City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5 **Ordinance/Resolution#** 2542 **Council District:** 6

For Meeting of October 26, 2009
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE REQUEST TO VARIOUS ZONING DISTRICTS FOR 54.53 ± ACRES WITHIN THE SONOMA RANCH NORTH MASTER PLANNED AREA. THE SUBJECT PROPERTIES ARE GENERALLY LOCATED SOUTH OF U.S. HIGHWAY 70 NORTH, AND SOUTH OF NORTHRISE DRIVE, AND EAST AND WEST OF SONOMA RANCH BOULEVARD. SUBMITTED BY GUNAJI-KLEMENT & ASSOCIATES FOR SONOMA RANCH NORTH LLC. (Z2785)

PURPOSE(S) OF ACTION: Approval of a zone change that will facilitate the major amendment of Sonoma Ranch North Master Planned Area.

Name of Drafter: Helen Revels		**Department:** Community Development		**Phone:** 528-3085	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Community Development		528-3066	Budget		541-2107
			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The property owner, Sonoma Ranch North, LLC is requesting multiple zone changes for 54.53 ± acres within the Sonoma Ranch North master planned area. The subject properties are generally located along Northrise Drive and Sonoma Ranch Boulevard, immediately south of Highway 70/Bataan Memorial East. The Sonoma Ranch North Master Plan area encompasses approximately 275 ± acres. A portion of the master planned area is built out while the remainder is undeveloped. The zone change request is for the area of the master plan that is undeveloped.

On July 28, 2009, the property owner received approval from the Planning and Zoning Commission to amend the Sonoma Ranch North master plan. The major amendment to the master plan affected 17 planning parcels. Specifically, the amendment established a commercial node at the intersection of Northrise Drive and Sonoma Ranch Boulevard. In addition, a multi-family land use was established to provide a buffer between commercial and single-family residential land uses. With the approval of the major amendment to the Sonoma Ranch North master plan on July 28, 2009, the zone change request is to set forth the applicable zoning districts to the established land uses in the master plan.

The zone change request is summarized as follows:

Planning Parcel 1A contains 13.29 ± acres and is currently zoned R-4 (Multi Dwelling-High Density). The proposed zoning is C-3 (Commercial High Intensity) with an established land use of High Intensity Commercial. Planning Parcel 2 contains 12.24 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density). The proposed zoning is C-3 (Commercial High Intensity) with an established land use of High Intensity Commercial/Multi-Family and a maximum density of 20 dwelling units per acre.

Planning Parcel 3 contains 4.04 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density). The proposed zoning is C-3 (Commercial High Intensity) with an established land use of High Intensity Commercial/Multi-Family with a maximum density of 20 dwelling units per acre. Planning Parcel 3A contains 5.36 ± acres and is currently zoned R-3 (Multi-Family Medium Density). The proposed zoning is C-3 (Commercial High Intensity) with an established land use of High Intensity Commercial/Multi-Family with a maximum density of 20 dwelling units per acre.

Planning Parcel 4 contains 6.59 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density). The proposed zoning is R-3 (Multi-Family Medium Density) with an established land use of multi-family residential with a maximum density of 20 dwelling units per acre. Planning Parcel 6 contains 104.04 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density). The proposed zoning is R-1a (Single-Family Medium Density). Planning Parcel 8 contains 6.70 ± acres and is currently zoned R-1a (Single-Family Medium Density). The proposed zoning is R-3 (Multi-Family Medium Density) with an established land use of multi-family residential with a maximum density of 20 dwelling units per acre.

Planning Parcel 9 contains 5.31 ± acres and is currently zoned R-1a (Single-Family Medium Density). The proposed zoning is R-3 (Multi-Family Medium Density) with an established land use of multi-family residential with a maximum density of 20 dwelling units per acre. Planning Parcel 10 contains 4.96 ± acres and is currently zoned R-1a (Single-Family Medium Density). The proposed zoning is OSR (Open Space Recreation)/FC (Flood Control). Planning Parcel 11 contains 0.78 ± acres and is currently zoned R-1a (Single-Family Medium Density). The proposed zoning is OSR (Open Space Recreation). Planning Parcel 12 contains 24.38 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density). The proposed zoning is R-3 (Multi-Family Medium Density) with an established land use of single-family residential and multi-family residential with a maximum density of 10 dwelling units per acre.

The following paragraphs provide the background for the Sonoma Ranch North master planned area. The initial zoning for the original Sonoma Ranch North Master Planned area was approved by Ordinance 1610, March 3, 1997. The initial zoning contained 275 ± acres and included mixed land uses which would included all types of residential and commercial zoning. On June 1, 1998, Ordinance 1680 was approved to rezone four tracts of land, containing 52.19 ± acres from the original Sonoma Ranch Master Planned area. Tract A, 13.29 ± acres, rezoned from R-3 (High Density Residential) to R-4C (Multi-Dwelling High Density & Limited Office –

conditioned to R-3 height and density requirements). Tract B, 5.93 ± acres, rezoned from R-3 (High Density Residential) to C-2C (General Commercial). Tract C, 11.81 ± acres, rezoned from R-3 (High Density Residential) to C-2C (General Commercial – conditioned to hospital and ancillary uses and R-3 uses only). Tract D, 21.16 ± acres, rezoned from R-1a (Single Family Low Density Residential) to C-2C (General Commercial – conditioned to hospital and ancillary uses and R-1a uses only). These tracts were located across a future arterial roadway (Northrise Drive) thus providing a physical buffer to the residential zones to the south and southeast.

On June 26, 2006, Ordinance 2312 was approved to rezone 25.6 ± acres out of the total 275 ± acres within the Sonoma Ranch North Master Planned area. Tract A was rezoned from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – conditioned that all new utilities be placed underground). Tract A contained eight lots, six of the eight lots exceeded the maximum lot size for C-2 (Commercial Medium Intensity) zoning designation; the rezoning brought the tract into compliance with the 2001 Zoning Code, as amended.

According to the 2001 Zoning Code, as amended, Article II, Section 38-10(H)(9), "a conditional zoning designation shall be revoked and revert to the previous zoning designation if the designated property is not used or developed in accordance with the conditions and all other applicable regulations within two years from the date of City Council approval." On July 24, 2008, the conditional zoning designation was revoked and the previous zoning designation for Tract C and Tract D was recognized. Tract C converted back to R-3 (High Density Residential) and Tract D converted back to R-1a (Single Family Low Density Residential).

On July 28, 2009, the Planning and Zoning Commission recommended conditional approval of the zone change request by a vote of 4-0-0 (three Commissioners absent). The condition is stipulated as all newly installed utilities to be placed underground. The condition is made part of the attached Ordinance.

Public opposition to both the master plan amendment and zone change request was received at the Planning and Zoning Commission meeting. Attached to this packet, is the opposition letter that staff received. In addition, the attached Planning and Zoning Commission meeting minutes highlight the opposition as well. Opposition to both the master plan amendment and zone change request was based on two reasons: (1) there was no demonstrated change in circumstance since the original Las Alamedas Master Plan and Alameda Subdivision Zoning was established. That master plan and zoning was in place at the time the applicant acquired the subject property from Alameda Land & Development Corporation (Alameda Land Investment Corporation); and (2) there was no mistake in the original zoning which was designed to comport with the original Las Alamedas Master Plan. Following the July 28, 2009, Planning and Zoning Commission meeting, an appeal has been filed in regards to the approval of the master plan. The appeal will be considered under separate Resolution.

SUPPORT INFORMATION:

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

1. Ordinance
2. Exhibit "A"- Zoning Plat including the metes and bounds descriptions
3. Exhibit "B" – Findings and Comprehensive Plan Analysis
4. Attachment "A"- Copy of the master plan amendment – for reference only
5. Attachment "B" – Staff Report to the Planning and Zoning Commission for Case Z2785
6. Attachment "C"- Minutes from the July 28, 2009 Planning and Zoning Commission
7. Attachment "D" – Letter of public opposition
8. Attachment "E"- Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote YES to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for conditional approval and allows the property shown on Sonoma Ranch North master plan to be developed.

2. Vote **NO** to deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of the affected planning parcels within the Sonoma Ranch North master planned area will remain place. The applicant will be required to amend the master plan to adjust the land uses accordingly.

3. Modify the Ordinance and vote YES to approve the modified Ordinance. The Council may modify the Ordinance as deemed appropriate.

4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-013
ORDINANCE NO. 2542

AN ORDINANCE APPROVING A ZONE CHANGE REQUEST TO VARIOUS ZONING DISTRICTS FOR 54.53 ± ACRES WITHIN THE SONOMA RANCH NORTH MASTER PLANNED AREA. THE SUBJECT PROPERTIES ARE GENERALLY LOCATED SOUTH OF U.S. HIGHWAY 70 NORTH, AND SOUTH OF NORTHRISE DRIVE, AND EAST AND WEST OF SONOMA RANCH BOULEVARD. SUBMITTED BY GUNAJI-KLEMENT & ASSOCIATES FOR SONOMA RANCH NORTH LLC. (Z2785)

The City Council is informed that:

WHEREAS, Sonoma Ranch North, LLC, the property owner, has submitted a request for multiple zone changes for 54.53 ± acres within the Sonoma Ranch North master plan area generally located south of U.S. Highway 70 North, south of Northrise Drive, and east/west of Sonoma Ranch Boulevard; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on July 28, 2009, recommended that said zone change request be conditionally approved by a vote of 4-0-0 (three Commissioners absent).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned as:

- Tract A (1997) to Tract B, 0.38 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract A (1997) to Tract C, 5.24 ± acres, from R-1a (Single-Family Medium Density) to C-3 (Commercial High Intensity)
- Tract A (1998) to Tract C, 13.29 ± acres, from R-4C (Multi-Dwelling High Density-Conditional) to C-3 (Commercial High Intensity)
- Tract B (1997) to Tract C, 16.40 ± acres, from R-3 (Multi-Dwelling Medium Density) to C-3 (Commercial High Intensity)
- Tract A (1997) to Tract G, 6.70 ± acres, from R-1a (Single-Family

Medium Density) to R-3 (Multi-Dwelling Medium Density)

- Tract A (1997) to Tract H, 5.31 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract A (1997) to Tract I, 4.96 ± acres, from R-1a (Single-Family Medium Density) to OSR (Open Space Recreation)/FC (Flood Control)
- Tract A (1997) to Tract J, 0.78 ± acres, from R-1a (Single-Family Medium Density) to OSR (Open Space Recreation)
- Tract A to Tract K, 0.85 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract K to Tract A, 0.62 ± acres, from R-3 (Multi-Dwelling Medium Density) to R-1a (Single-Family Medium Density)

(II)

THAT the condition be stipulated as follows:

- All newly installed utilities be placed underground.

(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 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:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____

Councillor Archuleta: _____
Councillor Small: _____
Councillor Jones: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

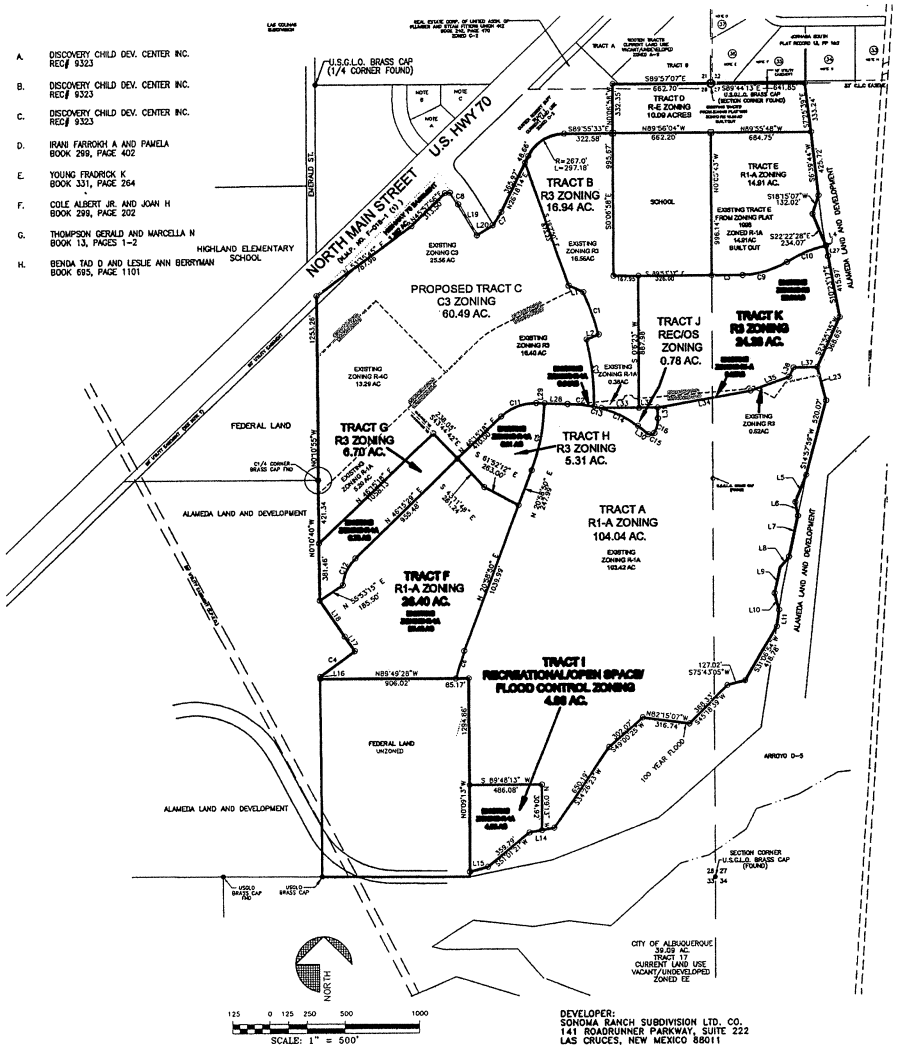
_____
City Attorney

EXIBIT "H"

SONOMA RANCH NORTH
ZONING PLAT AMENDMENT #2

A 275.00 ACRE PARCEL OF LAND
LOCATED IN SECTIONS 27 AND 28, T.22S., R.2E.,
N.M.P.M. OF THE U.S.G.L.O. SURVEYS
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SCALE: 1" = 500' JUNE 4, 2009

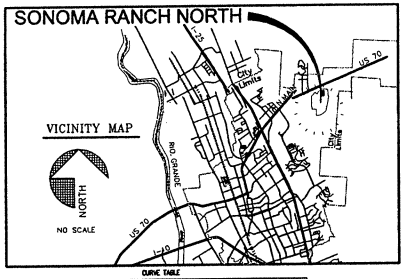
A. DISCOVERY CHILD DEV. CENTER INC. REC/# 9323
B. DISCOVERY CHILD DEV. CENTER INC. REC/# 9323
C. DISCOVERY CHILD DEV. CENTER INC. REC/# 9323
D. IRANI FARROKH A AND PAMELA BOOK 299, PAGE 402
E. YOUNG FRADRICK K BOOK 331, PAGE 264
F. COLE ALBERT JR. AND JOAN H BOOK 299, PAGE 202
G. THOMPSON GERALD AND MARCELLA N BOOK 13, PAGES 1-2
H. BENDA TAD D AND LESLIE ANN BERRYMAN BOOK 695, PAGE 1101



DEVELOPER:
SONOMA RANCH SUBDIVISION LTD. CO.
141 ROADRUNNER PARKWAY, SUITE 222
LAS CRUCES, NEW MEXICO 88011

OWNERS:
SONOMA RANCH SUBDIVISION LTD. CO.

INSTRUMENT OF OWNERSHIP:
BOOK 38, PAGES 255-259



LINE TABLE

LINE	DIRECTION	LENGTH
L1	S66°07'25"E	107.73
L2	S67°13'56"W	81.80
L3	S85°53'37"E	214.28
L4	S22°22'28"E	6.99
L5	S22°51'08"W	192.93
L6	S09°15'33"E	95.70
L7	S12°00'7"W	276.14
L8	S40°43'54"W	93.46
L9	S12°47'16"W	175.32
L10	S15°10'50"E	116.93
L11	S09°03'34"W	111.34
L14	S76°28'14"W	169.03
L15	S75°17'10"W	126.20
L16	N00°10'40"W	13.82
L17	N34°06'43"W	130.00
L18	N34°06'38"W	390.95
L19	N31°15'47"W	242.72
L20	N58°39'13"E	124.62
L21	S18°50'7"W	132.02
L22	S22°22'28"E	234.07
L23	S13°49'22"E	57.18
L24	N60°10'40"W	89.43
L25	S31°20'45"E	242.85
L26	N58°39'13"E	59.70
L27	S56°30'32"E	66.18
L28	S 87°54'45" E	152.81
L29	S 87°54'45" E	56.40
L30	N 52°09' W	90.60
L31	S	74.38
L32	E	125.18
L33	E	291.32
L34	S 80°28' W	647.17
L35	N 70°30'16" E	276.81
L36	N 23°55'47" E	66.90
L37	N 89°30' E	162.40

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	1747.93'	303.22'	302.74'	N19°37'06"W	9°36'2"
C2	738.32'	178.10'	177.67'	N 84°23'5" W	13°49'16"
C3	1665.00'	428.30'	285.16	N53°22'51E	05°17'16"
C4	3140.00'	285.26	285.16	N53°22'51E	05°12'16"
C5	1355.00	465.22'	462.87	N19°59'50"E	19°57'2"
C6	1480.00	191.89'	191.75'	N17°47'13"E	07°25'43"
C7	433.00'	104.59	104.34	N33°17'25E	13°50'22"
C8	797.29'	89.41'	89.37'	S41°07'06E	05°52'26"
C9	560.00'	318.67	314.36'	N73°40'14E	32°36'17"
C10	840.00'	394.53'	383.57'	N67°13'09"E	19°26'06"
C11	325.00'	258.70'	255.93'	N69°07'37"E	45°36'27"
C12	275.00'	113.56'	112.78'	N 78°05'1" E	23°39'52"
C13	738.32'	50.01'	50.00'	N 75°37'48" W	3°52'51"
C14	738.32'	274.91'	273.33'	N 62°56'36" W	21°33'3"
C15	25.00'	43.74'	38.37'	N 77°45'52" E	100°14'0"
C16	210.00'	101.46'	100.41'	N 13°45'56" E	27°39'52"

ZONING TABLE

TRACT # PROPOSED	PROPOSED ACREAGE	PROPOSED ZONING	TRACT/PARCEL (YEAR)	CURRENT ZONING	CURRENT ACREAGE
A	104.04	R1-A	PART OF TRACT A (1996) PART OF TRACT B (1996)	R-1A/OSR/FC R3	103.42 0.62
B	16.94	R3	PART OF TRACT B (1996) PART OF TRACT A (1996)	R3 R-1A/OSR/FC	16.56 0.38
C	60.49	C3	TRACT A (2005) PART OF TRACT A (1996) PART OF TRACT A (1996) PART OF TRACT B (1996)	C-3C R-1A R-1A R3 R-3C	23.58 0.04 5.2 18.4 13.29
D	10.09	RE	TRACT D (1996)	RE	10.09
E	14.82	R1-A	TRACT E (1996)	R-1A	14.81
F	26.4	R1-A	PART OF TRACT A (1996)	R-1A	26.4
G	5.7	R3 (TRUE MULTI-FAMILY)	PART OF TRACT A (1996)	R-1A/OSR/FC	5.7
H	5.31	R3 (TRUE MULTI-FAMILY)	PART OF TRACT A (1996)	R-1A/OSR/FC	5.31
I	4.96	OSR/FC	PART OF TRACT A (1996)	R-1A/OSR/FC	4.96
J	0.78	OSR	PART OF TRACT A (1996)	R-1A/OSR/FC	0.78
K	24.28	R-3	PART OF TRACT A (1996) PART OF TRACT B (1996)	R-1A/OSR/FC R-3	0.95 23.33

Coronado Land Surveying
P.O. Box 6314
Las Cruces, NM 88006
(505) 644-6239
File No. 00000.DWG

327

Coronado Land Surveying
6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239

July 14, 2009

DESCRIPTION OF A 13.29 ACRE TRACT
"Parcel 1A"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the southwest corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.43°56'29"E., 3805.69 feet;

THENCE from the point of beginning, N.0°10'40"W., 89.43 feet to an angle point of this tract;

THENCE N.0°10'55"W., 837.07 feet to a point for the northwest corner of this tract;

THENCE N.45°58'00"E., 541.88 feet to a point for the northeast corner of this tract;

THENCE S.43°44'42"E., 674.08 feet to a point for the southeast corner of this tract;

THENCE S.46°15'18"W., 1180.38 feet to the point of beginning, containing 13.29 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

7-14-09
Date

09030.doc

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

Coronado Land Surveying
6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239

July 14, 2009

DESCRIPTION OF AN 18.70 ACRE TRACT
"Parcel 1B"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the southwest corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.55°32'52"E., 3206.16 feet;

THENCE from the point of beginning, N.0°10'55"W., 407.70 feet to a point for the northwest corner of this tract;

THENCE N.53°35'45"E., 787.96 feet to an angle point of this tract;

THENCE N.45°57'56"E., 313.50 feet to an angle point of this tract;

THENCE N.86°04'23"E., 33.90 feet to a point for the northwest corner of this tract;

THENCE along the arc of a curve to the right, having a radius of 797.10 feet, an arc length of 95.12 feet, whose central angle is 6°50'15" and whose long chord bears S.34°40'51"E., 95.07 feet to a point of tangency;

THENCE S.31°15'47"E., 242.72 feet to an angle point of this tract;

THENCE S.31°07'02"E., 619.22 feet to a point for the southeast corner of this tract;

THENCE S.64°12'44"W., 194.28 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 600.00 feet, an arc length of 188.05 feet, whose central angle is 17°57'26" and whose long chord bears S.55°14'01"W., 187.28 feet to a point of tangency;

THENCE S.46°15'18"W., 287.53 feet to an angle point of this tract;

THENCE N.43°44'42"W., 674.08 feet to an angle point of this tract;

THENCE S.45°58'00"W., 541.88 feet to the point of beginning, containing 18.70 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572 — 7-14-09 Date

09030.doc

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

Coronado Land Surveying
6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239

July 14, 2009

DESCRIPTION OF A 6.86 ACRE TRACT
"Parcel 1C"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northwest corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.57°25'56"E., 1864.88 feet;

THENCE from the point of beginning, N.58°39'15"E., 124.62 feet to an angle point of this tract;

THENCE N33°13'23"E., 104.32 feet to an angle point of this tract;

THENCE N26°18'14"E., 365.97 feet to a point for the northeast corner of this tract;

THENCE S.19°02'50"E., 913.49 feet to a point for the southeast corner of this tract;

THENCE S.64°12'44"W., 337.48 feet to a point for the southwest corner of this tract;

THENCE N.31°07'02"W., 619.22 feet to the point of beginning, containing 6.86 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

7-14-09
Date

09030.doc

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

Coronado Land Surveying
6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239

July 14, 2009

DESCRIPTION OF A 10.35 ACRE TRACT
"Parcel 1D"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.63°22'51"E., 740.51 feet;

THENCE from the point of beginning, S.0°06'58"E., 955.67 feet to a point for the southeast corner of this tract;

THENCE N.89°53'37"W., 25.46 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 640.00 feet, an arc length of 284.52 feet, whose central angle is 25°18'16" and whose long chord bears S.77°22'15"W., 282.18 feet to an angle point of this tract;

THENCE N.19°02'50"W., 873.23 feet to a point for the northwest corner of this tract;

THENCE N.26°18'14"E., 48.66 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 267.00 feet, an arc length of 297.18 feet, whose central angle is 63°46'18" and whose long chord bears N.58°11'20"E., 282.07 feet to a point of tangency;

THENCE S.89°55'33"E., 322.58 feet to the point of beginning, containing 10.35 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

7-14-09
Date

09030.doc

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

Coronado Land Surveying
6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239

July 14, 2009

DESCRIPTION OF A 12.24 ACRE TRACT
"Parcel 2"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.42°12'19"E., 2257.19 feet;

THENCE from the point of beginning, S.35°46'53"E., 43.66 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 1050.00 feet, an arc length of 303.86 feet, whose central angle is 16°34'52" and whose long chord bears S.14°39'11"E., 302.81 feet to an angle point of this tract;

THENCE N.63°44'01"E., 89.96 feet to a point of curvature;

THENCE along the arc of a non-tangent curve to the right, having a radius of 1135.00 feet, an arc length of 206.99 feet, whose central angle is 10°26'56" and whose long chord bears S.2°41'04"E., 206.70 feet to a point of tangency;

THENCE along the arc of a curve to the left, having a radius of 325.00 feet, an arc length of 110.04 feet, whose central angle is 19°23'55" and whose long chord bears S.55°57'15"W., 109.51 feet to an angle point of this tract;

THENCE S.46°15'18"W., 410.00 feet to an angle point of this tract;

THENCE N.43°44'42"W., 238.05 feet to an angle point of this tract;

THENCE S.46°15'18"W., 1058.13 feet to a point for the southwest corner of this tract;

THENCE N.00°10'40"W., 331.23 feet to a point for the northwest corner of this tract;

THENCE N.46°15'18"E., 1467.91 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 600.00 feet, an arc length of 83.40 feet, whose central angle is 7°57'49" and whose long chord bears N.50°14'12"E., 83.33 feet to the point of beginning, containing 12.24 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

7-14-09
Date

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July 14, 2009

DESCRIPTION OF A 4.04 ACRE TRACT
"Parcel 3"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.35°27'37"E., 1656.32 feet;

THENCE from the point of beginning, S.66°07'25"E., 107.73 feet to a point of curvature;

THENCE along the arc of a non-tangent curve to the right, having a radius of 1747.93 feet, an arc length of 303.22 feet, whose central angle is 9°56'21" and whose long chord bears S.19°27'06"E., 302.84 feet to an angle point of this tract;

THENCE S.67°33'06"W., 87.89 feet to a point of curvature;

THENCE along the arc of a non-tangent curve to the right, having a radius of 1665.00 feet, an arc length of 456.52 feet, whose central angle is 15°42'35" and whose long chord bears S.6°13'12"E., 455.10 feet to a point for the southeast corner of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 738.32 feet, an arc length of 132.51 feet, whose central angle is 10°17'00" and whose long chord bears N.82°46'10"W., 132.33 feet to a point of tangency;

THENCE N.87°54'40"W., 68.36 feet to a point for the southwest corner of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 1460.54 feet, an arc length of 623.82 feet, whose central angle is 24°28'20" and whose long chord bears N.11°05'22"W., 619.09 feet to a point of reverse curvature;

THENCE along the arc of a curve to the right, having a radius of 25.00 feet, an arc length of 25.00 feet, whose central angle is 87°29'59" and whose long chord bears N.20°27'44"E., 34.58 feet to an angle point of this tract;

THENCE N.25°46'22"W., 40.00 feet to a point for the northwest corner of this tract;

THENCE N.64°12'44"E., 188.45 feet to an angle point of this tract;

THENCE N.19°02'49"W., 40.26 feet to the point of beginning, containing 4.04 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 7-14-09

Justin W. Miller, PS 17572 Date

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July 14, 2009

DESCRIPTION OF A 5.36 ACRE TRACT
"Parcel 3A"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.37°15'24"E., 1845.82 feet;

THENCE from the point of beginning, S.25°46'22"E., 40.00 feet to a point of curvature;

THENCE along the arc of a non-tangent curve to the left, having a radius of 25.00 feet, an arc length of 25.00 feet, whose central angle is 87°29'59" and whose long chord bears S.20°27'44"W., 34.58 feet to a point of reverse curvature;

THENCE along the arc of a non-tangent curve to the right, having a radius of 1460.54 feet, an arc length of 623.82 feet, whose central angle is 24°28'20" and whose long chord bears S.11°05'22"E., 619.09 feet to a point for the southeast corner of this tract;

THENCE N.87°54'43"W., 185.13 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 325.00 feet, an arc length of 149.94 feet, whose central angle is 26°26'00" and whose long chord bears S.78°52'13"W., 148.61 feet to a point for the southwest corner of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 1135.00 feet, an arc length of 206.99 feet, whose central angle is 10°26'56" and whose long chord bears N.02°41'04"W., 206.70 feet to an angle point of this tract;

THENCE S.63°44'01"W., 89.96 feet to an angle point of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 1050.00 feet, an arc length of 303.86 feet, whose central angle is 16°34'52" and whose long chord bears N.14°39'11"W., 302.81 feet to a point of tangency;

THENCE N.35°46'53"W., 43.66 feet to a point for the northwest corner of this tract;

THENCE along the arc of a non-tangent curve to the right, having a radius of 600.00 feet, an arc length of 104.65 feet, whose central angle is 09°59'37" and whose long chord bears N.59°12'55"E., 104.52 feet to a point of tangency;

THENCE N.64°12'44"E., 343.32 feet to the point of beginning, containing 5.36 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 7-14-09
Justin W. Miller, PS 17572 Date

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July 14, 2009

DESCRIPTION OF A 6.59 ACRE TRACT
"Parcel 4"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.20°54'53"E., 1378.61 feet;

THENCE from the point of beginning, S.00°06'23"W., 887.98 feet to a point for the southeast corner of this tract;

THENCE S.90°00'00"W., 254.17 feet to a point of curvature;

THENCE along the arc of a non-tangent curve to the left, having a radius of 738.32 feet, an arc length of 46.94 feet, whose central angle is 3°38'35" and whose long chord bears N.75°48'22"W., 46.94 feet to a point for the southwest corner of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 1665.00 feet, an arc length of 456.10 feet, whose central angle is 15°42'35" and whose long chord bears N.06°13'12"W., 455.10 feet to an angle point of this tract;

THENCE N.67°33'06"E., 87.89 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 1747.93 feet, an arc length of 303.22 feet, whose central angle is 9°56'21" and whose long chord bears N.19°27'06"W., 302.84 feet to an angle point of this tract;

THENCE N.66°07'25"W., 107.73 feet to a point of curvature;

THENCE along the arc of a non-tangent curve to the right, having a radius of 640.00 feet, an arc length of 284.52 feet, whose central angle is 25°28'16" and whose long chord bears N.77°22'15"E., 282.18 feet to a point of tangency;

THENCE S.89°53'37"E., 193.41 feet to the point of beginning, containing 6.59 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

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July 14, 2009

DESCRIPTION OF A 26.40 ACRE TRACT
"Parcel 5"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.24°42'07"E., 3110.95 feet;

THENCE from the point of beginning, S.20°58'50"W., 1039.99 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 1480.02 feet, an arc length of 191.89 feet, whose central angle is 7°25'43" and whose long chord bears S.17°47'13"W., 191.76 feet to a point for the southeast corner of this tract;

THENCE N.89°49'28"W., 906.02 feet to a point for the southwest corner of this tract;

THENCE N.00°10'40"W., 13.82 feet to an angle point of this tract;

THENCE N.53°22'51"E., 285.16 feet to an angle point of this tract;

THENCE N.34°06'40"W., 410.95 feet to a point for the northwest corner of this tract;

THENCE N.55°53'15"E., 185.50 feet to a point of curvature;

THENCE along the arc of a non-tangent curve to the left, having a radius of 275.00 feet, an arc length of 199.78 feet, whose central angle is 41°37'27" and whose long chord bears N.25°26'34"E., 195.42 feet to a point of tangency;

THENCE N.46°15'29"E., 955.48 feet to an angle point of this tract;

THENCE S.43°11'48"E., 261.24 feet to an angle point of this tract;

THENCE S.61°52'12"E., 263.00 feet to the point of beginning, containing 26.40 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

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July 14, 2009

DESCRIPTION OF A 104.04 ACRE TRACT
"Parcel 6"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Sections 27 and 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.20°39'08"W., 2040.36 feet;

THENCE from the point of beginning, S.13°49'22"E., 234.02 feet to an angle point of this tract;

THENCE S.14°57'59"W., 520.07 feet to an angle point of this tract;

THENCE S.22°51'08"W., 192.93 feet to an angle point of this tract;

THENCE S.09°15'15"E., 95.71 feet to an angle point of this tract;

THENCE S.12°20'07"W., 276.14 feet to an angle point of this tract;

THENCE S.40°43'54"W., 93.46 feet to an angle point of this tract;

THENCE S.12°42'16"W., 175.32 feet to an angle point of this tract;

THENCE S.15°20'55"E., 116.93 feet to an angle point of this tract;

THENCE S.09°03'54"W., 111.34 feet to an angle point of this tract;

THENCE S.31°06'54"W., 418.78 feet to an angle point of this tract;

THENCE S.75°43'05"W., 127.02 feet to an angle point of this tract;

THENCE S.45°18'39"W., 368.33 feet to an angle point of this tract;

THENCE N.82°15'07"W., 316.74 feet to an angle point of this tract;

THENCE S.49°00'25"W., 302.07 feet to an angle point of this tract;

THENCE S.34°26'23"W., 650.19 feet to an angle point of this tract;

THENCE S.79°38'14"W., 84.04 feet to a point for the southeast corner of this tract;

THENCE N.00°09'13"W., 304.12 feet to an angle point of this tract;

THENCE S.89°48'13"W., 461.08 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 25.00 feet, an arc length of 39.27 feet, whose central angle is 90°00'01" and whose long chord bears S.44°50'47"W., 35.36 feet to a point for the southwest corner of this tract;

THENCE N.00°19'13"W., 742.73 feet to an angle point of this tract;

THENCE N.89°49'28"W., 85.17 feet to a point of curvature;

THENCE along the arc of a non-tangent curve to the right, having a radius of 1480.02 feet, an arc length of 191.89 feet, whose central angle is 7°25'43" and whose long chord bears N.17°47'13"E., 191.76 feet to a point of tangency;

THENCE N.20°58'50"E., 1287.98 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 1335.00 feet, an arc length of 389.26 feet, whose central angle is 16°42'22" and whose long chord bears N.12°37'39"E., 387.88 feet to a point of tangency;

THENCE N.02°38'39"E., 75.96 feet to a point for the northwest corner of this tract;

THENCE S.87°54'42"E., 198.36 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 738.32 feet, an arc length of 461.44 feet, whose central angle is 35°48'32" and whose long chord bears S.70°00'24"E., 453.96 feet to a point of tangency;

THENCE S.52°06'08"E., 86.20 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 25.00 feet, an arc length of 43.74 feet, whose central angle is 100°14'00" and whose long chord bears N.77°46'52"E., 38.37 feet to a point of compound curvature;

THENCE along the arc of a curve to the left, having a radius of 210.00 feet, an arc length of 101.40 feet, whose central angle is 27°39'52" and whose long chord bears N.13°49'56"E., 100.41 feet to a point of tangency;

THENCE N.00°00'00"E., 74.38 feet to an angle point of this tract;

THENCE N.80°09'28"E., 647.17 feet to an angle point of this tract;

THENCE N.70°35'16"E., 276.81 feet to an angle point of this tract;

THENCE N.23°55'42"E., 66.90 feet to an angle point of this tract;

THENCE N.89°02'10"E., 162.40 feet to the point of beginning, containing 104.04 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572 — 7-14-09 Date

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July 14, 2009

DESCRIPTION OF A 10.09 ACRE TRACT
"Parcel 7A"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Sections 27 and 28, 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 point on the north line of this tract, said point being a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M.;

THENCE from the point of beginning, S.89°44'13"E., 641.85 feet to the northeast of this tract;

THENCE S.07°25'39"E., 332.90 feet to a point for the southeast corner of this tract;

THENCE N.89°54'50"W., 684.37 feet to an angle point of this tract;

THENCE N.89°58'47"W., 662.53 feet to a point for the southwest corner of this tract;

THENCE N.00°06'58"W., 332.35 feet to a point for the northwest corner of this tract;

THENCE S.89°57'07"E., 662.70 feet to the point of beginning, containing 10.09 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

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July 14, 2009

DESCRIPTION OF A 14.91 ACRE TRACT
"Parcel 7B"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 27, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.64°03'59"W., 761.57 feet;

THENCE from the point of beginning, S.06°39'46"E., 426.05 feet to an angle point of this tract;

THENCE S.18°15'07"W., 132.02 feet to an angle point of this tract;

THENCE S.22°22'28"E., 227.08 feet to a point for the southeast corner of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 840.00 feet, an arc length of 284.93 feet, whose central angle is 19°26'06" and whose long chord bears S.67°13'09"W., 283.57 feet to a point of reverse curvature;

THENCE along the arc of a non-tangent curve to the right, having a radius of 560.00 feet, an arc length of 318.67 feet, whose central angle is 32°36'17" and whose long chord bears S.73°48'14"W., 314.39 feet to a point of tangency;

THENCE N.89°53'37"W., 214.23 feet to a point for the southwest corner of this tract;

THENCE N.00°04'42"W., 956.66 feet to a point for the northwest corner of this tract;

THENCE S.89°54'50"E., 684.37 feet to the point of beginning, containing 14.91 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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DESCRIPTION OF A 6.70 ACRE TRACT
"Parcel 8"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.38°42'44"E., 2998.69 feet;

THENCE from the point of beginning, S.43°44'42"E., 238.05 feet to a point for the southeast corner of this tract;

THENCE S.46°15'29"W., 955.48 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 275.00 feet, an arc length of 199.78 feet, whose central angle is 41°37'27" and whose long chord bears S.25°26'34"W., 195.42 feet to an angle point;

THENCE S.55°53'15"W., 185.50 feet to a point for the southwest corner of this tract;

THENCE N.00°10'40"W., 381.46 feet to a point for the northwest corner of this tract;

THENCE N.46°15'18"E., 1058.13 feet to the point of beginning, containing 6.70 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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DESCRIPTION OF A 5.31 ACRE TRACT
"Parcel 9"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.27°41'04"E., 2417.06 feet;

THENCE from the point of beginning, S.02°38'39"W., 75.95 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 1335.00 feet, an arc length of 389.26 feet, whose central angle is 16°42'22" and whose long chord bears S.12°37'39"W., 387.88 feet to a point of tangency;

THENCE S.20°58'50"W., 247.99 feet to a point for the southeast corner of this tract;

THENCE N.61°52'12"W., 263.00 feet to an angle point of this tract;

THENCE N.43°11'48"W., 261.24 feet to a point for the northeast corner of this tract;

THENCE N.46°15'18"E., 410.00 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 325.00 feet, an arc length of 259.97 feet, whose central angle is 45°49'55" and whose long chord bears N.69°10'15"E., 253.10 feet to a point of tangency;

THENCE S.87°54'42"E., 55.13 feet to the point of beginning, containing 5.31 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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July 14, 2009

DESCRIPTION OF A 4.96 ACRE TRACT
"Parcel 10"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.13°50'59"E., 4836.87 feet;

THENCE from the point of beginning, S.00°09'13"E., 304.92 feet to a point for the southeast corner of this tract;

THENCE S.79°38'14"W., 84.98 feet to an angle point of this tract;

THENCE S.51°01'21"W., 359.79 feet to an angle point of this tract;

THENCE S.75°17'15"W., 126.20 feet to a point for the southwest corner of this tract;

THENCE N.00°09'13"W., 551.93 feet to a point for the northwest corner of this tract;

THENCE along the arc of a curve to the right, having a radius of 25.00 feet, an arc length of 39.27 feet, whose central angle is 90°00'01" and whose long chord bears N.44°50'47"E., 35.36 feet to a point of tangency;

THENCE N.89°48'13"E., 461.08 feet to the point of beginning, containing 4.96 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

7-14-09
Date

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

09030.doc

Coronado Land Surveying
6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239

July 14, 2009

DESCRIPTION OF AN 0.78 ACRE TRACT
"Parcel 11"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.9°36'56"E., 2206.75 feet;

THENCE from the point of beginning, S.00°00'00"E., 74.38 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 210.00 feet, an arc length of 101.39 feet, whose central angle is 27°39'52" and whose long chord bears S.13°49'56"W., 100.41 feet to a point of compound curvature;

THENCE along the arc of a curve to the right, having a radius of 25.00 feet, an arc length of 43.74 feet, whose central angle is 100°14'00" and whose long chord bears S.77°46'52"W., 38.37 feet to a point of tangency;

THENCE N.52°06'08"W., 86.20 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 738.32 feet, an arc length of 281.98 feet, whose central angle is 21°52'57" and whose long chord bears N.63°02'37"W., 280.27 feet to a point for the northwest corner of this tract;

THENCE N.90°00'00"E., 379.35 feet to the point of beginning, containing 0.78 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

7-14-09
Date

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

09030.doc

Coronado Land Surveying
6106 Blue Mountain Drive
Las Cruces, NM 88012
(505) 644-6239

July 14, 2009

DESCRIPTION OF A 24.38 ACRE TRACT
"Parcel 12"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Sections 27 and 28, 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 point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.35°31'37"W., 1341.29 feet;

THENCE from the point of beginning, S.22°22'27"E., 6.99 feet to an angle point of this tract;

THENCE S.10°30'32"E., 66.17 feet to an angle point of this tract;

THENCE S.10°23'17"E., 415.97 feet to an angle point of this tract;

THENCE S.23°55'35"W., 368.65 feet to a point for the southeast corner of this tract;

THENCE S.89°02'10"W., 162.40 feet to an angle point of this tract;

THENCE S.23°55'42"W., 66.90 feet to an angle point of this tract;

THENCE S.70°35'16"W., 276.81 feet to an angle point of this tract;

THENCE S.80°09'28"W., 647.17 feet to an angle point of this tract;

THENCE S.90°00'00"W., 125.18 feet to a point for the southwest corner of this tract;

THENCE N.00°06'23"E., 887.98 feet to a point for the northwest corner of this tract;

THENCE S.89°53'37"E., 708.18 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 560.00 feet, an arc length of 318.67 feet, whose central angle is 32°36'17" and whose long chord bears N.73°48'14"E., 314.39 feet to a point of compound curvature;

THENCE along the arc of a curve to the right, having a radius of 840.00 feet, an arc length of 284.93 feet, whose central angle is 19°26'06" and whose long chord bears N.67°13'09"E., 283.57 feet to the point of beginning, containing 24.38 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

7-14-09
Date

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

09030.doc

EXIBIT "B"

S-09-011 **July 2, 2009**

Sonoma Ranch North Master Plan Amendment #2

Advanced Planning Comments (Carol McCall)

The following polices from the 1999 Comprehensive Plan are relevant to the current proposal:

Land Use Element Goal 1

Residential (R-1a & R-3) Policies

1.3. 1. An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.

1.3.4. High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

1.3.5. All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

1.3.10. High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.

Commercial (C-3) Policies

1.5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.

b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.

d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and

the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

e. Adequate space for functional circulation shall be provided for parking and loading areas.

f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

Open Space Policies

1.1.1. The City shall encourage the preservation and provide a system of open space on the mesas and in the valley in order to provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

1.1.2. The City shall work with the Bureau of Land Management and the State of New Mexico to preserve arroyos on the east and west mesas as open space.

1.1.5. The City shall encourage the dedication of undeveloped open space. Undeveloped open space shall include all types of sensitive areas, such as arroyos.

1.1.8. The City may consider offering density bonuses, or waivers to park fees, for development in exchange for dedications of land for open space where such dedications lend to open space networks.

1.1.9. Arroyos in urban and rural areas shall be protected from development where such arroyos lend positively to an open space network. Preservation of arroyos shall be consistent with the Storm Water Management Policy Plan.

Land Use -- Growth Management Element (Goal 2)

Policies

2.1.8. Development-related requests, such as, site plans, Master Plans, zoning, and Planned Unit Developments shall adhere to the City's mixed use development concept where such adherence lends to the support and enhancement of the character of the sector in which the development takes place.

2.1.10. Criteria such as existing land use distribution and their integration within adjacent areas shall be considered when determining a proposal's significance in providing a mixed use, sustainable and reasonable distribution of land uses. In general, a minimum ratio of 40% single family residential, 10% multi-family, 20% non-residential (office, commercial, and

industrial), and 30% miscellaneous (residential, non-residential, public and quasi-public) within the "study area" should be achieved. The "study area" shall include all parcels within a one (1) mile radius of the proposed limits of the site plan proposal. When a "study area" reflects a deficiency with the established land use ratio, the proposal's location with regards to its overall compatibility to the surrounding area shall be taken into consideration to see if application of the land use ratio is feasible.

2.1.11. When new development, redevelopment, and/or special uses place potentially incompatible uses adjacent to one another, spacing between land uses, screening/buffering, site design, architectural controls, and other mitigation controls shall be considered as per Appendix 1 and Matrices 1 and 2. The intent is to encourage flexibility in land use, but reflect and ensure both compatibility and quality design.

Urban Design Element Goals 1, 2 & 3

Policies:

2.5.1. Advocate an appropriate balance between physical development and open space that will provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

2.5.2. Encourage new development to provide networks of open space. Open space should be linked with parks and recreational trails so that any open space areas may be considered "usable" space. Development waivers, such as density bonuses, shall be used as incentives to developers to create and/or maintain open space.

2.5.3. Encourage the protection of arroyos and other sensitive lands from development so that they remain in their natural state especially where such areas lend to an open space network.

3.9.4. Encourage creative site planning for all new development and redevelopment.

a. The topography and slope of a site should be maintained in its natural state.

b. Encourage a balance between open space and development.

Conclusions

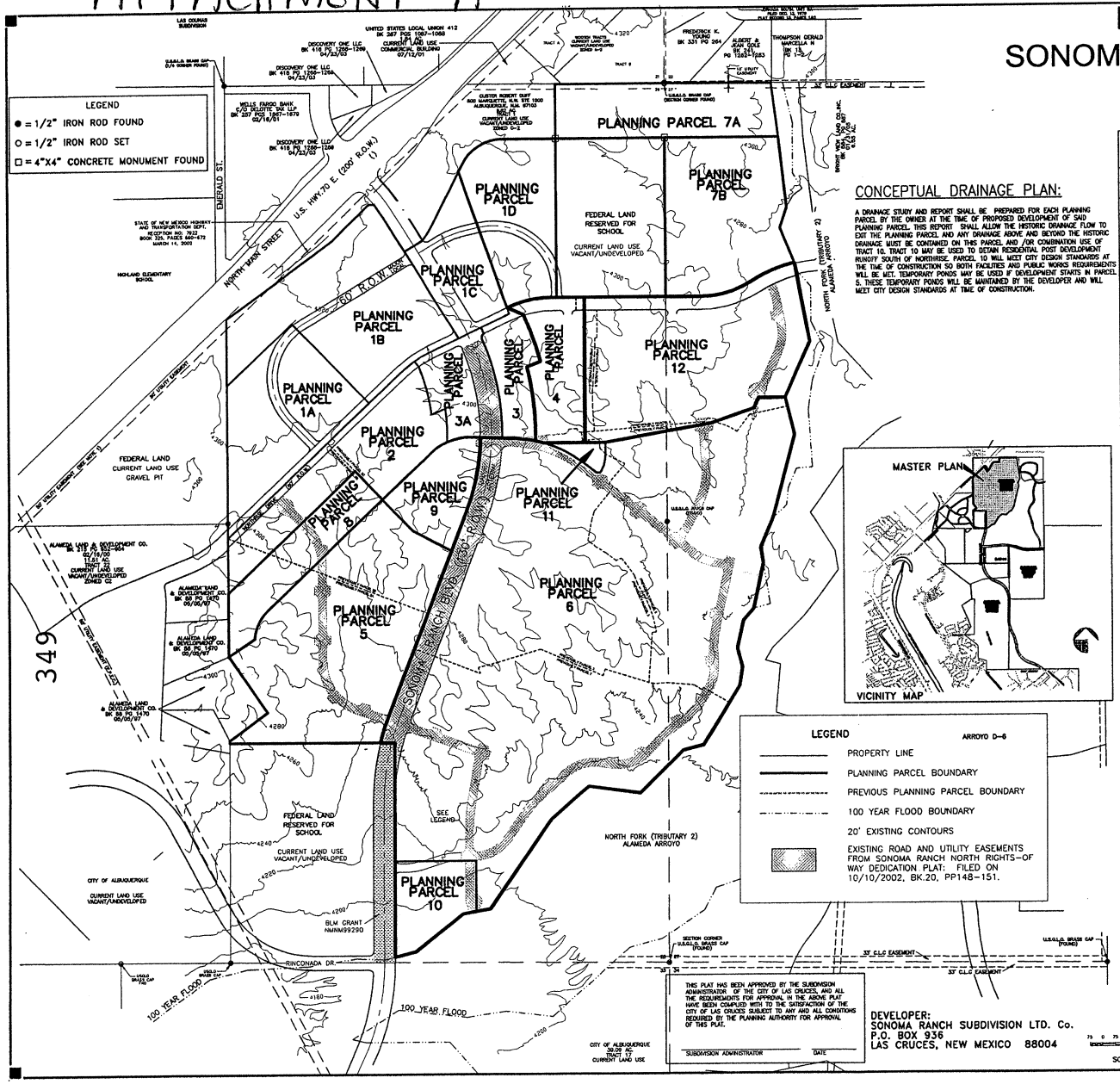
This Master Plan amendment is necessary to change the zoning for a number of tracts in the Sonoma Ranch North development (Case # Z2785). This action redistributes the locations of single family, multi-family, commercial and open space land uses. The result is repositioning of high intensity commercial land uses closer to arterial roadways, as supported by policy 1.5.3b & f above and adds a buffer of multi-family residential between commercial and single family residential, as supported by policy 1.5.3d & g above.

Therefore, this amendment complies with the comprehensive plan, and advanced planning staff recommends approval.

ATTACHMENT "A"

MAJOR AMMENDMENT 2
SONOMA RANCH NORTH MASTER PLAN

LOCATED IN SECTIONS 27 AND 28, T.22S., R.2E.,
N.M.P.M. OF THE U.S.G.L.O. SURVEYS
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
275.00 AC. SCALE: 1" = 300' JUNE 4, 2009



CONCEPTUAL DRAINAGE PLAN:

A DRAINAGE STUDY AND REPORT SHALL BE PREPARED FOR EACH PLANNING PARCEL BY THE OWNER AT THE TIME OF PROPOSED DEVELOPMENT OF SAID PLANNING PARCEL. THIS REPORT SHALL ALLOW THE HISTORIC DRAINAGE FLOW TO EXIT THE PLANNING PARCEL AND ANY DRAINAGE ABOVE AND BEYOND THE HISTORIC DRAINAGE MUST BE CONTAINED ON THIS PARCEL AND /OR COMBINATION USE OF TRACT 10. TRACT 10 MAY BE USED TO DETAIN RESIDENTIAL POST DEVELOPMENT RUNOFF SOUTH OF NORTHRISE. PARCEL 10 WILL MEET CITY DESIGN STANDARDS AT THE TIME OF CONSTRUCTION SO BOTH FACILITIES AND PUBLIC WORKS REQUIREMENTS WILL BE MET. TEMPORARY PONDS MAY BE USED IF DEVELOPMENT STARTS IN PARCEL 5. THESE TEMPORARY PONDS WILL BE MAINTAINED BY THE DEVELOPER AND WILL MEET CITY DESIGN STANDARDS AT TIME OF CONSTRUCTION.

PROPOSED PLANNING PARCEL PROPOSED MASTERPLAN FEBRUARY 4, 2009	PROPOSED ACREAGE	*EXISTING PLANNING PARCEL APPROVED MASTER PLAN JANUARY 28,2006	LAND USE CHANGE	PROPOSED LAND USE FEBRUARY 4, 2009	EXISTING LAND USE JANUARY 28, 2006	DENSITY PER ACRE MIN. to MAX.	DWELLING UNITS PER PARCEL MIN. to MAX.
1A	13.29	1A	YES	COMMERCIAL HIGH DENSITY	MULTI-FAMILY/ SINGLE FAMILY HIGH DENSITY	--	--
1B	16.70	1B	YES PARCEL 1B,2,3 & 3A PER SUBDIVISION CRITERIA	COMMERCIAL HIGH DENSITY	COMMERCIAL HIGH DENSITY	--	--
1C	6.98	1C	NO	COMMERCIAL HIGH DENSITY	COMMERCIAL HIGH DENSITY	--	--
1D	10.35	1D	NO PARCEL 1D, 7A, 7B, 8 & 9	MULTI-FAMILY SINGLE FAMILY MEDIUM DENSITY	MULTI-FAMILY/ SINGLE FAMILY/MEDIUM DENSITY	4 to 15	41 to 155
2	12.24	INCLUDES 3A - 0.94 AC INCLUDES 2B - 4.39 AC INCLUDES 2C - 7.04 AC	YES	COMMERCIAL HIGH DENSITY MULTI-FAMILY/HIGH DENSITY	MULTI-FAMILY/SINGLE FAMILY MEDIUM DENSITY/OPEN SPACE RECREATIONAL	10 to 20	122 to 245
3	4.04	INCLUDES 4 - 4.04 AC	YES	COMMERCIAL HIGH DENSITY MULTI-FAMILY/HIGH DENSITY	MULTI-FAMILY/SINGLE FAMILY MEDIUM DENSITY/ OPEN SPACE/RNC	10 to 20	40 to 81
3A	5.36	INCLUDES 2C - 5.36 AC	YES	COMMERCIAL HIGH DENSITY MULTI-FAMILY/HIGH DENSITY	MULTI-FAMILY/ SINGLE FAMILY MEDIUM DENSITY/ OPEN SPACE/RNC	10 to 20	54 to 107
4	6.59	INCLUDES 4 - 8.13 AC INCLUDES 3 - 0.03 AC INCLUDES 6 - 0.09 AC	YES	MULTI-FAMILY/MEDIUM DENSITY	MULTI-FAMILY/ SINGLE FAMILY MEDIUM DENSITY OPEN SPACE/RNC	4 to 20	26 to 132
5	28.40	INCLUDES 2A - 19.65 AC INCLUDES 2B - 8.75 AC	NO	SINGLE FAMILY/MEDIUM DENSITY	SINGLE FAMILY/MEDIUM DENSITY P.U.D./OPEN SPACE RECREATIONAL	2 to 8	53 to 211
6	104.04	INCLUDES 4 - 0.89 AC INCLUDES 6 - 23.17 AC INCLUDES 5 - 31.39 AC INCLUDES 3 - 32.62 AC INCLUDES 7 - 40.47 AC	YES	SINGLE FAMILY/MEDIUM DENSITY	SINGLE FAMILY/LARGE LOT DENSITY P.U.D./OPEN SPACE RECREATIONAL	2 to 8	208 to 832
7A	10.09	INCLUDES 8A - 10.09 AC	NO PARCEL 7A, 7B, 8 & 9 PER SUBDIVISION CRITERIA	RESIDENTIAL ESTATES	RESIDENTIAL ESTATES	1 to 2	10 to 20
7B	14.91	INCLUDES 8B - 14.91 AC	NO PARCEL 7A, 7B, 8 & 9 PER SUBDIVISION CRITERIA	SINGLE FAMILY MEDIUM DENSITY OPEN SPACE RECREATIONAL	SINGLE FAMILY MEDIUM DENSITY OPEN SPACE RECREATIONAL	2 to 8	30 to 119
8	6.70	INCLUDES 2C-6.70 AC	YES	MULTI-FAMILY/MEDIUM DENSITY	MULTI-FAMILY/SINGLE FAMILY MEDIUM DENSITY/OPEN SPACE RECREATIONAL	4 to 20	27 to 134
9	5.31	INCLUDES 2A-1.70 AC INCLUDES 2B-3.61 AC	YES	MULTI-FAMILY/MEDIUM DENSITY	MULTI-FAMILY/SINGLE FAMILY MEDIUM DENSITY/OPEN SPACE RECREATIONAL	4 to 20	21 to 106
10	4.96	INCLUDES 7-4.96 AC	YES	OPEN SPACE-RECREATIONAL/ FLOOD CONTROL	SINGLE FAMILY MEDIUM DENSITY P.U.D./OPEN SPACE RECREATIONAL		
11	0.78	INCLUDES 7-0.78 AC	YES	OPEN SPACE-RECREATIONAL/	SINGLE FAMILY/LARGE DENSITY P.U.D./OPEN SPACE RECREATIONAL		
12	24.38	INCLUDES 3 - 0.03 AC INCLUDES 4 - 0.83 AC INCLUDES 5 - 1.49 AC INCLUDES 6 - 22.53 AC	YES	SINGLE FAMILY/MEDIUM DENSITY MULTI-FAMILY/LARGE DENSITY MULTI-FAMILY/MEDIUM DENSITY P.U.D.	SINGLE FAMILY/LARGE DENSITY MULTI-FAMILY/LARGE DENSITY MULTI-FAMILY/MEDIUM DENSITY P.U.D.	2 to 10	49 to 243
TOTAL	275.00	--	--	--	--	--	681 to 2385

1. OPEN SPACE, RECREATIONAL AREA TO BE DEDICATED TO CITY OF LAS CRUCES = 5.74 AC. MIN. OPEN SPACE WILL BE PROVIDED WITHIN PLANNING PARCEL 10 AND 11.
2. APPROXIMATE POPULATION TO BE GENERATED = 2.7 PERSONS PER DWELLING UNIT. MINIMUM POPULATION = 1839 PERSONS; MAXIMUM POPULATION = 6440 PERSONS.
3. APPROXIMATE TRAFFIC TO BE GENERATED = 10 TRIPS PER DAY PER DWELLING UNIT.(T.P.D.) MINIMUM TRAFFIC = 6810 T.P.D.; MAXIMUM TRAFFIC = 23,850 T.P.D. (ORIGINAL M.P. 6479.50 ; 25,126.30)
4. PLANNING PARCELS 1A, 1B, 1C, 2, 3, AND 3A TO BE FURTHER SUBDIVIDED USING THE ALTERNATE SUMMARY SUBDIVISION PROCESS.
5. TRACTS 4, 8 AND 9 (18.60 AC TOTAL) WILL BE A TRUE MULTI-FAMILY PARCELS TO PROVIDE A BUFFER BETWEEN THE COMMERCIAL AND SINGLE FAMILY RESIDENTIAL. THE BOUDARY OF THE THESE THREE PARCELS MAY BE RELOCATED TO ACCOMODATE BUILDING LAYOUTS USING THE PUD PROCESS BUT THE ACREAGE WILL REMAIN THE SAME.
6. EXISTING CURB OPENINGS ON NORTHRISE / SONOMA RANCH BLVD DRIVE MAY BE RE-LOCATED TO ACCOMODATE COMMERCIAL BUILDING LAYOUT. ALL ACCESS POINTS AND MEDIAN OPENINGS WILL COMPLY WITH CURRENT CLC DESIGN STANDARDS
7. PLANNING PARCELS MAY BE SUBDIVIDED INTO PHASES. EACH PHASE MAY BE FURTHER SUBDIVIDED OR COMBINED FOR CONSTRUCTION PURPOSES. PHASES WILL BE SHOWN ON THE PRELIMINARY PLATS UNLESS THE ALTERNATE SUMMARY PROCESS IS USED.
8. CONCEPTUAL MASTER DRAINAGE PLAN WILL BE SUBMITTED WITH THE 1ST PRELIMINARY PLAT IN PARCELS 4, 5, 6, 8, 9 OR 12.
9. FINAL ACCEPTANCE OF PARCEL 10 IS DEPENDENT ON FINAL DESIGN APPROVAL FROM BOTH PUBLIC WORKS AND FACILITIES

PARCELS 10 AND 11 NOTES

PARCELS 10 AND 11 WILL BE DEDICATED TO THE CITY OF LAS CRUCES BY SONOMA RANCH DEVELOPMENT AND PARCEL 10 WILL BE A COMBINED PARK/RECREATIONAL AND STORMWATER FACILITY AREA FOR RESIDENTIAL DEVELOPMENT. PARCEL 11 WILL BE A NEIGHBORHOOD PARK ONLY. THE PARK AREA WILL BE MAINTAINED BY THE CITY OF LAS CRUCES UNDER THE DIRECTION OF THE FACILITIES DEPARTMENT AND THE STORM WATER FACILITY WILL BE MAINTAINED BY THE PUBLIC WORKS DEPARTMENT. IF DEVELOPMENT IS STARTED IN PARCEL 5 TEMPORARY PONDS MAY BE CONSTRUCTED TO ACCOMMODATE POST DEVELOPMENT RUNOFF. THESE TEMPORARY PONDS WILL BE MAINTAINED BY THE DEVELOPER AND WILL MEET CITY DESIGN STANDARDS AT THE TIME OF CONSTRUCTION. SONOMA RANCH DEVELOPMENT AND INVOLEMENT WITH THE CITY OF LAS CRUCES PARKS/FACILITIES, PUBLIC WORKS AND UTILITIES DEPARTMENTS IS NECESSARY DURING THE DESIGN PROCESS TO ENSURE ADEQUATE INSTALLATION OF WATER, GAS, SEWER AND ELECTRICITY FOR FUTURE IMPROVEMENTS/AMENITIES. IT IS AGREED BETWEEN SONOMA RANCH DEVELOPMENT AND CITY OF LAS CRUCES FACILITIES DEPARTMENT THAT NO PARK IMPACT FEES FOR THE REMAINING UNDEVELOPED PROPERTY WITHIN THIS MASTERPLAN WILL BE ASSESSED IF THE DEVELOPER BUILDS THE PARK TO CURRENT PARK DESIGN REQUIREMENTS. ALL CITY STANDARDS WILL BE MET WITH THE DESIGN OF PARCELS 10 AND 11. THE STORM WATER FACILITY/PARK WILL BE DESIGNED TO DRAIN WITHIN 24 HOURS.

DEVELOPER:
SONOMA RANCH SUBDIVISION LTD. Co.
P.O. BOX 936
LAS CRUCES, NEW MEXICO 88004

GUNAJI-KLEMENT & ASSOCIATES
Civil Engineering · Geology · Environmental · Groundwater
LAS CRUCES, NEW MEXICO (505) 646-3304

MAJOR AMENDMENT 2
SONOMA RANCH NORTH
MASTER PLAN

2/4/9

SHEET NUMBER 1 OF 1

ATTACHMENT "B"

City of Las Cruces®

TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Helen Revels, Associate Planner HR

DATE: July 28, 2009

SUBJECT: Sonoma Ranch North Master Plan Amendment and Zone Change (S-09-011, Z2785)

RECOMMENDATION: Approval of Master Plan Amendment w/Conditions
Approval of Zone Change w/Condition

Case S-09-011: A request for a major amendment to the master plan known as Sonoma Ranch North. The master plan amendment shows a range of 465 to 1952 dwelling units on 275 ± acres of land. The amendment establishes a commercial development node at the intersection of Northrise Drive (collector), and Sonoma Ranch Boulevard (principal arterial); further, the amendment establishes an area of multi-family land uses between that commercial node and single family development to the south. The applicant also seeks a zone change for revised parcels. Submitted by Gunaji-Klement & Associates for Sonoma Ranch North LLC.

Case Z2785: A request for multiple zone changes for 54.53 ± acres within the Sonoma Ranch North master planned area. The subject properties are generally located south of U.S. Highway 70 North, and south of Northrise Drive, and east and west of Sonoma Ranch Boulevard. The zone changes are identified as follows:

- Tract A (1997) to Tract B, 0.38 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract A (1997) to Tract C, 5.24 ± acres, from R-1a (Single-Family Medium Density) to C-3 (Commercial High Intensity)
- Tract A (1998) to Tract C, 13.29 ± acres, from R-4C (Multi-Dwelling High Density-Conditional) to C-3 (Commercial High Intensity)
- Tract B (1997) to Tract C, 16.40 ± acres, from R-3 (Multi-Dwelling Medium Density) to C-3 (Commercial High Intensity)
- Tract A (1997) to Tract G, 6.70 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract A (1997) to Tract H, 5.31 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract A (1997) to Tract I, 4.96 ± acres, from R-1a (Single-Family Medium Density) to OSR (Open Space Recreation)/FC (Flood Control)

- Tract A (1997) to Tract J, 0.78 ± acres, from R-1a (Single-Family Medium Density) to OSR (Open Space Recreation)
- Tract A to Tract K, 0.85 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract K to Tract A, 0.62 ± acres, from R-3 (Multi-Dwelling Medium Density) to R-1a (Single-Family Medium Density)

Submitted by Gunaji-Klement & Associates for Sonoma Ranch North LLC.

BACKGROUND

The Sonoma Ranch North Master Planned Area is generally located along Northrise Drive and Sonoma Ranch Boulevard, immediately south of Highway 70/Bataan Memorial East. The Sonoma Ranch North Master Plan area encompasses approximately 275 ± acres and is partially vacant.

The original Sonoma Ranch North Master Plan was approved on December 11, 1996. The approval of the master plan by the Planning and Zoning Commission was appealed to City Council. On January 21, 1997, City Council affirmed the decision of the Planning and Zoning Commission; therefore approving the Sonoma Ranch North Master Plan.

The first major amendment was approved by the Planning and Zoning Commission on April 22, 1998. The second major amendment was approved by the Planning and Zoning Commission on April 26, 2005; but the Zone Change failed at City Council on June 27, 2005; therefore, nullifying the second major amendment.

On January 26, 2006, an application was submitted for a third amendment. This amendment was processed as a minor amendment and it was approved on March 6, 2006. This amendment modified the existing land use matrix and included specific language allowing for single-family residential uses within the prescribed R-2 and R-3 residential districts.

The current master plan amendment proposes to establish a commercial node at the intersection of Northrise Drive, a collector and Sonoma Ranch Boulevard, a principal arterial. The proposed amendment attempts to provide a true multi-family buffer between the commercial development to the north and single family development to the south. This proposed major master plan amendment contains 17 planning parcels identified with specific land use, acreage, proposed minimum and maximum density and proposed minimum and maximum number of dwelling units, if applicable.

For ease of discussion, staff will describe each of the 17 planning parcels in the proposed master plan amendment to include existing status and proposed changes.

Planning Parcel 1A

This planning parcel contains 13.29 ± acres and is currently zoned R-4 (Multi Dwelling-High Density) with a corresponding land use of High Density Multi-Family/Single-Family.

The proposed zoning is C-3 (Commercial High Intensity) with a proposed land use of High Intensity Commercial.

Planning Parcel 1B
This planning parcel contains 18.70 ± acres and is currently zoned C-3 (Commercial High Intensity) and the existing land use is High Intensity Commercial. The proposed master plan amendment does not affect this planning parcel. This planning parcel is partially built out.

Planning Parcel 1C
This planning parcel contains 6.86 ± acres and is currently zoned C-3 (Commercial High Intensity) and the existing land use is High Intensity Commercial. The proposed master plan amendment does not affect this planning parcel.

Planning Parcel 1D
This planning parcel contains 10.35 ± acres and is currently zoned R-3 (Multi-Dwelling Medium Density) and the existing land use is High Density Multi-Family/Single-Family. The proposed master plan amendment does not affect this planning parcel. This planning parcel is built out as White Sage Subdivision, Phase 1.

Planning Parcel 2
This planning parcel contains 12.24 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density) with a corresponding land use of Medium Density Multi-Family/Single-Family/Open Space Recreation. The proposed zoning is C-3 (Commercial High Intensity) with a proposed land use of High Intensity Commercial/Multi-Family with a maximum density of 20 dwelling units per acre.

Planning Parcel 3
This planning parcel contains 4.04 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density) with a corresponding land use of Medium Density Multi-Family/Single-Family/Open Space Recreation. The proposed zoning is C-3 (Commercial High Intensity) with a proposed land use of High Intensity Commercial/Multi-Family with a maximum density of 20 dwelling units per acre.

Planning Parcel 3A
This planning parcel contains 5.36 ± acres and is currently zoned R-3 (Multi-Family Medium Density) with a corresponding land use of Medium Density Multi-Family/Single-Family/Open Space Recreation. The proposed zoning is C-3 (Commercial High Intensity) with a proposed land use of High Intensity Commercial/Multi-Family with a maximum density of 20 dwelling units per acre.

Planning Parcel 4
This planning parcel contains 6.59 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density) with a corresponding land use of Medium Density Multi-Family/Single-Family/Open Space Recreation. The proposed zoning is R-3 (Multi-Family Medium Density) with a proposed land use of Medium Density Multi-Family with a maximum density of 20 dwelling units per acre.

Planning Parcel 5
This planning parcel contains 26.40 ± acres and is currently zoned R-1a (Single-Family Medium Density) and the existing land use is Medium Density Single-Family with a maximum of 8 dwelling units per acre. The proposed master plan amendment does not affect this planning parcel.

Planning Parcel 6
This planning parcel contains 104.04 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density) with a corresponding land use of Medium Density Multi-Family/Single-Family/Open Space Recreation. The proposed zoning is R-1a (Single-Family Medium Density) with a proposed land use of Medium Density Single-Family with a maximum of 8 dwelling units per acre.

Planning Parcel 7A
This planning parcel contains 10.09 ± acres and is currently zoned RE (Single-Family Residential Estate) and the existing land use is Low Density Single-Family. The proposed master plan amendment does not affect this planning parcel. This planning parcel is built out as White Sage Subdivision, Phase 2.

Planning Parcel 7B
This planning parcel contains 14.91 ± acres and is currently zoned R-1a (Single-Family Medium Density) and the existing land use is Medium Density Single-Family/Open Space Recreation. The proposed master plan amendment does not affect this planning parcel. This planning parcel is built out as White Sage Subdivision, Phase 2.

Planning Parcel 8
This planning parcel contains 6.70 ± acres and is currently zoned R-1a (Single-Family Medium Density) with a corresponding land use of Medium Density Multi-Family/Single-Family/Open Space Recreation. The proposed zoning is R-3 (Multi-Family Medium Density) with a proposed land use of Medium Density Multi-Family with a maximum density of 20 dwelling units per acre.

Planning Parcel 9
This planning parcel contains 5.31 ± acres and is currently zoned R-1a (Single-Family Medium Density) with a corresponding land use of Medium Density Multi-Family/Single-Family/Open Space Recreation. The proposed zoning is R-3 (Multi-Family Medium Density) with a proposed land use of Medium Density Multi-Family with a maximum density of 20 dwelling units per acre.

Planning Parcel 10
This planning parcel contains 4.96 ± acres and is currently zoned R-1a (Single-Family Medium Density) with a corresponding land use of Medium Density Single-Family/Open Space Recreation. The proposed zoning is OSR (Open Space Recreation)/FC (Flood Control) with a proposed land use of Open Space Recreation/Flood Control.

Planning Parcel 11
This planning parcel contains 0.78 ± acres and is currently zoned R-1a (Single-Family Medium Density) with a corresponding land use of Medium Density Single-Family/Open Space Recreation. The proposed zoning is OSR (Open Space Recreation) with a proposed land use of Open Space Recreation.

Planning Parcel 12
This planning parcel contains 24.38 ± acres and is currently zoned R-1a (Single-Family Medium Density)/R-3 (Multi-Family Medium Density) with a corresponding land use of Medium Density Multi-Family/Single-Family/Low Density Multi-Family. The proposed zoning is R-3 (Multi-Family Medium Density) with a proposed land use of Medium Density Multi-Family/Single-Family/Low Density Multi-Family with a maximum density of 10 dwelling units per acre.

Access to this development will be from a principal arterial, Sonoma Ranch Boulevard, and Northrise Drive, a collector. All other right-of-ways within the development will be local roads and will be constructed to City of Las Cruces Design Standards.

The City of Las Cruces Utilities Department has reviewed and approved the utilities concept of the master plan. All utility connections and extensions will be coordinated with the Utilities Department and will be provided as follows:

Gas:	City of Las Cruces
Water:	City of Las Cruces
Sewer:	City of Las Cruces

FINDINGS

1. The proposed master plan amendment is in conformance with the City Subdivision Code, Zoning Code, Design Standards, Transportation Plan, and Stormwater Management Policy Plan.

2. The adjacent land use and zoning include:

	Zoning	Land Use
North	C-2/C-2C	Highway 70/Vacant
South	PUD	Residential
East	M-1/R-1a/A-2	Commercial/Residential/Vacant
West	PUD	Commercial

3. The request for Zone Change is consistent with the following goals, objectives, and policies of the Comprehensive Plan:

Land Use Element, Residential Uses, Goal 1, Objective 3
Establish land use policy, for the purposes of the Land Use Element, for urban and rural residential uses which supports the unique lifestyles of these areas.

Policy 3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.

Policy 3.4 High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

Policy 3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

Policy 3-10 High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.

Land Use Element, Commercial Uses, Goal 1, Objective 5.3

High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

Policy 5.3a Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.

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 street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

Policy 5.3c The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.

Policy 5.3d High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site

standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

Policy 5.3e Adequate space for functional circulation shall be provided for parking and loading areas.

Policy 5.3f The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

Policy 5.3g High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

Policy 5.3h Low and medium intensity commercial use are permitted in high intensity commercial areas.

Land Use Element, Open Space, Goal 1, Objective 11
Establish urban and rural open space networks in the area.

Policy 11.1 The City shall encourage the preservation and provide a system of open space on the mesas and in the valley in order to provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

Policy 11.2 The City shall work with the Bureau of Land Management and the State of New Mexico to preserve arroyos on the east and west mesas as open space.

Policy 11.5 The City shall encourage the dedication of undeveloped open space. Undeveloped open space shall include all types of sensitive areas, such as arroyos.

Policy 11.8 The City may consider offering density bonuses, or waivers to park fees, for development in exchange for dedications of land for open space where such dedications lend to open space networks.

Policy 11.9 Arroyos in urban and rural areas shall be protected from development where such arroyos lend positively to an open space network. Preservation of arroyos shall be consistent with the Storm Water Management Policy Plan.

Land Use Element, Growth Management, Goal 2, Objective 1
Establish an integrated and coordinated approach to meet all established and proposed development-related policy.

Policy 1.10 Criteria such as existing land use distribution and their integration within adjacent areas shall be considered when determining a proposal's

significance in providing a mixed use, sustainable and reasonable distribution of land uses. In general, a minimum ratio of 40% single family residential, 10% multi-family, 20% non-residential (office, commercial, and industrial), and 30% miscellaneous (residential, non-residential, public and quasi-public) within the "study area" should be achieved. The "study area" shall include all parcels within a one (1) mile radius of the proposed limits of the site plan proposal. When a "study area" reflects a deficiency with the established land use ratio, the proposal's location with regards to its overall compatibility to the surrounding area shall be taken into consideration to see if application of the land use ratio is feasible.

Urban Design Element, Goal 2, Objective 5

Protect those natural resources and features unique to our region.

Policy 5.1 Advocate an appropriate balance between physical development and open space that will provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

Policy 5.2 Encourage new development to provide networks of open space. Open space should be linked with parks and recreational trails so that any open space areas may be considered "usable" space. Development waivers, such as density bonuses, shall be used as incentives to developers to create and/or maintain open space.

Policy 5.3 Encourage the protection of arroyos and other sensitive lands from development so that they remain in their natural state especially where such areas lend to an open space network.

Urban Design Element, Goal 3, Objective 9

Enhance our community's natural environment, physical environment, and character through quality design.

Policy 9.4 Encourage creative site planning for all new development and redevelopment.

a. The topography and slope of a site should be maintained in its natural state.
b. Encourage a balance between open space and development.

4. Staff has reviewed the proposed master plan amendment and zone change and no significant outstanding issues exist.

RECOMMENDATION FOR CASE S-09-011

The mixed use concept of the Master Plan remains intact from the original submittal and the two subsequent amendments approved in 1998 and 2006. The mixed uses include

Medium/High Density Single-Family, Medium Density Multi-Family and High Intensity Commercial. This request proposes rezoning to only 54.53 ± acres out of the total 275 ± acres within the Sonoma Ranch Master Planned area, leaving the remaining acreage as currently zoned/planned. The zone change request is consistent with the proposed amendment to the master plan.

The primary changes to this proposal include modifications to Planning Parcels 2, 3, and 3A to establish a commercial node at the intersection of a collector, Northrise Drive and a principal arterial, Sonoma Ranch Boulevard. Planning Parcels 4, 8, 9 are proposed to be true multi-family uses, providing a buffer between the commercial and single-family land uses to the south. Planning Parcel 10 is proposed to be Open Space Recreation and Flood Control land uses to accommodate a dual use park/pond facility and Parcel 11 is proposed to be Open Space Recreation to accommodate a park. The Open Space Recreation area in Planning Parcels 10 and 11 is proposed to be dedicated to the City of Las Cruces to accommodate park and flood control facilities. The master plan amendment proposes a maximum of 2,385 of dwelling units for the entire 275 ± acres, a decrease from the 2006 approved master plan of 2,512 dwelling units.

On July 15, 2009, the Development Review Committee (DRC) reviewed the proposed master plan amendment. The DRC reviews master plans from an infrastructure, utilities and public improvement standpoint. After some discussion regarding the park/ponding area the DRC recommended approval of the master plan with the following conditions:

1. The park/dual use facility must meet design standards that are applicable at the time of development. Public Works and Facilities must be involved in the final design of this facility (Parcel 10) to ensure requirements are met.

2. In accordance with LCMC Sec. 32-103, it shall be the responsibility of the developers/owners engineer to show that the peak flow and volume from a proposed development or construction project does not adversely affect or impact any upstream or downstream property, up to and including the next major drainage facility, drain, and/or regional ponding area. The development must not increase the peak, volume or change the location of the historic flow.

3. For any retention/detention facility design, a soils report shall be included (LCMC Sec. 32-106) to meet both Public Works and Facilities requirements.

4. The City will not accept ponding areas for operation and maintenance that are for the purpose of maintaining post-development runoff from commercial sites. Nor will the City accept ponding areas that contain a combination of post-development runoff from commercial sites and post-development runoff from residential subdivisions.

RECOMMENDATION FOR CASE Z2785

Staff has reviewed the zone change, and based on the preceding findings recommends approval with the following condition:

- All new utilities shall be underground

Please note: The Planning and Zoning Commission is the final authority on Master Plans and their decision may be appealed to City Council. The Planning and Zoning Commission is a recommending body to the City Council regarding zone change cases. The City Council has final authority over zoning cases.

OPTIONS

1. Approve the Master Plan Amendment and Zone Change request as recommended by DRC and by staff with conditions.

2. Approve the Master Plan Amendment and Zone Change request as recommended by DRC and by staff with additional conditions as determined appropriate by the Planning and Zoning Commission.

3. Deny the Master Plan Amendment and Zone Change request.

Please note: A denial would need to be based on findings other than those identified by staff or the Development Review Committee.

ATTACHMENTS

1. Development Statement
2. Copy of the Master Plan
3. Copy of Zoning Plat
4. DRC Minutes (Draft) – July 15, 2009
5. Vicinity Map

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: Sonoma Ranch Subdivision

Contact Person: ~~Brian~~ Daniel Sambrano

Contact Phone Number: 525-1183

Contact e-mail Address: daniel@sonomaranch.com

Web site address (if applicable): _____

Proposal Information

Name of Proposal: Sonoma Ranch North Master Plan Amendment II

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

S.F., M.F. Commercial

Location of Subject Property _____

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

Acreage of Subject Property: 275.09

Zoning of Subject Property: R-1A, R3, C3 OS

Proposed number of lots 2512 max, to be developed in 15 phase (s).

Proposed square footage range of homes to be built 1500 to 4000

Anticipated traffic generation 25,126 trips per day.

Anticipated development schedule: work will commence on or about 2009

and will take APPX. 5 years to complete.

How will stormwater be retained on site (detention facility, on-lot ponding, etc.)?

Combo of on site (on lot) & Regional Ponds

DEVELOPMENT REVIEW COMMITTEE

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, July 15, 2009 at 9:00 a.m. in the Las Cruces City Council Chambers, 200 North Church Street, Las Cruces, New Mexico.

DRC PRESENT: Cheryl Rodriguez, Community Development
Loretta Reyes, Public Works
Tom Murphy, MPO
Meei Montoya, Utilities
Mark Johnston, Facilities
Mark Dubbin for Travis Brown, Fire Dept.

STAFF PRESENT: Gary Hembree, Community Development
Helen Revels, Community Development
James White, Community Development
Natasha Billy, Public Works
Catherine Duarte, Public Works
Lora Dunlap, Recording Secretary

OTHERS PRESENT: N. Gunaji, Gunaji-Klement Inc.
Brian Soleman, Sonoma Ranch
George Rawson, Sonoma Ranch
Ted Scanlon, Scanlon White DTJ Development

I. CALL TO ORDER (9:10 am)

Rodriguez: I'll go ahead and call this meeting to order for Wednesday, July 15th. It's approximately 9:10 in the morning.

II. APPROVAL OF MINUTES – June 24 and July 1, 2009

Rodriguez: The first item on the agenda is the approval of the minutes from the June 24 and July 1st DRC meetings. Do I have a motion to approve?

Reyes: So moved, Loretta Reyes.

Murphy: Second, Tom Murphy.

Rodriguez: Any discussion on the minutes? Seeing none, all those in favor say aye.

Members: Aye.

Rodriguez: Those opposed? None? Minutes are passed.

DRAFT

III. OLD BUSINESS – NONE

IV. NEW BUSINESS

1. Case S-09-011: Sonoma Ranch North Master Plan, Major Amendment

- A request for a major amendment to the master plan known as Sonoma Ranch North. The master plan amendment shows a range of 465 to 1952 dwelling units on 275 ± acres of land.
- The amendment establishes a commercial development node at the intersection of Northrise Drive (collector), and Sonoma Ranch Boulevard (principal arterial); further, the amendment establishes an area of multi-family land uses between that commercial node and single family development to the south.
- The applicant also seeks a zone change for revised parcels.
- Submitted by Gunaji-Klement & Associates for Sonoma Ranch North LLC.

Rodriguez: We have two items on the agenda this morning. The first item is Case S-09-011, the Sonoma Ranch North Master Plan, a Major Amendment. I invite the applicants to the table. Helen Revels is going to present the case and then I ask the applicant then to follow up with any statements and then we'll go around the table. And for the purposes of the Recording Secretary if the applicants can please state their name into the record when we get to them. Helen if you can please present the case.

Revels: Helen Revels for the record. Today we have a master plan amendment; it's a major amendment for Sonoma Ranch North. Sonoma Ranch North is located south of Highway 70, east and west of Sonoma Ranch Blvd., north and south of Northrise Drive. Today the amendment is to establish a commercial node on the corner at the intersection of Sonoma Ranch Blvd. and Northrise Dr. and incorporate some true multi-family parcels that will separate the commercial development from single family development and in conjunction with this, with the restructuring of the parcels they are also seeking zone changes to be able to seek the commercial node and to put the true multi-family parcels which will be parcels 4, 8 and 9.

Rodriguez: So Helen, the proposed land uses for parcels 4, 8 and 9 are multi-family as part of the zone change request what would be the correspondence to?

Revels: They are zoning to I believe it's R3? No, R4.

Rodriguez: And I also know that they have a note on the plat regarding boundary shifts for parcels 4, 8 and 9; that if there is a change in the product layout of that, that they can shift that. That will impact the adjacent commercial properties; I think it's two and three.

Revels: Three.

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Rodriguez: And my recommendation to the applicant then to achieve that flexibility for that note on the plat is on planning parcels 2 and 3 you have commercial high intensity land uses. Also just incorporate multi-family language in there for land use and just identify what your maximum density would be and that would give you the flexibility then to shift those planning parcel boundaries. So I'll go ahead and hand it over to the applicant now.

Gunaji: I think the earlier R4 was…

Rodriguez: Speak into the mike please, thank you.

Gunaji: The earlier statement you made R4, they are R3 I think. A little while ago. It'll be R3. Okay, I just wanted to make sure of that.

Rodriguez: So it'll be zoned R3 but the land use will be multi-family so they will be developed as multi-family.

Gunaji: We have worked with the engineering on various issues for last several days and also next several times with (*inaudible*) and the director trying to resolve the differences between the pond that will be planned down there and the regional park and a pond as well as all of the design criteria and the appropriate notes that should go on the master plan. Those notes we have worked out with the engineering and give them a draft and as I understand when you left the office yesterday all those notes are already approved or at least agreeable. If you have any particular question we can modify them now. You have any modification on them?

Reyes: Oh, do I? Loretta Reyes, Public Works. Under the parcel 10 and 11 notes, it's my understanding that there was a discussion with regard to the very, very last line and last sentence. The storm water facility park will be designed to drain within 24 hours. The decision to allow the water from that parcel 10 future storm water facility, it has not been decided whether it would be allowed to be a detention pond to allow to drain into the arroyo through a pipe so I would just like to see that it's… this last sentence say to drain or percolate within 24 hours to match the design standards.

Gunaji: It doesn't make any difference. Do think in 24 hours is more proper? Because percolation how long can I take this large pond within 24 hours? But if you want to use the word percolation that's fine it doesn't make any difference. The pond will be drained by either a pipe or other measures into the arroyo probably less than 24 hours. We don't want to keep that water as per a request made by the Parks more than eight hours… 12 (*inaudible-someone speaking in background*).

Reyes: Forty-eight hours.

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Gunaji: That way the grass doesn't get down there saturated with the water so it's... I think it's been done, its okay with us but if you want to add percolation it's a moot question putting down there about percolation. It's going to drain more by draining to the arroyo than percolation.

Reyes: Okay, well I don't know.

Rodriguez: We'll go ahead and start with Public Works.

Reyes: Okay, well that was one of my first comments there and then the other issues is on the conceptual drainage plan, in the middle of the paragraph, tract 10 will be used to detain residential post development runoff south of Northrise. And again I mean the details haven't been worked out. I mean if it is in fact decided that this would be a detention pond then I think that would be decided at a later time in the master plan. I would at least like it to give us some flexibility to either say tract 10 may be used to detain or change the word detain. Because I'd, you know I think there's other decisions that have to be made with regard to allowing a detention pond for this development when the design standards state that you have to retain your drainage on site; your post developed drainage. And you do wanna put it into the Alameda Arroyo so I think there you know we have to make sure that we're not transferring a problem from one area to another or that it's not affecting down stream.

Gunaji: The normal procedure for drainage is to pass the post drainage after the storm is terminated. So we do not intend to pass any post development to the arroyo while the storm is in progress. By the time we start draining the pond the peak in the arroyo is already passed by and we can show that by running (*inaudible*) study and showing how we can do that at the time when they are ready to do that, that's what they're for. The feel that we have, that you have that we will pass on the dump water into the arroyo and create more problems is I would say a little, kind of (*inaudible*) because normal procedure in all drainage facilities is that whatever's in storage is drained after the storm is gotten over and therefore it doesn't make a great deal of impact. If you don't like that word will be, we like I say maybe may be the word. Tract 10 may be used to detain (inaudible) runoff.

Rodriguez: But Dr. Gunaji you'll... the client would be amenable to changing the word from will to may since this is a conceptual drainage report?

Gunaji: Yeah.

Rodriguez: Okay. Any other...? Have the notes, the conditions from the July 9th review, did you want those stated into the record later or are they added onto the master plan?

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Reyes: I could state it onto the record later. That was what we had decided to put some notes to go to P & Z.

Rodriguez: These five notes?

Reyes: Dr. Gunaji, did you see the four notes that we were gonna…?

Gunaji: We worked with Natashia and worked out and we had copies of those things received this morning.

Soleman: Brian Soleman with Sonoma Ranch. I don't think we have received final revised notes based on the meeting. I've received your comment and your review sheet but I haven't received anything on the revised notes based on the meeting of July 9th.

(*People speaking away from the microphones.*)

Soleman: During the July 9th meeting we agreed to come up with some language to put into the packet for P&Z that we agreed to. If that's the note you're referring, no we haven't received it.

(*Inaudible-multiple people speaking.*)

Gunaji: We have no problem with working the details and putting it in the way we agreed upon.

Soleman: (*Inaudible-speaking at same time as Dr. Gunaji*) comment sheet, yes. I didn't know (*inaudible-multiple people speaking*)

Rodriguez: Okay, that is what I'm referring to.

Reyes: Now the only one is number four, we were going to strike the last three words for percolation rates?

Gunaji: Yes.

Reyes: We'll strike those three words and leave that sentence just as it reads there up to requirements.

Gunaji: I think its okay with us.

Reyes: Okay.

Rodriguez: And as some of those notes affect Facilities, I'm going to jump to Facilities right now, Mark?

DRAFT

Johnston: Mark Johnston, Facilities. We did meet with the applicants, we talked over parcel 10. The intent and conceptual at this plan is fine with Facilities at this stage of the game and also parcel 11. I do want to state for the record that parcel 11 will be a stand alone park and a park only. It will not have any drainage uses whatsoever.

Rodriguez: Utilities. Meei?

Montoya: Meei Montoya. The Utility Department does not have problem with the planning of this area but I do like to just state two comments that I made during the review. The Utility Department has met you know the Director of the Utility Department has met with the developer regarding the full build out of this development will require the improvement to the City's south zone one water system and the Utility Department will monitor the water demand in this area and will notify the developer ahead of time if any system improvement will be needed. And the second comment is when I looking at this master plan I saw there is some note in hatched area saying something about a utility easement mainly for the sewer line along the... I mean within parcel 6 and parcel 10. On parcel 12 those already get built and then I just want to make a comment say that, let me just read my notes, it said... in order to ensure the proper utility function that's include water, sewer and gas, additional utility easement for water, sewer and gas infrastructure may be needed for any existing and future utility installation. Things that you show the utility easement in there, I don't want this easement to be referenced as the only easement you will be needing because if later on we need some above ground maybe like a reg station or something like that, we might need a small parcel and that has to be dedicated as a utility easement to the City in order for us to be able to maintain those infrastructure. Those are just comments; it's not a requirement right now.

Rawson: Okay, I'm George Rawson. I'm one of the principles of Sonoma Ranch and since we are on the record, I want the record to know that we have been planning piping and for the Sonoma Ranch... for the Mesa Grande Blvd., we have finished plans specifications. Right now those plans specifications done by our engineering company for excess of $250,000.00 are sitting on the engineer's desk in the City of Las Cruces deciding who's going to pay for the right-of-way. We did that to solve the south zone water issue. We've been working on issue for two years. Mr. Scanlon right here will tell you that we've been in a massive fight over who and where the right-of-way goes but the issue of holding us hostage for south zone water solutions because it's become a political matter are really not fair. But we do understand the problem, Meei, and as you know we have solved many water issues in Sonoma Ranch with 24 inch (*inaudible*) and everything else so that we have been a partner in the construction of those lines taking

DRAFT

back credits that have taken us between five and seven years to use. So, I understand your comments, I would hope that you would understand mine.

Montoya: Yes, we do and I cannot comment on that you know when those right-of-way will become available for us to put the 24 inch water line. But I do have to make that comment because whenever development you know goes in we do have to ensure there's property fire flow, especially the proper flow you know to you know for that area. But like I said that the Utility Department at this time is not concerned about the water demand in this area but through the modeling we have in the computer we will monitor the demand in this area. When we foresee there will be a problem to meeting you know the fire flow demand we will let you know ahead of time and hopefully that this situation will not happen that we will get the easement that we need or get you know and find some other way to be able to meet a demand.

Rawson: Okay, for the record, George Rawson, Sonoma Ranch. I need you to know that we've been told at least twice in the last ninety days that the most recent water line solutions and interconnects pumping water all the way to the East Mesa was supposed to be the solution to the pressure issue so that it took the issue off building Mesa Grande. So that's for the record. We have been involved in the water issue, I understand fire flow. I can tell you down on Hadley, right down on West Hadley, we still don't have 1,000 gallons a minutes. So we have other places within the City of Las Cruces that don't have 1,000 gallons a minute fire flow so we haven't solved all of the problems. And I do understand what you're saying, Meei and I just want to make the point that we are involved in solving that problem and for somebody to say that you can't have water because this problem hasn't been solved but it's not because we haven't made the effort.

Rodriguez: I think that that's been noted for the record and I think that, that both parties understand the situation. They're just looking at it from a very broad perspective so as development occurs and if Mesa Grand was to come to fruition then hopefully this matter will be solved. So at least both parties have been noted on record and as development occurs both parties will continue to monitor the situation. MPO?

Murphy: Tom Murphy, MPO. I have no questions on this amendment.

Rodriguez: Fire?

Dubbin: Mark Dubbin, Las Cruces Fire Department. We have not issues with the master plan amendment although we will be monitoring the fire flow as development occurs.

Rodriguez: Public Works?

DRAFT

Reyes: Loretta Reyes, Public Works. I have a question on tracts 4, 8 and 9. Are those tracts now expected to be discharging into the tract 10, the pond? Or is it still just 5, 6 and 12?

Gunaji: (*Inaudible-not speaking into a microphone*) we need to have the option to discuss if needed.

Reyes: It's my understanding that those tracts will be rezoned R3, so what is allowed under R3? Is that single family homes?

Rodriguez: R3 zoning district permits single family, multi-family but the master plan will be governed as multi-family. So they will be allowed to develop as true multi-family so single family will not be permitted in the planning parcels of 4, 8 and 9.

Reyes: Okay, and so when those parcels come in for development, will they come in under a residential subdivision permit or a commercial permit?

Rodriguez: They will come in as a multi-family so however that is classified.

Revels: Commercial.

Rodriguez: Commercial.

Reyes: Okay. Well therein lies then my concern and Public Works concern with the ponding because when we do get multi-family type developments coming in under commercial, they are to store their post development flow on-site and not put it into... but I don't you know I mean I know things can change and things can be discussed and things can be negotiated so I just I guess wanted to bring that to the table and basically make it known that if it comes in as a commercial we would expect that they would store the post development flow on-site.

Soleman: Brian Soleman, Sonoma. The reason that we've changed this note as we have various projects that are multi-family such as the Del Prados which are a higher density product, that isn't a commercial product. If we go in there and we put a true multi-family such as a Del Prado product, higher density would fall into the same category as residential. And that's why we've revised the note to allow us to use this pond for ponding as we have in the past.

Rodriguez: But your note doesn't include planning parcel 4.

(*People speaking away from the microphone.*)

DRAFT

Rodriguez: For the note, for parcels 10 and 11 notes?

Soleman: We've omitted… the revised note for parcel 10 and 11 we've omitted the specific parcels and just went strictly to residential use.

Reyes: Okay.

Rodriguez: So on that note, do you have any comments?

Reyes: No, only that I just wanted to bring that forward and I just I want the applicant to understand that if you know if decisions are made that are contrary to what you'd like to do that at least you know that right now, okay.

Rawson: George Rawson. We still do have the option before we build the pond to make other arrangements with you if we find a way to drain that water to a detention pond that's reasonably… meets your expectations?

Reyes: Yes, Mr. Rawson, that's true. That's correct.

Rodriguez: So, do I have a motion to approve the major amendment to the Sonoma Ranch North master plan with the four conditions as stipulated by Public Works on the review date of July 9, 2009?

CONDITIONS:

1. The park/dual use facility must meet design standards that are applicable at the time of development. Public Works and Facilities must be involved in the final design of this facility (Parcel 10) to ensure requirements are met.

2. In accordance with LCMC Sec. 32-103, it shall be the responsibility of the developers/owners engineer to show that the peak flow and volume from a proposed development or construction project does not adversely affect or impact any upstream or downstream property, up to and including the next major drainage facility, drain, and/or regional ponding area. The development must not increase the peak, volume or change the location of the historic flow.

3. For any retention/detention facility design, a soils report shall be included (LCMC Sec. 32-106) to meet both Public Works and Facilities requirements.

4. The City will not accept ponding areas for operation and maintenance that are for the purpose of maintaining post-development runoff from commercial sites. Nor will the City accept ponding areas that contain a combination of post-development runoff from commercial sites and post-development runoff from residential subdivisions.

Johnston: Mark Johnston, so moved.

Murphy: Tom Murphy, second.

DRAFT

Rodriguez: All those in favor?

Members: Aye.

Rodriguez: Those opposed? None, this passes. This will be going to Planning and Zoning Commission for July 28th.

ND Gunaji: Thank you.

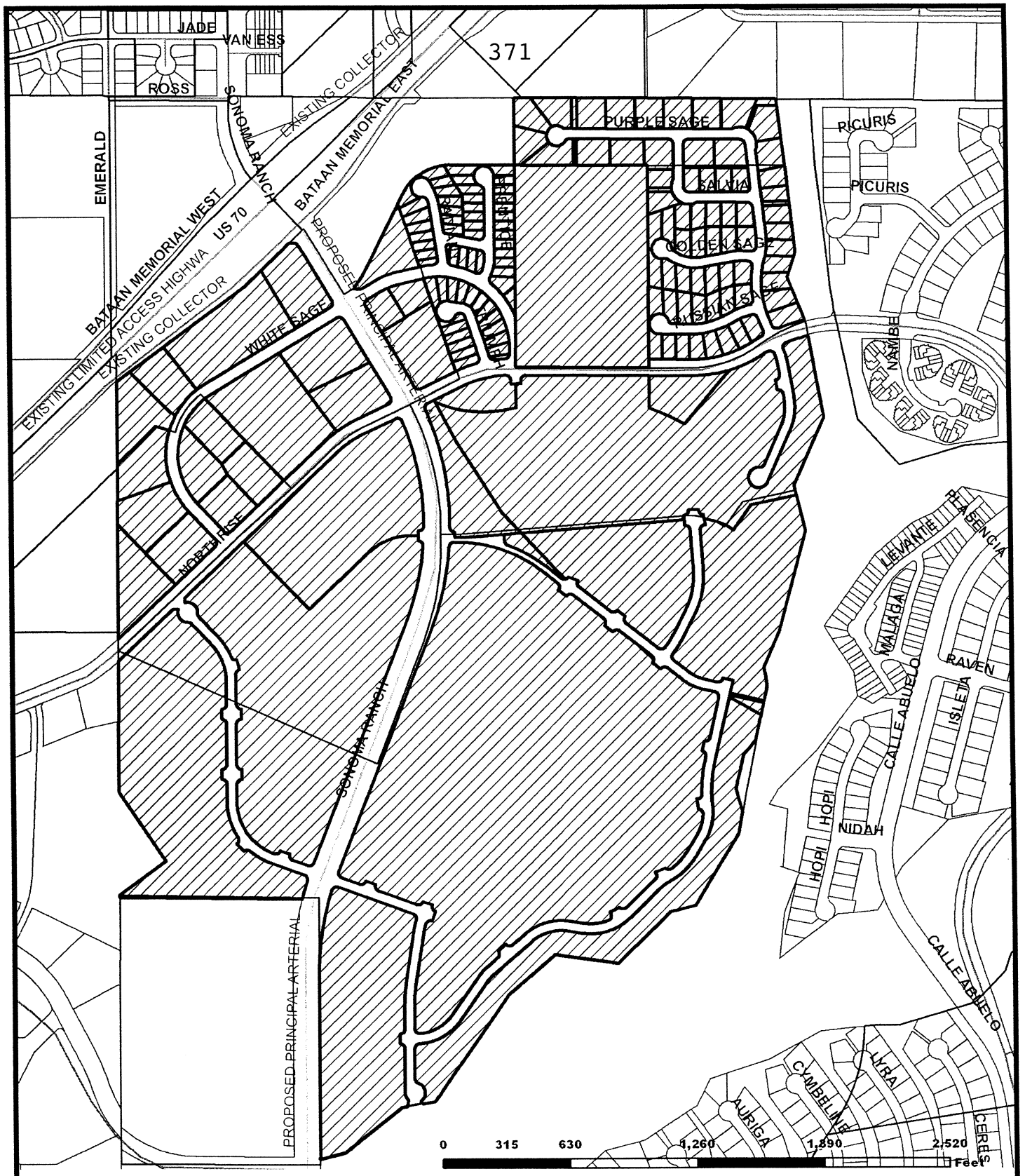
5. Case S-09-027: Heather Hills Master Plan Amendment No.1

- Located west of Stern Drive and south of Broadmoor Drive;
- Master plan amendment would result in the land area being increased by 7.126 +/- acres for a total size of 57.663 +/- acres;
- Planning parcel 1 encompassing 31.902 acres that is zoned R-1a (Single-family medium density) is not affected by the master plan amendment;
- Planning parcel 2 encompassing 6.385 +/- acres that is zoned R-1c (Single-family low density) is not affected by the master plan amendment; Planning parcel 3 encompassing 4.952 +/- acres that is zoned R-1a (Single-family medium density) is not affected by the master plan;
- Planning parcel 4 encompassing 7.139 +/ acres that is zoned R-1aC (Single-family medium density conditioned to quasi institutional land uses) is not affected by the master plan amendment;
- Master plan amendment is limited to a single property of 7.126 +/- acres located east (adjacent) of the current boundary of the Heather Hills master plan;
- 5.451 +/- acres will be rezoned from M-T (Industrial Light) to R-1ac (Single-family medium density limited to quasi institutional land uses);
- The remaining 1.6 +/- acres will be rezoned from O-2C (Office, Professional-Limited Retail Service Conditional) and M-T (Industrial Light) to R-1a (Single-family medium density)
- The previous conditions imposed on the master plan will remain:
- Heather Hills master plan will be limited to a maximum of 172 single-family residences;
- All newly installed utilities will be placed underground;
- Access from Broadmoor Drive is limited to emergency purposes;
- Submitted by Scanlon White, Inc for DTG Development Company.

Rodriguez: The next item on the agenda is another master plan amendment to the Heather Hills. It's Case S-09-027. I invite staff and the applicant to the table to discuss the proposed amendment.

Scanlon: For the record though before we start on this case, I want to make an acknowledgement and a clarification. I want to acknowledge that certainly I believe the Sonoma Partners are in a major fight over the location of right-

DRAFT



MAP CREATED FOR: HREVELS **ZONING: VARIES**

ADDRESS: SONOMA RANCH NORTH MASTER PLAN AMENDMENT NO. 2/ZONE CHANGE
LAS CRUCES, NM 88011 **PARCEL: MULTIPLE**

DEVELOPER: GUNAJI-KLEMENT & ASSOCIATES FOR SONOMA RANCH NORTH LLC

DATE: 7/9/2009 9:32:41 AM **SUBDIVISION: SONOMA RANCH NORTH**

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Community Development Department
575 S Alameda Blvd.
Las Cruces, NM 88001
(575) 528-3222

ATTACHMENT "C"

Start → 3. **Case S-09-011:** A request for a major amendment to the master plan known as Sonoma Ranch North. The master plan amendment shows a range of 465 to 1952 dwelling units on 275 +/- acres of land. The amendment established a commercial development node at the intersection of Northrise Drive (collector), and Sonoma Ranch Boulevard (principal arterial); further, the amendment established an area of multi-family land uses between that commercial node and single-family development to the south. The applicant also seeks a zone change for revised parcels. Submitted by Gunaji-Klement & Associates for Sonoma Ranch North LLC.

4. **Case Z2785:** A request for multiple zone changes for 54.53 +/- acres within the Sonoma Ranch North master planned area. The subject properties are generally located south of U.S. Highway 708 North, and south of Northrise Drive, and east and west of Sonoma Ranch Boulevard. The zone changes are identified as follows:
   - Tract A (1997) to Tract B, 0.38 +/- acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
   - Tract A (1997) to Tract C, 5.24 +/- acres, from R-1a (Single-Family Medium Density) to C-3 (Commercial High Intensity)
   - Tract A (1997) to Tract C, 13.29 +/- acres, from R-4C (Multi-Dwelling High Density-Conditional) to C-3 (Commercial High Intensity)
   - Tract B (1997) to Tract C, 16.40 +/- acres, from R-3 (Multi-Dwelling Medium Density) to C-3 (Commercial High Intensity)
   - Tract A (1997) to Tract G, 6.70 +/- acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
   - Tract A (1997) to Tract H, 5.31 +/- acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
   - Tract A (1997) to Tract I, 4.96 +/- acres, from R-1a (Single-Family Medium Density) to OSR (Open Space Recreation)/FC (Flood Control)
   - Tract A (1997) to Tract J, 0.78 +/- acres, from R-1a (Single-Family Medium Density) to OSR (Open Space Recreation)
   - Tract A to Tract K, 0.85 +/- acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
   - Tract K to Tract A, 0.62 +/- acres, from R-3 (Multi-Dwelling Medium Density) to R-1a (Single-Family Medium Density)

   Submitted by Gunaji-Klement & Associates for Sonoma Ranch North LLC.

Crane: Ms. Rodriguez, you wanted to keep the cases that Mr. Shipley pulled from the agenda in sequence, but do you want me to put number six and seven next or …

Rodriguez: Mr. Chairman, it would be the intent that we're going in order of the agenda, so whatever the next item that was removed.

Crane: Thank you. The next case is S-09-011 and Ms. Revels has something to say regarding this.

Revels: Good evening. Helen Revels for the record. I'd like for us to suspend the rules so we can hear the cases together and then we'll unsuspend the rules to vote separately on the zone change and the master plan amendment. Also, there was a letter that was presented as opposition of this case from Alameda Property Group that was submitted by e-mail after the packets went out, so we have given that to you for your packets this evening.

Crane: Thank you. Do I hear a motion to suspend the rules for these two cases so we can hear them together?

Shipley: So moved.

Crane: Moved by Mr. Shipley.

Bustos: Second.

Crane: All in favor.

ALL COMMISSIONERS MEMBERS - AYE.

Crane: Against? Passes four-nothing. The rules are suspended so we can discuss S-09-011 and Z2785 as one and then we will vote on them later.

Revels: Okay, Sonoma Ranch North Master Plan amendment and zone change. The property is located south of U.S. Highway 70 and east and west of Sonoma Ranch Boulevard. Here is a photograph showing the property. It's all shaded in of the Sonoma Ranch Master planned area there. Case specifics, the Sonoma Ranch Master Plan is a major amendment. There are modifications to planning parcels two, three, and three A to establish a commercial mode at the intersection of a Collector which is Northrise Drive and a Principal Arterial which is Sonoma Ranch Boulevard. There are also modifications to planning parcels four, eight, and nine to establish a true multi-family buffer between the commercial to the north and the single-family development proposed to the south. They're also creating a planning parcel ten that will be used to accommodate a park/pond facility that will be used as a dual facility for ponding and also as a park. Planning parcel eleven will also be created for an additional park in the Sonoma Ranch North Master planned area.

Case specifics for the zone change, Z2785, the zone change consists of 54.53 +/- acres of the total 275 acres that has been master planned. The proposed zone changes just will correspond with the modification to the planning parcels that I just described. The above master plan amendment and zone change are in compliance with the 1999 Comprehensive Plan and is supported by policy numbers 1.535b, d,

f, and g. Here's an example of the proposed master plan which you guys have more blown up ones in your packet there because these are hard to read. Here's a zone change plat. And I've included some zoning that has happened along the course of time. This is the very first zone change that was done in 1997. Tract A here is about I believe its 152 acres and it was zoned R-1a and then up here we have Tract B and that was 76 +/- acres and that was zoned R-3. And then over here we have Tract C which was zoned C-2 and it was a little over 21.5 acres. And then we have the school here and then over here we had some residential zoning I believe is R-1a and then above here bordering the Jornada South Subdivision there was some residential estates which required ... they wanted some homes with larger lots to border the one acre lots in Jornada South. So this is just showing you that there was some commercial zoning adjacent to Sonoma Ranch Boulevard and Northrise on this proposal.

And then in 1998 they did another revision and they did some rezoning here and the biggest changes here were right here, this tract which changed from R-3 to C-2 and also this one here Tract D as it is called out on this plat was changed from R-1a to C-2. This tract, that's called Tract A on this proposal, went from R-3 to R-4C and then of course over here we had some R-3 that went to C-2. These two here had conditions that if they were not developed in a certain period of time they would convert back to their former zoning and these in fact did convert back to R-3 and R-1a in 2008.

And then in 2006 the area that was zoned C-2 from the previous two amendments was converted to C-3 from C-2. So just to give you a little history of the commercial nodes between Northrise and Sonoma Ranch. Here's an aerial photograph of the area. And here's an MPO thoroughfare map showing you the existing thoroughfares and you'll see here that Northrise is a Collector and Sonoma Ranch Boulevard is a Principal Arterial.

The master plan amendment did go before DRC on July 15th and it was recommended approval with the following four conditions and I would like to go ahead and read those into record. The conditions are: 1) that the park dual use facility must meet Design Standards that are applicable at the time of the development. Public Works and Facilities must be involved in the final design of this facility which is Parcel 10, to ensure requirements are met. 2) In accordance with Las Cruces Municipal Code Section 32-103, it shall be the responsibility of the developers/owners engineer to show that the peak flow and volume from a proposed development or construction project does not adversely affect or impact any upstream or downstream property, up to and including the next major drainage facility, drain, and/or regional ponding area. The development must not increase the peak, volume or change the location of the historical flow. 3) For any retention/detention facility design, a soils report shall be included to meet both Public Works and Facilities requirements. 4) The city will not accept ponding areas for operation and maintenance that are

for the purpose of maintaining post-development runoff from commercial sites. Nor will the city accept ponding areas that contain a combination of post-development runoff from commercial sites and post-development runoff from residential subdivisions.

The recommendation or options for you here tonight for Case S-09-011 is to approve the master plan amendment with the conditions as recommended by DRC; approve the master plan amendment with conditions deemed appropriate by this body; or deny the master plan amendment. Just to let you know, the Planning and Zoning Commission is the final authority on master plans and their decision may be appealed to City Council.

Staff recommendation for Z2785, staff recommends approval with the following condition, that all new utilities shall be underground. Our options for P&Z tonight are to approve the zone change with condition as recommended by staff; approve zone change with conditions deemed appropriate by this body; or deny this zone change. Planning and Zoning Commission is a recommending body to City Council for zone change cases. That ends my presentation for this evening. I'll stand if you have any questions, and also the applicant is here with their own presentation.

Crane: Thank you Ms. Revels. Commissioners, any questions for staff?

Shipley: Not at the moment.

Crane: Members of the public. Any questions ... the applicant, I beg your pardon, yes. The applicant wish to address the Commission?

Gunaji: Mr. Chairman, my name is Mr. Gunaji of Gunaji-Klement and Associates. And I'm the consulting engineer for the Sonoma Ranch development. I will try to take you through some of our points to make this particular presentation quite positive for you. First of all, I want to thank the City staff with whom we worked for many weeks to get to this point. We had several meetings with them and attended various departmental staff and make sure that we answer all of the questions. I just want to recapitulate some of the highlights of our presentation.

Master plans and zone changes or zone designations are dynamic and live documents. They keep on changing as our needs change. City's comprehensive plan, City zoning code (*inaudible*) have changed because our city was growing and offered a number of different challenges. So, in this particular case we looked at our land holdings and (*inaudible*) and master plans and brought them back to today's challenges when we began this project in 1996. And so what has happened here is that the request that we're making is based on the challenges we are going to face in years to come. One of the interesting things that we found out about reading the 1999 Comprehensive Plan, that commercial hubs should be located at the intersection of major thoroughfares. When this particular

project was a visionary plan, there was not a major thoroughfare through this particular property until Sonoma Ranch Boulevard was built. And so after that Sonoma Ranch Boulevard was built, then the Northrise was built and we found ourself into a very challenging position as to the zoning and land use and what particular use we can put this particular development. There are six ... let's see, there are tracts in this particular area that shows changes which I will take you through here and you have this map in your packet. Tract A is right here, and in tract A we gain in our redoing this particular thing, only gain about 0.62 acres and we're holding all 104 acres as the residential area. It is ... all the writing is about 0.62 acres to make it a larger place to make it all residential area. The tract B which goes down here gains 0.38 acres to make about 16.94 acres of residential area R-3. Tract C which consists down here gains about 30.93 acres from residential to make a 61.49 acres of commercial C-3. And this happens because presently the connection of Sonoma Ranch Boulevard with Highway 70, this particular area is all commercial here, already businesses are thriving. And all this area here in the property west is all commercial. So it is logical to have commercial merging into a commercial area and that's why we added this particular commercial area to this. And the reason to that, Northrise goes through down here so Northrise being a major collector becomes to kind of a hub for commercial development.

Tract D stays 10.9 acres as residential (*inaudible*). Tract D is right down here. Nothing changes in that area. Tract E stays at 14.91 acres as residential in R-1a. Tract F stays at 26.4 acres of residential. Tract F is right here. And tract I is 4.96 acres of open space, recreational, and flood control. That is where our park is going to be. That area is right here. This is where we're going to develop this in which this particular open space, recreational area we will provide more than what is required under city code. We will probably do a sprinkler system. We're working with the park department to make this a very challenging and useful park area.

And tract J which sits down here, right down here is a residential area, the tract J here right down here is a small park. The park staff kind of felt that area would be nice for a small park because they come to the conclusion that lots of residents would like to have a small park next to their neighborhood. And then the tract K remains at 24.3 acres as residential area. When you add all these changes that we are requesting you will find that we have maintained most of our residential area intact and only asking for about 34.93 acres of additional commercial area to be located at this intersection here and area near this commercial zone that is being (*inaudible*). To take the percentage wise, we find that about 12% of the 275 acres is used for commercial area. So we're not asking a great deal, but we're asking areas that we believe that as Las Cruces East Mesa develops and Sonoma Ranch is already going through past 70, crossing, going up to the new golf course going up down there, being developed,

and we're finding that this going to be a Major Arterial already, so it will be proper to provide the appropriate facilities for commercial area.

As a passing remark which was shown here by the staff, a few years ago when there was a need for a hospital, 52 acres of this area was zoned commercial if the hospital owners could buy that property. Since we are not the successful bidders, that particular commercial zoning was lapsed. So, there's a history of trying to develop a commercial node into this area. So you can see that your master plan and requirement of a commercial area falls into the comprehensive plan and a need for Las Cruces. If you have any other specific questions, I'll be delighted to answer. I have my colleagues here that if I can't answer, they will answer your questions.

Crane: Thank you Mr. Gunaji. Commissioners? Commissioner Shipley.

Shipley: Mr. Gunaji, I'm kind of perplexed to see that you've only got one area for the park at the very southerly end of this development. I mean people have to get in their cars and drive to this park. I mean if you're going to have a master planned area why don't we have multiple park locations, five acres, eight acres or something like that adjacent to R-1 and R-3 and the other areas so that people don't have to ... they can take ... their kids can go on their bicycles and go to the park. The way I see this is you've got to drive you know a mile and a half in a car and so we're not making this very friendly for the people who live there. We're not doing a good thing for our environment. We're not doing smart things for the management of this site. This is a master plan community. It's all on paper and now is the time to get the plan right.

Gunaji: Mr. Shipley. I need to tell you that we spent hours with the Park Department staff. All this area that you see is residential. The streets will have trails and walkways coming down that will be ending into this park. The park will have facility, besides what we're going to provide, the facility for those people that want to drive, so though you say that why can't you spread this park out, there are pros and cons versus small parks, number many parks, and large parks. Our discussion with the Parks Department resulted into a fairly good sized park like you see in Gomez or Frenger Park which is for multiple use and we kind of felt that people would be walking from this space here down to this area. That's why we put the park down there. In addition, there are trails going into the arroyo right down here, going to the Armijo Arroyo, and so that kind of merges with the desire for the people who want to walk through the (*inaudible*).

Shipley: But I think you need more neighborhood parks because the people who live in neighborhoods you know we're trying to get them to stay out of their cars. And you know to go a mile and a half or two miles down the road on a bicycle at 97 degrees temperature, they're not going to do that. And

there is a chance not necessarily to have huge parks, but to have parks where people can get out of their homes, they can walk down for 30 or 40 minutes, kids can swing, they can recreate a little bit, it doesn't have to be you know enormous soccer fields or anything of that nature, but it should be just something so that people can go out and meet with their neighbors, talk, and then go back to their homes and do that. And when you see... you've got a school on one end up there, there are playgrounds on the school grounds, there's no access to that unless you're at the school.

Gunaji: There is a school area. There is access to the school area here already.

Shipley: Through that wash where the runoff goes? Behind it?

Gunaji: There is a... this particular is the Northrise and the school sits right here.

Shipley: And the playgrounds are behind the school and they're (*inaudible*).

Gunaji: Yeah. Playground areas are on both sides of the school.

Shipley: Correct.

Gunaji: The residential area here, see. And there are... all of our systems are designed for multi-use path in this development, so there will be bicycling or walking available to most of the residents down there.

Shipley: But those people that live up there are going to have to go all the way down Sonoma Ranch Boulevard to get to this park.

Gunaji: That depends, some of them may go here, from down here will go down here. There is a park down here, a small park down here.

Soleman: For the record, Brian Soleman with Sonoma Ranch. Earlier you had referred to Sonoma Ranch Boulevard as approximately a mile and a half from Northrise. It's closer to half a mile area. When we built Sonoma Ranch Boulevard keep in mind that in the planning of the north, we provided multiuse paths for exactly what you're talking about to provide connectivity from the north to the south which is kind of how we strategically placed the park in the south area. We worked with staff to kind of locate a park that would work as a more combined community park. The multiuse path that we've built within Sonoma Ranch Boulevard now is a continuous network of multiuse paths from Northrise all the way to the golf course. So just to kind of give you an idea of link through this particular property, it is not so much a mile and a half, the walk is considerably shorter.

Shipley: I live out there. I know where it is. But I would just say this, if you're going to build a wheel, and that was a wheel, you put the hub in the center. Put your park in the center so that people have the shortest distance to get there from the outer perimeters, and that makes more sense to me than putting a park at the south end of this development, especially with all the acreage that you've got here. Because you're going to put it down there and they're going to have access along Sonoma Ranch which is 35 mile an hour limit, two cars, it's four lanes, so you're... to me that's not good planning as far as where we should have the park. The park ought to be up in the center of the neighborhoods so that the people have access to it and can go to it just like the hub. That ought to be the key point that you design everything else around, the amenities that your people... you're selling your homes for.

Gunaji: Your thought pattern is correct, but the drainage issues and the topography was such that working with the Parks Department they kind of felt that that would be the best location. So, that's what we are proposing.

Shipley: Okay.

Crane: Anything else Commissioners? Thank you. Any member of the public wish to address this issue?

Dawe: Good evening Commissioners. My name is Tom Dawe and as I said I'm an attorney. I'm appearing here tonight on behalf of Alameda Development and I'd like to address several of Mr. Gunaji's points right away. First of all, he indicated that they had worked many weeks on this project. As you are aware from the file, this case goes back, or the master plan goes back to '84 to '86. It was a two year project. There was quite a bit of work done by Alameda at that time and in the file I'd like to address several points that were raised when there was an earlier modification of this master plan sought two years ago. First of all, I don't see that anything has changed in the past two years to merit a modification of the master plan. You may recall from the history of this that before the preparation of the master plan, Alameda engaged a land development economist, Dr. Alfred Gobar who prepared an absorption analysis for residential, office, retail, and commercial properties. The data that he used went back as far as 1960 and he set forth the likely absorption scenarios for the lands given the location of the properties and the growth characteristics. Simultaneously with this, the members of the Alameda, one of whom is with me here tonight, Mr. Phil Custer who is both an officer and director and share holder looked throughout the country for types of master planned communities that would work. You may not recall from your records but when this plan was put together 20 years ago it won a gold medal by the Pacific Coast Builders Association which considered master plans in the far western United States.

The plan was an economic blue print. There was an economic analysis undertaken with respect to the impact that this master plan would have, and Mr. Gunaji indicated additionally that well the master plans changes as needs change and things change. Well, as a lawyer I look back to the courts and the courts in considering some of these issues involving plans, one of which involved Las Vegas, said a comprehensive plan has been defined synonymously with a master plan and it should be designed for a considerable time in the future, 25 to 50 years, thus it should be based upon a comprehensive and detailed survey of things as they are at the time of the planning, such as the existing distribution of existing developments, growth trends, redistribution, etc. This is a case called the Board of County Commissioners versus Las Vegas. I can give you a site if you're interested in that. Most people are not thoroughly interested in reading case law. The other things that I would ask you to consider is that when Alameda did this master plan years ago, they followed a state statute. That statute was now labeled three, twenty-one, five, and it indicates that regulations and restrictions of a county or municipal zoning authority are to be in accordance with the comprehensive plan and be designed to lessen congestion in the streets and public ways, secure safety from fire, flood waters, panic, and other dangers, promote health and the general welfare, provide adequate light and air, provide or prevent the overcrowding of land, avoid undue concentration of population, and to facilitate adequate provision for transportation, water, sewage, schools, parks, and other public improvements and to control and abate the unsightly use of buildings or land.

We would suggest that what we're dealing with is a request for spot zoning. There is presently adequate commercial property in both the Alameda area and in the Sierra Norte area. And the economic plan laid out in this original master plan is still working. In fact the growth hasn't been even as anticipated in the master plan. I heard nothing in Mr. Gunaji's presentation that addressed any of these statutory issues regard to conformance to a comprehensive plan. They talk about how the building of the road has changed things. Well the building of the road was part of the master plan. And the intersections that they're talking about, the commercial use was not designed to be retail. There is no history of retail. The big area, the 52 acres that they were talking about, that had nothing to do with commercial property. That was supposed to be used as a hospital. If it didn't get used as a hospital it was to revert back to the... and that's what happened.

I would also like to point out several other things that I think are significant about this. When Alameda undertook to present this master plan to the City, it spent over $150,000 in economic rooftop, or economic studies to determine the number of rooftops that the commercial development would support. And that has not changed. You have not heard anything here tonight that talks about the change in the number of

rooftops. In other words the facts that supported the master plan still exist as they were originally. The thing that I see with this master plan is that it's pulling commercial traffic into residential areas and it is increasing traffic toward the school as Commissioner Shipley pointed out. The other thing that I think we need to be mindful of is that the zone changes that were made, that have been made in the past, have conformed to the master plan. They're not seeking ... those did not seek a change in the master plan. I think it's also important to consider that based upon this master plan 20 years ago Alameda had some bonds issued and there are roughly about $5 million still owed. The re-characterization of this property could significantly impair Alameda's ability to repay those bonds to the City, the remaining $5 million.

The other point that I think Commissioner Shipley talked about the use of parks and things for people to do, as you will recall from this master plan, there is a trail system required and that trail system would permit, given the economic conditions under the existing master plan, people to access the commercial developments in a green manner. They can walk, they can ride a bicycle. So when we start taking out a small portion of a large tract and say we're going to deal with this differently than we are from the rest of the subdivision or the rest of the master plan, that's going to cause an interference with this arrangement that was worked out 20 years ago. Now the present owner's bought this property with the understanding that all of this was in place. Nobody changed anything on them. They knew that this property was residential and it had these trails and it was not designed for commercial use when they bought it. But, again, since there is plenty of commercial acreage available through either Alameda in this area or through Sierra Norte, it doesn't make sense in this economic community or this economic time for us to be adding additional property, commercial property. So again, I don't believe that the staff comments really address the statutory considerations that need to be made when you're talking about doing a comprehensive plan, and basically what we're talking about here is Sonoma Ranch is trying to do a mini comprehensive plan in a small area, but it doesn't take into account the rest of the master planned area. And we think it's defective for that particular reason.

We think the master plan was a well thought out, well developed program and we see really no information that's been presented to you tonight that would merit any change in the master plan. Just because the proponents feel they want to have a different development, doesn't mean that it needs to be done out of compliance with the existing master plan. And indeed we can look and see how this area in Las Cruces is developed with respect to other areas in New Mexico such as Rio Rancho. And this is much more favorable development down here than what was done in Rio Rancho. And I would urge you all to vote against any amendment and any zone changes. I would also request that if you do vote for a change in the master plan so that we have something on the record, that you provide

us with the reasons for your vote against the ... or in favor of modifying the master plan. But again I would urge you not to make these changes because I think they're negative. They're negative for the total Las Cruces community. Thank you. Anybody have any questions for me?

Crane: Commissioners?

Dawe: I probably can't answer them but I have Mr. Custer here who can.

Shipley: Okay. I have one.

Crane: Commissioner Shipley.

Shipley: In the letter that we were presented and I believe this is from Mr. Pickle, states that the development has occurred throughout the original boundaries of the Las Alamedas generally in accordance with the original master plan densities, with the exception of the Sonoma Ranch golf course, which eliminated more than 100 acres of single-family residential zoned land from development as single-family homes. So, did you oppose that?

Dawe: I can't tell you ... I don't believe we did. Was that opposed? Because that was a green use of the property as far as we were concerned. I mean this is not ... we're not going to turn this into a commercial development and put condos and high traffic, a golf course creates more open space for everybody.

Shipley: I was ... your analysis was economic analysis that you don't need more commercial because there isn't sufficient R-1a there to support additional commercial.

Dawe: Right.

Shipley: That's what you said initially.

Dawe: Yes, sir.

Shipley: So if that's the case you didn't oppose the loss of 100 acres of single-family residential before, but you just ... is it because there's competition now, is that part of the problem?

Dawe: I don't think it's so much competition, the competition, there is plenty of commercial acreage available as it exists right now and I can't tell you what the vote was ... (TURNED SPEAKING TO AUDIENCE MEMBER, NOT NEAR MICROPHONE). I can't answer that particular one. I did not represent them at the time of that particular vote your honor.

Shipley: I just was...

Dawe: Commissioner. I'm used to speaking to judges.

Shipley: That's quite all right.

Dawe: We'll call you your honor if that's all right with you.

Shipley: I don't represent that remark, I can tell you that. But I just ... you had it in your letter so I was just curious as to why that was in there. I don't have any other questions Mr. Chairman.

Crane: Commissioners? I have a question. I'm a little at sea as to the interest of Alameda Land Investment Corporation in this matter. Did you sell the land to Sonoma Ranch North LLC?

Dawe: Yes, Commissioner.

Crane: And now it's been sold, why do you have a further interest in the way it's developed?

Dawe: Because Alameda put together the entire master plan. This was not originally done by the City, this was done by Alameda. So this tract is part of the master plan Alameda developed for this whole area. So regardless of who owns the property, the master plans still should remain true.

Crane: So you owned adjacent property?

Dawe: It's not immediately adjacent, but it's in the vicinity.

Crane: And your concern is that if the master plan is changed in this respect it creates a precedent?

Dawe: Yes, sir. Absolutely.

Crane: Undermines the whole concept of master plan?

Dawe: Absolutely. And I think it violates the statute that says these things... or these master plans are designed to be long range.

Crane: Is this requested change going to be damaging to Alameda?

Dawe: It will from the standpoint it would impact significantly on their ability to repay bonds because those bond repayments were scheduled in accordance with the property as it existed under the master plan.

Crane: The money Alameda uses to pay off the bonds comes in some way from the Sonoma Ranch development, Sonoma Ranch North?

Dawe: I don't... I think the money that comes...

Crane: I don't understand how fiddling with the master plan in this respect is going to impact your ability to pay off your bonds.

Dawe: It will devalue the property.

Crane: The whole of the property that Alameda owns.

Dawe: Right. It will devalue the property.

Crane: Thank you. Mr. Shipley.

Shipley: Then my question would be why would you sell it? You took the money from this sale to use to pay it off.

Dawe: Well the sale was sold, the property was residential. So we didn't know they were going to come in here. I mean probably they wouldn't have sold it if they'd been told, oh by the way we're going to replat, request that this be re-master planned and replatted and turn it into commercial. But it was bought in the condition as it was when it was originally master planned.

Shipley: That there was no restrictions in the sale that precluded them from revising the master plan?

Dawe: I think there were. I believe there were conditions in the sale.

Crane: Explicitly?

Dawe: Yes.

Shipley: They're written conditions?

Dawe: I believe there are. I don't have those with me. We can provide that information to you.

Crane: So you feel that the substitution of this commercial cluster for residential devalues this property and property around it.

Dawe: Yes, sir. It certainly makes it more... it does not meet any of these statutory conditions as it doesn't lessen the traffic and improve the quality of life for the people that are there. I mean it's more commercial property.

Crane: Wouldn't it be... but it's commercial property that serves the homeowners and apartment dwellers in that area.

Dawe: Well there is already commercial property available for that purpose, sir. Vacant commercial property. So it's not as if this is the only piece of property that people could go to, to put up some type of a building to sell merchandise.

Crane: Thank you. Mr. Shipley.

Shipley: Mr. Chairman, I would say that if there are conditions you should've brought those tonight, the written conditions, number one, because if we're going to make a decision... we try to make a decision given the full information that's available. And if there were written conditions I would... you're being an attorney, that would've been the first thing I'd laid in front of this Commission, so then we would have had something to say, you know this is a little more feasible. Now what I would offer it maybe what we ought to do is postpone this for a month... and I get people shaking their heads no, but do you know something I don't know Ms. Rodriguez?

Rodriguez: Mr. Chairman, Commissioners, listening to the testimony before you, staff needs to offer some clarification regarding a master plan and the City's Comprehensive Plan. Las Alamedas Master Plan was adopted by the City of Las Cruces. It was approved by... let me retract that statement... it wasn't adopted; it was approved by the City of Las Cruces. And it was approved in accordance with the comprehensive plan set in forth at that time. Now, as private sale transpired, this property was conveyed to another entity. The City of Las Cruces does not regulate or enforce restrictive covenants, so any sale agreements at that time would have been a civil nature. But in 1996 as Helen presented in her case, the Sonoma Ranch North Master Plan was approved in accordance with the City's comprehensive plan at that time. As Helen stated in her presentation over the course of the years you had amendments to the master plan. We're here before you tonight because the applicant is seeking a major amendment to their master plan. When staff evaluates the master plan amendment, because staff is looking at this master plan as a standalone document because City Council at the time in 1996 approved the Sonoma Ranch North plan so we're looking at the major amendment tonight in terms of what they're seeking, in terms of shifts of land uses, and then to zone the property accordingly with those proposed land use shifts. We're looking at it in respect of what do we have adopted... what does the City of Las Cruces have adopted today that governs all of our codes and policies that are with the City of Las Cruces, since the City's 1999 Comprehensive Plan. In your packet there are three pages of findings that support the proposed amendment tonight in terms

of what the applicant is proposing to do in shift of land uses. You have the intersection of two thoroughfares, a Collector and a Principal Arterial. They're proposing to remove the single-family residential uses off of that intersection and put commercial and multi-family uses there, and the comprehensive plan supports that because this is a transportation corridor. You've got true multi-family uses. The applicant has agreed for the zone change that to look what we have commercial and then we're buffering the commercial use with multi-family land uses and then integrating the single-family. This is all supportive by the City's comprehensive plan. We looked at the network of Sonoma Ranch, at the southern boundary of this property; you also have another intersection, Rinconada Boulevard. We looked at it in terms of context of land use distribution, in terms of getting your shift of commercial, multi-family, single-family residential. True multi-family in the terms for apartments, high density residential is being proposed. The comprehensive plan supports that. Rinconada Boulevard terminates right here. The adjacent development is proposing to extend multiuse path off of Rinconada Boulevard that is a multiuse path that is carried forward up through north into Highway 70 into adjacent development. We looked in context of the arroyo, of how they're proposing to do the open space here, it makes sense. You're going to get trail connections to that multiuse path. You're going to get trail connections to the arroyo. This is all stuff that staff evaluated with … and by staff I mean the Facilities Department, everything in context of what the applicant was proposing to do. And so at the end of the evening I think that staff's position is you do have the analysis in your packet, three pages worth of comprehensive plan findings that support the request for the shift in land uses and then the corresponding zone change request that will compliment those land use requests. So I'll be happy to answer any questions that you may have regarding the City Comprehensive Plan and how that's used to help govern the findings that's proposed for the land use change here.

Crane: Commissioners, any questions of Ms. Rodriguez? Mr. Shipley. Mr. Dawe I will give you an opportunity in a minute, but let me let them ask her.

Shipley: I still have a question. Total acreage here that we're talking about tonight is what, of this?

Crane: Total acreage.

Shipley: Two hundred and seventy-five acres?

Rodriguez: Mr. Chairman, in total, the master planned area is 275 acres.

Shipley: Okay.

Rodriguez: You have approximately 54 acres that are being affected by land use shift with the zone change request.

Shipley: But my point is 275 acres, a five acre park, and then you've got another little piece that's less than an acre. So what percentage is that of... that's way out of whack is what I'm saying. We're going to put hundreds of homes in here. We're going to put multi-family, we've got a school. We're going to do all this stuff. I think this is inadequate. I think again you know maybe that's where they want the park because it's the worst piece of land that they have at that point, but the parks need to be where the people are living, not at the end. And I just... I don't think that this is good planning at all. I think that we need to go back and say, let's think about the people first and then let's draw our plan according to that.

Rodriguez: Mr. Chairman, Commissioner Shipley, your comments are well received; I will offer that the applicant can come forth with what they're proposing for the open space recreation. All I can offer from a staff perspective at this moment is that they did work with the Facilities Director. I cannot speak for the Facilities Director this evening and I know it was reviewed in context of the adopted parks and recreation plan. But I'll defer any other questions regarding additional open space to the applicant at that time.

Crane: Ms. Rodriguez. What was the park situation on the plan before this request for a change was made? Mr. Shipley's bringing up some good points it seems to me. Has the quantity of park or the distribution of park declined?

Rodriguez: Mr. Chairman, valid question, let me get with staff real quick.

Crane: Okay. Mr. Dawe.

Dawe: Yes, sir.

Crane: Do you think it's more logical I put you on now or hear from the applicant again? Do you have something to say?

Dawe: Surely.

Crane: Then go ahead.

Dawe: With respect to the residential park and I can't... there is a residential park adjacent to this tract in a residential area that's... there is a park there but it's outside of this particular area. I don't know how big that park is.

Crane: It's outside the 275 acres?

Dawe: Yes, sir. The other point that...

Shipley: Use your mouse.

Dawe: Okay.

Shipley: Use your mouse on the computer.

Dawe: The master plan I'm advised had it right... I don't want to end up taking your picture off the screen here.

Crane: You go far enough we're going to get Gilligan's Island or something.

Dawe: The original master plan had the park in this vicinity right here I'm advised. And I don't know the size of the park. One of the things I wanted to point out to you was that this original master plan balanced commercial, residential, multi-family uses. And that was quite a bit of effort went into balancing those issues. If you approve this stand alone request you upset that balance. I think Ms. Rodriguez' comment that I picked up in her statement; we're looking at this as a standalone project. We'll we're not. We're looking at this as the whole master planned area, not this request generally, just one little... but it certainly does set a precedent for future efforts and undermines we believe the long-term master plan.

Crane: Thank you. Does the applicant want to rebut in any way? Any further... you want to speak sir?

Holt: My name is Matthew Holt. Since they brought an attorney, Sonoma Ranch brought an attorney too.

Shipley: The battle of the bands.

Holt: Mr. Dawe talks about the comprehensive plan and raises the issue of consistency and I'd like to talk about consistency, because I think it is important. He suggests that the comprehensive plan and the master plan are the same things and I beg to differ. I believe master plans are things that developers have prepared, anticipating future as they see it. And the comprehensive plan is something the City prepares showing the future as they see it. And still has already said that's what's been proposed by my client here is fully consistent with the comprehensive plan even though it may be a change from a master plan. As Mr. Dawe talks about the master plan, keep in mind that there has been more than one master plan. His client, ABG, prepared a master plan back in the 1980's, after my client acquired some land. They prepared a master plan in 1990's. Two different master plans. And he really doesn't want you to be consistent because in his 1980's master plan his client didn't allow for any parks in

this northern area. We don't want to be consistent with that. We do want to have parks and he does want to have change, it's just a question of what change we want to have and as my father would say, whose ox is being gored. The suggestion that there hasn't been any change in this area is inconsistent with the findings of the board and the city. Over the years APG alone has come and obtained eight different parcels of zone changing. Over 150 acres of zone changing which according to the law he cites can happen only if there's been a change in circumstances. So APG convinced this board or the City Council that there had been change in the circumstances to justify that.

Crane: Excuse my interruption sir. What is APG?

Holt: I'm sorry, Alameda Property Group. Mr. Dawe's client in this matter.

Crane: This is identical to Alameda Land Investment Corporation?

Holt: I don't know if they're separate legal entities, but they're related entities, one way or the other.

Crane: Okay. Thank you.

Holt: Let me focus a little bit more closely because APG itself has sought and obtained these zoning changes, focusing right on this issue. Important to note that in 1996 Sonoma Ranch put in its master plan of its own. What we now know as Sonoma Ranch Boulevard wasn't on it. There was a street on it called Las Alamedas or Las Alamedas Boulevard that in some places in the same place as Sonoma Ranch Boulevard is, but in other places is an entirely different place. In other words, what was planned in 1996 and earlier in 1980's did not include the Sonoma Ranch Boulevard that we know today. And while you may say there's some analogy between Las Alamedas Boulevard that was thought about and Sonoma Ranch Boulevard, although in different places, Northrise wasn't on the plan. So we're talking about change in zoning and a major intersection, Sonoma Ranch and Northrise. And you can't say there wasn't any change because Northrise wasn't imagined at the time. Other circumstances have wildly changed. There's a new golf course going in and Sonoma Ranch will go to it. Mr. Dawe's client property, a Wal-Mart is going to be built, a major designation for commercial traffic. Sonoma Ranch has now been extended to Lohman and soon is going to be extended all the way to University. Sonoma Ranch Boulevard has changed dramatically from what anyone could have imagined at any point in time. This city has experienced phenomenal growth but the majority of this growth has been in the Sonoma Ranch community and its outlying areas. It has changed the way we have thought about ways, what our city needs both in terms of

residential and commercial property. Traffic patterns have changed. Communities have grown up. And we need to adapt to that.

I agree that comprehensive plans are something that guide us. I even agree that master plans are something that maybe we should forward 30 to 50 years as Mr. Dawe suggested. But the question is, is a master plan something that guides us or is a master plan something that handcuffs us and we have to do it and forget what's going on in our community and I think the answer to that is obvious. We have to adapt.

Let me describe a particular change that is incredibly significant. APG sought and obtained a zoning change for a total of 60 acres, changing it to commercial zoning. This land was located on Sonoma Boulevard at the intersection of Sonoma and Calle Jitas. The analog between what zoning that APG sought with the zoning that Sonoma Ranch seeks is frightening. I mean it's the same roadway. It's the same major intersection driven by traffic patterns, driven by growth patterns, and there was a change in circumstance that justified APG asking for a zoning change. It's the exact same change in circumstance that brings us here today. Mr. Shipley then asked the questions, well aren't you just afraid of competition. Well sure he is, of course he is. They say we got here first, we got the commercial property we want to have a monopoly on this and we don't want anybody else also developing commercial property by claiming there hasn't been a change in circumstance. But the same change justified the change for them.

Crane: Excuse me, sir. Would you repeat the location of that zone change that APG required? Sonoma Ranch and?

Holt: And Calle Jitas, if I'm pronouncing it right. One of my …

Shipley: Where is that?

Holt: Calle Jitas is I'm going (*inaudible*) is to the south.

Crane: Its south of Rinconada Boulevard.

Holt: South of Northrise.

Crane: South of Northrise.

Holt Yes, sir.

Crane: Okay. But north of Rinconada which is the bottom of that?

Holt: South.

Crane: Thank you.

Holt: One of my favorite authors is a guy named Peter Maley. A couple of his books have been made into movies and one of the better movie versions they made is ... I'm going to forget the name of it ... Good Year. The love interest of the hero wants the hero to move from London to Provance, France. And she says come on down and he responds by saying Provance does not suit me. And she responds by saying ... I think I wrote down the direct quote ... it's not that Provance does not suit you, it's you that does not suit Provance. Well APG suggests that the change here doesn't suit the City of Las Cruces. I suggest the change here does suit the City of Las Cruces, but it doesn't suit APG's financial interest, and that should not be the concern of this Commission. They've told you that we have some legal agreement with them by which we can't change this to commercial. I think staff has said that really isn't business the Commission concern itself with, that's civil litigation. I invite them to bring that matter in court. I'll accept service of process on behalf of Sonoma Ranch, and we'll let the courts sort out whether that happened. If it did, the document would be here today.

Here's what is critical, is that although the position taken by APG is that we should be consistent, their position is inconsistent with their prior behavior, but the position sought by Sonoma Ranch is consistent with its prior behavior. APG has come before this board asking for zone changes. Let's go from residential to commercial. Never once has Sonoma Ranch protested. Phillipou has asked for changes in the zoning. Never once has Sonoma Ranch protested. Other developers have come forward saying let's make zoning changes. Never once has Sonoma Ranch objected. It has consistently not objected because it has consistently recognized that circumstance changes that justify changes in zoning.

Now, the claim was made that we made the study for $150,000 and there's no new roof count that justifies changing, well au contraire, I beg to differ. To the north and the east there are hundreds of new houses in this development. They can say they spent $150,000 in the study and if we're worried about the money Sonoma is proposing to spend upwards of half a million dollars towards the development of the infrastructure of this park. I don't know that we need to compare dollars for dollars, but the fact of the matter is circumstances have changed. They talk about the fact that sometime way back when the Pacific something or another granted them some award. Let's talk about Sonoma Ranch community. It's been recognized as one of the top 100 planned communities in the country and the national home builders voted it to be the second best planned community in the country. It's a great community because the developers, because Planning and Zoning, because the City, and because staff have always guided it in the right direction not bound by handcuffs of something written in the past, but guided by that, taking into account current changes. One of the changes is the need for additional commercial zoned land. If there wasn't a need for it, Sonoma Ranch wouldn't be asking for it. If

commercial land wasn't being sought, if it wasn't sellable, Sonoma Ranch wouldn't be asking for this change, especially on Sonoma Ranch Boulevard.

We've worked hard with the staff to come up with a plan that is consistent with the comprehensive plan, that meets the needs of the communities, that provides a response to the change in circumstances and it's a plan that staff has agreed is consistent with the comprehensive plan which they've given you pages of the details of reasons for which they have recommended that this should be approved. There's no law that guides this. This wasn't really an argument for the lawyers, it's just that one brings one; one brings the other, its heightened escalation. This is about common sense. Of circumstances changed. You live in Sonoma Ranch. You know the answer to the question. We've all driven down Sonoma Ranch Boulevard over the years in the past. Circumstances have changed dramatically. Sonoma Ranch Boulevard and Northrise are comparable in the ability to handle traffic in both size and design to the intersection of Lohman and Telshor. That is the busiest intersection in town. That is a place to put commercial businesses. Sonoma Ranch Boulevard will get to be as busy as Lohman and Telshor, just what's going to happen in that community. What should be at the intersection of Lohman and Telshor is the same thing that should be at the intersection of Northrise and Sonoma Ranch Boulevard. Changes of circumstance is obvious. Thank you.

Crane: Thank you sir. Commissioners, any questions of this gentleman? Thank you. Ms. Rodriguez or Ms. Revels, you had a Development Review Committee meeting on this topic 15th of July at which you voted to approve this request, am I correct?

Revels: That's correct.

Crane: Can you tell me roughly how long was that meeting, the part of it that discussed this? I have your minutes here but...

Revels: I'm thinking anywhere from about 30 to 45 minutes maybe.

Crane: Okay. Thank you. Any other input from the public? Mr. Dawe.

Dawe: Excuse Commissioner. May I ask if Mr. Custer could address you?

Crane: Yes, sir.

Custer: Commissioners. I have to point out a few things.

Shipley: Could you state your name please?

Custer: My name is Philip Custer. I'm an owner in Alameda Investment Company. When this master plan was thought about and created, and the concepts developed, obviously a master plan provides direction, and concepts. And in that master plan there are areas called commercial, residential, various densities. And everything in that master plan based on economic studies with Gobar creates a balance of so many house tops versus so many commercial lots, versus whatever. But is never specific as to a lot is here or a lot is there, it's very loose at that time as saying here's a commercial area, here is a ... that is so many square feet and there's a commercial area or residential.

During our master plan concepts we did take into account that we'd possibly have a golf course, so that was nothing new and that was within the concept and the original intent of the master plan. As these roads developed, there was always within the original direction of the master plan a north/south arterial at the time it was called Alameda Boulevard and it was evolved into Sonoma Ranch, it's the same thing. It was always there, always had the intent of being a major entrance into our development. It was never intended to be a commercial front door into your residential. It was always intended to be, you go into this and this is our residential development and it was to be our front door. We have renderings in our master plan book, the guidelines that as of that entryway off of 70 we did not want at the time, and at time it was designed to have your front door to your residential area cluttered with a whole bunch of commercial buildings destroying the image of your front door. That was why the commercial zones were moved away from that entry for that very purpose. So there was a design intent and there was a reason for it. We just didn't do this arbitrarily. Any commercial zoning that was moved around, as mentioned before, well they did this and they did that, it was all done within the vision of the master plan and the square footages of the intent of so much commercial versus so many rooftops, never changed. That if moved the one ten feet this way or 100 feet that way, it did not change the volume of what was set aside as commercial within this balance. This changes that balance, because it does not replace something with something else. It does not work within the master plan. There's a spot zone and that's the way we look at it. Plus, we take offense of putting a big commercial spot right in our intent of having a decent entry to our residential area within the master plan of Las Cruces. So, it's not arbitrary and it was thought about and it had an intent. As far as Northrise, that was never there, but that was evolved with the City wanting to put an arterial in that direction. So we worked with them in that respect. That's how it got in its place. We changed Rinconada Boulevard so we could bring that access back through from Northrise. So, yes, there is evolution, but there's evolution within a balance and original concept and direction.

Shipley: I have a question.

Crane: Any questions of Mr. Custer?

Shipley: Yes.

Crane: Mr. Shipley.

Shipley: Sir, the property that has the Pick Quick and the ... whose property was that, where the Pick Quik is on the corner of Sonoma Ranch Boulevard and ... who owned that property? Who sold that?

Custer: It was a single transaction commercial property sold to Pick Quik I believe.

Shipley: But who sold it? You did?

Custer: No, Sonoma Ranch did.

Shipley: So that's Sonoma Ranch property as well?

Custer: That's correct. I believe that was a part of the original master plan.

Shipley: Okay, now just hear me out. When you get off 70, not Interstate 70, but 70, you're either going north or south and come under or go to the right; you come down to the Pick Quik. You turn right, the next thing is Northrise and then at that point there is also a physical fitness facility that's just moved in there. And I think there's a bank in that area going in there somewhere. Is that correct?

Custer: I don't know about those.

Shipley: Well the physical fitness is there.

Custer: Okay.

Shipley: I don't know the name of it. Okay. Then you make a left and you go down and there's a vacant spot, what they're talking about making commercial and then there's another vacant spot and then there's a school on Northrise.

Custer: Correct.

Shipley: Northrise elementary. So if this was going to be the entrance way and lord knows I've been to Palm Springs and you know lots of other places. I've lived in Columbia, Maryland and I know that when you're going to have an entryway you don't put any commercial there. You put the big golden arches up that say welcome to Sonoma Ranch or whatever you're

going to call it and that becomes residential and that's the way it always would stay. So, I'm having trouble... if somebody's already sold a commercial piece and then you've got... or two commercial pieces, you know it no longer meets what you're telling me that was your intent 20 years ago.

Custer: Well, also the intent was that in those areas you don't want to have large commercial.

Shipley: Well what's large? I mean...

Custer: We're talking small neighborhood businesses that support small neighborhood type things like laundromat or something. But it's never intended for a 30 acre plus site of a big box or something like that. So that would destroy your entrance and the original concept for the City of Las Cruces.

Shipley: Well I think just by putting a Pick Quik on the corner for an entrance into a residential neighborhood that's not what you want to do. If you're going to have a node for commercial, make yourself a node and make the paths that go to that and then put your residential around it, but on the corner like that, you've already set... the theme has already been set somewhat.

Custer: Well we wanted to keep it to a very small impact there. We knew there was always a need in that kind of environment. But you just, you can't run to the shopping center and hope to get to your residential and that's what's going to happen.

Crane: Mr. Custer, I do have a comment on your point. It seems to me that having a commercial cluster there, Rinconada and Sonoma Ranch, might make some kind of a buffer behind which the residents might be protected a little from the noise of U.S. 70. And they might not regard it as disagreeable to have that commercial area there. You have a comment.

Custer: I'd have to look at the original zoning, but I think it was intended to be... I'd have to look at the zoning. But if it allowed for some density in housing that's one thing, but you can also build walls, but I didn't want to do that either. Las Cruces has some bad examples of that.

Crane: Thank you. Any further questions for Mr. Custer? Any further input from the public?

Abrams: Jared Abrams, City legal.

Crane: Yes.

Abrams: Before the two lawyers say they have nothing further to say tonight, I want to mention one thing that... to me it appears that there's a little truth and a little error in both sides, in one particular issue. I'm looking at Mr. Pickles' letter in which it wasn't alluded to by Mr. Dawe tonight, that Mr. Pickles indicated that there are only two circumstances in which a comprehensive plan or a master plan can be changed, one of those is change circumstances, the other is a mistake. And now I also remember that Mr. Holt said something like this really isn't a legal issue, there's a common sense issue. And I want to point out that Mr. Pickles' statement that the change or mistake would be the only reasons why you could change a plan was true until 2008 when the New Mexico Supreme Court came up with a third reason, and the third reason is essentially that a municipality can change a master plan or a comprehensive plan essentially whenever it wants to if it can prove that there's a public need for the change and that the need will be best served by changing that particular property as opposed to another property. So while the burden is on the City to prove that or in this case perhaps the applicant, it can be done and there are specific criteria that you should use when you make that decision. And having said that, I'm sure that both lawyers will want to you know comment widely on my comments.

Crane: I'm not sure the technical term, redirect whatever. Sir, you have a comment, Mr. Holt is it?

Holt: Yes, sir. Mr. Abrams is right that the City can change a comprehensive plan, but the City isn't seeking to change its comprehensive plan. The City has agreed that the proposed changes here are consistent with the existing comprehensive plan. I wanted to answer a question you had posed about who owned the land where the Pick Quik was. It's my understanding that the current owners of the Pick Quik and the fitness center acquired the land from Sonoma Ranch, who in turn had acquired the land from APG, who in turn had acquired the land from BLM and I'm told we can trace the history back even further than that, but I won't. That land was zoned commercial at the time and it was APG's plan and we acquired the property from them zoned commercial that would be a commercial entrance.

The question that I posed to you hasn't been answered. If we're going to have a Lohman and Telshor at the intersection of Sonoma Ranch and Northrise, who wants to live there? Who is going to be the person that's going to build the apartments that are on that intersection? It's much easier to answer the question of who is going to want commercial property there. It's going to be the Pick Quiks, it's going to be the fitness centers, it's going to be the Shell's. That fitness center has 1,200 members and is set to expand. And it's set to expand because there has been change and circumstances because more rooftops have been built since the $150,000 study was commissioned.

You had asked questions about the park that I'm sorry I failed to address. The other corners have been sold. They're not owned by Sonoma Ranch. Sonoma Ranch can't use them to put a park on. The particular place that was chosen was chosen at least in part because my understanding the city has an arroyo development program that it's looking towards and the park is there where this arroyo development program would be in line with. The other corners simply aren't available as the real answer to your question, so they can't be used in this regard. I will tell you that the park as proposed not only meets but substantially exceeds the city standards with regard to park for this area. Thank you.

Crane: Thank you. Any further input from the public? Mr. Dawe.

Dawe: Yes, one more time. I would like to invite you... I believe that that case that was cited by staff talks about a zone change not changes in the comprehensive or in the master plan. The point is however that we have a master plan in place. It's designed to try to make this a better community to live in. And we believe that this does amount to basically a spot zone. You're going to open up everything that they want to do, if somebody comes in now, anybody and any part say well master plan really doesn't work here anymore and we really want to try to get something that's a little bit more intensive on some commercial over here, but we'll shift residential. This plan as Mr. Custer pointed out balances the commercial versus the residential versus multi-family, and that's what we think needs to take place. That doesn't change in the long run. Sure you could say this is a busier city, but as you pointed out in an earlier hearing Councilor Shipley, this is not a major urban center. It's a small suburb. And in order to keep the sprawl from developing where we have shopping centers on every corner such as in Rio Rancho or in some places in Albuquerque, we would like you to see this master plan stay in place and not be amended. Thank you.

Crane: Thank you, sir. Any further input? For the record Mr. Dawe, I got the minutes here of that meeting and the motion was to approve the major amendment to the Sonoma Ranch North master plan with four conditions and it passed. I can't tell you what the vote was. Okay. Mr. Abrams, I need a little parliamentary input here. Do I have to unsuspend the rules before we vote on this? Yes, all right. Mr. Shipley.

Shipley: Did we get all the answers from Ms. Rodriguez. Wasn't she going to... they were going to do some research and come back to us with regards to...?

Crane: You have something else Ms. Rodriguez?

Rodriguez: Mr. Chairman, Commissioner Shipley, just to answer the question. It looks like that there is no... if there's a net loss or increase its minor. It seems five acres for five acres give or take a tenth or a hundredth of an acre.

Shipley: So that's what was there before?

Rodriguez: Yes.

Shipley: Okay. But, is there somebody here from Parks tonight?

Rodriguez: Mr. Chairman, Commissioner Shipley, no, they're all at the Parks and Rec Advisory Board meeting this evening.

Crane: Thank you. Commissioners, do I hear a motion to restore the rules?

Shipley: So moved.

Crane: And a second.

Bustos: Second.

Crane: Thank you Mr. Bustos. All in favor of restoring the rules?

ALL COMMISSIONERS MEMBERS - AYE.

Crane: Against. The rules are restored. We will proceed to vote on first S-09-011, a request for major amendments to master plan known as Sonoma Ranch North. I'll entertain a motion...

Revels: I've already read the conditions into the record, so we don't have to read them in again.

Crane: Yes you did, right. Thank you.

Shipley: And the conditions were where, on the last page?

Crane: They're on page nine of the minutes of the Development Review Committee.

Revels: Page nine on your packet.

Shipley: Oh, on the draft? That's a Development Review...

Crane: Okay.

Shipley: I just have a question, maybe one more question for the applicant.

Crane: All right. Go ahead Mr. Shipley.

Shipley: I'll just address this in general. Would the applicant be willing to add more park space up into the residential areas a little closer than...? I mean you're talking 275 acres, if you added another two or three pocket parks or something up there that people could use would that be amenable?

Steinborn: David Steinborn. I'm one of the principals of Sonoma Ranch. You know, we are the only developers in town that of our own volition do parks. Sam Graft Park, we turned over to the City two years ago. We donated the land. We built the park. We maintained it for a year. The economy has changed. And the reality is that today one of the things that we're looking at in terms of housing stock and your first item on your agenda is making lots smaller in order to make lots as affordable as we can. And the difficulty is that the cost of the development of the subdivision is... even though the market has slowed down, the costs keep going up. So you have a good question. We've explained through our staff why the park is located where it is and why we took the circular... we had a circular park in the middle of the east side and we removed it. We had a linear park that separated the R-3 from the R-1, linear being rather narrow and rather long. The Parks folk didn't want it because it would be hard to maintain. They didn't like the circular park because the swath that the lawn mower cuts doesn't cut circles. And so what we did is we went back and looked at okay, if we did a square park where would it be. Would it be on the east side, would it be on the west side, would we do two parks or one? So the compromise we came up with, with the staff was the small park on the east side of Sonoma Ranch and the large park on the bottom. Now the reality is that between now and the time we actually develop the housing stock, we might be back again. And we might want to add a park because it may make sense to do that.

If you go to Sonoma Ranch East we have four subdivisions. We have two parks in those four subdivisions. But they're not public parks, they're owned by the associations. And we've built one of the parks and pretty soon hopefully the market will justify building the second one. The question that you ask feels like a taking. It feels like if I say no to you, you'll vote no. And if I say yes to you, you'll vote yes. That shouldn't be the basis of our relationship. We will put a park in there if it makes sense. If it doesn't make sense we're not going to put a park in. We are already giving the city several hundred thousand dollars more than the code requires, more than our competitors require. And in the final analysis we have to sell our lots against competitors that don't put the money in that we put in. So the answer is we'll take a look at it, but it won't be part of tonight's proposal.

Crane: You're speaking Mr. Steinborn of an additional park area, right?

Steinborn: Yes. I mean we're committed to do what tonight's recommendations and proposals speak to. How time changes, what happens two years from now, I can't tell you. But I can tell you that it's going to be easier for us to add a park if it justifies itself a couple of years from now, than to come back a couple of years from now and try to take it away. And I'd rather be in that position. And one of my partners is here and he concurs with that. So that's kind of the way it has to be tonight.

Crane: Mr. Shipley.

Shipley: Mr. Steinborn I appreciate your candor and the only reason I'm saying that is because when we sit here at this body we look at things not from just the next one or two years, this is going to be around for 50 to 100 years from now and what we're really asking you to do and I think you've always done... tried to do that, is to realize that... like with me, I don't take these things lightly. I study them. I look at them. I read about things, and I try to do things that I think are going to affect safety, marketability, property values, those kinds of things. And when I see something where people have to get in their car to drive to it, that's a turn off to me. And so that's why I asked that question, it's not... I don't ever try to leverage somebody and say I'll only vote for you if you do this, because that's not what we're here for. We're here as a body to be a Planning Commission and a Zoning Commission. And planning for me is very important because you know 50 years from now I want people to look back and say that you get all the credit because your name's on it, but the thing is, it's how beneficial is it going to be to the customers that you're building these homes for, or you're building these shopping centers for. And that's why I've raised that question, is because I try to use logic and common sense and that's all I'm trying to do. So you can... you've made yourself very clear to me. I understand what you're saying. But I just wanted you to make sure that you know how clear I am and you understand what I'm trying to say.

Steinborn: Well you made a comment earlier that I'd like to respond to which is that maybe we're giving this piece of land because it's the worst piece of land we have. I'm going to assume you said that kind of tongue and cheek.

Shipley: I did.

Steinborn: Because it's really a very good piece of land and as a matter of fact as you get closer to the escarpment, closer to the arroyo, there's a view shed and that view shed to a developer has a pretty good value. So if you take a look... what I would recommend you do tomorrow is drive over to Sam Graft Park, walk in the middle of it and take a look around from that park and ask two questions; number one is that park which is in the middle of a

large group of housing has never... I mean I drive by it all the time. The playground is used all the time. The basketball facility is used irregularly. I have never seen more than 20 people in that park at any given time. It is right in the middle. It has great views and the reality is that people's lifestyles aren't what people's lifestyles used to be. And parks have a different value today in neighborhoods than they used to. We recognize what you're saying. If there is a way that we can accommodate that neighborhood by putting another park in, we will. But I don't want to make that as a commitment.

Shipley: But Mr. Steinborn let me just assure you, I have a four-year-old and a three-year-old, grandson and granddaughter. I take my children to the parks on Roadrunner. I take my children to the parks over in Sonoma Ranch East. I even take them into the park with the little... because they love the little red cars that are over there in the estates, Sonoma Ranch Estates, that small park there. And they love that as well. They're not looking at the view. They're looking at what they can do, swing, run around, maybe kick a soccer ball in some of those fields. That's what's important to them. So that's what's important to me. And that's what I tried to say is we look for safety; we look for convenience, and those kinds of things. And that's why I said a park, a parcel that's down on a main thoroughfare where a child could run out after a ball and get hit by a car is not safe for me and that's... adjacent to that. Now there may be some means of putting a fence up and obstructing that, I understand all that. But I'm just saying as a point the closer it is to the more people it serves, the better it's going to be utilized and that's why I brought that up.

Steinborn: You might be interested in knowing Mr. Shipley that Sage Crest Park on Roadrunner, we did not build it. Sonoma Ranch didn't build it. It was not part of the Sonoma Ranch property. But at a public meeting at the Roadrunner Association somebody said, we're concerned about the danger of that park. My partner's and I paid to put the fence up around it. We didn't have to do that. So we understand good citizenship. My partner back here has a five-year-old daughter; I have a ten-year-old daughter. So I understand what the value of parks are. And my commitment is that if we can do a park later we will.

Shipley: Okay.

Steinborn: But I can't commit to that tonight.

Shipley: Okay. I understand.

Steinborn: Thank you.

Crane: Any further input? Then we'll proceed to a vote. The chair will entertain a motion that Case S-09-011, approval of a master plan amendment with conditions, that that be approved. Will somebody move that?

Bustos: So moved.

Crane: Mr. Bustos moves. Is there a second?

Beard: Second.

Crane: Proceed to a vote. Commissioner Shipley.

Shipley: Aye findings, discussion, and site visit.

Crane: Commissioner Bustos.

Bustos: Aye findings, discussion, and site visit.

Crane: Commissioner Beard.

Beard: Aye findings and discussions.

Crane: And the Chair votes aye findings and discussion. Passes four-zero. Thank you. Now we'll proceed to the zone change that goes with that Z2785. May I hear a motion that the request for zone change be approved with the conditions established by the City?

Bustos: So moved.

Crane: Mr. Bustos. A second?

Beard: Second.

Crane: Mr. Beard. Mr. Shipley, your vote.

Shipley: Aye findings, discussion, and site visit.

Crane: Mr. Bustos.

Bustos: Aye findings, discussion, and site visit.

Crane: Mr. Beard.

Beard: Aye findings and discussions.

Crane: And the chair votes aye findings and discussion. Passes four-zero. Thank you all. Being ten after eight I think we'd all be much more comfortable if we took a ten minute break. Let's reconvene at 8:20. Thank you.

END

TEN MINUTE BREAK.

5. **Case S-09-027:** A request for a major amendment to the Heather Hills Master Plan that is located west of Stern Drive and south of Broadmoor Drive. Heather Hills Master Plan Amendment No. 1, area will be increased by 7.126 +/- acres for a total size of 57.663 +/- acres. The Master plan amendment will also include three new planning parcels that will allow for single-family residential and quasi institutional land uses. Submitted by Scanlon White, Inc. for DTG Development Company, LLC.

6. **Case A1693:** A request for a zone change for three planning parcels located west of Stern Drive and south of Ringneck Drive. The Planning parcels have a combined area of 7.126 +/- acres. The proposed zone change will facilitate the explanation of a residential subdivision (Dove Crossing II) and a portion of the future school site for Mesilla Valley Christian School. The zone change request is as follows:
   1) Planning parcel 1- a zone change from M-T (Industrial Light) to R-1ac (Single-Family Medium Density-Conditional-Limited to Quasi-Institutional uses) for 5.451 +/- acres;
   2) Planning parcel 2- a zone change from O-2C (Office, Professional-Limited Retail Service-Conditional) to R-1a (Single-Family Medium Density) for 1.107 +/- acres;
   3) Planning Parcel 3- a zone change from M-T (Industrial Light) to R-1a (Single-Family Medium Density) for 0.568 +/- acres.

   Submitted by Scanlon White, Inc for DTG Development Company, LLC.

Crane: Ladies and gentleman if you'll take your seats we'll get started in about a minute. Thank you. Thank you ladies and gentlemen. We're back in session. The next case is one again deferred from the consent agenda. Mr. White do you have something to say? Case S-09-027 and Z2794.

White: Again for the record, James White, Community Development Department. This case was previously on the consent agenda. I'd like to ask the same question to this board this evening. If there are any specific questions regarding either Case Z2794 or S-09-027 that staff could respond to?

Crane: Yes, Mr. Shipley.

Shipley: I was the one that asked that it be pulled. I just didn't understand and I looked in the diagram with regards to the reference to is it going to be an adjoining property for an additional amount of space for the high school?

ATTACHMENT "D"

Cheryl Rodriguez

From: Jack Pickel [jpickel@zianet.com]
Sent: Thursday, July 23, 2009 5:03 PM
To: Cheryl Rodriguez
Cc: Work Custer'; MAXPOPO@aol.com; 'Jeanne Ramsey'; Donnie Brainard
Subject: request to deny S-09-011 and Z2785 (Sonoma Ranch North)

Attachments: Microsoft Word - oppose sonoma zone change 7-09.doc.pdf; ATT388164.txt

Microsoft Word - oppose sonoma... ATT388164.txt (216 B)

Good day, Ms. Rodriguez

Attached is Alameda Land Investment Corporation's letter to the Las Cruces Planning & Zoning Commission requesting denial of S-09-011 and Z2785 at its meeting on July 28, 2009.
Please provide a copy of this letter to each member of the commission prior to the public hearing, preferably in their information packets regarding the cases.

Please inform me by return email if it is necessary to send a hard copy to the city in order to get this request before the commission.

Best regards,

Jack Pickel
President
Alameda Land Investment Corporation

July 23, 2009

Las Cruces Planning & Zoning Commission
Community Development Department
City of Las Cruces
Las Cruces, New Mexico

Re: Opposition to Cases S-09-011 and Z2785 (Sonoma Ranch North)

Dear Members:

This letter registers Alameda Land Investment Corporation's request that the Las Cruces Planning & Zoning Commission **deny** Sonoma Ranch North LLC's requests for a master plan amendment to create a commercial development node at Northrise Drive and Sonoma Ranch Boulevard (S-09-011) and to change the zoning of Tracts A & B from single family residential to Tract C high density commercial (Z2785) for the following reasons required under established New Mexico law:

1. There has been no demonstrated change in circumstance since the original Las Alamedas Master Plan and Alameda Subdivision Zoning which was the master plan and zoning in place at the time the applicant acquired the subject property from Alameda Land & Development Corporation, now Alameda Land Investment Corporation; and,
2. There was no mistake in the original zoning which was designed to comport with the original Las Alamedas Master Plan.

DISCUSSION

When the applicant acquired the subject property it was aware that the property was zoned in accordance with a long-standing master plan which required the seller (ALDC) to agree to changes which subsequently resulted in the Sonoma Ranch North Master Plan. In fact, a principal of the applicant was Mayor of Las Cruces at the time the original master plan and zoning ordinances were adopted unanimously by the Las Cruces Planning & Zoning Commision and the Las Cruces City Commission, and was insistant that ALDC master plan all of its property and agree to follow its master plan in principle throughout the development of the property.

The original Las Alamedas Master Plan was prepared by a nationally recognized land planning firm, The Planning Center, only after a careful economic feasibility and absorption study by land use was prepared by a nationally recognized land economist, Alfred Gobar and Associates. The Gobar study set forth the amount of single family residential, multi-family residential and commercial (retail, office, business, and industrial subcategories) land that would produce a balanced master-planned community. The Planning Center then designed the master plan to distribute these land uses in an economically efficient manner for establishing circulation and infrastructure to each tract.

Alfred Gobar and Associates was engaged by Alameda several additional times, the latest in 2007, to reevaluate the Las Cruces market and track absorption of the various land uses within the original Las Alamedas boundaries and for metropolitan Las Cruces. They have never found evidence that there was a need for additional commercial zoning n Las Cruces, and in fact pointed out that there was a 25-50 year supply of undeveloped commercial property in Las Cruces in 2007.

New Mexico case law regarding zone changes is well settled. The only legally recognized reasons to support a change of zoning are mistake and change of circumstance. Clearly there was no mistake in the original zoning, as it was prepared in accordance with professional economic absorption and master planning studies. Further, there is no change in circumstance that would justify approving the applicant's request. Sonoma Ranch Boulevard was master planned as an arterial street and Northrise Drive was master planned as a collector street. Both have been constructed in accordance with the master plan and the zoning was established prior to the planned construction.

Development has occurred throughout the original boundaries of Las Alamedas generally in accordance with the original master plan densities, with the exception of the Sonoma Ranch Golf Course which eliminated more than 100 acres of single family residential zoned land from development as single family homes. The further reduction in the amount of single family residential land within the original Las Alamedas Master Plan boundaries will significantly alter the balance of land uses agreed to by the City of Las Cruces and relied upon by Alameda and its successors and assigns as the property is developed.

CONCLUSION

The effect of granting the applicant's request will be to undermine the integrity of the Las Alamedas Master Plan and of master planning in general in the city of Las Cruces. Alameda and its successors and assigns, and the citizens of Las Cruces have relied on the original master plan, as amended, for twenty-four years. Further, there is no legal basis to grant the zone change requests in that no mistake or change in circumstances has been demonstrated by the applicant. Alameda Land Investment Corporation therefore respectfully requests that the Las Cruces Planning & Zoning Commission deny the applicant's requests S-09-011 and Z2785.

Respectfully submitted,

/s/ Jack Pickel

Jack Pickel
President
Alameda Land Investment Corporation

Cheryl Rodriguez

From: Cheryl Rodriguez
Sent: Monday, July 27, 2009 9:52 AM
To: 'Dawe, Thomas'
Cc: Jpickel@zianet.com; maxpopo@aol.com; Donnie Brainard
Subject: RE: Removal form the consent agenda

Mr. Dawe,

This email will accompany the letter of opposition and will be provided to the Commission prior to the meeting.

Thank you,

Cheryl Rodriguez

From: Dawe, Thomas [mailto:TDawe@lrlaw.com]
Sent: Monday, July 27, 2009 9:47 AM
To: Cheryl Rodriguez
Cc: Jpickel@zianet.com; maxpopo@aol.com; Donnie Brainard
Subject: Removal form the consent agenda

Ms Rodriguez: As Jack Pickel advised you I will be appearing on behalf of Alameda. For your planning purposes, I will be requesting that this matter be removed from the consent agenda.

LEWIS AND ROCA LLP
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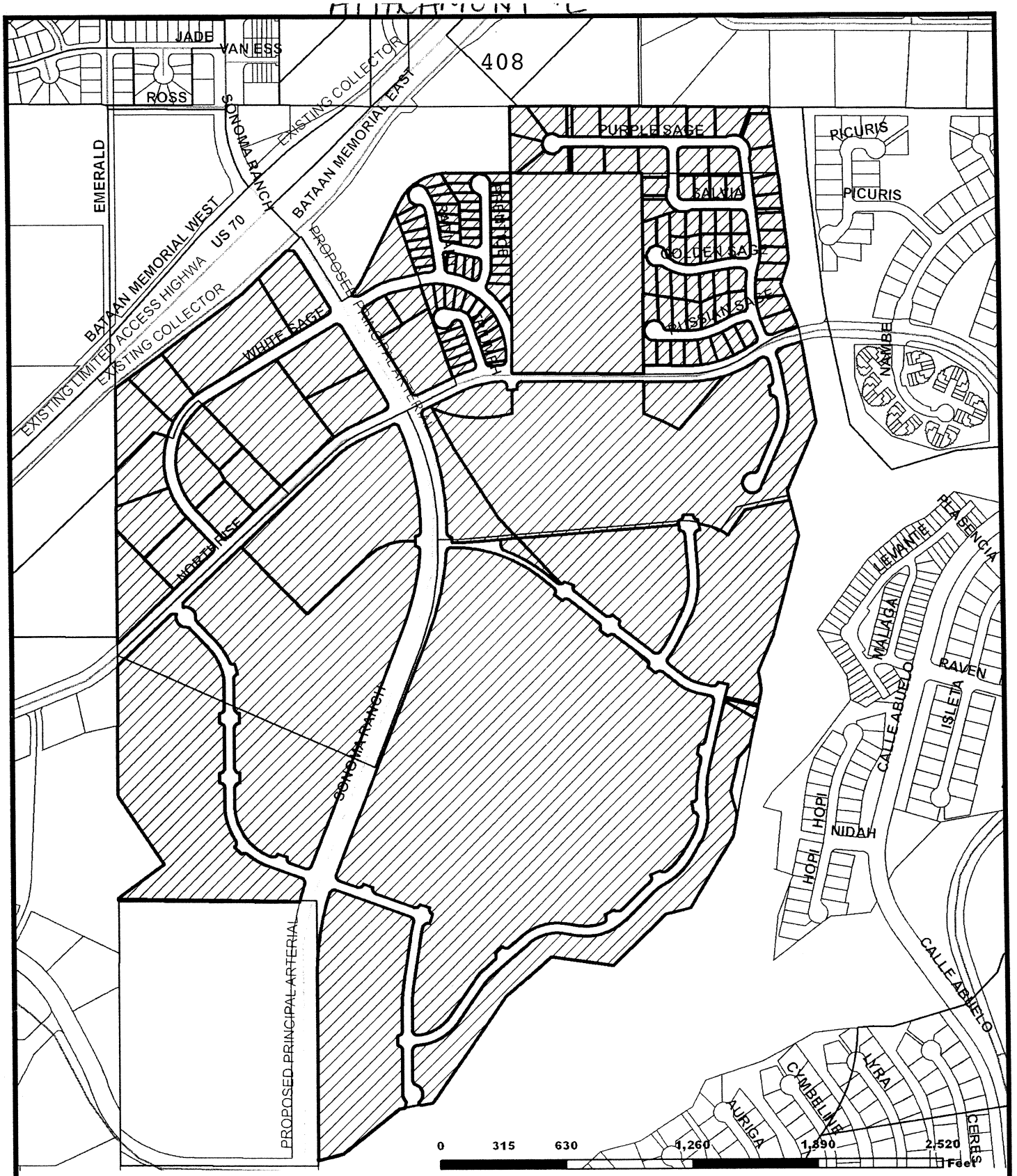

MAP CREATED FOR: HREVELS **ZONING:** VARIES

ADDRESS: SONOMA RANCH NORTH MASTER PLAN AMENDMENT NO. 2/ZONE CHANGE
LAS CRUCES, NM 88011 **PARCEL:** MULTIPLE

DEVELOPER: GUNAJI-KLEMENT & ASSOCIATES FOR SONOMA RANCH NORTH LLC

DATE: 7/9/2009 9:32:41 AM **SUBDIVISION:** SONOMA RANCH NORTH

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 Community Development Department at (575) 528-3043.

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Las Cruces, NM 88001
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