stated he “would like to clarify for the record that although the scope was discussed on various occasions, there was never an ‘agreement’.”²⁶

The Planning and Zoning Commission’s approval of the Park Ridge Medical Center Infill Subdivision Final Plat for 110.276 acres, based on a TIA that only covers 17.035 acres without any conditional requirement for a TIA that covers all 110.276 acres, could result in Park Ridge and subsequent purchasers claiming vested rights to develop the entire 110.276 acres, without the necessity of an approved TIA that covers all 110.276 acres.

II. The Decision of the Planning and Zoning Commission was based on Significant Misrepresentations, Not Substantial Competent Evidence

Susana Montana, Planner for the City of Las Cruces, gave the initial presentation related to the Park Ridge Medical Center Infill Subdivision Final Plat. Bob Pofahl of Park Ridge expanded on Ms. Montana’s presentation. Eva Booker and Connie Potter of the Country Club Neighborhood Association gave slide presentations that covered their concerns. Members of the audience gave testimony for and against the Final Plat. Chairman Godfrey Crane repeatedly offered Mr. Pofahl an opportunity to rebut any comments in opposition to the Final Plat.

Appellant is concerned that the Planning and Zoning Commission was repeatedly assured that the TIA was adequate, in spite of the fact that it did not comply with the requirements for a TIA set forth in the Land Development Code.

After Mr. Pofahl’s presentation, Commissioner Kirk Clifton directed the following comments and question to the staff.

“The zoning is done. At this point we’re just here to discuss the platting. The land use, the issues, those have all been resolved. The only issue now is the actual subdivision of the property, is that accurate?”²⁷

Ms. Montana responded as follows.

“Yes Mr. Chair, Commissioners. The zoning is adopted and the conditions of the rezoning are being met; first condition being limiting the uses to the medical center and accessory uses; second being the TIA; and the third being . . . here we go . . . the second access road which is the new loop road to Camino Del Rex, so that would be accomplished through this final plat.”²⁸

Appellants disagree with Ms. Montana’s assertion that all conditions of the rezoning have been met. First, the Land Development Code requires the TIA to cover

²⁶ Email from Willie Roman to Susana Montana re Park Ridge TIA (July 22, 2014)

²⁷ Transcript of Planning and Zoning Commission July 22, 2014 meeting, p. 42

²⁸ Ibid

“Future traffic volume . . . based on a ten-year forecast horizon.” The TIA must also “consider background growth as well as build out of adjacent sites and/or the general vicinity possibly up to a mile away.” The Park Ridge TIA only covers 17.035 acres, not the 30.745 acres covered by the rezoning application or the 110.276 acres covered by the Final Plat. The TIA does not address any development in the general vicinity of the proposed development. At a minimum, it should have addressed the development of the Wyndchase Apartments on Three Crosses, which have been zoned for up to 200 apartments.

Commissioner William Stowe asked Mr. Pofahl the following question.

“I was just curious, what conditions do you think will need to be in force for the development of tract C, the bulk of the land?”²⁹

Mr. Pofahl gave the following response.

“Right now that PUD is in process and I think secondary access is being worked on with the city and the state and the design of that is in process at this time.”³⁰

Appellants are concerned that Mr. Pofahl’s response gave the Commissioners the false impression that traffic issues related to development beyond Phase I are being addressed through the PUD application process, including another access to the property. Although Park Ridge initially submitted a PUD application March 4, 2013, after receiving the extensive comments of the City, Park Ridge decided to proceed under the Infill Subdivision Method instead. Apparently, a PUD is not required when a developer opts to proceed under the Infill Subdivision Method; therefore, the Commission should not have relied on the representation that further development of the property will be addressed through a PUD application.

Chairman Crane restated the main issue as follows.

“[T]he TIA seems only to cover, and the plat, seems only to cover the currently planned level of development, not the traffic that will be expected in the future when the whole 110 acres is finished.”³¹

Mr. Pofahl deferred to Eddie Martinez of Zia Engineering, who first responded by stating the TIA covers “the 30 some-acres.”

“[I]n order to create this 30-some acres we have to do a subdivision of the entire 110 acres to parcel out the 30 some acres. The TIA therefore covers the 30-some acres and we do identify the number of vehicles not only associated with the initial phase one of that 30-some acres but the entire 30-some acres as well as include a table of the . . . what we understand the potential anticipated level of

²⁹ Ibid p. 43

³⁰ Ibid

³¹ Ibid p. 49

development will be for the entire 110 acres. The detailed modeling that's been done is specific to the parcels that are anticipated to be developed at this stage which is the assisted living, the hospital, and the medical complex.³²

Mr. Martinez' response is inaccurate in several respects. First, Mr. Martinez misrepresented the scope of the TIA by stating "The TIA therefore covers the 30-some acres." As previously stated, the TIA conditionally approved on July 22, 2014 is entitled Traffic Impact Analysis: Park Ridge Medical Center Subdivision, Phase I. Throughout the TIA it states that it only applies to Phase I, which consists of 17.035 acres, according to the maps and tables included in the TIA. The TIA specifically states "Subsequent phases of the Park Ridge Medical Center Subdivision and the overall development are briefly discussed *for informational purposes* and will be addressed as addendums to this report."³³ (Emphasis added.) The Land Development Code does not provide for TIAs that only cover discrete phases of a development or addendums to a TIA at some unknown time in the future.

Second, while the TIA may "include a table of . . . what we understand the potential anticipated level of development will be for the entire 110 acres," the entire 110 acres is not covered by this TIA. The TIA acknowledges that the two proposed access points in the TIA "do not provide sufficient capacity to convey the traffic generated by full build out of the medical center subdivision,"³⁴ let alone the entire 110 acre development.

Mr. Martinez then contradicts himself when he explains why the TIA only covers Phase I.

"The reason why we have not done the more detailed analysis of the 110 acres or even beyond this phase one is because that would entail needing that tie to Solano/Madrid. The tie to Solano/Madrid requires that we work out agreements with the City of Las Cruces for what we'll be doing is putting that tie through where the entrance to Apodaca Park currently is. We're working with the state land office . . . well not the state land office, but state parks as well as the city in working out that agreement, because funding was provided by state parks for some improvements to Apodaca and so as a result modifications to Apodaca require the agreement with state parks. So that's in process. Until that's worked out, we can't really count on that second access point. So since we can't count on that second access point we are limited to doing just this level of development at this stage. So that's the reason why the TIA is limited only to what we're asking for at this stage. Does that explain?"³⁵

With regard to the additional access Park Ridge is seeking to establish through portions of Apodaca Park, that will involve a long, time-consuming process that requires

³² Ibid

³³ Traffic Impact Analysis: Park Ridge Medical Center Subdivision, Phase I (July 1, 2014) p. 2

³⁴ Ibid p. 8

³⁵ Transcript of Planning and Zoning Commission July 22, 2014 meeting, p. 49

federal approval. Because Land and Water Conservation Funds were used to establish and maintain the park, extensive federal legal “anti-conversion” requirements must be met, including approval by the Secretary of Interior.³⁶ An effort to convert any portion of Apodaca Park will be met with substantial opposition, not only by CCNA members, but by residents throughout the City of Las Cruces, so it cannot be counted on as a realistic option for an additional access point in the near future.

Mr. Martinez misrepresents the required process as being limited to working with “state parks as well as the city.” As previously stated, the use of Land and Water Conservation Funds to establish and maintain the park triggers extensive federal legal “anti-conversion” requirements that must be met, including public input and approval by the Secretary of Interior. There is no guarantee that this approval will be secured. If this is Park Ridge’s only plan for an acceptable access point, and the conversion of Apodaca Park is not approved, then Park Ridge will not be able to complete the remaining two phases for the 30+ acre medical center or the remaining 80 acres of the site.

Chairman Crane was clearly persuaded by Mr. Martinez’ misrepresentations that the TIA is adequate for purposes of approving the Final Plat for the entire 110.276 acre development and can be amended at a later time when the access through Apodaca Park is approved.

“I think I see what you’re getting at sir. When the rest of it’s developed there will be a further egress from the whole 110 acres that will be down towards Solano and Madrid.”³⁷

Martinez goes on to assure Chairman Crane that a more detailed analysis will be done as part of the PUD.

“Correct. And that would ... at that stage will be a more detailed analysis of the entire 110 acres. That’ll be done as part of the PUD.”³⁸

As previously noted, under the Infill Subdivision Process, a PUD is not required and may never be submitted. In fact, according to City staff, Park Ridge’s PUD application is “on hold.”

Connie Potter responded to Mr. Martinez’ misrepresentations related to Apodaca Park.

“I want to specifically address any roadways or any attachments to Apodaca Park. That land is protected under land and water conservation trust funds and anything done to it has to ... even one square foot ... has to be approved up to the Secretary of the Interior. So all this “will happen” is absolute conjecture.”³⁹

³⁶ 16 U.S.C. §4601-8.

³⁷ Transcript of Planning and Zoning Commission July 22, 2014 meeting, p. 49

³⁸ Ibid p. 50

³⁹ Ibid

Mr. Martinez stood by his misrepresentation.

"Actually that is incorrect as far as I understand. The approval is actually through the state parks as representatives of whatever their funding source is. So the approval is the state parks, not the Secretary of the Interior."⁴⁰

Section 6(f)(3) of the Land and Water Conservation Fund Act specifically requires approval of the Secretary of the Interior, as Ms. Potter accurately stated in her testimony.

(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses.⁴¹

The conversion requirements contained in 36 CFR § 59.3(b) make it clear that requests for conversion must be submitted to the National Park Service.

(b) *Prerequisites for conversion approval.* Requests from the project sponsor for permission to convert L&WCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to the appropriate NPS Regional Director in writing.⁴²

Conversion requirements are quite extensive. "Responsibility for compliance and enforcement of these provisions rests with the sponsor of the project." "NPS approval is a discretionary action and should not be considered a right of the project sponsor."⁴³ Requirements for an application for conversion include separate environmental reviews of both the land proposed for conversion and the proposed replacement sites; appraisals of both the land proposed for conversion and the proposed replacement sites; and public notice and comment requirements. "The public should be notified of the proposal and be invited to participate in scoping out the proposal."⁴⁴ Furthermore, the process can take from six months to more than a year.⁴⁵

Both the TIAs and Mr. Martinez include an even more blatant misrepresentation related to the status of their efforts to acquire the portion of Apodaca Park needed for their access at Solano and Madrid. Martinez testified, under oath, as follows.

"We're working with the state land office ... well not the stand land office, but state parks as well as the city in working out that agreement. . . . So that's in process."⁴⁶

⁴⁰ Ibid

⁴¹ 16 U.S.C. §4601-8

⁴² Ibid

⁴³ *Land and Water Conservation Fund Conversions of Use Regulations and Procedures* (New Mexico State Parks 03/09) p. 1

⁴⁴ Ibid p. 12

⁴⁵ *Understanding the Land and Water Conservation Fund: Stewardship* (National Park Service Land and Water Conservation Fund) p. 6

⁴⁶ Transcript of Planning and Zoning Commission July 22, 2014 meeting, p. 49

In this case, the sponsor of the project would be the City of Las Cruces. Inquiries to New Mexico State Parks resulted in Julie Kowalski, LWCF State Liaison Officer of New Mexico State Parks, contacting Bill Hamm, Real Estate Manager at the City of Las Cruces. Mr. Hamm told her the City will not be filing an application for conversion of any part of Apodaca Park. Bob Anderson, Regional Director of the National Park Service, also has not been contacted about the possibility of converting any part of Apodaca Park. Mr. Martinez' assertion that an agreement related to the conversion of the portion of Apodaca Park needed for their access at Solano and Madrid is "in process" is blatantly false.

III. The Planning and Zoning Commission Gave Undeserved Weight to the Testimony of Parties with a Financial Interest in Approval of the Final Plat

When opened to the public for comments, all comments in favor of the development were from people with a financial interest in the approval of the Final Plat. Out of 20 people who testified during the public comments portion of the meeting, 10 people testified in favor of Park Ridge's application for a Final Plat and 10 people testified against it.

Five of the people who testified in favor of Park Ridge identified themselves as members of the Las Cruces Country Club, including Robert Caldwell, President of the Board of Directors and City of Las Cruces Community Relations Coordinator. As previously noted, the entire 110.276 acre parcel that is covered by the Final Plat is still owned by the Las Cruces Country Club. A contract to buy the property was initially executed in November 2012.⁴⁷⁴⁸ The sale was "finalized" for \$7.1 million in January 2014,⁴⁹ however, the sale has not been completed to date. Initially, the sale was contingent upon approval of the rezoning of the 30.745 acres.⁵⁰⁵¹ Apparently, Park Ridge subsequently made the sale contingent upon approval of the Final Plat.⁵² Not surprisingly, Las Cruces Country Club members have testified in favor of Park Ridge at all hearings related to the development of the property. The Park Ridge development appears to be the Las Cruces Country Club's only option at this time for sale of the

⁴⁷ **Las Cruces Country Club property has been sold** (Las Cruces Sun-News, November 8, 2012);

⁴⁸ **Alta LeCompte, LLC to buy Country Club: Former golf course may be developed** (Las Cruces Bulletin, November 9, 2012)

⁴⁹ **Steve Ramirez, Former golf course sold for \$7.1 million: Park Ridge Properties buys what used to be Las Cruces Country Club** (Las Cruces Sun-News, August 20, 2013)

⁵⁰ **Steve Ramirez, City approves rezoning plan: Council's 6-1 ruling paves the way for land sale, hospital project** (Las Cruces Sun-News, January 28, 2014)

⁵¹ **Steve Ramirez, Zoning OK is just the first step: Months of planning ahead for former country Club land** (Las Cruces Sun-News, August 21, 2013)

⁵² **Steve Ramirez, Country club plan gets OK to proceed: Property sale could be finalized within 45 days** (Las Cruces Sun-News, July 24, 2014)

property. The Country Club intends to use the proceeds to purchase Sonoma Ranch Golf Course.⁵³

Six of the people who testified in favor of Park Ridge were townhome owners, who have been promised disconnection from septic systems and connections to the city system at the developer's cost. Only two of the townhome owners who testified actually live in their townhomes.

Two of the people who testified in favor of Park Ridge represent parties that are part of the development. Jay Robb is the owner and operator of Heritage Assisted Living, which he testified would be developing at least five of the 30 acres in the Medical Center subdivision. Ray Jaramillo is the Director of Alpha School. Park Ridge has promised to donate land in the development to Alpha School for expansion.

All 10 of the people who gave comments against approval of Park Ridge's application for a Final Plat expressed concerns about the TIA and traffic.

At the end of the public comment period, Chairman Crane again gave Mr. Pofahl the opportunity to "give such rebuttal that you want." Mr. Pofahl's rebuttal focused on Park Ridge's plan to donate "over seven and a half acres to the existing Apodaca Park" (referring to the project's regional retention pond); the linear park "along the power lines"; walking trails; and other features of the development. His only comments related to the traffic issues misrepresented that the TIA covers more than it does and was prepared to meet the requirements of the city and state.

"In addition, the city and state traffic engineers have spent extensive time with our engineers, hours and days walking through this with very professional groups to look at *every angle of this development*. They've even had our engineers go back to the drawing board many times. And so the mitigation and the over million dollars that we're spending just in phase one is what was recommended by both the state engineers and the city engineers." (Emphasis added.)⁵⁴

Eddie Martinez again confused the issue by arguing both that the TIA analyzed traffic for the entire 110 acres and that it only applies to phase one.

"Anyway, regarding the concerns that the TIA once again only addresses 17 acres, specifically on table two on page 10 of the study we identify four phases of the project that includes the daily trips generated and the intensity for the entire 110 acres. Also in appendix A, table one in appendix A we identify once again in detail the generation of the traffic for the entire 110 acres. So therefore it was analyzed . . . as I said we did analyze, we did look at that. The modeling as we

⁵³ Ibid p. 8

⁵⁴ Transcript of Planning and Zoning Commission July 22, 2014 meeting, p. 63

indicate because at this stage without that second access point the modeling is specific to this phase one."⁵⁵

Before the Commission voted on Park Ridge's application for a Final Plat, Commissioner Clifton made extensive remarks that reflected his understanding that the zoning was approved; the TIA was adequate; and the subdivision was "a mere formality."

"The land use discussion's over. That's been dealt with. . . . So the subdivisions a mere formality to clear title, transactions, etc. . . . It looks like a TIA of record has cleared Mr. Roman's review process as of today. And quite frankly I think at this point really we're left with a subdivision, there's really nothing else to discuss."⁵⁶

We respectfully disagree with Commissioner Clifton's conclusions. The rezoning of 30.745 acres was contingent upon "A Traffic Impact Analysis, in accordance with the requirements of applicable permitting agency (i.e., City of Las Cruces Traffic Engineer, NMDOT, etc.), shall be submitted with the first building permit or subdivision application for land within the rezoning area." The Traffic Impact Analysis: Park Ridge Medical Center Subdivision, Phase I did not meet the requirements of Section 32-407 of the City of Las Cruces Land Development Code, which requires "Future traffic volume shall be based on a ten-year forecast horizon." The City of Las Cruces Traffic Engineer acknowledged this requirement when he responded to Park Ridge's first two TIAs.

Commissioner Clifton moved to approve Park Ridge's application for a Final Plat. Commissioner Alvarado voted yes "based on the presentations here today, the public input, and staff recommendations and my site visit." Commissioner Stowe voted "Aye based on findings and discussion." Commissioner Clifton voted "aye based on findings specific to the compliance with the city subdivision regulations and zoning code, staff, and applicant's presentation." Chairman Crane voted "aye based on findings, discussion, and site visit."⁵⁷

⁵⁵ Ibid

⁵⁶ Ibid p. 64

⁵⁷ Ibid p. 65-66



**PLANNING AND ZONING COMMISSION
NOTIFICATION OF DECISION**

July 24, 2014

Case No. IDP-14-04: Request for approval of a subdivision Final Plat for a 110+ acre parcel (02-03647) located at 2700 N. Main Street which is the former Las Cruces Country Club property. The Final Plat divides the property into 9 lots and 5 Tracts to accommodate development of the Park Ridge Medical Center which would provide a hospital, medical offices and residential rehabilitation and long-term care facilities and development would occur in 3 phases. Submitted by the Las Cruces Country Club Inc.; developer is Park Ridge Properties LLLC; engineering representative is Zia Engineering. District 1 (Silva)

FINDINGS

1. The subject property lies within the City's Infill Development Overlay District and is a vacant and underutilized parcel that qualifies for the Infill Subdivision Method which seeks to facilitate the development of such underused properties; this would positively address relevant Comprehensive Plan policies and purpose statements of the Infill Development Overlay District Section 38-48 of the City's 2001 Zoning Code, as amended.
2. The subdivision Final Plat facilitates the development of the medical center which was the subject of a rezoning approval by the City Council in August 2013 (Z2860). The rezoning was found by the Council to meet the Purpose and Intent of the City's 2001 Zoning Code, as amended, to positively address relevant City Comprehensive Plan policies, and to satisfy rezoning criteria of relevant New Mexico case law.
3. The Final Plat meets the development standards of the City's 2001 Zoning Code, as amended, and the City's Subdivision Code.
4. A Traffic Impact Analysis (TIA) was prepared to identify the potential on- and off-site traffic impacts of the proposed development within the subdivision. The TIA identified mitigation measures that are expected to mitigate the identified on- and off-site adverse impacts. The TIA was conditionally approved by the City's Traffic Engineer on July 22, 2014 prior to the Commission's consideration of the proposed Final Plat. The Traffic Engineer's condition of approval of the TIA requires the Applicant/developer to pay for the mitigation measures listed in the July 22, 2014 revised Attachment 7 to the Commission's staff report.
5. The subdivision Final Plat would be conditioned on the Applicant, and any subsequent developer of any of the 9 lots within the subdivision, satisfying the mitigation measures listed in the July 22, 2014 revised Attachment 7. Implementation of those

mitigation measures are expected to avoid, to reduce to a level of insignificance, or to ameliorate on- or off-site adverse impacts of development within the subdivision.

6. With the condition adopted by the Commission, the Final Plat would positively address relevant Purpose Statements of the Subdivision Code, Purpose Statements of the In-fill Subdivision Process of the Subdivision Code, and Planning and Zoning Commission Criteria for Decisions pursuant to Section 2-3821 of the Las Cruces Municipal Code.

7. The City's Development Review Committee (DRC) on July 9, 2014 recommended conditional approval of the Final Plat, subject to the City's Traffic Engineer approving or conditionally-approving the Park Ridge Medical Center TIA.

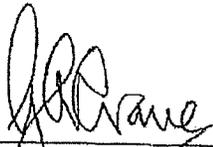
DECISION

On July 22, 2014, the Planning and Zoning Commission voted to **CONDITIONALLY-APPROVE** the requested Park Ridge Medical Center Infill Subdivision Final Plat (Case No. IDP-14-04) by a unanimous vote of 4 to 0 (Mayoral seat vacant, one Commissioner absent and one Commissioner recused herself) with the following condition:

1. The Applicant, developer and/or any subsequent developer, as applicable, shall satisfy the mitigation measures listed in the July 22, 2014 amended Attachment 7 as well as any on- or off-site mitigation measures deemed by the City to be necessary to mitigate potential adverse impacts of the development to the Site and surroundings that may be identified during the review of the public improvement construction drawings.

APPEAL

Per LCMC 1997, §38-13, any person or department, commission, board or bureau of the City that is affected by a decision of an administrative official, commission, committee, or board in the administration or enforcement of this Code may appeal such decision to the City Council. Such appeal must be initiated in writing within fifteen (15) calendar days after the date of the decision and after all other procedures established by this code have been exhausted. Any appeal should be submitted to the Community Development Director.



Godfrey Crane, Chairman
Planning and Zoning Commission
City of Las Cruces

Park Ridge Medical Center Mitigation Measures
July 22, 2014 Amended Attachment &



Park Ridge Medical Center Proposed Phase I Mitigations

Intersection or Location	Movement or Location Requiring Mitigation Effort	Mitigation Effort Recommended	Total Cost of Mitigation Effort	Proportionate Developer Planning Level Responsibility (%)	Proportionate Developer Planning Level Responsibility (\$)	Proportionate Developer Commitment (%)	Total Planning Level Cost Commitment by Developer (\$)
North Main and Elks Dr/Triviz Ave	Eastbound Through	Retiming/Signal Improvement	\$2,800	4%	\$112	100%	\$2,800
	Westbound Through	Retiming/Signal Improvement	\$2,800	4%	\$112	100%	\$2,800
	Southbound Right	Retiming/Signal Improvement	\$2,800	9%	\$252	100%	\$2,800
Southbound Left		Build right turn lane, stripe dual lefts, acquire ROW, C & G, sidewalk including demolition	\$149,391	0%	\$0	100%	\$149,391
			\$28,282	0%	\$0	100%	\$28,282
North Main Street and El Camino Real	Westbound Right	Build right turn lane, C & G, sidewalk, stripe for Right Turn Lane, including demolition	\$89,984	100%	\$89,984	100%	\$89,984
	Eastbound Right	Build right turn lane, C & G, sidewalk, stripe for Right Turn Lane, including demolition	\$89,984	100%	\$89,984	100%	\$89,984
	New Traffic Signal	Construct new traffic signalization all directions	\$223,468	100%	\$223,468	100%	\$223,468
Widening of Intersection		Pavement Improvement within Intersection with Median Modification	\$161,005	N/A	\$0	100%	\$161,005
			\$51,537	100%	\$51,537	100%	\$51,537
			\$2,400	N/A	\$0	100%	\$2,400
Striping of Intersection		Striping over improvement	\$51,537	100%	\$51,537	100%	\$51,537
			\$2,400	N/A	\$0	100%	\$2,400
Sewer Manhole on N. Main		New Manhole	\$2,400	N/A	\$0	100%	\$2,400

Park Ridge Medical Center Proposed Phase I Mitigations



Intersection or Location	Movement or Location Requiring Mitigation Effort	Mitigation Effort Recommended	Total Cost of Mitigation Effort	Proportionate Developer Planning Level Responsibility (%)	Proportionate Developer Planning Level Responsibility (\$)	Proportionate Developer Commitment (%)	Total Planning Level Cost Commitment by Developer (\$)
North Main Street and North Solano/Spitz Street	Westbound Left	Retiming/Signal Improvement	\$2,800	0%	\$0	100%	\$2,800
	Northbound Right	Retiming/Signal Improvement	\$2,800	17%	\$336	100%	\$2,800
Residential Neighborhood Traffic Calming Devices	Location to be Determined by Traffic Calming Program Committee	Measures to be Determined by Traffic Calming Program Committee	To be Determined by Traffic Calming Program Committee	0%	\$0	N/A	\$21,000 ^(a)
	Hammerhead closure including pavement, C & G, sidewalk, striping, signage and Gate Construction	Mitigation Measure by Developer	\$58,797	100%	\$58,797	100%	\$58,797
Camino Del Rex	Townhomes Septic Systems Removal and Sewer Replacement	Committed to by Developer	\$140,072	0%	\$0	100%	\$140,072
					Total Developer Required Commitment =	\$424,598	Total Developer Provided Commitment =

^(a)Type of traffic calming devices and timing of their installation will be determined by the City Traffic Calming Program Committee. The initial \$21,000.00 funds will be provided to the City during Phase I. If future City studies show that additional mitigations are required in excess of the funds provided by the developer during Phase I, the developer agrees to provide up to an additional \$28,000.00 during Phase II and/or at the time that the City shows that such improvements are necessary for speed control within the Country Club Neighborhood.



Planning & Zoning
Commission
Staff Report

Meeting Date: July 22, 2014

Drafted by: Susana Montana, Planner

CASE #	IDP-14-04	PROJECT NAME:	Park Ridge Medical Center Subdivision Final Plat
APPLICANT/ REPRESENTATIVE:	Park Ridge Properties, LLLP/ Zia Engineering	PROPERTY OWNER:	Las Cruces Country Club, Inc.
LOCATION:	2700 N. Main Street (Parcel 02-03647)	COUNCIL DISTRICT:	1 (Silva)
SIZE:	110.276 acres	EXISTING ZONING/ OVERLAY:	R1-a, Medium-Density Single Family Residential; C-3C and R-4C Districts; Infill Development Overlay District.
REQUEST/ APPLICATION TYPE:	Request to subdivide the 110-acre subject parcel into 9 lots and 5 tracts for the development of a medical center on the 9 lots zoned C-3C and R-4C.		
EXISTING USE(S):	Abandoned golf course and clubhouse.		
PROPOSED USE(S):	Medical center consisting of a hospital, residential rehabilitation and long-term care facility and associated medical office buildings.		
STAFF RECOMMENDATION:	Conditional approval based on the findings and recommended conditions of approval noted in Section 3 below.		

TABLE 1: CASE CHRONOLOGY

Date	Action
4/7/2014	Application submitted to Development Services
4/7/2014	Case sent out for review to all reviewing departments
7/7/14	All comments returned by all reviewing departments
7/9/2014	Staff reviews and recommends approval of the Final Plat
7/6/2014	Newspaper advertisement
7/7/2014	Public notice letter mailed to neighboring property owners
7/7/2014	Sign posted on property
7/9/2014	Development Review Committee (DRC) review of Final Plat
7/22/2014	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The developer, Park Ridge Properties, is in the process of acquiring the 110-acre former Las Cruces Country Club property which is bounded by North Main Street (U.S. Highway 70) along the northwest property line, North Solano Drive along the southwest property line, East Madrid Avenue along the southeast property line, Camino del Rex along the north property line, and the Country Club Park Subdivision of single-family homes along the east property line (see Attachments 1 and 2).

The purpose of this subdivision is to facilitate the development of a 34.182-acre portion of the 110 acres to develop a medical center consisting of a hospital, medical offices, a residential rehabilitation and long-term care facility, accessory parking, support services, roads, utilities and drainage facilities.

The subdivision divides the 110 acres into 9 lots, 2 open space tracts, a drainage tract, a small tract for turn-around space at the terminus of Camino del Rex, a 73-acre undeveloped area of the former golf course, and 4 new internal roads (see Attachment 4). The 9 lots were the subject of a rezoning in August 2013, Case No. Z2860, which created the C-3C and R-4C zones within the R-1a zoned country club land (see Attachment 3). The condition of the C-3C zoning limits the land uses to the hospital, medical offices and related support services. The condition of the R-4C zone limits the uses to assisted living/skilled nursing residential care facilities, physical rehabilitation facilities and associated medical facilities.

The roads, road improvements, utilities and drainage facilities would be built prior to or concurrently with development of individual lots. Phase I of the subdivision development would include Lots 3, 5 and 9. Lot 5 would be developed first and would accommodate a 42-bed, full-service hospital which would provide an emergency room, surgical rooms, radiology services, a laboratory, a pharmacy and related services. The adjacent Lot 9 would accommodate offices for the physicians associated with the hospital. In the R-4C zone, Lot 3 would be developed with a 32-bed assisted living facility providing memory care and physical rehabilitation.

Phase II of the development would include the two open space Tracts A and B. Phase III of the development would include Lots 1, 2, 6, 7 and 8 which would be developed with medical offices and related support services. The remaining 73 acres of the subdivision is Tract C and it would remain undeveloped with the exception of a temporary drainage channel and pond (Tract D).

Summary of the Final Plat Review Process

As noted above, the rezoning of the medical center land was conditionally-approved. Condition No. 3 of the rezoning approval required a Traffic Impact Analysis (TIA) to be prepared which described the traffic generated by the proposed medical center and the impact this traffic may have to the surrounding areas. The TIA is to identify mitigation measures to avoid, to reduce to a level of insignificance or to eliminate any potential adverse impacts to the surrounding areas. A summary of traffic-related mitigation measures, their cost, and the financial commitment for each by the Applicant/developer is presented in Attachment 7. Per Condition No. 3 of the rezoning approval, the TIA is to be approved by the City's Traffic Engineer prior to the City's approval of any building permit or any subdivision application.

The subject property lies within the Infill Development Overlay District and qualifies as an underutilized property. The City's Subdivision Code provides for an expedited review process for subdivisions within the Infill Overlay District. In the place of a subdivision Master Plan approved by this Commission, the Code requires the Applicant to submit a Concept Plan showing the lot lines and the phases of development for each lot. The Infill Subdivision Process dictates the Concept Plan be approved by the City's Development Review Committee (DRC). The Applicant submitted the subdivision Concept Plan on January 10, 2014 and it was reviewed and conditionally-approved by the City's Development Review Committee (DRC) on June 4, 2014; the condition being that the City's Traffic Engineer approve the medical center TIA.

Once the Concept Plan was approved, the Applicant submitted the subdivision Final Plat for consideration by the Planning and Zoning Commission for approval, approval with conditions, or denial. The subdivision Final Plat, if approved, would enable the Applicant to prepare construction drawings and a cost estimate for the public improvements association with the development of the land. These public improvements would include the new streets to be dedicated to the City, all utility extensions and support infrastructure, drainage facilities, and any off-site improvements to N. Main Street and streets within the adjacent Country Club neighborhood which are deemed required mitigation measures by the TIA. Once the cost estimates are approved by the City, the Applicant can submit a bond or letter of credit to pay the costs of the public improvements and the Final Plat can be recorded with the Office of the County Clerk. Once the plat is recorded, the Applicant can sell individual lots. The new owner of each lot can submit building permit applications for improvements and buildings on the individual lot. The Applicant has stated that the public improvements noted in the Final Plat would commence immediately once the construction drawings, cost estimates and financial performance surety are approved by the City. The Applicant has stated that the new owners of the hospital lot, Lot 5, would move forward immediately in submitting construction drawings for the hospital and medical office complex.

Street, Travel Routes and Traffic Impacts and Mitigation Measures

The subdivision would have two access roads. The existing intersection of N. Main Street and Camino del Rex/El Camino Real would be re-configured to intersect with the new collector street within the subdivision called El Camino Real. This intersection would be the main access point into the development. Camino del Rex would be closed at its western edge with a modified "hammerhead" turn-around area sufficient to accommodate large vehicles such as Fire Department vehicles and garbage trucks. Both the City's Traffic Engineer and the New Mexico Department of Transportation (NMDOT) District 1 Engineers determined that Camino del Rex should not intersect with the new subdivision collector street because of its proximity to N. Main Street and related geometric and distance constraints. The distance between N. Main Street and Camino del Rex, which are parallel, is not sufficient to meet the City's Design Standards for separation between intersections. This distance constraint would result in congestion and safety hazards if the current connection to N. Main Street/El Camino Real were to remain. Therefore, the City and NMDOT agreed to the closing of Camino del Rex with the modified hammerhead turn-around, a Fire Department-activated emergency gate and other design elements to accommodate the turn-around of garbage trucks and Fire and Emergency Service vehicles at the terminus.

The second access point to the development would be at a new intersection at Camino del Rex and a new 40 foot wide road called Park Trail Drive. Traffic that now travels to N. Main Street on Camino del Rex would divert into the medical center development in a looping route to reach the proper lane to reach the traffic signal at N. Main Street (see Attachment 5). This re-routing of the Country Club neighborhood traffic from Camino del Rex to the new loop route would represent the most apparent change to that neighborhood.

The subdivision's internal roads would be design to accommodate the development's generated traffic as well as the diverted Camino del Rex traffic. The traffic generated by the medical center development alone would not warrant the need for the full upgrade of the N. Main/El Camino Real intersection but it would be needed should the remainder of the 110-acre property, Tract C of the Final Plat, be developed with commercial and/or residential development. Therefore, the developer has committed to provide full improvements to this intersection during Phase I of the medical center development. These improvements include pavement work, installation of new traffic signalization with modern controller and adequately designed detection system that would include fiber optic interconnects. These systems would be improved with construction of the first phase in 2015.

The TIA estimated that traffic generated from the medical center development traveling through the adjacent Country Club Park Subdivision would be minimal and traffic from the development and generated by the neighborhood itself would operate within the capacity of the existing roads. The project-generated traffic would not warrant the installation of traffic calming devices such as speed bumps/speed "tables" or chicanes (lane narrowing) devices. However, should "through-traffic" from the medical center be perceived as a concern by Country Club neighborhood residents after build-out of the Phase I hospital, medical offices and 32-bed assisted living facility, the developer has stated that he would contribute up to \$21,000 towards installation of traffic calming measures in that neighborhood should those residents petition the City's Traffic Calming Program Committee for installation of those devices and studies and the Committee deems them warranted. Should traffic studies demonstrate that additional traffic calming measures are necessary beyond any Phase I installations, the developer would contribute an additional \$28,000 as part of Phase II for needed speed control measures within the Country Club neighborhood.

The medical center development would be designed to provide safe pedestrian and bicycle pathways throughout the development. Continuous sidewalks with ADA-compliant ramps and adequately designed pedestrian crossings throughout the development would allow pedestrians to safely and conveniently reach all destinations within the center.

The developer is negotiating with the RoadRUNNER Transit System to provide smaller vehicles that would shuttle people to and from main transit centers with the goal of having a transit-oriented development within the center. Proposed roadways and pick-up and drop-off points within the center would be designed with special consideration for para-transit type vehicles. If the larger Tract C is developed, the developer would seek to provide a full-size bus pull-out area for the new neighborhood.

The TIA indicates that the intersection at N. Main and Elks/Triviz Streets will experience unacceptable traffic delays whether or not the medical center is built. The TIA suggests that the solution to the current and near-term delays is for the City and NMDOT to upgrade the signal

system and its geometric configuration with a fiber optic timing/phasing/optimization effort. This off-site mitigation would be the responsibility of the City and NMDOT because TIA finds that the project-related traffic would not exacerbate the anticipated failing level of service of that intersection and it would need to be upgraded even before Phase I of the medical center came on-line. However, the developer has agreed to paying a pro-rata share of the costs of the re-timing of the signals and that cost is noted in Attachment 7.

TABLE 2: ZONING DEVELOPMENT STANDARDS PER ZONING DISTRICT

STANDARD	R-1A (73.295 acres)	C-3C (23.44 acres)	R-4C (7.31 acres)
Building Square Footage	Must fit within max. building height & setbacks (buildable area)	Must fit within max. building height & setbacks (buildable area)	Must fit within max. building height & setbacks (buildable area)
Minimum Lot Area	5,000 sf	21,780 sf (1/2 ac)	8,500 sf
Maximum Lot Area	N/A	N/A	N/A
Minimum Lot Width	50'	60'	70'
Minimum Lot Depth	70'	70'	100'

TABLE 3: PROPOSED LOT CHARACTERISTICS

Zoning Standard	Lot 1	2	3	4	5	6	7	8	9
Lot Area (in acres)	1.810	2.733	3.010	2.790	10.601	0.762	0.698	0.748	3.439
Lot Width (in feet)	268 _±	311 _±	470 _±	470 _±	535 _±	200 _±	150 _±	170 _±	409 _±
Lot Depth	320 _±	432 _±	267 _±	328 _±	Varies 689 _± by 500 _±	157 _±	146 _±	192 _±	221 _±
Zoning Designation	C-3C	C-3C	R-4C	R-4C	C-3C	C-3C	C-3C	C-3C	C-3C
Proposed land use	office	office	res. care	res. care	hospital	office	office	office	office

TABLE 4: PROPOSED TRACT CHARACTERISTICS

Zoning Standard	Tract A	Tract B	Tract C	Tract D	Tract E
Lot Area (in acres)	1.362	1.874	73.295	2.815	0.063
Lot Width (in feet)	189 _±	120	Varies; about 2,400	Varies; about 200	50
Lot Depth	440	689	Varies; about 2,100	Varies; about 200	150
Zoning Designation	R-1a	R-1a	R-1a	R-1a	C-3C
Proposed land use	open space	open space	Contains a drainage channel (Tract D); otherwise vacant	Drainage channel	Camino del Rex terminus and hammer-head turn-around for Fire and Solid Waste vehicles

TABLE 5: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant (abandoned golf course and clubhouse)	Infill Development Overlay District	R-1a, Medium-density, Single-family Residential; C-3C Limited High Intensity Commercial; and R-4C, Limited High-Density Residential Districts
North	Commercial shopping center	None	Townhomes are zoned R-1b, High-density, Single-family Residential; Commercial area across Main Street is zoned C-2, Medium-intensity Commercial and C-3, High intensity Commercial
South	Apodaca Park and ball field; south of E. Madrid Ave. are C-1 and C-2 shops and mini-storage units	Infill Development Overlay District	R-1a; south of E. Madrid Ave. are C-1 and C-2 zones
East	Single-family homes	Infill Development Overlay District	R-1a
West	Remainder of the abandoned golf course; then west of N. Solano Drive are repair shops and businesses	Infill Development Overlay District	R-1a; west of N. Solano Drive are C-2 zones

The Subdivision Site currently contains facilities which served the former Las Cruces Country Club golf course and include the abandoned clubhouse, swimming pool, maintenance and restroom facilities, and the golf course. The golf course and clubhouse were abandoned in November 2011. Since that time numerous trees along the golf course have died and fallen due to loss of maintenance.

The Subdivision Site is surrounded by commercial development to the northwest; townhomes to the northeast; single-family residential development to the east; mixed commercial and residential development to the west and south. Immediately south of the former Country Club property lies Apodaca Park, a regional City-owned and maintained park featuring a grassy open space and picnic area with mature shade trees; a ballpark; restrooms; parking; a swimming pool not in operation; a large drainage pond; and maintenance facilities.

TABLE 6: PARCEL LAND USE HISTORY

Number	Status
Permit	IDP-14-01; Park Ridge Medical Center Subdivision Concept Plan approved by the Development Review Committee (DRC) and City Subdivision Administrator on June 4, 2014.
Ordinance	August 19, 2013, Ordinance 2689 rezoned approximately 30 acres of the 110-acre former Las Cruces Country Club property to C-3C and R-4C to facilitate development of the Park Ridge Medical Center project.

TABLE 7: REVIEWING DEPARTMENTS AND INTERESTED PARTIES

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

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Traffic	Yes	Yes, please see Attachment 7 for details.
CLC Surveyor	Yes	No
CLC Land Management/Right-of-way	Yes	No
CLC Utilities	Yes	No
CLC Facilities	Yes	No
New Mexico Department of Transportation	NMDOT policy dictates that the Department does not approve Final Plans before they have approved the construction drawings for the NMDOT-related public improvements associated with the Final Plan. NMDOT has approved the re-design of the N. Main and Camino del Rex intersection and has no further comment on the TIA.	
Country Club Neighborhood Association (CCNA)	No; CCNA believes that traffic generated from the development would adversely impact the neighborhood by reducing road capacity, increasing speeding vehicles and conflict with slower pedestrian and bicycle traffic. They do not like the noise and speed of emergency vehicles traveling through the neighborhood streets to get to the hospital emergency room.	
Alternate Country Club Neighborhood Assn.	This group of Country Club residents support the medical center development as an improvement to the abandoned golf course.	

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria

The Planning and Zoning Commission shall review each request in relation to the goals, objectives and policies of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of the Subdivision Code, and determine whether the request is consistent or inconsistent with stated criteria. The Las Cruces Municipal Code Section 2-382 specifies the Planning and Zoning Commission shall determine whether a proposal will:

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

Sec. 37-3. The purpose of the City of Las Cruces Subdivision Code.

The purpose and intent of the Subdivision Code are to promote the health, safety, convenience and general welfare of the citizens of the City through the implementation of a readable and understandable set of subdivision regulations outlining the processing of subdivision applications. More specifically, provisions of this chapter are designed to achieve the following objectives in newly-subdivided areas:

- Ensure orderly, efficient and integrated development within the City pursuant to guidelines established by the elements of the City Comprehensive Plan and all other applicable City policies, rules and regulations;
- Promote proper street location, width and design in order to facilitate vehicle circulation and to minimize adverse growth impacts in accordance with the Mesilla Valley Metropolitan Planning Organization (MPO) Transportation Plan, the Transportation Element of the Comprehensive Plan and City Design Standards;
- Provide for the protection and preservation of natural resources and the promotion of natural beauty within the City;
- Provide for adequate air circulation, lighting, public open spaces, utility services, traffic movement, drainage and public facilities;
- Ensure that proposed development is suitable for a given parcel of land, based on its location and environmental characteristics; and

- Strive for a customer service approach to subdivision application processing.

In-fill Subdivision Process of the CLC Subdivision Code.

Sec. 37-141. The Purpose of Infill Subdividing.

The purpose of the infill subdivision process is to implement the infill policy plan regarding the subdivision of land by providing an efficient process to encourage the development of vacant or underutilized properties within the central part of the City and to utilize existing infrastructure in a more cost-effective manner.

The infill subdivision process is designed to make desirable the development of vacant land in the central part of the City. All subdivision proposals within the Infill Development Overlay District are considered infill subdivisions. There are two methods of processing subdivisions within the infill area. One is the infill development process, an expedited procedure which allows variances, special use permits, and other land use issues to be addressed. The second method is the *infill subdivision method (ISM)*, also an expedited method for subdivision-related cases only and for properties which do not qualify to use the infill development process.

The ISM allows for an administrative approval of a concept plan in lieu of the full master plan process for proposals that would ordinarily require master plan approval. Once the concept plan has been approved, the developer may skip the preliminary platting process and proceed to the final plat process. The Applicant attended a pre-application meeting with staff to discuss submittal requirements and review process for the proposed Park Ridge Medical Center subdivision. Pursuant to Section 37-143 of the Subdivision Code for the ISM process, staff directed the Applicant to send a letter to the registered neighborhood association (Country Club Neighborhood Association—CCNA) informing their members of the proposed subdivision application and subsequent development therein and inviting them to a neighborhood meeting to discuss the project and answer questions. The Applicant did conduct such a neighborhood pre-application meeting; the comments from participants are summarized below and in Attachment 8.

Applicable Comprehensive Plan Elements & Policies:

The subdivision is supported by several components of the Comprehensive Plan, including:

Sustainable Growth Element

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

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

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

Policy 38.6: Deny development where it significantly decreases the level of service of surrounding infrastructure.

Policy 38.4: Continue a cost-recovery approach to infrastructure such that persons developing pay their pro rata share toward infrastructure.

Healthy Community Element

Goal 10: Provide multiple mobility options and connections to move within and outside Las Cruces.

Policy 10.4: Design rights-of-way to incorporate design techniques and other considerations to achieve a complete street and/or a context-sensitive street.

Policy 10.7: Accommodate vehicular, truck bus, pedestrian, and bicycle travel within the same right-of-way through the Complete Streets concept given the function of the street or as called for through plans adopted by City Council.

Operational Support Element

Goal 49: Establish procedural and development requirements.

Policy 49.21: Require a traffic impact study as outlined in applicable codes in order to evaluate the traffic impacts of any development project, with mitigation for traffic impacts such as turn, acceleration, and deceleration lanes provided by the developer.

Policy 49.25: Continue using a collaborative staff interdepartmental team to ensure land use, transportation, and infrastructure development occurs in a consistent and compatible manner.

Policy 49.26: Attain high level of environmental quality and ensure timely review in development processes.

Public Input/Participation**Pre-Application Early Public Notification Process**

On November 5, 2013, the Applicant mailed a letter to the Country Club Neighborhood Association (CCNA) informing them of the subdivision application and proposed medical center development. The Applicant invited the group to a neighborhood meeting scheduled for November 14, 2013 at 7:00 P.M. at the Las Cruces Homebuilders Association building. According to the transcripts of the meeting, there were 10 neighbors who inquired about the project and expressed concerns with the future medical center development. The comments and concerns expressed by attendees are found in Attachment 8 and are summarized below.

- Concern that users of the new development would park along Desert Drive and Madrid Avenue.
- The existing speed bumps on Desert Drive may need to be upgrades due to increased traffic from the development.
- Will the extension of sewer lines to the development go under Main Street and, if so, will it disrupt traffic during construction?
- Concern that traffic from the development will cut through the Country Club neighborhood to get to Triviz and Madrid or would travel from those streets through the neighborhood to get to the development. A lot of nonresidential traffic already travels through the neighborhood ignoring stop signs and speed limits.
- Concern with the re-design of Camino del Rex and the connection to Main Street.
- Comment that the townhome properties along Camino del Rex will lose their mountain views and this would ruin their property values.
- Comment that traffic would be horrendous with the 30-acre medical center development. With the remainder of the country club land developed as suggested, traffic would be a nightmare.

- Comment that the medical center development would be a great addition to the neighborhood. The abandoned and deteriorating condition of the country club has lowered property values and the new development will be an improvement.
- Comment that the Applicant has promised to extend sewer service to the residential of Camino del Rex townhomes which are now on septic systems.
- If the development “covers up” Apodaca Park it will bring a lot of opposition.
- Comment that there is a lot of on-street parking on Camino del Rex, particularly at night, will the development impact that?

Additional Public Comments

Staff received comments from members of the public and residents of the Country Club neighborhood over the past few months. Most of the commenters either supported the subdivision and medical center development or protested the development. With each receipt of a comment, staff added the commenter’s name to a public notification group email distribution list and sent copies of each Application, City Comment Letters and Applicant Response to Comments to members of this list. Copies of the public comments can be found in Attachment 9.

Analysis:

The proposed subdivision would enable the property owner, Las Cruces Country Club Inc., to sell the property to the developer of the subdivision, Park Ridge Properties LLLC. The developer would build the public improvements and sell the 9 lots to buyers who would build on their individual lots. The development that would occur would include a hospital, medical offices, accessory parking and service businesses, and residential rehabilitation and long-term care facilities.

The anticipated development as a result of this subdivision was evaluated for traffic impacts to the vicinity and adjacent neighborhoods in a TIA received and date stamped by the City on July 1, 2014. The TIA analyzed the potential adverse impacts to area streets and circulation systems. The TIA identified mitigation measures to avoid, reduce to a level of insignificance or to ameliorate adverse off-site traffic and circulation impacts. Those mitigation measures are to be incorporated into the project via the on-site and off-site public improvement construction drawings and the Covenants, Conditions and Restrictions (CC&Rs) document for this subdivision which would describe operating procedures, maintenance responsibilities, and design standards for the subdivision’s common areas. Those mitigation measures include, but are not limited to, the following:

1. Closure of Camino del Rex and re-routing traffic from that street through the medical center development back to the N. Main Street intersection;
2. Re-design of the N. Main Street signalized intersection at the new El Camino Real extension into the development including a new de-acceleration lane on N. Main Street and a new through-lane on N. Main Street for future use by NMDOT;
3. Although each lot will provide its own stormwater ponding/containing systems, the developer will install a regional stormwater pond in Tract D which would accommodate stormwater flows associated with the roads and other public improvements within the subdivision;

4. Installation of a sewer pipe for City sewer service within the current septic leach field for the townhomes along Camino del Rex. The developer would pay all the costs associated with replacing the townhomes' septic system with sewer service. This would include connecting the sewer lines to individual lots, payment of sewer service connection fees for the townhomes, and removal of the septic tanks and leach field pipes per City standards;
5. The TIA indicated that the traffic volumes at the intersection of N. Main/Triviz and Elks streets are at their design capacity and the traffic signalization system at that intersection can be re-designed/re-timed to increase the traffic volume capacity and free flow condition of the intersection. The developer has agreed to pay a pro-rata share of the cost of this signal upgrade, based on the anticipated project-related traffic sharing that intersection. The costs of those improvements are noted in Attachment 7.

All of these on- and off-site improvements would take place at the first phase of development of the public improvements (streets, utilities, drainage systems) and development of the hospital, doctors' offices, and the residential care facility.

Conclusion:

With the commitment by the Applicant to satisfy the mitigation measures identified in the TIA and listed in Attachment 7 to this report, the proposed subdivision Final Plat would positively address the City's Subdivision Code purpose and intent, relevant policies of the City's Comprehensive Plan, and the Municipal Code's Decision Criteria for the Planning and Zoning Commission. Furthermore, the Final Plat meets all the lot size and development standards of the City's 2001 Zoning Code and the Subdivision Code. It should be noted that during review of construction drawings of the public improvements, the Applicant may be requested or required to implement further measures to satisfy on- or off-site potential impacts to the Site or surroundings. Condition Number 2 would require the developer, as a condition of approval of this Final Plat, to undertake those measures at his expense.

DEVELOPMENT REVIEW COMMITTEE (DRC) RECOMMENDATION

The City's Development Review Committee met on July 9, 2014 to review the Final Plat application. The Committee voted unanimously to conditionally-approve the Final Plat with the condition that the City's Traffic Engineer approve the TIA prior to the Planning and Zoning Commission's consideration of the Final Plat.

STAFF RECOMMENDATION

Staff recommends **CONDITIONAL APPROVAL** of the Final Plat based on the following findings and with the 2 conditions listed below:

FINDINGS FOR APPROVAL

1. The subject property lies within the City's Infill Development Overlay District and is a vacant and underutilized parcel that qualifies for the Infill Subdivision Method which seeks to facilitate the development of such underused properties; this would positively address relevant Comprehensive Plan policies and purpose statements of the Infill Development Overlay District Section 38-48 of the City's 2001 Zoning Code, as amended.
2. The subdivision Final Plat facilitates the development of the medical center which was the subject of a rezoning approval by the City Council in August 2013 (Z2860). The

rezoning was found by the Council to meet the Purpose and Intent of the City's 2001 Zoning Code, as amended, to positively address relevant City Comprehensive Plan policies, and to satisfy rezoning criteria of relevant New Mexico case law.

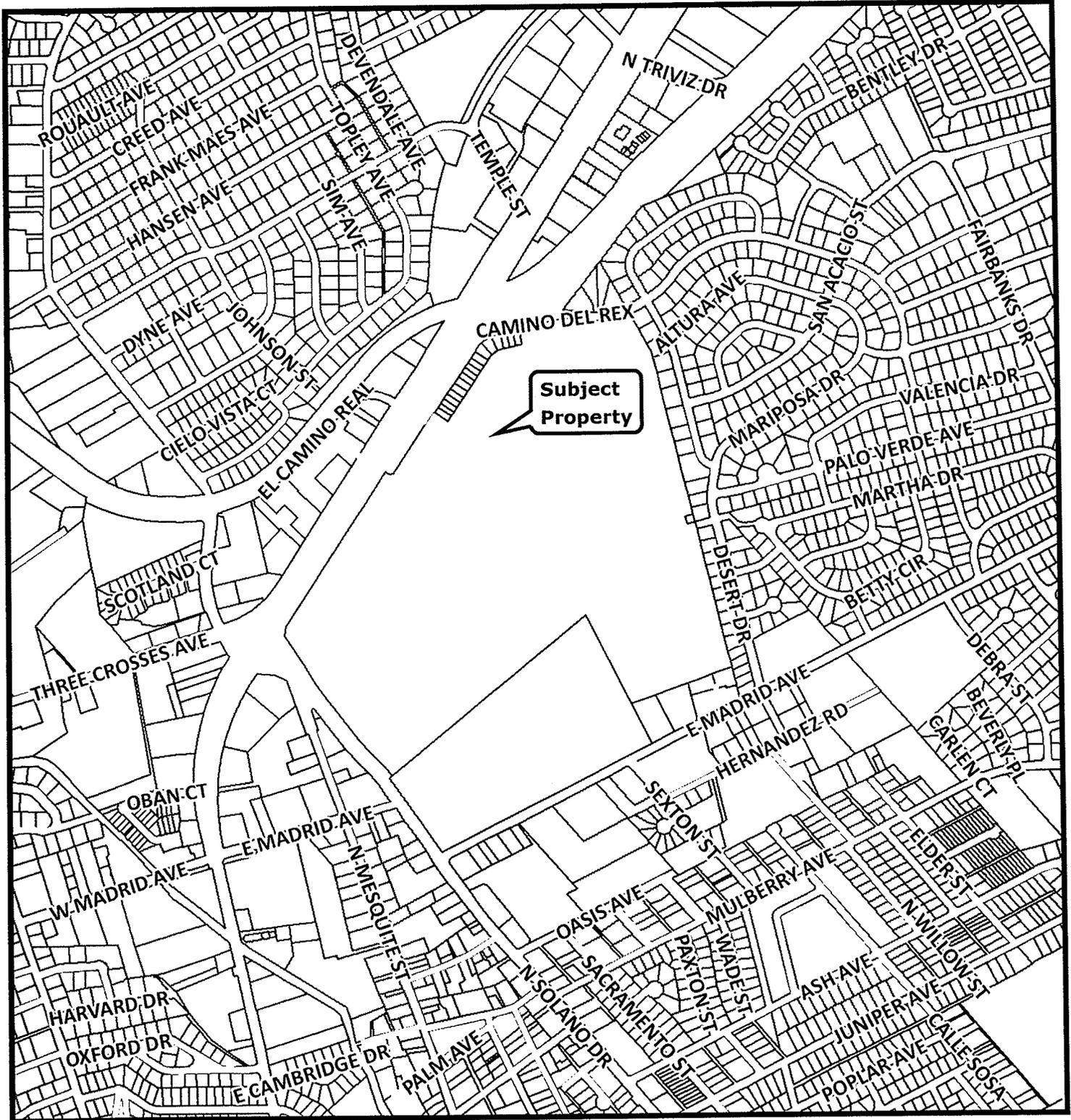
3. The Final Plat meets the development standards of the City's 2001 Zoning Code, as amended, and the City's Subdivision Code.
4. As recommended by staff, the subdivision Final Plat would be conditioned on the Applicant, and any subsequent developer of any of the 9 lots within the subdivision, satisfying the mitigation measures listed in Attachment 7. Implementation of those mitigation measures are expected to avoid, to reduce to a level of insignificance, or to ameliorate on- or off-site adverse impacts of development within the subdivision.
5. With the conditions recommended by staff, the Final Plat would positively address relevant Purpose Statements of the Subdivision Code, Purpose Statements of the In-fill Subdivision Process of the Subdivision Code, and Planning and Zoning Commission Criteria for Decisions pursuant to Section 2-3821 of the Las Cruces Municipal Code.
6. The City's Development Review Committee (DRC) on July 9, 2014 recommended conditional approval of the Final Plat, subject to the City's Traffic Engineer approving or conditionally-approving the Park Ridge Medical Center TIA.

CONDITIONS OF APPROVAL

1. The Applicant shall submit a Final Drainage Report with submittal of the construction drawings for public improvements; this report shall be approved by the Community Development Department prior to approval of any building permit for the public improvements.
2. The Applicant, developer and/or any subsequent developer, as applicable, shall satisfy the mitigation measures listed in Attachment 7 as well as any on- or off-site mitigation measures deemed by the City to be necessary to mitigate potential adverse impacts of the development to the Site and surroundings that may be identified during the review of the public improvement construction drawings.

ATTACHMENTS

1. Location Map
2. Vicinity Map
3. Zoning Map
4. Final Plat
5. Re-routing Map Showing the Loop Route to and from the N. Main Street signal
6. Reviewing Department/Agency Comments
7. Proposed Mitigation Measures to Avoid, Reduce To a Level of Insignificance, or to Ameliorate Potential Traffic Impacts of the Subdivision Development
8. Early Notification Meeting Public Comments
9. Public Comments on the Proposed Subdivision and Development
10. DRC Minutes from the July 9, 2014 Meeting



IDP-14-04; Park Ridge Medical Center Subdivision Final Plat

15750 150300450600750900,050200390500

Feet

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

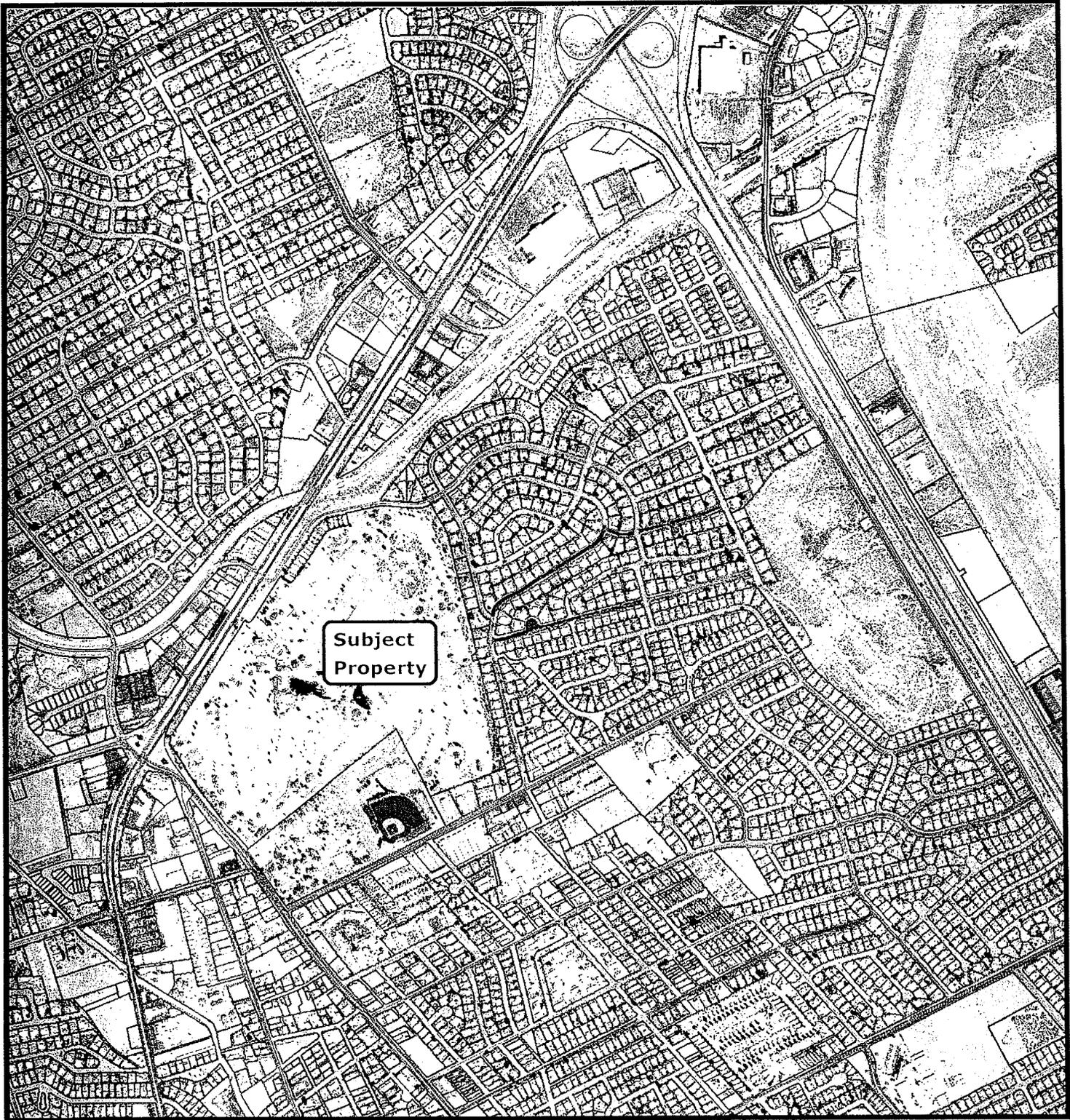


ZONING: R-1a; C-3C, R-4C
OWNER: Las Cruces Country Club Inc.

Vicinity Map

Attachment 2

DATE: 07/10/14



IDP-14-04; Park Ridge Medical Center Subdivision Final Plat



1575 1500 4560 7590 10121 3151 5181 92100
Feet

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

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

PARK RIDGE MEDICAL CENTER INFILL SUBDIVISION

BEING PART OF TRACT 10071 AS THE... AS DESCRIBED ON PLAT CLAM 10071 RECORDED JUNE 23, 1955...

- 1. CITY OF LAS VEGAS... 2. CITY OF LAS VEGAS... 3. CITY OF LAS VEGAS... 4. CITY OF LAS VEGAS... 5. CITY OF LAS VEGAS...

PARK RIDGE MEDICAL CENTER INFILL SUBDIVISION

BEING PART OF TRACT 10071 AS THE... AS DESCRIBED ON PLAT CLAM 10071 RECORDED JUNE 23, 1955...

- 1. CITY OF LAS VEGAS... 2. CITY OF LAS VEGAS... 3. CITY OF LAS VEGAS... 4. CITY OF LAS VEGAS...



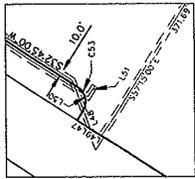
VICINITY MAP NOT TO SCALE

THE 1.500 AC. TRACT OF LAND SHOWN HEREON IS TO BE KNOWN AS TRACT 10071 MEDICAL CENTER... THE CITY OF LAS VEGAS...

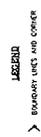
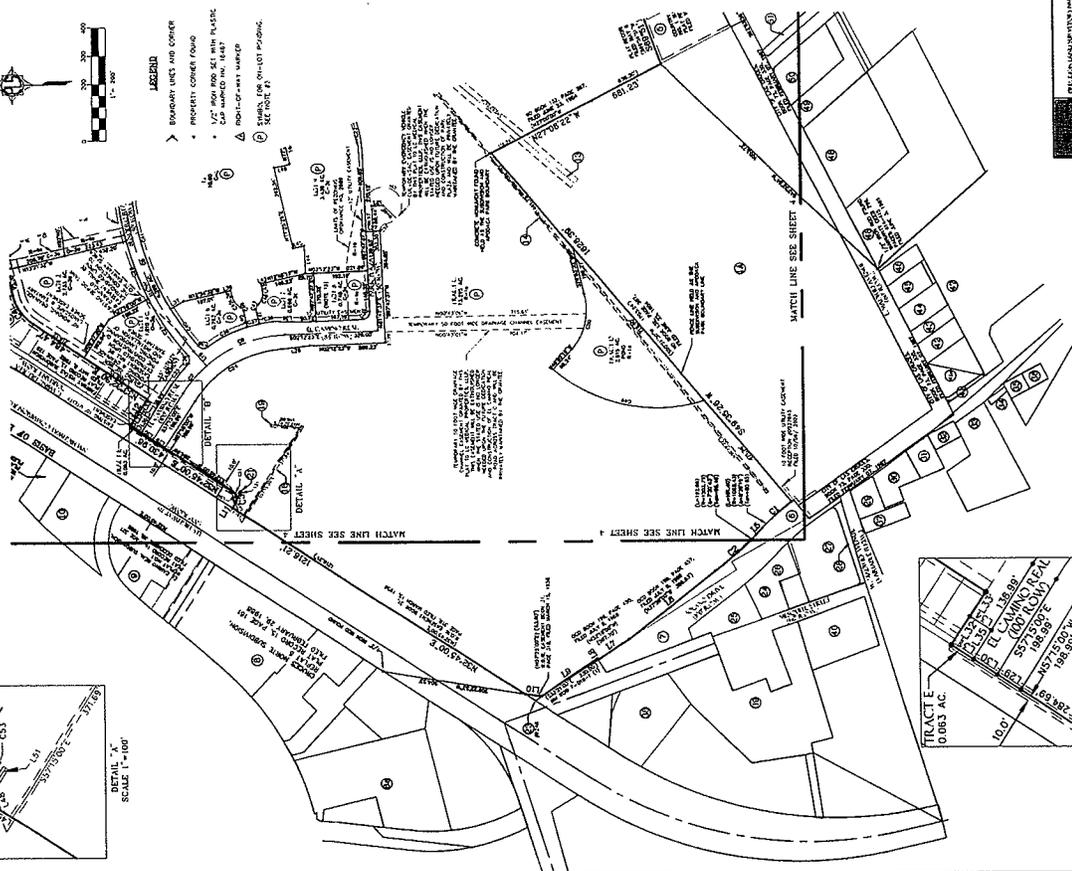
Form with fields for: COUNTY CLERK, COUNTY OF NEW MEXICO, DATE, and various official signatures and stamps.

PARK RIDGE MEDICAL CENTER INFILL SUBDIVISION

A 10.000 ACRES TRACT, COUNTY CLERK COUNTY OF LOS ANGELES, CALIFORNIA, IN THE CITY OF GARDEN GROVE, CALIFORNIA, LOCATED WITHIN SECTION 16, T12S, R12E, S44M, WITHIN THE CORONA MAP COUNTY OF LOS ANGELES, CALIFORNIA. JULY 8, 2014. SCALE: 1"=200'



DETAIL "A" SCALE 1"=100'

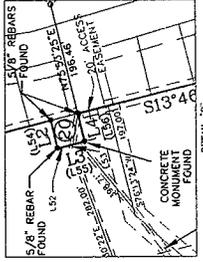


LEGEND
 > BOUNDARY LINES AND CORNER
 • PROPERTY CORNER FOUND
 • 1/2" ROD ROD SET WITH PLASTIC CAP MARKED "M-1487"
 ▲ 1/2" ROD-SET WITH CAP MARKED "M-1487"
 (P) STAKES FOR 20'-10" PEGGING (SEE NOTE #1)

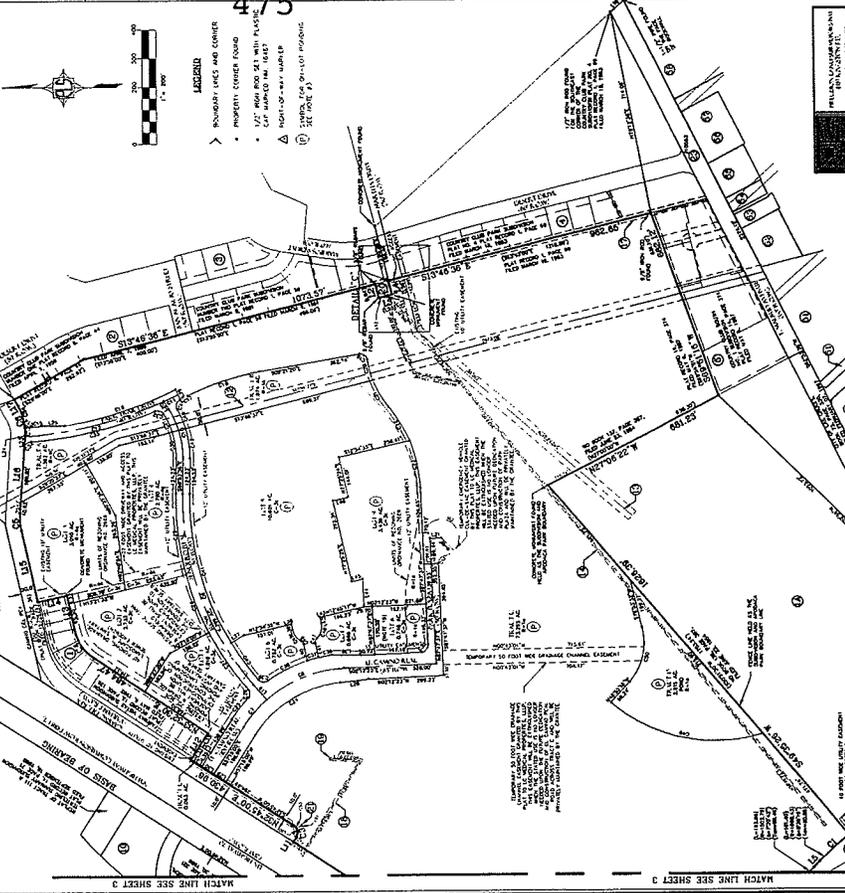
PREPARED AND PUBLISHED BY
 JAMES W. HARRIS & ASSOCIATES
 CIVIL ENGINEERS
 10000 WILSON AVENUE
 GARDEN GROVE, CALIFORNIA 92640
 PHONE (714) 261-1111
 FAX (714) 261-1112

PARK RIDGE MEDICAL CENTER INFILL SUBDIVISION

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DETAIL "C" SCALE 1"=100'



LEGEND
 > BOUNDARY LINES AND CORNER
 • PROPERTY CORNER FOUND
 • 1/2" ROD ROD SET WITH PLASTIC CAP MARKED "M-1487"
 ▲ 1/2" ROD-SET WITH CAP MARKED "M-1487"
 (P) STAKES FOR 20'-10" PEGGING (SEE NOTE #1)

PREPARED AND PUBLISHED BY
 JAMES W. HARRIS & ASSOCIATES
 CIVIL ENGINEERS
 10000 WILSON AVENUE
 GARDEN GROVE, CALIFORNIA 92640
 PHONE (714) 261-1111
 FAX (714) 261-1112

Attachment 5

Traffic Impact Analysis: Park Ridge Medical Center Subdivision, Phase I
Las Cruces, Doña Ana County, New Mexico

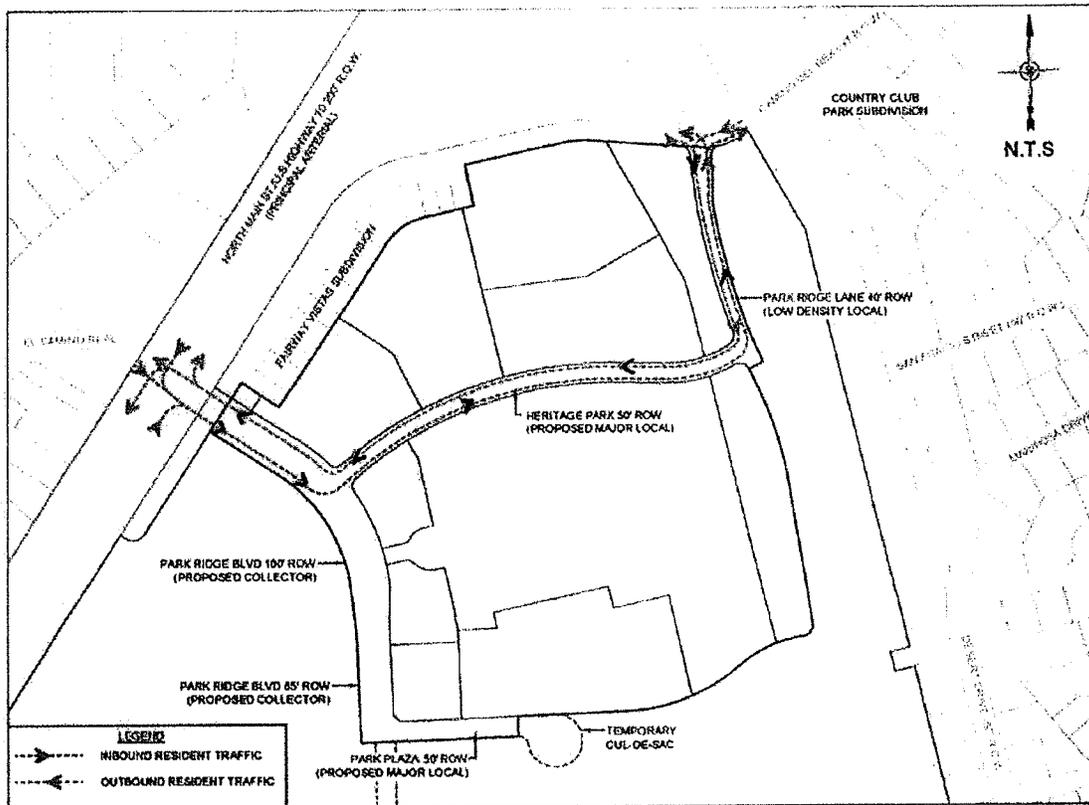


Figure 11: New Traffic Pattern Between Subdivisions and North Main Street (U.S. Highway 70)

CITY SUBDIVISION ~~FINAL~~ PLAT CASE REVIEW **Attachment 6**

DATE: May 23, 2014

REVIEW NO.: 2
CASE NO.: IDP-14-04

- | | | |
|-----|--|---|
| TO: | <input checked="" type="checkbox"/> CURRENT PLANNING | <input type="checkbox"/> LAND MANAGEMENT/ROW |
| | <input type="checkbox"/> ADVANCED PLANNING | <input type="checkbox"/> FACILITIES/PARKS |
| | <input type="checkbox"/> MPO | <input type="checkbox"/> FIRE DEPARTMENT |
| | <input type="checkbox"/> ENGINEERING SERVICES | <input type="checkbox"/> UTILITIES |
| | <input type="checkbox"/> TRAFFIC ENGINEERING | <input type="checkbox"/> OTHER: <u>Addressing</u> |
| | <input type="checkbox"/> SURVEYOR | <input type="checkbox"/> OTHER: _____ |

Case No. **IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 2**

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387
Address: 2700 N. Main Street

This is a Final Plat for the Park Ridge Medical Center Subdivision which is the subject of a Concept Plan (IDP-14-01) being reviewed under the Subdivision Code's *Infill Subdivision Method (ISM)*. The ISM process allows the Applicant to skip the Preliminary Plat submittal and go straight to the Final Plat submittal *after the Concept Plan has been reviewed and approved by the DRC and the Subdivision Administrator*. The Concept Plan is scheduled to be reviewed by the DRC on June 4th.

If you have any questions about the review process please feel free to contact me. There are 9 lots and 4 Tracts in this Final Plat. Thank you for your assistance with this project.

Community Development/Development Services Contact: Susana Montana, Planner, smontana@las-cruces.org; 528-3207. Please provide your comments to me by **Friday, May 30, 2014**.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 5/23/14

REVIEWER NAME: SUSANA

REVIEWER CONTACT NO.: 528-3207

COMMENTS:

CITY SUBDIVISION ~~FINAL~~ FINAL PLAT CASE REVIEW

DATE: April ¹⁵ 7, 2014

REVIEW NO.: 1
CASE NO.: IDP-14-04

- TO:
- | | |
|---|---|
| <input type="checkbox"/> CURRENT PLANNING | <input type="checkbox"/> LAND MANAGEMENT/ROW |
| <input type="checkbox"/> ADVANCED PLANNING | <input type="checkbox"/> FACILITIES/PARKS |
| <input checked="" type="checkbox"/> MPO | <input type="checkbox"/> FIRE DEPARTMENT |
| <input type="checkbox"/> ENGINEERING SERVICES | <input type="checkbox"/> UTILITIES |
| <input type="checkbox"/> TRAFFIC ENGINEERING | <input type="checkbox"/> OTHER: <u>Addressing</u> |
| <input type="checkbox"/> SURVEYOR | <input type="checkbox"/> OTHER: _____ |

Case No. IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 1

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387
Address: 2700 N. Main Street

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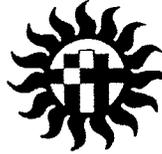
The Applicant is seeking your review of this Final Plat, simultaneous with your review of the 2nd submittal of the Concept Plan, in order to expedite the process of getting the Final Plat to the Planning and Zoning Commission for their consideration. If you have any questions about the review process please feel free to contact me. There are 9 lots and 5 Tracts in this Final Plat. Thank you for your assistance with this project.

Community Development/Development Services Contact: Susana Montana, Planner, smontana@las-cruces.org; 528-3207. Please provide your comments to me by **Tuesday, April 15, 2014.**

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 4/22/14 REVIEWER NAME: Andrew Wang
REVIEWER CONTACT NO.: 3010

COMMENTS:
No Comment



City of Las Cruces®

PEOPLE HELPING PEOPLE

Engineering Services City Subdivision Case Review Sheet

Date: May 23, 2014

TO: CLC Engineering Services –Drainage Division

FROM: Susana Montana, Planner

Case No. IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 2

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387

This is a Final Plat for the Park Ridge Medical Center Subdivision which is the subject of a Concept Plan (IDP-14-01) being reviewed under the Subdivision Code's *Infill Subdivision Method (ISM)*. The ISM process allows the Applicant to skip the Preliminary Plat submittal and go straight to the Final Plat submittal *after the Concept Plan has been reviewed and approved by the DRC and the Subdivision Administrator*. The DRC is scheduled to review the Concept Plan on June 4th. If you have any questions about the review process please feel free to contact me. There are 9 lots and 4 Tracts in this Final Plat. Thank you for your assistance with this project.

Community Development/Development Services Contact: Susana Montana, Planner, smontana@las-cruces.org; 528-3207. Please provide your comments to me by **Friday, May 30, 2014**. Thank you.

Approved AS IS: Yes No

Approved with conditions (as stated in Comments on page 2): Yes

Date: 5/28/14

Reviewer: Rocio Dominguez

Reviewer contact no. 5/28/14

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

City of Las Cruces
Engineering Services Subdivision Case Review Sheet

Case No.: IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 2

FLOOD ZONE DESIGNATION*:

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

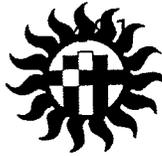
DEVELOPMENT IMPROVEMENTS*:

- Drainage Calculation needed YES NO _____ N/A _____
- Drainage Study needed YES NO _____ N/A _____
- Other drainage Impr. needed YES NO _____
- Sidewalk extension needed YES NO _____
- Curb & gutter extension needed YES NO _____
- Paving extension needed YES NO _____

****Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Flood Zone Ordinance 1933 and City of Las Cruces Design Standards.***

DEPARTMENTAL COMMENTS:

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****



City of Las Cruces®

PEOPLE HELPING PEOPLE

Subdivision Final Plat Case Review Sheet

Date: May 23, 2014

TO: CLC Engineering Services –Utilities Division

FROM: Susana Montana, Planner, 528-3207 or smontana@las-cruces.org

Case No. **IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 2**

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387

Address: 2700 N. Main Street.

This is a Final Plat for the Park Ridge Medical Center Subdivision which is the subject of a Concept Plan (IDP-14-01) being reviewed under the Subdivision Code's *Infill Subdivision Method (ISM)*. The ISM process allows the Applicant to skip the Preliminary Plat submittal and go straight to the Final Plat submittal *after the Concept Plan has been reviewed and approved by the DRC and the Subdivision Administrator.*

The DRC is scheduled to review the Concept Plan on June 4th. If you have any questions about the review process please feel free to contact me. There are 9 lots and 4 Tracts in this Final Plat. Thank you for your assistance with this project.

Community Development/Development Services Contact: Susana Montana, Planner, smontana@las-cruces.org; 528-3207. Please provide your comments to me by **Friday, May 30, 2014**. Thank you.

Request to CD on 5/30/2014 for deadline extension to 6/2/2014.

Approved AS IS: Yes No

Approved with conditions (as stated in the comment section): Yes

Date: June 2, 2014

Reviewer: Mel Montana

Reviewer contact no. 528-3525

COMMENTS:

No water rights issues F.D. 5/27/2014

CITY OF LAS CRUCES DEVELOPMENT SERVICES
UTILITIES SUBDIVISION FINAL PLAT CASE REVIEW SHEET

Case No. IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 2

WATER AVAILABILITY & CAPACITY*

Water Provider

CLC

Other _____

CLC Water System capable of handling increased usage

Yes

No _____

Comment: _____

WASTEWATER AVAILABILITY & CAPACITY*

Wastewater service type

CLC Sewer

On-lot Septic _____

CLC Wastewater System capable of handling increased usage

Yes

No _____

Comment: _____

NATURAL GAS AVAILABILITY & CAPACITY*

Natural Gas Provider

City of Las Cruces

Other _____

CLC Gas System capable of handling increased usage:

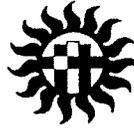
Yes

No _____

Comment: _____

*** To receive City utility service to this property, the property owner/applicant/subdivider is responsible for (1) the acquisition of all necessary water, sewer, and gas easements, (2) the construction of all necessary utility lines, and (3) compliance with all applicable City of Las Cruces requirements.**

Comments: _____



City of Las Cruces®

PEOPLE HELPING PEOPLE

15

Fire & Emergency Services Subdivision Final Plat Case Review Sheet

Date: April 7, 2014

TO: CLC Fire & Emergency Services

FROM: Susana Montana, Planner

Case No. IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 1

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387

This is a Final Plat for the Park Ridge Medical Center Subdivision which is the subject of a Concept Plan (IDP-14-01) being reviewed under the Subdivision Code's *Infill Subdivision Method (ISM)*. The ISM process allows the Applicant to skip the Preliminary Plat submittal and go straight to the Final Plat submittal *after the Concept Plan has been reviewed and approved by the DRC and the Subdivision Administrator*. The Applicant is seeking your review of this Final Plat, simultaneous with your review of the 2nd submittal of the Concept Plan, in order to expedite the process of getting the Final Plat to the Planning and Zoning Commission for their consideration. If you have any questions about the review process please feel free to contact me. There are 9 lots and 4 Tracts in this Final Plat. Thank you for your assistance with this project.

Community Development/Development Services Contact: Susana Montana, Planner, smontana@las-cruces.org; 528-3207. Please provide your comments to me by **Tuesday, April 15, 2014**. Thank you.

Approved AS IS: Yes No

Approved with conditions (as stated in Comments on page 2): Yes

Date: 4/22/14

Reviewer: [Signature]

Reviewer contact no. 84150

Susana Montana

From: (Bill) William Hamm
Sent: Wednesday, July 02, 2014 3:15 PM
To: Susana Montana
Subject: IDP-14-04 PARK RIDGE

Susana – I'm giving this a YWC based on the following minor revision:

Show the recordation document BK 73 PG 330 2-7-1967 for Madrid only within the areas as shown on the redline. This conveyance only covers the area noted, not farther east. Remove reference to the doc outside as shown. Indexed note #23 can remain for the segment of Madrid as originally shown for the area east of the noted redline boundary.

I'll run the plat down to your office today.

Bill R. Hamm
Land / Real Estate Manager
Public Works Department

CITY SUBDIVISION ~~485~~ FINAL PLAT CASE REVIEW

DATE: May 23, 2014

REVIEW NO.: 2
CASE NO.: IDP-14-04

- TO:
- | | |
|---|---|
| <input type="checkbox"/> CURRENT PLANNING | <input type="checkbox"/> LAND MANAGEMENT/ROW |
| <input type="checkbox"/> ADVANCED PLANNING | <input type="checkbox"/> FACILITIES/PARKS |
| <input type="checkbox"/> MPO | <input type="checkbox"/> FIRE DEPARTMENT |
| <input type="checkbox"/> ENGINEERING SERVICES | <input type="checkbox"/> UTILITIES |
| <input checked="" type="checkbox"/> TRAFFIC ENGINEERING | <input type="checkbox"/> OTHER: <u>Addressing</u> |
| <input type="checkbox"/> SURVEYOR | <input type="checkbox"/> OTHER: _____ |

Case No. IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 2

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387
Address: 2700 N. Main Street

This is a Final Plat for the Park Ridge Medical Center Subdivision which is the subject of a Concept Plan (IDP-14-01) being reviewed under the Subdivision Code's *Infill Subdivision Method (ISM)*. The ISM process allows the Applicant to skip the Preliminary Plat submittal and go straight to the Final Plat submittal *after the Concept Plan has been reviewed and approved by the DRC and the Subdivision Administrator*. The Concept Plan is scheduled to be reviewed by the DRC on June 4th.

If you have any questions about the review process please feel free to contact me. There are 9 lots and 4 Tracts in this Final Plat. Thank you for your assistance with this project.

Community Development/Development Services Contact: Susana Montana, Planner, smontana@las-cruces.org; 528-3207. Please provide your comments to me by **Friday, May 30, 2014**.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 5/28/14 REVIEWER NAME: K. Espinoza

REVIEWER CONTACT NO.: 2701

COMMENTS: TIA still under Review

RECEIVED
MAY 23 2014
TRAFFIC

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

CITY SUBDIVISION FINAL PLAT CASE REVIEW

DATE: April 15, 2014

REVIEW NO.: 1
CASE NO.: IDP-14-04

- TO:
- CURRENT PLANNING
 - ADVANCED PLANNING
 - MPO
 - ENGINEERING SERVICES
 - TRAFFIC ENGINEERING
 - SURVEYOR
 - LAND MANAGEMENT/ROW
 - FACILITIES/PARKS
 - FIRE DEPARTMENT
 - UTILITIES
 - OTHER: Addressing
 - OTHER: NM DOT

Case No. IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 1

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387
Address: 2700 N. Main Street

This is a Final Plat for the Park Ridge Medical Center Subdivision which is the subject of a Concept Plan (IDP-14-01) being reviewed under the Subdivision Code's *Infill Subdivision Method (ISM)*. The ISM process allows the Applicant to skip the Preliminary Plat submittal and go straight to the Final Plat submittal *after the Concept Plan has been reviewed and approved by the DRC and the Subdivision Administrator.*

The Applicant is seeking your review of this Final Plat, simultaneous with your review of the 2nd submittal of the Concept Plan, in order to expedite the process of getting the Final Plat to the Planning and Zoning Commission for their consideration. If you have any questions about the review process please feel free to contact me. There are 9 lots and 4 Tracts in this Final Plat. Thank you for your assistance with this project.

Community Development/Development Services Contact: Susana Montana, Planner, smontana@las-cruces.org; 528-3207. Please provide your comments to me by **Tuesday, April 15, 2014.**

APPROVED: YES NO YES WITH CONDITIONS (STATE CONDITIONS BELOW)

DATE: 4/28/14

REVIEWER NAME: Maria Hinojos

REVIEWER CONTACT NO.: 544-6544

COMMENTS:

Same comment as the concept plan review.

[That comment is that the Final Plat cannot be approved by NM DOT until they approve the construction drawings.]

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

CITY SUBDIVISION ~~FINAL~~ PLAT CASE REVIEW

DATE: April 15, 2014

REVIEW NO.: 1
CASE NO.: IDP-14-04

- CURRENT PLANNING
- ADVANCED PLANNING
- MPO
- ENGINEERING SERVICES
- TRAFFIC ENGINEERING
- SURVEYOR

- LAND MANAGEMENT/ROW
- FACILITIES/PARKS
- FIRE DEPARTMENT
- UTILITIES
- ADDRESSING
- OTHER: _____

Case No. IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 1

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387
Address: 2700 N. Main Street

This is a Final Plat for the Park Ridge Medical Center Subdivision which is the subject of a Concept Plan (IDP-14-01) being reviewed under the Subdivision Code's *Infill Subdivision Method (ISM)*. The ISM process allows the Applicant to skip the Preliminary Plat submittal and go straight to the Final Plat submittal *after the Concept Plan has been reviewed and approved by the DRC and the Subdivision Administrator.*

The Applicant is seeking your review of this Final Plat, simultaneous with your review of the 2nd submittal of the Concept Plan, in order to expedite the process of getting the Final Plat to the Planning and Zoning Commission for their consideration. If you have any questions about the review process please feel free to contact me. There are 9 lots and 5 Tracts in this Final Plat. Thank you for your assistance with this project.

Community Development/Development Services Contact: Susana Montana, Planner, smontana@las-cruces.org; 528-3207. Please provide your comments to me by **Tuesday, April 15, 2014.**

APPROVED: ²² YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 4/16/14

REVIEWER NAME: [Signature]

REVIEWER CONTACT NO.: 2550

COMMENTS:

CITY SUBDIVISION FINAL PLAT CASE REVIEW

DATE: June 26, 2014

REVIEW NO.: 3
CASE NO.: IDP-14-04

- TO:
- | | |
|---|--|
| <input type="checkbox"/> CURRENT PLANNING | <input type="checkbox"/> LAND MANAGEMENT/ROW |
| <input type="checkbox"/> ADVANCED PLANNING | <input type="checkbox"/> FACILITIES/PARKS |
| <input type="checkbox"/> MPO | <input type="checkbox"/> FIRE DEPARTMENT |
| <input type="checkbox"/> ENGINEERING SERVICES | <input type="checkbox"/> UTILITIES |
| <input type="checkbox"/> TRAFFIC ENGINEERING | <input checked="" type="checkbox"/> ADDRESSING |
| <input type="checkbox"/> SURVEYOR | <input type="checkbox"/> OTHER: _____ |

Case No. IDP-14-04; Park Ridge Medical Center Final Plat; Review No. 3

PARCEL ID No. 02-03647 Tax Code No. 4-007-133-269-387
Address: 2700 N. Main Street

This is a Final Plat for the Park Ridge Medical Center Subdivision being reviewed under the Subdivision Code's *Infill Subdivision Method (ISM)*. The ISM process allows the Applicant to skip the Preliminary Plat submittal and go straight to the Final Plat submittal *after the Concept Plan has been reviewed and approved by the DRC and the Subdivision Administrator*. The Concept Plan was conditionally-approved by the DRC on June 4th. We are scheduling this case to be reviewed by the Planning & Zoning Commission at their July 22nd meeting. Thank you for your assistance with this project. Please provide your comments to me by **Thursday, July 3, 2014**.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 6/30/14 REVIEWER NAME: Lucrecio Vigil

REVIEWER CONTACT NO.: 528 3081

COMMENTS: Please submit one mylar (1) and 13 paper copies folded.

Park Ridge Medical Center Subdivision, Phase I Mitigations

Intersection or Location	Movement or Location Requiring Mitigation Effort	Mitigation Effort Recommended	Total Cost of Mitigation Effort	Proportionate Developer Level Responsibility (%)	Proportionate Developer Level Responsibility (\$)	Proportionate Developer Commitment (%)	Total Planning Level Cost Commitment by Developer (\$)
North Main and Elks Dr/Triviz Ave	Eastbound Through	Retiming	\$2,800	4%	\$112	4%	\$112
	Westbound Through	Retiming	\$2,800	4%	\$112	4%	\$112
	Southbound Right	Retiming	\$2,800	9%	\$252	9%	\$252
North Main Street and El Camino Real/Park Ridge Boulevard	Southbound Left	Build right turn lane, stripe dual lefts, acquire ROW, C & G, sidewalk including demolition	\$149,391	0%	\$0	100%	\$149,391
	Westbound Right	Build right turn lane, C & G, sidewalk, stripe for Right Turn Lane, including demolition	\$28,282	0%	\$0	100%	\$28,282
North Main Street and El Camino Real/Park Ridge Boulevard	Eastbound Right	Build right turn lane, C & G, sidewalk, stripe for Right Turn Lane, including demolition	\$89,984	100%	\$89,984	100%	\$89,984
	New Traffic Signal	Construct new traffic signalization all directions	\$223,468	100%	\$223,468	100%	\$223,468
	Widening of Intersection	Pavement Improvement within Intersection with Median Modification	\$161,005	N/A	\$0	100%	\$161,007
	Striping of Intersection	Striping over Improvement	\$51,537	100%	\$51,537	100%	\$51,537

Park Ridge Medical Center Subdivision, Phase I Mitigations

Intersection or Location	Movement or Location Requiring Mitigation Effort	Mitigation Effort Recommended	Total Cost of Mitigation Effort	Proportionate Developer Level Responsibility (%)	Proportionate Developer Level Responsibility (\$)	Proportionate Developer Commitment (%)	Total Planning Level Cost Commitment by Developer (\$)
	Sewer Manhole on N. Main	New Manhole	\$2,400	N/A	\$0	100%	\$2,400
North Main Street and North Solano/Spitz Street	Westbound Left	Retiming	\$2,800	0%	\$0	0%	\$0
	Northbound Right	Retiming	\$2,800	12%	\$336	12%	\$336
Residential Neighborhood Traffic Calming Devices	Location to be Determined by Traffic Calming Program Committee	Measures to be Determined by Traffic Calming Program Committee	To be Determined by Traffic Calming Program Committee	0%	\$0	N/A	\$21,000 ^(a)
Camino Del Rex	Hammerhead closure including pavement, C & G, sidewalk, striping, signage and Gate Construction	Mitigation Measure by Developer	\$58,797	100%	\$58,797	100%	\$58,797
	Townhomes Septic Systems Removal and Sewer Replacement	Committed to by Developer	\$140,072	0%	\$0	100%	\$140,072
				Total Developer Required Commitment =	\$424,598	Total Developer Provided Commitment =	\$926,750

^(a) Type of traffic calming devices and timing of their installation will be determined by the City Traffic Calming Program Committee. The initial \$21,000.00 funds will be provided to the City during Phase I. If future City studies show that additional mitigations are required in excess of the funds provided by the developer during Phase I, the developer agrees to provide up to an additional \$28,000.00 during Phase II and/or at the time that the City shows that such improvements are necessary for speed control within the Country Club Neighborhood.

491

Park Ridge Properties, LLLP
1340 Picacho Hills Drive, Ste. 100
Las Cruces, NM 88007
575-523-2500

November 5, 2013

CERTIFIED MAIL

Early Notification for Park Ridge Medical Center Infill Subdivision

Dear Country Club Neighborhood Association:

We are writing to inform you of an Infill Subdivision application that we are submitting for a property located within your neighborhood. The proposed subdivision is located on a portion of the former Las Cruces Country Club property, as shown on the enclosed map. You may copy this letter and enclosure to your membership.

The proposed Infill Subdivision is a Medical Campus, encompassing approximately 34.172 acres of land, includes a mix of medical and physician based services; rehabilitation, wellness and fitness center; and a continuum of care retirement center. Below is a description of the main components of the proposed development:

a) Regional Hospital (C-3c Zone)

A 42-bed, full-service hospital is proposed to be located in the heart of the Park Ridge Medical Center and will provide a full range of services with state-of-the-art equipment including:

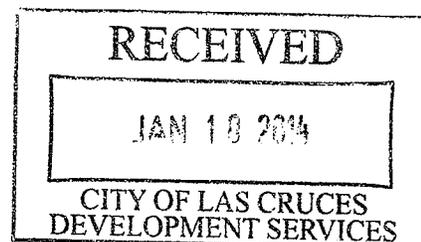
- Emergency Room
- Surgical Suites
- Cardiac Catheterization
- Radiology Services including x-ray, Fluoroscopy, CT, Nuclear Medicine and Stress Testing
- Laboratory and Pharmacy

b) Medical and Professional Offices (C-3c Zone)

The proposed office buildings will provide single and multi-tenant office space. Office space will be designed with flexibility to allow for the specific needs including medical, corporate and educational users.

c) Assisted Living/ Rehabilitation and Fitness Center (R-4c Zone)

The Assisted Living facilities will be located adjacent to the hospital and other ancillary medical services giving physicians access to outpatient services and senior care in one central location. Services at Park Ridge Assisted Living will range from assisted living to memory care and include rehabilitation. The Center is focused on the resident and family offering smaller, home-like dwellings. Each residential unit will have 24-hour staffing providing individual, caring attention.

FILE COPY

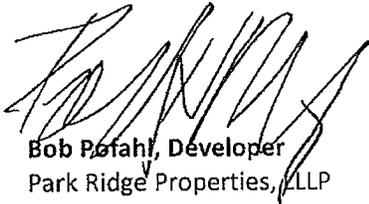
A Traffic Impact Analysis is being done as part of the development requirements that is intended to ascertain the operational conditions on the adjacent roadway network. This network normally referred to as the area of influence was determined by the regulatory authorities (the City of Las Cruces and the New Mexico Department of Transportation) together with a few other stakeholders.

This is normally required when a proposed development is accommodated within the existing transportation infrastructure particularly with other developments. This will enable us to identify improvements required to maintain the existing operational conditions and know if access to the proposed development will hamper traffic operations and safety near the site, particularly in the surrounding community. The following intersections listed below were included in the area of influence and are being analyzed for the conditions explained above.

- North Main and North Solano Drive/Spitz Street
- North Main and El Camino Real/Camino Del Rex
- North Main and Elks Drive/North Triviz Drive
- North Solano Drive and West Madrid Avenue/Madrid Road
- North Solano Drive and East Madrid Avenue
- 3 Crosses Avenue and Spitz Street

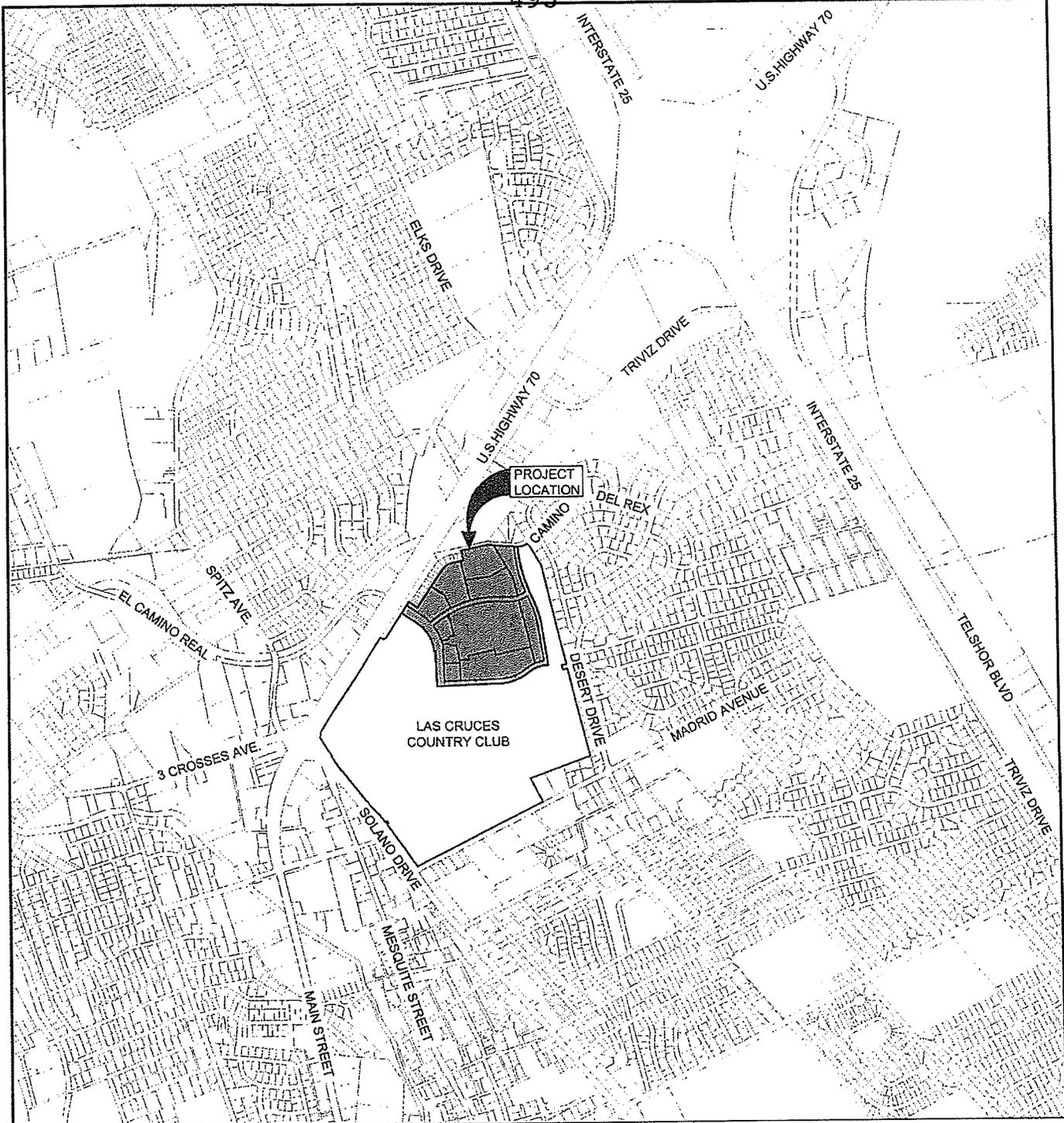
You are invited to attend a community meeting we will host to further discuss the proposed project. The meeting will be held on Thursday, November 14th of 2013, at 7:00 pm at Las Cruces Homebuilders Association, 2825 N. Main Street, Las Cruces, NM.

Sincerely,

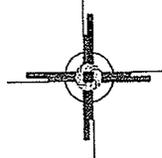


Bob Pofahl, Developer
Park Ridge Properties, LLLP

cc: *City of Las Cruces*
Community Development Department
P.O. Box 20000
Las Cruces, NM 88004



Location: B:\MLCC-13-02\ICAD Files\MLCC-13-024 Vicinity Map.dwg
 Layout: Layout1 Printed: Wed 06-Nov-2013 - 09:55AM



**Zia Engineering & Environmental
 Consultants, LLC.**

755 S. Telshor Blvd., Suite F-201
 Las Cruces, New Mexico 88011
 Phone: (575) 532-1526
 Fax: (575) 532-1587

**VICINITY MAP
 PARK RIDGE MEDICAL CENTER
 LAS CRUCES, NEW MEXICO**

Early Notification Meeting**November 21, 2013. 7:00 p.m.**

**Summary of Outstanding Questions/Comments
(Extracted from the meeting transcript, attached)**

1. **Name:** Mr. McCabe

Address: 2640 Desert Drive

Question/Comment: Every time there is a parade or any event at the park, the road by his house is "bumper to bumper". Madrid Avenue should be on the list of streets that to be monitored as part of this project.

Response: Madrid Avenue is within the area of influence and has been analyzed as part of the Traffic Impact Analysis; however, no specific recommendations for event traffic have been made at this time. Further analysis of this road will be conducted in future phases of the development which are anticipated to include improvements to Apodaca Park. At that time, a Traffic Operational Management Plan for events will be recommended. This, in conjunction with the proposed park improvements, could help alleviate the event-related traffic issues in the area.

2. **Name:** Ms. Billie Haynie

Address: 880 Camino del Rex

Question/Comment: Is there going to be a traffic disruption when proposed utility lines are placed under Main Street in order to connect to existing utility lines on El Camino Real Street?

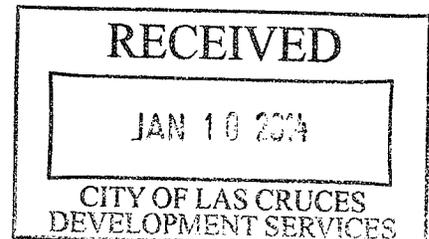
Response: The proposed utility lines will be bored and cased under North Main/Highway 70. Minimum traffic disruptions are anticipated as a direct result of these efforts.

3. **Name:** Ms. Connie Potter

Address: 2505 Desert Drive

Question/Comment: The previous MPO study shows less than 1000 trips per day. The most recent study shows no counts for Desert Drive but it shows Camino del Rex nearing 1500 trips per day. A local street burden is 2500.

FILE COPY



[Based on the figures presented at the meeting] the proposed intersection of Park Ridge Lane with Camino del Rex seems to be pretty close to Desert Drive.

Ms. Potter expressed concern that drivers coming out of Park Ridge Development will prefer to turn right on Camino del Rex and go through the residential subdivision to get to East Madrid Avenue instead of using North Main.

Ms. Potter also expressed concern that drivers coming from the Country Club Park Subdivision trying to exit onto North Main Street will stack in front of the existing townhomes on Camino del Rex, therefore preventing the townhome owners from backing out of their driveways safely.

Response: A Traffic Impact Analysis report is being submitted as part of the Infill Subdivision application, addressing the existing conditions of the roads located within the area of influence, as well as the projected traffic generation for the Park Ridge Medical Center, including the current and anticipated trip distribution and trip assignments. Current distributions have only 15 percent of the trips assigned to Park Ridge Lane going towards Madrid Avenue and Camino Del Rex has a wide enough cross section to accommodate movements including backing out. The roadway even currently has on street parking. The developer is also accommodating to visitor parking within the medical subdivision.

Left turns onto and from Camino Del Rex will be prohibited at the intersection with the proposed Park Ridge Boulevard. This will be accomplished through the use of raised medians. A driving lane located in between the proposed medians will allow cars coming from the proposed development to turn left onto North Main Street. Drivers coming from the adjacent subdivision wanting to turn left onto North Main Street will have to enter the proposed subdivision through Park Ridge Lane and Heritage Park Road in order to use the proposed exclusive left turn lane.

This proposed configuration is anticipated to alleviate traffic congestion in front of the existing townhomes by better distributing the traffic movements within the proposed network.

4. **Name:** Ms. Billie Haynie

Address: 880 Camino del Rex

Question/Comment: Ms. Haynie expressed concern about the line of sight at the intersection of proposed Park Ridge Lane and existing Camino del Rex, due to the road geometry and to the existing fence and vegetation in the area.

Response: Park Ridge lane is proposed to be a 40' ROD local street. The Traffic Impact Analysis includes a diagram of the proposed intersection, analyzing sight distances and

the proposed exclusive right turn lane (Exhibit Q). The existing fence and dry vegetation will be removed and no structure will be built within the sight triangles..

5. **Name:** Ms. Connie Potter

Address: 2505 Desert Drive

Question/Comment: Desert Drive is divided by a concrete median and the proposed intersection of Park Ridge lane and Camino del Rex is closer to Desert Drive relative to the median nose. People coming from the adjacent subdivision wanting to turn left onto North Main Street would have to go through the proposed subdivision. Is this proposed intersection of Park Ridge Lane and Camino del Rex going to be signalized?

Response: The existing concrete median does not present a conflict with the proposed intersection. Drivers coming from the adjacent subdivision wanting to turn left onto North Main Street will have to drive through Park Ridge Medical Center in order to do so. The intersection of Park Ridge Lane and Camino del Rex is not proposed to be signalized.

6. **Name:** Ms. Eva Booker

Address: 1725 Mariposa.

Question/Comment: Ms. Booker expressed concern that many people wanting to go to Park Ridge Medical Center will come though East Madrid Avenue and Desert Drive. She requested the intersection of East Madrid Avenue and Desert Drive to be included in the Traffic Impact Analysis.

Response: An area of influence was defined in coordination with the City of Las Cruces Traffic Engineering department and the New Mexico Department of Transportation (NMDOT). The intersection of East Madrid Avenue and Desert Drive was not included within the area of influence at this time.

Park Ridge Medical Center is only the first phase of an overall development. Future submittals will entail amendments to the Traffic Impact Analysis and could potentially warrant the analysis of this particular intersection.

7. **Name:** Charles Greene

Address: 840 Camino Del Rex

Question/Comment: Mr. Greene expressed concern about not being able to easily reach the Shopping Center across North Main Street from his townhome on Camino del Rex, due to the prohibited left turn movement.

Mr. Greene also mentioned that someone at the City told him of an existing 25' wide reserved area for future Camino del Rex right-of-way expansion along the front of the existing townhomes, which could be taken from their properties at any time.

Mr. Greene also inquired about the proposed connection of the townhomes to City Sewer service.

Response: Townhome residents wishing to reach the shopping center across North Main Street will be able to exit through Camino del Rex, take the through lane across North Main to El Camino Real and reach the shopping center through the rear entrance. Townhome residents wanting to turn left onto North Main Street will have to drive east onto Camino del Rex, take a right turn onto Park Ridge Lane, then right onto Heritage Park to finally access the exclusive left turn lane on Park Ridge Boulevard.

Our survey documentation does show a strip for future ROW expansion along the front of the townhomes. The strip is irregular in width, ranging approximately from 12 to 14 feet. The proposed intersection improvements are anticipated to reduce traffic intensity along this area of Camino del Rex; therefore, ROW expansion of Camino del Rex is not being recommended at this time. Please note that this area is located outside of the limits of the property.

The developer has committed to connect the townhomes to City Sewer Service. This agreement is still in place although those improvements are not part of this particular Infill Concept Plan Submittal.

8. **Name:** Phil Larsen

Address: 800 Camino Del Rex

Question/Comment: Mr. Larsen corroborated that there's a 14-foot easement in the front yard of the townhomes, according to the latest survey he had done for the property.

Response: Our survey documentation does show a strip for future ROW expansion along the front of the townhomes. The strip is irregular in width, ranging approximately from 12 to 14 feet. The proposed intersection improvements are anticipated to reduce traffic intensity along this area of Camino del Rex; therefore, ROW expansion of Camino del Rex is not being recommended at this time. Please note that this area is located outside of the limits of the property.

9. **Name:** Ms. Connie Potter

Address: 2505 Desert Drive

Question/Comment: Ms. Potter expressed concern about the amount of available parking on Camino del Rex for the townhome owners and their visitors. She also expressed concern about on-street parking on Camino del Rex being unsafe.

Response: Park Ridge Medical Center will offer plenty of on-street parking which will be public. Visitors to the townhomes will be welcome to use it. Numerous studies show that, with an adequate design, having on-street parking promotes slower driving speeds making the streets safer.

10. Name: Charles Greene

Address: 840 Camino Del Rex

Question/Comment: Is the Medical Office Campus going to be developed by the developer Park Ridge Properties, LLLP (Bob Pofahl) or is it going to be sold to be developed by others?

Response: The properties will be sold to entities the developer will participate in. There will also be an owner association and covenants in place to ensure that all development within the Medical Center is consistent with the proposed concept.

11. Name: Andrew John

Address: 28 Via San Acacio

Question/Comment: Mr. John has heard rumors that there are State funds to improve the intersection of North Main and Solano. He asked if the improvements at the intersection of North Main/Camino del Rex/ and Park Ridge Boulevard will be funded by the State.

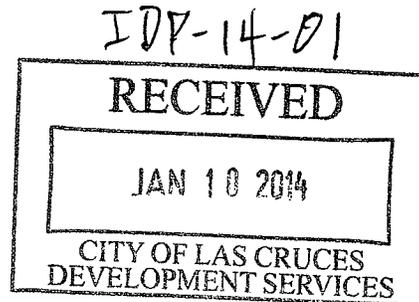
Response: There is in fact an ongoing State funded project to improve the intersection of North Main, Solano and Three Crosses that will be let by NMDOT in 2016. The improvements required as a result of the proposed development at the intersection of North Main and Park Ridge Boulevard will be paid by the Developer.

EARLY NOTIFICATION COMMUNITY MEETING

re PARK RIDGE PROPERTIES, LLLP

FILE COPY

November 21, 2013
7:00 p.m. to 7:38 p.m.
Las Cruces Homebuilders Association
7:00 p.m. to 7:38 p.m.
2825 N. Main Street
Las Cruces, NM



Present:

Bob and Karen Pofahl
Hal Henthorne
Griselda Velez
Desmond Cole
Chris Almy
Jake Redfern

REPORTED BY: ANNE C. HALLETT, RPR
CCR No. 16
Jones Reporting Services, LLC
506 South Main Street, Suite 630
Las Cruces, New Mexico 88001-1237

1 TRANSCRIPTION NOTE:

2 Ellipses points (...) at the end of a sentence
 3 denote an incomplete thought or sentence.

4 A dash (--) indicates an interruption of speaker or
 5 a change of thought.

6 "[sic]" means "thus" or "so." If the attorney or
 7 deponent misuses or mispronounces a word, "[sic]" is
 8 used to show it is not the reporter's error.

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1 PROCEEDINGS

2 MR. HENTHORNE: Okay, I think we're going
3 to go ahead and start right at 7 p.m. Thank you for
4 being here. Are we ready? Thank you for being here
5 this evening. We're going to try to provide some
6 information to you that I think --

7 MRS. POFAHL: It's not on.

8 MR. HENTHORNE: Well, we'll turn it up. I
9 don't need it, really.

10 Thank you for being here this evening. We're
11 going to provide some information to you, come right
12 to the point. I'm going to ask Bob Pofahl to
13 present the 33 acres.

14 And so, Bob, come on forward, and we'll let you
15 take it from there. Go ahead, Bob. Go ahead.

16 MR. POFAHL: All right. Well, thanks for
17 being here. I appreciate everybody, the week before
18 Thanksgiving, getting out. This is not working
19 well. Don't move around with it. There we go.
20 It's coming in and out. Can you hear me if I talk
21 like this?

22 (The audience responds.)

23 MR. POFAHL: This will be easier. All
24 right. Do you want to go to the first slide?

25 Tonight's meeting is to focus on the 33-acre

1 medical campus. This is part of the Early
2 Notification Process, and this is to meet the
3 compliance with early notification for the Infill
4 Subdivision Application, which we will be turning in
5 very soon. We do want to get your comments and
6 questions. We would like to walk through our
7 presentation; and then afterwards, have you make --
8 ask your questions and make your comments, after
9 we've finished making our presentation.

10 Again, tonight we only want to focus just on
11 the 33-acre medical campus, so all our questions and
12 comments would be specifically about that.

13 This is an infill subdivision. It's located on
14 the former Las Cruces Country Club and is just a
15 portion of that. It's 34.172 acres. It contains
16 nine lots and two tracts. The tracts are what we --
17 are the parks and drainage areas. It includes zoned
18 areas that are C-3c, R4-c and R1.

19 Again, the scope of the application is just for
20 this 33 acres, and it's an Infill Subdivision
21 concept plan, and it includes the subdivision
22 layout, the conceptual utility plan, the conceptual
23 drainage plan, and there's a traffic impact study,
24 called a TIA -- it's in process, will be provided
25 for everybody's review within the next two to three

1 weeks. That's in process as we speak. So that's
2 what this application and this presentation tonight
3 is focused on.

4 In the future, there will be individual lot
5 site plans and permits for individual buildings, but
6 that's not what this application is about. Those
7 will be separate as people acquire tracts and build
8 buildings. Those would be at a future date, when --
9 separate building permits.

10 In addition, from the conceptual plans that
11 we're submitting with this application, there will
12 be final working construction drawings for the
13 actual subdivision that will deal with more detail.
14 And again, this application we're making is a
15 conceptual plan, and the more detailed things like
16 street sections, and so forth, will be addressed
17 when the construction documents are submitted.

18 This is the site plan. I think most of you
19 have seen this in the past, you know, which is the
20 33 acres. This is where the townhomes are, this is
21 the existing entrance at Camino Del Rex, and then
22 here is the individual parcels. These are the two
23 park and ponding tracts, and the rest of these are
24 the other tracts that total the 33 acres, including
25 the Park Ridge Street.

1 This is a listing of each of those parcels,
2 that would give you the actual acreage of the
3 parcel, the current zoning that's been approved, and
4 this is the proposed uses for each of those parcels.
5 Again, that was on the previous map. This, all of
6 these parcels -- I don't think I need to go through
7 each one of them, but it totals up the acreage for
8 each parcel up to the 34.172 acres, which includes
9 the 4.2 acres of roads.

10 The proposed utility concept plan, since this
11 is an infill project, there's existing
12 infrastructure surrounding the site. Early
13 coordination with the City and utility companies has
14 taken place to determine the best point of
15 connection to existing utilities and the related
16 requirements, so we can provide the capacities
17 that's been researched, so that we know what the
18 capacities are and there's sufficient capacity.

19 A detailed utility design will be completed at
20 the time the construction documents are submitted.
21 Again, in this subdivision process, these are
22 conceptual plans, and the working drawings will be
23 submitted as part of the final submission.

24 Here is the proposed utility layout, that shows
25 you the main connections of utilities through the

1 property and on Park Ridge Boulevard here, and there
2 are some lines, water and sewer lines, that we'll
3 drill under Main Street/70 to connect to existing
4 infrastructure on the other side, as well as at the
5 back of the property at Camino Del Rex, so there's a
6 looping of water lines. And so this provides you
7 with the proposed utility layout.

8 The proposed drainage concept:

9 The drainage infrastructure will be designed to
10 meet City design standards. The site will be
11 designed to maintain historic discharge locations.
12 A combination of on-lot and regional ponds will be
13 used to retain increased runoff and attenuate peak
14 flow rates. A system of swales, curb/gutter, drop
15 inlets and storm sewer will be used to convey the
16 runoff to the ponds and historic discharge
17 locations. The peak flow and runoff volume leaving
18 the site will be less than or equal to the
19 predevelopment conditions. Again, the next map
20 shows you that drainage layout.

21 This, again, is the 33 acres. We will take a
22 ponding area here, that's within the country club
23 110 acres, that will handle some of the off-site
24 ponding as well as ponding on each one of the
25 individual sites.

1 Regarding the traffic, a Traffic Impact
2 Analysis is being completed at this time, as part of
3 the development requirements. It is intended to
4 ascertain the operational conditions on the adjacent
5 roadway network. The network normally referred to
6 as the area of influence was determined by the
7 regulatory authorities, the City of Las Cruces and
8 New Mexico Department of Transportation. This is
9 normally required when a proposed development is
10 accommodated within the existing transportation
11 infrastructure, particularly with other
12 developments. This will enable us to identify
13 improvements required to maintain the existing
14 operational conditions and know if access to the
15 proposed development will hamper traffic operations
16 and safety near the site, particularly in the
17 surrounding community.

18 The Traffic Impact Analysis will address these
19 intersections: North Main at Solano and Spitz,
20 which would be right here; North Main at Camino Del
21 Rex, which would be right here at this location;
22 North Main at Elks and Triviz, which would be this
23 location; North Solano Drive at Madrid, which is
24 here; and then Three Crosses Avenue and Spitz
25 Avenue, which would be right here.

1 All of the access planning and design were done
2 with consideration of safety, efficiency, fairness
3 and affordability. And the total number of conflict
4 points was reduced at all access points, and safety
5 was the priority in location and design of the
6 accesses. The basic concept of development relating
7 to traffic is pedestrian friendly and low speed, but
8 we've talked about that many times before in our
9 presentations, that we want to be a walkable,
10 pedestrian-friendly community.

11 The configuration and location of access points
12 will encourage movement of trips through the medical
13 center rather than through the adjacent
14 neighborhood. The traffic-carrying capacity of the
15 neighborhood road will not be reached at the time of
16 build out of the medical center. Continuous
17 consultation is being done with the City and State
18 in the development of the Traffic Impact Analysis to
19 ensure all guidelines and standards are adhered to.

20 This is to demonstrate to you one of the key
21 intersections, which is at Camino Del Rex and which
22 is right here in Main Street. The existing country
23 club is here. This would be our main entrance. In
24 this, a series of small islands will be done for
25 protected turns, which will allow for turning here,

1 a straight turn here. There will a right turn
2 allowed here. There will be improvements made here,
3 to all of the existing streetlights and
4 infrastructure, to make substantial improvements to
5 this intersection, to address the current traffic
6 situations.

7 We think this design also, which is right here,
8 will show how even the townhome owners can come out
9 and have a protected turn to the left here, and will
10 eliminate some of the stacking that's already
11 happening in the mornings here, with cars that are
12 trying to take a left turn. They will be able to
13 come here, through Heritage Park Drive, and have a
14 protected turn to the left, with sufficient stacking
15 to meet that requirement.

16 This is the tur -- the secondary access at the
17 rear of the property onto Camino Del Rex, and
18 sufficient improvements will be made so that the
19 line of sight is proper and allows the right turns
20 and turns in, as well as the turns out, sufficient
21 distances down to the existing median and will be
22 designed for good line of sight onto that
23 intersection.

24 Some of the benefits we feel these traffic
25 improvements at the intersection of North Main

1 Street and Park Ridge Boulevard is it will improve
2 safety by providing protected turns; it will improve
3 the geometry by reducing movement conflict; and will
4 just -- all of the infrastructure will be basically
5 improved, including the traffic lights and the
6 timing on these lights; reducing trips on Camino Del
7 Rex between Park Ridge Boulevard and Park Ridge Lane
8 by redirecting traffic through the proposed
9 subdivision; and providing a self-supporting network
10 to accomodate the traffic generated by the proposed
11 development.

12 And that's the preliminary presen -- you know,
13 the main presentation tonight on the subdivision and
14 the application, which we'll be submitting very
15 soon. So with that, we'd like to take any
16 questions. We'd like you to state your name. Hal
17 has a --

18 MR. HENTHORNE: Why don't you give them
19 that one. The two of them compete with one another,
20 Bob.

21 MR. POFAHL: All right. I'll let you have
22 this one here, then.

23 If you would state your name and your address
24 and where you live. You know, we do have a re --
25 recording all of us here, so speak up and state your

1 name so that we can get your comments. All of the
2 comments from tonight and questions will be recorded
3 and be part of our application package which we will
4 submit to the City.

5 Any questions?

6 MR. HENTHORNE: Speak right into that mic.

7 MR. McCABE: Okay. Can you hear me?

8 MR. POFAHL: Your name?

9 MR. McCABE: I just wanted to make sure it
10 was... Okay. Mack McCabe. I live on 2640 Desert
11 Drive. And my concern is -- and I hope it isn't a
12 concern -- but the traffic that comes around on
13 Desert, whenever there's a parade or anything down
14 at the park, it's bumper to bumper right by our
15 house, and so therefore, I'm just alerting that
16 Madrid should be on that list of streets that are
17 monitored and a figure established today so that we
18 know we've got a problem.

19 MR. POFAHL: That's a good point. Our
20 traffic engineer, Desmond Cole, is here, so we'll
21 make sure that -- For special events, is what you
22 are saying, at Apodaca Park?

23 MR. McCABE: The thing is, every time they
24 have a parade or anything down there, it's bumper to
25 bumper. And we've got speed bumps that are in there

1 now. I submitted the list of -- I mean, people
2 designed it, and we got those put in like 15 years
3 ago.

4 MR. POFAHL: Right.

5 MR. McCABE: But they might have to be
6 changed. So I'm just thinking ahead a little bit.
7 Thank you.

8 MR. POFAHL: Thank you.

9 MS. HAYNIE: I've got a question, and I've
10 got a pretty loud voice. You just gave us a --

11 THE REPORTER: I need your name, please.

12 MS. HAYNIE: Billie Haynie, 880 Camino Del
13 Rex. You showed how you are going to tie in
14 underneath Main Street to some existing sewer lines
15 and how it's going to go under. What's going to be
16 the impact to our neighborhood when you are going
17 under? Is there going to be a traffic disruption,
18 or has that been thought out?

19 MR. POFAHL: None. That's all tunnel.
20 There will be no traffic disruption --

21 MS. HAYNIE: Thank you.

22 MR. POFAHL: -- when the new -- The
23 question was, with the installation of new water and
24 sewer lines, those are tunnels underneath Main
25 Street, so there will be no traffic interruption.

1 And if anything, the utility service to the
2 neighborhood will be improved by adding capacity,
3 both for our subdivision as well as the whole
4 neighborhood.

5 MS. HAYNIE: Thank you.

6 MR. POFAHL: Yes?

7 MR. HENTHORNE: Just speak into it. Hold
8 it close.

9 MS. POTTER: Got it. Connie Potter, 2505
10 Desert Drive. My home is on the intersection of
11 Desert Drive and Mariposa. There's a stoplight
12 there -- a stop sign, and it routinely has, you
13 know, a lot of folks that just kind of ignore it and
14 buzz through. Right now, our traffic count, from
15 the previous MPO study, was less than a thousand
16 trips a day. The most recent study shows no counts
17 for Desert Drive, but it shows Camino Del Rex
18 nearing 1500 trips a day. A local street burden is
19 2500.

20 And when I go back to your arrows and things
21 like that, when you come out of that secondary
22 access, there appears to be about 183 feet, if I
23 read your map properly, from the end of Desert
24 Drive. Okay? I'm not sure if that was correct, but
25 it's pretty close to Desert Drive, and you've got

1 line of sight there. When you come down Camino del
2 Rex, you are going to have folks turning right out
3 of your main access street onto Camino Del Rex and
4 then likely coming through our neighborhood to get
5 to south and east Las Cruces. I mean, otherwise,
6 they've got to go out and fight the traffic on U.S.
7 70, which everybody abhors. We already have a lot
8 of nonresidential traffic coming through our
9 neighborhood.

10 How do you expect folks to, you know, prefer to
11 go left rather than use Desert Drive as a normal
12 pathway to get to what I call south Madrid? You
13 know, we've got too many Madrids here. Not east,
14 but the one my neighbor is worried about, which is
15 how people get to school, stuff like that. How do
16 you also propose that between the two Xs that
17 actually enter onto Camino Del Rex, including your
18 main one over to the left, to keep people from using
19 Camino Del Rex, that's already just a thousand car
20 trips short of its carrying load, so that people
21 can't even back out of their townhomes safely?
22 Those are the questions.

23 MR. POFAHL: That's a great question. Let
24 me -- to go back to our original drawing, what we're
25 going to do to cut down the amount of traffic, it's

1 not going to be convenient. Somebody is -- they are
2 no longer going to be able to cut through and take a
3 left turn. There will be two medians here that will
4 stop that, and it's not going to be convenient.
5 They would have to come through and come through
6 this whole subdivision. It's not going to be a
7 faster exchange. This is going to be improved
8 enough where our traffic that's generated here, it's
9 going to be easier to come out and come to this to
10 make your turns to go south. You're not going to be
11 able to come in and just turn on Camino Del Rex
12 anymore.

13 MS. POTTER: Can we get out and go left,
14 without going through your subdivision?

15 MR. POFAHL: No. You'll have to come
16 through our subdivision, which we'll serving the
17 community by letting you come through our
18 subdivision. And instead of stacking, like it does
19 in the morning in front of the townhomes, you'll now
20 come here, and we've given enough stacking right
21 here, so you can take your left-turn protected here.
22 We think it's going to be such an improved
23 intersection, it's going to encourage people to go
24 out onto that exit. It's going to be a more
25 convenient exit. Right now, this turn is very tight

1 and very hard to do, and so our traffic engineer,
2 Desmond Cole, has worked very carefully with the
3 City engineering department to look at solutions for
4 that, and we think this will really help the
5 townhomes and the kind of traffic that stacks up in
6 front of the townhomes.

7 MS. POTTER: Thank you.

8 MR. POFAHL: And I think it's going to
9 keep -- it's not going to -- it's going to make it
10 more inconvenient for somebody to want to cut
11 through the neighborhood, so to speak. I don't
12 think it's going to be more convenient to get to the
13 school by trying to come through this subdivision.

14 Any other? Yes? State your name again.

15 MS. HAYNIE: I'm sorry. Billie Haynie,
16 880 Camino Del Rex. Can you go back to the previous
17 slide which was showing site improvement? Because
18 being a townhome owner, most of the time, I leave my
19 townhome and go across Main Street and go out
20 through Camino Real, because my son goes to school
21 down there. But my grandmother lives in the
22 opposite direction, and it is very sharp turns.
23 It's a huge concern, that sight -- line-of-sight
24 improvement. Could you explain that better?

25 MR. POFAHL: You are talking about this

1 one here?

2 MS. HAYNIE: Yes, sir.

3 MR. POFAHL: Right, this would be the new
4 intersection that we would be putting here. And I
5 think Desert Drive --

6 MS. HAYNIE: Correct.

7 MR. POFAHL: This is probably not to
8 scale. It's quite a ways down here, and so you will
9 have a good line of sight right here at this
10 intersection.

11 MS. HAYNIE: Bob, by widening of the
12 roads, by straightening the roads, could you explain
13 that?

14 MR. POFAHL: Well, we're adding this road
15 in and then providing a right-hand turn here and
16 then making sure that there's nothing constructed
17 here that's going to block this alone of sight.

18 MS. HAYNIE: Like taking down the current
19 old fence --

20 MR. POFAHL: Yes.

21 MS. HAYNIE: -- and vegetation and dead
22 stuff?

23 MR. POFAHL: Right.

24 MS. HAYNIE: Gotcha.

25 MS. POTTER: Connie Potter, 2505 Desert

1 Drive. Can you tell me if that is where Camino Del
2 Rex is divided by a concrete meridian [sic] already?
3 Because there is -- that's it there.

4 MR. POFAHL: Yes, yes.

5 MS. POTTER: So it's past that.

6 MR. POFAHL: Right.

7 MS. POTTER: So it's closer to Desert
8 Drive than the meridian. So as we drive home
9 tonight, take a look at that and kind of anticipate.
10 That would be where you would turn left to get
11 through to go out to U.S. Main -- or U.S. 70, as
12 well. Yes.

13 MR. POFAHL: No, you probably would come
14 back out.

15 MS. POTTER: If you were coming out of our
16 neighborhood and you wanted to go out left on U.S.
17 70, off of Camino Del Rex, you would have to turn
18 left there --

19 MR. POFAHL: Right, come into our
20 subdivision.

21 MS. POTTER: -- come in, come out. Is
22 that going to be signalized?

23 MR. POFAHL: No. Thank you.

24 MS. POTTER: Thank you.

25 MR. POFAHL: Any other questions or...

1 MS. BOOKER: Eva Booker, 1725 Mariposa.
2 One of my concerns is that on the intersection that
3 you named, that you are looking at in the traffic
4 analysis, I believe you should include the
5 intersection for Desert Drive and Madrid, because
6 again, I see no reason why people -- as a matter of
7 fact, I think a lot of people would tend to come up
8 off of Madrid, up Desert Drive and make a left and
9 come into that part, like other people mentioned, to
10 avoid going all the way around and coming up on Main
11 and Camino Del Rex. So I would like to officially
12 request that that intersection be included in the
13 Traffic Impact Analysis.

14 MR. POFAHL: Okay. Okay, we will do that.
15 Any other questions or comments on the
16 application?

17 MS. HAYNIE: Sorry.

18 MR. POFAHL: Billie Haynie.

19 MS. HAYNIE: Billie Haynie, 880 Camino Del
20 Rex. And I appreciate your presentation, I
21 appreciate you taking our input, I appreciate
22 everybody's perspective. While I disagree with some
23 comments, I support your right to speak them
24 clearly, and I will always support your right to
25 speak. I would like to say that I am highly in

1 favor of your Park Ridge project. Thank you.

2 MR. POFAHL: Thank you.

3 John?

4 MR. STEVENS: John Stevens. I don't think
5 I need the mic. My wife Billie and I live at 820
6 Camino Del Rex, and I thought, seeing as how some
7 people were taking two or three times, I should
8 speak at least once. My statement would be not so
9 much on the traffic. Our property has been ruined.
10 We're going from a mountain view to a view of
11 commercial buildings, and there's not too much more
12 you can do to us to make it worse. I think the
13 traffic is going to be horrendous, and once they --
14 this is 30 acres. Once they get the other 80 acres
15 in there, it's going to be a nightmare. That's how
16 I view it.

17 MR. POFAHL: Thank you, John.

18 MS. KELLY: I don't need a mic. Name is
19 Pamela Kelly. My brother and sister and I own 790
20 Camino Del Rex. My father lived in his townhome for
21 25 years, and we totally support all of the Park
22 Ridge development, and my father would have also.
23 Thank you.

24 MR. MITCHENER: My name is John Mitchener.
25 I live at 900 Camino Del Rex. And my wife and I are

1 very supportive of the Park Ridge project. I think
2 it will be a great addition to the neighborhood.
3 Thank you.

4 MR. BURLBAW: My name is Edward Burlbaw.
5 I live up on Arlington Avenue.

6 What's the last name, sir? I'm sorry.

7 MR. BURLBAW: Burlbaw, B-U-R-L-B-A-W. I
8 live on Arlington, maybe a little further away than
9 Desert Drive but still close enough to the
10 development that our property value has been
11 impacted by the deteriorating condition of
12 Las Cruces Country Club, and I am fully in support
13 of this development. I think it will add to my
14 property value. And I appreciate your taking the
15 time this evening to go through this process for us.

16 MR. POFAHL: Any other comments or
17 questions?

18 Yes, Mr. Greene?

19 MR. GREENE: Charles Greene, 840 Camino
20 Del Rex. My wife and I have lived there in the
21 house that we built 25 years ago, and like John, we
22 regret the loss of our view, but we appreciate what
23 we see, and we think it's going to be the quality of
24 the development behind us, so we're kind of two
25 minds there.

1 One thing that does bother me is the connection
2 between Camino Del Rex and the Park Ridge Avenue and
3 North Main. If you keep me from going left there,
4 then I can't go out Sunday evening and get my wife's
5 ice cream cone, and she's going to be upset. And,
6 you know, I don't know what you can do about that,
7 but that's one area of your design that I have a
8 problem with. Yeah, where you say I'm going to have
9 to go around a block and come back around to make a
10 left turn, I've got an older car, and it doesn't
11 turn left very well.

12 (Laughter.)

13 MR. GREENE: There's one other thing that
14 occurred to me. When we were building our house 25
15 years ago, someone from the City told me that they
16 owned or had reserved another 25 feet width of
17 roadway there that they might come and call on some
18 day, and that would essentially remove our front
19 yard, and I don't know if anybody has brought that
20 up. I hope it's not a concern, not a reality, but
21 we were told that when we moved in there, be careful
22 what we put in front because it might disappear.

23 MR. POFAHL: Now, Mr. Greene, we've looked
24 at those right-of-ways very carefully, and we'll
25 look at them one more time, but our engineers, as

1 well as the City, have looked at all those
2 right-of-ways, and that might have been in the past,
3 but I do not think any right-of-ways will come all
4 the way into the front yards of the townhomes that
5 we see, but our engineering firm will take a look at
6 that. And I would say I think the two- or
7 three-minute drive to come back through our
8 subdivision and make your left-hand turn will make
9 it safer for you, but I'm also hoping we have an ice
10 cream place for you to stay right in Park Ridge and
11 not have to --

12 (Laughter.)

13 MR. GREENE: The grocery store is down on
14 the left too.

15 MR. POFAHL: We hope to help you with all
16 of those. In fact, I think you'll be able to just
17 take a straight on Camino Del Rex. But I'm hoping
18 we can provide --

19 MR. GREENE: Yeah, you are right.

20 MR. POFAHL: I'm hoping we can provide all
21 those things to you right on the campus at Park
22 Ridge.

23 MR. GREENE: The other thing I didn't see
24 on that plan, and you had referred to it earlier,
25 that sewer service might be extended to those

1 townhomes.

2 MR. POFAHL: Yes, that's part of our plan.

3 MR. GREENE: I see that on your map.

4 MR. POFAHL: That's part of our plan.

5 That's not part of the subdivision, but it's part of
6 our commitment to you residents.

7 MR. GREENE: Okay. Thank you.

8 MR. POFAHL: What Mr. Greene was speaking
9 of was our commitment to connect the townhomes to
10 sewer, and that's still part of our commitment. It
11 wasn't part of the subdivision drawings that we're
12 preparing, but it is part of our special agreement
13 with the residents there, which we'll continue to
14 abide by that.

15 MR. GREENE: Another comment while I've
16 got the floor. I saw your map of your infill
17 development, the PUD --

18 MR. POFAHL: Right.

19 MR. GREENE: -- and it still covered up
20 Apodaca Park.

21 MR. POFAHL: No.

22 MR. GREENE: If you intend to do that,
23 you've got a lot of trouble.

24 MR. POFAHL: We're not touching -- we're
25 adding 7.2 acres to Apodaca Park. We are not

1 covering up Apodaca Park.

2 MR. GREENE: But your drawing does cover
3 it up.

4 MR. POFAHL: I'll come to your home and
5 review it with you. It does not cover up -- we're
6 going to enhance Apodaca Park.

7 MR. GREENE: Well, I understood that, from
8 what you said, but I didn't see that in the drawing.

9 MR. POFAHL: I'll -- In this drawing?

10 MR. GREENE: No, not this drawing. It was
11 another one.

12 MR. POFAHL: We'll be happy to drop the
13 latest drawing by to you at the house.

14 Yes, Phil?

15 MR. LARSEN: Phil Larsen. I own 800
16 Camino Del Rex, lived there for 30 years. And
17 Charlie is absolutely right, there's a 14-foot
18 easement in our front yard, last time I had it
19 surveyed. I got the pins to show you.

20 MR. POFAHL: Okay.

21 MR. LARSEN: Yeah, there is an easement
22 out there.

23 MR. POFAHL: Oh, so that's for -- to widen
24 Camino Del Rex, not Main Street. And we never
25 looked at that. That would be something new. We've

1 never really looked at --

2 MS. VELEZ: It's outside of the limits of
3 the property.

4 MR. POFAHL: Right.

5 MR. LARSEN: So, you know, it's just
6 something to put in your bonnet.

7 MR. POFAHL: Okay. Thank you.

8 MR. HENTHORNE: All right. Who is next?

9 MR. LARSEN: I'm totally 100 percent in
10 favor of Park Ridge and will support it to whatever
11 extent needed.

12 MR. POFAHL: Thank you.

13 MS. POTTER: Connie Potter, 2505 Desert
14 Drive. I'd like to thank everyone who spoke up
15 tonight and gave input.

16 I have one last question, and that is: I
17 noticed, even though there's lines on Camino Del
18 Rex, that there's considerable on-street parking
19 being done on that roadway, during the day, during
20 the night, et cetera. It appears to be inadequate
21 parking for the residents of the townhomes or their
22 guests or whatever. Is there any consideration for
23 using any other part -- not -- of the Park Ridge
24 property to provide parking for people that, you
25 know, may be, you know, coming into Camino Del Rex

1 or otherwise? Because that appears to be somewhat
2 unsafe, to have so many cars lining a street that's
3 going to be more busy.

4 MR. POFAHL: I'm sure there will be plenty
5 of parking within the Park Ridge project, and I --
6 it's going to be open public parking, so that's a
7 great point for -- people that are visiting people
8 in those townhomes are going to be open to use the
9 additional parking. We are going to have quite a
10 bit of on-street parking within our subdivision.
11 Our traffic engineers have taught us that on-street
12 parking slows traffic down and helps with pedestrian
13 traffic. It doesn't seem like that, but that's
14 the -- engineering results show that when you have
15 on-street parking, it slows traffic down and is more
16 pedestrian friendly. So that would be great. I
17 think we would be open to -- I mean, it wouldn't
18 inhibit or -- people visiting people in the
19 townhomes would be able to come and park within the
20 Park Ridge project for sure. Good idea.

21 Yes, Mr. Greene?

22 MR. GREENE: Charlie Greene, 840 Camino
23 Del Rex. I made a comment earlier that I've got to
24 get straight. When I looked at this medical campus,
25 where you're going to have a medical office

1 building, I guess I was under the impression that
2 you were going to build those. But you made a
3 comment earlier that maybe you were going to sell
4 those lots to --

5 MR. POFAHL: No, they will be sold to
6 entities that we participate in. Each one will be a
7 single-purpose entity to develop those, so we'll be
8 submitting separate permits for each one of those.

9 MR. GREENE: So they will still be under
10 your control.

11 MR. POFAHL: Right.

12 MR. GREENE: Oh, okay. That wasn't clear.

13 MRS. POFAHL: Bob? I think, too, making
14 the point that there will be covenants and a master
15 association. So people can't come in and buy a
16 parcel and then go build what they want. You know,
17 it has to go through a process. It's like being in
18 a homeowners' association, where if you are going
19 build a house in a certain subdivision, you have to
20 submit your plans, and the plans have to be in
21 compliance with the covenants and the regulations in
22 that subdivision. So somebody is not going to come
23 in and build, like, a metal building or something
24 that is not in -- that does not conform to the
25 association covenants. Does that make sense?

1 MR. GREENE: Capice.

2 MRS. POFAHL: Okay.

3 MR. GREENE: Que sabe?

4 MR. POFAHL: My engineers, have I left
5 anything out? Is there any other clarifications
6 that need to be made?

7 Yes, sir?

8 MR. JOHN: I have a question. I don't
9 know if my voice is loud enough.

10 MR. HENTHORNE: Go ahead. Hold it close.

11 MR. JOHN: My name is Andrew John. I live
12 at 28 Via San Acacio. I'm not right next to the
13 property, but I had a question about the traffic. I
14 know that I heard a rumor that the State had funds,
15 like rebuild the intersection at Solano where it
16 meets in. Do you know if they are also going to
17 improve this? Like, is it -- are they going to
18 rebuild this intersection also through state money,
19 or is it part of the development effort?

20 MR. POFAHL: The improvements, we're
21 paying for these improvements. There are
22 improvements that have been on the books for some
23 time down at Solano and Three Crosses that's part of
24 the State funding, which is a little further off
25 from our site, and I believe that's on for --

1 MR. COLE: 2016.

2 MR. POFAHL: 2016 when those
3 improvements -- Those are separate. We're paying
4 for our improvements. There's no public money
5 paying for our improvements. Everything that's
6 required by the TIA, and so forth, it's gone
7 through -- we're funding those things privately.

8 I don't know if I should recognize Councilman
9 Silverman here. Thank you for being here tonight.
10 I appreciate you coming in tonight.

11 Well, if there's no other questions or
12 comments, we'll adjourn. I wish everybody a happy
13 Thanksgiving and a great holiday season. Enjoy your
14 weekend. You know where to find us if you have any
15 other questions at any time.

16 MR. GREENE: Are these diagrams available?

17 MR. POFAHL: Yes.

18 (The proceedings concluded at 7:38 p.m.)
19
20
21
22
23
24
25

1 EARLY NOTIFICATION COMMUNITY MEETING

2 re PARK RIDGE PROPERTIES, LLLP

3

4 REPORTER'S CERTIFICATE

5 I, ANNE C. HALLETT, RPR, New Mexico CCR No. 16,

6 DO HEREBY CERTIFY that on November 21, 2013, the

7 Proceedings in the above-captioned matter were taken

8 before me, that I did report in stenographic

9 shorthand the Proceedings set forth herein, and that

10 the foregoing pages are a true and correct

11 transcription to the best of my ability.

12 I FURTHER CERTIFY that I am neither employed by

13 nor related to nor contracted with (unless excepted

14 by the rules) any of the parties or attorneys in

15 this case, and that I have no interest whatsoever in

16 the final disposition of this case in any court.

17

Anne Hallett

18

ANNE C. HALLETT, RPR
Certified Court Reporter No. 16
License Expires: 12/31/13
Jones Reporting Services, LLC
506 S. Main Street, Suite 630
Las Cruces, NM 88001-1237
575-523-0217

19

20

21

22

23 Proofed by: D. Servis

24

25

Susana Montana

From: Rick and Sheri Ross <gforge@msn.com>
Sent: Sunday, July 06, 2014 2:37 PM
To: Susana Montana
Subject: Park Ridge Development

Sunday, July 6, 2014

Susana Montana, Planner
City of Las Cruces Community Development Department
Building & Development Services Division

Good afternoon Ms. Montana,

The planned Park Ridge Development has our **strong support**.

We have lived on San Acacio Street for nine years, and two generations of our family have been homeowners in the Country Club subdivision. We are also members of the Country Club Neighborhood Association. For years, we have followed with great interest the activities and public discussion related to the future of the Country Club property.

After attending numerous meetings, asking many questions, and reading news accounts, we have concluded that the Park Ridge development absolutely represents the best way forward for property owners, developers, potential new business owners, the city of Las Cruces, and its citizens.

We would like to thank you for the opportunity to participate in this important process, and for the city's ongoing efforts to make this positive progress possible.

Richard and Sheri Ross
1940 San Acacio Street
Las Cruces, NM 88001
575-647-1766
gforge@msn.com

Susana Montana

From: Steve Gronsky <umpire.20@gmail.com>
Sent: Monday, July 07, 2014 3:48 PM
To: Susana Montana
Subject: RE: FW: Planning and Zoning Commission meeting

Yes it is. And I'm referring to the sale & development of the old LCCC.

On Jul 7, 2014 2:43 PM, "Susana Montana" <smontana@las-cruces.org> wrote:

Mr. Gronsky. Thank you for your comment (below); unfortunately I do not understand which case you are referring to as to someone having a conflict of interest. At the beginning of each Commission meeting, the Chair asks if there is any staff member or Commissioner has a conflict of interest with any case on the agenda. Is that what you are referring to? Please advise. Thanks.

Susana Montana, Planner

City of Las Cruces Community Development Department

Building & Development Services Division

Physical Location: City Hall at 700 North Main Street, Suite 1100

Mailing Address: P.O. Box 20000, Las Cruces, NM 88004-9002

smontana@las-cruces.org

Main Line: [\(575\) 528-3043](tel:(575)528-3043)

Direct Line: [\(575\) 528-3207](tel:(575)528-3207)

Fax Line: [\(575\) 528-3155](tel:(575)528-3155)

www.las-cruces.org



Providing responsive, cost effective and high quality services to the citizens of Las Cruces

 Go Green - Please consider the environment before printing this email or any attachments

From: Steve Gronsky [mailto:umpire.20@gmail.com]
Sent: Monday, July 07, 2014 3:34 PM
To: Susana Montana
Subject: Re: FW: Planning and Zoning Commission meeting

After all this time is someone NOW claiming a conflict of interest?

On Jul 7, 2014 12:25 PM, "Susana Montana" <smontana@las-cruces.org> wrote:

Greetings folks. Please see Item Number 2 on New Business of the attached Planning and Zoning Commission agenda for July 22, 2014. Thank you.

Susana Montana, Planner

City of Las Cruces Community Development Department

Building & Development Services Division

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Go Green - Please consider the environment before printing this email or any attachments

From: Dianne Wax

Sent: Monday, July 07, 2014 12:48 PM

To: Adam Ochoa; Adrian Guzman; Andy Hume; Becky Baum (beccaeich@yahoo.com); Billy Chaires; Brian Soleman (bsoleman@sonomaranch.com); Charles Beard; City Council; Dan Carrillo; Diana Garcia-Parra; Dominic Aragon; Executive Secretaries; Executive Staff Plus; Ezekiel Guza; Farrell Thurston; Godfrey Crane; Guadalupe Valenzuela; Harry (Pete) Connelly; J Maxx Balgemann; Jamey Rickman; James Fielder; Janice Jones; Jenny Misquez; Joanne Ferrary (rjferrary53@gmail.com); Joseph Gray; Katherine H. Rogers; Kirk Clifton (kirkclifton@gmail.com); Lorenzo Vigil; Mark Dubbin; Pat Gomez; Raymond Burchfield; Richard Clark; Robert A. Cabello; Ruben Alvarado; Rusty Babington; Sergio Esparza; Starla Malone; Steve Chavira (steve@biasnm.org); Susana Montana; Ted Sweetser; Toni Flores; Udell Vigil; William J. Stowe (wjstowe@aol.com)

Subject: Planning and Zoning Commission meeting

Importance: High

Attached is the agenda for the Planning and Zoning Commission meeting scheduled for July 22, 2014. Also attached are the minutes from June 24, 2014 to be approved at the July meeting.

For those that post, please print and post the agenda only. Thank you.

Dianne M. Wax

Executive Administrative Assistant

Community Development - Director's Office

City of Las Cruces

P.O. Box 20000

Las Cruces, NM 88004

(Office) 575-528-3066

(Fax) 575-528-3323

(email) dwax@las-cruces.org

Susana Montana

From: Robert Kyle
Sent: Thursday, July 03, 2014 8:32 AM
To: Vincent Banegas; David Weir; Brian Denmark
Cc: Katherine H. Rogers; Susana Montana
Subject: FW: Park ridge

FYI...

*Robert Kyle, AICP, CBO
Building & Development Services Administrator
Chief Building Official*

From: seanluciast [<mailto:seanluciast@gmail.com>]
Sent: Thursday, July 03, 2014 7:59 AM
To: Robert Kyle
Subject: Park ridge

am disappointed it the citys collaboration with Bob Pofahl bending over backwards to help him get the money to buy the LC Country Club by awarding him a 5 million dollar contract to build a plaza without taking any bids and most likely approving his hospital despite it negative ly affecting traffic and the communities healthcare.

No one has asked for a study if a hospital was needed in this community and no one has thought of how this will negatively affect the existing hospitals or the quality of healthcare in this community. You only think of helping your buddy Bob and the short term construction job gains and taxes.

You dont think how this will cut both hospital's margins and reduce services and prevent the hope of ever getting a trauma center. While listening to the lies peddeled about the jobs this hospital will create. Look at the existing hoapitals cutting jobs and services! Look at thr psych ward at mmc! We will have only hospital services that are profitable.

This whole thing stinks of backroom deals.

Sent from my T-Mobile 4G LTE Device

Susana Montana

From: John Stevens <johnmill9@toast.net>
Sent: Wednesday, June 04, 2014 11:05 AM
To: Susana Montana
Cc: Eva Booker; Tommie Schroeder; Connie and Murray Potter
Subject: Fwd: CCNA Infrastructure Committee Comments
Attachments: Response to Updated Park Ridge Concept Plan 060314.docx

Susana,

Attached are the comments from our infrastructure committee regarding the updated Park Ridge concept plan. I'm adding one more comment, to add to Chapter 4, #3, which is;
Residents of properties on Camino Del Rex which abut the Country Club property will be faced with 2 story commercial buildings and will lose their mountain views and open space. 40 feet is a very small "open space", and the additional 40 feet being offered as "no buildings" could be parking lots for the 2 story office buildings being planned.

John Stevens, Pres.

Country Club Neighborhood Association

Susana Montana

From: Sharon White <relax@zianet.com>
Sent: Tuesday, May 27, 2014 8:50 PM
To: Susana Montana
Subject: Park Ridge

Hi Ms. Montana,

I would like to be kept in the communication loop (as a Bcc) in regards to Park Ridge. I am a member of the Country Club Neighborhood Ass'n but do not support their negative views regarding the development of Park Ridge. My partner, Edward Burlbaw, and I believe in the project and support the development in its entirety. I have never seen a developer in Las Cruces plan a 'community', complete with medical, town-homes, multifamily living and shopping. As I've mentioned before in meetings, this can only help our neighborhood.

At this time I'm actually appalled at the development of Sonoma Ranch with nothing but homes and apartments. People have to drive distances to get medical care and to purchase groceries, clothing and meals. When we decided to purchase our home we were adamantly opposed to Picacho Hills and Sonoma Ranch for those purposes.

What is hurting our neighborhood are the cars and trucks speeding up and down Arlington, as it's a straight shot from Triviz to Camino del Rex.

I work from my home and watch the speeders all day long. The 25 mph signs are ignored by all.

Respectfully,

Sharon White

Susana Montana

From: hansen@zianet.com
Sent: Thursday, May 22, 2014 9:38 AM
To: Susana Montana
Subject: Park Ridge

Susana Montana, City of Las Cruces Community Development Dept.

As an owner of a home adjacent to the proposed medical center I am excited about plans to transform the deteriorating golf course property into a modern medical facility. The neighborhood will be much enhanced with a new hospital, rehabilitation and assisted living facilities. It will provide a positive economic impact for the area, creating jobs and increase demand for housing in the neighborhood. I believe this is a good thing and will have a positive impact on my property's value. This will also be a significant city infill project providing millions of dollars in new property and gross receipts taxes to support the city, county and schools.

As a real estate appraiser for over forty years I know that large vacant land tracts are best developed under the concept of highest and best use. For a property like the golf course this usually means developing the frontage areas that have the most exposure for commercial retail and offices uses and the rear portions to less density such as multi-family and single-family residential. The concept being put forward at Park Ridge includes developing some of the interior area also for commercial uses including the hospital and medical facilities and offices. This is an excellent plan and the diverse uses within the development together with the planned walking trails, bike lanes and open space should prove to be a welcome change to a declining neighborhood. We need more medical facilities in Las Cruces. They attract retirees. We need more special care facilities in Las Cruces. I am very much in support of the Park Ridge development.

Thank you for the opportunity to relate my view.

Harry Hansen, 644-3200

Susana Montana

From: Tomlasc@aol.com
Sent: Wednesday, May 21, 2014 1:51 PM
To: Susana Montana
Subject: Proposed LCCC Property Development (Park Ridge)

Susana:

I understand the P&Z Committee and the City Council are scheduled to consider final approval of the proposed Park Ridge development of the LCCC property in the near future.

As you are aware I am the owner and resident of a townhome located on Camino Del Rex adjacent to the LCCC property. I would like to reaffirm that I SUPPORT the proposed Park Ridge development as a positive action for this neighborhood. Continuation of the "Status Quo" will definitely have the opposite effect.

Thank you for the opportunity to express my opinion on this matter once again.

Tom Alexander
940 Camino Del Rex

**RESPONSE TO UPDATED COMMENTS FROM ZIA ENGINEERING
COUNTRY CLUB NEIGHBORHOOD ASSOCIATION
INFRASTRUCTURE COMMITTEE
APRIL 14, 2014**

SUMMARY

The City of Las Cruces and MPO have circulated an updated set of concept plans, plats, and responses to City and other Agency critiques of the Park Ridge Development. This analysis is from the recognized neighborhood association and is meant to improve the planning and assure the Development is compatible with the existing neighborhood character as specified in Las Cruces Zoning ordinances.

COMMENT RESPONSES TO PARK RIDGE MEDICAL CENTER SUBDIVISION PLAN

1, Area designated "Open Space" requires maintenance. Developer has no plans for any open space in this complete infill Development. Apparently the "open space" that will be consumed by the Development and its occupants will be the existing Apodaca Park, making it inaccessible to citizens of Las Cruces. Avoiding upkeep of any vegetation is not allowed in private property but by renaming this "Reserved for Future Development" the owners of this land can allow it to turn to blight, an option not available to homeowners and other property owners in this city.

Chapter 4 HEALTHY COMMUNITY

Methods for mitigating impact on adjacent properties are completely lacking. The Developer and Zia Engineering are ignoring the 50 ft. electrical easement by parceling out land for future construction and by locating a roadway within its boundaries. The result is cramming the Development up to the back yards of existing homeowners without setback and with the intent of building two story structures that illegally overlook these properties.

Affordable housing

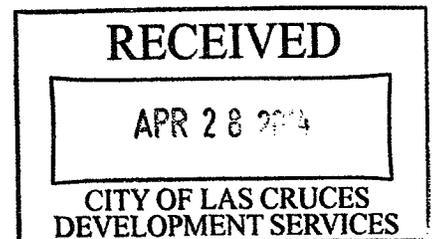
The Developer has repeatedly stated there would be no low income housing.

HEALTHY AND SAFE ENVIRONMENT

11.2 The Developer or owners have not implemented vacant parcel development with mandatory ground cover plantings nor do they maintain the vacant parcels. No other City property owner has the liberty to do so without receiving a codes violation. Existing plants and trees are adequate if maintained. However, the owners appear in a rush to push this land into blight for obvious reasons with the City's blessing.

ROADWAYS

Although significant attention is given to the obstruction of Camino Del Rex, the forcing of neighborhood residents to contravene the Development to leave their neighborhood, nothing is described about the fiasco created by the second roadway nearest Desert Drive and the obvious result of that road forcing vehicles in gross numbers through the country club neighborhood. No traffic mitigation plan or thinking has gone into this road and the danger it presents to the residents living within the affected area.



April 16, 2014

To: Susana Montana

City of Las Cruces Community Development Department

From: Hector Maese Office Phone 575-524-2966

920 Camino Del Rex, Las Cruces, NM 88001

Ref: Parkridge Development at the Old Las Cruces Country Club

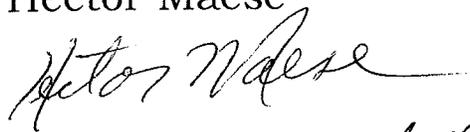
Memo:

I endorse and support the development. I believe it will bring Economic Input and Beauty to our City while providing convenient services for the public.

Thank You for your consideration on this Development moving forward.

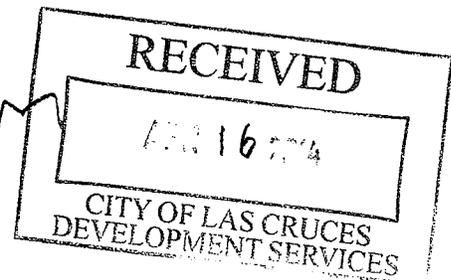
Thank You for serving our City.

Hector Maese



920 camino del rex

hector.maese@yahoo.com



Susana Montana

From: Andrew John <aajohn@nmsu.edu>
Sent: Monday, April 07, 2014 5:52 PM
To: Susana Montana
Cc: Andrew John
Subject: Park Ridge Support

Hello Susana Montana, Planner

I wanted to add my support in favor of the subdivision (IDP-14-01). This medical facility is a needed commodity and services West of Interstate 25. Currently all the hospitals are East of Interstate 25 causing the local residents to drive miles to obtain the same services. Also, the complete project to fill in the space with businesses and local walking paths will help the wellbeing of the neighborhood and provided additional employment opportunities. As well as allowing residents to have all these services in walkable distance from your homes.

I support the Park Ridge Master plan and concept drawings that have been presented so far during public comment sessions. The developers have adjusted the plans based on public feedback. I have never seen a developer that listened to the local residents to this extent. They are trying to create an environment within the development area to help the economy of the city and be pleasing to the surrounding neighborhoods.

I am currently attending NMSU to attain my master's degree in accountancy. I see most of the new businesses being built East of Interstate 25. There were rumors that the post office was closing in downtown and that a new police station is being built in the East part of town. As a graduating master's student, the appearance of this is cause for concern that the city is not going to approve or support development West of Interstate 25.

This project is vital to the local economy with the attraction of the new businesses including the hospital and rehabilitation center on the South side of highway 70 that will complement the shops, restaurants and banks on the North side. On a related matter, are there plans to coordinate with the states effort to improve highway 70 in the same area.

Related matter:

As part of this development, the interchange at Camino Del Rex is going to be improved. They are adding a barrier to keep drivers from turning left in front of the homes by the light, but leaving the easy access to still drive out of the neighborhood. Recently, there was feedback given to the city in the name of the neighborhood association. This feedback was not given to the full neighborhood association before submittal to the city. I am not sure who proofread it before submittal to the city. There were some innuendos and allegations in the feedback that were unsubstantiated. Here is a brief comment on the interchange at Camino Del Rex and Highway 70.

Is there any consideration to coordinate with the reworking and widening of highway 70 from Interstate 25 to Solano and the intersection upgrade at Solano? It feels like both sides of the Camino Del Rex street at the intersection at highway 70 angle up at 45%. Does it make sense to make a tunnel under highway 70 and add on and off ramps for the new development at the Camino Del Rex intersection? Example: Roadrunner Street and Santa Teresa Street.

This would improve traffic flow to both sides of Camino Del Rex and allow for traffic to move onto highway 70 without having to wait for a 3 minute light. Yes the light is really long, just like the one at Madrid and Solano.

Also for access to the development from the other side, Madrid, Triviz and Interstate 25 could add an

on/off ramp interchange to allow for easy access on and off of the interstate freeway and for traffic to cross over to the East side of Interstate 25. This adds access for commuters to exit and enter the freeway and have an easy path down Madrid to the development and downtown. Also this would open up another path across the Interstate to alleviate the traffic jam around spruce and Triviz.

Andrew A. John

aajohn@nmsu.edu

Susana Montana

From: Billie Haynie <billie.haynie@gmail.com>
Sent: Monday, April 07, 2014 11:34 AM
To: Mayor; Miguel G. Silva; Susana Montana
Subject: Support of Park Ridge Development

Good Morning Mayor Miyagishima and Councilman Silva,

I wanted to stress my continued support for the Park Ridge Development proposed at the former Las Cruces Country Club location. I live at 880 Camino Del Rex in one of the townhouses that backs up to the current eye soar that was the golf course.

As you are probably aware Las Cruces received the Forbes 25 best places to retire in 2014. Our fair city received top marks for economy, cost of living, taxes, and environment, We received low marks for doctors per capita and low walkability. Park Ridge will address both of the low ranking issues by adding more health care options and a truly walkable community.

By developing the former Las Cruces Country Club with the mixed use Park Ridge development we would be reducing urban sprawl and improving our neighborhood. The proposed medical facility would be used by all the surrounding communities and would increase our property values as well.

Sincerely

Billie Haynie
Managing Broker
Stull Real Estate LLC
575-522-6424 office
575-635-8921 cell

Susana Montana

From: RHETT G PUTMAN <rhettputman@msn.com>
Sent: Sunday, April 06, 2014 2:23 PM
To: Susana Montana
Subject: Former Las Cruces Country Club Property

Ms. Montana and Councilman Silva,

I live in the vicinity of the old golf course. It has become a blighted area. The development that the Park Ridge project proposes seems like the most expedient good use for the area. It would improve property value for those of us who live nearby. It would increase tax revenues for the city and county. Please consider this as my recommendation that the Community and Development Department and City Council approve the Park Ridge proposal. Many jobs will be created. As it stands there are 110 unused acres near the heart of Las Cruces which could create jobs and revenue but lack your approval.

**Rhett G Putman
1635 Altura Avenue
Las Cruces, NM**

Susana Montana

From: JACK Arrington <arringtontoh@gmail.com>
Sent: Saturday, April 05, 2014 6:34 PM
To: Susana Montana
Subject: Parkview

Dear Susana,

Thank you for all of your hard word. Your job can't be easy!

It is always sad when people fear change, even when it is for their ultimate good.

The Las Cruces Country Club neighborhood has been for many years declining. Certainly, the traffic plan has to worked out, but otherwise it is all good for that area. The homes for the most part are old and many in need of repair. Sadly, when these homes come on the market, they do not sell or quickly. Even the investors who buy, remodel, & sell are less likely to buy in that area because their return on their investment will likely be less & longer to market.

Clearly, that whole part of town will benifit greatly with Parkview's approval. When you consider the new jobs & fantastic conveniences it will bring to the area.

Las Cruces is growing & becoming more & more up to date & wonderful to behold. Our downtown is glorious & I am sure you have had a lot to do with that, too.

Thank You,

Pat & Jack Arrington
Arrington's Theatre of Homes
Suite 444 Las Cruces Tower
526-1802

Susana Montana

From: CHERYL A STARR <starrymarsh@msn.com>
Sent: Thursday, April 03, 2014 12:45 PM
To: Susana Montana
Subject: Old Las Cruces Country Club land

Dear Ms Montana-

I pass by the old Las Cruces Country Club on a daily basis, sometimes several times a day, and it is very sad to see the condition of the land. I keep hearing of wonderful plans by Mr. Pofahl to improve this land and bring new jobs to our area but he appears to be constantly impeded by the inability to get his rezoning approved by the city. I understand that some things take time, but this seems to be taking an extreme amount of time. His proposal would provide a heart hospital so maybe some of our citizens would not have to be airlifted to El Paso for medical emergencies. This would bring good paying jobs—both for the construction and afterwards as a health institution. It would increase the value of the land and in this way bring more taxes into the city. I hope the city council will move on this rezoning that would help beautify the area again and bring needed jobs to our area.

Yours truly,
Cheryl & Tom Marsh

Susana Montana

From: Steve Gronsky <umpire.20@gmail.com>
Sent: Thursday, April 03, 2014 11:14 AM
To: Susana Montana
Subject: Re-Zoning and Site Plan of Las Cruces Country Club

Ms. Montana,

As a member of the LCCC I am concerned and very curious as to what the delay is in approving the site plan requested by Park Ridge Corp. Since Planning, Zoning, and City Council have already approved the requests, I do not understand what the delay is.

It appears to me that the changes would be to the benefit of Las Cruces as a whole. I would like to hear your opinion as to why the changes are not being approved and what detriment would be caused the city of Las Cruces by approving said changes.

**Thank you in advance
S. Gronsky**

--

March 25, 2014

To: Susana Montana, Planner – City of Las Cruces
Miguel Silva, Councilor, District 1

Re: Subdivision of 34 acres (Old LC Country Club property) currently under review by
the City of Las Cruces

We strongly urge the City of Las Cruces to approve the subdivision of the old Country Club property on Highway 70 to allow development of this property. The property in its current state is an eyesore and reflects negatively on the image of this City.

Development of this property will make a positive statement about progress in the City, along with creating new business opportunities and increased employment opportunities.

We the undersigned sincerely hope you will move forward to make Las Cruces an even better place to live.

Wilson K. McIntosh 4312 Delta Ct, Las Cruces, 88011
Name & address

Anne McIntosh 4312 Delta Ct, Las Cruces 88011
Name & address

Hugh Black 4368 Yavapai Ct, Las Cruces 88011
Name & address 88011

HJ Crane 4364 YAVAPAI CT LAS CRUCES
Name & address

P. Wankersel 4348 YAVAPAI Ct, LAS CRUCES
Name & address

Dunette J Black 4368 YAVAPAI Ct, Las Cruces
Name & address

Rita M. Crane 4364 Yavapai Ct., Las Cruces
Name & address

Peggy R. Wankersel 4348 Yavapai Ct. Las Cruces 88011
Name & address

Robt Ham 4324 Yavapai Ct Las Cruces 88011
Name & address

Susana Montana

From: Shelley Whalen <skewps@msn.com>
Sent: Tuesday, April 01, 2014 11:08 AM
To: Susana Montana; Miguel G. Silva
Subject: Las Cruces Country Club

Good Morning,

It has been a great concern of mine and many other neighbors that the development of Las Cruces Country Club property has been delayed yet again. Why has a valuable enterprise having such a difficult time in obtaining approval of the site plan, when the zone change has received Planning & Zoning Commission and City Council approvals? We are in complete support of the approval of the subdivision of the 30 acres as well as the entire property of the old club. It will only boost the Las Cruces economy and greatly benefit our city.

I look forward to your reply.

Sincerely,
Shelley Whalen

Susana Montana

From: Judy and Ron Chadwick <meandmyrc1977@hotmail.com>
Sent: Tuesday, April 01, 2014 10:53 AM
To: Susana Montana; Miguel G. Silva
Subject: Las Cruces Country Club Property

My husband and I approve of the 30 acre subdivision of the old Las Cruces Country Club property. We cannot stress enough the economic value to our city that will be derived from this development. The way it sits now is a blight to the area that needs to be addressed immediately.

We understand the process that the development must take but the property has already received approvals from the Planning & Zoning Commission & City Council so we don't understand what is taking so long for your approval for this valuable enterprise. So with great respect for your positions, we urge you to approve this subdivision posthaste.

Ron & Judy Chadwick
4113 Papago Ct.
Las Cruces, NM 88005
(Elks area of Las Cruces.)

Susana Montana

From: Juliann Isaacson <juliisaacson@gmail.com>
Sent: Tuesday, April 01, 2014 10:05 AM
To: Susana Montana; Miguel G. Silva
Subject: Zoning Approval

Dear Ms. Montana and Mr. Silva,

I am writing to support the approval of the subdivision of the 30 acres of the old Las Cruces Country Club golf course and stress the economic value derived from developing the property.

Why is a valuable enterprise having such a difficult time in obtaining approval of the subdivision concept plan when the zone change received Planning & Zoning Commission and City Council approvals last August? The traffic impact study has been with you since January 6, but has the final plat plan been submitted? When will a public hearing be held where the Planning and Zoning Commission will vote concerning approval of the plan?

The Park Ridge concept will add to the economic tax base of the City of Las Cruces while rehabbing 110 acres of central Las Cruces into an attractive residential/business complex. The retired population of Las Cruces is growing and services for this population are increasing in demand. The fact that Forbes and other publications have consistently named Las Cruces in the top 20 cities to retire to will only increase this demand.

Please expedite the approval process and get this project going.

Sincerely,

Juliann Isaacson

Member, Las Cruces Country Club

575-382-9660

Susana Montana

From: CLAYTON D <cdbwhite05@msn.com>
Sent: Thursday, March 27, 2014 1:01 PM
To: Susana Montana
Subject: Las Cruces Country Club property

2310 Desert Drive
Las Cruces, New Mexico

March 27, 1014

Dear Las Cruces City Officials,

We are sure you appreciate our concerns about the dry and desolate state of the 110 acre Country Club property we drive past every day. (A current lawsuit in Santa Fe involving dead trees set aflame by power lines has our attention.) We and the vast majority of our neighbors support the timely return of the property to productive use. When I surveyed neighbors early on in this process twenty nine of thirty three people contacted did in fact acknowledge support for the project and sign the petition that was forwarded to you and other appropriate city officials. We all wish to see the space reclaimed and utilized as a vibrant and appealing area. We are pleased with the new life Park Ridge can offer our immediate neighborhood and the economic opportunity it will bring to the city as a whole. We have loved and enjoyed this property for 40 years and happily look forward to the time when we can again see it as a beautiful space filled with vitality.

Thank for your assistance in moving this project forward.

Sincerely,
Betty and Clayton White

Susana Montana

From: Claudia Jensen <highrollsems@tularosa.net>
Sent: Sunday, March 23, 2014 7:59 PM
To: Susana Montana
Subject: Park Ridge Development

As I testified before at the P & Z meeting for approval, this in-fill PUD has the potential to be the highest and best use of the old Country Club property. It could serve to protect the health of citizens of the Las Cruces area, provide very needed jobs, and provide the needed tax dollar benefits to the City.

I am the current owner of a townhouse at 850 Camino del Rex [on the ninth hole of the old golf course] and as such I have a very definite interest. I am totally disgusted with the few members of the "Neighborhood Association" which does not represent me [nor 13 of the other 17 townhouse owners]. This dis-organization only fuels the avarice of the new Traffic Engineer who, as far as I can tell, is the major roadblock to approval and development.

Please intercede to help us better serve Las Cruces.

Rick Jensen

Susana Montana

From: Leon Moore <lhmoore13@fastwave.biz>
Sent: Tuesday, March 18, 2014 1:32 PM
To: Susana Montana
Cc: Miguel G. Silva
Subject: Park Ridge Subdivision

It is difficult to understand why some people in our great City insist on erecting patently stupid roadblocks to the approval of the Park Ridge Subdivision. It is obvious that the vast majority of Las Cruces enthusiastically support this project which will only enhance the beauty of our city and will promote the welfare of its citizens. Please listen to that majority of supporters. I strongly urge that this project be approved quickly.

Leon Moore
3340 Karen Drive
Las Cruces, NM 88001

Susana Montana

From: Ernie Ortiz <neto.1947@hotmail.com>
Sent: Tuesday, March 18, 2014 1:07 PM
To: Susana Montana; Miguel G. Silva
Subject: Las Cruces Country Club Zone Change

Ms. Montana & Councilor Silva:

I have been a member of the Las Cruces Country Club (LCCC) for about 19 years and am writing this email to express my full support for the rezoning and PUD approval of the 34 acres at the LCCC property located on Main Street, which is currently under review by the City of Las Cruces. In my opinion, approval of the zone change and PUD should result in an extremely positive economic value for the citizens of Las Cruces. The development of this property should increase the value of existing property surrounding the LCCC, increase employment, increase revenue for the City of Las Cruces and increase the quality of life for the citizens of Las Cruces with the services that are planned at this development.

I understand that these changes at the LCCC property have been under consideration by the City of Las Cruces for several months. Is there a specific reason why such a valuable proposed enterprise has not yet been approved, especially when a zone change has already received approval from the Planning & Zoning Commission and Las Cruces City Council?

I hope you give the zone change and PUD your full consideration and approve the proposed changes in an expeditious manner. Please send any questions and/or response to email: neto.1947@hotmail.com

Thank you in advance.

Respectfully,
Ernesto Ortiz

Susana Montana

From: pam <llarson48@msn.com>
Sent: Tuesday, March 18, 2014 10:04 AM
To: Susana Montana
Subject: LAS CRUCES COUNTRY CLUB

I support of the subdivision approval of the 34 acres that are currently under review by the City of Las Cruces. It will bring much needed new jobs to the city. It will beautify the area and add value to the surrounding area. Thank you.

Susana Montana

From: Mary & John Signore <papasig@gmail.com>
Sent: Monday, March 17, 2014 1:15 PM
To: Susana Montana
Cc: Miguel G. Silva
Subject: Park Ridge Subdivision

We want you to know that we believe that the Park Ridge Subdivision should be brought to completion. Although there are traffic engineering and utility concerns, we believe these can be resolved without interference from special interest factions.

The Park Ridge Subdivision would be a huge benefit to the city as far as tax bases, jobs, etc. and, let's face it, the old country club is just an eyesore. Let's move on with this process for the good of Las Cruces and its' people.

Thank you for the effort you are spending on this project and taking the time to read this email..

John and Mary Signore

Susana Montana

From: Paula Moore <pmoore@fastwave.biz>
Sent: Thursday, March 13, 2014 8:55 AM
To: Susana Montana; Miguel G. Silva
Subject: Park Ridge

As you consider the subdivision proposal of 34 acres for the Park Ridge project, I hope you will recall that the majority of homeowners near the old LCCC property are very much in favor of the development, evidenced by the speakers at City Council and by a petition signed by more than 300 people.

It appears that an extremely small group of obstructionists, by using delaying tactics and insisting on more and more and more detailed analyses, are attempting to derail an ambitious and courageous plan that would certainly improve the quality of life and the beauty of our city. Please do not allow them to succeed. In the process this small negative group apparently wishes to destroy as well the Las Cruces Country Club organization that has contributed to the well being of Las Cruces since 1928.

I understand the Park Ridge developers have complied with their onerous demands. Please allow Park Ridge to proceed immediately. Timing is everything, and this has drug on way past its time.

Thank you for your consideration of this request.

Paula Moore

Susana Montana

From: Johnny Madrid <ijmadrid@msn.com>
Sent: Friday, March 14, 2014 9:42 AM
To: Susana Montana
Subject: Park Ridge Development

As a native of Las Cruces. I am in favor of the proposed plan of the old Las Cruces Country Club property as the Park Ridge Development. I think the expansion will be a great asset to our city. Bringing new jobs, attracting home owners and businesses by transforming a vacant piece or property into something good for the community. It seems that the developers are having a hard time getting approval of the site plan even after zone changes have been approved by the city of Las Cruces. Quality planned improvements will enhance value to the area.

Thank You
Johnny B Madrid

Susana Montana

From: Charles Ray <charlie1028r@yahoo.com>
Sent: Friday, March 14, 2014 3:36 PM
To: Susana Montana; Miguel G. Silva
Subject: Park Ridge Subdivision

I'd first like to thank you for your endeavors on this matter . We as a community would love to see this development brought to fruition. I understand traffic engineering ,utility concerns , but I do believe those should be resolved without too much interference from special interest factions. This is a boon to the city as far as tax bases, jobs, etc. The old club is nothing but an eyesore and to move on with the process as quickly as possible is nothing but good for the city of Las Cruces. I thank you for your time to read this.

Charlie Ray

642-2976

Susana Montana

From: Nancy Campbell <actionjackal@gmail.com>
Sent: Thursday, March 13, 2014 11:36 AM
To: Susana Montana; Miguel G. Silva
Subject: Las Cruces Country Club

I am writing to express my concern over the length of time it is taking to process the approval of the site plan for the old club property on Main street. I do not claim to understand all of the nuances but know the zoning has been approved. I can see this new development being only an asset to the community. It will produce jobs and needed improvement to this area. This has been such a long process, as you can imagine, and as a member of this club, I would like to see it come to fruition. Please do what you can to expedite the process for the Park Ridge development.

Thank you,

Nancy Campbell
President WGA
Las Cruces Country Club

--

Nancy

January 31, 2014

563

To: Susana Montana, Department of Planning and Recreation
Mayor and City Councilors
City Attorney

From: Constance and Murray Potter
Owners and affected parties, 2505 Desert Drive
Las Cruces NM 88001

Re: City of Las Cruces Development Application IDP-14-00
Park Ridge Development

We hereby object to several aspects of the plan for Development of the Las Cruces Country Club property, as proposed by Grizelda Velez, agent.

First, this plan has multiple phases and addresses 110 acres to be developed whereas the "owner" has only obtained approval for rezoning of 34 acres. Therefore, this application for development is intended to unlawfully circumvent the PUD process and all it entails and should be rejected. Bob Pofahl signs as an "owner" when he has no such status.

Traffic generation is now estimated to be 8,124 cartrips daily. All previous materials including the original application predict 6,900 cartrips daily, these having been presented to the public and regulatory agencies. This makes the Traffic Impact Analysis (TIA) deceptive.

The Park Ridge property at its eastern boundary trespasses the El Paso Electric easement which is a buffer. In the last phase which the Park Ridge Property Development plan details, the plot that intrudes upon this easement is high density R-4 housing. We, the owners of 2505 Desert Drive, reject this development proposal because any two-story building proximal to our home's back yard, spa building, bedroom, sunroom, kitchen, will **OVERLOOK** our property depriving us of privacy and the peaceful enjoyment of our home. More detailed renderings show the townhomes proposed for this land to actually have their back wall 17 feet from our back fence. This is unacceptable. Our property will be degraded in value, our peace and quiet destroyed by noise and light pollution, and our quality of life ruined.

The insertion of 110 acres in this plan for subdivision is an end run around well thought out zoning codes which bear the strength of law. Should the City of Las Cruces allow Developers to run roughshod over our zoning codes, as poorly overseen as they are, this city has no rule.

The supposed full service hospital that is suggested to be built is physician investor financed and therefore unlawful under the Patient Protection and Affordable Care Act (PPACA). This hospital will not be allowed to take Medicare and Medicaid patients and its structure violates the Stark I and II Federal laws. Approving its construction is no different than allowing a strip bar or gambling den in an area where none is allowed. The City has not done its due diligence in allowing this Development to progress to this point. If and when this hospital fails to be built, the commercial zoning will remain to the detriment of our entire neighborhood and our property in particular.

Sincerely,



Constance and Murray Potter
2505 Desert Drive
Las Cruces NM 88001

**COMMERCIAL DEVELOPMENT SPILLOVER
EFFECTS UPON RESIDENTIAL VALUES
ABRIDGED**

Recai Aydin, Police Academy, Ankara, Turkey
Evert Crawford, University of Houston
Barton A. Smith, University of Houston

ABSTRACT

This paper examines the extent to which such net negative impacts, in fact, exist. In doing so, the study sheds additional light on the nature of commercial development externalities, especially for large, centralized, commercial developments which have not been studied in the past. This study confirms what a few others have found for smaller developments, that commercial developments produce both positive and negative effects on residential areas which on net produce a rough quadratic relation between home values and proximity. The analysis finds that ...the positive impact is observed to fall with accessibility from its highest level at around a half mile from the district's boundaries.

One reason past empirical research has produced mixed results is that they have typically failed to recognize the extremely localized character of the impact. This point was made by Tideman (1970) and is referred to by Grether and Mieskowski (1980) as the "next door" phenomenon. Thus, proximity may have to be defined in terms of such short distances as adjacent to or within feet of such factors producing noise, undesirable views, or excessive traffic. For example, the limited geographic extent of non-conforming externalities is demonstrated by Hughes and Sirmans (1992) who found that traffic generated by commercial activity ... produced negative home value impact if it directly involved an increase in traffic intensity on the streets on which the homes were located. ... Thus, size and distance do seem to be an important factor in affecting potential impact.

In one of the more interesting studies in the literature, Li and Brown (1980) focus upon both the positive and negative impacts of commercial development on residential property values. They cite the potential negative effects associated with aesthetics and pollution (mostly noise pollution)... Their findings suggest that home values within a third of a mile from industrial land uses fall with proximity to the industrial sites... closer to a large employment base.

LITERATURE REVIEW

Both the economics and real estate literatures are filled with studies estimating the pecuniary impact on residential properties of potentially negative neighborhoods effects, including close proximity to non-conforming land uses. Most use some form of hedonic analysis to isolate such impact from the myriad of other determinants of property values. One of the first studies to document negative effects of commercial and industrial land uses upon home values and apartment rents was the work of Kain and Quigley (1970). Not all studies, however, find significant negative impact of nonresidential land uses upon home values, though proximity to industrial land uses is almost universally found to have a deleterious effect (See Grether and Mieskowski (1980)). In addition to industrial land use impacts, Stull (1975) also finds a quadratic relationship between home values and the amount of commercial

development in an overall residential 5.65 In that study, small amounts of commercial development were actually found to be a positive, while larger amounts (in excess of 5% of the total neighborhood land) were found to have statistically significant negative impact upon home values. Some studies also conclude that the size of a particular commercial development can be important in affecting neighboring home values. Song and Knaap (2004), found no negative impact from (*smaller*) commercial development, but they warned that larger commercial development might produce impact.

On the other hand, Colwell, Gujral and Coley (1985) find that within 1500 feet (about a third of a mile) property values decline with increased proximity to a newly constructed shopping center, ...

However, to our knowledge none of the empirical studies have dealt with a large multi-use center the size of the TCID in which efforts to create buffers to "hide" the commercial development are much more challenging and in which problems of traffic, noise, crime, and aesthetic pollution are more likely to be magnified.

SUMMARY

The one expectation in the literature that this research seems to bear out is that the negative externalities of larger commercial centers appear to extend further than for the small centers which the literature has typically treated before. Instead of the net negative impact extending a few hundred feet, the impact appears to influence prices anywhere from about a half mile to as far as 1.5 miles from the boundaries of the TCID (1 to 2 miles from the TCID's center).

PARK RIDGE TRAFFIC PLANNING & THE COUNTRY CLUB NEIGHBORHOOD
COUNTRY CLUB NEIGHBORHOOD ASSOCIATION (CCNA) INFRASTRUCTURE COMMITTEE
566
MARCH 2014

BACKGROUND

In January 2014, Zia Engineering representing Park Ridge Development LLC presented the City of Las Cruces (CLC), Metropolitan Planning Organization (MPO), and New Mexico Department of Transportation (NM DOT) with a Traffic Impact Analysis (TIA) required by the CLC before approval of any subdivision of the rezoned portion of the former Las Cruces Country Club (LCCC) property.

CCNA REVIEW OF RESPONSES

The CCNA submitted a three page analysis of the TIA to the City, MPO and NM DOT. The CCNA issues were acknowledged by the City and the MPO. The NM DOT did not respond to CCNA issues and instead gave a suggestion that has consequences to the Country Club (CC) neighborhood as we shall discuss.

Omissions noted in the Responses

The CCNA IF Committee and Board have reviewed the responses and notes the following:

1. Suggestions that were made and accepted by the Developer, witnessed by the CC's Councilor Miguel Silva, to conduct traffic counts on Country Club streets affected by the great number of vehicles (8100 per day) are absent. It is CCNA's position that no plan that includes greatly increased numbers of vehicular traffic 24/7 through this neighborhood can be assessed without baseline data. MPO lacks this data and should make every effort to obtain it. Counts should include Camino del Rex, San Acacio, Mariposa, Desert Drive and any other residential street that will be used by Park Ridge clients, visitors, or employees to circumvent US-70.
2. Precise design and safety features, to include signals, for the newly planned road that will enter Camino del Rex near Desert Drive are completely lacking. This road must be engineered so that drivers exiting Desert Drive are not endangered. It is also essential that Park Ridge engineer the loop within its property to limit the numbers of vehicles that choose the Eastern aspect of Camino del Rex into the Country Club neighborhood, whose streets are intended for fewer than 2500 daily car trips.
3. Plans to eliminate through traffic on Camino del Rex, turning it into a cul de sac has positives and negatives. Foremost, the NM DOT has no jurisdiction over minor residential streets, making their recommendation inappropriate. If the NM DOT's intention is to relieve pressure on US-70, the roadway which is their responsibility, to accomplish that relief by pushing traffic onto minor residential streets in the Country Club neighborhood (CC) is unacceptable. Capping Camino del Rex causes an overall lengthening of trips north and east, as all will be directed through the Development. However, creating a cul de sac eliminates all but local traffic for the townhome owners, a plus. Until time studies for traversing the Park Ridge Development are conducted to determine what impact this rerouting has on CC residents, (i.e., avoiding cars parking and turning into lots, trucks delivering and leaving, emergency vehicles which take precedence), the onus is on the Developer and reviewers to assure that CC residents are not subjected to a high cost in time and risk of crashes that exceeds benefits.
4. Time studies need to be done for emergency vehicles into the Country Club neighborhood. It is preposterous that traffic speed bumps are prohibited because they slow emergency vehicles but the Developer can reroute all CC traffic through his property, including emergency vehicles. Not one reviewer noted the increased time from dispatch to emergency scene due to this configuration. Also, there is a duplication of street names, "Park Ridge and the pre-existing Parkridge" that is confusing to emergency response personnel and violates City/County ordinance.
5. All alternatives should have some demonstrable impact data that establishes vehicular traffic numbers, time to destination, opportunity to exceed speed, and risk of crashes with each option through generally accepted modeling technology. Without these data, the TIA is barren of information about the impact this traffic scheme will have on the livability, safety, quality of life of this longstanding, established, quiet and walkable neighborhood.

What the CCNA is asking again is that oversight agencies make this Development responsible to the surrounding neighborhood. To date, information has been illusive and transitory; plans have been amorphous and misleading. We ask that all plans be reviewed with the interests of the surrounding neighborhood in mind, not just be given lip service. The TIA must be integrated into a data based, dynamic traffic plan that places high value on the safety and character of the whole neighborhood, instead of shifting the burden of traffic flow, hazards, and inconvenience onto the Country Club neighborhood. This plan, and agency responses, still places all burdens on the CC neighborhood and the bulk of benefits on the Development.

**PARK RIDGE PROPOSED ROADWAYS IMPACT ON COUNTRY CLUB RESIDENTIAL NEIGHBORHOOD
COUNTRY CLUB NEIGHBORHOOD ASSOCIATION
INFRASTRUCTURE COMMITTEE REPORT
JANUARY 2014**

BACKGROUND

Since discussions about traffic and proposed roadways began January 18, 2013, invited participants to Park Ridge Development meetings held monthly have been shown multiple and differing approaches to traffic management for this high-intensity commercial proposed development. These approaches have ranged from access through City of Las Cruces owned land south on Madrid through to US-70 (Main St.), access via West Madrid through federally protected Apodaca Park, and finally on August 19, 2013, at the City Council hearing on requested rezoning the 34+ acres by the Las Cruces Country Club through its agent, Bob Pofahl of Park Ridge Development, LLC or LCC, this changed to access on two points of Camino Del Rex.

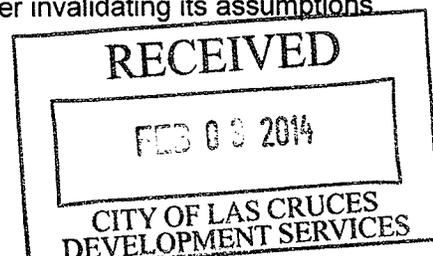
This analysis is related to the latter. The latest diagram shown to the public had not been illustrated previously to members of the adjacent and affected neighborhood, nor had the privately held meetings been "public" in the commonly held legal sense of the term. Meetings did not include any city or public officials, minutes were not taken, and participant feedback was tightly controlled by the managers of both Park Ridge Development and the realtor NAI. The Traffic Impact Analysis (TIA) conducted by the Developer did not expend a single sentence on the impact of this traffic, over 8,100 daily cartrips, (previously stated as 6,900 in the March 2013 application) on the Country Club neighborhood. For that reason alone, the Park Ridge Traffic Impact Analysis is defective and should be rejected in its entirety.

LAS CRUCES COUNTRY CLUB PROPERTY (LCCC) AND PARK RIDGE DEVELOPMENT

The Las Cruces Country Club property is a 110-acre golf course that was abandoned by its owners, a not-for-profit, in November 2011, in anticipation of its sale to unnamed investors to include a hospital group and local physicians. Other potential venture capitalists include a charter school and retail establishments which have not been identified. The golf course property abuts two arterials: to the north US-70 commonly called North Main Street and to the west, Solano Avenue. The LCCC owns no property that directly abuts Madrid Street on either its south or west portions. The LCCC abuts one minor residential street, Camino Del Rex, which is the sole access to points west and north out of this well established (1955) 700 household neighborhood. This quiet, middle class, overwhelmingly single-family, pedestrian-friendly neighborhood has a large senior population, many children, multiple school bus stops and (according to a previous Traffic Study by Park Ridge Development), a large number of non-residential vehicles that use the Country Club local streets to bypass the highly trafficked, crash-ridden, US-70. These non-resident vehicles commonly cut through the local Country Club streets to South Madrid Street, Traviz, to then travel to the east and south parts of Las Cruces.

Since this proposed development includes elder care facilities and an acute care hospital, discussion with Southwest Ambulance supervisor, Joaquin Graham, was initiated to identify what use Emergency Medical Services (EMS) would make of Country Club local streets to respond to or transport patients to/from this healthcare complex. Mr. Graham stated firmly that access to the healthcare facilities from the south and east would likely be done through local streets 24/7 with lights and sirens if needed (Code 3) should that be the most direct route. He stated that Southwest Ambulance cannot direct EMS to reroute their units around the local streets to arterials despite the noise and inconvenience to current residents.

It is also to be essential to note that a healthcare complex operates 24/7, most commonly with employees either exiting or entering the site on the following hours: 6-8 AM, 2-4 PM, 5-8 PM, and 10 PM-12 AM. These times, except for the nocturnal ones, also poses the heaviest use by existing motorists and coincides with school bus stops and after school use by children. The TIA provided by Park Ridge Development does not use commonly known healthcare industry peak times in its analysis, further invalidating its assumptions.



Each Park Ridge employee, contractor or service personnel would make two (2) car trips per work period so that the expected traffic volume for any persons associated with Park Ridge Development should be doubled. This count does not include patients, but consultants should anticipate family members, visitors or those otherwise engaged in patient care or support. Consideration must also be given to the large number of commercial vehicles accessing the Development to bring supplies, equipment and for service purposes. These vehicles are commonly diesel powered, noisy, and heavy. They also contribute excessively to air pollution.

CURRENT TRAFFIC

The Country Club neighborhood directly affected by traffic emanating from Park Ridge Development has the following boundaries: Camino Del Rex, Desert Drive, South Madrid and Traviz. The Metropolitan Planning Organization (MPO) map last available to the Country Club Neighborhood Association (CCNA), a city-recognized organization, showed traffic counts only for Camino Del Rex and Desert Drive (2010). These counts are Camino Del Rex 1280-1408 to the north end of Desert Drive and Desert Drive 804. This data is old and was not updated in 2012 despite this high volume traffic proposal. The Developer promised, at the Infill public meeting held on 11/24/13 that traffic counts would be conducted on key local neighborhood streets within the Country Club neighborhood. This survey has not been done therefore there is no baseline data for intrusion of non-residential traffic into this quiet, low traffic neighborhood.

Camino Del Rex

Interestingly, the latter and higher count on Camino Del Rex occurs where that local street is curved and divided by a concrete meridian. This appears to be proximal to the second proposed access road into the Park Ridge Development. At that point, drivers exiting Desert Drive onto Camino Del Rex in either direction from the stop sign cannot clearly see or be seen by oncoming traffic or have adequate time to avoid vehicles traveling on Camino Del Rex. All townhomes on Camino Del Rex must exit their driveways directly onto that already highly traveled street and there is considerable on-street parking at all hours due to the few parking spaces available to townhome residents and visitors. Camino Del Rex has, per MPO (2010), 1480 vehicle trips daily. A local street is not to support more than 2500 trips/day. This plan will push trips well over the bar for which a local street is safely engineered. It has been stated that all traffic from the Country Club neighborhood proceeding west on North Main will have to enter the Park Ridge property and circumvent its various buildings to access North Main. In addition, the reverse is true for return trips. The new road proximal to Desert Drive on Camino Del Rex will not be signalized, according to the Developer. This presents a safety problem for pedestrians and local traffic. The traffic using Country Club neighborhood streets has not been subjected to traffic counts by MPO despite this being promised at the public meeting by the Developer.

Desert Drive

Desert Drive has been noted already to carry many non-residential vehicles, particularly those attempting to avoid US-70 and to more rapidly and efficiently access Traviz and points south and east in Las Cruces. Desert Drive has a fairly busy stop signed intersection with Mariposa which is regularly ignored. MPO counts before and after this intersection do not differ which is unlikely in fact since Mariposa is heavily traveled.

Other Country Club Local Streets

Other local streets that are used to traverse the Country Club neighborhood have no MPO published traffic counts. These streets include east Camino Del Rex, San Acacio, Mariposa, and Fairfax, among others. It is likely that these streets would experience higher use when and if this development is realized.

US-70

US-70 is an acknowledged dangerous and crash ridden arterial even without this additional traffic load of over 8,000 cartrips. The intersection of Solano, North Main, and Three Crosses is the acknowledged site of the highest number of intersection crashes in the city. Furthermore, US-70 is scheduled for a major reconstruction

in 2015 by the NM DOT. At the time of the planning for this upcoming project, there was no knowledge of a plan for a large healthcare and retail complex and therefore the plans for the improvements must be presumed inadequate. For the duration of any reconstruction or project on US-70 near the intersection of Solano and Main (actually 5 intersections) traffic will be expected to traverse the Country Club local streets to avoid construction barriers, impediments to include traffic stoppages, inconvenience, etc. Its use and management is under the direction of the New Mexico Department of Transportation (NM DOT). The eastern access route proposed on Camino Del Rex is under the control of the City of Las Cruces, most particularly its Traffic Engineering Department. It has been acknowledged by NM DOT's regional Director, Trent Doolittle, that the two departments do not overlap or integrate findings or decisions. Furthermore, MPO's own staff states they have little or nothing to do with either other agency/entity.

Pre-Existing Issues

CCNA members have had complaints prior to this recent plan about the length of time and number of traffic signal cycles required to drive from Camino Del Rex onto US-70. At times there are reportedly 3 traffic cycles with 6-10 cars waiting to enter the arterial from Camino Del Rex. It is of special concern to this pre-existing traffic that they will have to compete with vehicles accessing or exiting the Park Ridge Development to enter or leave this neighborhood. How local traffic can compete with streams of vehicles, projected at 6900 per day by the Developer, without an added signal within the confines of the Development is questionable. In addition, the location of the second access road to Park Ridge Development within 100-200 feet of the stop sign ending Desert Drive (called Collins by the Developer despite City signage to the contrary) at Camino Del Rex appears reckless. This portion of Camino Del Rex is curved, divided by a concrete meridian, and traffic exiting the new roadway would be hidden from view. In addition, the most favorable means to exit the second roadway would be to turn RIGHT (EAST) onto Camino Del Rex which would route vehicles through neighborhood local streets and into oncoming vehicles exiting Desert Drive. The likelihood of this approach to Park Ridge Development being signaled is small to non-existent and its use by EMS and LC Fire Department for medical travel is high since it would be the first approach from local streets.

SUMMARY

The Country Club neighborhood's traffic safety, volume of vehicles, intrusion of non-residents 24/7 onto minor residential streets appears to be secondary to the lack of alternative or cheap access to other more suitable roadways by the Developer. Subdivisions, by code, are required to access ARTERIALS. On these counts, the two access roads proposed in the renderings on August 19, 2013, are unsuitable. First, they place an undue burden on the neighborhood that has nothing to gain from the inconveniences, lack of safety measures, and reduction in the peaceful enjoyment of homes which are within a quiet, walkable, child, senior and pet-friendly low density locale. The townhomes situated on Camino Del Rex near Main/US-70 would be particularly affected in that exit and entrance to their driveways would be impeded by traffic and parking insufficient. It has been shown in studies about commercial construction adjacent to residential neighborhoods that home values are particularly impacted negatively by traffic.

The Country Club residents using Desert Drive and other local streets would be adversely affected by non-resident and EMS traffic 24/7, by the difficulty and danger of exiting Desert Drive to points north and west, and by a likely marked increase in traffic volume particularly when US-70 undergoes reconstruction. Therefore, the strong preference is for the Park Ridge Development to access ARTERIALS, not local streets for their project. It is unjust that the convenience and cost economies of the Development and its investors place such a burden on the existing neighborhood that has supported streets and roadways, many in excess of 50 years, through its tax dollars. It is clear that this traffic plan poses a threat to neighborhood home values as well through increased local street traffic, noise, pollution, and unsafe conditions for pedestrians and others used to quiet, safe streets. The LCCC is afflicted by a well-known problem of golf courses nationwide. In real estate terms, the roadway into the golf course is commonly called a "popsicle stick", having a single access point. This is exactly the case in this Development. To economize or cut corners (literally) at the expense of the existing, long-established neighborhood is unsuitable and poses a private nuisance to current residents.

January 31, 2014

570

To: Susana Montana, Department of Planning and Recreation
Mayor and City Councilors
City Attorney

From: Constance and Murray Potter
Owners and affected parties, 2505 Desert Drive
Las Cruces NM 88001

Re: City of Las Cruces Development Application IDP-14-00
Park Ridge Development

We hereby object to several aspects of the plan for Development of the Las Cruces Country Club property, as proposed by Grizelda Velez, agent.

First, this plan has multiple phases and addresses 110 acres to be developed whereas the "owner" has only obtained approval for rezoning of 34 acres. Therefore, this application for development is intended to unlawfully circumvent the PUD process and all it entails and should be rejected. Bob Pofahl signs as an "owner" when he has no such status.

Traffic generation is now estimated to be 8,124 cartrips daily. All previous materials including the original application predict 6,900 cartrips daily, these having been presented to the public and regulatory agencies. This makes the Traffic Impact Analysis (TIA) deceptive.

The Park Ridge property at its eastern boundary trespasses the El Paso Electric easement which is a buffer. In the last phase which the Park Ridge Property Development plan details, the plot that intrudes upon this easement is high density R-4 housing. We, the owners of 2505 Desert Drive, reject this development proposal because any two-story building proximal to our home's back yard, spa building, bedroom, sunroom, kitchen, will **OVERLOOK** our property depriving us of privacy and the peaceful enjoyment of our home. More detailed renderings show the townhomes proposed for this land to actually have their back wall 17 feet from our back fence. This is unacceptable. Our property will be degraded in value, our peace and quiet destroyed by noise and light pollution, and our quality of life ruined.

The insertion of 110 acres in this plan for subdivision is an end run around well thought out zoning codes which bear the strength of law. Should the City of Las Cruces allow Developers to run roughshod over our zoning codes, as poorly overseen as they are, this city has no rule.

The supposed full service hospital that is suggested to be built is physician investor financed and therefore unlawful under the Patient Protection and Affordable Care Act (PPACA). This hospital will not be allowed to take Medicare and Medicaid patients and its structure violates the Stark I and II Federal laws. Approving its construction is no different than allowing a strip bar or gambling den in an area where none is allowed. The City has not done its due diligence in allowing this Development to progress to this point. If and when this hospital fails to be built, the commercial zoning will remain to the detriment of our entire neighborhood and our property in particular.

Sincerely,


Constance and Murray Potter
2505 Desert Drive
Las Cruces NM 88001

571

Las Cruces Country Club property sold for \$7.1 million

By Steve Ramirez sramirez@lcsun-news.com @SteveRamirez6 on Twitter Las Cruces Sun-News
Posted:

lcsun-news.com

LAS CRUCES >> After more than a year of negotiations, sale of the Las Cruces Country Club property to Park Ridge Properties has been finalized, with a price tag of \$7.1 million. The sale could close as early as Friday.

The developer hopes to convert the 110 acre site into a "urban village" that will include a medical campus with a 42-bed hospital, a combination rehabilitation and fitness center, doctors' offices and an assisted living center; retail and dining; residential and multifamily housing; and parks, walking trails and open space. Redevelopment of the property, which was a golf course from 1928 until 2011, will be the largest in-fill project in Las Cruces' history.

"Both parties are pleased with the sale and are committed to improving the local economy and recreational facilities in Las Cruces," said Robert Caldwell, president of the Las Cruces Country Club board of directors.

Caldwell said he was hopeful the sale could be closed as soon as Friday. However, Bob Pofahl, Park Ridge Properties president, said Monday he doesn't anticipate final closing of the property that soon.

"In the next 30 days it'll close," Pofahl said. "There are still a few final things to get taken care of that will probably take a few more weeks to settle."

In November 2012, the country club's 110 acres were conditionally sold to a group of local and regional investors, led by Pofahl.

"Las Cruces Country Club and Park Ridge Properties have, over the past two years, coordinated with the city of Las Cruces to manage re-development of the old course," said a portion of a news release announcing the sale of the former country club property.

In August, the Las Cruces City Council approved rezoning 30 acres of the property so a medical campus could be built. At that time, Pofahl told the council the sale of the property was contingent on rezoning approval.

On Jan. 10, a subdivision application on the proposed 30-acre development was submitted to the city's Community Development Department. David Weir, community development director, said Monday the application and an accompanying 71-page traffic impact analysis is being reviewed by several city departments, as well as the Mesilla Valley Metropolitan Planning Organization and the New Mexico Department of Transportation.

"They will take some time to review and offer their recommendations to amend the application," Weir said. "...In the subdivision application process this is just the second step in a five- or six-step process."

572

Pofahl said he hopes construction of the medical center could start sometime later this year. Susana Montana, senior planner for the city, said review of the subdivision application should be completed in a timely manner for that to happen.

A planned urban development application would be submitted to the Community Development Department when Pofahl and developers are ready to begin redeveloping the remaining 80 acres of the property.

"All we're asking for at this point is the subdivision application," Pofahl said. "We're not asking for any variances. We're prepared to respond to any review recommendations that could be offered."

After closing the sale with Park Ridge Properties, Caldwell said Las Cruces Country Club members will continue negotiations to purchase Sonoma Ranch Golf Course. In October, an agreement in principle to purchase Sonoma Ranch Golf Course was announced.

"There is nothing I can perceive that would stop that from happening," Caldwell said. "It's going to happen."

Steve Ramirez can be reached at 575-541-5452

Country Club sale

The transaction: The 110 acres of the former Las Cruces Country Club has been sold to Park Ridge Properties for \$7.1 million. The sales price was based on an independent appraisal of the property conducted several years ago, at a time when the city of Las Cruces was being courted as a potential buyer of the property. The sale could close as early as Friday, but Bob Pofahl, president of Park Ridge Properties, said final closing will likely happen within the next 30 days

Redevelopment: Plans for the former country club property call for it to become an urban village. Thirty acres of the property has been rezoned for use as a medical campus, which would include a hospital, rehabilitation and fitness center, an assisted living facility, and medical offices. The vision for the remaining 80 acres is to convert it into residential and multi-family housing, retail shops and restaurants, parks, walking trails, bicycle lanes and open space. The entire property will be connected to all city utilities

Another transaction: With sale of the former country club property just about complete, the country club's board of directors will continue negotiations to purchase Sonoma Ranch Golf Course as a potential new facility. An agreement in principle to buy Sonoma Ranch Golf Course was announced in October, and the sale might be finalized by the end of March

1 **DEVELOPMENT REVIEW COMMITTEE (DRC)**

2

3 The following are the minutes of the Development Review Committee meeting held on

4 Wednesday, July 9, 2014 at 9:00 a.m., at the City Hall, 700 N. Main, Room 1158, Las

5 Cruces, New Mexico.

6

7 **DRC PRESENT:** Robert Kyle, Community Development-Chair

8 Katherine Harrison-Rogers, Community Development

9 Rocio Dominguez, Community Development

10 Meei Montoya, Utilities

11 Mark Johnston, Parks and Recreation

12 Tom Murphy, MPO

13 Gary Skelton, Traffic Eng.

14

15 **STAFF PRESENT:** Susana Montana, Community Development

16 Sonya Delgado, Parks and Recreation

17 Franco Granillo, Parks and Recreation

18 Tim Fulton, Parks and Recreation

19

20 **OTHERS PRESENT:** Desmond Cole, Zia Engineering

21 Griselda Velez, Zia Engineering

22 Chris Almy, Zia Engineering

23 Jennifer Kleitz, Recording Secretary

24

25 **I. CALL TO ORDER**

26

27 Meeting was called to order at 9:00 a.m.

28

29 **II. APPROVE MINUTES – June 4, 2014**

30

31 Mark Johnston motioned to approve the minutes of June 4, 2014.

32

33 Rocio Dominguez seconded the motion.

34

35 All in favor. Motion passes.

36

37 **III. NEW BUSINESS - (postponed from May 21, 2014 meeting)**

38

39 **1. IDP-14-04: Park Ridge Medical Center Final Plat**

- 40 • Request for approval of the Final Plat for a 110-acre parcel (02-03647) located at
- 41 2700 N. Main Street which is the former Las Cruces Country Club property.
- 42 • The Final Plat divides the 110-acre parcel into 9 lots and 5 Tracts to
- 43 accommodate the development of the Park Ridge Medical Center. The
- 44 development would occur in 3 phases.
- 45 • The property lies within the Infill Development Overlay District and the review
- 46 process for this subdivision follows the Infill Subdivision Method in which the DRC

1 makes a recommendation to the Planning and Zoning Commission for their final
2 action.

- 3 • A Traffic Impact Analysis (TIA) for the proposed subdivision development would
4 be approved by the City's Traffic Engineer as a condition of approval of the Final
5 Plat.
- 6 • Submitted by Las Cruces Country Club, property owner; Bob Pofahl of Park Ridge
7 Properties LLC, developer; and ZIA Engineering, representative.

8
9 Kyle: First item of New Business is IDP-14-04: Park Ridge Medical Center Final
10 Plat.

11
12 Montana: This subdivision is subdividing parcel 02-03647, located at 2700 N. Main
13 Street. On August 19, 2013, the City Council rezoned 30+ acres of this 110-
14 acre parcel to R-4C and C-3C. One condition of the rezoning was that a traffic
15 study, a TIA, Traffic Impact Analysis, be approved by the City's Traffic
16 Engineer prior to issuance of the first building permit, or subdivision application
17 for this development. Property of the 110 acres lies within the City's infill
18 development overlay district. The subdivision qualifies for the infill subdivision
19 method and in that regard; a concept plan was conditionally approved by this
20 DRC on June 4, the condition being that the TIA issues are resolved. The TIA
21 is under review by the City. The New Mexico Department of Transportation
22 has signed off, so to speak, approved the TIA. They have no further
23 comments. The next step is for the final plat to be reviewed by this body, the
24 DRC would recommend to the Planning Commission. If the final plat is
25 approved by the Planning Commission, or conditionally approved, then
26 construction drawings for the subdivision would be reviewed by City staff.
27 When those are approved, the applicant, the developer would post a bond or
28 letter of credit or would build the public improvements. Once the bond is
29 posted or the improvements are built, then this final plat can be recorded.
30 Once it's recorded the lots can be sold and then the individual lot owners could
31 build.

32
33 This Park Ridge Medical Center Infill Subdivision Concept Plan has nine lots
34 and five tracts. The nine lots and tracts would be built in three phases. I want
35 to show you one of the mitigation measures identified in the TIA and that is
36 improvements to the intersection at North Main and the new road that would
37 go into the subdivision. This design would also terminate Camino Del Rex, at
38 the end of the town homes. So Tract E of the subdivision allows for a
39 turnaround for large vehicles, be they garbage trucks or Fire Department
40 engines. There would also be a gate that would prohibit folks from cutting
41 through to get to Camino Del Rex, but it would allow fire engines to go through
42 this gate to access this property here. This, unfortunately, is a pretty busy
43 slide so I'm gonna go to the next one to show the tracts in yellow that would be
44 developed as part of Phase 1, although Phase 1 building would be the
45 hospital, the doctors' offices and residential rehab. The developer would build
46 ... fully build out of this intersection and the terminus at Camino Del Rex as

1 part of Phase 1. City agency reviewers have approved the final plat, with the
2 exception of the City's Traffic Engineer who has approved it conditionally on
3 his approval of the TIA. As I mentioned, NMDOT has approved the TIA. The
4 City's Traffic Engineer has a tremendous backlog of work and couldn't finish
5 his review of the third submittal of the TIA prior to this meeting.
6

7 Therefore, staff recommends that this committee recommend to the Planning
8 and Zoning Commission conditional approval of this final plat with the
9 condition similar to that of the rezoning, that the City's Traffic Engineer
10 approve the project TIA prior to the City's issuance of the construction permits
11 for the public improvements associated with this final plat. That concludes my
12 presentation. I'm happy to answer any questions. The applicant is here to
13 provide details.
14

15 Kyle: Thank you. Applicant do you have anything to add or supplement, or want us
16 to know?
17

18 Velez: I think Susana covered pretty much it. We've been coordinating very closely
19 with the Traffic Engineer. We met face-to-face to make sure that our
20 understanding of their comments was correct, and we discussed the approach
21 we're gonna take to address those comments and you know, with hopes of
22 really addressing what they really, what they really want. So I think if you
23 have any other questions for me, I'll be happy to respond to them but I think
24 Susana covered everything.
25

26 Kyle; Okay. Alright, let's go around the room I guess. Las Cruces Utilities?
27

28 Montoya: We have resolved all the concern. I just like to add one thing that, what the
29 community woman said that yes, after this replat, all lots can be developed
30 from the utilities standpoint, except lot number 8, which, which that we had no
31 15, is going to address that issue and the concern associated with lot number
32 8 is because the topographic issue that lot number 8 is lower than any other
33 lot. But applicant, the developer knows about the requirement to develop lot
34 number 8. So we are comfortable with no 15 to be added on the final plat, and
35 then to make sure that the potential buyer of lot 8 would know that sewer will
36 have to be available before any building can be built on there. So no other
37 concerns.
38

39 Kyle: And that notes (*inaudible*)
40

41 Montoya: Yes, lot 15.
42

43 Kyle: Okay, Parks and Rec?
44

45 Johnston: No issues.
46

1 Kyle: MPO?
2
3 Murphy: No issues.
4
5 Kyle: Community Development Engineering and technical services?
6
7 Dominguez: We have no issues.
8
9 Kyle: Community Development, Developer Services
10
11 Montana: We have no issues.
12
13 Kyle: Everybody's got it clean huh?
14
15 Dominguez: Except for traffic.
16
17 Kyle: That's good. Except for Traffic yeah, and I'm sorry I skipped over that.
18 Traffic?
19
20 Skelton: The scheduled planning and review for the TIA, I expect to be completed by
21 next week, so . . .
22
23 Kyle: Okay. That's a concern that I have. The City Council did condition the
24 rezoning that a TIA be approved prior to building permit or subdivision
25 application. I know it's been a very long and drawn out process and
26 everybody's met, you know spent a lot of hours getting that resolved. We did
27 approve the concept plan, condition on the TIA, but I have some concerns that
28 we're getting a little too far down the track before that is done and I want to
29 make sure that staff is complying with Council's direction and conditions. If we
30 believe that iteration will be done prior to the P&Z meeting, I think I have, I feel
31 better about sending this forward. I don't want the Planning and Zoning
32 Commission to be in a position where they're having to weigh the decisions of
33 what City Council said to do and that's kind of where we're at now. You did
34 say that NMDOT has approved the TIA?
35
36 Montana: They said they have no further comments.
37
38 Kyle: Okay.
39
40 Montana: So that sort of means they approved it.
41
42 Kyle: Alright.
43
44 Dominguez: Can we postpone it for next DRC meeting and then that way we will be for
45 certain that the TIA review is finished? Or does this have to move so it can be
46 on the next P&Z agenda?

1
2 Kyle: Well we had an advertising deadline right, so . . .
3
4 H-Rogers: It's been advertised.
5
6 Kyle: It has been advertised already.
7
8 Rogers: If the TIA, if there are issues with the TIA then it will be pulled from the agenda
9 during the hearing and it won't be discussed, so . . .
10
11 Dominguez: Oh.
12
13 Kyle: Well I think if we're, as a committee, willing to make that a condition then I'm
14 alright with entertaining a recommendation on the plat, seeing that all the
15 reviewing entities have resolved other issues. But we just have this one last
16 little bit and again, the Council's condition I think was pretty clear on how it
17 needs to be treated. So with that I would entertain a motion.
18
19 Dominguez: Can you put it on the slide, where you recommend how we vote?
20
21 Montana: This is different. This says that the final plat can be approved by the Planning
22 Commission. The TIA would have to be approved by Traffic Engineer prior to
23 issuance of construction permits for the public improvements. Now we can
24 also condition our ... this body's recommendation to Planning and Zoning
25 Commission with the condition that the TIA be approved by the Traffic
26 Engineer before the final plat goes to the Planning Commission.
27
28 Kyle: I think I would prefer that option.
29
30 Montana: The last.
31
32 Kyle: Yes
33
34 Dominguez: Yes.
35
36 Kyle: That the TIA be approved by the City's Traffic Engineer prior to the Planning
37 and Zoning Commission acting on the plat.
38
39 Montana: Okay.
40
41 Johnston: So moved.
42
43 Montoya: Second.
44
45 Kyle: It's been moved and seconded. Any discussion? Seeing none, all those in
46 favor, please signify by saying "Aye".

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All: Aye.

Kyle: Any opposed? Seeing none, motion carries. Thank you.

IV. NEW BUSINESS – None

Kyle: Next item is old business, not old business but any other business before the DRC this morning.

V. ADJOURNMENT

Kyle: Seeing none, I would entertain a motion to adjourn.

Dominguez: So moved.

Johnston: Second.

Kyle: Moved and seconded. All those in favor please signify by saying Aye.

All: Aye.

Kyle: Any opposed? We're done.

Meeting adjourned at 9:15 a.m.

Chair

July 22, 2014

IDP-14-04; Park Ridge Final Plat

Post-Packet Comments to the Commission

Susana Montana

From: macnodak@comcast.net
Sent: Tuesday, July 22, 2014 10:31 AM
To: Susana Montana
Subject: Case No.IDP-14-04

I have read and support the TIA overview plan, and I respectfully request P&Z approval of Case No.IDP-14-04.

I reside at 2640 Desert Drive and have lived at this address for 38 yrs.

Myron w. McCabe
2640 Desert Drive
Las Cruces,N.M.88001

Sent from Xfinity Connect Mobile App

Susana Montana

From: Eva Booker <evaccna@yahoo.com>
Sent: Monday, July 21, 2014 2:50 PM
To: Susana Montana
Cc: Connie Potter; John Stevens; Tommie Schroeder; Pat Phelan
Subject: Re: Response of CLC and NMDOT to 3rd Draft of TIA
Attachments: image002.emz

Susana,

Thanks for the update and forwarding my request on to Mr. Roman and the Planning and Zoning Commission.

I am almost at a loss for words. The way the city is bending over backwards for a developer and his out-of-town investors to approve the largest development project this city has ever seen and may ever see, at the expense of the community is truly mind blowing!!!!

What is the rush to get this to Planning and Zoning for developers and investors who haven't even closed on the property after almost 3 years? Why can't the community have time to review the final "approved" TIA before it is brought before Planning and Zoning? Why was this put on the Planning and Zoning agenda for July 22nd even before DRC met on July 9th? It was my intention to host a meeting to educate the community about the final "approved" TIA. Obviously, that isn't possible if the TIA is approved hours before the Planning and Zoning meeting.

Eva Booker

On Monday, July 21, 2014 1:52 PM, Susana Montana <smontana@las-cruces.org> wrote:

Greetings folks. I just spoke with our Traffic Engineer, Willie Roman, about his review of the TIA. He believes that he will be finished with his review by noon tomorrow and believes that he will be able to accept/approve the TIA, perhaps with some minor corrections. Mr. Roman will send me his final comments on the TIA by noon tomorrow and I will send them to you as soon as I receive them; we hope that is sufficient time for your review.

Because Mr. Roman believes he can approve or approve with conditions the TIA, staff does not believe that the corrections Mr. Roman may ask of the TIA consultant warrants delay of the Commission's review and consideration of the Final Plat tomorrow evening. However, I am forwarding your request for a postponement to the Chair of the Planning and Zoning Commission for his and the Commission's consideration. Thank you.

Susana Montana, Planner
City of Las Cruces Community Development Department
Building & Development Services Division
Physical Location: City Hall at 700 North Main Street, Suite 1100
Mailing Address: P.O. Box 20000, Las Cruces, NM 88004-9002
smontana@las-cruces.org
Main Line: (575) 528-3043
Direct Line: (575) **528-3207**
Fax Line: (575) 528-3155
www.las-cruces.org

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Go Green - Please consider the environment before printing this email or any attachments

From: Eva Booker [mailto:evaccna@yahoo.com]
Sent: Monday, July 21, 2014 1:10 PM
To: Susana Montana
Cc: Connie Potter; John Stevens; Tommie Schroeder; Pat Phelan
Subject: Re: Response of CLC and NMDOT to 3rd Draft of TIA

Susana,

Thanks for the update.

As President of the Country Club Neighborhood Association, I would request that the case be postponed even if the TIA is approved before tomorrow's Planning and Zoning Commission meeting, as we will not have sufficient time to review the City's response.

Eva Booker
President, CCNA

On Monday, July 21, 2014 8:18 AM, Susana Montana <smontana@las-cruces.org> wrote:

Greetings Eva. The conditional rezoning requires the TIA to be approved by the City's Traffic Engineer and not NMDOT before a subdivision application can be approved by the City. If the TIA is not approved by tomorrow's Commission meeting, the case will be postponed to a date that we expect the TIA to be approved. The Final Plat was scheduled for the Commission meeting tomorrow because on July 9th when the Development Review Commission recommended conditional approval of the Final Plat, we thought the TIA would be finalized by the 22nd. I will let you know if the case will be re-scheduled because the TIA is not ready/approved. We are all anxious about that TIA and we apologize to all for the delays.

Stay cool and have a great day.

Susana Montana, Planner
City of Las Cruces Community Development Department
Building & Development Services Division
Physical Location: City Hall at 700 North Main Street, Suite 1100
Mailing Address: P.O. Box 20000, Las Cruces, NM 88004-9002
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Fax Line: (575) 528-3155
www.las-cruces.org

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From: Eva Booker [<mailto:evaccna@yahoo.com>]
Sent: Sunday, July 20, 2014 4:55 PM
To: Susana Montana
Subject: Response of CLC and NMDOT to 3rd Draft of TIA

Susana,

Is there a response to Park Ridge's 3rd version of its TIA by the City's Traffic Engineer and NMDOT? If so, can you please forward it to me.

It is my understanding that the Planning & Zoning Commission and City Council approval of the Conditional Rezoning for Park Ridge required a TIA approved by CLC and NMDOT before a subdivision application could be approved. Why is the subdivision application being forwarded to the Planning & Zoning Commission without an approved TIA?

Eva

Susana Montana

From: Linda <linhen246@gmail.com>
Sent: Friday, July 18, 2014 6:42 AM
To: Miguel G. Silva
Cc: Susana Montana
Subject: Rezoning of Las Cruces Country Club property

We are writing you in support of the rezoning of this property.

It is time to redeveloped this property as it has been vacant long enough. Such a large area of vacant land in the middle of Las Cruces is such a waste.

We have seen the proposed subdivision platt for the Park Ridge development and would like to see it come to fruition. We feel it would enhance the property values of the homes and businesses around the new subdivision and increase tax revenue for our city. It will also create much needed jobs for our citizens.

We would appreciate your consideration and support for approving this rezoning proposal.

Respectfully,
Roy and Linda Hendrix

Sent from my iPad

I'd like to give you a brief history of the Country Club property. When LCCC 1st got into serious financial trouble (they were always losing money) 4 of the 5 Country Club members who owned and lived in properties on Camino Del Rex, which abutted the golf course, submitted a Petition to the LCCC board which asked that they not go forward with the "land swap" deal, and proposed ways to solve the debt problem and keep it as a golf course. The board didn't do us the courtesy of replying to our Petition, and as you know, the "swap" was passed by a huge majority.

After Connie Potter and I started the Country Club Neighborhood Association I realized that we also needed an organization that would be City-wide in scope, as the change in ownership of LCCC would affect the whole City. People For A Premier Park was formed, and gathered and submitted a Petition signed by 2,159 people to the City of Las Cruces at a Council meeting. The City didn't act on the Petition and it was later "SHREDDÉD"

We worked very closely with Mr. Philipou, and he offered to sell all, or any part of the property to the City. They declined. Mr. Philipou agreed with us to form a 9-hole, executive-length golf course on the north end, using holes which already existed, which would be donated to the City. The middle part of the property, about 30 acres, would be sold to the City for about \$2 million. This could be added to Apodaca Park. The remaining acres would be developed by Mr. Philipou. Would this have happened on a handshake? Your guess is as good as mine, but I do know that after the melt-down of the financial and real estate markets in '08, he came to my house in a wheel chair and apologized to me saying "John, I let you down". He didn't have to do that.

Dealing with Mr. Moscato was also interesting. He offered a deal to the City, which I didn't support, but now wish I had. He called it his "Amoeba Plan". It was 2 flexible pieces of property in the middle of the 110 acres (approximately 55 acres) that would be surrounded by "green space" around the whole perimeter, and down the middle between the "amoebas". The "amoebas" would be developed, but the open space-green space would be donated to the City. His 2nd proposal was to sell the entire 110 acre to the City with his Company financing the sale. The City declined both offers. I'd like to mention here that the Mayor and 3 councilors that we helped elect, all signed statements that they would be leaders in making the LCCC property into a Premier Park.

When the 3rd developer came along, we saw that our worse fears were being realized. Both of the 1st two developers realized that there had to be a lot of open space-green space involved in the development. This developer can't be dealt with, and insists on filling in everything, and will not consider the rights of the people who live in the residential areas of Camino Del Rex and Desert Drive, who will now be looking at 2-story townhouses and commercial properties instead of Open-Space.

586
For those of you who think that developing the property will "broaden the tax base" and lower our taxes, I'm telling you it never works out that way. Look it up-the bigger the city, the higher the taxes. A large Park in the middle of Las Cruces would be a huge asset, and would bring in lots of tourists who spend money, which is then taxed as "Gross receipts tax", otherwise called a sales tax. People in Albuquerque in their Parks department and the director of golf say they would "kill" for an opportunity like this, and if our Mayor and Council were thinking, they would look into this possibility.

John Stevens, Past President

Country Club Neighborhood Association

Susana Montana

From: Sally Frazier <sfrazier1952@gmail.com>
Sent: Thursday, July 17, 2014 2:05 PM
To: Susana Montana
Subject: Park Ridge Development

Susana Montana Planner
City of Las Cruces Community Development Department
Building & Development Services Division

Good afternoon Ms. Montana,

I am very supportive of the planned Park Ridge Development. I have lived in Las Cruces over thirty years, a number of those years on San Acacio Street. I have seen many changes as the city has grown over the years and feel strongly that the proposed Park Ridge Development is a positive step forward for Las Cruces. The Country Club property needs to become an asset to this city, one that will benefit not only those living close by but the entire city.

I greatly appreciate the efforts that have gone into this undertaking. Thank you for helping to make this positive development possible.

Sally Frazier
633 Cielo Vista Court
Las Cruces, NM 88005
sfrazier1952@gmail.com

Susana Montana

From: Pat Arrington <arringtontoh@gmail.com>
Sent: Wednesday, July 16, 2014 1:18 PM
To: Susana Montana
Subject: Fwd: Las Cruces CC

----- Forwarded message -----

From: **Pat Arrington** <arringtontoh@gmail.com>
Date: Wed, Jul 16, 2014 at 1:14 PM
Subject: Las Cruces CC
To: s.montana@las-cruces.org

Dear Susana,

Thank you for keeping us all abreast of the progress for the approval of the PUD of the Las Cruces Country Club. It sounds like it has all come together! It is exciting to me as a Realtor and a Las Cruces Country Club member! Most certainly I will be in the audience on July 22nd, a very exciting long awaited moment! I am personally grateful, as I feel most of the Realtors in this town should be that you and your staff took the time, regardless of the pressure from all sides to do a good job, a right job for all parties concerned and the great City of Las Cruces! This developement will be a great addition, most certainly 'a shot in the arm' for the surrounding neighborhood property values, especially since you made sure that the traffic would not be an issue.

Thank You,

Patricia 'Pat' Arrington
Owner/Realtor
Arrington's Theatre of Homes
Suite 444 Las Cruces Tower
Las Cruces, NM 88001

Office: [575-526-1802](tel:575-526-1802)
E-mail: arringtontoh@gmail.com

Susana Montana to provide city clerk with CDs of PowerPoint presentations

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 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
- 13 Montana: Again the applicant is here if you would like to ... and see the
14 presentation.
- 15
- 16 Crane: Any further questions for Ms. Montana? Okay, let's hear from the
17 applicant or his representative.
- 18
- 19 Pompeo: Good evening Mr. Chairman, Paul Pompeo.
- 20
- 21 Crane: Mr. Pompeo do you swear or affirm that the testimony you are about to
22 give is the truth and nothing but the truth under penalty of law?
- 23
- 24 Pompeo: Yes I do.
- 25
- 26 Crane: Go ahead please.
- 27
- 28 Pompeo: Good evening Mr. Chairman and Commissioners. Before I get started
29 with my presentation after discussing it with the project contractor and
30 reference Mr. Clifton to your point, it looks like we can just move that
31 building one foot to the back, making the rear setback five-feet, so for the
32 purposes of this discussion, we're going to take that variance request off
33 the table. So we'll be limited to just the three variance requests.
- 34
- 35 Crane: Let me make sure we all know which one that is of the four; that's the
36 number one, reduce the front setback from the required 11 to 10-feet.
- 37
- 38 Pompeo: Yes Mr. Chairman, so the final site plan would show an 11-foot setback in
39 conformance with staff's measurements.
- 40
- 41 Crane: Okay, so you're dropping the number one. Okay. All right, please go
42 ahead.
- 43
- 44 Pompeo: Thank you Mr. Chairman. Once again here's a vicinity map showing the
45 location of the project at 913 Tornillo Street. Here's more of a close up
46 view. Once again the property now sits vacant in its current condition.

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

Susana Montana

From: Willie Roman
Sent: Tuesday, July 22, 2014 2:30 PM
To: Susana Montana
Cc: David Maestas; David Weir
Subject: Park Ridge TIA

Susana,

I have completed review of the most recent TIA for Park Ridge and have approved it with the following conditions:

1. The developer is responsible for 100% of the estimated cost for timing the corridor/signals as shown in Appendix O. This should be designated as signal timing/enhancements.

I also offer the following comments for clarification:

They are using "HCM 2000" instead of "HCM 2010". 2010 is the newest version with updated research and analysis methods. Their justification was not satisfactory, however, I will accept it as submitted because 1. Our Traffic Standards do not require the most recent version, 2. NMDOT already approved it with the older methodology, and 3. In my professional opinion I do not believe the delays/LOS would be significantly different.

I am concerned with one of their comment responses that indicated the City had an "agreement" concerning the scope of the TIA, and that the City rescinded on its "agreement". I do not agree with this language and would like to clarify for the record that although the scope was discussed on various occasions, there was never an "agreement". Eddie Martinez of Zia Engineering acknowledged this as well in today's meeting. He corrected the language by saying it was an understanding they had regarding the scope and not an agreement.

Willie Roman, P.E., PTOE

Acting Administrator/Traffic Engineering
Streets & Traffic Operations
City of Las Cruces



City of Las Cruces®

City of Las Cruces City Council

NOTICE OF DECISION

August 20, 2013

Case Z2860: An ordinance approving a zone change from R-1a to C-3C (Conditional High intensity Commercial) for a 23.44-acre land area and from R-1a to R-4C (Conditional Multi-family High density Residential) for a 7.31-acre land area for a total 30.75-acre portion of Parcel 02-03647, located at 2700 N. Main street. Submitted by the Park Ridge Properties LLLP on behalf of the property owner, the Las Cruces Country Club Inc.

FINDINGS

The City Council, having reviewed the City staff report, listened to the staff presentation, considered the Planning and Zoning Commission's recommendation for conditional-approval, and read and listened to public comment, finds that the granting of said rezoning for the subject property would (1) be consistent with both commercial and residential development and zoning in the area; (2) would meet the goals of the City's Comprehensive Plan; (3) would positively address the purposes and intent of the City's Zoning Code, including applicable Decision Criteria of the City Council; and (4) would positively address relevant rezoning criteria of New Mexico case law.

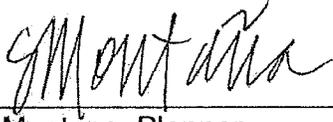
DECISION

On August 19, 2013, the City Council voted 6 to 1 to adopt **Ordinance No. 2689** which contains the following conditions:

1. The C-3C zone shall be limited to the following uses: Hospital; heliport as a special use; health/exercise club/gymnasium/sports instruction facilities; business offices; consulting; institutional offices; laboratories; medical/dental offices; café, cafeteria, coffee shop, restaurants; and health care clinics (non-hospital).
2. R-4C zone shall be limited to the following uses: Assisted living/skilled nursing facilities; physical rehabilitation recreational courts; and health/exercise club/gymnasium/sports rehabilitation facilities accessory to the C-3C medical facilities.
3. A Traffic Impact Analysis, in accordance with the requirements of applicable permitting agencies (i.e. City of Las Cruces Traffic Engineer, NMDOT, etc.), shall be submitted, reviewed, and approved by the City's Traffic Engineer

prior to the issuance of the first building permit or subdivision application for land within the rezoning area.

4. The owner/developer shall provide a second access road per the 2009 International Fire Code, as amended, and approved by the City's Fire Marshal and Traffic Engineer prior to the issuance of the first building permit within the rezoning area.



Susana Montana, Planner
Community Development Department
Building and Development Services Consolidated Review Center