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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 2      ~~Resolution~~ # 2540      Council District: 5  
 ORDINANCE #

**For Meeting of October 26, 2009**  
 (Adoption Date)

**TITLE:** AN ORDINANCE APPROVING AN INITIAL ZONING REQUEST FOR AN ANNEXATION KNOWN AS THE PEACHTREE HILLS ANNEXATION CONTAINING 162.734 ± ACRES INTO THE CORPORATE LIMITS OF THE CITY OF LAS CRUCES GENERALLY LOCATED WITHIN SECTION 10, TOWNSHIP 22 SOUTH, RANGE 2 EAST OF THE U.S.G.L.O. SURVEYS, DONA ANA COUNTY, NEW MEXICO. THE SUBJECT PROPERTY IS GENERALLY LOCATED NORTH OF PEACHTREE HILLS ROAD AND WEST OF JORNADA ROAD. SUBMITTED BY SUMMIT ENGINEERING FOR LAS CRUCES PUBLIC SCHOOLS (Z2798).

**PURPOSE(S) OF ACTION:** A request to approve an initial zoning request for annexation of 162.734 ± acres of property to facilitate the construction and operation of an elementary school and middle school.

<b>Name of Drafter:</b> Gary Hembree <i>[Signature]</i>		<b>Department:</b> Community Development		<b>Phone:</b> 528-3049	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Community Development	<i>[Signature]</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The proposed Peachtree Hills Annexation is primarily to facilitate the construction and operation of a new elementary school and a new middle school. The elementary school will accommodate approximately 600 students and the middle school will accommodate approximately 900 students. The annexation request contains 162.734 ± acres and is located north of Peachtree Hills Road and west of Jornada Road. The area is contiguous to the Corporate Limits of the City of Las Cruces.

The subject property is currently located within the unincorporated Extra-Territorial Zone (ETZ). The area proposed for annexation is located within Section 10, Township 22 South, Range 2 East, of the U.S.G.L.O Surveys, north of Las Cruces, Dona Ana Country, New Mexico, and is situated north of Peachtree Hills Road and west of Jornada Road. The subject properties are directly north and east of land that was annexed within the corporate City limits, known as Sierra Norte.

The Peachtree Hills annexation contains seven parcels and a utility easement for overhead electrical facilities. The proposed initial zoning for the annexed area includes those parcels identified as Parcels 2 and 3 for the elementary and middle school to be zoned R-1aC (Single-Family Medium Density-Conditional) for 80.24 ± acres. The condition of the zoning district is that uses will be restricted to school uses exclusively.

In addition, 39.808 ± acres identified as Parcel 1 are proposed to be zoned H (Holding). This parcel is situated northwest of the two school sites and is identified for future expansion of school uses. The 39.808 ± acres of Parcel 1 will remain in ownership of the United States Department of Interior, Bureau of Land Management (BLM).

A small portion of the parcel comprising of 1.591 ± acres slated for the new elementary school will be zoned OS-R (Open Space – Recreational) to accommodate a 100-foot wide overhead electric utility easement that traverses the southwestern portion of the parcel. The overhead electric utility easement is also located in the adjacent properties within the Sierra Norte master plan area. The easement was zoned OSR in the adjacent properties to facilitate a trail system. The zoning of the portion of the easement within the annexation boundary will facilitate the connection of the trail system proposed in the area.

Parcels 5 and 6 comprising of 18 ± acres is proposed to be zoned R-3 (Multi-Dwelling Medium Density).

The remaining two private parcels identified as Parcels 4 and 7 are proposed to be zoned H (Holding) as the property owner petitioned for annexation after publication of the public notice for Planning Commission consideration on August 25, 2009. Staff will initiate a zone change for these two parcels following completion of the annexation process. Staff will recommend that Parcel 4 be zoned R-3 (Multi-Dwelling Medium Density), and that Parcel 7 be zoned C-3 (Commercial High Intensity).

However for the purpose of the annexation request, it is recommended that the zoning of Parcels 4 and 7 comprising of 18 ± acres be H (Holding). The Holding zoning district affords the property owner the same development rights that he currently has with the property as it resides in the Extra-Territorial Zone (ETZ). The property is currently zoned ER-3 which allows for one-acre minimum lot size for single-family residential development. The Holding zoning district is intended for property that is not predominantly developed and the property owner does not have plans or is not ready to develop the property. Subdividing the property into lots of one acre or larger is allowed. One detached single-family dwelling may be constructed on any lot of record.

The Development Review Committee (DRC) reviewed the annexation request, including the initial zoning component, and made a recommendation of approval to the Planning and Zoning Commission. The Commission heard the annexation request at its August 25, 2009 public meeting. The Commission recommended conditional approval of the initial zoning by a vote of 4-0-0 (two Commissioners absent and one Commissioner seat vacant). The conditions are stipulated as follows (1) all new utilities will be placed underground, and (2) Parcels 2 and 3 comprising of 80.24 ± acres will be limited to school uses only. The conditions are made part of the attached Ordinance.

Chapter 37 (Subdivisions), Article IX, Section 37-270 (Review and consideration of an annexation request) of the Las Cruces Municipal Code requires that separate action be taken on the annexation plat, master plan, and initial zoning request. The City Council may, however, as a means to expedite the discussion process on the development package, suspend the rules and hear the annexation plat (Ordinance), master plan (Resolution), and initial zoning request (Ordinance) concurrently.

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

**SUPPORT INFORMATION:**

1. Ordinance
2. Exhibit "A" – Peachtree Hills Annexation Initial Zoning Plan
3. Exhibit "B" – Findings and Comprehensive Plan Analysis
4. Attachment "A" – Copy of Annexation Petition
5. Attachment "B" – Copy of annexation plat – for reference only
6. Attachment "C" – Copy of master plan – for reference only
7. Attachment "D" – Staff Report to the Planning and Zoning Commission for August 25, 2009
8. Attachment "E" - Draft minutes from the August 25, 2009, Planning and Zoning Commission meeting
9. Attachment "F" – Vicinity Map

**OPTIONS / ALTERNATIVES:**

1. Vote YES to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation and allows the applicant to develop the properties in conformance with the initial zoning application.
2. Vote NO to deny the Ordinance. This action does not uphold the recommendation made by the Planning and Zoning Commission. If this action is taken, staff would advise that, at a minimum, a zoning designation of H (Holding) is placed on the property until such time as the applicant and/or property owner has a chance to submit an alternate zoning request.
3. Modify the Ordinance and vote YES to approve the modified Ordinance. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

**COUNCIL BILL NO.** 10-011  
**ORDINANCE NO.** 2540

**AN ORDINANCE APPROVING AN INITIAL ZONING REQUEST FOR AN ANNEXATION KNOWN AS THE PEACHTREE HILLS ANNEXATION CONTAINING 162.734 ± ACRES INTO THE CORPORATE LIMITS OF THE CITY OF LAS CRUCES GENERALLY LOCATED WITHIN SECTION 10, TOWNSHIP 22 SOUTH, RANGE 2 EAST OF THE U.S.G.L.O. SURVEYS, DONA ANA COUNTY, NEW MEXICO. THE SUBJECT PROPERTY IS GENERALLY LOCATED NORTH OF PEACHTREE HILLS ROAD AND WEST OF JORNADA ROAD. SUBMITTED BY SUMMIT ENGINEERING FOR LAS CRUCES PUBLIC SCHOOLS (Z2798).**

The City Council is informed that:

**WHEREAS**, Las Cruces Public Schools, Johnny J. & Yolanda Baca, Marcelino P. & Reina B. Barragan, Rupert & Norma C. Balderrama, Pedro R. & Socorro C. Guerrero, and Steve Castaneda, the property owners, has submitted a petition of annexation to request initial zoning as described in Exhibit "A," and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on August 25, 2009, recommends that the said initial zoning request be conditionally approved by a vote of 4-0-0 (two Commissioners absent and one Commissioner seat vacant).

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

**(I)**

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby initially zoned as 80.24 ± acres as R-1aC (Single-Family Medium Density-Conditional); 57.808 ± acres as H (Holding); 18 ± acres as R-3 (Multi-Dwelling Medium Density); and 1.591 ± acres as OS-R (Open Space-Recreation).

**(II)**

**THAT** the conditions be stipulated as follows:

- All new utilities be placed underground; and
- Parcels 2 and 3 comprising of 80.24 ± acres will be limited to school uses only.

**(III)**

**THAT** the zoning is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis) attached hereto and made part of this Ordinance.

(IV)

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

(V)

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

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
(SEAL)

VOTE:  
Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Connor: \_\_\_\_\_  
Councillor Archuleta: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Jones: \_\_\_\_\_  
Councillor Thomas: \_\_\_\_\_

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

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

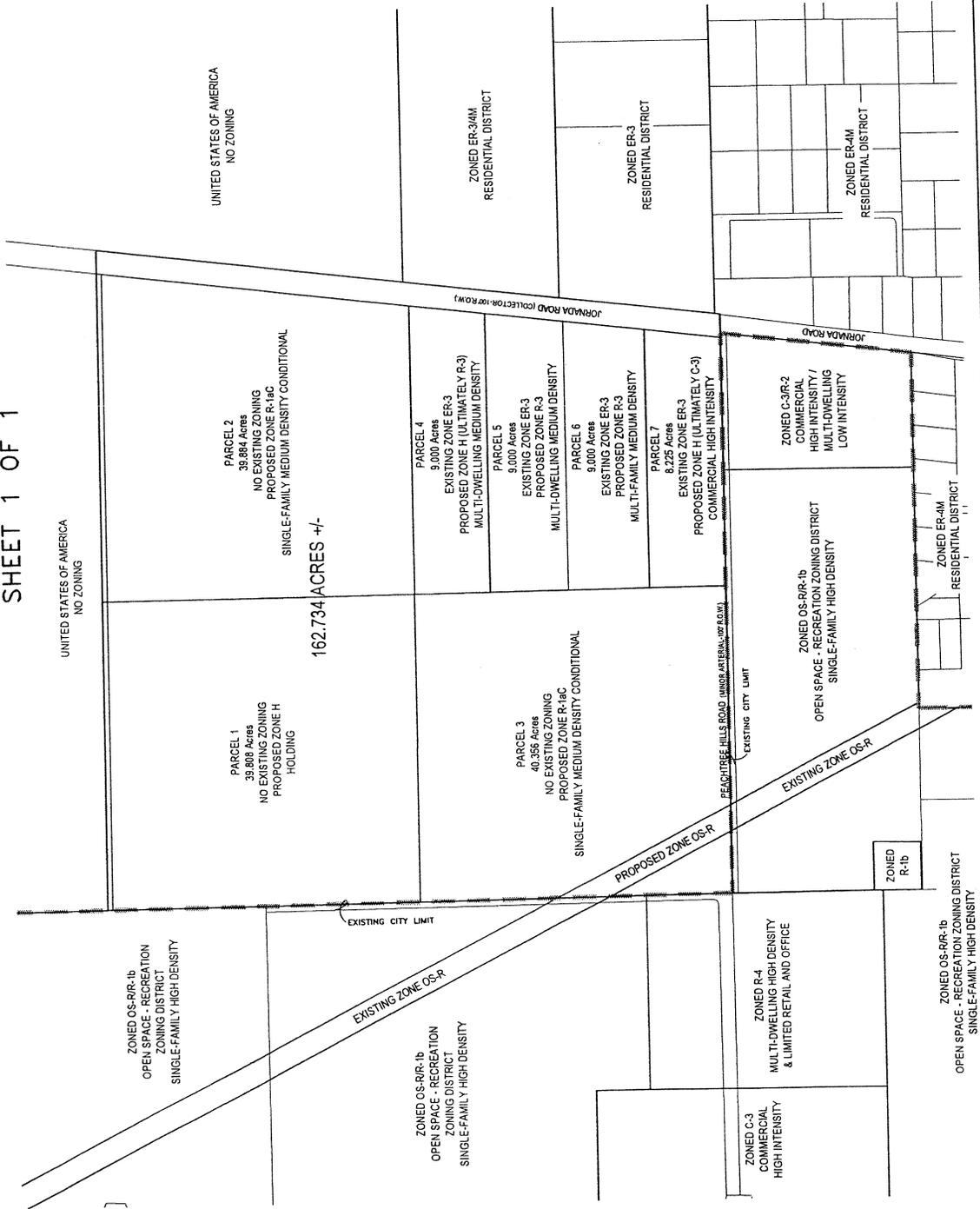
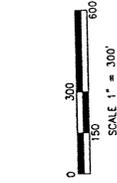
APPROVED AS TO FORM:

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

# PEACHTREE HILLS ANNEXATION

INITIAL ZONING PLAN OF A 162.734 +/- ACRE TRACT OF LAND  
 LOCATED IN SECTION 10, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS  
 NORTH OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO  
 AUGUST 5, 2009  
 SCALE: 1" = 300'

SHEET 1 OF 1



## EXHIBIT "B"

### FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

(Inclusive of the annexation plat, master plan, and initial zoning request)

1. The annexation proposal is in conformance with the City Subdivision Code, City Design Standards, Zoning Code, Transportation Plan, and Stormwater Management Plan.
2. Adjacent zoning and land uses include:

	<u>Zoning</u>	<u>Land Use</u>
North	None	Federal Lands (vacant)
South	OS-R/R-1b C-3/R-2	pen space, Single-family residential vacant, Single-family residential
East	ETZ (ER-3) ETZ (ER-3/4M) None	vacant, Single-family residential vacant Federal Lands (vacant)
West	OS-R/R1-b R-4	vacant vacant

3. Staff has reviewed the proposed master plan and no significant outstanding issues exist.
4. The annexation proposal is consistent with the following goals, objectives, and policies of the Las Cruces Comprehensive Plan:

Land Use Element, Goal 1, Objective 3, Policy 3.4

The City shall encourage urban residential development on the East Mesa.

Land Use Element, Goal 1, Objective 5, Policy 5.3b

High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial.

Land Use Element, Goal 1, Objective 8, Policy 9.7

School sites shall be planned to permit safe, direct access of students and shall be relatively free from heavy auto traffic, excessive noise, and incompatible land uses such as regional commercial uses and standard and heavy industrial/manufacturing uses.

Land Use Element, Goal 1, Objective 8, Policy 9.8d

Schools are encouraged to provide traffic studies for potential school site as part of submittal requirements for new school construction.

Land Use Element, Goal 5, Objective 1, Policy 1.3

The City encourages petitioned annexations in areas identified in urban form policy for future growth.

Community Facilities, Goal 1, Objective 3, Policy 3.2

Encourage joint-use programs involving the creation of playgrounds, parks and the use of auditoriums and classrooms with the school district as a means of conserving money, reducing the demand for open space and parks, and supporting outreach efforts regarding community issues.

Community Facilities, Goal 1, Objective 4, Policy 5.2

School sites should be located central to the area it is planned to serve. Placement of schools (elementary, middle, and high school) should closely follow policy as determined in the Land Use Element of the Comprehensive Plan.

Urban Design Element, Goal 1, Objective 1, Policy 7

Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and/or work in one area of the community.

Housing Element, Goal 1

Provide a variety of housing opportunities that will satisfy the needs of existing and future household's at all economic levels.



APPOINTMENT FOR COMPLIANCE

The United States Department of the Interior, Bureau of Land Management is the owner of a 121.7 +/- acre parcel, located in Dona Ana County and more precisely; within the Southwest 1/4 of Section 10, Township 22, South, Range 2, East, New Mexico Principal Meridian. The parcel is currently under lease to Las Cruces Public Schools for the purposes of building a middle and elementary school. Once the school is fully constructed BLM intends to transfer ownership to LCPS. Since ownership of the afore described parcel will be transferred to LCPS, the BLM will allow Las Cruces Pubic Schools to act as it's agent for the purposes of complying with Chapters 37 and 38 of the City of Las Cruces Municipal Code.

RECORDED U6/01/2009 DAC

Approved By:

Tom L. Sanders 5-28-09  
Bureau of Land Management Date

Accepted By:

[Signature] 10/28/09  
Las Cruces Public Schools Date

ACKNOWLEDGEMENT

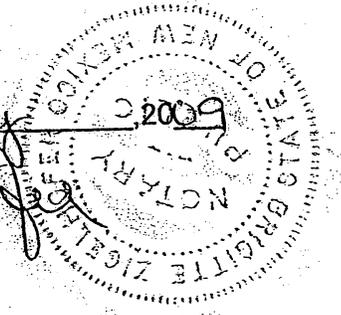
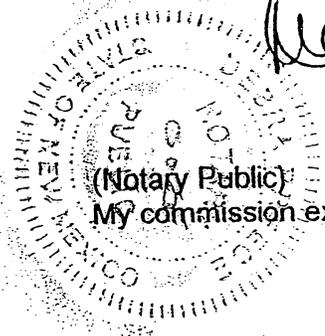
ACKNOWLEDGEMENT

STATE OF NEW MEXICO  
COUNTY OF Dona Ana  
The foregoing instrument was acknowledged before me this

STATE OF NEW MEXICO  
COUNTY OF Dona Ana  
The foregoing instrument was acknowledged before me this

28 day of May, 2009  
by [Signature]

28 day of May, 2009  
by [Signature]



(Notary Public)  
My commission expires: April 10, 2013

(Notary Public)  
My commission expires: April 10, 2013

COUNTY OF DONA ANA )  
STATE OF NEW MEXICO ) ss

APPOINTMENT FOR COMPLI  
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 1ST Day Of June, 2009 at 02:51:23 PM And Was Duly Recorded as Instrument #0914849 Of The Records Of Dona Ana County

Witness My Hand And Seal Of Office

Deputy [Signature] Lynn J. Ellins  
County Clerk, Dona Ana, NM



PETITION FOR ANNEXATION

COMES NOW, the undersigned, who are the owners of a majority of the number of acres in the contiguous territory sought to be annexed, and petition the City of Las Cruces pursuant to NMSA 1978 Section 3-7-17.1 (1998 as amended through 2003) to annex territory contiguous to the existing boundaries of the City of Las Cruces. The contiguous territory sought to be annexed is shown on a map attached hereto as Exhibit "A", which map shows the external boundary of the territory proposed to be annexed and the relationship of the territory proposed to be annexed to the existing boundary of the City of Las Cruces.

EXECUTED on this 16<sup>th</sup> day of June, 2009 by the undersigned owners of a majority of the number of acres in the contiguous sought to be annexed.

[Handwritten Signature]  
Property Owner #1 (signature)

HERB TORRES  
Property Owner #1 (print name)

\_\_\_\_\_  
Property Owner #2 (signature)

\_\_\_\_\_  
Property Owner #2 (print name)

State of New Mexico     )  
  ) ss  
County of Dona Ana     )

SUBSCRIBED and sworn to before me this 16<sup>th</sup> day of June, 2009, by Herb Torres



OFFICIAL SEAL  
ANNETTE M. SAMANIEGO  
NOTARY PUBLIC - STATE OF NEW MEXICO

My commission expires: 5/25/10

Annette M. Samaniego  
Notary Public

My Commission Expires:  
5/25/10

June 23, 2009

Ernesto Uranga  
P.O. Box 2617  
Las Cruces, New Mexico 88004

**RE: Peachtree Hills Annexation  
Las Cruces, New Mexico**

Dear Mr. Uranga:

Please accept this letter as notification of the proposed annexation referenced above. The proposed annexation is better described in the attached annexation plat. County records indicated you are the owners of the property located at 7175 Jornada Road. This property falls within the proposed annexation, and as such, you need to be notified.

Las Cruces Public Schools, (LCPS) is the applicant for annexation, and is incurring all costs for application. Summit Engineering, LLC is preparing the annexation application and all supporting documenting on behalf of LCPS. Summit Engineering will also be representing LCPS at all public hearings, required for the annexation process.

As part of the annexation process, an initial zoning plan has to be prepared. In the proposed plan, the property at Jornada Larga Estates-Lot 1 will be zoned R-3, in accordance with the City of Las Cruces Zoning Code. The R-3 designation allows for minimum lot size of 5,000 square feet, multi-family residential, 20 dwelling units per acre. The property located at 7125 Jornada Road in the Jornada Larga Estates-Lot 4, will be zoned C-3, multi-family residential, 20 dwelling units per acre or commercial high intensity development.

The annexation process requires all property owners within the annexed area to declare concurrence with the annexation or oppose it. Please signify your declaration by checking the appropriate box and signing below. If you have any questions, or need additional information please contact our office.

Respectfully;

**SUMMIT ENGINEERING, LLC**

  
Greg D. Byres, P.E.

- I concur with and do not oppose the proposed Peachtree Hills Annexation, into the City of Las Cruces.
- I oppose the proposed Peachtree Hills Annexation, into the City of Las Cruces.

  
Ernesto Uranga Date 08-10-2009

  
Kristen R. Davis  
Witness

Sworn to and subscribed before me this 10 day of August, 2009.

NOTARY PUBLIC



OFFICIAL SEAL  
KRISTEN R. DAVIS  
NOTARY PUBLIC - STATE OF NEW MEXICO  
My commission expires: 1/23/2010

June 5, 2009

Johnny & Yolanda Baca  
2257 Cimarron Drive  
Las Cruces, New Mexico 88011

RE: **Peachtree Hills Annexation  
Las Cruces, New Mexico**

Dear Mr. & Mrs. Baca:

Please accept this letter as notification of the proposed annexation referenced above. The proposed annexation is better described in the attached annexation plat. County records indicated you are the owners of the property located at 7175 Jornada Road. This property falls within the proposed annexation, and as such, you need to be notified.

Las Cruces Public Schools, (LCPS) is the applicant for annexation, and is incurring all costs for application. Summit Engineering, LLC is preparing the annexation application and all supporting documenting on behalf of LCPS. Summit Engineering will also be representing LCPS at all public hearings, required for the annexation process.

As part of the annexation process, an initial zoning plan has to be prepared. In the proposed plan, the property at 7175 Jornada Road will be zoned R-2, in accordance with the City of Las Cruces Zoning Code. The R-2 designation allows for minimum lot size of 5,000 square feet, multi-family residential, 15 dwelling units per acre.

The annexation process requires all property owners within the annexed area to declare concurrence with the annexation or oppose it. Please signify your declaration by checking the appropriate box and signing below. If you have any questions, or need additional information please contact our office.

Respectfully;

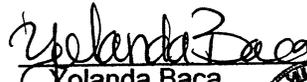
**SUMMIT ENGINEERING, LLC**

  
Greg D. Byres, P.E.

I concur with and do not oppose the proposed Peachtree Hills Annexation, into the City of Las Cruces.

I oppose the proposed Peachtree Hills Annexation, into the City of Las Cruces.

  
Johnny Baca Date 7/1/09

  
Yolanda Baca Date 7/1/09

  
Witness



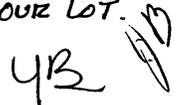
OFFICIAL SEAL  
ANNETTE M. SAMANIEGO  
NOTARY PUBLIC - STATE OF NEW MEXICO

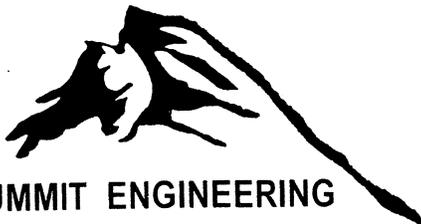
My commission expires: 5/26/10

Sworn to and subscribed before me this 1<sup>st</sup> day of July, 2009.

NOTARY PUBLIC

WE HAVE SIGNED THIS NOTICE WITH THE KNOWLEDGE  
THAT THE ZONING WILL BE R-3 FOR OUR LOT.





**SUMMIT ENGINEERING**

CIVIL ENGINEERING - DESIGN - CONSULTING PO BOX 375 FAIRACRES, NEW MEXICO 88033 (575) 527-5321 FAX (575) 527-1161

June 5, 2009

Rupert and Norma Balderrama  
3888 Stoney Brook Circle  
Las Cruces, New Mexico 88005

RE: **Peachtree Hills Annexation  
Las Cruces, New Mexico**

Dear Mr. & Mrs. Balderrama:

Please accept this letter as notification of the proposed annexation referenced above. The proposed annexation is better described in the attached annexation plat. County records indicated you are the owners of the property located at 7155 Jornada Road. This property falls within the proposed annexation, and as such, you need to be notified.

Las Cruces Public Schools, (LCPS) is the applicant for annexation, and is incurring all costs for application. Summit Engineering, LLC is preparing the annexation application and all supporting documenting on behalf of LCPS. Summit Engineering will also be representing LCPS at all public hearings, required for the annexation process.

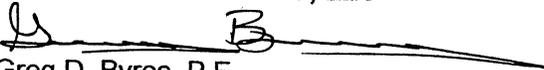
As part of the annexation process, an initial zoning plan has to be prepared. In the proposed plan, the property at 7155 Jornada Road will be zoned R-23 in accordance with the City of Las Cruces Zoning Code. The R-23 designation allows for minimum lot size of 5,000 square feet, multi-family residential, 15 dwelling units per acre.

The annexation process requires all property owners within the annexed area to declare concurrence with the annexation or oppose it. Please signify your declaration by checking the appropriate box and signing below. If you have any questions, or need additional information please contact our office.

Respectfully;

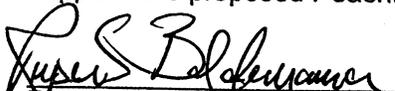
*Please zone as R3 !!*

SUMMIT ENGINEERING, LLC

  
Greg D. Byres, P.E.

I concur with and do not oppose the proposed Peachtree Hills Annexation, into the City of Las Cruces.

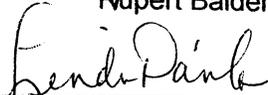
I oppose the proposed Peachtree Hills Annexation, into the City of Las Cruces.

  
Rupert Balderrama

Date 28 Jun 09

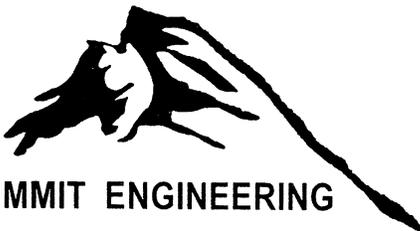
  
Norma Balderrama  
(Land Agent)

Date 28 Jun 09

  
Witness

Sworn to and subscribed before me this 28th day of June, 2009.

NOTARY PUBLIC 



SUMMIT ENGINEERING





PO BOX 375, FRANKFORD, IN 46033 (317) 337-5371

# PEACHTREE HILLS ANNEXATION

ANNEXATION PLAT OF A 162.734 +/- ACRE TRACT OF LAND  
 LOCATED IN SECTION 10, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS  
 NORTH OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO  
 AUGUST 3, 2009  
 SCALE: 1" = 300'



54

PARCEL	PROPERTY OWNER
①	SAMUEL TARRIN BOOK 608, PAGE 1677-1678 5/12/2005 ZONE ER-4M
②	GORDON F. MORSE BOOK 845, PAGE 572 8/4/2005 ZONE ER-4M
③	ERNESTO URANGA REAL ESTATE CONTRACT 7/17/2004 ZONE ER-4M
④	ERNESTO URANGA BOOK 678, PAGE 1398 1/20/2006 ZONE ER-4M
⑤	ANTHONY L. & GAREN S. LULICH BOOK 739, PAGE 1915 8/24/2006 ZONE ER-4M
⑥	KEVIN J. & CHARITY D. FITZHENRY BOOK 534, PAGE 1981 7/12/2004 ZONE ER-4M

LEGEND

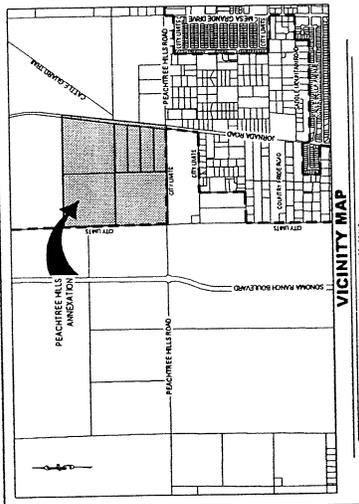
- MONUMENT AS DESCRIBED
- SET 1/2" ROD WITH PLASTIC CAP NO. 18819
- SR972111" W MEASURED BEARING (589'23.20" W) RECORD BEARING
- EXISTING CITY LIMITS
- ANNEXATION BOUNDARY
- EASEMENT



**PEACHTREE HILLS MASTER PLAN**

MASTER PLAN OF A 162.734 +/- ACRE TRACT OF LAND  
 LOCATED IN SECTION 10, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS  
 NORTH OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO  
 AUGUST 5, 2009  
 SCALE: 1" = 300'

SHEET 1 OF 1



**LEGAL DESCRIPTION**

A TRACT OF LAND situated within DOÑA ANA COUNTY, NEW MEXICO, and bounded as follows: ... (Detailed legal description text) ...

**PREPARED BY**

SUMMIT ENGINEERING, LLC  
 10000 N. MESA LANE, SUITE 200  
 LAS CRUCES, NM 88003

**PREPARED FOR**

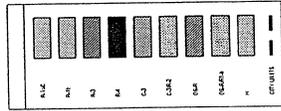
LAS CRUCES PUBLIC SCHOOL DISTRICT  
 1000 N. MESA LANE, SUITE 200  
 LAS CRUCES, NM 88003

**SURVEYED BY**

SUMMIT ENGINEERING, LLC  
 P.O. BOX 378  
 LAS CRUCES, NM 88003

**ANTICIPATED POPULATION**

NEW ELEMENTARY SCHOOL: 800 STUDENTS  
 NEW MIDDLE SCHOOL: 900 STUDENTS  
 P-3 ZONING: 1514



**DRAINAGE**

SEE REFERS TO CONCEPTUAL DRAINAGE PLAN.

**PARKS & RECREATIONAL FACILITIES**

PARCELS 4 THRU 7 ARE SUBJECT TO PARK FEES OR OTHER RECREATIONAL FACILITIES. REQUIREMENTS OF THE CITY OF LAS CRUCES FACILITIES DEPARTMENT HAVE BEEN DESIGNED AND ARE INTENDED FOR SHARED USE OF FACILITIES.

**PROPOSED UTILITIES**

PROJECT UTILITIES SHOWN IN CONJUNCTION WITH CONCEPTUAL PROJECT SEWER SERVICE: CITY OF LAS CRUCES

**TRAFFIC CALCULATIONS**

ELEMENTARY SCHOOL: 800 STUDENTS  
 RESIDENTIAL ADT = 5,188 (RMA)  
 COMMERCIAL ADT = 3,005 (C-1)

THIS PLAN HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR OF LAS CRUCES, NEW MEXICO. THE CITY ENGINEER HAS REVIEWED THE PLAN AND THE CITY ENGINEER HAS DETERMINED THAT THE PLAN COMPLIES WITH THE SATISFACTION OF THE CITY ENGINEER. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

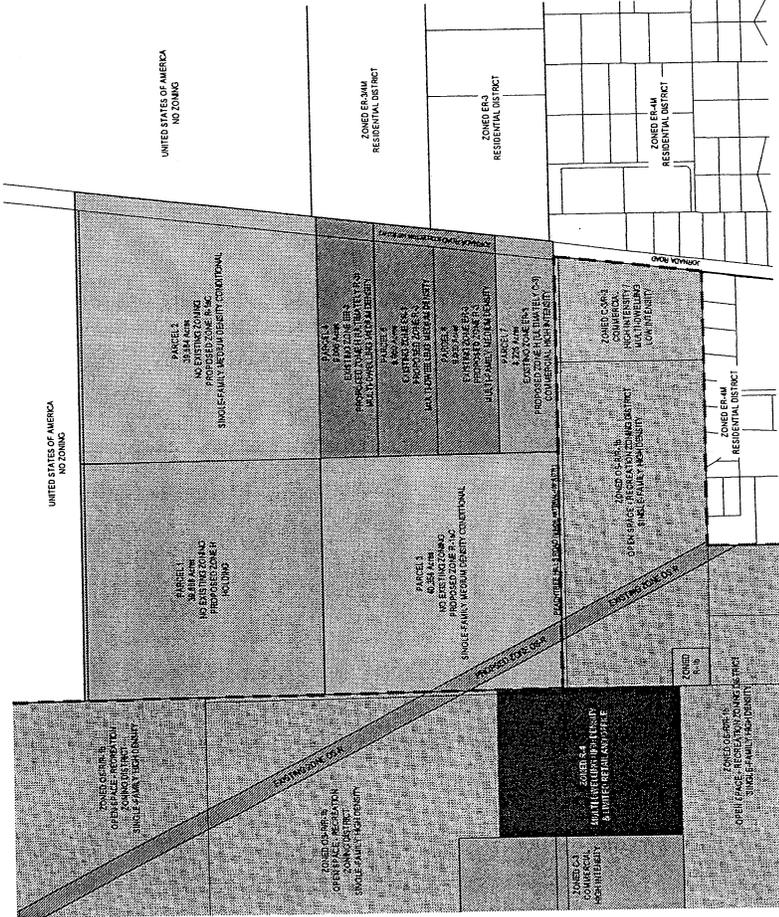
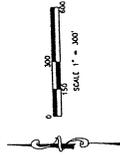
SUBDIVISION ADMINISTRATOR DATE

PARCEL	LAND USE	ACRES	GROSS DENSITY (DU/AC)	PUBLIC R.O.W. (Ac)	OPEN SPACE (Ac)	PRIVATE FACILITIES (Ac)	PUBLIC FACILITIES (Ac)	
1	HOLDING	39.888	N/A	N/A	N/A	N/A	N/A	
2	SCHOOL	39.884	N/A - SCHOOL	N/A	N/A	N/A	39.884	
3	SCHOOL	40.358	N/A - SCHOOL	N/A	N/A	N/A	40.358	
4	RES/MULTI-FAMILY	9.000	20	0	0	9.000	N/A	
5	RES/MULTI-FAMILY	9.000	20	0	0	9.000	N/A	
6	RES/MULTI-FAMILY	9.000	20	0	0	9.000	N/A	
7	COMMERCIAL	9.225	N/A	0	0	9.225	N/A	
<b>TOTAL</b>							<b>80,240</b>	

**ANTICIPATED TRAFFIC GENERATION BASED ON L.T.E.**

(L.T.E. CODE 210)	DU	TRIPS/DU	TRIPS	STUDENTS	TRIPS/STUDENT	TRIPS
RESIDENTIAL (SINGLE-FAMILY UNIMULTIFAMILY) (R-1)	846	9.57	5188	800	6.48	518
(L.T.E. CODE 820)	N/A	43.84	3005	900	1.34	1209
COMMERCIAL (C-1)	N/A	43.84	3005	900	1.34	1209

ZONING FOR PARCELS 4 AND 7 WILL ULTIMATELY BE R-3 AND C-1, RESPECTIVELY.




**City of Las Cruces**®

TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Gary Hembree, Senior Planner 

DATE: August 25, 2009

SUBJECT: Peachtree Hills Annexation

RECOMMENDATION: Annexation Plat – Approval with no conditions  
 Master Plan – Approval with no conditions  
 Initial Zoning Request – Approval with one condition

*Note: The City of Las Cruces Subdivision Code requires that the Planning and Zoning Commission hear the annexation request and its components as one case, but have separate action taken on the annexation plat, master plan, and initial zoning request.*

**Case S-09-035:** A request for an Annexation Plat approval of 167.734 +/- acres of land into the Corporate Limits of the City of Las Cruces, otherwise known as the Peachtree Hills Annexation, generally located within Section 10, Township 22 South, Range 2 East, of the U.S.G.L.O Surveys, north of Las Cruces, Dona Ana County, New Mexico. The subject property is located north of Peachtree Hills Road (Minor Arterial) and west of Jornada Road (Collector). The property is currently within the Extra-Territorial Zone of Dona Ana County. Submitted by Summit Engineering for Las Cruces Public Schools.

**Case S-09-036:** A request for Master Plan approval (as part of an annexation request) for Peachtree Hills containing 167.734 ± acres generally located within Section 10, Township 22 South, Range 2 East, of the U.S.G.L.O Surveys, north of Las Cruces, Dona Ana County, New Mexico. The subject property is located north of Peachtree Hills Road (Minor Arterial) and west of Jornada Road (Collector). The master planned area proposes an institutional land use for a public school (K-12), single family residential land uses and multifamily residential land uses. The subject property includes land that is not developed and is controlled by the federal government. The subject property also includes land for the future public elementary and middle school. The property is currently within the Extra-Territorial Zone of Doña Ana County and is zoned ER-3 (Residential, one-acre minimum, site-built homes) and lands controlled by the federal government (Bureau of Land Management) that are currently unzoned. Submitted by Summit Engineering for Las Cruces Public Schools.

**Case Z2798:** A request for Initial Zoning, as part of an annexation request, for Peachtree Hills, containing 167.732 ± acres generally located within Section 10, Township 22 South, Range 2 East, of the U.S.G.L.O Surveys, north of Las Cruces, Dona Ana County, New Mexico. The subject property is located north of Peachtree Hills Road (Minor Arterial) and west of Jornada Road (Collector). The initial zoning request includes:

- 80.24 ± acres (**Parcels 2 and 3**) of R-1aC (Single Family Medium Density Conditional);
- 57.808 ± acres (**Parcels 1, 4, and 7**) of H (Holding Zone District);
- 18 ± acres (**Parcels 5 and 6**) of R-3 (Multi-Dwelling Medium Density);

The property is currently within the Extra-territorial Zone of Doña Ana County. Parcels 1, 2, and 3 are federal lands controlled by the Bureau of Land Management and have no current zoning. Parcels 4, 5, 6, and 7 are in private ownership and are zoned ER3 (Residential, 1-acre minimum, site-built homes). Submitted by Summit Engineering for Las Cruces Public Schools.

## **BACKGROUND**

The proposal is for the subject property to be annexed within the corporate City limits. Annexations can be used to maintain a unified urban area, as well as to promote orderly growth utilizing City services. An annexation plat conforming to the Subdivision Code is required for all annexation requests. A master plan identifying the purpose for which the property is intended and an initial zoning application are also elements associated with an annexation.

The subject property is currently located within the unincorporated Extra-Territorial Zone (ETZ). The area proposed for annexation is located within Section 10, Township 22 South, Range 2 East, of the U.S.G.L.O Surveys, north of Las Cruces, Dona Ana County, New Mexico, and is situated north of Peachtree Hills Road (Minor Arterial) and west of Jornada Road (Collector), and is comprised of 167.734 ± acres. The subject properties are directly north of land that was recently annexed within the corporate City limits, known as Sierra Norte.

The annexation proposal is being brought forward by Las Cruces Public Schools. The annexation will facilitate the construction of a new elementary school and a new middle school. The elementary school will accommodate approximately 600 students; the middle school will accommodate approximately 900 students. The elementary school will front upon Peachtree Hills Road; the middle school is located to the northeast of the elementary school and fronts upon Jornada Road.

The proposed annexation includes both petitioned and non-petitioned property owners. In total there are three property owners located within the 167.734 ± acre annexation boundary. Of the three property owners, two property owners support the

petition to annexation; the remaining property owner is not opposed but is not participating via signed petition.

The Peachtree Hills Master Plan proposes a range of land uses. The primary land use proposes single-family medium density conditioned exclusively for public school uses, medium density multi-family, open space-recreational, and, holding (to be zoned at a later date). More specifically, in total, 80.24 ± acres will be used by public school uses and will be zoned R-1aC (conditional, allowing public school uses exclusively), 39.808 ± acres will be placed in H (Holding Zoning District) for future expansion of the school facilities, 18 ± acres of privately held land will be designated as Holding Zoning District, and 18± acres will be used for medium density multi-family and will be zoned R-3 (Multi-Dwelling Medium Density).

The proposed annexation includes the entire right-of-way for two Metropolitan Planning Organization (MPO) designated thoroughfares: Peachtree Hills Road (Minor Arterial), and Jornada Road (Collector). The applicant will be required to complete the pro-rata share of improvements for all annexed property having frontage on these two roadways, up to and including improvements (pro-rata share) for Jornada Road from Peachtree Hills Road to the northern boundary of the annexed area.

All utilities will be extended by the applicant to the annexed area through the rights-of-way for Peachtree Hills Road and Jornada Road. The City will provide sewer service; natural gas service will be provided by Rio Grande Natural Gas Association; water service will be provided by Moongate Water Company.

All required roadway and utility improvements will be made by the applicant in concert with the construction of the new school facilities. The City of Las Cruces will enter into a Memorandum of Agreement with Las Cruces Public Schools whereby the City will provide construction management services for utility and roadway facilities. The City will compile the construction drawings and specifications into a comprehensive bid package, administer bid procedures, and manage construction and inspection of subject roadways and utility facilities.

The City's Facilities Department and Las Cruces Public Schools have entered into discussions regarding the potential joint-use of play grounds, sports fields and other passive and active recreational facilities at the new school sites, so as to maximize cost-effective recreational opportunities for the community.

Generally, the City of Las Cruces Comprehensive Plan encourages potential annexations to achieve mixed use, sustainable, and reasonable distribution of land uses. In this instance, the majority of land to be annexed is for the construction of public schools; though largely a single purpose annexation to provide a public school facility for the growing East Mesa area, the annexation request, as reflected in the master plan and initial zoning request, does include multi-family high density to expand housing options in the area. Providing education facilities in growing areas of

the community, and the provision of additional housing options are important tenants of the Comprehensive Plan as included in the findings below.

**FINDINGS**

(Inclusive of the annexation plat, master plan, and initial zoning request)

1. The annexation proposal is in conformance with the City Subdivision Code, City Design Standards, Zoning Code, Transportation Plan, and Stormwater Management Plan.

2. Adjacent zoning and land uses include:

	<u>Zoning</u>	<u>Land Use</u>
North	None	Federal Lands (vacant)
South	OS-R/R-1b	pen space, Single-family residential
	C-3/R-2	vacant, Single-family residential
East	ETZ (ER-3)	vacant, Single-family residential
	ETZ (ER-3/4M)	vacant
West	None	Federal Lands (vacant)
	OS-R/R1-b	vacant
	R-4	vacant

3. Staff has reviewed the proposed master plan and no significant outstanding issues exist.

4. The annexation proposal is consistent with the following goals, objectives, and policies of the Las Cruces Comprehensive Plan:

Land Use Element, Goal 1, Objective 3, Policy 3.4

The City shall encourage urban residential development on the East Mesa.

Land Use Element, Goal 1, Objective 5, Policy 5.3b

High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial.

Land Use Element, Goal 1, Objective 8, Policy 9.7

School sites shall be planned to permit safe, direct access of students and shall be relatively free from heavy auto traffic, excessive noise, and incompatible land uses such as regional commercial uses and standard and heavy industrial/manufacturing uses.

Land Use Element, Goal 1, Objective 8, Policy 9.8d

Schools are encouraged to provide traffic studies for potential school site as part of submittal requirements for new school construction.

Land Use Element, Goal 5, Objective 1, Policy 1.3

The City encourages petitioned annexations in areas identified in urban form policy for future growth.

Community Facilities, Goal 1, Objective 3, Policy 3.2

Encourage joint-use programs involving the creation of playgrounds, parks and the use of auditoriums and classrooms with the school district as a means of conserving money, reducing the demand for open space and parks, and supporting outreach efforts regarding community issues.

Community Facilities, Goal 1, Objective 4, Policy 5.2

School sites should be located central to the area it is planned to serve. Placement of schools (elementary, middle, and high school) should closely follow policy as determined in the Land Use Element of the Comprehensive Plan.

Urban Design Element, Goal 1, Objective 1, Policy 7

Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and/or work in one area of the community.

Housing Element, Goal 1

Provide a variety of housing opportunities that will satisfy the needs of existing and future household's at all economic levels.

## **RECOMMENDATION**

The Development Review Committee (DRC) has reviewed the proposed annexation, including the annexation plat, master plan, and initial zoning request. Based on the review of this project, the DRC supports the annexation proposal including the annexation plat, master plan, and initial zoning request, and recommends approval for the Peachtree Hills Annexation.

As with other zoning cases, the Planning and Zoning Commission renders recommendations to the City Council, who have final authority. Furthermore, the City Council will have final authority on the annexation plat and master plan based on the

Planning and Zoning Commission's recommendation on these cases. Action on the proposed annexation plat, master plan, and initial zoning request will be in the form of a recommendation to the City Council that the proposal be approved, conditionally approved, or denied.

- Annexation Plat (S-09-035) – approval with no conditions
- Master Plan (S-09-036) – approval with no conditions
- Initial Zoning Request (Z2798) – approval with one standard City Council condition
  - Any new utilities to be placed underground.

### **OPTIONS**

1. Approve the annexation plat and master plan, as recommended by the DRC, without conditions; and, approve the initial zoning request with the one (1) standard City Council condition.
2. Approve the annexation plat and master plan with conditions; and, approve the initial zoning request with additional conditions.
3. Deny the annexation plat, master plan, and initial zoning request.

### **ATTACHMENTS**

1. Development Statement
2. Copy of the annexation plat (with vicinity map)
3. Copy of the master plan
4. Copy of the initial zoning request

## DEVELOPMENT STATEMENT for City Subdivision Applications

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

### Applicant Information

Name of Applicant: Summit Engineering  
 Contact Person: Cres Byres  
 Contact Phone Number: 515-527-5321  
 Contact e-mail Address: Summitenginer@aol.com  
 Web site address (if applicable): N/A

### Proposal Information

Name of Proposal: PENICHTREE <sup>Hills</sup> ANNEXATION  
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)  
ANNEXATION PLAT, MASTER PLAN, INITIAL ZONING  
 Location of Subject Property SW 1/4 SEC 10, T22S, R2E  
 (In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)  
 Acreage of Subject Property: 162.734  
 Zoning of Subject Property: R-2, R-3, C-3  
 Proposed number of lots <sup>TO BE</sup> DETERMINED, to be developed in <sup>TO BE</sup> DETERMINED phase (s).  
 Proposed square footage range of homes to be built <sup>TO BE</sup> DETERMINED to \_\_\_\_\_  
 Anticipated traffic generation TB BE DETERMINED trips per day.  
 Anticipated development schedule: work will commence on or about <sup>TO BE DETERMINED</sup> \_\_\_\_\_  
 and will take \_\_\_\_\_ to complete.  
 How will stormwater be retained on site (detention facility, on-lot ponding, etc.)?  
ON-LOT PONDING

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional).           N/A          

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**Attachments**

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

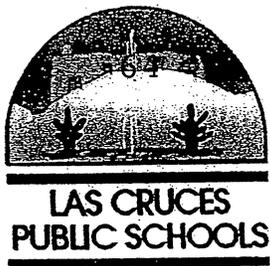
Location map

Subdivision Plat

Proposed house elevations

\*renderings of architectural or site design features

\*other pertinent information



**APPOINTMENT FOR COMPLIANCE**

The United States Department of the Interior, Bureau of Land Management is the owner of a 121.7 +/- acre parcel, located in Dona Ana County and more precisely; within the Southwest ¼ of Section 10, Township 22, South, Range 2, East, New Mexico Principal Meridian. The parcel is currently under lease to Las Cruces Public Schools for the purposes of building a middle and elementary school. Once the school is fully constructed BLM intends to transfer ownership to LCPS. Since ownership of the afore described parcel will be transferred to LCPS, the BLM will allow Las Cruces Pubic Schools to act as it's agent for the purposes of complying with Chapters 37 and 38 of the City of Las Cruces Municipal Code.

Recorded UB/01/2009 DAC

Approved By:

Tom L. Sanders 5-28-09  
Bureau of Land Management Date

Accepted By:

[Signature] 5/28/09  
Las Cruces Public Schools Date

**ACKNOWLEDGEMENT**

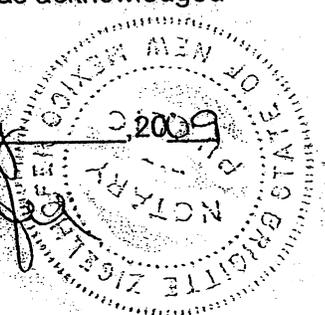
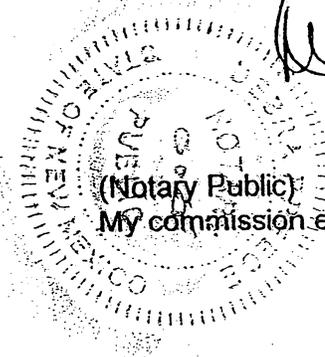
**ACKNOWLEDGEMENT**

STATE OF NEW MEXICO  
COUNTY OF Dona Ana  
The foregoing instrument was acknowledged before me this

STATE OF NEW MEXICO  
COUNTY OF Dona Ana  
The foregoing instrument was acknowledged before me this

28 day of May, 2009  
by [Signature]

28 day of May, 2009  
by [Signature]



(Notary Public)

(Notary Public)

My commission expires: April 10, 2013

My commission expires: April 10, 2013

COUNTY OF DONA ANA )  
STATE OF NEW MEXICO ) ss

APPOINTMENT FOR COMPLI  
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 1ST Day Of June, 2009 at 02:51:23 PM And Was Duly Recorded as Instrument #0914849 Of The Records Of Dona Ana County

Witness My Hand And Seal Of Office  
Lynn J. Ellins

Deputy [Signature] County Clerk, Dona Ana, NM



# PEACHTREE HILLS ANNEXATION

## ANNEXATION PLAT OF A 162.734 +/- ACRE TRACT OF LAND LOCATED IN SECTION 10, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS NORTH OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO JUNE 15, 2009

**DESCRIPTION**

A TRACT OF LAND SITUATE WITHIN DOÑA ANA COUNTY, NEW MEXICO IN SECTION 10, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A U.S.G.L.O. BRASS CAP FOUND FOR THE SOUTHWEST CORNER OF SECTION 10, T.22S., R.2E., OF THE U.S.G.L.O. SURVEYS;

THENCE FROM THE POINT OF BEGINNING, CONTINUING NORTHERLY ALONG THE WEST LINE OF SECTION 10, NORTH 00 DEGREES, 49 MINUTES, 34 SECONDS, WEST, A DISTANCE OF 2,669.45 FEET, TO THE ¼ CORNER, MARKED BY A BRASS CAP;

THENCE EASTERLY ALONG THE ¼ SECTION LINE, NORTH, 88 DEGREES, 59 MINUTES, 58 SECONDS, EAST, A DISTANCE OF 2,857.81 FEET, TO A 1/2" IRON ROD SET WITH CAP NO. 18619 ON THE EAST FRONT OF WAY OF JORNADA ROAD;

THENCE SOUTHERLY ALONG THE EAST FRONT OF WAY LINE OF JORNADA ROAD, SOUTH 08 DEGREES, 39 MINUTES, 39 SECONDS, WEST, A DISTANCE OF 2,660.40 FEET, TO A POINT ON THE SOUTH LINE OF SECTION 10;

THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 10, NORTH, 89 DEGREES, 55 MINUTES, 35 SECONDS, WEST, A DISTANCE OF 2,489.38 FEET TO THE POINT OF BEGINNING, CONTAINING 162.734 ACRES OF LAND, MORE OR LESS.

**REQUEST**

THE UNDERSIGNED OWNERS CERTIFY THAT THEY ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON AND REQUEST THAT THEY REQUEST THAT THIS LAND BE ANNEXED INTO THE CITY OF LAS CRUCES.

I, THE UNDERSIGNED OWNER DO HEREBY SET MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

TESTED AND TESTAMENTARY:  
LAS CRUCES PUBLIC SCHOOL DISTRICT  
503 S. MAIN STREET, SUITE 249  
LAS CRUCES, NM 88001

STATE OF NEW MEXICO |  
DOÑA ANA COUNTY |

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

BY \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_  
ROTARY PUBLIC \_\_\_\_\_ SEAL

**COUNTY CLERK RECEPTION**

PLAT NO. \_\_\_\_\_ RECEPTION NO. \_\_\_\_\_  
STATE OF NEW MEXICO |  
DOÑA ANA COUNTY |  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2009, AT \_\_\_\_ O'CLOCK  
AND DULY RECORDED IN PLAT BOOK NO. \_\_\_\_\_ PAGE(S) \_\_\_\_\_ AND  
FILED IN THE RECORDS OF COUNTY CLERK, DOÑA ANA COUNTY, NEW MEXICO.  
COUNTY CLERK \_\_\_\_\_ SEAL  
DEPUTY CLERK \_\_\_\_\_ SEAL

**CITY APPROVAL BLOCK**

THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES, AND ALL THE NECESSARY RECORDS FOR APPROVAL IN THE ABOVE PLAT HAVE BEEN COMPLETED TO THE SATISFACTION OF THE CITY OF LAS CRUCES, SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR APPROVAL OF THIS PLAT.

DIRECTOR OF COMMUNITY DEVELOPMENT \_\_\_\_\_ DATE \_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS \_\_\_\_\_ DATE \_\_\_\_\_  
DIRECTOR OF UTILITIES \_\_\_\_\_ DATE \_\_\_\_\_

**CITY PLANNING AND ZONING COMMISSION APPROVAL**

THIS PLAT HAS BEEN SUBMITTED TO AND CHECKED BY THE CITY PLANNING AND ZONING COMMISSION. IT CONFORMS WITH THE CITY PLANNING AND ZONING COMMISSION'S POLICIES AND STANDARDS WITH GENERAL CITY PLANNING APPROVED FOR FILING AND RECORDING WITH THE COUNTY CLERK.

CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_  
SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

**ACCEPTANCE OF ANNEXATION**

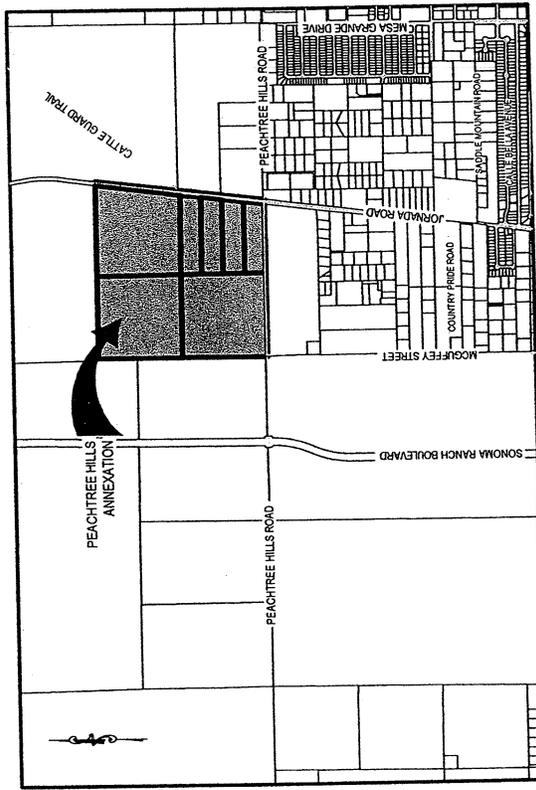
THIS 162.734 ACRE TRACT HAS BEEN INCORPORATED INTO THE CITY OF LAS CRUCES CITY LIMITS AND IS APPROVED FOR FILING IN THE OFFICE OF THE COUNTY CLERK, DOÑA ANA COUNTY, NEW MEXICO.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
ATTEST CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**FILING OF ANNEXATION**

ANNEXATION ORDINANCE NO. \_\_\_\_\_ FILED FOR RECORD ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009 IN CLERK'S BOOK \_\_\_\_\_ PAGE(S) \_\_\_\_\_ IN THE OFFICE OF THE COUNTY CLERK, DOÑA ANA COUNTY, NEW MEXICO.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
ATTEST CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_



**VICINITY MAP**

NOT TO SCALE

SURVEYOR'S CERTIFICATION  
I, MICHAEL T. SANDERS, A NEW MEXICO PROFESSIONAL SURVEYOR, CERTIFY THAT I CONDUCTED AND CORRECTED THIS SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

MICHAEL T. SANDERS, \_\_\_\_\_ DATE \_\_\_\_\_  
PLS 10019



ONE, DORADO - DENVER - COLORADO (303) 751-5200  
PO BOX 375 FARMINGTON, NM 87401 (505) 561-5200

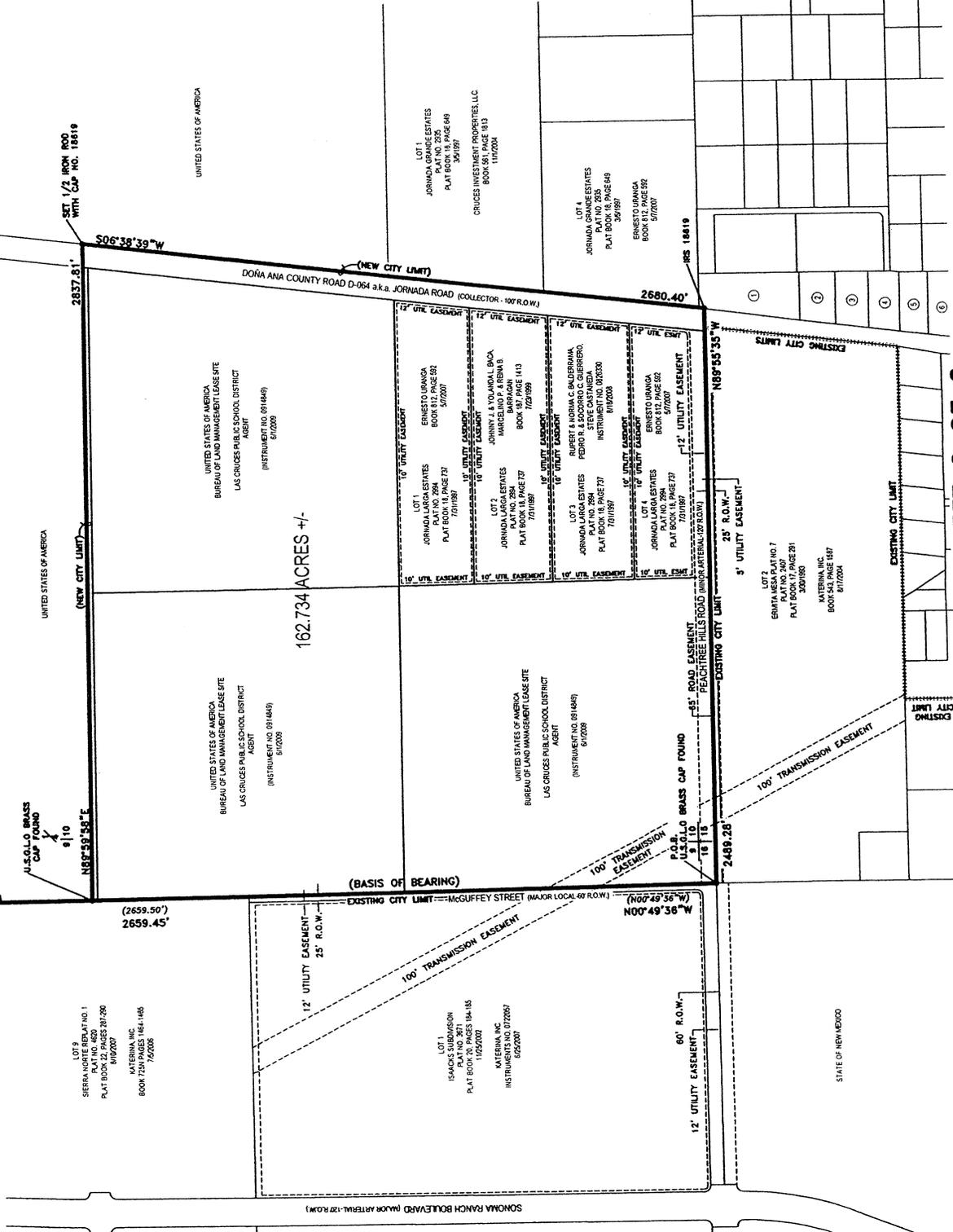
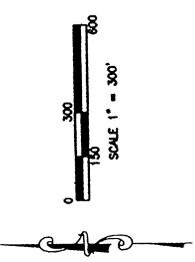
# PEACHTREE HILLS ANNEXATION

ANNEXATION PLAT OF A 162.734 +/- ACRE TRACT OF LAND  
 LOCATED IN SECTION 10, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS  
 NORTH OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO  
 JUNE 15, 2009  
 SCALE: 1" = 300'

U.S.G.L.O. BRASS CAP FOUND  
 300°48'25"E 2854.95'  
 3  
 4  
 9  
 10

U.S.G.L.O. BRASS CAP FOUND  
 91°10'  
 N88°59'58"E

SET 1/2 IRON ROD WITH CAP NO. 18619  
 506°38'39"W



PARCEL	PROPERTY OWNER
①	SAMUEL TARIN BOOK 004, PAGES 1877-1878 PLAT NO. 2671 ZONE ER-4M
②	GORDON F. HORSE BOOK 643, PAGE 572 PLAT NO. 2671 ZONE ER-4M
③	ERNESTO URANGA REAL ESTATE CONTRACT 5/7/2008 ZONE ER-4M
④	ERNESTO URANGA BOOK 078, PAGE 1388 1/20/2008 ZONE ER-4M
⑤	ANTHONY L. S. GAREN, S. LULUCH BOOK 739, PAGE 1918 8/24/2008 ZONE ER-4M
⑥	KEVIN J. CARSWELL, S. FITZGERRY BOOK 088, PAGE 1081 7/12/2004 ZONE ER-4M

LEGEND	MONUMENT AS DESCRIBED
•	SET 1/2" ROD WITH PLASTIC CAP NO. 18619
○	SS8°21'11"W MEASURED BEARING (S89°23'20"W) RECORD BEARING
=====	EXISTING CITY LIMITS
-----	ANNEXATION BOUNDARY
----	EASEMENT





MEETING OF PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
August 25, 2009 at 6:00 p.m.

**BOARD MEMBERS PRESENT:**

- Charles Scholz, Chairman
- Shawn Evans, Member
- Charles Beard, Member
- Ray Shipley, Member

**BOARD MEMBERS ABSENT:**

- Godfrey Crane, Vice Chair
- Donald Bustos, Secretary

**STAFF PRESENT:**

- Cheryl Rodriguez, Development Services Administrator
- Gary Hembree, Senior Planner
- Adam Ochoa, Associate Planner
- Helen Revels, Associate Planner
- Jennifer Roberston, Planner
- Robert Gonzales, Las Cruces Fire
- Jared Abrams, CLC Legal Staff
- Becky Eich, Recording Secretary

**I. CALL TO ORDER 6:00**

Scholz: Good evening, and welcome to the Planning and Zoning Commission meeting for August 25, 2009. I'm Charlie Scholz, I'm the Chair. I want to introduce the other members of the Commission who are here with us today. On my far right, Ray Shipley, Commissioner, he is the Mayor's appointee. Next to him is Commissioner Shawn Evans. He represents council district 5. Sitting next to me is Commissioner Charles Beard, who represents council district 2. And I represent council district 6.

Before we begin our regular meeting, we have a special tribute that we'd like to do. I'd like to take a minute to honor a colleague of ours, Clayton Iserman. Mr. Iserman passed away last month. He was a Commissioner representing council district 1. From the time he joined the Commission in 2008, Clayton participated by asking good questions and giving thoughtful comments on the cases he reviewed. I especially appreciated his knowledge and interest in his neighborhood. It was a perspective that was very helpful in our deliberations. And he was a really nice guy. A memorial service for Clayton Iserman will be held Sunday, August 30th, that's this coming Sunday, at 11:00 a.m. at the La Paz Graham Funeral Home, 555 W. Amador. Clayton you will be missed.

1 Beard: No findings and discussions.

2  
3 Scholz: And the Chair votes no findings and discussions. So the waiver request is  
4 denied.

5  
6 9. **Case S-09-035:** A request for an Annexation Plat approval of 167.734 +/-  
7 acres of land into the Corporate Limits of the City of Las Cruces, otherwise  
8 known as the Peachtree Hills Annexation, generally located within Section 10,  
9 Township 22 South, Range 2 East, of the U.S.G.L.O Surveys, north of Las  
10 Cruces, Dona Ana County, New Mexico. The subject property is located  
11 north of Peachtree Hills Road (Minor Arterial) and west of Jornada Road  
12 (Collector). The property is currently within the Extra-Territorial Zone of Dona  
13 Ana County. Submitted by Summit Engineering for Las Cruces Public  
14 Schools.

15  
16 10. **Case S-09-036:** A request for Master Plan approval (as part of an annexation  
17 request) for Peachtree Hills containing 167.734 +/- acres generally located  
18 within Section 10, Township 22 South, Range 2 East, of the U.S.G.L.O  
19 Surveys, north of Las Cruces, Dona Ana County, New Mexico. The subject  
20 property is located north of Peachtree Hills Road (Minor Arterial) and west of  
21 Jornada Road (Collector). The master planned area proposes an institutional  
22 land use for a public school (K-12), single family residential land uses and  
23 multifamily residential land uses. The subject property includes land that is  
24 not developed and is controlled by the federal government. The Subject  
25 property also includes land for the future public elementary and middle  
26 school. The property is currently within the Extra-Territorial Zone of Doña  
27 Ana County and is zoned ER-3 (Residential, one-acre minimum, site-built  
28 homes) and lands controlled by the federal government (Bureau of Land  
29 Management) that are currently unzoned. Submitted by Summit Engineering  
30 for Las Cruces Public Schools.

31  
32 11. **Case Z2798:** A request for Initial Zoning, as part of an annexation request,  
33 for Peachtree Hills, containing 167.732 +/- acres generally located within  
34 Section 10, Township 22 South, Range 2 East, of the U.S.G.L.O Surveys,  
35 north of Las Cruces, Dona Ana County, New Mexico. The subject property is  
36 located north of Peachtree Hills Road (Minor Arterial) and west of Jornada  
37 Road (Collector). The initial zoning request includes:

- 38 • 80.24 +/- acres (**Parcels 2 and 3**) of R-1aC (Single Family Medium  
39 Density Conditional);
- 40 • 57.808 +/- acres (**Parcels 1, 4, and 7**) of H (Holding Zone District);
- 41 • 18 +/- acres (**Parcels 5 and 6**) of R-3 (Multi-Dwelling Medium Density);

42  
43 The property is currently within the Extra-territorial Zone of Doña Ana County.  
44 Parcels 1, 2, and 3 are federal lands controlled by the Bureau of Land  
45 Management and have no current zoning. Parcels 4, 5, 6, and 7 are in  
46 private ownership and are zoned ER3 (Residential, 1-acre minimum, site-built  
47

homes). Submitted by Summit Engineering for Las Cruces Public Schools.

Scholz: Mr. Hembree.

Hembree: Yes, good evening Commissioners. This is Peachtree Hills annexation, Case S-09-035 for the annexation plat. Case S-09-036 for the master plan, and then the initial zoning. In this case I would like for you once again if you would consider to suspend the rules so we can discuss all of these together.

Scholz: Certainly.

Shipley: I move to suspend the rules for Case S-09-035, and Case S-09-036 ...

Scholz: And Case Z2798.

Shipley: And Case Z2798.

Scholz: Is there a second?

Beard: I second.

Scholz: It's been moved and seconded. All those in favor say aye.

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. All right. We are suspending the rules so we can discuss these three all at once.

Hembree: Thank you Commission. I'll be giving the staff presentation this evening to introduce the Las Cruces Public School team here to talk more about their detailed proposal for their construction of a middle school and an elementary school on the East Mesa, as well as improvements to support that utilities, roadways, and I believe that their engineer is here to discuss briefly the traffic impact analysis that was done for this.

Again, as I stated this is a request for annexation which includes an annexation plat, a master plan, and initial zoning request; the 167.734 +/- acres of land into the corporate City limits of the City of Las Cruces and it is submitted by Summit Engineering on behalf of Las Cruces Public Schools. This is the vicinity map. Again, Peachtree Hills here marks the southern boundary of the annexation area, Jornada north marks the eastern boundary, extension of McGuffy essentially the western boundary, and I believe this is a section line to the north there that marks the north boundary at the annexation area. Again an aerial showing this area. This is a thoroughfare plan more on a regional basis. You see how the actual thoroughfares link throughout the region. Peachtree Hills being a minor arterial, Jornada being a collector. We're at the very fringe of the City of

1 Las Cruces here and you can see that MPO thoroughfare has designated  
2 access and circulation and thoroughfares throughout the area to support  
3 our growth in this region. Again a more detailed version indicating  
4 Jornada being a collector, Peachtree Hills to the southern end of the  
5 annexation area being a minor arterial.

6 Case specifics, as I've stated 167 plus acres north of Peachtree  
7 Hills, west of Jornada. The annexation is primarily to facilitate the  
8 construction of a new elementary school and middle school by Las Cruces  
9 Public Schools. Three parcels are to be controlled or are controlled  
10 currently by Las Cruces Public Schools and then four privately owned  
11 parcels are also participating in the annexation. Pro-rata share of  
12 improvements to Peachtree Hills Road, again a minor arterial, and to  
13 Jornada road, a collector, will be performed by the Las Cruces Public  
14 Schools. As I mentioned all utilities will also be extended in support of this  
15 annexation by Las Cruces Public Schools as well.

16 This is the annexation plat showing the three parcels that my cursor  
17 is indicating here controlled by Las Cruces Public Schools, and then the  
18 four parcels here privately held. The annexation plat as stipulated by state  
19 statute does include all of the right-of-way of Jornada and all of the right-  
20 of-way of Peachtree Hills as well into the annexation.

21 This is the master plan. Again, parcels one, two, and three are  
22 controlled by Las Cruces Public Schools. One is indicated to basically be  
23 for an expansion and we can talk a little bit about that later, but actually  
24 under long-term lease. The four parcels here; four, five, six, and seven  
25 also part of the annexation. And again, parcel one, I'm going to flip back  
26 and forth, is reserved for future expansion of Las Cruces Public Schools.  
27 Parcel two is where the middle school will be located, parcel three is  
28 where the elementary school will be located. Parcels five and six, are  
29 multi-family, multi-dwelling medium density which is R-3. Parcels four and  
30 seven we'll talk a little bit more about those. We're putting those currently  
31 into a holding district. The owner petitioned after our public notice was  
32 actually circulated. So staff a subsequent time after the annexation will  
33 initiate a zone change for those two parcels and the zone change  
34 recommended by staff will be R-3 which is essentially what five and six  
35 are, for four and then a C-3 commercial designation for seven, which puts  
36 it at two primary MPO thoroughfare intersection, it makes sense to have a  
37 commercial designation t that particular juncture.

38 Relative to the zoning, a little over 80 acres of R-1aC which is  
39 single-family medium density will be the zoning for the school site. It'll be  
40 conditioned exclusively for school use. A little over 57 acres of H, holding  
41 zone district for the two private parcels as I indicated earlier which will  
42 subsequently be rezoned by the City initiating the zone change I did  
43 mention. And of the one parcel reserved for future school use expansion  
44 which is parcel one. And then R-3 multi-dwelling medium density for  
45 parcels five and six, roughly eighteen acres in size. Again initial zoning,  
46 just to reiterate, H will be the initial zoning for this parcel, R-1aC  
47 conditioned for public school use for this parcel, the same for this parcel.

1 The two parcels controlled by the individual who came late to the petition  
 2 will be an H for holding, and then the two interior parcels here are R-3. I  
 3 provided the existing context of the zoning here. These ER designations  
 4 are an extra territorial zoning. ER-3 Essentially is one acre minimum site  
 5 built home. ER-3/4 is three quarter acre residential which includes, allows  
 6 for mobiles. We've got commercial, higher density residential at the  
 7 corner here. Just to give you some context of the zoning area relative to  
 8 the proposed zoning for the initial zoning for the annexation.

9 The DRC reviewed this and the recommendation is that the  
 10 annexation plat be approved with no conditions, Case S-09-035. That the  
 11 master plan S-09-036 be approved with no conditions. The initial zoning  
 12 Case Z2798 approval with the one standard condition that's typically  
 13 placed on by City Council, utilities to be placed underground. And that  
 14 concludes my presentation, but I believe the Las Cruces Public Schools  
 15 team does have a presentation that they'd like to go through and will detail  
 16 in terms of their proposal.

17  
 18 Scholz: Okay. Questions for Mr. Hembree? All right. I want to thank the Las  
 19 Cruces Public Schools system for their endurance tonight and take it away  
 20 gentlemen.

21  
 22 Meyers: My name is Greg Meyers. I'm with Summit Engineering here presenting  
 23 the Las Cruces Public Schools for this annexation.

24  
 25 Scholz: You're going to have to be a little closer to the mike please.

26  
 27 Meyers: Sorry about that.

28  
 29 Scholz: There you go.

30  
 31 Meyers: Gary did a good overview of what's being recommended here and what's  
 32 being pursued for the annexation. I'll just kind of go through real quick my  
 33 overview and then we'll get into some details as far as what's being  
 34 planned currently for the public school parcels that are being implemented  
 35 into this annexation.

36 Again, the current zoning is ER-3. It's currently in the county or in  
 37 the ETZ. There are portions of it that are also not zoned that we are  
 38 implementing into the annexation. The proposed zoning is as was stated  
 39 R-1aC, R-3, or as a hold for the different properties. Proposed land use  
 40 would be for an elementary school, for the middle school, for future school  
 41 lands to be developed at a later date, and for private development.  
 42 Subject annexation is 162.734 acres total. That includes all of the lands  
 43 as well as the right-of-way for Jornada Road. The annexation area  
 44 includes like I said all of the right-of-way for Jornada and the portions of  
 45 Peachtree Hills Road that are currently within the county.

46 This is just an overview, shows the area that we're talking about.  
 47 What's in blue in here now is currently within the City limits. What we're

1 doing is we're trying to square up this portion of the City limits with this  
2 annexation. That was one of the reasons for incorporating the four private  
3 parcels into the annexation was to make that a nice clean line for the City  
4 limits. And again this is just an overview of the different zoning that we've  
5 got as well as the master plan. As you can see we've got the three larger  
6 school parcels as Gary went through with his presentation and the four  
7 privately owned parcels. On this master plan we also have all of the traffic  
8 information that we are currently projecting for the schools as well as for  
9 full development of the private parcels. I'll get into that in a little more  
10 depth here in just a minute. And again this is the initial zoning which  
11 we've pretty well gone through on everything.

12 One of the other items of zoning is we've got a major power line  
13 that transects a portion of the elementary school site and that was zoned  
14 for a potential future pathway for some connectivity for all of the future  
15 subdivisions that are going out that way, and we're continuing with that  
16 zoning that was implemented in the Sierra Norte annexation. As far as the  
17 development goes, utilities available to service the area of the proposed  
18 annexation, water will be provided by Moongate Water Company, sewer  
19 will be by the City of Las Cruces, natural gas by Rio Grande Natural Gas  
20 Association, and electrical by El Paso Electric. All of these utilities are  
21 being extended out to facilitate the construction of both the elementary  
22 school and the middle school. The extension of the utilities service would  
23 be performed through a City managed infrastructure project funded by the  
24 City of Las Cruces. In what we're currently working on as far as the  
25 infrastructure going out there, there is going to be a tie for Peachtree ... let  
26 me go through another slide here to kind of give you an idea of what we're  
27 talking about. What we're looking at doing, we've got Sonoma Ranch  
28 Boulevard that is going to be extended up to the north, eventually going up  
29 towards the currently constructed golf course. This will be the bus safety  
30 route for both the elementary school and for the middle school. Peachtree  
31 Hills Road will be extended from Sonoma Ranch all the way through to  
32 Jornada Road and Jornada Road will be extended from the intersection of  
33 Peachtree all the way to the north boundary of the middle school property.  
34 Both of these projects will be pursued as City managed projects that are  
35 funded by the Las Cruces Public Schools. Those construction drawings  
36 for those projects are currently being completed and being submitted to  
37 the City for final reviews for that. Included in that is not only the roadways  
38 but also the extension of the gas line going out there as well as ... in order  
39 to facilitate the sewer, there will be a lift station constructed with a force  
40 main that comes down to the intersection of Jornada Road and Peachtree,  
41 and a sewer line will be extended up from Ortega Road at Jornada up to  
42 Peachtree to accept the flows from that lift station. Of course Moongate  
43 Water already has water lines servicing down Peachtree, that water line  
44 will also be extended up Jornada to facilitate the middle school, and will  
45 extend through the extension of Jornada Roadway.

46 Access for the area of annexation again would be through  
47 Peachtree Hills Road and Jornada Road with the development of the

1 roadways. The schools are currently under contract for, both the middle  
 2 school and the elementary school, the elementary school has already  
 3 broken ground and is currently under construction. The middle school is  
 4 getting close to breaking ground. That's being done under a construction  
 5 manager for risk contract for the schools. So both of those are currently  
 6 ongoing. The plan that the school system currently has is that both of  
 7 those schools would be occupied in the fall of 2010. So we're pushing the  
 8 deadline all the way as far as we can get it to try and get all the  
 9 infrastructure in as well as the schools built to meet their deadlines.

10 And again this is just an aerial view. Right now all of the lands out  
 11 there are vacant that are currently in the proposed annexation. There are  
 12 no structures out there with the exception of what's currently being built for  
 13 the elementary school and what's being proposed for the middle school.  
 14 The school site, as far as the elementary school goes, the school site itself  
 15 is 40 acres and the estimated school attendance would be 600 students  
 16 for the elementary school. For the middle school that also sits on a 40  
 17 acre parcel with attendance being rated at 900 students for that school.  
 18 Privately owned land is again under four separate parcels, two of those  
 19 parcels owned by the same owner. All of the owners have signed onto the  
 20 petition for the annexation. This is just a view of the elementary school  
 21 and we've got an elevation. Basically, the elementary school has several  
 22 wings to it, but it's all basically a single structure. This kind of gives you an  
 23 idea of what's being built out there. This is another view, kind of an aerial  
 24 view that shows the elementary school and another elevation. There is  
 25 plenty of parking. The access comes again off of Peachtree for this.  
 26 There are a total of three different access points to get into this school off  
 27 of Peachtree.

28 This is the middle school, just an elevation of the middle school.  
 29 And this is an overall view of the middle school. The middle school is  
 30 more of a campus type facility, instead of it being a single structure that's  
 31 being proposed for that. That's the end of my presentation. And I will  
 32 stand for questions.

33  
 34 Scholz: Any questions for this gentleman? All right. Mr. Hembree.

35  
 36 Hembree: I just have one correction to bring to your attention. This portion of tract  
 37 three is actually going to be zoned OSR. It actually is a transmission line,  
 38 100-foot wide transmission line. That was not placed in the public notice,  
 39 but we would just like to acknowledge that in the record that it is actually  
 40 part of the annexation and will be reflected in subsequent actions.

41  
 42 Scholz: Okay. Yes, Commissioner Beard.

43  
 44 Beard: I have a question on the students and the trips. They are just visa versa  
 45 as to what I thought they would be. You have 600 students and 5,000  
 46 trips, 900 students and only 3,000 trips. Can you explain that for me?  
 47

- 1 Meyers: Commissioner Beard and Chairman, those numbers come directly out of  
 2 the ITE trip manual. And the best way I can tell you is that an elementary  
 3 school you have a whole lot more traffic coming into those elementary  
 4 schools, mostly because there are more parents dropping off individual  
 5 students. As you get into middle school, those trips kind of diminish. So  
 6 you're either teaming up, the parents are teaming up bring more kids in  
 7 than a single student, or so forth. But that's exactly how the ITE criteria  
 8 calls out for middle schools and for elementary schools based on per  
 9 student evaluations for traffic.
- 10  
 11 Beard: Okay. Thank you.
- 12  
 13 Scholz: That's very interesting. I didn't think of that. All right. Any other questions  
 14 for this gentleman? Yes, Commissioner Shipley.
- 15  
 16 Shipley: It says on the chart though, it says trips per dwelling unit. You have that  
 17 for elementary but not for the middle school? In your chart under  
 18 anticipated traffic.
- 19  
 20 Meyers: Let's see if I can find ... is that on the master plan that you're talking  
 21 about?
- 22  
 23 Shipley: Yes, right there, on that sheet, at the bottom of the sheet. In that chart  
 24 right there. The bottom it has trips per dwelling unit 42.94.
- 25  
 26 Meyers: Yeah, I believe that's for the individual private parcels, not for the school  
 27 itself.
- 28  
 29 Shipley: Okay. Well it says though it got it under middle school if you go to the  
 30 right.
- 31  
 32 Scholz: No I see that as residential single-family.
- 33  
 34 Shipley: It says commercial C-3, N/A, dwelling units N/A, but then it says trips per  
 35 dwelling unit 42.94. So trips 3,005. And it says the code is middle school  
 36 students.
- 37  
 38 Scholz: I see. Yes.
- 39  
 40 Meyers: Those are different columns. If you read through it. It's on the same table  
 41 but there are separate columns. If you go by the IT ... where it says ITE  
 42 code 520 and you go down to elementary school, it's by the number of  
 43 students, trips per student and that's how it's evaluated. The single-family  
 44 is under the IT code 210, if you follow through. Don't follow that line all the  
 45 way across. It's per column.
- 46  
 47 Shipley: Okay.

1  
2 Scholz: All right. Any other questions? Okay, is there any one from the public  
3 who wishes to speak to this issue? Okay, hearing none we will close it for  
4 public discussion. Commissioners? We have to rise from our ...  
5  
6 Shipley: Have to reinstate the rules.  
7  
8 Scholz: Yes.  
9  
10 Shipley: I move to reinstate the rules.  
11  
12 Scholz: Is there a second?  
13  
14 Evans: So moved.  
15  
16 Scholz: It's been moved and seconded. All those in favor say aye.  
17  
18 ALL COMMISSIONERS - AYE.  
19  
20 Scholz: Okay those opposed same sign. All right we have unsuspended the rules.  
21 Let us consider then Case S-09-035.  
22  
23 Evans: Mr. Chairman I move that we approve S-09-035 with no conditions.  
24  
25 Scholz: Is there a second?  
26  
27 Shipley: Second.  
28  
29 Scholz: All right I'll call the roll. Commissioner Shipley.  
30  
31 Shipley: Aye findings and discussion.  
32  
33 Scholz: Commissioner Evans.  
34  
35 Evans: Aye findings and discussion.  
36  
37 Scholz: Commissioner Beard.  
38  
39 Beard: Aye findings and discussions.  
40  
41 Scholz: And the Chair votes aye findings and discussions. Okay.  
42  
43 Shipley: Move to approve Case S-09-036 with no conditions.  
44  
45 Scholz: Is there a second?  
46  
47 Evans: Second.

- 1  
2 Scholz: All right, I'll call the roll. Commissioner Shipley.  
3  
4 Shipley: Aye findings and discussion.  
5  
6 Scholz: Commissioner Evans.  
7  
8 Evans: Aye findings and discussion.  
9  
10 Scholz: Commissioner Beard.  
11  
12 Beard: Aye findings and discussions.  
13  
14 Scholz: And the Chair votes aye for findings and discussions. So we have passed  
15 that one.  
16  
17 Shipley: Move to approve Case Z2798 with the condition that all utilities will be  
18 underground.  
19  
20 Scholz: All right, is there a second?  
21  
22 Evans: I second.  
23  
24 Scholz: I'll call the roll. Commissioner Shipley.  
25  
26 Shipley: Aye findings and discussion.  
27  
28 Scholz: Commissioner Evans.  
29  
30 Evans: Aye findings and discussion.  
31  
32 Scholz: Commissioner Beard.  
33  
34 Beard: Aye findings and discussions.  
35  
36 Scholz: And the Chair votes aye for findings and discussions. Thank you very  
37 much gentlemen for your endurance and your presentation.  
38  
39 **VIII. OTHER BUSINESS**  
40  
41 Scholz: That brings us to other business.  
42  
43 Shipley: I guess I have a couple of things.  
44  
45 Scholz: Commissioner Shipley has a couple of things of other business he wants  
46 to run by us.  
47

