

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

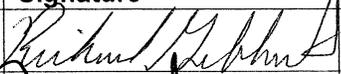
Council Action and Executive Summary

Item # 6 Ordinance/Resolution# 2543 Council District:

For Meeting of October 26, 2009
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A REQUEST FOR MULTIPLE ZONE CHANGES FOR APPROXIMATELY 13.59 ± ACRES WITHIN THE SONOMA RANCH EAST II MASTER-PLANNED AREA. THE SUBJECT AREA IS GENERALLY LOCATED EAST OF SONOMA RANCH BOULEVARD AND WEST OF THE FUTURE EXTENSION OF MESA GRANDE DRIVE. SUBMITTED BY GUNAJI-KLEMENT & ASSOCIATES FOR SONOMA RANCH SUBDIVISION LTD. CO. (Z2792).

PURPOSE(S) OF ACTION: Approval of this zone change will facilitate zoning concurrence with the approved, amended Master Plan, correct the zoning based on the realignment of Mesa Grande Drive and correct a survey error from the original Master Plan.

| | | | | | |
|---|---|---|------------------------|--|--------------|
| Name of Drafter: Jennifer Robertson  | | Department: Community Development | | Phone: 575-528-3226 | |
| Department | Signature | Phone | Department | Signature | Phone |
| Community Development |  | 528-3067 | Budget |  | 541-2107 |
| | | | Assistant City Manager |  | 541-2271 |
| Legal |  | 541-2128 | City Manager |  | 541-2076 |

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Sonoma Ranch East II Master Plan area encompasses approximately 320.98 ± acres and is partially vacant. Zoning boundaries must change in order to reflect the realignment of Mesa Grande Drive. Zoning boundaries begin from the centerline of roadways. The original zoning was concurrent with the planning parcel boundaries of the Master Plan and the alignment of Mesa Grande. In addition, the zoning of the Master Plan area must adhere to planning parcel boundaries.

The density range per the original zoning, minimum to maximum number of dwelling units, is 1,148 to 2,521 and the proposed density range is 539 to 2539. There is a decrease, by 609 dwelling units, in the minimum density proposed in this amendment. There is a minor increase in the maximum density proposed in this amendment by 18 units. Overall, there is little change in the existing density compared to the proposed density.

Zone changes are proposed to Tracts H, I, K, L, M and P and a new Tract, O, which is being created for open-space and flood control. These changes are due to the realignment of Mesa Grande Drive and incorporate approximately 12.71 ± acres of the Master Plan area. In addition, relative to a survey error on the original Master Plan and zoning, a corrective adjustment is also proposed for Tracts A, B, C, D and E. The proposed changes are to correct a survey error

proposed for Tracts A, B, C, D and E. The proposed changes are to correct a survey error between the original zoning and Master Plan, the arroyo and platted subdivisions within Tract C. This will reallocate approximately 0.88 acres (38,332 square feet) from Tracts B, C, D and E to Tract A. The correction will result in concurrence with platted subdivisions in Tract C, including Sonoma Ranch East 2 Phases 5 through 7. In total, this request proposes rezoning for 13.59 ± acres out of the total 320.98 ± acres, or four percent of the total area, within the Sonoma Ranch East II Master Planned area, leaving the remaining acreage as currently zoned and master-planned.

On August 25, 2009, the Planning and Zoning Commission recommended conditional approval for the zone change 4-0 (two Commissioners were absent and one seat is vacant). The condition, as recommended, states that all newly installed utilities will be placed underground. The condition is stated in the attached Ordinance. There was no public comment received before the Planning and Zoning Commission meeting. During the meeting, public comment was minimal and regarded the preference of single-family zones to multi-family and commercial lots by a property owner.

SUPPORT INFORMATION:

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

1. Ordinance.
2. Exhibit "A" Zoning Amendment.
3. Exhibit "B" Findings and Comprehensive Plan Analysis.
4. Attachment "A" Staff Report for August 25, 2009 Planning and Zoning Commission Meeting for Case Z2792.
5. Attachment "B" Minutes for August 25, 2009 Planning and Zoning Commission Meeting.
6. Attachment "C" Vicinity Map.

OPTIONS / ALTERNATIVES:

1. Vote **YES** to approve the proposed Ordinance. This action would approve the proposed zone changes for 13.59 ± acres of the Sonoma Ranch East II Master-Planned area. The zone change is not changing the zoning and land-use designations of the original Master Plan and zoning and no new uses are being introduced by this proposal, but is changing the area size for which the zones exist.
2. Vote **NO** and deny the proposed Ordinance. Such action would result in the proposed 13.59 ± acres being rezoned.
3. **Modify** the proposed Ordinance and vote **YES** to approve. The City Council may impose conditions on the request to address any concerns they may have regarding the proposed zone change.
4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-014
ORDINANCE NO. 2543

AN ORDINANCE APPROVING A REQUEST FOR MULTIPLE ZONE CHANGES FOR APPROXIMATELY 13.59 ± ACRES WITHIN THE SONOMA RANCH EAST II MASTER-PLANNED AREA. THE SUBJECT AREA IS GENERALLY LOCATED EAST OF SONOMA RANCH BOULEVARD AND WEST OF THE FUTURE EXTENSION OF MESA GRANDE DRIVE. SUBMITTED BY GUNAJI-KLEMENT & ASSOCIATES FOR SONOMA RANCH SUBDIVISION LTD. CO. (Z2792).

The City Council is informed that:

WHEREAS, Sonoma Ranch Subdivision Ltd. Co., the property owner, has submitted a request for multiple zone changes for 13.59 ± acres located in the Sonoma Ranch East II Master-Planned area as amended; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 25, 2009, recommended that said zone change request be conditionally approved by a vote of 4-0 (two Commissioners were absent and one seat is vacant).

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

(I)

THAT the tracts more particularly described in Exhibit "A", attached hereto and made part of this Ordinance, is hereby conditionally zoned as follows for the Sonoma Ranch East II Master-Planned Area:

- a. Tract B, C, D and E to Tract A, 0.88 ± acres, from R-1a (Single-family Medium Density), R-1b (Single-Family High Density) and C-2 (Commercial Medium Intensity)/O-2 (Office Professional-Limited Retail Service)/R-3 (Multi-Dwelling Medium Density) to R-1a (Single-family Medium Density)
- b. Tract H to Tract I, 0.25 ± acres, from R-1b (Single-Family High Density) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- c. Tract I to Tract H, 0.25 ± acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)
- d. Tract L to Tract K, 0.24 ± acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)
- e. Tract M to Tract K, 1.79 ± acres, from R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)

- f. Road right-of-way to Tract K, 0.66 ± acres to R-1b (Single-Family High Density)
- g. Tract K to Tract L, 0.37 ± acres, from R-1b (Single-Family High Density) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- h. Tract M to Tract L, 0.03 ± acres, from R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- i. Tract K to Tract M, 0.65 ± acres, from R-1b (Single-Family High Density) to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- j. Tract L to Tract M, 0.33 ± acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- k. Road right-of-way to Tract M, 1.33 ± acres to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- l. Tract O, 5.69 ± acres, from R-1b (Single-Family High Density) to OSR (Open Space Recreation)/FC (Flood Control)
- m. Tract P, 1.12 ± acres, from R-1b (Single-Family High Density) to FC (Flood Control)

(II)

THAT the condition be stipulated as follows:

- All newly installed utilities to 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:

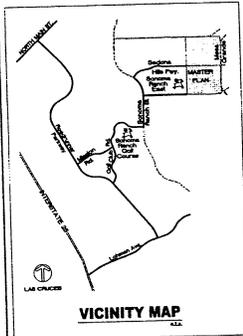
 _____

City Attorney

SONOMA RANCH EAST II ZONING PLAN AMENDMENT #1

A MIXED LAND USE DEVELOPMENT
320.98 ACRES LOCATED IN SECTION 34, T22S., R.2E N.M.P.M. OF THE U.S.G.L.O. SURVEYS
PREVIOUS ZONING: NONE (FORMERLY STATE LAND)
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SCALE: 1" = 200' MAY, 2008

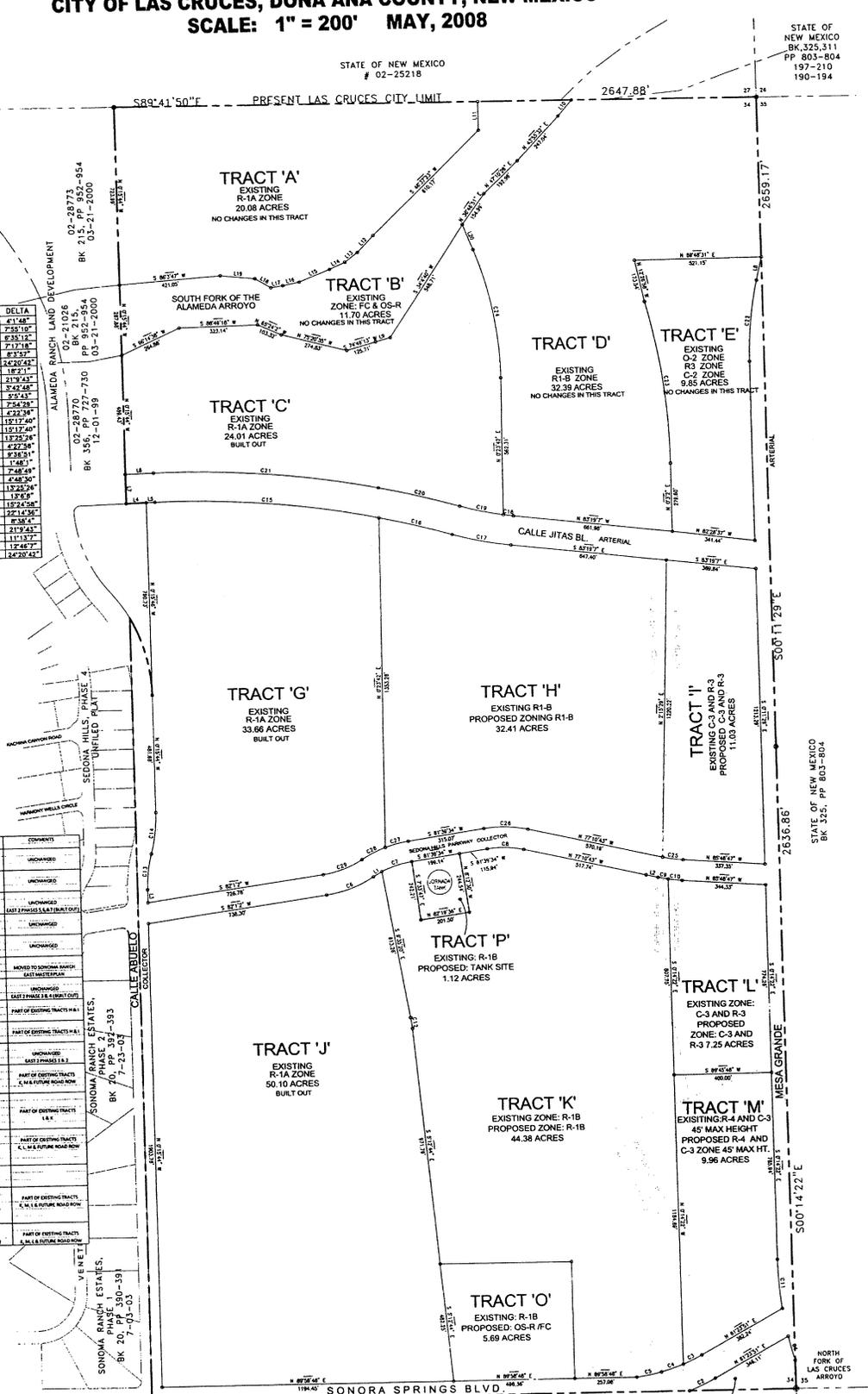
STATE OF NEW MEXICO
BK 325, 511
PP 803-804
197-210
190-194



| CURVE | RADIUS | LENGTH | CHORD | CH-LENGTH | DELTA |
|-------|---------|--------|---------------|-----------|-----------|
| C1 | 1460.00 | 109.89 | N 14°24'34" E | 109.87 | 8°11'48" |
| C2 | 850.00 | 118.18 | N 65°24'26" E | 118.09 | 8°35'12" |
| C3 | 745.00 | 85.85 | N 64°41'37" E | 85.60 | 8°35'12" |
| C4 | 745.00 | 84.77 | N 71°33'42" E | 84.70 | 7°12'18" |
| C5 | 745.00 | 104.88 | N 78°18'19" E | 104.79 | 8°37'37" |
| C6 | 492.50 | 209.26 | N 89°50'41" E | 202.80 | 24°20'42" |
| C7 | 492.50 | 128.84 | S 12°18'33" W | 127.73 | 18°21'17" |
| C8 | 492.50 | 150.51 | N 87°45'35" W | 149.63 | 21°19'43" |
| C9 | 842.50 | 52.14 | S 82°51'41" E | 51.63 | 2°42'48" |
| C10 | 842.50 | 52.14 | S 83°15'58" E | 51.12 | 2°52'43" |
| C11 | 1460.00 | 201.51 | S 4°11'38" E | 201.35 | 2°54'28" |
| C12 | 600.00 | 45.83 | N 72°34'24" W | 45.81 | 4°32'38" |
| C13 | 597.50 | 148.82 | S 7°23'8" W | 148.38 | 18°12'40" |
| C14 | 642.50 | 171.81 | N 84°52'37" W | 171.00 | 13°25'28" |
| C15 | 3940.00 | 948.11 | N 72°36'15" W | 907.00 | 4°22'58" |
| C16 | 1460.00 | 248.88 | N 72°36'15" W | 244.00 | 8°58'51" |
| C17 | 1460.00 | 248.88 | S 82°23'8" E | 243.11 | 1°48'11" |
| C18 | 1340.00 | 42.11 | S 82°23'8" E | 42.11 | 1°48'11" |
| C19 | 1340.00 | 183.71 | N 72°36'15" W | 183.00 | 4°48'30" |
| C20 | 4080.00 | 350.23 | N 82°9'31" W | 340.63 | 4°48'30" |
| C21 | 4080.00 | 350.23 | N 84°50'37" W | 348.00 | 13°25'28" |
| C22 | 1460.00 | 335.87 | N 82°18'30" W | 335.14 | 1°18'50" |
| C23 | 2000.00 | 672.88 | N 7°39'27" W | 670.83 | 18°24'58" |
| C24 | 1388.00 | 358.85 | N 10°43'50" W | 355.87 | 1°12'45" |
| C25 | 507.50 | 84.00 | S 81°29'45" E | 83.54 | 8°38'4" |
| C26 | 492.50 | 181.80 | N 87°45'35" W | 180.87 | 21°19'43" |
| C27 | 492.50 | 84.83 | S 28°10'0" W | 84.00 | 11°13'17" |
| C28 | 492.50 | 109.75 | S 64°37'3" W | 109.33 | 12°48'7" |
| C29 | 407.50 | 173.15 | N 82°50'41" E | 171.88 | 14°20'43" |

| LINE | LENGTH | BEARING |
|------|--------|---------------|
| L1 | 42.33 | S 60°38'42" W |
| L2 | 50.49 | N 77°10'42" W |
| L3 | 53.33 | S 0°13'42" W |
| L4 | 85.03 | S 88°24'50" W |
| L5 | 36.59 | N 88°34'50" W |
| L6 | 114.83 | N 68°24'50" E |
| L7 | 120.03 | N 0°15'48" W |
| L8 | 87.05 | N 12°54'59" E |
| L9 | 62.53 | S 74°49'13" W |
| L10 | 87.48 | N 42°53'24" E |
| L11 | 116.66 | N 88°50'00" W |
| L12 | 66.42 | S 44°57'53" W |
| L13 | 62.89 | S 50°11'18" W |
| L14 | 68.46 | S 83°41'28" W |
| L15 | 135.85 | S 88°53'00" W |
| L16 | 87.59 | S 78°27'48" W |
| L17 | 48.08 | S 81°41'28" W |
| L18 | 73.21 | N 58°10'00" W |
| L19 | 141.54 | N 84°0'58" W |
| L20 | 110.93 | N 21°50'54" W |

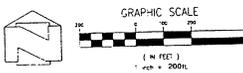
| TRACT | PROPOSED ZONING | PROPOSED HEIGHT | PROPOSED SETBACKS | PROPOSED LOT COVERAGE | PROPOSED LOT AREA | PROPOSED LOT DIMENSIONS | COMMENTS |
|-------|-----------------|-----------------|-------------------|-----------------------|-------------------|-------------------------|-----------|
| A | R-1B | 35' | 10' | 30% | 20.08 | 110' x 110' | UNCHANGED |
| B | R-1B | 35' | 10' | 30% | 11.70 | 110' x 110' | UNCHANGED |
| C | R-1B | 35' | 10' | 30% | 24.01 | 110' x 110' | UNCHANGED |
| D | R-1B | 35' | 10' | 30% | 32.89 | 110' x 110' | UNCHANGED |
| E | R-1B | 35' | 10' | 30% | 9.85 | 110' x 110' | UNCHANGED |
| F | R-1B | 35' | 10' | 30% | 32.89 | 110' x 110' | UNCHANGED |
| G | R-1B | 35' | 10' | 30% | 33.66 | 110' x 110' | UNCHANGED |
| H | R-1B | 35' | 10' | 30% | 32.41 | 110' x 110' | UNCHANGED |
| I | R-1B | 35' | 10' | 30% | 11.80 | 110' x 110' | UNCHANGED |
| J | R-1A | 45' | 10' | 30% | 50.10 | 110' x 110' | UNCHANGED |
| K | R-1B | 35' | 10' | 30% | 44.38 | 110' x 110' | UNCHANGED |
| L | R-1B | 35' | 10' | 30% | 5.69 | 110' x 110' | UNCHANGED |
| M | R-1B | 35' | 10' | 30% | 9.96 | 110' x 110' | UNCHANGED |
| N | FC & OS-R | 45' | 10' | 30% | 1.08 | 110' x 110' | UNCHANGED |



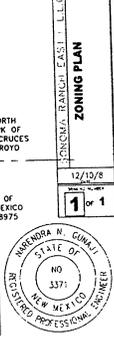
STATE OF NEW MEXICO
BK 325, 511
PP 803-804

STATE OF NEW MEXICO
#03-08975

OWNER/DEVELOPER:
SONOMA RANCH SUBDIVISION LTD. CO
141 ROADRUNNER PKY. STE 222
LAS CRUCES, NEW MEXICO 88011
PHONE: (505) 525-1183



12/10/08
1 of 1
GUNAJI-KLEMENT & ASSOCIATES
Civil Engineering - Geology - Environmental - Groundwater
LAS CRUCES, NEW MEXICO (505) 640-3304





August 24, 2009

DESCRIPTION OF A 20.08 ACRE TRACT
"Parcel H1"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.12°27'39"E., 5429.99 feet;

THENCE from the point of beginning, S.0°00'00"E., 116.60 feet to an angle point of this tract;

THENCE S.46°37'23"W., 610.17 feet to an angle point of this tract;

THENCE S.44°57'53"W., 96.42 feet to an angle point of this tract;

THENCE S.54°11'08"W., 65.89 feet to an angle point of this tract;

THENCE S.65°41'26"W., 68.46 feet to an angle point of this tract;

THENCE S.68°53'06"W., 135.85 feet to an angle point of this tract;

THENCE S.78°47'48"W., 67.95 feet to an angle point of this tract;

THENCE S.81°41'27"W., 49.08 feet to an angle point of this tract;

THENCE N.58°37'00"W., 73.21 feet to an angle point of this tract;

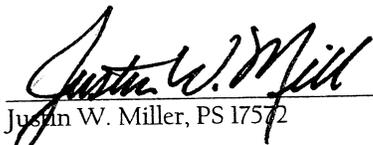
THENCE N.84°05'38"W., 141.56 feet to an angle point of this tract;

THENCE S.86°03'46"W., 421.00 feet to a point for the southwest corner of this tract;

THENCE N.00°16'00"W., 723.99 feet to a point for the northwest corner of this tract;

THENCE S.89°41'50"E., 1496.12 feet to the point of beginning, containing 20.08 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

09037.doc

8-24-09
Date





August 24, 2009

DESCRIPTION OF A 11.70 ACRE TRACT
"Parcel H2"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.8°24'29"E., 5357.61 feet;

THENCE from the point of beginning, S.42°53'24"W., 87.49 feet to an angle point of this tract;

THENCE S.43°55'32"W., 247.04 feet to an angle point of this tract;

THENCE S.47°10'28"W., 192.96 feet to an angle point of this tract;

THENCE S.36°46'51"W., 154.99 feet to an angle point of this tract;

THENCE S.34°04'40"W., 548.71 feet to an angle point of this tract;

THENCE S.74°49'13"W., 62.53 feet to an angle point of this tract;

THENCE S.74°49'13"W., 125.71 feet to an angle point of this tract;

THENCE N.75°20'35"W., 274.83 feet to an angle point of this tract;

THENCE N.65°24'02"W., 103.32 feet to an angle point of this tract;

THENCE S.88°49'18"W., 323.14 feet to an angle point of this tract;

THENCE S.66°14'38"W., 264.87 feet to an angle point of this tract;

THENCE N.0°15'09"W., 287.88 feet to an angle point of this tract;

THENCE S.86°03'46"E., 421.00 feet to an angle point of this tract;

THENCE S.84°05'38"E., 141.56 feet to an angle point of this tract;

THENCE S.58°37'00"E., 73.21 feet to an angle point of this tract;

THENCE N.81°41'27"E., 49.08 feet to an angle point of this tract;

THENCE N.78°47'48"E., 67.95 feet to an angle point of this tract;

THENCE N.68°53'06"E., 135.85 feet to an angle point of this tract;

(continued on page 2)

(continued from page 1)

THENCE N.65°41'26"E., 68.46 feet to an angle point of this tract;

THENCE N.54°11'08"E., 65.89 feet to an angle point of this tract;

THENCE N.44°57'53"E., 96.42 feet to an angle point of this tract;

THENCE N.46°37'23"E., 610.17 feet to an angle point of this tract;

THENCE N.00°00'00"E., 116.60 feet to a point for the northwest corner of this tract;

THENCE S.89°41'50"E., 388.25 feet to the point of beginning, containing 11.70 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

09037.doc

8-24-09
Date





August 24, 2009

DESCRIPTION OF A 7.54 ACRE TRACT
"Parcel H3"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.24°38'21"E., 4806.05 feet;

THENCE from the point of beginning, S.18°24'52"W., 422.79 feet to an angle point of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 180.00 feet, an arc length of 45.65 feet, whose central angle is 14°31'48" and whose long chord bears S.11°08'58"W., 45.52 feet to a point of tangency;

THENCE S.3°53'05"W., 118.68 feet to a point for the southeast corner of this tract;

THENCE along the arc of a curve to the left, having a radius of 4060.00 feet, an arc length of 388.26 feet, whose central angle is 5°28'45" and whose long chord bears N.88°51'18"W., 388.11 feet to a point of tangency;

THENCE S.88°24'19"W., 118.83 feet to a point for the southwest corner of this tract;

THENCE N.0°15'42"W., 489.43 feet to a point for the northwest corner of this tract;

THENCE N.66°14'38"E., 264.87 feet to an angle point of this tract;

THENCE N.88°49'18"E., 323.14 feet to an angle point of this tract;

THENCE S.65°24'02"E., 103.32 feet to the point of beginning, containing 7.54 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

8-24-09
Date

09037.doc





August 24, 2009

DESCRIPTION OF A 6.16 ACRE TRACT
"Parcel H4"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.20°27'48"E., 4623.61 feet;

THENCE from the point of beginning, S.00°23'42"W., 599.60 feet to a point of curvature for the southeast corner of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 4060.00 feet, an arc length of 538.71 feet, whose central angle is 7°36'09" and whose long chord bears N.82°18'51"W., 538.31 feet to a point for the southwest corner of this tract;

THENCE N.03°53'05"E., 118.68 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 180.00 feet, an arc length of 45.65 feet, whose central angle is 14°31'48" and whose long chord bears N.11°08'58"E., 45.52 feet to a point of tangency;

THENCE N.18°24'52"E., 422.79 feet to a point for the northwest corner of this tract;

THENCE S.75°20'35"E., 274.83 feet to an angle point of this tract;

THENCE N.74°49'13"E., 125.71 feet to the point of beginning, containing 6.16 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
09037.doc

8-24-09
Date





August 24, 2009

**DESCRIPTION OF A 10.31 ACRE TRACT
"Parcel H5"**

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the WI/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.14°34'25"E., 4962.36 feet;

THENCE from the point of beginning, S.21°50'54"E., 110.95 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 1388.00 feet, an arc length of 538.85 feet, whose central angle is 22°14'36" and whose long chord bears S.10°43'36"E., 535.47 feet to a point of tangency;

THENCE S.00°23'42"W., 562.31 feet to a point of curvature for the southeast corner of this tract;

THENCE along the arc of a non-tangent curve to the right, having a radius of 1340.00 feet, an arc length of 182.74 feet, whose central angle is 7°48'49" and whose long chord bears N.77°36'41"W., 182.60 feet to a point of reverse curvature;

THENCE along the arc of a curve to the left, having a radius of 4060.00 feet, an arc length of 340.73 feet, whose central angle is 4°48'30" and whose long chord bears N.76°06'32"W., 340.63 feet to point for the southwest corner of this tract;

THENCE N.00°23'42"E., 599.60 feet to a point for the northwest corner of this tract;

THENCE N.74°49'13"E., 62.53 feet to an angle point of this tract;

THENCE N.34°04'40"E., 548.71 feet to the point of beginning, containing 10.31 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.


Justin W. Miller, PS 17572

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8-24-09
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August 24, 2009

DESCRIPTION OF A 22.36 ACRE TRACT
"Parcel H6"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.09°08'44"E., 5303.35 feet;

THENCE from the point of beginning, S.28°49'19"E., 232.64 feet to an angle point of this tract;

THENCE S.52°46'58"E., 55.57 feet to an angle point of this tract;

THENCE S.25°04'50"E., 393.06 feet to an angle point of this tract;

THENCE S.89°48'31"W., 18.95 feet to an angle point of this tract;

THENCE S.12°26'58"E., 173.54 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 2500.00 feet, an arc length of 672.66 feet, whose central angle is 15°24'58" and whose long chord bears S.07°39'27"E., 670.63 feet to a point of tangency;

THENCE S.00°03'02"W., 279.60 feet to a point for the southeast corner of this tract;

THENCE N.83°19'07"W., 661.98 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 1340.00 feet, an arc length of 42.11 feet, whose central angle is 1°48'01" and whose long chord bears N.82°25'06"W., 42.11 feet to a point for the southwest corner of this tract;

THENCE N.00°23'42"E., 562.31 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 1388 feet, an arc length of 538.85 feet, whose central angle is 22°14'36" and whose long chord bears N.10°43'36"W., 535.47 feet to a point of tangency;

THENCE N.21°50'54"W., 110.95 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.36°46'51"E., 154.99 feet to an angle point of this tract;

THENCE N.47°10'28"E., 192.96 feet to an angle point of this tract;

THENCE N.43°55'32"E., 247.04 feet to the point of beginning, containing 22.36 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, PS 17572

8-24-09
Date

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August 24, 2009

DESCRIPTION OF A 10.03 ACRE TRACT
Parcel H7"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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; being a U.S.G.L.O. brass cap identical to the northeast corner of Section 34 Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.00°12'55"E., 5296.03 feet;

THENCE from the point of beginning, S.00°11'29"E., 651.82 feet to a point for the southeast corner of this tract;

THENCE S.89°48'31"W., 502.20 feet to a point for the southwest corner of this tract;

THENCE N.25°04'50"W., 393.06 feet to an angle point of this tract;

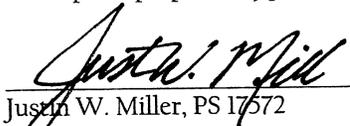
THENCE N.52°46'58"W., 55.57 feet to an angle point of this tract;

THENCE N.28°49'19"W., 232.64 feet to an angle point of this tract;

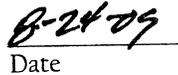
THENCE N.42°53'24"E., 87.49 feet to a point for the northwest corner of this tract;

THENCE S.89°41'50"E., 763.51 feet to the point of beginning, containing 10.03 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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Date





August 24, 2009

DESCRIPTION OF A 9.85 ACRE TRACT
"Parcel H8"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 east line of Section 34 for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.00°13'07"E., 4644.21 feet;

THENCE from the point of beginning, S.12°54'39"W., 97.02 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 1460.00 feet, an arc length of 333.87 feet, whose central angle is 13°06'08" and whose long chord bears S.06°21'35"W., 333.14 feet to a point of tangency;

THENCE S.00°11'29"E., 734.50 feet to a point for the southeast corner of this tract;

THENCE N.82°28'37"W., 341.44 feet to a point for the southwest corner of this tract;

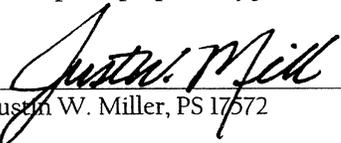
THENCE N.00°03'02"E., 279.60 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 2500.00 feet, an arc length of 672.66 feet, whose central angle is 15°24'58" and whose long chord bears N.07°39'27"W., 670.63 feet to a point of tangency;

THENCE N.12°26'58"W., 173.54 feet to a point for the northwest corner of this tract;

THENCE N.89°48'31"E., 521.15 feet to the point of beginning, containing 9.85 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

8-24-09
Date

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August 24, 2009

DESCRIPTION OF A 8.38 ACRE TRACT
"Parcel H10"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.30°24'20"E., 4272.09 feet;

THENCE from the point of beginning, S.03°53'05"W., 118.28 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 180.00 feet, an arc length of 58.37 feet, whose central angle is 18°34'45" and whose long chord bears S.05°24'18"E., 58.11 feet to a point of tangency;

THENCE S.14°41'41"E., 222.54 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 380.00 feet, an arc length of 97.46 feet, whose central angle is 14°41'41" and whose long chord bears S.07°20'50"E., 97.19 feet to a point of tangency;

THENCE S.00°00'00"E., 250.10 feet to an angle point of this tract;

THENCE S.90°00'00"W., 75.00 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°00'00" and whose long chord bears S.45°00'00"W., 35.36 feet to a point of tangency;

THENCE S.00°00'00"E., 58.03 feet to a point for the southeast corner of this tract;

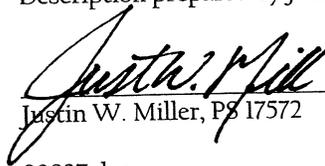
THENCE S.90°00'00"W., 375.70 feet to a point for the southwest corner of this tract;

THENCE N.00°15'44"W., 827.17 feet to a point for the northwest corner of this tract;

THENCE N.88°24'20"E., 36.59 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 3940.00 feet, an arc length of 376.78 feet, whose central angle is 05°28'45" and whose long chord bears S.88°51'18"E., 376.64 feet to the point of beginning, containing 8.38 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

8-24-09
Date





August 24, 2009

DESCRIPTION OF A 8.82 ACRE TRACT
"Parcel H11"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.24°11'15"E., 3957.32 feet;

THENCE from the point of beginning, S.00°23'42"W., 746.05 feet to a point for the southeast corner of this tract;

THENCE S.90°00'00"W., 369.28 feet to an angle point of this tract;

THENCE N.90°00'00"E., 58.03 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°00'00" and whose long chord bears N.45°00'00"W., 35.36 feet to a point of tangency;

THENCE S.90°00'00"W., 75.00 feet to a point for the southwest corner of this tract;

THENCE N.00°00'00"E., 250.10 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 380.00 feet, an arc length of 97.46 feet, whose central angle is 14°41'41" and whose long chord bears N.07°20'50"W., 97.19 feet to a point of tangency;

THENCE N.14°41'41"W., 222.54 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 180.00 feet, an arc length of 58.37 feet, whose central angle is 18°34'45" and whose long chord bears N.05°24'18"W., 58.11 feet to a point of tangency;

THENCE N.03°53'05"E., 118.28 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 3940.00 feet, an arc length of 546.33 feet, whose central angle is 07°56'41" and whose long chord bears S.82°08'35"E., 545.89 feet to the point of beginning, containing 8.82 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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8-24-09
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August 24, 2009

DESCRIPTION OF A 7.61 ACRE TRACT
"Parcel H12"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.41°55'17"E., 3848.97 feet;

THENCE from the point of beginning, N.90°00'00"E., 375.70 feet to a point for the northeast corner of this tract;

THENCE S.00°00'00"E., 58.03 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°00'00" and whose long chord bears S.45°00'00"E., 35.36 feet to a point of tangency;

THENCE N.90°00'00"E., 75.00 feet to an angle point of this tract;

THENCE S.00°00'00"E., 123.37 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 380.00 feet, an arc length of 159.36 feet, whose central angle is 24°01'42" and whose long chord bears S.12°00'51"W., 158.20 feet to a point of tangency;

THENCE S.24°01'42"W., 160.21 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 180.00 feet, an arc length of 100.57 feet, whose central angle is 32°00'40" and whose long chord bears S.08°01'22"W., 99.26 feet to a point of tangency;

THENCE S.07°58'58"E., 151.60 feet to a point for the southeast corner of this tract;

THENCE S.82°01'02"W., 427.64 feet to a point for the southwest corner of this tract;

THENCE N.00°15'44"W., 53.32 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 557.50 feet, an arc length of 148.82 feet, whose central angle is 15°17'40" and whose long chord bears N.07°23'06"E., 148.38 feet to a point of reverse curvature;

THENCE along the arc of a curve to the left, having a radius of 642.50 feet, an arc length of 168.77 feet, whose central angle is 15°03'01" and whose long chord bears N.07°30'25"E., 168.29 feet to a point of tangency;

THENCE N.00°15'44"W., 447.97 feet to the point of beginning, containing 7.61 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

8-24-09
Date

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August 24, 2009

DESCRIPTION OF AN 8.10 ACRE TRACT
"Parcel H13"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.29°35'41"E., 3293.55 feet;

THENCE from the point of beginning, S.00°23'42"W., 607.23 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 492.50 feet, an arc length of 109.75 feet, whose central angle is 12°46'07" and whose long chord bears S.64°03'23"W., 109.53 feet to a point of reverse curvature;

THENCE along the arc of a curve to the right, having a radius of 407.50 feet, an arc length of 173.15 feet, whose central angle is 24°20'42" and whose long chord bears S.69°50'41"W., 171.85 feet to a point of tangency;

THENCE S.82°01'02"W., 299.14 feet to a point for the southwest corner of this tract;

THENCE N.07°58'58"W., 151.60 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 180.00 feet, an arc length of 100.57 feet, whose central angle is 32°00'40" and whose long chord bears N.08°01'22"W., 99.26 feet to a point of tangency;

THENCE N.24°01'42"E., 160.21 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 380.00 feet, an arc length of 159.36 feet, whose central angle is 24°01'42" and whose long chord bears N.12°00'51"E., 158.20 feet to a point of tangency;

THENCE N.00°00'00"E., 123.37 feet to an angle point of this tract;

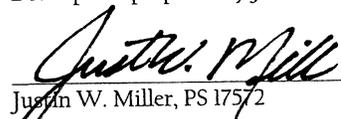
THENCE N.90°00'00"E., 75.00 feet to a point of curvature;

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°00'00" and whose long chord bears N.45°00'00"E., 35.36 feet to a point of tangency;

THENCE N.00°00'00"E., 58.03 feet to a point for the northwest corner of this tract;

THENCE N.90°00'00"E., 369.28 feet to the point of beginning, containing 8.10 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

8-24-09
Date

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August 24, 2009

DESCRIPTION OF A 0.75 ACRE TRACT
"Parcel H14"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.34°20'08"E., 3538.49 feet;

THENCE from the point of beginning, S.00°00'00"E., 116.06 feet to a point of curvature for the southeast 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°00'00" and whose long chord bears S.45°00'00"W., 35.36 feet to a point of tangency;

THENCE S.90°00'00"W., 150.00 feet to a point of curvature;

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°00'00" and whose long chord bears N.45°00'00"W., 35.36 feet to the southwest corner of this tract for a point of tangency;

THENCE N.00°00'00"E., 116.06 feet to a point of curvature;

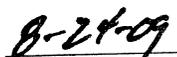
THENCE along the arc of a curve to the right, having a radius of 25.00 feet, an arc length of 39.27 feet, whose central angle is 90°00'00" and whose long chord bears N.45°00'00"E., 35.36 feet to the northwest corner of this tract for a point of tangency;

THENCE N.90°00'00"E., 150.00 feet to a point of curvature;

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°00'00" and whose long chord bears S.45°00'00"E., 35.36 feet to the point of beginning, containing 0.75 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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Date





August 24, 2009

DESCRIPTION OF A 32.41 ACRE TRACT
"Parcel A1"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.7°21'46"E., 3439.60 feet;

THENCE from the point of beginning, S.02°15'29"W., 1220.22 feet to a point for the southeast corner of this tract;

THENCE N.77°10'43"W., 570.19 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 492.50 feet, an arc length of 181.90 feet, whose central angle is 21°09'43" and whose long chord bears N.87°45'35"W., 180.87 feet to a point of tangency;

THENCE S.81°39'34"W., 315.07 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 492.50 feet, an arc length of 96.43 feet, whose central angle is 11°13'07" and whose long chord bears S.76°03'00"W., 96.28 feet to a point for the southwest corner of this tract;

THENCE N.0°23'42"E., 1353.28 feet to a point for the northwest corner of this tract;

THENCE along the arc of a curve to the left, having a radius of 492.50 feet, an arc length of 96.43 feet, whose central angle is 11°13'07" and whose long chord bears S.76°03'00"W., 96.28 feet to a point

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 3940.00 feet, an arc length of 307.12 feet, whose central angle is 4°27'58" and whose long chord bears S.75°56'15"E., 307.04 feet to a point of reverse curvature;

THENCE along the arc of a curve to the left, having a radius of 1460.00 feet, an arc length of 244.98 feet, whose central angle is 9°36'51" and whose long chord bears S.78°30'41"E., 244.70 feet to a point of tangency;

THENCE S.83°19'07"E., 647.40 feet to the point of beginning, containing 32.41 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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Date





August 24, 2009

DESCRIPTION OF A 11.03 ACRE TRACT
"Parcel H19"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.1°14'58"E., 3369.01 feet;

THENCE from the point of beginning, S.0°11'29"E., 731.60 feet to an angle point of this tract;

THENCE S.0°14'22"E., 481.71 feet to a point for the southeast corner of this tract;

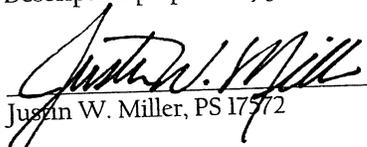
THENCE N.85°48'47"W., 337.75 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 557.5 feet, an arc length of 84.02 feet, whose central angle is 8°38'04" and whose long chord bears N.81°29'45"W., 83.94 feet to a point for the southwest corner of this tract;

THENCE N.2°15'29"E., 1220.22 feet to a point for the northwest corner of this tract;

THENCE S.83°19'07"E., 369.84 feet to the point of beginning, containing 11.03 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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8-24-09
Date





August 24, 2009

DESCRIPTION OF A 10.55 ACRE TRACT
"Parcel H20"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.47°03'44"E., 2970.93 feet;

THENCE from the point of beginning, S.07°58'58"E., 766.55 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 180.00 feet, an arc length of 25.08 feet, whose central angle is 07°58'58" and whose long chord bears S.03°59'29"E., 25.06 feet to a point of tangency;

THENCE S.00°00'00"E., 98.99 feet to an angle point of this tract;

THENCE S.90°00'00"W., 75.00 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°00'00" and whose long chord bears S.45°00'00"W., 35.36 feet to a point of tangency;

THENCE S.00°00'00"E., 58.03 feet to a point for the southeast corner of this tract;

THENCE S.90°00'00"W., 438.96 feet to a point for the southwest corner of this tract;

THENCE N.00°15'44"W., 905.16 feet to a point for the northwest corner of this tract;

THENCE N.82°01'02"E., 439.16 feet to the point of beginning, containing 10.55 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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8-24-09
Date





August 24, 2009

DESCRIPTION OF A 12.79 ACRE TRACT
"Parcel H21"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.37°21'13"E., 2714.36 feet;

THENCE from the point of beginning, S.09°35'20"E., 613.26 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 45.83 feet, whose central angle is 04°22'36" and whose long chord bears S.07°24'02"E., 45.82 feet to a point of tangency;

THENCE S.05°12'44"E., 451.73 feet to a point for the southeast corner of this tract;

THENCE S.90°00'00"W., 469.00 feet to an angle point of this tract;

THENCE N.00°00'00"E., 58.03 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°00'00" and whose long chord bears N.45°00'00"W., 35.36 feet to a point of tangency;

THENCE S.90°00'00"W., 75.00 feet to a point for the southwest corner of this tract;

THENCE N.00°00'00"E., 98.99 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 180.00 feet, an arc length of 25.08 feet, whose central angle is 07°58'58" and whose long chord bears N.03°59'29"W., 25.06 feet to a point of tangency;

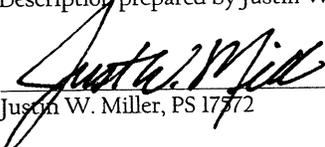
THENCE N.07°58'58"W., 766.55 feet to a point for the northwest corner of this tract;

THENCE N.82°01'02"E., 299.14 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 492.50 feet, an arc length of 209.26 feet, whose central angle is 24°20'42" and whose long chord bears N.69°50'41"E., 207.69 feet to a point of reverse curvature;

THENCE along the arc of a curve to the right, having a radius of 407.50 feet, an arc length of 42.34 feet, whose central angle is 05°57'13" and whose long chord bears N.60°38'42"E., 42.33 feet to the point of beginning, containing 12.79 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

0-24-09
Date

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August 24, 2009

DESCRIPTION OF A 13.21 ACRE TRACT
"Parcel H22"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.67°54'29"E., 2812.24 feet;

THENCE from the point of beginning, N.90°00'00"E., 438.96 feet to a point for the northeast corner of this tract;

THENCE S.00°00'00"E., 58.03 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°00'00" and whose long chord bears S.45°00'00"E., 35.36 feet to a point of tangency;

THENCE N.90°00'00"E., 75.00 feet to an angle point of this tract;

THENCE S.00°00'00"E., 279.78 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 380.00 feet, an arc length of 129.63 feet, whose central angle is 19°32'42" and whose long chord bears S.09°46'21"E., 129.00 feet to a point of tangency;

THENCE S.19°32'42"E., 253.11 feet to a point of curvature;

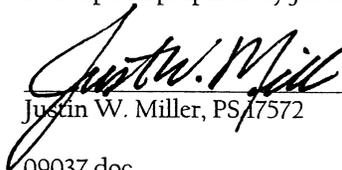
THENCE along the arc of a curve to the right, having a radius of 180.00 feet, an arc length of 61.34 feet, whose central angle is 19°31'30" and whose long chord bears S.09°46'58"E., 61.04 feet to a point of tangency;

THENCE S.00°01'12"E., 209.73 feet to a point for the southeast corner of this tract;

THENCE S.89°58'47"W., 651.41 feet to a point for the southwest corner of this tract;

THENCE N.00°15'44"W., 998.60 feet to the point of beginning, containing 13.21 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

8-24-09
Date





August 24, 2009

DESCRIPTION OF AN 12.80 ACRE TRACT
"Parcel H23"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.54°46'20"E., 1833.59 feet;

THENCE from the point of beginning, S.05°12'44"E., 1002.31 feet to a point for the southeast corner of this tract;

THENCE S.89°58'48"W., 543.04 feet to a point for the southwest corner of this tract;

THENCE N.00°01'12"W., 209.73 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 180.00 feet, an arc length of 61.34 feet, whose central angle is 19°31'30" and whose long chord bears N.09°46'58"W., 61.04 feet to a point of tangency;

THENCE N.19°32'42"W., 253.11 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 380.00 feet, an arc length of 129.63 feet, whose central angle is 19°32'42" and whose long chord bears N.09°46'21"W., 129.00 feet to a point of tangency;

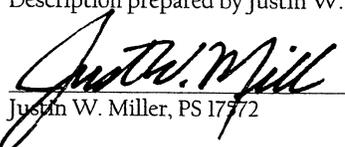
THENCE N.00°00'00"E., 279.78 feet to an angle point of this tract;

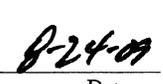
THENCE N.90°00'00"E., 75.00 feet to a point of curvature;

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°00'00" and whose long chord bears N.45°00'00"E., 35.36 feet to a point of tangency;

THENCE N.00°00'00"E., 58.03 feet to a point for the northwest corner of this tract;

THENCE N.90°00'00"E., 469.00 feet to the point of beginning, containing 12.80 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


Date

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August 24, 2009

DESCRIPTION OF A 0.75 ACRE TRACT
"Parcel H24"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.60°26'07"E., 2261.22 feet;

THENCE from the point of beginning, S.00°00'00"E., 116.06 feet to a point of curvature for the southeast 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°00'00" and whose long chord bears S.45°00'00"W., 35.36 feet to a point of tangency;

THENCE S.90°00'00"W., 150.00 feet to a point of curvature;

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°00'00" and whose long chord bears N.45°00'00"W., 35.36 feet to the southwest corner of this tract for a point of tangency;

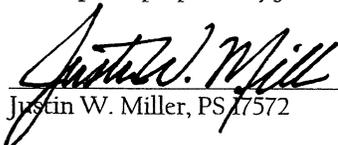
THENCE N.00°00'00"E., 116.06 feet to a point of curvature;

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°00'00" and whose long chord bears N.45°00'00"E., 35.36 feet to the northwest corner of this tract for a point of tangency;

THENCE N.90°00'00"E., 150.00 feet to a point of curvature;

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°00'00" and whose long chord bears S.45°00'00"E., 35.36 feet to the point of beginning, containing 0.75 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

8-24-09
Date





August 24, 2009

DESCRIPTION OF A 1.12 ACRE TRACT
"Parcel H25"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.30°50'02"E., 2590.86 feet;

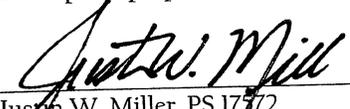
THENCE from the point of beginning, S.8°12'30"E., 244.53 feet to a point for the southeast corner of this tract;

THENCE S.82°19'36"W., 201.50 feet to a point for the southwest corner of this tract;

THENCE N.7°39'07"W., 242.20 feet to a point for the northwest corner of this tract;

THENCE N.81°39'34"E., 199.14 feet to the point of beginning, containing 1.12 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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8-24-09
Date





August 24, 2009

DESCRIPTION OF A 44.38 ACRE TRACT
"Parcel A2"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.12°34'31"E., 2153.14 feet;

THENCE from the point of beginning, S.0°14'22"E., 1992.44 feet to a point for the southeast corner of this tract;

THENCE along the arc of a curve to the right, having a radius of 745.00 feet, an arc length of 199.64 feet, whose central angle is 15°21'14" and whose long chord bears S.75°39'40"W., 199.05 feet to a point of tangency;

THENCE S.89°58'48"W., 257.08 feet to a point for the southwest corner of this tract;

THENCE N.0°14'12"W., 477.36 feet to an angle point of this tract;

THENCE N.89°42'36"W., 538.21 feet to an angle point of this tract;

THENCE N.05°12'44"W., 971.79 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 45.83 feet, whose central angle is 4°22'36" and whose long chord bears N.7°24'02"W., 45.82 feet to a point of tangency;

THENCE N.9°35'20"W., 613.26 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 407.50 feet, an arc length of 128.26 feet, whose central angle is 18°02'01" and whose long chord bears N.72°38'38"E., 127.73 feet to an angle point for this tract;

THENCE S.07°39'07"E., 242.20 feet to an angle point for this tract;

THENCE N.82°19'36"E., 201.50 feet to an angle point of this tract;

THENCE N.08°12'30"W., 244.53 feet to an angle point of this tract;

THENCE N.81°39'28"E., 115.94 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 407.50 feet, an arc length of 150.51 feet, whose central angle is 21°09'43" and whose long chord bears S.87°45'35"E., 149.65 feet to a point of tangency;

THENCE S.77°10'42"E., 570.19 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 642.50 feet, an arc length of 39.69 feet, whose central angle is 3°32'21" and whose long chord bears S.78°56'54"E., 39.68 feet to the point of beginning, containing 44.38 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
Justin W. Miller, PS 17572

8-24-09
Date

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August 24, 2009

DESCRIPTION OF A 7.25 ACRE TRACT
"Parcel H29"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.1°53'59"E., 2070.79 feet;

THENCE from the point of beginning, S.0°14'22"E., 774.26 feet to a point for the southeast corner of this tract;

THENCE S.89°45'48"W., 400.00 feet to a point for the southwest corner of this tract;

THENCE N.0°14'22"W., 807.75 feet to a point for the northwest corner of this tract;

THENCE along the arc of a curve to the left, having a radius of 642.50 feet, an arc length of 57.14 feet, whose central angle is 5°05'43" and whose long chord bears S.83°15'56"E., 57.12 feet to a point of tangency;

THENCE S.85°48'47"E., 344.33 feet to the point of beginning, containing 7.25 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

8-24-09
Date



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August 24, 2009

DESCRIPTION OF A 9.96 ACRE TRACT
"Parcel H30"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears N.2°53'27"E., 1297.05 feet;

THENCE from the point of beginning, S.0°14'22"E., 765.94 feet to an angle point of this tract;

THENCE along the arc of a curve to the left, having a radius of 1460.00 feet, an arc length of 201.51 feet, whose central angle is 7°54'29" and whose long chord bears S.4°11'36"E., 201.35 feet to a point for the southeast corner of this tract;

THENCE S.61°23'51"W., 382.24 feet to an angle point of this tract;

THENCE along the arc of a curve to the right, having a radius of 745.00 feet, an arc length of 85.64 feet, whose central angle is 6°35'12" and whose long chord bears S.64°41'27"W., 85.60 feet to a point for the southwest corner of this tract;

THENCE N.0°14'22"W., 1184.69 feet to a point for the northwest corner of this tract;

THENCE N.89°45'48"E., 400.00 feet to the point of beginning, containing 9.96 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

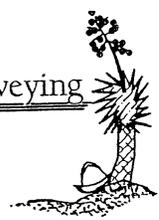
Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

8-24-09
Date

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August 24, 2009

DESCRIPTION OF A 1.08 ACRE TRACT
"Parcel H31"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of this tract; Being a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M.;

THENCE from the point of beginning, S.89°58'48"W., 437.75 feet to a point for the southwest corner of this tract;

THENCE along the arc of a curve to the left, having a radius of 855.00 feet, an arc length of 118.18 feet, whose central angle is 7°55'10" and whose long chord bears N.65°21'26"E., 118.09 feet to a point of tangency;

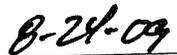
THENCE N.61°23'51"E., 346.11 feet to a point for the northeast corner of this tract;

THENCE S.14°42'26"E., 102.67 feet to an angle point of this tract;

THENCE S.0°14'22"E., 115.47 feet to the point of beginning, containing 1.08 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


Date

09037.doc





August 24, 2009

DESCRIPTION OF A 5.69 ACRE TRACT
"Parcel N1"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, 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 southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.59°31'03"E., 1058.68 feet;

THENCE from the point of beginning, S.0°14'12"E., 477.36 feet to a point for the southeast corner of this tract;

THENCE S.89°58'47"W., 496.36 feet to a point for the southwest corner of this tract;

THENCE N.5°12'44"W., 482.25 feet to a point for the northwest corner of this tract;

THENCE S.89°42'36"E., 538.21 feet to the point of beginning, containing 5.69 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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8-24-09
Date



FINDINGS

1. This is a request for zone changes to 13.59 ± acres of a Master-Planned area known as Sonoma Ranch East II.
2. The adjacent land use and zoning include:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|-------------------------|------------------------|
| North | Holding | Vacant |
| South | Holding | Vacant |
| East | R-1aC, C-3, R-3 and R-4 | Vacant |
| West | R-1a, C-2 and PUD | Residential and Vacant |

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 screening, parking, and loading areas. Architectural and landscaping 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 zone changes and no significant outstanding issues exist. The mixed use concept of the Master Plan remains intact from the original submittal. The mixed uses include Medium/High Density Single-Family, Medium/High Density Multi-Family and High Intensity Commercial. This request proposes rezoning for only 13.59 ± acres out of the total 320.98 ± acres within the Sonoma Ranch East II Master-Planned area, leaving the remaining acreage as currently zoned and planned. The zone change request is also consistent with the approved and amended master plan.



TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Helen Revels, Associate Planner *JR*

DATE: August 25, 2009

SUBJECT: Sonoma Ranch East II Master Plan Amendment and Zone Change (S-08-106, Z2792)

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

Case S-08-106: A request for an amendment to the master planned area known as Sonoma Ranch East II. The master plan amendment shows a range of 538 to 2520 dwelling units on 320.98 ± acres of land. The master planned area is located east of Sonoma Ranch Boulevard and west of the future extension of Mesa Grande Drive. The amendment establishes new boundaries for planning parcels due to the roadway re-alignment of Mesa Grande Drive. Some planning parcels have been combined into one planning parcel and a new planning parcel was created for a dual use facility (park/pond) that is proposed to be dedicated to the City of Las Cruces upon future development. Submitted by Gunaji-Klement & Associates for Sonoma Ranch Subdivision Ltd. Co.

Case Z2792: A request for multiple zone changes for approximately 13.71 ± acres within the Sonoma Ranch East II master planned area. The subject area is generally located east of Sonoma Ranch Boulevard and west of the future extension of Mesa Grande Drive. Submitted by Gunaji-Klement & Associates for Sonoma Ranch Subdivision Ltd. Co. This request is prompted due to the re-alignment of Mesa Grande Drive and the proposed master plan amendment for Case S-08-106. Planning parcel boundaries must change in order for the master plan to reflect the realignment of Mesa Grande Drive; in addition the zoning of these planning parcels must adhere to planning parcel boundaries. Relative to a survey error on the original Master Plan and zoning, a corrective adjustment is also proposed for the Master Plan Amendment and zoning proposal to correct a survey error between the original zoning and Master Plan, the arroyo and platted subdivisions for the reallocation of one acre to Tract A from Tracts B, C, D and E. The zone changes for the remaining 12.71 ± acres are identified as follows:

- Tract H to Tract I, 0.25 ± acres, from R-1b (Single-Family High Density) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- Tract I to Tract H, 0.25 ± acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)

- Tract L to Tract K, 0.24 ± acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)
- Tract M to Tract K, 1.79 ± acres, from R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)
- Road right-of-way to Track K, 0.66 ± acres to R-1b (Single-Family High Density)
- Tract K to Tract L, 0.37 ± acres, from R-1b (Single-Family High Density) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- Tract M to Tract L, 0.03 ± acres, from R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- Tract K to Tract M, 0.65 ± acres, from R-1b (Single-Family High Density) to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- Tract L to Tract M, 0.33 ± acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- Road right-of-way to Tract M, 1.33 ± acres to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- Tract O, 5.69 ± acres, from R-1b (Single-Family High Density) to OSR (Open Space Recreation)/FC (Flood Control)
- Tract P, 1.12 ± acres, from R-1b (Single-Family High Density) to FC (Flood Control)

BACKGROUND

The Sonoma Ranch East II Master Plan area encompasses approximately 320.98 ± acres and is partially vacant. This proposed major master plan amendment contains 27 planning parcels identified with specific land use, acreage, proposed minimum and maximum density and proposed minimum and maximum number of dwelling units if applicable. This request is prompted due to the re-alignment of Mesa Grande Drive and the proposed master plan amendment. The realignment of Mesa Grande has impacted planning parcels in the Master Plan area which also affects the zoning. The original zoning was concurrent with the planning parcel boundaries of the Master Plan. Planning parcel boundaries must change in order for the master plan to reflect the realignment of Mesa Grande Drive. In addition, the zoning of the Master Plan area must adhere to planning parcel boundaries.

The Master Plan Amendment establishes new boundaries for planning parcels due to the roadway realignment of Mesa Grande Drive. Some planning parcels have been combined into one planning parcel and a new planning parcel was created for a dual use facility (park/pond) that is proposed to be dedicated to the City of Las Cruces upon future development. In addition, relative to a survey error on the original Master Plan and zoning, a corrective adjustment is also proposed for Planning Parcels H1, H2, H3, H5 and H6. These changes are to correct a survey error between the original zoning and Master Plan, the arroyo and platted subdivisions within H3, H5 and H6. This will reallocate approximately one acre from Planning Parcels H2, H3, H5 and H6 to H1. For ease of discussion, staff will describe each of the 27 planning parcels in the proposed

master plan amendment to include existing status and proposed changes. The Planning Parcel changes proposed are as follows:

- Planning Parcel H9 is formerly P9 from the original Master Plan which no longer exists.
- Planning Parcel A1 is a combination of P15, P16, P17 and P18 of the original Master Plan. Some park space will be retained in this planning parcel, approximately 0.42 acres.
- Planning Parcel H19, previously P19, has been reconfigured and subtracted in acreage, which was redistributed to A1 due to the alignment of Mesa Grande Drive. This parcel is currently undeveloped.
- Planning Parcel H25, previously P25, for which park space in this planning parcel has been relocated to N1. The primary use for this planning parcel is utility-related for the Jornada Tank.
- Planning Parcel A2 is a combination of P26, part of P27, P28 and part of P30 of the original Master Plan. This parcel is currently undeveloped.
- Planning Parcel H29, previously P29, has been reconfigured and subtracted in acreage, which was redistributed to A2 due to the alignment of Mesa Grande Drive. This parcel is currently undeveloped.
- Planning Parcel H30, previously P30, has been reconfigured and subtracted in acreage, which was redistributed to A2 due to the alignment of Mesa Grande Drive. This parcel is currently undeveloped.
- Planning Parcel H31, previously P31, has been reconfigured and subtracted in acreage, which was redistributed to A2 due to the alignment of Mesa Grande Drive.
- Planning Parcel N1 is a new planning parcel for open space and ponding to be dedicated to the City of Las Cruces upon future development.
- There are no changes proposed for Planning Parcels H4, H10, H11, H12, H13, H14, H20, H21, H22, H23 and H24, which are also Sonoma Ranch East II Subdivision Phases 1 – 4 and 6, and Planning Parcels H7 and H8, which are currently undeveloped.

The original Master Plan's density range, minimum to maximum number of dwelling units, is 1,148 to 2,521 and the proposed Master Plan Amendment's density range is 538 to 2,520. There is a decrease in the minimum density proposed in this amendment. There is no increase in the maximum density proposed in this amendment.

Zone changes are proposed to Tracts H, I, K, L, M and P and a new Tract, O, which is being created for open-space and flood control. These changes are due to the realignment of Mesa Grande Drive and incorporate approximately 12.71 ± acres of the Master Plan area. In addition, relative to a survey error on the original Master Plan and zoning, a corrective adjustment is also proposed for Tracts A, B, C, D and E. These changes are to correct a survey error between the original zoning and Master Plan, the arroyo and platted subdivisions within Tract C. This will reallocate approximately one acre from Tracts B, C, D and E to Tract A. The correction will result in concurrence with platted subdivisions in Tract C, including Sonoma Ranch East II Phases 5 through 7. In

total, this request proposes rezoning for only 13.71 ± acres out of the total 320.98 ± acres within the Sonoma Ranch East II Master Planned area, leaving the remaining acreage as currently zoned/planned.

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

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

FINDINGS

1. The adjacent land use and zoning include:

| | <u>Zoning</u> | <u>Land Use</u> |
|-------|-------------------------|------------------------|
| North | Holding | Vacant |
| South | Holding | Vacant |
| East | R-1aC, C-3, R-3 and R-4 | Vacant |
| West | R-1a, C-2 and PUD | Residential and Vacant |

2. The proposed master plan amendment is in conformance with the City Subdivision Code, Zoning Code, Design Standards, Transportation Plan, and Stormwater Management Policy Plan.
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 screening, parking, and loading areas. Architectural and landscaping 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.

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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. The mixed use concept of the Master Plan remains intact from the original submittal. The mixed uses include Medium/High Density Single-Family, Medium/High Density Multi-Family and High Intensity Commercial. This request proposes rezoning for only 13.71 ± acres out of the total 320.98 ± acres within the Sonoma Ranch East II Master Planned area, leaving the remaining acreage as currently zoned/planned. The proposal does not add to the overall density of the master plan area and this proposal increases the amount of open space previously provided. The zone change request is consistent with the proposed amendment to the master plan.

RECOMMENDATION FOR CASE S-08-106

On July 29, 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 Jornada Tank site, the case was tabled until the August 5, 2009 DRC meeting.

On August 5, 2009, the Development Review Committee (DRC) reviewed the proposed master plan amendment. The Utilities Department and the developer had resolved their issue prior to the meeting, and the existing Jornada Tank will be joined to a storm drain that will be built by the developer to a point within 200 feet of the tank-fence area. The DRC recommended approval of the Master Plan Amendment.

RECOMMENDATION FOR CASE Z2792

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

1. 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 staff.
2. Approve the Master Plan Amendment and Zone Change request as recommended by DRC and 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. Copy of the Original Master Plan
5. Copy of the Original Zoning Plat
6. DRC Minutes (Draft) – July 29, 2009 & August 5, 2009
7. Zoning map
8. 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 SUBDIVISIONS
Contact Person: BRIAN SOLEMAN
Contact Phone Number: 575-525-1183
Contact e-mail Address: bsoleman@sonomaranch.com
Web site address (if applicable):

Proposal Information

Name of Proposal: SONOMA RANCH EAST II ZONE CHANGE AMENDMENT
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
S.F., M.F. COMMERCIAL
Location of Subject Property: SECT. 34, T22S R2E
(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)
Acreage of Subject Property: 322
Zoning of Subject Property: R1C, R1-b, C3, R2, R3, R4, OSR, FC
Proposed number of lots: 2584 MAX, to be developed in 18 phase(s).
Proposed square footage range of homes to be built: 1500 to 4000
Anticipated traffic generation: 25,840 trips per day.
Anticipated development schedule: work will commence on or about 8/2009 and will take APPROX 5 YEARS to complete.
How will stormwater be retained on site (detention facility, on-lot ponding, etc.)?
All DRAINAGE will be HANDLED IN ACCORDANCE WITH C/C DESIGN

STANDARDS COMBINATION OF ON LOT STORAGE AND DETENTION FACILITY.

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

THE PUDS IN THIS PLAN WILL MOST LIKELY HAVE LANDSCAPED ENTRYWAYS, ENTRANCE SIGNAGE AND DECORATIVE LIGHTING, LANDSCAPED MEDIANS AND CONVENTIONAL ROCK WALLS WILL BE USED.

Attachments

Please attach the following: (* indicates optional item)

Location map

Subdivision Plat

Proposed house elevations

*renderings of architectural or site design features

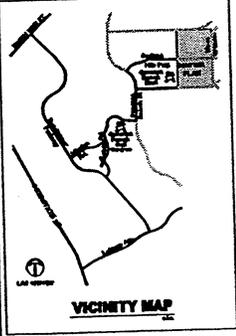
*other pertinent information

SONOMA RANCH EAST II ZONING PLAN AMENDMENT #1

A MIXED LAND USE DEVELOPMENT
320.98 ACRES LOCATED IN SECTION 34, T22S., R.2E N.M.P.M. OF THE U.S.G.L.O. SURVEYS

PREVIOUS ZONING: NONE (FORMERLY STATE LAND)
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

SCALE: 1" = 200' MAY, 2008

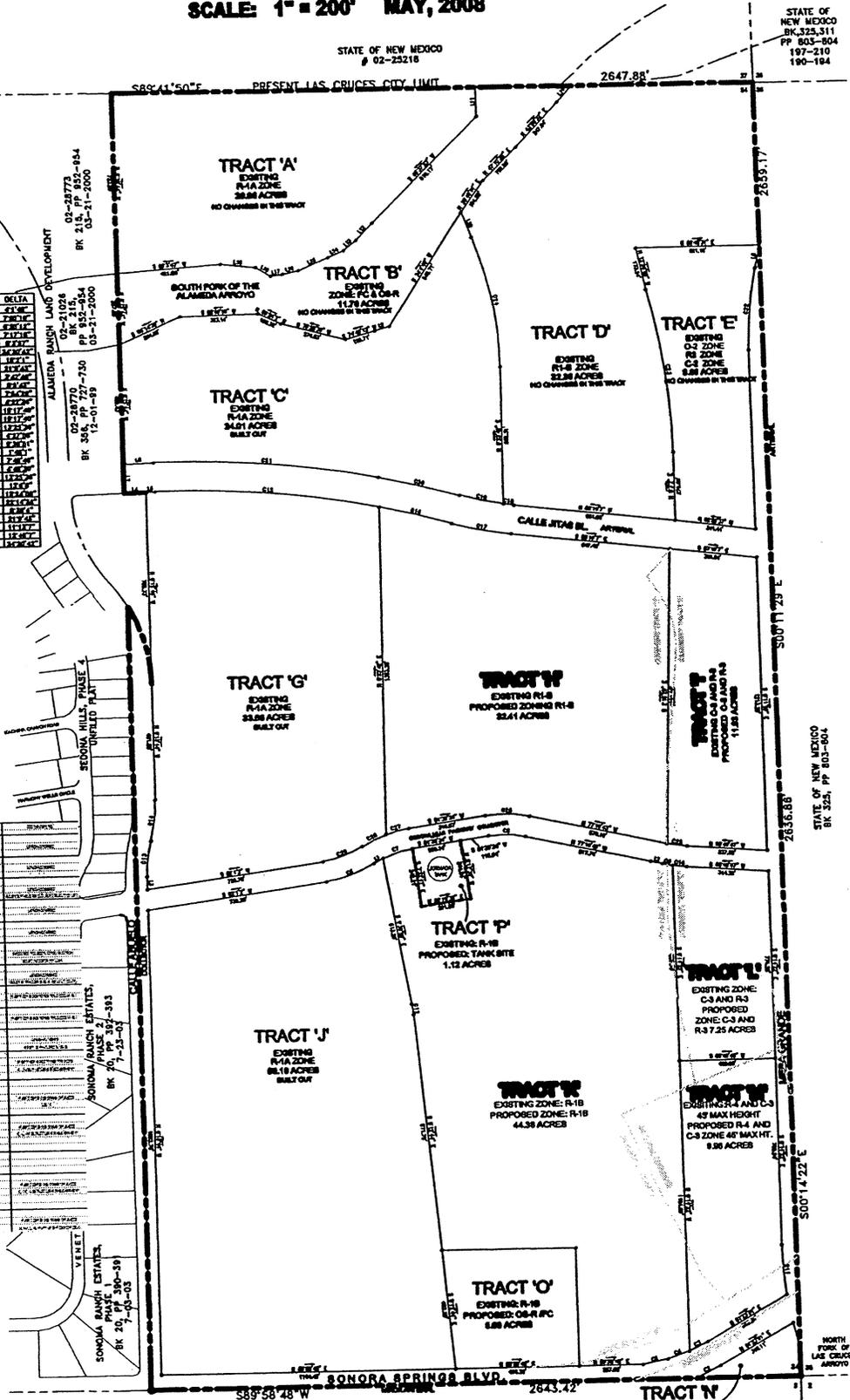


| CURVE | RADIUS | LENGTH | CHORD | CH-LENGTH | DELTA |
|-------|---------|--------|--------|-----------|-------|
| C01 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C02 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C03 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C04 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C05 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C06 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C07 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C08 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C09 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C10 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C11 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C12 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C13 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C14 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C15 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C16 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C17 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C18 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C19 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C20 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C21 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C22 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C23 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C24 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C25 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C26 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C27 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C28 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C29 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |
| C30 | 1500.00 | 150.00 | 149.84 | 150.00 | 2.12 |

| LINE | LENGTH | BEARING |
|------|--------|---------------|
| L01 | 150.00 | N 89°51'43" W |
| L02 | 150.00 | N 77°07'23" W |
| L03 | 150.00 | N 89°51'43" W |
| L04 | 150.00 | N 89°51'43" W |
| L05 | 150.00 | N 89°51'43" W |
| L06 | 150.00 | N 89°51'43" W |
| L07 | 150.00 | N 89°51'43" W |
| L08 | 150.00 | N 89°51'43" W |
| L09 | 150.00 | N 89°51'43" W |
| L10 | 150.00 | N 89°51'43" W |
| L11 | 150.00 | N 89°51'43" W |
| L12 | 150.00 | N 89°51'43" W |
| L13 | 150.00 | N 89°51'43" W |
| L14 | 150.00 | N 89°51'43" W |
| L15 | 150.00 | N 89°51'43" W |
| L16 | 150.00 | N 89°51'43" W |
| L17 | 150.00 | N 89°51'43" W |
| L18 | 150.00 | N 89°51'43" W |
| L19 | 150.00 | N 89°51'43" W |
| L20 | 150.00 | N 89°51'43" W |

CHART FOR TRACTS

| TRACT | ACRES | EXISTING ZONE | PROPOSED ZONE | COMMENTS |
|-------|-------|---------------|---------------|-------------------------|
| A | 38.86 | R-1A | R-1A | NO CHANGE IN THIS TRACT |
| B | 11.61 | R-1A | FC 1.0-R | NO CHANGE IN THIS TRACT |
| C | 34.01 | R-1A | R-1A | BUILT OUT |
| D | 0.00 | R-1B | R-1B | NO CHANGE IN THIS TRACT |
| E | 0.00 | R-1B | R-1B | NO CHANGE IN THIS TRACT |
| F | 32.41 | R-1A | R-1B | PROPOSED ZONING R-1B |
| G | 32.41 | R-1A | R-1B | PROPOSED TANK SITE |
| H | 1.12 | R-1B | R-1B | PROPOSED ZONING R-1B |
| I | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| J | 44.39 | R-1A | R-1B | PROPOSED ZONING R-1B |
| K | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| L | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| M | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| N | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| O | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| P | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| Q | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| R | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| S | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| T | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| U | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| V | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| W | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| X | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| Y | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |
| Z | 44.39 | R-1B | R-1B | PROPOSED ZONING R-1B |



OWNER/DEVELOPER:
SONOMA RANCH SUBDIVISION LTR. CO.
144 BONDPLASTER Pkwy, STE 222,
LAS CRUCES, NEW MEXICO 88011
PHONE: (505) 652-1143



REGISTERED PROFESSIONAL ENGINEER
STATE OF NEW MEXICO
NO. 3371
GUNAHI-KLEINENT & ASSOCIATES
Civil Engineering - Surveying - Environmental - Construction
LAS CRUCES, NEW MEXICO 88001



STATE OF NEW MEXICO
BK. 325-311
PP. 803-804
197-210
190-104

STATE OF NEW MEXICO
BK. 325, PP. 803-804

STATE OF NEW MEXICO
REG. 08-0875

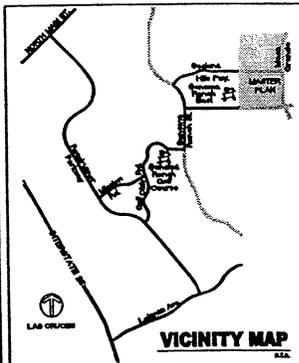
SONOMA RANCH EAST II L.L.C.
ZONING PLAN

17/10/08
1 of 1

SONOMA RANCH EAST II MASTER PLAN-AMENDMENT #1

A MIXED LAND USE DEVELOPMENT

320.98 ACRES LOCATED IN SECTION 34, T22S., R2E N.M.P.M. OF THE U.S.G.L.O. SURVEYS
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SCALE: 1" = 200' July, 2009



| PLANNING PARCEL | PROPOSED LAND USE | ACREAGE | APPROXIMATE NO. OF UNITS | CHANCE | | |
|-----------------|-------------------|---------|--------------------------|--------|-----|--------|
| H 1 | 8 DU/AC | 11.25 | 2-6 | 40 | 138 | 80% SF |
| H 2 | 8 DU/AC | 11.25 | 2-6 | 40 | 138 | 80% SF |
| H 3 | 8 DU/AC | 7.84 | 2-6 | 18 | 68 | 80% SF |
| H 4 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 5 | 8 DU/AC | 14.31 | 2-6 | 36 | 131 | 80% SF |
| H 6 | 8 DU/AC | 21.38 | 2-6 | 44 | 204 | 80% SF |
| H 7 | 8 DU/AC | 14.08 | 2-6 | 36 | 131 | 80% SF |
| H 8 | 8 DU/AC | 11.25 | 2-6 | 40 | 138 | 80% SF |
| H 9 | 8 DU/AC | 11.25 | 2-6 | 40 | 138 | 80% SF |
| H 10 | 8 DU/AC | 11.25 | 2-6 | 40 | 138 | 80% SF |
| H 11 | 8 DU/AC | 8.82 | 2-6 | 17 | 63 | 80% SF |
| H 12 | 8 DU/AC | 7.84 | 2-6 | 18 | 68 | 80% SF |
| H 13 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 14 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 15 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 16 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 17 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 18 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 19 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 20 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 21 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 22 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 23 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 24 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 25 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 26 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 27 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 28 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 29 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 30 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |
| H 31 | 8 DU/AC | 8.14 | 2-6 | 18 | 67 | 80% SF |

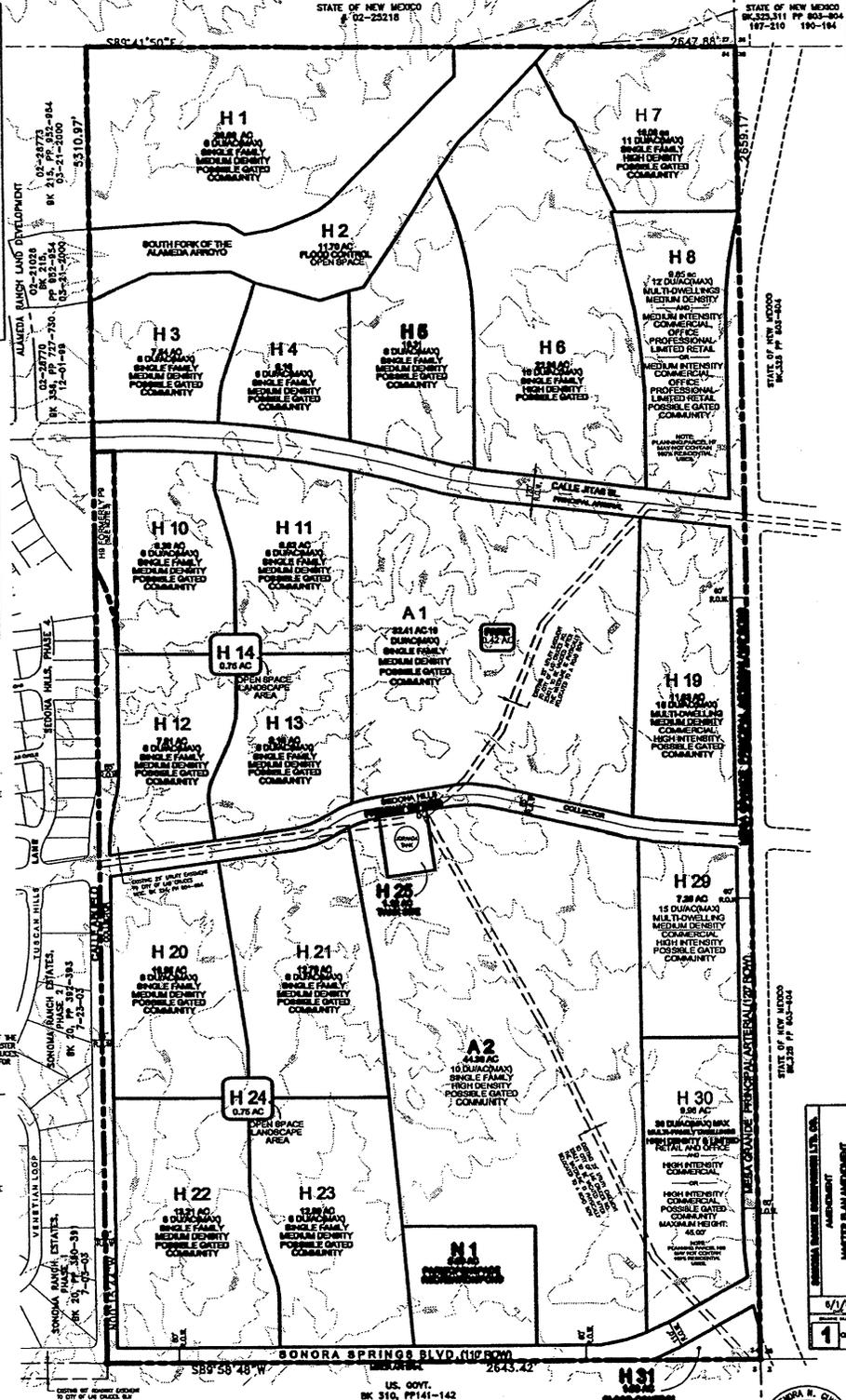
- H = IMPROVED PAVEMENT, BORROWED FROM PREVIOUS EDITIONS
 - A = PAVED, CONCRESS DRIVE, MEDIAN, SIDEWALKS
 - C = COMPLETLY NEW PAVED
 - AD = FLOOD CONTROL - OPEN SPACE
 - SP = SINGLE FAMILY MEDIAN DENSITY - POSSIBLE GATED COMMUNITY
 - SP2 = DOUBLE FAMILY MED DENSITY - POSSIBLE GATED COMMUNITY
 - SP3 = SINGLE-FAMILY MEDIAN DENSITY, MEDIAN DENSITY POSSIBLE GATED COMMUNITY
 - SP4 = MULTIFAMILY MEDIAN DENSITY, HIGH DENSITY/RETAIL
 - SP5 = MEDIAN DENSITY COMMERCIAL
 - SP6 = HIGH DENSITY COMMERCIAL
 - SP7 = LIMITED RETAIL, SERVICE HIGH DENSITY
- WATER PLAN NOTES:**
- PLANNING PARCELS WILL BE SUBDIVIDED INTO PHASES. EACH PHASE WILL BE FURTHER SUBDIVIDED OR COMBINED FOR CONSTRUCTION PURPOSES. PHASES WILL BE SHOWN ON THE PRELIMINARY PLAN.
 - ANTICIPATED POPULATION:
 - NORMAL DENS D.U. x 3.7 PERSONS = 8200 PERSONS
 - ANTICIPATED TRAFFIC GENERATION:
 - NORMAL DENS x 10 = 8200 TRIPS PER DAY
 - THIS AMENDMENT EXAMINES PLANNING PARCELS NOW FORMERLY IN BECAUSE IT IS NOW IN THE EAST MASTER PLAN.
 - ALL PARCELS AVAILABLE FOR DEVELOPMENT MAY BE GATED. THIS PROVIDES THE PLAN PROCESS.
 - ACREAGE PROPOSED FOR OPEN SPACE, PRIVATE AND PUBLIC FACILITIES, AND BORDERS-CORNER IS 47.21 ACRES. OF THIS AREA 26.36 ACRES ARE PROPOSED FOR BORDERS-CORNER AND 20.85 ACRES ARE PROPOSED FOR OPEN SPACE AND PRIVATE AND PUBLIC FACILITIES.
 - ALL CURRENT CITY ORDINANCES WILL BE AMENDED TO IN THIS DEVELOPMENT, INCLUDING THE LANDSCAPE ORDINANCE.
 - SONOMA RANCH EAST II IS A 117' HIGH BARRIER OF A PREVIOUS DESIGN THAT ALLOWS A 10FT MAX-USE PAVL.

CITY OF LAS CRUCES SUBORDINATE ADMINISTRATOR APPROVAL:
 THIS MASTER PLAN HAS BEEN PREPARED BY THE SUBORDINATE ADMINISTRATOR OF THE CITY OF LAS CRUCES. ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE MASTER PLAN HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES. SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING DEPARTMENT FOR THE APPROVAL OF THE PLAN.

CONCEPTUAL DRAINAGE PLAN:
 THE DRAINAGE PLAN FOR EACH OF THE TRACTS SHOWN ON THIS MASTER PLAN IS THAT A DRAINAGE STUDY AND REPORT SHALL BE PREPARED FOR EACH TRACT BY THE OWNER OF THAT TRACT AT THE TIME OF PROPOSED DEVELOPMENT OF SAID TRACT. THIS REPORT SHALL ALLOW THE HISTORIC DRAINAGE FLOW TO EXIT THE TRACT AND ANY DRAINAGE ADJACENT AND BEYOND THE HISTORIC DRAINAGE. FLOW MAPS BE COMPLETED ON THE TRACT AS DESCRIBED IN THE CITY OF LAS CRUCES REQUIREMENTS FOR SUCH DRAINAGE STUDIES AND REPORTS.

PARK/STORM WATER DETENTION FOR PARCEL H1:
 PARCEL H1 WILL BE SUBDIVIDED BY THE SUBORDINATE ADMINISTRATOR OF SONOMA RANCH DEVELOPMENT AND WILL BE USED AS A COMBINED PARK/RECREATIONAL AND STORM WATER DETENTION AREA. THE PARK AREA WILL BE MAINTAINED BY THE CITY OF LAS CRUCES UNDER THE SUPERVISION OF THE FACILITIES DEPARTMENT AND THE STORM WATER DETENTION AREA WILL BE MAINTAINED BY THE PUBLIC WORKS DEPARTMENT. THE DESIGN OF THE PARK/STORM WATER DETENTION AREA (PARCEL H1) WILL BE COMPLETED WITH THE FIRST PHASE OF CONSTRUCTION IN PARCEL AD AND WILL BE COMPLETED WITHIN THE 180 DAYS AFTER THE PERMIT IS ISSUED. ALL STREETS BETWEEN SONOMA RANCH DEVELOPMENT AND THE CITY OF LAS CRUCES PARKS/FACILITIES AND PUBLIC WORKS DEPARTMENTS WILL BE SHOWN DURING THE DESIGN PROCESS TO ENSURE ACCURATE REGULATIONS OF WATER CHANGES AND ELEMENTS FOR FUTURE IMPROVEMENTS/ADJUSTMENTS. IT IS AGREED BETWEEN SONOMA RANCH DEVELOPMENT AND CITY OF LAS CRUCES FACILITIES DEPARTMENT THAT NO ADDITIONAL PARK IMPROVEMENTS WILL BE ASSIGNED. BUILDING FRONT YARDS AND STREET WIDTHS WILL BE ASSIGNED WITH THE CONSTRUCTION OF THE PARK. THIS MASTER PLAN WILL BE DETERMINED AT THE TIME OF DESIGN REVIEW AND APPROVAL OF THE PARK PLAN. SPONSORED SYSTEM RETENTION AND UNDER THE PARK PLAN, THE PARK LOCATION PROVIDES AN EXCELLENT OPPORTUNITY OF USING RETENTION BENCH FOR IMPROVEMENT. DURING THE DESIGN PROCESS OF THE SUBORDINATE APPROVALS, COOPERATION BETWEEN SONOMA RANCH DEVELOPMENT AND CITY OF LAS CRUCES FACILITIES DEPARTMENT IS CRITICAL.

OWNER/DEVELOPER: SONOMA RANCH DEVELOPMENT CO. LLC
 148 BROADWAY, SUITE 222
 LAS CRUCES, NEW MEXICO 88101
 PHONE: (505) 625-1143



GRAPHIC SCALE

1" = 200'

US. GOVT.

BR 310, PP141-142

DATE: 6/1/09

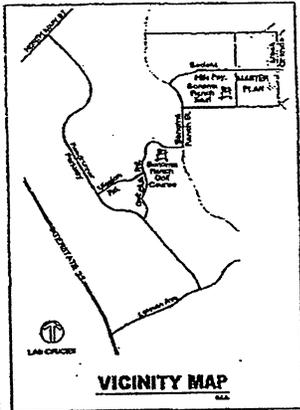
SCALE: 1" = 200'

GUNAJ-KLEMENT & ASSOCIATES

Civil Engineering - Ecology - Environmental - Geotechnical

SONOMA RANCH EAST II MASTER PLAN

A MIXED LAND USE DEVELOPMENT
 322.037 ACRES LOCATED IN SECTION 34, T22S., R.2E N.M.P.M. OF THE U.S.G.L.O. SURVEYS
 PREVIOUS ZONING: NONE (FORMERLY STATE LAND)
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 SCALE: 1" = 200' OCTOBER 6, 2004



| TRACT NO. | PROPOSED LAND USE | ACRES | PROPOSED DENSITY (DU/AC) | INTERPRETED DENSITY UNITS |
|-----------|---|-------|--------------------------|---------------------------|
| P-1 | 3 TO 6 DU/AC | 10.00 | 3.00 | 30 |
| P-2 | 3 TO 6 DU/AC | 11.73 | 3.00 | 35 |
| P-3 | 3 TO 6 DU/AC | 7.25 | 3.00 | 22 |
| P-4 | 3 TO 6 DU/AC | 6.88 | 3.00 | 21 |
| P-5 | 3 TO 6 DU/AC | 10.00 | 3.00 | 30 |
| P-6 | 3 TO 6 DU/AC | 22.40 | 3.00 | 67 |
| P-7 | 3 TO 6 DU/AC | 8.25 | 3.00 | 25 |
| P-8 | 3 TO 6 DU/AC | 10.00 | 3.00 | 30 |
| P-9 | 3 TO 6 DU/AC | 11.73 | 3.00 | 35 |
| P-10 | 3 TO 6 DU/AC | 6.88 | 3.00 | 21 |
| P-11 | 3 TO 6 DU/AC | 8.25 | 3.00 | 25 |
| P-12 | 3 TO 6 DU/AC | 7.25 | 3.00 | 22 |
| P-13 | 3 TO 6 DU/AC | 6.88 | 3.00 | 21 |
| P-14 | OPEN SPACE LANDSCAPE AREA | 0.75 | - | - |
| P-15 | 3 TO 6 DU/AC | 30.20 | 3.00 | 91 |
| P-16 | PARK | 6.88 | - | - |
| P-17 | 3 TO 6 DU/AC | 11.73 | 3.00 | 35 |
| P-18 | 3 TO 6 DU/AC | 11.80 | 3.00 | 35 |
| P-19 | 3 TO 6 DU/AC | 11.80 | 3.00 | 35 |
| P-20 | 3 TO 6 DU/AC | 10.25 | 3.00 | 31 |
| P-21 | 3 TO 6 DU/AC | 12.75 | 3.00 | 38 |
| P-22 | 3 TO 6 DU/AC | 13.20 | 3.00 | 40 |
| P-23 | 3 TO 6 DU/AC | 12.00 | 3.00 | 36 |
| P-24 | OPEN SPACE LANDSCAPE AREA | 0.75 | - | - |
| P-25 | PARK | 2.00 | - | - |
| P-26 | COMMUNITY BUILDINGS PUBLIC/PRIVATE USES | 1.75 | - | - |
| P-27 | 3 TO 6 DU/AC | 31.70 | 3.00 | 95 |
| P-28 | 3 TO 6 DU/AC | 11.80 | 3.00 | 35 |
| P-29 | 3 TO 6 DU/AC | 7.88 | 3.00 | 24 |
| P-30 | 3 TO 6 DU/AC | 30.00 | 3.00 | 90 |
| P-31 | 3 TO 6 DU/AC | 2.34 | 3.00 | 7 |

MASTER PLAN NOTES:

- PLANNED PARCELS WILL BE SURVEYED AND PARCELS WITH PUBLIC UTILITY BEING SERVED BY CONDUITS FOR CONSTRUCTION PURPOSES WILL BE SHOWN ON THE PRELIMINARY PLAN.
- APPROXIMATE POPULATION:
 1.5 DU/AC x 322 ACRES = 483 PERSONS
 3.0 DU/AC x 322 ACRES = 966 PERSONS
- APPROXIMATE TRAVEL DEMAND:
 1.5 DU/AC x 322 ACRES = 483 TRIPS PER DAY
 3.0 DU/AC x 322 ACRES = 966 TRIPS PER DAY

CONCEPTUAL SITE PLAN FOR VARIOUS PORTIONS OF THE PLAN:

THE DEVELOPER SHALL SUBMIT TO THE CITY OF LAS CRUCES A CONCEPTUAL SITE PLAN FOR EACH OF THE TRACTS SHOWN ON THIS MASTER PLAN. THE CONCEPTUAL SITE PLAN SHALL BE PREPARED FOR EACH TRACT BY THE DATE OF THE TRACT AS THE TIME OF PROPOSED DEVELOPMENT OF SAID TRACT. THE REPORT SHALL SHOW THE VARIOUS DEVELOPMENT PLANS FOR EACH TRACT AND THE TRACTS SHALL BE DEVELOPED IN ACCORDANCE WITH THE MASTER PLAN AND THE CITY OF LAS CRUCES DEVELOPMENT CODE AND ORDINANCES. THE TRACTS SHALL BE DEVELOPED IN ACCORDANCE WITH THE CITY OF LAS CRUCES DEVELOPMENT CODE AND ORDINANCES.

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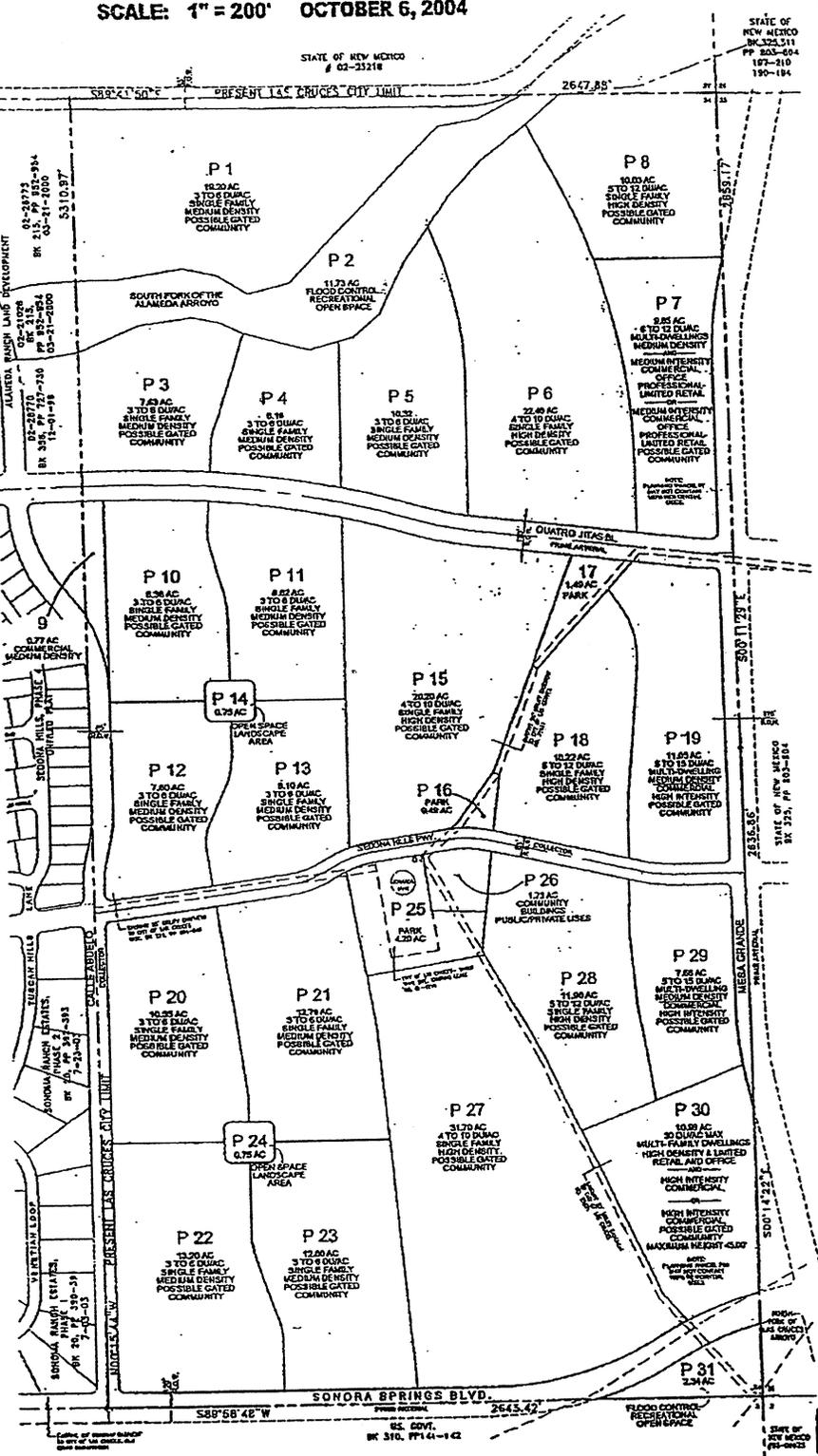
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STATE OF NEW MEXICO
 BK 316, PP 41-42

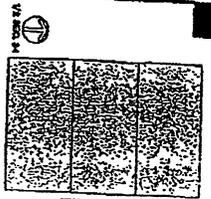
SONOMA RANCH EAST II MASTER PLAN

GUNAN-KLEMENT & ASSOCIATES
 Civil Engineering - Surveying - Environmental - Drafting

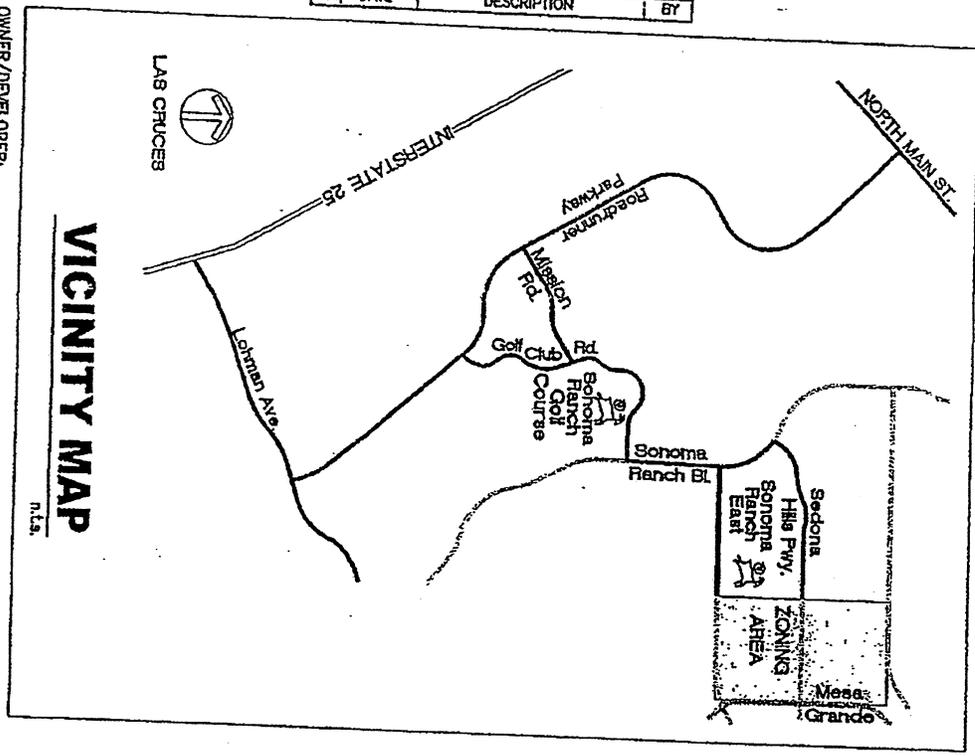
DATE: 10/6/04

SCALE: 1" = 200'

| NO. | DATE | CITY COMMENTS DESCRIPTION | D.D. |
|-----|----------|------------------------------|------|
| | 11/18/04 | | BT |



KEYED
LOCATION



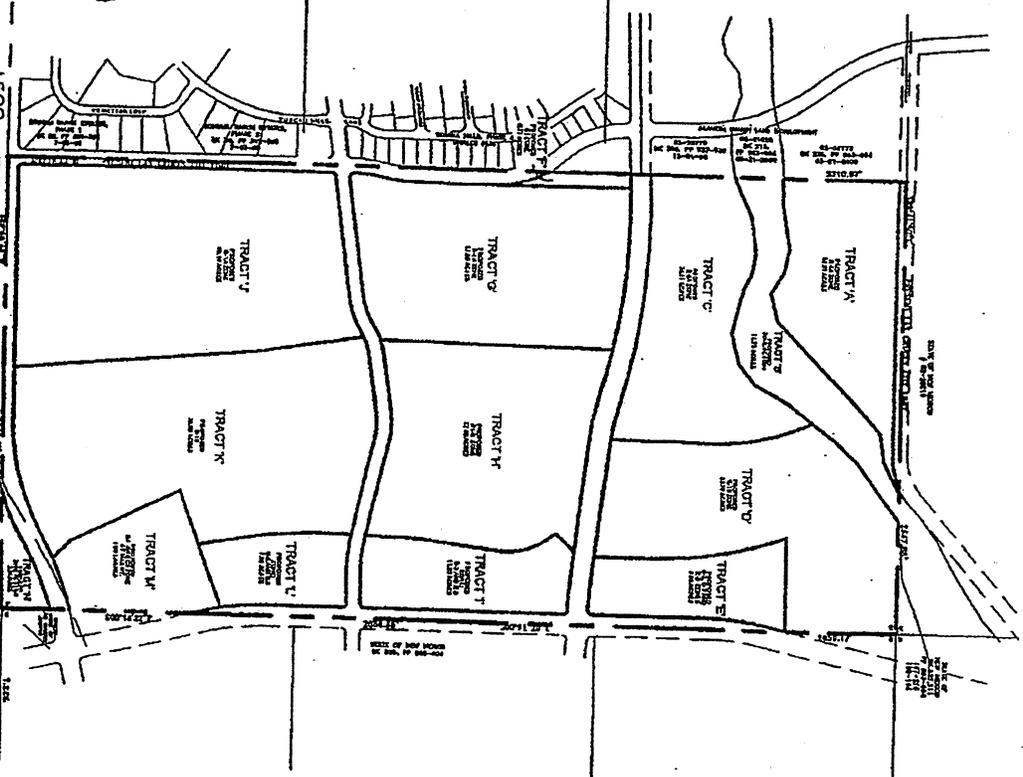
OWNER/DEVELOPER:
SONOMA RANCH SUBMISSION LTD. CO.
250 S. DOWNTOWN MALL
LAS CRUCES, NEW MEXICO 88001
PHONE: (505) 525-1183

VICINITY MAP
1:12.5

SONOMA RANCH EAST II ZONING MAP
A MIXED LAND USE DEVELOPMENT
PREVIOUS ZONING: NONE (FORMERLY STATE LAND)
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
OCTOBER 6, 2004



KEY MAP



10/5/04
1 - 4



GUNAJI-KLEMENT & ASSOCIATES
Civil Engineering - Geology - Environmental - Groundwater
P.O. BOX 5008 LAS CRUCES NEW MEXICO (505) 524-1963

KEYED ZONING MAP

DEVELOPMENT REVIEW COMMITTEE

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Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, July 29, 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
Tom Murphy, MPO
Meei Montoya, Utilities
Mark Johnston, Facilities
Mark Dubbin for Travis Brown, Fire Dept.
Claudia Diaz for Loretta Reyes, Public Works

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

OTHERS PRESENT: Brian Soleman, Sonoma Ranch
David Steinborn, Sonoma Ranch
Daniel Sambrano, Sonoma Ranch

I. CALL TO ORDER (9:02 am)

Rodriguez: Go ahead and call this meeting to order for Wednesday, July 29th. It's approximately 9:02 in the morning.

II. APPROVAL OF MINUTES – July 15, 2009

Rodriguez: The first item on the agenda is the approval of the minutes from the July 15th meeting.

Murphy: Move approval, Tom Murphy.

Johnston: Second, Mark Johnston.

Rodriguez: Any discussion, changes? Seeing none, all those in favor say aye.

Members: Aye.

Rodriguez: Those opposed? Okay, minutes are approved.

III. OLD BUSINESS – NONE

1
2 **IV. NEW BUSINESS**
3

- 4 1. **Case S-08-106:** A request for an amendment to the master plan area
5 known as Sonoma Ranch East II. The master plan amendment shows a
6 range of 538 to 2520 dwelling units on 320.98 ± acres of land. The master
7 planned area is located east of Sonoma Ranch Boulevard and west of the
8 future extension of Mesa Grande Drive. The amendment establishes new
9 boundaries for planning parcels due to the roadway alignment of Mesa
10 Grande Drive. Some Planning Parcels have been combined into one
11 planning parcel and a new Planning Parcel was created for a dual use facility
12 (park/pond) that is proposed to be dedicated to the City of Las Cruces. The
13 applicant also seeks a zone change for the revised parcel boundaries.
14 Submitted by Gunaji-Klement & Associates for Sonoma Ranch Subdivision
15 Ltd. Co.

16
17 **Rodriguez:** We have one item on the new business for this morning and it's Case S-08-
18 106. It is an amendment to the Sonoma Ranch East II master plan area. I
19 invite the applicant to the table. Please speak directly into the microphone
20 and then state your name for the record. Staff will go ahead and present
21 the case and then I'll ask the applicant to go ahead and follow up.

22
23 **Revels:** Good morning, Helen Revels for the record. Today we have a master plan
24 amendment for Sonoma Ranch East II. The amendment is basically a
25 combination of things; the realignment of Mesa Grande which is a Principle
26 Arterial that's west of this property and because of the shift of road some of
27 the parcels shift. There is also where they've combined some of the
28 planning parcels into one and they've also created some new planning
29 parcels that are called out for flood control and for park space. The master
30 plan area is approximately 320 acres. The rezoning of the planning parcels
31 that were affected by the realignment on Mesa Grande will have to be
32 rezoned in accordance to straighten up the boundaries of the property lines
33 and that encompasses about 12.71 acres of the 320 master planned area.

34
35 **Rodriguez:** Helen could you show us which planning parcels are being affected by this
36 amendment?

37
38 **Revels:** It's mostly on the western boundary over here. It's all through here.

39
40 **Rodriguez:** Are any land uses being modified?

41
42 **Revels:** No.

43
44 **Rodriguez:** What's the new planning parcel being created?
45

- 1 Revels: There's N1; that's an open space recreation pond area. We have H25
2 which is a historical parcel but now they're giving it the zoning for the, I
3 believe is flood control for the Jornada tank. That's the only new tract on
4 this one.
5
- 6 Rodriguez: Would Sonoma Ranch like to comment?
7
- 8 Soleman: Brian Soleman with Sonoma Ranch. As Helen stated, the majority of our
9 changes are really south of Calle Jitas. We had some changes due to the
10 boundaries of the parcels to straighten them up for planning, for
11 topography. If you look south of Sedona Hills, in comparison to the original
12 master plan, basically what we've done is straighten up the lines. We did
13 add a larger park in combination with storm as we did with the north. We
14 shifted Sonora and Mesa Grande according to the approved alignment; it
15 went before Planning and Zoning and Council and that's ultimately what
16 triggered these changes.
17
- 18 Rodriguez: And the alignment for the intersection for Sonora Springs and Mesa
19 Grande was altered because of the arroyo?
20
- 21 Soleman: Right. We did do a CLOMR on this. We do have an approval from FEMA
22 based on this alignment, we have performed that and we are approved
23 (*inaudible*).
24
- 25 Rodriguez: Okay. Go ahead and go around the table, I'll begin with Fire.
26
- 27 Dubbin: Mark Dubbin, Fire Department. We have no issues.
28
- 29 Rodriguez: MPO.
30
- 31 Murphy: Tom Murphy, MPO. The shifting of the Mesa Grande alignment is within
32 the parameter for MPO policy so it's acceptable to us.
33
- 34 Rodriguez: Thank you. Facilities.
35
- 36 Johnston: Mark Johnston, Facilities. I did meet with the applicant and Brian Denmark.
37 We discussed some of our issues. The one thing for the record that I'd like
38 to make sure that we get on the record is that we do support the park pond
39 issue however we do want to know what kind of water retention is going to
40 be in that area and whether it is going to be more park or more pond as we
41 move forward.
42
- 43 Soleman: Brian Soleman with Sonoma. In response to your question, this park pond
44 will be the same concept as the north. If we need to make a statement
45 about the drainage, if you are concerned about draining within 48 hours
46 that is our intent with the park. As far as the detention on the pond it will be

1 stored during the duration of the storm and released within I believe Public
2 Works requirement is a little more stringent than yours so we'll basically
3 follow the same thing in the north Mark.
4

5 Johnston: That's fine with Facilities. I just wanted to get it on the record that it is a
6 concern and as we move forward I'm sure it will work out but I wanted it on
7 the record.
8

9 Rodriguez: Utilities.
10

11 Montoya: We don't have problem with how the parks are going to lay out although
12 that I also would like to just read a couple thing into the record and first one
13 is those utility easement, 25 foot utility easement, there is some City major
14 water transmission line. So I believe the developer or the applicant they
15 understand that those line cannot be vacant or the easement cannot be
16 vacant until we work out a plan to relocate those line. And the other thing
17 is during the replat of the tract A2 or you know or the parcel around our
18 tank site, the City previously has long term, how do you call it, lease, yeah,
19 from the state and somehow when this large parcel, this half section was
20 sold from the state to the applicant, this lease didn't get, I mean you know
21 the issue of the lease didn't get taken care of. That is how I understand but
22 the City would like to ask the developer to dedicate that Jornada tank site
23 to the City whatever the way that you feel you know, comfortable but we
24 need to take hold of that Jornada tank site. And then just one more thing
25 that I had discussed with Brian that the City has a ponding area in here and
26 that pond is during the drain of that tank because we have to drain that tank
27 sometime for the maintenance. This H21 that I when I measure is
28 approximately the size of the current fence enclosed. The pond is outside
29 the fence area so if you would like to eliminate that ponding area, we not
30 object to that but that water when we drain the tank has to be taken either
31 through the pipe or through the drainage of the street to your site N1.
32

33 Steinborn: Let me respond, David Steinborn, one of the developers. You bring up
34 three good things. One of them is we took over the State's position so we
35 are the landlord to the City; we own the ground underneath the water tank.
36 Number two, if you'll bring the lease to Brian and show us in the lease
37 where the City has the right to discharge water outside of the leased piece
38 of land, I'd like to see that because I'm not sure that the City has that
39 authority and then if they do we'll figure a solution out. If they don't, we'll
40 figure a solution out but the ground rules will be a little different so we'll
41 work with you but we need a... sooner than later find out what that
42 document really speaks to, okay?
43

44 Montoya: Okay. The other thing is...
45

- 1 Steinborn: Oh excuse me, and your last item which is the City would like to get
2 ownership of the property, we can talk about that as well.
3
- 4 Montoya: Okay, one more thing. Here is just a sketch that we have for the tank site.
5 There is some important valve, not important, I mean there is some valve
6 that outside the fence area and I know going to be approximately around
7 this area but those valve are going to be outside the tank. I mean right now
8 it's out... they are outside of tank. I know there is some line, it's going to
9 be, I mean this line gonna be relocated so we would like to if it's got
10 relocate... it depend on what is the future valve location, we would like to
11 go ahead perhaps relocate the fence to enclose those valve as well.
12
- 13 Steinborn: Well, again, David Steinborn with Sonoma, it's the same issue. Let's take a
14 look at the lease, let's have either our Engineers or yours shoot the legal
15 description and make sure that the fence is either in the property or outside
16 of the property. Let's find out that if the valves that you're talking about are
17 within your lease or outside of your lease. Right now we don't know what
18 we're talking about. Does that make sense to everybody? I mean... let's
19 find out what the facts are and then... so we have two sets of facts. We
20 have the facts on the ground and we have the fact of the document. The
21 facts of the documents is what we bought, facts on the ground is what you
22 need so we'll find a solution. And is there anything else we need to know
23 about?
24
- 25 Montoya: Not at least moment there's not much the discretion over there as far as
26 you know the utility concept but you know the conversation that I had with
27 Brian is those two line, those two major transmission line, they are going to
28 be relocated, they are gonna put it in the street. It's not going to be in the
29 easement and we like that concept better so we don't have problem with
30 that. It just that that Jornada tank site is one of the major City
31 infrastructures of two million gallon tank so you know we... I believe we can
32 work something out and as soon as I go back to the office I will ask to see
33 the lease that we previously had with the state and to see what it did say
34 there and then we perhaps will call a meeting between the Utility Director
35 and you and then just resolve all of this at once and get to (*inaudible*).
36
- 37 Steinborn: That would be fine. There is one other thing about the tank and that is
38 early on we provided the City through your offices a picture of how we
39 would like to see the tank painted and we'd like to see that move forward.
40
- 41 Montoya: You provide that painting stuff to the...
- 42
- 43 Steinborn: To the City.
- 44
- 45 Montoya: To the City.
46

- 1 Steinborn: Yeah. This was several years ago.
2
- 3 Rodriguez: Meei in regards to the concerns regarding the transfer of ownership or
4 anything regarding the tank site, any... the discharge issue. Does Utilities
5 prefer to get this resolved with the master plan or would Utilities like to tie it
6 to that it be resolved prior to any development occurring in planning parcel
7 A2 and N1?
8
- 9 Montoya: Well when we went through the three reviews, we thought that is not going
10 to be a problem for transfer of the tank site and then the City will fore go the
11 pond area as long as we need to join the tank that water has to go
12 somewhere and we have valve over there. We can throttle down the flow
13 that is going to come off on the tank to that pond because we don't to flood
14 that pond. So I thought maybe all this is in agreement but I don't know
15 what Dave's thing right now when we talk about this. Are we still have big
16 differences as far as what the City would like to get and what you because
17 now this pond size kinda give me concern. I don't know what you really is
18 asking us.
19
- 20 Steinborn: Well, again Steinborn with Sonoma. I don't think that the two things have
21 to be linked together. We want to move forward on the issues on the
22 master plan. We also want to move forward on a dual tract with you on
23 these issues that you bring up about the water tank but you're telling me
24 things that this is the first time I'm hearing them. So it's first time I'm hearing
25 them, so you may have talked to our staff before but they did not see this
26 as an issue. I see it as an issue because if your valve is outside your
27 legal description, if your ponding is outside of your legal description, we
28 have an issue because it's an accretion of our land. It's changing how
29 much land we own or how much land we need to work out with the City.
30 So what I'm committed to do is... I mean we can do it today. I mean as
31 soon as you can get me the lease, as soon as we can get somebody out
32 there to survey it or you can get somebody out there to survey it, my guess
33 is you can do that quicker than we can, then we can resolve this.
34
- 35 Rodriguez: My recommendation based on the nature of the discussion I know the
36 applicant is seeking to go to the August Planning and Zoning Commission
37 meeting. There is time to have another DRC meeting. I'd recommend that
38 we table this until next Wednesday, that gives the applicant and Utilities
39 about a week to discuss the issues at the table and then to determine if it
40 needs to be resolved with the master plan or if Utilities is comfortable tying
41 it to future development with planning parcels A2 and N1 and then if that is
42 the case we can come back next week and then still meet your... a timeline
43 of the August Planning and Zoning Commission meeting.
44
- 45 Soleman: Brian Soleman with Sonoma, I would like to offer one comment. As you
46 know Meei, we submitted a full blown design for the relocation of the water

- 1 line along Sedona Hills, Mesa Grande and in that submittal what you are
2 talking about with the valves outside of the fence, those valves are
3 completely eliminated.
4
- 5 Montoya: Okay. We just...
- 6
- 7 Soleman: I just wanted to throw that out that we have submitted a flown blown set of
8 drawings; nothing was ever acted on them. But that's something that we
9 could look at as well.
10
- 11 Montoya: When I was talking about the valve is pretty much based on what the valve
12 we currently have right now and those two valves are outside the fence
13 area. But you know for the line relocation if those two valves or you know
14 whatever the many of the valve is going to be, we can move that inside the
15 fence area. We don't want the fence areas bigger than what we need. You
16 know we are not asking for that. But if it is going to be outside the fence
17 area and then it's going to be potentially be located in somebody's back
18 yard, that's something we don't want. That's why we would like to either
19 move them into the fence area just like what Brian say or we have to work
20 something out. But when I go back the first thing I will do is I will find the
21 lease to see what the lease say and then call and then you know report to
22 the Utility Directors and just to see what you would like to do. So I will
23 support and maybe postpone this as far for the Utilities till next Wednesday.
24
- 25 Rodriguez: For one week to the August 5th DRC meeting; that would give the applicant
26 and Utilities some time to look at the lease agreement and see if it needs to
27 be resolved with the master plan or tie it to future development in the
28 planning parcels. Mr. Steinborn.
29
- 30 Steinborn: Yeah, David Steinborn again. So to... may I ask a question to Brian? So
31 where are we... if we've submitted a detailed layout of the utilities that got
32 rid of the valves, what happened to them?
33
- 34 Soleman: Well the valve system that we submitted was along with the Mesa Grande
35 design that we provided from the south to Onate.
36
- 37 Steinborn: Right.
38
- 39 Soleman: And that particular project was shut down at MPO. That was the project for
40 *(inaudible-multiple people speaking)* we design...
41
- 42 Steinborn: This is the deal about the right-of-way not being on the section line and all
43 that?
44

- 1 Soleman: Right. We provided a full water line design for connection to the tank
2 eliminating both the north and the south lines that you have existing out
3 there now.
4
- 5 Steinborn: So in other words we submitted this plan a year and a half ago?
6
- 7 Soleman: Year and a half, between year and a half and two years.
8
- 9 Montoya: And then I would like to add we did review, we did not have a problem but
10 there was get hung up because of the... because of the right-of-way. You
11 know of the...
12
- 13 Soleman: Mesa Grande.
14
- 15 Montoya: Mesa Grande. So we cannot go forward for to relocate the line because
16 the Mesa Grande right-of-way at that time was in question. Now I don't
17 know where are we on the Mesa Grande with the annexation of Presidio.
18
- 19 Soleman: Well the Mesa Grande alignment was approved to Planning and Zoning
20 and with Council, it's sitting at the state land office now.
21
- 22 Rodriguez: My recommendation, the right-of-way issue is a separate issue. I think that
23 the tank itself regarding the lease agreement and any drainage valve
24 location, things of that nature, I think that can be resolved in dialogue
25 outside of DRC in the next week and we can come back and see if this can
26 be moved forward to the Planning and Zoning for the August meeting. But
27 I'd like to give Public Works an opportunity to state any comments or
28 concerns they have so the applicant's aware of this and then after that we
29 can entertain a motion to table this to August 5th. Public Works?
30
- 31 Diaz: Claudia Diaz for Public Works. I wanted talk about actually not too many
32 issues but just a couple of comments. So on the Mesa Grande alignment,
33 what we did on our review, we understand it already went to Planning and
34 Zoning and Council and all of that's been resolved but there was a
35 dedication plat and I guess it's getting signatures. This incorporates that
36 change so we just kind of defer to Planning as far we weren't sure at Public
37 Works if the dedication plat had to be filed in order for this to be official so
38 we just deferred on that issue to Planning. We don't have any more issues
39 on Mesa Grande on that. We do have for Facilities; I did make sure that
40 there is some language for N1 which is the dual park. That there's some
41 language that will work together so we'll review the drainage and then you
42 can review the park. So just to feel comfortable we went ahead and
43 worked with Sonoma Ranch to add that language so we're okay on that;
44 not too detailed but it has some language in there that we'll review the
45 design. Another thing, the last one is just a recommendation and we
46 weren't going to hold anybody up for that, we just recommended that

1 (inaudible) lot of parcels already developed and they are noted on the table
 2 but we recommended that it would be a good idea just to probably put for
 3 example H1 if it's... well here we'll go to H2 if it's already done maybe put
 4 the name associated with it so that just when it goes to Planning and
 5 Zoning and Council they just kind of have a good grasp of this area. So it
 6 was more a recommendation and that's it. Sorry, last note, I just wanted
 7 everybody to note that Sonora Springs is a 110 foot right-of-way and that
 8 was due to prior design standards so therefore we have no issues. Now
 9 we would have been a 100 foot right-of-way but because it's an
 10 amendment, no issues on that. That's it.

11
 12 Soleman: Brian Soleman with Sonoma. So what you're saying is each one of these
 13 parcels and the table we have built out in the changes you just want it
 14 placed on the parcels.

15
 16 Diaz: The name like if you had Sonoma Ranch phase whatever, the associated
 17 subdivision name that came with it.

18
 19 Rodriguez: Yes ma'am.

20
 21 Montoya: One more question for Brian. Brian since the Public Works is talking about
 22 his area is already built out. Didn't we have a breach cross this part of the
 23 arroyo? Because I remember I have some utility.

24
 25 Soleman: There's a sewer line that runs through there, Meei.

26
 27 Montoya: Right. And... so there's a right-of-way dedication (inaudible).

28
 29 Soleman: Well for the sewer line. Eventually there'll be a right-of-way dedication for
 30 the roadway, that's correct.

31
 32 Montoya: I just want to make sure that we have utility easement or right-of-way.

33
 34 Soleman: You do have a utility easement through there which will be incorporated
 35 into the right-of-way eventually.

36
 37 Montoya: Thank you.

38
 39 Rodriguez: Seeing no other comments I'd like to entertain a motion to table Case S-08-
 40 106 to the August 5th DRC to allow the applicant and Utility staff to resolve
 41 any issue regarding the Jornada Tank site.

42
 43 Dubbin: Mark Dubbin, so moved.

44
 45 Johnston: Mark Johnston, second.

46

1 Rodriguez: All those in favor?

2

3 Members: Aye.

4

5 Rodriguez: None opposed. So this will come back August 5th at this time, okay?

6

7 **V. ADJOURNMENT (9:24 am)**

8

9 Rodriguez: And there's no other cases, so I have a motion to adjourn?

10

11 Murphy: So moved, Tom Murphy.

12

13 Dubbin: Second, Mark Dubbin.

14

15 Rodriguez: We are adjourned.

16

17

18

19

20

21

22

Chairperson

23

DRAFT

DEVELOPMENT REVIEW COMMITTEE

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, August 5, 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
Tom Murphy, MPO
Meei Montoya, Utilities
Mark Johnston, Facilities
Mark Dubbin for Travis Brown, Fire Dept.
Loretta Reyes, Public Works

STAFF PRESENT: Gary Hembree, Community Development
Jennifer Robertson, Community Development
Claudia Diaz, Public Works
Lora Dunlap, Recording Secretary

OTHERS PRESENT: Kristen Davis, Summit Engineering
Dr. Gunaji, Gunaji-Klement & Associates
Greg Byres, Summit Engineering
Gary Williams, Williams Design Group
Herb Torres, Las Cruces Public Schools

I. CALL TO ORDER (9:05 am)

Rodriguez: Go ahead and call this meeting to order for Wednesday, August 5th. It's approximately 9:05 in the morning.

II. APPROVAL OF MINUTES – NONE

Rodriguez: We have not minutes to approve on the agenda.

III. OLD BUSINESS

1. Case S-08-106:

- A request for an amendment to the master planned area known as Sonoma Ranch East II.
- The master plan amendment shows a range of 538 to 2520 dwelling units on 320.98 ± acres of land.
- The master planned area is located east of Sonoma Ranch Boulevard and west of the future extension of Mesa Grande Drive.
- The amendment establishes new boundaries for planning parcels due to the roadway alignment of Mesa Grande Drive. Some Planning Parcels have been combined into one planning parcel and a new Planning Parcel was created for a dual use facility (park/pond) that is proposed to be dedicated to the City of Las Cruces.

- The applicant also seeks a zone change for the revised parcel boundaries. Submitted by Gunaji-Klement & Associates for Sonoma Ranch Subdivision Ltd. Co.

1
2
3
4
5 Rodriguez: We have one old business case and one new business item. So I call the
6 applicant to the table for Case S-08-106, the Sonoma Ranch East II master
7 plan amendment. This was tabled from last week's DRC because of
8 outstanding issues with Utilities. All of the other reviewing departments had
9 satisfied their comments so I'm going to hand this over to Utilities because I
10 understand there is a resolution and Meei needed to read a note into the
11 record. Meei?

12
13 Montoya: Yes Cheryl the Utility Department has met with the developer and we
14 have... we are going to recommend this case for approval based on the
15 following understanding between the City of Las Cruces and the developer.
16 And the note would be that: The existing Jornada Zone Tank will be joined
17 to a storm drain that will be built by the developer to a point within 200 feet
18 from the existing fence area of the Jornada Zone Tank and the City will
19 connect the tank drain line from the tank to a point within the 200 feet from
20 the tank fence area. So with that note, the Utility Department does not have
21 any other comments.

22
23 Rodriguez: Meei, would you like that note entered on the master plan or do you just
24 want it entered into the record or as part of a condition on...?

25
26 Montoya: We would just ask you know to be you know that... to read into the record
27 we don't need it to be on the master plan.

28
29 Rodriguez: Okay and is the applicant comments on the note?

30
31 Gunaji: Mr. Gunaji for Sonoma Ranch Development. As Ms. Montoya said we have
32 worked out the language to go in the record and it's perfectly acceptable
33 with us so we are ready to go ahead and with this project for approval by the
34 DRC.

35
36 Rodriguez: Okay. On that note do I have a motion for approval for Case S-08-106?

37
38 Dubbin: So moved, Mark Dubbin.

39
40 Reyes: Second, Loretta Reyes.

41
42 Rodriguez: All those in favor.

43
44 Members: Aye.

45
46 Rodriguez: Those opposed? None. Go to the August 25th Planning and Zoning
47 Commission meeting.

48
49 Gunaji: Thank you.

50
51 **IV. NEW BUSINESS**

1
2
3 **1. Peachtree Hills Annexation (includes Master Plan and Initial Zoning). Cases**
4 **S-09-035 Annexation Plat, S-09-036 Master Plan and Z2798 Initial Zoning:**

- 5 • Located north of Peachtree Hills Road (Minor Arterial) and west of Jornada
6 Road (Collector),
7 • Comprises 162.734 +/- acres,
8 • Staff proposes zoning of R-1aC (Single-Family Medium Density Conditional),
9 R-3 (Multi-Dwelling High Density), H (Holding Zone District), and OS-R (Open
10 Space – Recreational). Applicant originally proposed R-2 (Multi-Dwelling Low
11 Density), R-3 (Multi-Dwelling Medium Density), and R-3/C-3 (Multi-Dwelling
12 Medium Density) with (Commercial High Intensity) overlapping.
13 • Proposed uses are institutional, residential, holding (undeveloped), and open
14 space-recreational.
15 • Land use distribution (excluding road ROW): 37% Holding (undeveloped);
16 12% High Density Residential; 42% Institutional (elementary and middle
17 school), 9% Open Space – Recreational.
18 • Submitted by Summit Engineering for Las Cruces Public Schools.

19 Rodriguez: The next item on the agenda is the new business item. It's the Peachtree
20 Hills annexation. As part of an annexation you see a master plan and an
21 initial zoning request. I invite the applicant to the table. And as we
22 transcribe these minutes verbatim, if the applicant when you speak into the
23 mic if you can please state your name for the record.

24
25 Byres: Greg Byres with Summit Engineering.

26
27 Rodriguez: And Gary, if you want to go ahead and introduce the case please?

28
29 Hembree: Yes, thank you Chairwoman, Gary Hembree, Community Development
30 presenting the Peachtree Hills Annexation case. It's a 167 acre annexation
31 to facilitate the construction of two Las Cruces public schools.

32 The elementary school, it was actually to accommodate 600 students,
33 will be oriented onto Peachtree. It'll be the first school under construction
34 and then secondarily there will be a middle school, parcel two at the
35 northeast quadrant of the annexation. It will accommodate I believe 900
36 students.

37 A little bit of background, these three parcels 1, 2 and 3 are actually BLM
38 land and it's my understanding that the Las Cruces Public School District
39 has entered into a long term ground lease on parcels two and parcels three
40 and they have an option on parcel one for future expansion. As part of this
41 annexation the applicant and Las Cruces Public Schools will be making their
42 fair share improvements to Peachtree which will be the north two lanes of
43 Peachtree, from Sonoma westward to Jornada. And they will also be
44 making improvements to the west two lanes of Jornada and actually all
45 improvements to the boundary of the extent of the annexation to the north.
46 Utilities, sewer will be brought up Jornada to the extent of the annexation at
47 the north boundary of Jornada and gas and water will be brought in from
48 Sonoma Ranch along Peachtree and then my understanding up Jornada to
49 the extent of the annexation as well. There are four parcels which are
50 actually private parcels and we are currently working on zoning designations

1 for those. We are... not a zoning discussion but just for reference all three
2 of the or excuse me, all two of the actual designated school sites will be
3 brought in as R1aC conditioned upon public school use and the expansion
4 parcel as I'm calling it, parcel one, will be in a holding.

5 With that I turn it over to the applicant for any additional information they
6 would like to bring forth.

7
8 Byers: Again, Greg Byers with Summit Engineering. With the first review we had
9 several comments from each of the different agencies and we've tried to
10 address those with these new drawings that'll go in for our second review.
11 Start off with the annexation or the initial zoning. Currently we've got
12 everything set as per the recommendation from Community Development
13 for the schools to be zoned R1aC. The private parcels, the parcel number
14 seven will be zoned C3, parcels six and five will be zoned R3 and the owner
15 of parcel four has asked that that zoning be changed to a C3. I would like to
16 kind of bring that up to you guys to see whether or not that is acceptable or
17 not.

18
19 Hembree: It's tentative but at the staff level we would not support designation for parcel
20 four, we think it's not in keeping with the land use patterns or the zoning
21 patterns in the area and likely would be better served as an R3 designation.

22
23 Byers: Okay, we will change that to an R3.

24
25 Rodriguez: Just for clarification for the record. The property of what, four and seven?
26 Have they signed the petition?

27
28 Byers: They have not. We were supposed to have a meeting with them yesterday
29 that they didn't show up to.

30
31 Rodriguez: And so if that property owner does not sign the petition the land use
32 designation will go in as a holding designation accordingly and then the two
33 internal parcels, those property owners have signed the petition and have
34 requested the R3 Single-Family/Multi-Family land use.

35
36 Hembree: Which, staff supports that.

37
38 Byers: Okay and that information has been passed on to those, to that owner.
39 Hopefully we'll get that resolved here in the next day or two. I think that was
40 all of the items that we had for the initial annexation... oh we also changed
41 for the overhead power line that's coming up through there; we changed that
42 zoning to an OSR as well. As far as the annexation plat itself, we made,
43 there was comments specifically from Engineering that we tried to get all
44 addressed. We have a response to all of the comments that I will turn over
45 at the end of the meeting here so that we've got all of that. This submittal
46 will go in tomorrow. The only thing that we have left to do that we have not
47 addressed yet is we're still in the process of working on traffic so the master
48 plan report itself has not been completed yet.

49
50 Hembree: Greg, it's my understanding that Dan Soriano did ask for an expanded traffic
51 analysis, is that correct?

- 1
2 Byers: Yes, he did.
3
4 Hembree: Okay.
5
6 Byers: And he clarified that with... we've turned in everything that is required for an
7 annexation but he stated that when it does go to P & Z, they'll probably ask
8 for additional information which we're trying to provide now so that that
9 information's there. As far as the annexation plat itself, I think we addressed
10 all the comments on it. We tried to clarify some of the line types and
11 everything so it's a little cleaner and easier to read.
12
13 Hembree: As I recall, staff had some issues with the southern boundary line, it was
14 unclear as to the extent of the annexation area.
15
16 Byers: And all of the other comments that Engineering have had, I think we've
17 pretty much have addressed as well.
18
19 Rodriguez: Greg, I have a few questions. Primary access to the development will be, is
20 proposed to be through the extension of Sonoma Ranch Boulevard to
21 Peachtree Hills, is that correct?
22
23 Byers: That's correct. That will be the bus route.
24
25 Rodriguez: On that note what are the plans right now for the extension of Sonoma
26 Ranch to Peachtree Hills Road?
27
28 Byers: As of right now in speaking with the developer that is doing Sonoma Ranch,
29 Sonoma Ranch right now from my understanding is, the design is being
30 completed. Sonoma Ranch has currently or they are currently trying to get it
31 on to the TIP; they have a meeting with MPO on the 12th to get that going.
32 As far as I know that is still going through as a City project so the last
33 meeting that we had which was a week and a half ago with the developer,
34 they are still scheduled to have it completed at the same time that the
35 schools will be open which is Fall of 2010.
36
37 Rodriguez: And then in terms for the construction of Peachtree Hills Road and Jornada,
38 the school, it's my understanding that the school would be funding that
39 construction project but the City will be managing that construction project.
40 It is also my understanding that there was going to be an agreement
41 between the City of Las Cruces Public Schools to identify the roles so the
42 City can actually do the contract management component to that. Is it
43 expected that that agreement can go to Council with the annexation request
44 so we can tie all of the development issues together cleanly?
45
46 Torres: The initial request for... from the school district to the City for whatever is
47 necessary to accommodate that and to execute that has been submitted to
48 the office of the Assistant City Manager. We're working with Robert Garza
49 to complete that. As soon as that can be resolved and completed with Mr.
50 Garza then I don't see a problem. I'm sorry, Herb Torres with Las Cruces
51 Public Schools.

- 1
2 Reyes: Madam Chair, I have a question.
3
4 Rodriguez: Yes, Loretta.
5
6 Reyes: Loretta Reyes, Public Works. So for the construction, design and
7 construction of Peachtree Hills and Jornada, are the plans going to be
8 developed by the engineer on behalf of Las Cruces Public Schools, their
9 engineer and then the City will do the bidding and contract and construction
10 management and all of that? Can we please make that clear for the record?
11
12 Byers: That is exactly what is going to happen. The construction drawings at this
13 point in time are about 70% complete. We're trying to finish up a submittal
14 for an application going in for funding for the schools itself. Once we get
15 that set done, we will probably turn that over to City Engineering for an initial
16 review and comments for a 70% complete review. It won't be for final but at
17 least that way you guys can have a look at what we're planning on doing
18 and if you have any comments coming back we can address those before
19 we get to final construction drawings. And if that needs to go directly to
20 Engineering or if it needs to go through Contracts, however I need to route
21 that.
22
23 Reyes: Loretta Reyes. The contract or the bidding and that process is done by our
24 Project Development Section of Public Works so I'm not sure if it would have
25 to go, it probably will have to go through them.
26
27 Byers: Okay.
28
29 Hembree: Madam Chair I have a question, a clarification. Gary Hembree. In terms of
30 access to the middle school you know we're trying to basically use Sonoma
31 Ranch as our primary point of access. What are your mitigation measures if
32 you will in terms of trying to maintain Jornada as secondary access for the
33 middle school relative to Sonoma?
34
35 Byers: There's actually there's... we have the primary access being Jornada
36 coming from Jornada down Peachtree to Sonoma Ranch, that is the bus
37 route, that's emergency bus route or the primary bus route. There is also a
38 secondary access that is going to be routed from the middle school through
39 an access road on the elementary school property. And that's for both
40 maintenance use and for emergency access.
41
42 Hembree: Okay, thank you.
43
44 Rodriguez: I'm going to go ahead and go around the table and I'll start with Public
45 Works.
46
47 Reyes: Loretta Reyes, Public Works. One more issue on the design and
48 construction of Jornada and Peachtree with regard to who do... provide the
49 plans to. We'll touch base with Louis Grijalva, the Project Development
50 Administrator and with Mike Johnson and figure out who would need to get
51 those plans and then we'll also discuss the review as far as who will be

1 reviewing it. But chances are we'll be just... Engineering Services will be
 2 distributing it and getting comments and providing those comments back so,
 3 but we'll get all of that coordinated.

4 Engineering Services did have many comments on the master plan and
 5 that's one of documents that we are concerned about to make sure that
 6 these comments do get addressed. I understand from what Mr. Byers is
 7 saying that he will be submitting the second review of these documents
 8 tomorrow and we will have the opportunity then to review them and ensure
 9 and review the documents as well as their response letter to ensure that our
 10 comments have been addressed. My concern is that are we taking action
 11 on this item today or as with other items that come in where there are
 12 outstanding comments is... would a recommendation to table it until the next
 13 DRC meeting be appropriate?
 14

15 Rodriguez: What are the... the nature of the outstanding comments regarding the
 16 master plan? Are they tied to the conceptual drainage report or...?

17
 18 Reyes: They are related to the development of the roads and drainage. Because
 19 I... Madam Chair if I may, you know this has gone through a first review and
 20 I was concerned that you know why it was being brought forward for action
 21 having just gone through a first review and we have outstanding comments
 22 and I understand that my staff did meet with the engineer, I don't know, a
 23 couple of weeks ago to discuss these issues but you know I don't know if
 24 approving at this meeting is a little premature, I'd like to make sure that
 25 those comments have been addressed.
 26

27 Rodriguez: In terms for the development of the road, I mean for the master plan it's
 28 specific to that they're bringing in; the annexation is bringing all the right-of-
 29 way per state statute. The applicant will be building their pro-rata share for
 30 Minor Arterial and a Collector so in terms for the specificity of the design of
 31 the road I'm not sure that that's relevant for a master plan at this point.
 32

33 Reyes: Well Madam Chair I'm just trying to remain consistent when we do have
 34 items like this that do have outstanding comments. I mean there is an
 35 agreement made that they can go forward to the P & Z for the whatever it
 36 might be, the August 27th P & Z as long as these comments are addressed
 37 but sometimes we do table it until the next meeting with the understanding
 38 that they could still proceed to that monthly P & Z meeting. I just... I'm trying
 39 to and make sure that we have the time that we need to ensure that these
 40 comments are addressed, any notes are placed on the master plan and
 41 information is... that we require is shown.
 42

43 Rodriguez: Let's go ahead and go around the table and Utilities and look at other
 44 additional comments and then I'll come back regarding the tabling.
 45

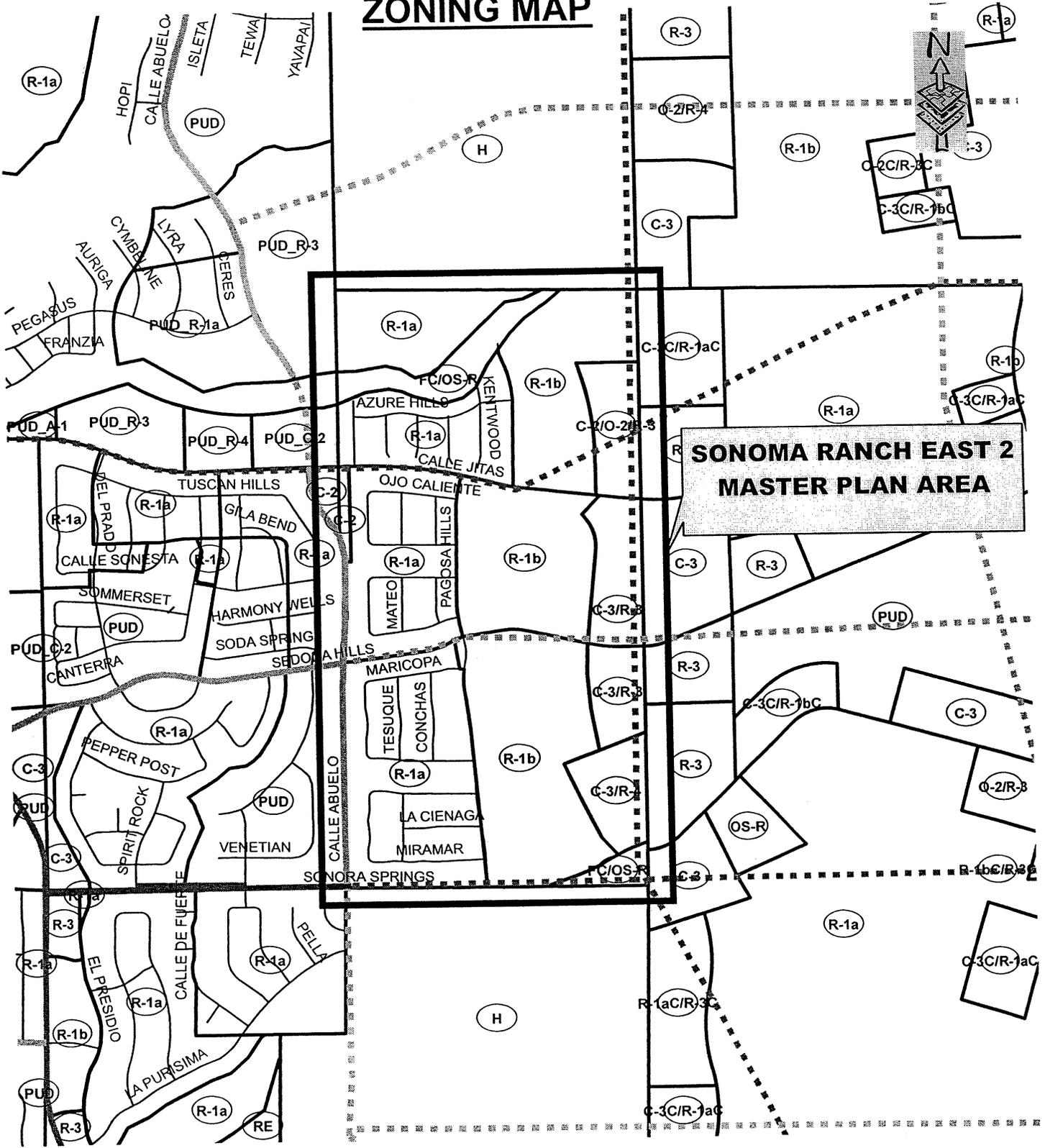
46 Montoya: Meei Montoya. The Utility Department does not have any outstanding
 47 comment although that I would like to read just a couple comments or notes
 48 into this just the sewer will be by the City of Las Cruces. The water is by
 49 Moongate Water Company, the gas services will be by Rio Grande Gas
 50 Association and based on this master plan, the Utility Department would like

- 1 to state, the utility plan showing here is conceptual only and will, may need
2 to be revised. That's it.
- 3
- 4 Rodriguez: Meei and I guess this is a joint question for both Utilities and Herb Torres
5 with the school. As part of the agreement with the City regarding the
6 contract management component for the roads, are utilities tied to that as
7 well for the extension of those utilities?
- 8
- 9 Torres: Yes, they are.
- 10
- 11 Montoya: So with that the Utility Department will need to review the roadway design
12 for Jornada and Peachtree so we can get our utility in.
- 13
- 14 Rodriguez: Okay and those are all elements that will be identified in that agreement of
15 understanding for... between the City and Las Cruces Public Schools.
16 Facilities?
- 17
- 18 Johnston: Mark Johnston, Facilities. Facilities has no issues at this point however I
19 would like to recommend that the school district look at opportunities for
20 possibly some shared space for community recreation on either of these
21 parcels.
- 22
- 23 Rodriguez: I do have a question for both Schools and Facilities. Concerns have been
24 raised with the Planning and Zoning Commission regarding park
25 opportunities. In terms for the playground facilities that will be at the
26 elementary school, is those facilities for public use, I just need to clarify that
27 for the record.
- 28
- 29 Torres: Madam Chair the actual space that'll be utilized for the actual elementary
30 school and surrounding space which will be in excess of what is require for
31 the elementary school will be available for certainly community use. We are
32 in the process now of finalizing some JPA agreements with the City about all
33 facility usage that we share with the City and any additional spaces that are
34 added for the development of schools by the District will be included in those
35 JPA agreements for additional community recreational uses.
- 36
- 37 Rodriguez: Thank you for that clarification. MPO?
- 38
- 39 Murphy: Tom Murphy, MPO. In regard to Sonoma Ranch, an application was filed to
40 us to put the Sonoma Ranch project onto the TIP. It goes to the TAC
41 tomorrow and Policy Committee the following week. At this time there's no
42 federal funds identified for the project nor I understand they are seeking at
43 the... the funding is going to be a combination of private and possibly local
44 funding and this project is being placed on the TIP for purposes that it's a
45 regionally significant project but there's no federal funding that is in the
46 pipeline for this project.
- 47
- 48 Rodriguez: Thank you for that clarification, any other comments?
- 49
- 50 Murphy: No other comments.
- 51

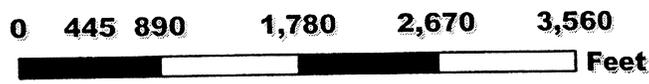
- 1 Rodriguez: Fire?
2
- 3 Dubbin: Mark Dubbin, Las Cruces Fire Department. I understand Moongate is the
4 water provider. We will require a technical water report to make sure that
5 we have the adequate fire flow for the facilities and since there was some
6 mention of construction earlier, I'd like to add that make sure on the timeline
7 that there is primary access available before the groundbreaking of the
8 school so that we can have adequate response.
9
- 10 Byers: Are you requiring that technical report as part of the master plan?
- 11
12 Dubbin: No, just prior to construction and access as well.
- 13
14 Byers: Okay.
- 15
16 Rodriguez: The technical report can be submitted with the construction drawings for the
17 roads and utilities?
18
- 19 Dubbin: Yes.
- 20
21 Hembree: Madam Chair, Gary Hembree. As far as the Public Works concerns and
22 comments are concerned I'd like to maybe offer up a suggestion that they
23 consider a conditional approval such that those conditions or the issues are
24 addressed prior to Planning Commission action, if they would consider that,
25 I would work with them to clear those comments in the interim.
26
- 27 Rodriguez: Public Works?
- 28
29 Reyes: Loretta Reyes, Public Works. That's amenable, that would work for us.
30
- 31 Rodriguez: And Greg you're gonna resubmit this effective tomorrow?
32
- 33 Byers: Yes.
34
- 35 Rodriguez: Because we need to clear up the land use for that private parcel for four and
36 seven.
37
- 38 Byers: Yes, we will have it in tomorrow.
39
- 40 Rodriguez: So all outstanding review comments from any department will be rectified
41 prior to the Planning and Zoning Commission and we'll be able to monitor
42 that when we prep the agenda for the August Planning and Zoning
43 Commission and meanwhile I will also touch base with the Assistant City
44 Manager regarding the status of that agreement between the schools and
45 the City and see if that could be finalized when we bring this to City Council
46 for final action.
47
- 48 Hembree: And Madam Chair, Gary Hembree, I'll serve as point person including all
49 those comments prior to the Planning Commission packet being prepared.
50

- 1 Rodriguez: Thank you. On that note, do I have a motion to... what we need to do is
 2 we'll have three separate motions... two separate motions. One for the
 3 annexation and one for a master plan and then we'll vote on each item
 4 separately so for the first item do we have a motion to conditionally approve
 5 the annexation Case No. S-09-035 that all outstanding reviewing comments
 6 be rectified prior to the August Planning and Zoning Commission meeting?
 7
- 8 Johnston: Mark Johnston, Facilities, so moved.
 9
- 10 Dubbin: Second, Mark Dubbin.
 11
- 12 Rodriguez: All those in favor?
 13
- 14 Members: Aye.
 15
- 16 Rodriguez: The next item is a motion to approve Case S-09-036, the master plan for the
 17 Peachtree Hills Annexation with the condition that all outstanding review
 18 comments be addressed prior to the August Planning and Zoning
 19 Commission.
 20
- 21 Reyes: So moved, Loretta Reyes.
 22
- 23 Dubbin: Second, Mark Dubbin.
 24
- 25 Rodriguez: All those in favor?
 26
- 27 Members: Aye.
 28
- 29 Rodriguez: None opposed.
 30
- 31 **V. ADJOURNMENT (9:29 am)**
 32
- 33 Rodriguez: Do I have a motion to adjourn?
 34
- 35 Reyes: So moved, Loretta Reyes.
 36
- 37 Dubbin: Second.
 38
- 39 Rodriguez: We are adjourned.
 40
 41
 42
 43
 44
 45
 46 _____
 Chairperson

ZONING MAP



CASE NO. S-08-106 AND Z2792
PARCEL: 02-37615
OWNER: SONOMA RANCH SUBDIVISION LTD CO



EXISTING SUBDIVISIONS
SONOMA RANCH EAST 2
PHASES 1 - 7

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

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Godfrey Crane, Vice Chair
Donald Bustos, Secretary

STAFF PRESENT:

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

I. CALL TO ORDER 6:00

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

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

1 Would you please join me in a moment of silence to honor his memory?
2 Thank you.

3
4 Scholz: Now too often we overlook the people who help make these meetings
5 possible. These are the folks who keep our minutes, monitor the sound
6 system and televise the proceedings. So today I'm going to mention them,
7 after all we shouldn't just wait until they pass away. I think we should
8 mention them while they're with us, right? So, let me introduce you to
9 Becky Eich who is our recording secretary. In the back, Ed Garcia runs
10 the sound system. There he is, nice shot. And Dominic Aragon and
11 Adrian Guzman handle the television duties. I want to note especially that
12 Dominic and Adrian are tele-award winners. They got these awards for
13 their public service announcements that they produced. So I think you
14 want to give them all a round of applause. And finally, you see many of
15 the members of the Community Development staff. They come up and do
16 presentations and they talk with you individually about variances and the
17 things that you're working on. One of those members is no longer going to
18 be appearing before us. Tom Schuster, Senior Planner with Community
19 Development has been chosen to be the Sustainability Officer for the City
20 of Las Cruces. You may have seen that announcement in the paper or on
21 the news. I saw Tom at the market on Saturday and congratulated him on
22 his promotion and I told him I was conflicted about it. I knew he was the
23 best candidate for the job, but I was sorry that he was leaving Community
24 Development. So I'd like to give him, even though he's not here, give him
25 a round of applause and thank him for the many contributions (*inaudible*).
26 Thank you very much.

27 28 **II. APPROVAL OF THE P&Z MINUTES - July 28, 2009**

29
30 Scholz: Okay, back to our regular business which is the approval of the minutes. I
31 must confess gentlemen I skimmed through these. I wasn't present at the
32 last meeting. We got, was it 88 pages? Okay, are there any additions or
33 corrections? Commissioner Beard, you're warming up? Okay. Any
34 additions or corrections? None. All right. Can I have a motion to accept
35 the minutes?

36
37 Beard: So moved.

38
39 Shipley: Second.

40
41 Scholz: It's been moved and seconded. All those in favor say aye.

42
43 ALL COMMISSIONERS - AYE.

44
45 Scholz: And those opposed same sign. And I will abstain. So it passes three to
46 one.

1 **III. POSTPONEMENTS**

- 2
3 1. **Case PUD-09-01:** A request for a major amendment to the Los Contentos
4 Planned Unit Development (PUD) concept plan encompassing 13.20 +/-
5 acres located west of Del Rey Boulevard and north of Mars Avenue. The
6 subject properties are zoned R-4 (Multi-Dwelling High Density & Limited
7 Retail and Office) and C-2 (Commercial Medium Intensity). The applicants
8 are requesting for a reduction of rear yard setbacks from fifteen (15) to ten
9 (10) feet and a reduction of minimum lot size to 1,800 square feet for the
10 northern portion of phase III and the entire undeveloped phase IV. The
11 applicants are also requesting for the conversion of phase IV from single-
12 family residential to multi-dwelling development in compliance with the density
13 requirements for the R-4 (Multi-Dwelling High Density & Limited Retail and
14 Office) zoning district. Submitted by Thomas Test and Dan Dolan.
15 **POSTPONED TO SEPTEMBER 22, 2009.**

16
17 Scholz: Our first item of business is postponements. Mr. Hembree.

18
19 Hembree: Chairman, Commissioners. Yes, postponement Case PUD-09-01 will be
20 postponed to date certain September 22, and we will re-notice that
21 particular case.

22
23 Scholz: Okay. And we have to vote on that, don't week. Is that right? Yes. Okay.
24 I'll entertain a motion to postpone Case PUD-09-01.

25
26 Shipley: I move that we postpone subject case.

27
28 Scholz: Second.

29
30 Beard: Second.

31
32 Scholz: All those in favor say aye.

33
34 **ALL COMMISSIONERS - AYE.**

35
36 Scholz: Those opposed same sign. It passes. Thank you. It's postponed; Case
37 PUD 09-01 postponed to September 22, 2009. And Mr. Hembree you
38 said it will be resubmitted ... it will be noticed again, right? Yes, okay.
39 Good.

40
41 **IV. WITHDRAWALS**

- 42
43 1. **Case No. SNC-09-01:** A City of Las Cruces initiated street name change
44 from Del Rey Boulevard to Check Court for a 910 +/- foot section of roadway
45 that runs east-west and from Del Rey Boulevard to Weaver Trail for 1,575 +/-
46 foot section of roadway that runs north-south between Check Court and
47 Tucson Avenue. The realignment of Del Rey Boulevard has initiated the

1 street name changes. Submitted by the City of Las Cruces.

- 2
3 2. **Case A1696:** A request for a variance from the required minimum public
4 right-of-way for a property located at 1304 W. McFie. A religious institution
5 must be located on a major local or higher designated roadway with a
6 minimum of sixty (60) feet of public right-of-way. The applicant is seeking a
7 variance to allow the continued use of the subject property as a religious
8 institution on an existing local roadway with only thirty (30) +/- feet of public
9 right-of-way. The subject property's right-of-way is twenty (20) +/- feet
10 smaller than the required minimum width for the public right-of-way. The
11 subject property is zoned C-2 (Commercial Medium Intensity) and
12 encompasses +/- 0.15 acres. Submitted by property owners Martha Mahle
13 and Saul Estupinan.

14
15 Scholz: Now any withdrawals? I see one here, that's Case number SNC-09-01, a
16 name change. Mr. Ochoa.

17
18 Ochoa: Good evening gentlemen. Correct, there are two withdrawals on the
19 agenda tonight.

20
21 Scholz: In addition to the one that's already listed?

22
23 Ochoa: Currently there are two withdrawals and in addition there is one more on
24 top of that.

25
26 Scholz: Okay.

27
28 Ochoa: First withdrawal of course is Case number SNC-09-01, and Case A1696.

29
30 Scholz: Okay.

31
32 Ochoa: The third withdrawal would be under old business, Case Z2786, will be
33 withdrawn as well.

34
35 Scholz: Okay. Case Z2786 is a request for a zone change from R-1a to R-3 on
36 five +/- acres located west of Holman Road and north of Village Drive. If
37 you are interested or had an interest in that case, that has been
38 withdrawn. And I assume that the developer will reapply. We don't know.

39
40 **V. CONSENT AGENDA**

41
42 Scholz: All right, there are no items on the consent agenda.

43
44 Ochoa: Excuse me, but you have to amend the agenda for that sir.

45
46 Scholz: You're right. Okay, do we just withdraw it then?
47

- 1 Shipley: Yes.
 2
 3 Scholz: So you go away for a month and you get confused.
 4
 5 Rodriguez: Mr. Chairman, Cheryl Rodriguez. What you do is go ahead, have a
 6 motion to amend the agenda as noted with the withdrawal of Case Z2786
 7 and then we'll have a motion and a vote. Thank you.
 8
 9 Scholz: Thank you. So I'll entertain a motion.
 10
 11 Shipley: I move to amend the agenda to have Case Z2786 placed under the
 12 withdrawal category.
 13
 14 Scholz: Okay. Is there a second?
 15
 16 Evans: I second.
 17
 18 Scholz: Okay, it's been moved and seconded. All in favor say aye.
 19
 20 ALL COMMISSIONERS - AYE.
 21
 22 Scholz: Those opposed same sign. All right the agenda is amended.
 23

24 VI. OLD BUSINESS

- 25
 26 1. **Case Z2786:** A request for a zone change from R-1a (Single-Family Medium
 27 Density) to R-3 (Multi-Dwelling Medium Density) for 5 +/- acres located west
 28 of Holman Road and north of Village Drive. The zone change will facilitate
 29 the construction of a sixty (60) unit apartment complex and a child care center
 30 having a gross floor area of 10,000 +/- square feet. Submitted by Summit
 31 Engineering for Johnny D. Tapia & Mary Helen B. Tapia, property owners.
 32 **WITHDRAWN.**
 33

34 VII. NEW BUSINESS

- 35
 36 1. **Case A1699:** A request for a variance to allow four on-premise development
 37 identification signs, to allow for the use of directional signs, and to allow for
 38 the use of information signs on the wall situated on North Campo Street for
 39 properties identified as the Thomas Branigan Memorial Library, the Albert C.
 40 Johnson Park, and the new City Hall located at 700 North Main Street and
 41 200 East Picacho. The subject properties are situated along four street
 42 frontages identified as North Main Street, East Picacho Avenue, North Church
 43 Street, and North Campo Street. The subject properties encompass 11.55 +/-
 44 acres and are zoned CBD (Central Business District). A portion of the subject
 45 properties along North Main Street are situated within the Main Street Overlay
 46 Zone. The type of signage permitted within the CBD is on-premise attached
 47 signage. The intent is to create a campus facility and the proposed types of

1 signs will identify the facilities on the campus and direct the public
2 accordingly. Submitted by the City of Las Cruces.

3
4 Scholz: All right, our first case of new business is Case A1699, a request for
5 variance to allow four on premises development identification signs. And
6 who's up here? Mr. Ochoa, you're the sign man, aren't you?

7
8 Ochoa: Yes, sir.

9
10 Scholz: Go ahead.

11
12 Ochoa: For the record, Adam Ochoa for Community Development. First case
13 tonight gentlemen is Case A1699, it's a request for a variance to allow four
14 on premise development identification signs, as well as to allow the use of
15 directional signs and to allow for the use of information signs on a wall
16 situated on N. Campo Street for properties identified as Thomas Branigan
17 Memorial Library, the Albert C. Johnson Park, and the new City Hall
18 located at 700 N. Main Street and 200 E. Picacho. Submitted by the City
19 of Las Cruces.

20 Under code Article V, section 38-43G of the Zoning Code as
21 amended basically states the type of signs permitted in the CBD which is
22 what these properties are zoned under basically all it states is the only
23 type of signage allowed in the Central Business District are attached
24 signs. Freestanding signs are not a permitted type of sign in the Central
25 Business District. The properties like I said are zoned CBD which is
26 Central Business District and Main Street Plaza Overlay Zone. The
27 subject properties encompass about 11.55 acres and are the current
28 location of the Thomas Branigan Memorial Library, the Albert C. Johnson
29 Park, and the new City Hall. The applicant is requesting a variance to
30 allow the installation of four freestanding development identification signs,
31 allow the use of freestanding directional signs, and to allow the use of
32 information signs on the wall situation on N. Campo Street.

33 The applicant has stated that the signage will be utilized to identify
34 the different areas in the newly redone campus, if you will, and to help
35 direct visitors of the campus find their way throughout the campus. The
36 applicant has also stated that there is a considerable distance that the
37 buildings on the campus are set back from the street and their entrances
38 create a kind of condition where attached signage does not allow
39 adequate identification at street level. The applicant goes on to state that
40 the four development identification signs would serve the purpose of
41 directing people on the streets accordingly to locations around the campus
42 that they desire. The applicant also stated that directional signs would be
43 used internally in the parking areas of the campus to help direct visitors to
44 different buildings, different parking areas, entrances and exits, inside the
45 campus. The applicant continues by stating that the wall mounted
46 information signs will be used to help people and employees identify the

1 correct parking area designated for them when accessing the campus
2 from Campo Street entrances and exits of course.

3 Here are some I guess sketches of what the proposed signage
4 would look like, they are following the Sign Code regulations for
5 development ID signs. Currently under the Sign Code it states the
6 development identification signs are limited to seven-feet tall and 32
7 square feet of signage. As you can see the City Hall sign itself will be
8 seven-feet tall and 29 square feet. There will be two Thomas Branigan
9 Memorial Library signs which are both four-feet tall and 32 square feet in
10 signage, and one Albert Johnson Park sign, that is also four-feet tall and
11 32 square feet in signage. The identification signs on the wall are each
12 about four square feet and the proposed directional signs will also meet
13 Sign Code Standards limiting them to four-feet tall and six square feet in
14 size as well.

15 Here's a vicinity map of the subject properties if you will. As you
16 can see it's a rather large campus if you will, group of properties with four
17 street frontages; on Church Street, Main Street, Picacho, and Campo
18 Street. Here's an aerial photo of the properties with the library to the
19 northeast, the park to the northwest, and to the south would be the City
20 Hall and the parking deck area. Here's a site plan of the proposed
21 signage. Well I guess that looks black now, the black triangle on Main
22 Street would be where the City Hall sign would be situated, at that
23 entrance right there. And right across from it on the other side of the
24 entrance would be one of the library signs. The other library sign would
25 be at the entrance on Picacho as well. The park sign would be right near
26 the intersection of Picacho and Main Street where one currently exists.
27 And the information signs would be on a wall that runs along Campo
28 Street on the southeast of the properties.

29 Findings was that construction of the new City Hall along with the
30 creation of a campus with Albert Johnson Park and Thomas Branigan
31 Memorial Library contributed to the downtown revitalization effort, this in
32 turn brings potential for economic development and success to downtown
33 Las Cruces. With that, staff reviewed this variance request and
34 recommends approval based on the proceeding findings. Your options
35 tonight gentlemen are 1) to approve the variance request; 2) approve the
36 variance request with conditions determined appropriate by the Planning
37 and Zoning Commission, and 3) to deny the variance request. That
38 concludes my presentation. I stand for questions. The applicant is also
39 here if you wish to ask any questions of them.

40
41 Scholz: Wait a minute, aren't you the applicant? I mean well the City is the
42 applicant.

43
44 Ochoa: Different departments.

45
46 Scholz: Different departments, you're right. Okay. Questions for this gentleman?
47 Yes, Commissioner Shipley.

- 1
2 Shipley: Mr. Ochoa, very nice to see this. I just have two questions. The sign for
3 the City Hall that you showed just says City of Las Cruces, is it not going
4 to say City Hall so that somebody that's a new person coming to our area
5 may not be as you know familiar?
6
- 7 Ochoa: The applicant is here, representative for the applicant is here to go ahead
8 and comment on that. I'll leave that to him sir.
9
- 10 Shipley: Okay, and the second question would probably be addressed to him as
11 well is on the Library, Branigan Library sign, it looks like it's on the drawing
12 that I have, looks like it's on one side of the street, is it visible from both
13 directions? I know it's a four by eight sign, it's a pretty good size sign, but.
14
- 15 Ochoa: Correct. From what I believe, I'm sorry, Commissioner Shipley, from what
16 I believe the sign does run perpendicular to the street so you can see it
17 from driving on both sides, from what I've seen from the designs. I'm
18 going to let the applicant address the rest of that for you sir.
19
- 20 Scholz: Okay, we'll hear from the applicant. I forgot to mention this at the
21 beginning; our procedure is that the City presents the case, the applicant
22 then speaks to the case, then we open it to the public for their input, we
23 close the public discussion and the Commissioners discuss and vote. All
24 right, let's hear from the applicant.
25
- 26 Heltne: Good evening Commissioners. My name is Kyle Heltne, project
27 management section with the Facilities Department of the City. To answer
28 your question Mr. Shipley, we are looking to add City Hall to the main City
29 Hall sign. That has been changed with ... we have been given direction
30 from the City Council to do that after we submitted our application. I do
31 have a revised plan of that showing in the top left corner of this plan.
32
- 33 Scholz: Okay, does that answer your question Commissioner Shipley?
34
- 35 Shipley: Yes it does. Thank you very much. But the other question is the location
36 of the sign, the City Hall sign, on your map there shows it kind of at an
37 angle which is not either perpendicular or parallel to Main Street. Is that
38 correct?
39
- 40 Heltne: Are you looking at this sign right here?
41
- 42 Shipley: Yes, sir, right there.
43
- 44 Heltne: Yes, this ... let me get to another slide here. Mr. Chairman,
45 Commissioner Shipley, this picture shows the retaining wall that is located
46 on this corner that we are looking at of the property. This is where we will
47 be locating our letters to this retaining wall to create our sign here sir.

- 1
2 Shipley: Is that going to give you enough ... a person coming northerly on Main
3 Street, is that going give them enough time to see it, to turn in there or are
4 they going to zip right by it before they see it?
5
- 6 Heltne: That question I would have to refer to the City Architect, Tomas Mendez,
7 to answer that question.
8
- 9 Mendez: Good afternoon Commissioners. Mr. Shipley, there's a possibility that we
10 may have actually to come back and add a sign, but that would be a
11 separate application and we wanted to pursue this one. Let me scroll
12 back to the site plan. We originally had envisioned having another sign in
13 this location, but that got a little complicated because of the ongoing
14 design and construction work related to the roundabout to the traffic circle,
15 so we suspended that. We're not real sure exactly how we're going to
16 address traffic from the south until we actually get that roundabout built
17 there. Then we will see what the sight lines are. So we suspended that
18 effort, but we do envision there ... there's sidewalk here and sidewalk
19 here, and we're not real sure how all that's going to play into ... basically
20 the roundabout you can see it cuts off into here, but we at the present time
21 will not be developing ... if you draw a line, follow the cursor, we're going
22 to suspend work in this area until that roundabout is built. They obviously
23 need work to construct that ... or excuse me need work area to construct
24 that. So we're not real sure exactly how it's going to pan out. That's a
25 long answer to a short question.
26
- 27 Shipley: Well, I guess the problem I have is trying to visualize you know coming
28 from the south going north there, being able to see the sign and having a
29 sight triangle so that people pulling out can see back to the left so they
30 don't get ... we don't have an accident there on that corner. Because
31 that's the turn in to the parking lot there for the City Hall.
32
- 33 Mendez: This entrance?
34
- 35 Shipley: Yes, right there.
36
- 37 Mendez: Yes, sir, well our sign ...
38
- 39 Shipley: The way the sign is located now, it's not going to be visible from anybody
40 coming northerly on the right hand side, until they get right up beside it.
41
- 42 Mendez: North bound, that's correct. And that's why we actually would rather have
43 the sign in this area, but we want to wait until the traffic circle is
44 constructed to develop ... to find out exactly where it will work best.
45 Originally we had it planned approximately in here, but we're not sure
46 whether that will work because the traffic circle may not allow for that ...
47 for you to be maneuvering the traffic circle and looking over your right

- 1 shoulder to get the proper sight line. So we're still working on what the
2 best location for a sign for northbound traffic.
- 3
- 4 Scholz: All right, any other questions for these gentlemen? Okay. Thank you. Is
5 there anyone from the public who wants to comment on this issue? Okay,
6 I'm going to close it to public discussion then. Gentlemen what's your
7 pleasure? Mr. Shipley.
- 8
- 9 Shipley: I guess what my problem would be is that just looking at this plan the way
10 it's laid out, I didn't have problems with the three signs, the one sign here I
11 did have a problem with. Basically if they put a similar sign on the
12 opposite side of the entry way that would be visible and that would be
13 visible far enough out that somebody would slow down to make a right
14 turn into the parking lot. You know the way I look at this is that people that
15 go there every day are going to know that entry way is there, but you put a
16 sign farther back down near the traffic circle, that's not going to help a
17 stranger that is trying to find his way into the City Hall if they're coming
18 there. So I just thought the way this is laid out is probably not ...
- 19
- 20 Scholz: Not ideal.
- 21
- 22 Shipley: Not ideal and it's not really a workable solution for what I think we should
23 be looking at.
- 24
- 25 Scholz: Okay. Commissioner Evans, comments?
- 26
- 27 Evans: No, I think it's reasonable to you know go ahead and get the roundabout in
28 and then come back and reassess it. They plan to do something else. I
29 think it'll become obvious what the correct course will be once that stuff is
30 constructed and then like he said, he's going to come back and reassess
31 it. I think we're fine for now.
- 32
- 33 Scholz: Commissioner Beard.
- 34
- 35 Beard: No.
- 36
- 37 Scholz: No comments. Okay. We did something like this for the new museum if
38 you recall. It was again a variance of the sign location and we were very
39 concerned there about what did you call, the triangle ...
- 40
- 41 Shipley: Sight triangle.
- 42
- 43 Scholz: Sight triangle. Right, the visibility. That seemed to work out pretty well.
44 But as I recall that was a modification of a modification ultimately. So I'm
45 hoping that we'll be able to see the same thing here. So, is there a motion
46 to accept ... to approve this variance.
- 47

- 1 Evans: Mr. Chairman, I move that we approve Case A1699.
 2
 3 Scholz: All right, is there a second to that?
 4
 5 Beard: Second.
 6
 7 Scholz: Okay, it's been moved and seconded, I'll call the roll. Commissioner
 8 Shipley.
 9
 10 Shipley: Aye findings and discussion and site visit.
 11
 12 Scholz: Commissioner Evans.
 13
 14 Evans: Aye findings and discussion.
 15
 16 Scholz: Commissioner Beard.
 17
 18 Beard: Aye findings, discussions, and site visit.
 19
 20 Scholz: And the Chair votes aye for findings, discussion, and site visit. So that
 21 variance is approved.
 22
 23 2. **Case A1700:** A request for a variance from the maximum allowed height of a
 24 front yard wall of a property located at 1530 Country Club Circle. The subject
 25 property encompasses +/- 0.18 acres and is zoned R-1a (Single-Family
 26 Medium Density.) Currently the maximum allowed height of a front yard wall
 27 for a residential property is four (4) feet. The applicants would like to add an
 28 additional two (2) feet to the height of an existing front yard wall that currently
 29 measures four (4) feet in height. The proposed addition would make the wall
 30 six (6) feet in height. Submitted by property owners Tony H. Ortega & Merna
 31 D. Kauble.
 32
 33 Scholz: All right, our next case is Case A1700, a request for a variance from the
 34 maximum allowed height of a front yard wall of a property located at 1530
 35 Country Club Circle. Let me get my packet. Mr. Ochoa, you're up for this
 36 too I guess. Okay, go ahead.
 37
 38 Ochoa: Yes, sir, I'll be up here for a little bit. Case A1700 is a request for a
 39 variance from the maximum allowed height of a front yard wall for a
 40 property located at 1530 Country Club Circle. It was submitted by
 41 property owners Tony H. Ortega and Merna D. Kauble. Forgive me if I
 42 mispronounce that. Code requirements under Article VI Section 38-60C is
 43 basically what outlines the height allowances for walls and fences.
 44 Basically for residential land uses, regardless of zoning districts in which
 45 the land use is located, within the required front yard the maximum height
 46 of a front yard wall can be four-feet tall.
 47 Some case specifics, the property is zoned R-1a, single-family

1 medium density. Subject property encompasses about 0.18 acres and is
2 the current location of a single-family dwelling. The applicants are
3 requesting a variance to allow an increase in the height of an existing four-
4 foot front yard wall, excuse me, to six-feet in height. The applicants have
5 stated that their property has an odd grade change in the front yard area
6 that makes the existing wall four feet tall on the outside, sidewalk side of
7 the wall, the wall that's facing the street in other words. But only about two
8 to three-feet along the interior side of the wall that faces the home. The
9 applicants believe that the shorter side of the wall is a safety issue for the
10 subject property and property owners. The applicants have also stated
11 that random unwanted people come into their front yard at all hours of the
12 day knocking on their windows and doors, and a taller wall will help keep
13 these people from reaching their home. The applicants continue by
14 stating that they would like the additional height to their wall also to allow
15 their dogs to roam free in their front yard without the risk of them possibly
16 jumping over the shorter side of the wall, over into the sidewalk or possibly
17 even into the street. The applicants conclude by stating that the proposed
18 extra two-feet of fence will be constructed of rod iron that can easily be
19 seen through for traffic and safety purposes.

20 Here's a vicinity map of the subject property. As I said it's on
21 Country Club Road, zoned R-1a. Basically right near the county club.
22 Here is a site plan of the subject property. The wall runs along the front
23 property line right along the sidewalk. Here are some site photos for you
24 gentleman, the top left picture as you can see ... these are all pictures
25 taken by the applicant. This is before the wall was built. As you can see
26 there's somewhat of a grade change from the sidewalk to their property.
27 The far right top picture is kind of an example of what the rod iron would
28 look like on the top of their wall. Of course I believe this is taller than two
29 feet that they're requesting. The bottom two left pictures are an example
30 of what six-feet would look like on the existing wall. The wall has been
31 constructed. Basically the left picture shows the six-feet on one side, on
32 the outside part of the wall along the sidewalk and the picture next to that
33 is along the inside part of the wall. On the right lower hand corner is a
34 picture of their front yard which basically shows a lot of plumbing and so
35 forth which is why the applicants have stated that they cannot level off
36 their property to kind of make their side of the wall a little taller if you will
37 along the interior part of the wall.

38 Findings, staff has reviewed this variance request and has
39 concluded that no valid hardship exists for the subject property. Staff
40 recommendations tonight is for denial based on the proceeding findings.
41 The options tonight gentlemen is 1) to approve the variance request, 2)
42 approve the variance request with conditions determined appropriate by
43 the Planning and Zoning Commission, and 3) to deny the variance
44 request. That concludes my presentation. I stand for questions. And the
45 applicant is here to answer questions and they have some kind of slide
46 show to present to you all as well.
47

1 Scholz: Okay. Questions for Mr. Ochoa? All right, may we hear from the
2 applicant please?
3

4 Kauble: Good evening gentlemen.
5

6 Scholz: You're going to have to speak into the microphone and you're going to
7 have to state your name first please.
8

9 Kauble: Okay. My name is Merna D. Kauble.
10

11 Scholz: Thank you.
12

13 Kauble: Good evening gentlemen, these are the pictures prior to where we had
14 railroad ties there first that were two-feet. There are the railroad ties that
15 we had there prior. These are houses in the neighborhood that we have
16 taken that are within the two-mile radius of our house that have six-foot
17 fences. This is a tree that we have in the front yard that is 150-feet tall.
18 We have asked somebody to come in to remove the tree and to degrade
19 the land. Just to remove the tree, not a stump would be \$1,500 and then it
20 would take out the existing sprinkler systems and if they went down two-
21 feet to level it to the sidewalk we would run into the City's piping and they
22 said that we couldn't do that because prior to us buying this house they
23 had redone the sewage and they did not bury the pipes down far enough
24 and that's what we've run into. This is the house across the street, all the
25 houses are built on a slant so they were built up on top. This is our next
26 door neighbors. We have put also letters out to all our neighbors and they
27 have signed them that they did not have any problems. This is a house
28 that is less than a mile from our house and they have over six-foot fence.
29 This is where their sliding gate is. Again, within a mile of our house. And
30 this one is around the corner from our house. This one is down on Desert
31 Street, again it's showing the different variants of the street that they're at
32 six-foot fences. This is down the street from us, four houses away from
33 us. This is the house catty-corner from us. And we have done the
34 neighborhood and talked to all our neighbors and they have signed that
35 they did not have any problems with us getting this fence put up. We have
36 looked at putting rod iron in the front by the doors and due to his disability
37 there is no way he would be able to get out. On New Year's day we did
38 have somebody pounding on the door and windows trying to get in, and
39 since then we have had a lot of people coming up at night trying to knock
40 on windows and the dogs are set, are you know the ones that tell us
41 what's going on.
42 This is the sewage problem that we have that we did ask if we
43 could ... is there a way that we can rebury it and they said no, there wasn't
44 a way that they could rebury it. They could just add more dirt to it which
45 would cause more of a problem trying to let the dogs out. And this is what
46 the fence actually looks like right now. And this is the site, the rod iron
47 would only go up to that area, to the brick of your right.

1
2 Scholz: Okay, questions for these applicants? Yes, Commissioner Beard.
3
4 Beard: Are you going to gate the driveway?
5
6 Kauble: Yes, rod iron.
7
8 Beard: And how high will that be?
9
10 Kauble: It will be six-foot. It will match the rock and then the two feet of rod iron
11 that's there. There's no other gate except the driveway and it'll have the
12 sliding ... a slide where we can slide it in and out.
13
14 Scholz: Commissioner Shipley, did you have a question?
15
16 Shipley: When did you put in the four-foot wall?
17
18 Kauble: Five weeks ago.
19
20 Shipley: Five weeks ago. So you haven't really given it time to see if that has
21 deterred people from coming over to go up to your house. I mean that's
22 your main reason is because they're knocking on the windows?
23
24 Kauble: Right, but the main also is that we want to let the dogs ... we have two
25 blue heelers that we would like to release into the front yard. We have yet
26 to put the gate in yet.
27
28 Shipley: Do you have adequate room in the back yard for the dogs?
29
30 Kauble: Yes.
31
32 Ortega: Yes, we do.
33
34 Shipley: So I mean ...
35
36 Ortega: It's just protection ... a protection at night time because we have kind of
37 like riff raff coming at night, knocking on the windows, and they have no
38 business there. I can't get up real fast and shoo them away. We just want
39 the dogs out in front and then in the day time put them back in the back.
40
41 Shipley: Right.
42
43 Ortega: I'm there all day long and I cannot you know we have some stuff out there
44 that's kind of valuable and everything, earned, and we cannot ... I cannot
45 get up quick enough to see who it is or what it is that's wanting to take
46 what I got. We just let the dogs out at nighttime, gives me a little leeway
47 to get up and see what's going on outside, pull the dogs back out in the

1 morning, just to have them in the back gate.
2
3 Scholz: Okay, I have two questions. Are you through Commissioner Shipley?
4 Thank you. One is you've had this wall for five weeks?
5
6 Kauble: Yes.
7
8 Scholz: Okay, well, did you plan on putting a gate up at the same time? Sliding
9 gate or whatever.
10
11 Ortega: Yes, we did. We haven't done it yet but we ...
12
13 Scholz: Okay. Well I'm assuming that if there's a gate there and a wall then it's not
14 likely that people are going to wander into your yard, is it?
15
16 Ortega: Given half a chance, they will.
17
18 Scholz: Well it's four-foot. Excuse me sir. Its four-feet off the sidewalk, isn't it?
19
20 Ortega: Yes.
21
22 Scholz: Yes, so I don't know many people who are going to vault over a four-foot
23 wall to get into your house, you know, at least I don't think that's very
24 likely. Is that what they're going or are they walking in on the driveway,
25 which is open.
26
27 Ortega: Well when the wall wasn't there they walked right through.
28
29 Scholz: Of course, yes, I understand that. So now the wall is there, you put a gate
30 on it, and I assume that'll stop the majority of traffic wouldn't it?
31
32 Ortega: Hopefully, yes.
33
34 Scholz: Yeah, well, I would advise that you try that first instead of asking for a
35 variance. You know put a gate on the driveway and see if that stops the
36 traffic. It seems to me that it would. I understand your concern about the
37 slope and I can see that from the drawings that that's a problem. But it
38 doesn't seem like your property is very secure at the moment without a
39 gate across the driveway.
40
41 Ortega: Right.
42
43 Scholz: My second concern is though you may have gone around the
44 neighborhood and looked for houses with similar conditions, I drove that
45 street the other day and stopped by your house and looked at it and so on,
46 and the only house I saw that had a fence on it was the one you showed
47 in the last picture I believe, and it's like three or four doors down from you.

- 1
2 Kauble: Correct.
3
4 Scholz: And that fence is about four-feet high. Right, it's a decorative fence.
5 There's a brick coping I think and then a rod iron fence that's about four-
6 feet, so that's still within the City code.
7
8 Kauble: Okay.
9
10 Ortega: We're just trying to make it pretty too.
11
12 Scholz: No, I understand.
13
14 Ortega: On top of the rock wall, in order to make it a little pretty on the area and
15 just try to keep the dogs from going out instead of coming in. That
16 variance on the other side, inside of the property it is a little bit high. They
17 asked us to see if we could excavate it, but we would be hitting the roots
18 of that tree and it will come down if we start excavating it to get it lower.
19 But as low as we get we see more roots on that one tree and I don't know
20 where that tree's going to go, either forward or backwards. I really hate
21 going that route you know, to excavate it. We could excavate it, put more
22 dirt on that tree, we can go that route, you know. There are a lot of
23 options you know, we just thought maybe we come see what this option is
24 going to take us to.
25
26 Scholz: Okay. Thank you. Is there anyone from the public who'd like to speak to
27 this? Okay, I'm going to close it to public discussion then. Thank you
28 folks.
29
30 Kauble: Thank you.
31
32 Scholz: Commissioners, what is your pleasure? No thoughts. Commissioner
33 Evans.
34
35 Evans: You know I have a dog that runs all the way around my house too and I
36 actually like it and I do worry about him jumping over the fence. But what
37 I've done is put like an electric wire you know to prohibit that. So I
38 sympathize with you in trying to get that higher.
39
40 Ortega: SPEAKING - NOT AT MICROPHONE
41
42 Scholz: You'll have to speak to the microphone sir.
43
44 Ortega: Okay, we have thought about electric wire.
45
46 Evans: Right.
47

- 1 Ortega: But we have kids running around there too. And curiosity will sure enough
 2 kill that cat and we don't want nobody coming up and tell us hey your wire
 3 just electrified our kids. It says don't touch you know.
 4
- 5 Evans: Right.
 6
- 7 Ortega: Kids will be kids, you know. And we thought about that option you know
 8 and we didn't want to go that route. Zapping the kids, not very fun. Thank
 9 you.
 10
- 11 Scholz: Thank you. Okay, I'll entertain a motion to approve A1700.
 12
- 13 Evans: Mr. Chair I move that we approve Case A1700.
 14
- 15 Scholz: Is there a second?
 16
- 17 Beard: I second it.
 18
- 19 Scholz: I'll call the roll. Commissioner Shipley.
 20
- 21 Shipley: Nay findings, discussion, and site visit.
 22
- 23 Scholz: Commissioner Evans.
 24
- 25 Evans: No findings and discussion.
 26
- 27 Scholz: Commissioner Beard.
 28
- 29 Beard: No findings, discussions, and site visit.
 30
- 31 Scholz: And the Chair votes no for findings, discussion, and site visit. So you're
 32 variance is denied.
 33
- 34 3. **Case Z2797:** A request for a zone change from R-3 (Multi-Dwelling Medium
 35 Density) to O-1 (Office Neighborhood-Limited Retail Service) and R-3 (Multi-
 36 Dwelling Medium Density) overlapping for 0.374 +/- acres located at 428 W.
 37 Griggs Avenue. The zone change request will bring the property into zoning
 38 compliance with the 2001 Zoning Code, as amended. Submitted by Kathryn
 39 Bonansinga, property owner.
 40
- 41 Scholz: All right. Our next case is Case Z2797, a request for a zone change from
 42 R-3 to O-1. And Mr. Ochoa you're doing all the heavy lifting today I see.
 43
- 44 Ochoa: Actually, I consider myself the lucky one tonight. Adam Ochoa from
 45 Community Development one more time for the record. Z2797 is a
 46 request for a zone change from R-3 multi-dwelling medium density to O-1
 47 office neighborhood-limited retail service and R-3 multi-dwelling medium

1 density for 0.31 acres of property located at 428 W. Griggs Avenue.

2 Here's a vicinity map of the subject property highlighted in the I
3 guess bright green there. As you can see it has frontage along three
4 streets, Organ, Reymond, and Griggs. It is zoned R-3 like I said. To the
5 east, west, and south everything is C-1 which is commercial low intensity,
6 and to the north would be R-2 which is multi-dwelling low density.

7 The subject property like I said encompasses 0.31 acres and is the
8 current location of two residential dwellings and a private art studio.
9 Currently it is zoned R-3, multi-dwelling medium density. The zone
10 change request would bring it into O-1 office neighborhood-limited retail
11 service and R-3 multi-dwelling medium density. It would be overlapping
12 zoning basically for the subject property. The zone change will bring the
13 property into compliance with the 2001 Zoning Code, as amended. And
14 the zone change will correct a previous zoning error that occurred in 2003
15 due to the City's zoning conversion process.

16 A little more background on that; in 2003 as part of the City's
17 adoption of the 2001 Zoning Code as amended, the City initiated zoning
18 conversions for certain properties in the City in order to bring them into
19 compliance. In 2003 a field check was made of the subject property and it
20 was interpreted at the time to contain three dwelling units and therefore it
21 was recommended for a zone change from what it was currently at that
22 time C-1 commercial low intensity to its current state which is R-3 multi-
23 dwelling medium density. It was unknown by staff at the time that in 2002
24 one of the buildings had a building permit finalized to allow it to be
25 converted into an art studio under the provisions of the C-1 commercial
26 low intensity zoning district. The appropriate zoning for the property
27 should have been O-1 office neighborhood-limited retail service and R-3
28 multi-dwelling medium density which is what we're trying to do this
29 evening. Overlapping will bring the art studio and two dwelling units into
30 full compliance. The structures as they exist are in compliance with all
31 other zoning requirements and the subject property is within the
32 established neighborhood known as Alameda Depot.

33 Here's a site plan of the subject property. Like I said it has frontage
34 along Organ, Reymond, and Griggs. The main dwelling is along Griggs
35 here with a small apartment in the back along Organ. While the art studio
36 is running along Reymond. Here's an aerial photo of the subject property.
37 Staff reviewed this property and it seems that it would come into
38 compliance with parking as well. It does have ample ... it has enough
39 parking on site and on street for the subject property.

40 Tonight staff has reviewed the zone change and recommends
41 approval without any conditions based on the proceeding findings. The
42 recommendation of the Planning and Zoning Commission will be
43 forwarded to the City Council for final consideration. Tonight your options
44 gentlemen are to vote yes to approve the request as recommended by
45 staff for Case Z2797, vote yes to approve the request with additional
46 conditions for the case, or vote no to deny the request for a zone change,
47 or table and postpone. I stand for questions.

- 1
2 Scholz: Questions gentlemen? All right. Thank you Mr. Ochoa. May we hear
3 from the applicant please?
4
- 5 Taylor: Hi, my name is David Taylor. I'm the applicant. And this was a situation in
6 which we worked fairly closely with the City to both build the building that
7 is the art studio on the property. And we were requested to change the
8 zoning to better conform with the use that it's currently under. And we ... I
9 think basically nobody read the zoning code closely enough and then the
10 field check yielded a result that was different than what we expected.
11 Because basically we read the zoning as being ... or we had intended
12 what Lonny Ruth, who is on the Planning board at the time, well not the
13 Planning board, but in the Community Development Department at the
14 time had advised us to go with R-4 which would've allowed for light
15 commercial as well as multi-dwelling residential and that seemed to cover
16 the use that we have the property currently working under. Unfortunately,
17 it doesn't allow for an art studio. So, then on top of that it looks like the
18 field check, whoever did that, they looked at it as being three dwellings, R-
19 3 and honestly I think we didn't pay close enough attention when we ... I
20 mean my wife signed off on the zone change and thinking that it should
21 have been R-4, it wasn't. And then on top of that the R-4 wouldn't even
22 have allowed for what the property is currently being used ... the way the
23 property is currently being used. Mind you, the property was built ... the
24 new building was built while the property was zoned commercial and was
25 built for the purpose of an art studio. So there were a lot of mistakes.
26 Needless to say, this hopefully will correct the situation.
27
- 28 Scholz: Okay. Questions for this gentleman?
29
- 30 Taylor: Thank you.
31
- 32 Scholz: Thank you. Anyone from the public wants to speak to this? All right,
33 hearing none. We'll close it to public discussion. Gentlemen I don't know
34 if you're familiar with this. I remember actually touring the art studio during
35 an arts hop a couple of years ago. And didn't you do some adobe work on
36 that dwelling too.
37
- 38 Taylor: SPEAKING, NOT AT MICROPHONE.
39
- 40 Scholz: Right. Yeah, I remember that. Very impressive. Okay. Gentlemen, I'll
41 entertain a motion to accept ... to approve this zone change without
42 conditions.
43
- 44 Evans: Mr. Chairman I move that we approve Case Z2797.
45
- 46 Scholz: Is there a second?
47

1 Shipley: I second.

2
3 Scholz: It's been moved and seconded. I'll call the roll. Commissioner Shipley.

4
5 Shipley: Aye findings, discussion, and site visit.

6
7 Scholz: Commissioner Evans.

8
9 Evans: Aye findings and discussion.

10
11 Scholz: Commissioner Beard.

12
13 Beard: Aye findings and discussions.

14
15 Scholz: And the Chair votes aye findings, discussions, and site visit. So it passed
16 4-0.

17
18 4. **SiCA-09-01:** A request to amend the City of Las Cruces Municipal Code,
19 Chapter 36 – Sign Code. The amendment includes (1) the addition of
20 regulations for on-premise and off-premise electronic variable message
21 displays; (2) the addition of regulations for the PUD and R-4 zoning district;
22 (3) incorporates new definitions; (4) the addition of regulations for
23 neighborhood signs; (5) clarifies the enforcement authority for the removal of
24 illegal signs; and (6) changes the maximum allowed height for freestanding
25 signs in both the C-3 and M-3 zoning district. Submitted by the City of Las
26 Cruces.

27
28 Scholz: All right. Our next case is ... oh this fascinating, this is SiCA-09-01, a
29 request to amend the City of Las Cruces Municipal Code Chapter 36 -
30 Sign Code. That's the heavy weight one, right? And Mr. Ochoa, you're up
31 for this too, certainly.

32
33 Ochoa: Yes, sir, one more time.

34
35 Scholz: Lay it on us.

36
37 Ochoa: Like you stated, proposed amendment to the City of Las Cruces Sign
38 Code, which is basically Municipal Code Chapter 36. For the amendment
39 basically what we're going to be doing is adding the sections for electronic
40 variable message displays. For on premise electronic variable message
41 displays, basically what we're going to do, we're going to be trying to limit
42 the areas where they can be located; limit the number of signs allowed on
43 a property; limit the types of signs allowed on a property. In other words,
44 no animated signs will be allowed. Sets a minimum length of time for the
45 display of a message with no transition time allowed between messages.
46 And it sets illumination level standards that will follow the Outdoor Lighting
47 Ordinance. As for off premise electronic variable message display

1 billboards, it sets a minimum distance of separation between these types
2 of billboards. It will limit the area where the billboards may be located.
3 And it will limit the type of message, basically it'll be limited to static
4 messages with no animation, scrolling, traveling, or moving, blinking parts
5 of the sign will be allowed. It will limit the number of messages displayed
6 on a billboard. It'll be one message at a time. Sets a minimum length of
7 eight seconds for the display of a message and that is a national standard,
8 with no transition time allowed between messages. It'll set illumination
9 level standards as well as on premise signs that'll follow the Outdoor
10 Lighting Ordinance. And electronic variable message displays will not be
11 allowed as temporary signs.

12 On top of this section under the nonconforming billboards section,
13 basically state a nonconforming billboard that'll be converted into an
14 electronic variable message display billboard shall come into full
15 compliance with all off premise electronic variable message billboard
16 provisions.

17 Something else we'll be doing with this amendment is adding sign
18 regulations for PUDs. It'll be basically now that PUD is its own zoning
19 designation it needs its own sign ordinance or sign regulations if you will.
20 What we're going to be doing here is any newly submitted Planned Unit
21 Development or PUD will provide a plan for signage that is desired by the
22 new development during the PUD review process. Any change to the sign
23 plan of a PUD shall provide a minor PUD amendment. And any previously
24 approved and existing PUD or any newly submitted PUDs that do not
25 present a plan for signage shall use existing sign regulations of the Sign
26 Code. Basically what it states is a PUD with residential land uses shall
27 follow residential regulations, industrial will follow industrial regulations,
28 commercial, commercial regulations; and mixed use PUD shall follow sign
29 regulations of the appropriate zone that fits the subject property.

30 What the amendment will be also tweaking the R-4 zoning district
31 regulations, the multi-dwelling high density and limited retail and office
32 zoning district will be allowed the same signage opportunities as the O-1,
33 O-2, and C-1 zoning districts. Basically what that entails is that they will
34 now be allowed to have attached signage and freestanding signage. Free
35 standing signage, the height for freestanding signage on R-4 zoning
36 districts will have the same regulations as O-1 zoning districts and that'll
37 be covered a little later in the presentation so you can see what those
38 heights are.

39
40 Scholz: Okay.

41
42 Ochoa: With this amendment will also be adding some new definitions. Definition
43 for animation. Definition for electronic variable message display, and for
44 street segment. This is done for the newly entered electronic variable
45 message display sections in the sign code. We've also revised a couple
46 of definitions, accessory use signs has been revised, clear sight triangle
47 definition has been revised, and wall sign has been revised as well.

1 Another thing we've done is we've kind of redone neighborhood
2 signs. Basically what we have done is a sign now may only be placed on
3 private property provided that prior approval has been granted by the
4 property owner. The maximum sign area shall not exceed four square
5 feet and the maximum height shall not exceed three feet in height. There
6 will be a maximum of one sign per property allowed. Signs shall not
7 conflict with any traffic control nor any clear sight triangle. Signs may not
8 be placed any further than one-half mile from the neighborhood to which
9 they pertain to. There will be a maximum of four signs permitted per
10 neighborhood. Basically north, east, south, west, four signs. A valid sign
11 permit shall be obtained or renewed annually for each sign. The signs will
12 be maintained by the party responsible for erecting the signs, basically
13 leaving out of it for that.

14 Another thing we're amending is the enforcement authority.
15 Currently it is unclear as to what can be done with legally placed signs on
16 public right-of-way. So basically what we did is, we added that the sign
17 code administrator or designee shall have the authority to remove any sign
18 that is in public right-of-way and in violation of code. The sign owner will
19 be contacted about the situation and will be given 30 calendar days to
20 collect and remove sign or signs and after a set time any remaining sign or
21 signs shall be recycled or disposed of properly.

22 Another thing we'll be doing is we're going to be limiting I guess
23 better yet change in the C-3 and M-3 maximum free standing sign heights.
24 Currently for C-3 and M-3 zoned properties a freestanding sign is allowed
25 to be the same height as a building. Under C-3 and M-3 buildings can be
26 as tall I believe as 60-feet which basically calls for a 60-foot sign would be
27 permitted. What we're doing is limiting the signs to the height of 30-feet all
28 around along any street for C-3 and M-3 zoning districts. And as I said
29 earlier the R-4 zoning district would be limited to the same heights as O-1
30 zoning districts as you can see down here.

31 One last thing we'll be doing is just changing out what we have as a
32 illustration or an appendix of what the clear sight triangle is for the Sign
33 Code. Currently this is what exists in the Sign Code. It'll be replaced with
34 what is in the Design Standards of the City of Las Cruces.

35 Last amendment to the Sign Code was in May 2006 through
36 Ordinance 23-04. A work session was held on June 16 with you all on the
37 proposed amendment. A public meeting was held on July 9, 2009 where
38 public comments were made about the proposed amendment. And public
39 input was taken for the proposed amendment until August 7, 2009.
40 Comments were received from the public on this issue and were attached
41 for your review to your packets.

42 Recommendation is, given the findings and issues identified, staff
43 requests the Commission recommend approval of the proposed
44 amendment to the City Council. City Council will have final authority on
45 this matter. Your options tonight gentlemen for this case is vote yes and
46 recommend approval of the amendment. This action will seek to
47 incorporate the proposed changes into the Sign Code. Vote no and

- 1 recommend denial of the amendment. This action proposes to Council to
 2 not incorporate any of the proposed changes to the Sign Code. Vote yes
 3 and amend the proposal, basically seeks to establish additional
 4 modifications as determined appropriate by the Planning and Zoning
 5 Commission; or vote to postpone and table the proposed amendments.
 6 That is the conclusion of my presentation. I stand for questions.
 7
- 8 Scholz: Okay. Questions about this ordinance.
 9
- 10 Shipley: Mr. Ochoa that's a great deal of work there and it's well received. One of
 11 the things that I noticed in here was that there is requirement to have a
 12 brightness switch on the signs, especially the electronic signs. And one of
 13 the things I would ask is could we not specify that there be an automatic
 14 sensor or something placed on a sign so that during the day it could be
 15 brighter and at night it would be reduced in brightness. It doesn't say
 16 anything about that, it just says it has a control, it doesn't say what it.
 17
- 18 Ochoa: That issue basically, I'm sorry Commissioner Shipley, that issue will be
 19 covered by the Outdoor Lightening Ordinance. Basically what we're doing
 20 here is just sticking to overall sign regulations of it, but the brightness of it,
 21 the actual functioning of the electrical part of the sign itself will be left to
 22 the Outdoor Lightening Ordinance basically.
 23
- 24 Shipley: It doesn't say that in this ... should it say that in here? In other words
 25 that's ... it doesn't have a number on the page, but it says on the
 26 electronic variable message display billboards paragraph eight says an off
 27 premise electronic variable message display billboard shall have an
 28 automatic dimmer control to produce distinct illumination change from a
 29 highest allowed illumination level to the lowest, and that's all it says.
 30
- 31 Ochoa: In the back page continues, level meeting the illumination standards of the
 32 City of Las Cruces Outdoor Lighting Ordinance.
 33
- 34 Shipley: Do the standards now require them to dim at night?
 35
- 36 Ochoa: Currently I believe they are amending the Outdoor Lighting Ordinance as
 37 well, sir, and it'll be covered by that.
 38
- 39 Shipley: So will that come to us as well?
 40
- 41 Rodriguez: Mr. Chairman, Commissioner Shipley, the Outdoor Lighting Ordinance
 42 isn't something that the Planning and Zoning Commission governs. It will
 43 go directly to City Council. And right now they're going through a series of
 44 public input meetings. The next public input meeting will be I believe held
 45 September 21st. And I will confirm that for you and forward that
 46 information.
 47

- 1 Shipley: Could we make that a condition of this? In other words what I'm getting at
2 is that a bright sign ... you need a bright sign during the day, but you don't
3 need the same amount of light at night. And if it's really bright then it
4 distracts you and it's more of a distraction. It's more of a safety factor. So
5 that was ... there are automatic dimmers that just like you have on your
6 automobile that your lights get dimmer at night, well it's not so bright in the
7 cockpit more or less.
8
- 9 Rodriguez: Mr. Chairman, Commissioner Shipley, what this body could do is go under
10 option number three, to modify the proposal and make some additional
11 recommendations to Council for final authority.
12
- 13 Scholz: All right. Commissioner Shipley did that answer your question?
14
- 15 Shipley: Yes.
16
- 17 Scholz: Okay. I had one question Mr. Ochoa, well two actually. The signs on
18 private property, as these like identification signs, like the sign by you
19 know High Range, that says High Range, is that what we're talking about?
20
- 21 Ochoa: Chairman Scholz basically neighborhood signs, that's basically what they
22 are if you will. I don't know if any of you all driven down Country Club
23 Road along the median there, there are some examples of what a
24 neighborhood sign would look like. Basically what the amendment of the
25 sign code, what we're trying to do is get them off of those medians and put
26 onto private property, requiring whoever's trying to put those signs up to
27 get approval from that property owner instead of leaving signs on public
28 right-of-way and well possibly leaving the I guess if you will the
29 maintenance of the sign to City since City takes care of those medians.
30
- 31 Scholz: I see. Okay. Yeah I was wondering what the purpose was. Right. Why
32 would they have to renew this every year?
33
- 34 Ochoa: Chairman Scholz basically what it is, is in the past neighborhood signs
35 have been allowed to go in public right-of-way and on private property and
36 they basically just fall apart and left there for dead if you will. This
37 basically forces who ever puts the sign up to keep maintenance up on
38 their signs, if not remove them and give us kind of a guideline to if you will.
39
- 40 Scholz: Gives you a measure of control.
41
- 42 Ochoa: Yes, thank you very much. That's what it is sir.
43
- 44 Scholz: Okay. My second question was you said the signs which are in the public
45 right-of-way I assure we're talking about temporary signs, right? Like
46 political signs, or sales signs, or realtor's signs, or something like that?
47

- 1 Ochoa: Chairman Scholz that's every type of sign that might come up on a public
2 right-of-way from anything from new house for sale this way, to vote for
3 this guy, to puppies for sale. Basically every sign that's on public right-of-
4 way sir, will give us the right to remove that sign without I guess without
5 cause if you will. Giving the right to remove the sign as the Sign Code
6 administrator or official designee.
7
- 8 Scholz: Well you're saying you're allowing 30 days for the person to respond to
9 this. That's probably half the run of most local elections. Okay, I'm just
10 asking. Any other questions for this gentlemen? I assume you are the
11 applicant in this case?
12
- 13 Ochoa: That is correct.
14
- 15 Scholz: Yes. Okay. So you don't have some hidden person in the audience there.
16
- 17 Ochoa: I could slip on a hat if you like.
18
- 19 Scholz: No questions for this gentleman. Okay, any public input on this. Yes, sir.
20
- 21 Gunaji: Mr. Gunaji. Citizen of Las Cruces. I just want to find out or at least make
22 you aware that political (*inaudible*) comes around for two months, you
23 have signs, all kinds of signs all over the place. There is no reference
24 being made into City ordinances. Separate along the line though the
25 enforcement of political signs may not be within the City of Las Cruces.
26 And some reference should be made as to who is going to take care of it
27 when the election gets over. Basically the election code allows sign to go
28 into effect 60 days before the election and they should be removed 15
29 days after the election. But no candidate follows that. And some other
30 thing that you have in your code are the direct in conflict. So you can only
31 say it is not our job, but at least you should (*inaudible*) that political signs
32 should be done some way and have a reference in City code.
33
- 34 Scholz: Okay are you talking sir about signs that are on the public right-of-way or
35 are you talking about ...
36
- 37 Gunaji: Private property.
38
- 39 Scholz: Signs that are on private property.
40
- 41 Gunaji: Yeah, because there is a code here that you have a four-foot sign on the
42 private property. One sign per property. I as a voter would have five
43 signs of my favorite election on my property. That directly conflict with
44 your regulations. So all I'm saying is that some reference should be made
45 you know, some place along, some reference should be made about
46 political signs because they do play an important role and do occupy three
47 or four months of time in the City and county and federal elections.