

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 2545 Council District: 2

For Meeting of OCTOBER 26, 2009
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE REQUEST FOR 7.126 ± ACRES OF PROPERTY LOCATED WEST OF STERN DRIVE AND SOUTH OF RINGNECK DRIVE. THE ZONE CHANGE REQUEST IS FROM M-T (INDUSTRIAL LIGHT) TO R-1AC (SINGLE-FAMILY MEDIUM DENSITY-CONDITIONAL) FOR 5.451 ± ACRES, FROM O-2C (OFFICE, PROFESSIONAL-LIMITED RETAIL SERVICE-CONDITIONAL) TO R-1A (SINGLE-FAMILY MEDIUM DENSITY) FOR 1.107 ± ACRES, AND FROM M-T (INDUSTRIAL LIGHT) TO R-1A (SINGLE-FAMILY MEDIUM DENSITY) FOR 0.568 ± ACRES. THE PURPOSE OF THE ZONE CHANGE REQUEST IS TO FACILITATE DEVELOPMENT OF A PRIVATE SCHOOL AND EXPANSION OF A SINGLE-FAMILY RESIDENTIAL SUBDIVISION. THE SUBJECT PROPERTY IS LOCATED WITHIN THE HEATHER HILLS MASTER PLANNED AREA. SUBMITTED BY SCANLON WHITE, INC. FOR DTG DEVELOPMENT COMPANY, LLC (Z2794).

PURPOSE(S) OF ACTION: Approval of a zone change that will facilitate the expansion of a single-family residential subdivision and development of a private school.

Name of Drafter: Cheryl Rodriguez <i>CR</i>		Department: Community Development		Phone: 528-3207	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>DW</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The property owner, DTG Development Company, LLC, is requesting a zone change for 7.126 ± acres of property located within the Heather Hills master planned area. On July 28, 2009, the property owner received approval from the Planning and Zoning Commission to amend the Heather Hills master plan to increase the acreage from 50.537 ± to 57.633 ± acres, to incorporate new planning parcels, and to establish land uses for the additional acreage. The purpose of both the master plan amendment and zone change request is to facilitate development of a private school, Mesilla Valley Christian School, and expansion of a single-family residential subdivision.

The original Heather Hills master plan was established on June 25, 2007, through City Council approval of an annexation request. The land uses established in the original master plan as well as the recent major amendment were single-family residential and quasi-institutional for a private school. The property owner has submitted a preliminary plat for a proposed 145 lot single-family residential subdivision known as Dove Crossing 2. The boundary of the proposed subdivision is contained within the original Heather Hills master planned area. The

recently approved master plan amendment expanded the proposed subdivision boundary by an additional 1.675 ± acres. The master plan amendment did not increase the number of dwelling units in the proposed subdivision. The proposed subdivision is still under staff review.

In addition, the subject property of 7.126 ± acres that is under consideration for the current zone change request was rezoned in 2008 by the previous property owner. The 7.126 ± acres was part of a zone change request for 19.780 ± acres of property that was rezoned from A-2 (Agriculture, 1981 Zoning Code) to M-T (Industrial Light) and O-2C (Office, Professional-Limited Retail Service-Conditional).

With the approval of the major amendment to the Heather Hills master plan on July 28, 2009, the zone change request is to set forth the applicable zoning districts to the established land uses in the master plan. The zone change request is from M-T (Industrial Light) to R-1aC (Single-Family Medium Density-Conditional) for 5.451 ± acres, from O-2C (Office, Professional-Limited Retail Service-Conditional) to R-1a (Single-Family Medium Density) for 1.107 ± acres, and from M-T (Industrial Light) to R-1a (Single-Family Medium Density) for 0.568 ± acres.

The original master plan was approved with conditions. The conditions are (1) single-family residential development is limited to 172 lots; (2) parcel four is limited to a quasi-institutional use; (3) future development shall utilize underground utilities; and (4) connection to Broadmoor Drive shall be limited to emergency purposes only. These conditions were carried forward with the recent major amendment to the master plan.

The Heather Hills master planned area is located west of Stern Drive, which is classified as a collector, and south of Ringneck Drive and Broadmoor Drive, both classified as minor local roadways. Stern Drive is maintained by the New Mexico Department of Transportation (NMDOT). A Traffic Impact Analysis (TIA) was prepared as part of the review process for the proposed Dove Crossing II subdivision. The TIA is presently under review by NMDOT.

There are no bus stops, bicycle lanes, or trails within the immediate vicinity to the subject property.

On July 28, 2009, the Planning & Zoning Commission recommended conditional approval of the zone change request by a vote of 4-0-0 (three Commissioners absent). The conditions are stipulated as (1) future development will utilize underground utilities and (2) planning parcel 5 comprising of 5.451 ± acres is limited to quasi-institutional uses. The conditions are made part of the attached Ordinance. No public comment was received prior to the hearing or at the hearing.

SUPPORT INFORMATION:

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

1. Ordinance
2. Exhibit "A"- Site Plan
3. Exhibit "B"- Findings and Comprehensive Plan Analysis.
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2794
5. Attachment "B"- Minutes from the July 28, 2009 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote YES to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for conditional approval. The subject property comprising of 7.126 ± acres will be rezoned from M-T (Industrial Light) to R-1aC (Single-Family Medium Density-Conditional) for 5.451 ± acres, from O-2C (Office, Professional-Limited Retail Service-Conditional) to R-1a (Single-Family Medium Density) for 1.107 ± acres, and from M-T (Industrial Light) to R-1a (Single-Family Medium Density) for 0.568 ± acres. The zone change will facilitate the expansion of a single-family residential subdivision and the development of a private school.
2. Vote NO to deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission. The current zoning designations of M-T (Industrial Light) and O-2C (Office, Professional-Limited Retail Service-Conditional) will remain in place. The single family residential subdivision cannot expand in acreage. The development of a private school on 5.451 ± acres will not be permitted.
3. Modify the Ordinance and vote YES to approve the modified Ordinance. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-016
 ORDINANCE NO. 2545

AN ORDINANCE APPROVING A ZONE CHANGE REQUEST FOR 7.126 ± ACRES OF PROPERTY LOCATED WEST OF STERN DRIVE AND SOUTH OF RINGNECK DRIVE. THE ZONE CHANGE REQUEST IS FROM M-T (INDUSTRIAL LIGHT) TO R-1AC (SINGLE-FAMILY MEDIUM DENSITY-CONDITIONAL) FOR 5.451 ± ACRES, FROM O-2C (OFFICE, PROFESSIONAL-LIMITED RETAIL SERVICE-CONDITIONAL) TO R-1A (SINGLE-FAMILY MEDIUM DENSITY) FOR 1.107 ± ACRES, AND FROM M-T (INDUSTRIAL LIGHT) TO R-1A (SINGLE-FAMILY MEDIUM DENSITY) FOR 0.568 ± ACRES. THE PURPOSE OF THE ZONE CHANGE REQUEST IS TO FACILITATE DEVELOPMENT OF A PRIVATE SCHOOL AND EXPANSION OF A SINGLE-FAMILY RESIDENTIAL SUBDIVISION. THE SUBJECT PROPERTY IS LOCATED WITHIN THE HEATHER HILLS MASTER PLANNED AREA. SUBMITTED BY SCANLON WHITE, INC. FOR DTG DEVELOPMENT COMPANY, LLC (Z2794).

The City Council is informed that:

WHEREAS, DTG Development Company, LLC, the property owner, has submitted a request for a zone change for 7.126 ± acre of property located west of Stern Drive and south of Ringneck Drive from M-T (Industrial Light) to R-1aC (Single-Family Medium Density-Conditional) for 5.451 ± acres, from O-2C (Office, Professional-Limited Retail Service-Conditional) to R-1a (Single-Family Medium Density) for 1.107 ± acres, and from M-T (Industrial Light) to R-1a (Single-Family Medium Density) for 0.568 ± acres; and

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

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned R-1aC (Single-Family Medium Density-Conditional) for 5.451 ± acres and R-1a (Single-Family Medium Density) for 1.675 ± acres.

(II)

THAT the conditions be stipulated as follows:

- Future development will utilize underground utilities; and
- Planning Parcel 5 comprising of 5.451 ± acres is limited to quasi-institutional uses.

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.

(III)

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

(IV)

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

PROPOSED RE-ZONING MAP FOR THE HEATHER HILLS MASTER PLAN

A 726 ACRE TRACT OF LAND
BEING PART OF LOTS 6 AND 4 BLOCK 1
OF THE ELEPHANT BUTTS LAND & TRUST COMPANY SUBDIVISION 7B
LOCATED WITHIN SECTION 34, TOWNSHIP 23 SOUTH, RANGERS 2 EAST
USDA SURVEYS WITHIN THE CITY OF LAS CRUCES,
DONA ANA COUNTY, NEW MEXICO.
APRIL 23, 2009

None of developments have crossing 2
Developer: DJJ Development, LLC
2511 N. Tishon, Blvd.
103-581-1810
Engineer: Scanlon White, Inc.
3780 Foothills Rd, Suite C
Las Cruces, NM 88001
Surveyor: Scanlon White, Inc.
3780 Foothills Rd, Suite C
Las Cruces, NM 88001
Proposed Land Use: Single Family Residential (Medium Density)
Proposed Zoning: R-1A
Location: Section 34, T23S, R2E,
City of Las Cruces, Dona Ana County, New Mexico
Jurisdiction: City of Las Cruces
Applicable Codes: City of Las Cruces Zoning Code
City of Las Cruces Subdivision Regulations
City of Las Cruces Road Specifications
City of Las Cruces Design Standards
All other Applicable City Codes in Effect
Proposed Utility Services:
Water - Jornada Water Company
Sewer - City of Las Cruces
Electric - Electric Service El Paso Electric Co.
Telephone - Sprint
Cable TV - Comcast

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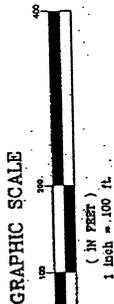
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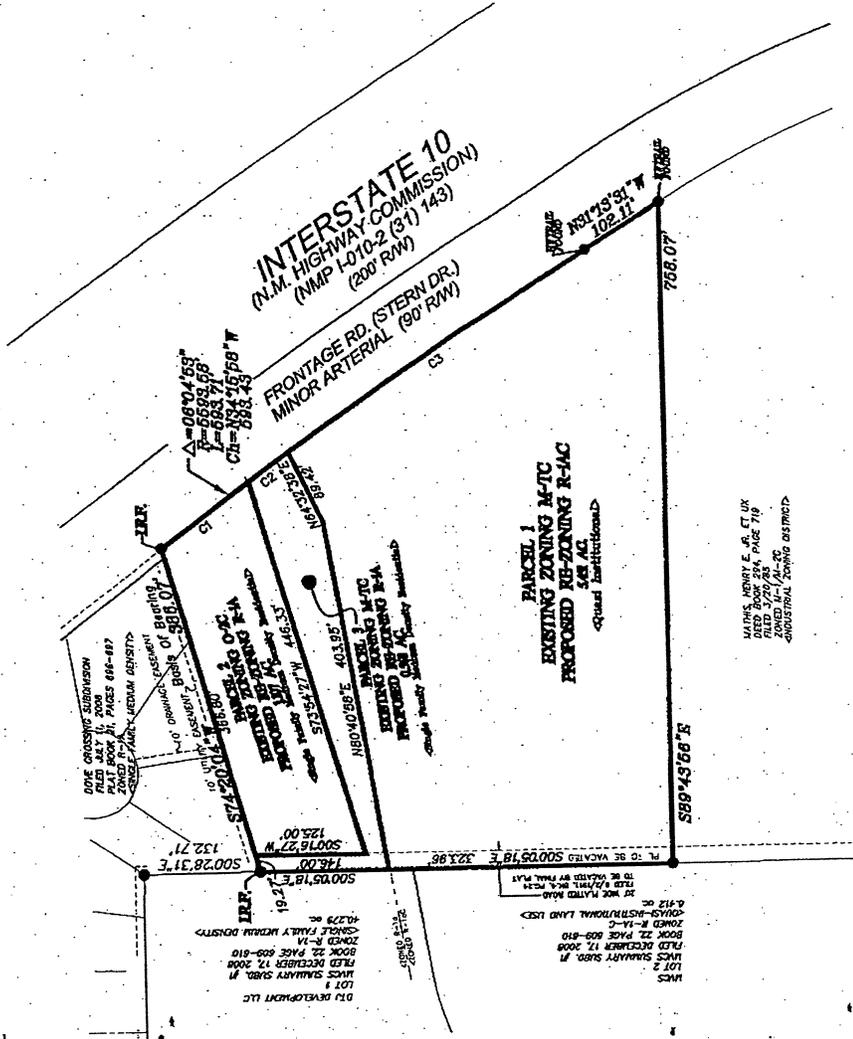
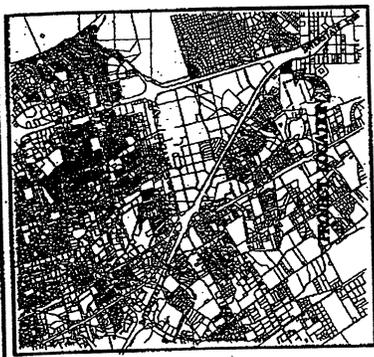
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Exhibit "A"



CURVE TABLE

CHORD OR CHORD BEARS	DELTA	CHORD OR CHORD BEARS
5993.58	125.28	0.11853
5993.58	59.60	0.07447
5993.58	41.85	0.51897



Parcel / Re-Zoning / Proposed Land Use	Existing Land Use	Existing Zoning	Proposed Zoning	Total # of Units
Parcel 1 Existing Zoning M-TC (Industrial Zoning District)	Vacant	R-1A	R-1A	0
Parcel 2 Existing Zoning M-TC (Industrial Zoning District)	Vacant	R-1A	R-1A	0
Parcel 3 Existing Zoning M-TC (Industrial Zoning District)	Vacant	R-1A	R-1A	0
Parcel 4 Existing Zoning M-TC (Industrial Zoning District)	Vacant	R-1A	R-1A	0
TOTAL				0

*Population Projections - 19 Persons
**Anticipated Population Projections based on social development of 7 dwellings
based on U.S. Census Bureau figure of 2.7 persons per household

DEVELOPMENTAL PROJECTIONS

Peak Traffic
This illustration is based on standard U.S. criteria.
This illustration is based on the development of 17 dwellings.
Average values for local U.S. projections used for the illustrative analysis.
This illustration is based on the development of 17 dwellings.
Peak hour volumes are based upon weekday - peak hour traffic on adjacent streets.
Peak hour volumes are based upon weekday - peak hour traffic on adjacent streets.
Independent variable values used for ADT and Peak hour traffic on adjacent streets.
Figures based on the Heather Hills Master Plan.

Parcel / (U.T.E.S.)	ADT	AM PK. Hr.	PM PK. Hr.
Parcel 1 (U.T.E.S.)	7	182	121
Parcel 2 (U.T.E.S.)	7	182	121
Parcel 3 (U.T.E.S.)	7	182	121
Parcel 4 (U.T.E.S.)	7	182	121
TOTAL	28	728	528

SCANLON WHITE INC.
3780 FOOTHILLS RD, SUITE C
LAS CRUCES, NEW MEXICO 88011
PHONE: 605-625-2112
FAX: 605-625-1228



TERENCE G. SCANLON
NEW MEXICO
9433
I AM A REGISTERED PROFESSIONAL ENGINEER AND I HEREBY CERTIFY THAT I AM THE AUTHOR OF THIS DRAWING AND THAT I AM A MEMBER OF THE PROFESSIONAL ENGINEERS SOCIETY OF THE STATE OF NEW MEXICO. I AM NOT PROVIDING ANY DESIGN OR CONSTRUCTION SERVICES TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF SCANLON WHITE INC. I AM NOT PROVIDING ANY DESIGN OR CONSTRUCTION SERVICES TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF SCANLON WHITE INC.

DATE OF SHEET: 04/23/09
DRAWN BY: T. SCANLON
CHECKED BY: T. SCANLON
SCALE: AS SHOWN

EXHIBIT "B"
FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The subject planning parcels were a portion of a combined 19.780 +/- acre zone change that occurred in 2008.
2. The zone change request is as follows: 1) planning parcel 1: a zone change from M-T (Industrial Light) to R-1ac (Single-Family Medium Density-Conditional-Limited to Quasi-Institutional uses) for 5.451 +/- acres; 2) planning parcel 2: a zone change from O-2C (Office, Professional-Limited Retail Service-Conditional) to R-1a (Single-Family Medium Density) for 1.107 +/- acres; 3) planning parcel 3: a zone change from M-T (Industrial Light) to R-1a (Single-Family Medium Density) for 0.568 +/- acres.
3. The three planning parcels having a combined area of 7.126 +/- acres are located east of Stern Drive and south of Ringneck Drive & Broadmoor Drive.
4. Stern Drive has been designated by the Metropolitan Planning Organization (MPO) as a Collector status roadway.
5. On June 25, 2007, City Council approved the master plan for Heather Hills as a portion thereof 50.537 +/- acre annexation.
6. The original conditions attached to the master plan through resolution are: 1) A maximum of 172 single-family dwelling units; 2) Parcel four shall be limited to quasi-institutional uses; 3) Future development shall utilize underground utilities; and, 4) Connection to Broadmoor Drive shall be limited to emergency purposes only.
7. The proposed amendment to the Heather Hills Master Plan (No.1) will increase the overall acreage from 50.537 to 57.633 +/- acres.
8. The Heather Hills master plan amendment No.1, overall density will not exceed 172 single-family dwelling units and access from Broadmoor will be limited to emergency purposes.
9. The DRC has reviewed the master plan and no significant outstanding issues exist.

10. The request is consistent with the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policies:

- 1.3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.
- 1.3.4 High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.
- 1.3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.
- 1.9.8 School sites shall be located central to the area it is planned to serve. Sites shall have safe approaches for all modes of travel. School location shall be determined based on the following criteria:
- a. Elementary schools should be located within residential areas, on collector streets only. There shall be no commercial, office, or industrial uses adjacent to elementary schools.
 - b. Middle or junior high schools should be located within residential areas, on minor arterials only. There shall be no commercial, office, or industrial uses adjacent to middle or junior high schools.
 - c. High schools should be located on arterial streets where the speed limit on the arterial does not exceed 45 miles per hour. There shall be no commercial, office, or industrial uses adjacent to high schools.
 - d. Schools are encouraged to provide traffic impact studies for a potential school site as part of submittal requirements for new school construction.
 - e. The City strongly encourages that school site design and location proposals be processed and approved by the City.


City of Las Cruces®

TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC) *(JD)*

PREPARED BY: James A. White, AICP, Planner

DATE: July 28, 2009

SUBJECT: Heather Hills (Zone Change & Master Plan Amendment)

RECOMMENDATION: Approval – with conditions for zone change (Case Z2794); and Approval with conditions for the Master Plan (Case S-09-027)

Case Z2794: A request for a zone change for three (3) planning parcels located west of Stern Drive and south of Ringneck Drive. The planning parcels have a combined area of 7.126 +/- acres. The proposed zone change will facilitate the expansion of a residential subdivision (Dove Crossing II) and a portion of the future school site for Mesilla Valley Christian School. The zone change request is as follows:

- 1) Planning parcel 1- a zone change from M-T (Industrial Light) to R-1ac (Single-Family Medium Density-Conditional-Limited to Quasi-Institutional uses) for 5.451 +/- acres;
- 2) Planning parcel 2- a zone change from O-2C (Office, Professional-Limited Retail Service-Conditional) to R-1a (Single-Family Medium Density) for 1.107 +/- acres;
- 3) Planning parcel 3- a zone change from M-T (Industrial Light) to R-1a (Single-Family Medium Density) for 0.568 +/- acres.

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

Case S-09-027: A request for a major amendment to the Heather Hills Master Plan that is located west of Stern Drive and south of Broadmoor Drive. Heather Hills Master Plan Amendment No.1, area will be increased by 7.126 +/- acres for a total size of 57.663 +/- acres. The master plan amendment will also include three (3) new planning parcels that will allow for single-family residential and quasi-institutional land uses. Submitted by Scanlon White, Inc. for DTG Development Company, LLC.

Procedural Aspect: Staff recommends that the Planning and Zoning Commission suspend the rules and have both cases heard concurrently. Separate motions should be made relative to the consideration of approval for each case

BACKGROUND

The applicant, DTJ Development, LLC., is requesting a zone change for three planning parcels located west of Stern Drive and south of Ringneck Drive and Broadmoor Drive. The zone change request is as follows: 1) planning parcel 1: a zone change from M-T (Industrial Light) to R-1ac (Single-Family Medium Density-Conditional-Limited to Quasi-Institutional uses) for 5.451 +/- acres; 2) planning parcel 2: a zone change from O-2C (Office, Professional-Limited Retail Service-Conditional) to R-1a (Single-Family Medium Density) for 1.107 +/- acres; 3) planning parcel 3: a zone change from M-T (Industrial Light) to R-1a (Single-Family Medium Density) for 0.568 +/- acres.

The subject planning parcels were a portion of a combined 19.780 +/- acre zone change that occurred in 2008. Planning parcel 1 encompassing 1.107 +/- acres was rezoned from A-2 (Agriculture 1981, Zoning Code) to M-TC (Light Industrial Conditional). Planning parcel 2 and 3 having a combined area of 5.96 +/- acres were both rezoned from A-2 (Agriculture, 1981 Zoning Code) to O-2 (Office-Professional-Conditional). The southern 13.09 +/- acres was rezoned from A-2 (Agriculture, 1981 Zoning Code) to M1/M2C (Standard Industrial-Conditional) in order to facilitate already existing manufactured related uses. The subject planning parcels are not currently located within a master plan area.

In conjunction with the zone change request, the three planning parcels will be newly integrated into the Heather Hills Master Plan; therefore, requiring a major amendment to the Heather Hills Master Plan. The three planning parcels, when included into the Heather Hills master plan, are identified as planning parcels 5, 6 and 7 following the four planning parcels already located within the Heather Hills master plan.

On June 25, 2007, City Council approved a master plan for Heather Hills as a part of a 50.537 +/- acre annexation. The conditions attached to the master plan through resolution are: 1) A maximum of 172 single-family dwelling units; 2) Parcel four shall be limited to quasi-institutional uses; 3) Future development shall utilize underground utilities; and, 4) Connection to Broadmoor Drive shall be limited to emergency purposes only. The conditions outlined in the approved original master plan by City Council are not impacted.

The proposed amendment to the Heather Hills Master Plan (No.1) will increase the overall acreage from 50.537 to 57.633 +/- acres. The areas defined as single-family medium density will increase by 1.675 +/- acres (planning parcels 6 & 7) and the remaining 5.451 +/- acres will be limited to quasi-institutional (i.e. private school) land uses. The Heather Hills master plan amendment, calls for the dwelling units not exceed 172 single-family dwelling units, and access from Broadmoor will be limited to emergency purposes. Furthermore, planning parcel 5 will have the same condition as existing planning parcel 4 and will be limited to quasi-institutional land uses. Planning parcels 4 and 5 are owned by Mesilla Valley Christian Schools and is the proposed location for a new high school.

Staff has received a request for preliminary plat for a proposed 145 lot single-family subdivision known as Dove Crossing 2. The preliminary plat encompasses the entire original area of Heather Hills (master plan) identified for single-family development including the proposed 1.675 +/- acres being considered by the current zone change and master plan amendment. The approval of the zone change and master plan amendment is required prior to platting the 1.675 +/- acres into the Dove Crossing 2 preliminary plat.

Heather Hills is bordered to the east by Stern Drive designated by the Metropolitan Planning Organization (MPO) as a Collector status roadway. Stern Drive is owned and maintained by New Mexico Department of Transportation (NMDOT). A traffic impact analysis (TIA) was prepared as part of the review and approval for Dove Crossing II and was submitted to NMDOT. To date, as of date, an access permit has not been granted for Dove Crossing II Subdivision.

There are no bus stops, bicycle lanes or trails in close proximity to Heather Hills. A timeline has not been established for the relocation of the high school (Mesilla Valley Christian School) into the Heather Hills Master Plan area. Prior to the construction of the high school, the City in collaboration with NMDOT, will need to address potential bus stop locations and/or bicycle lanes along Stern Drive.

The developer is proposing to provide utilities in the following manner:

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

DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee on July 15, 2009 by a vote of 5-1-0 approved without conditions the Heather Hills Master Plan Amendment No.1. The dissenting vote was based on a member's concern with the conversion of 1.107 +/- acres from an O-2C (Office Professional-Limited Retail Service) to an R-1a (Single-Family Medium Intensity) zoning designation. It was stated that this modification may limit the availability of professional office and limited retail services in the vicinity of Heather Hills. The majority of the members reached a different conclusion that the master plan amendment had not been substantially changed with respect to overall density and permitted land uses as per the previous approved master plan Resolution.

Staff recommends that the conditions on the original Heather Hills Master Plan be attached to the Heather Hills Master Plan Amendment No. 1 as a matter of record. The conditions require: 1) A maximum of 172 single-family dwelling units with the Heather Hills Master Plan; 2) Parcel four shall be limited to quasi-institutional uses; 3) Future development shall utilized underground utilities; and, 4) Connection to Broadmoor Drive shall be limited to emergency purposes only.

FINDINGS

1. The subject planning parcels were a portion of a combined 19.780 +/- acre zone change that occurred in 2008.
2. The zone change request is as follows: 1) planning parcel 1: a zone change from M-T (Industrial Light) to R-1ac (Single-Family Medium Density-Conditional-Limited to Quasi-Institutional uses) for 5.451 +/- acres; 2) planning parcel 2: a zone change from O-2C (Office, Professional-Limited Retail Service-Conditional) to R-1a (Single-Family Medium Density) for 1.107 +/- acres; 3) planning parcel 3: a zone change from M-T (Industrial Light) to R-1a (Single-Family Medium Density) for 0.568 +/- acres.
3. The three planning parcels having a combined area of 7.126 +/- acres are located east of Stern Drive and south of Ringneck Drive & Broadmoor Drive.
4. Stern Drive has been designated by the Metropolitan Planning Organization (MPO) as a Collector status roadway.
5. On June 25, 2007, City Council approved the master plan for Heather Hills as a portion thereof 50.537 +/- acre annexation.
6. The original conditions attached to the master plan through resolution are: 1) A maximum of 172 single-family dwelling units; 2) Parcel four shall be limited to quasi-institutional uses; 3) Future development shall utilize underground utilities; and, 4) Connection to Broadmoor Drive shall be limited to emergency purposes only.
7. The proposed amendment to the Heather Hills Master Plan (No.1) will increase the overall acreage from 50.537 to 57.633 +/- acres.
8. The Heather Hills master plan amendment no.1, overall density will not exceed 172 single-family dwelling units and access from Broadmoor will be limited to emergency purposes.
9. The DRC has reviewed the master plan and no significant outstanding issues exist.
10. The request is consistent with the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policies:

- 1.3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall

be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.

- 1.3.4 High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.
- 1.3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.
- 1.9.8 School sites shall be located central to the area it is planned to serve. Sites shall have safe approaches for all modes of travel. School location shall be determined based on the following criteria:
- a. Elementary schools should be located within residential areas, on collector streets only. There shall be no commercial, office, or industrial uses adjacent to elementary schools.
 - b. Middle or junior high schools should be located within residential areas, on minor arterials only. There shall be no commercial, office, or industrial uses adjacent to middle or junior high schools.
 - c. High schools should be located on arterial streets where the speed limit on the arterial does not exceed 45 miles per hour. There shall be no commercial, office, or industrial uses adjacent to high schools.
 - d. Schools are encouraged to provide traffic impact studies for a potential school site as part of submittal requirements for new school construction.
 - e. The City strongly encourages that school site design and location proposals be processed and approved by the City.

RECOMMENDATION (Z2794)

Staff has reviewed this zone change and recommends approval with the following conditions: The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration.

1. Future development will utilize underground utilities.
2. Planning parcel five encompassing 5.451 +/- acres will be limited to quasi-institutional land uses (i.e. private school).

OPTIONS

1. Approve the zoning request with conditions.
2. Approve the zoning request with conditions as recommended by staff.
3. Deny the zoning request.

RECOMMENDATION (S-09-027)

The Development Review Committee (DRC) reviews master plan from an infrastructure, utilities, and public improvement stand point.

The DRC did not recommend approval with these conditions however; staff recommends that the previous conditions imposed on the Heather Hills Master Plan be adhered to with the proposed master plan amendment.

1. A maximum of 172 single-family dwelling to be located within the Heather Hills Master Plan Amendment No.1.
2. Parcel 4 and 5 having a combined area of shall be limited to quasi-institutional land uses.
3. Future development shall utilize underground utilities.
4. Connection to Broadmoor Drive shall be limited to emergency purposes only.

OPTIONS:

1. Approve the Master Plan as recommended by the Development Review Committee.
2. Approve the Master Plan with conditions.
3. Deny the Master Plan.

ATTACHMENTS

1. Development Statement
2. Heather Hills Master Plan Amendment No.1
3. Zoning Map
4. Development Review Committee minutes from 7-15-09
5. Vicinity Map

PROPOSED RE-ZONING MAP FOR THE HEATHER HILLS MASTER PLAN

A 726 ACRE TRACT OF LAND

BEING PART OF LOTS 6 AND 4, BLOCK 1
OF THE ELEGANT BUTTE LAND & TRUST COMPANY SUBDIVISION 7th
LOCATED WITHIN SECTION 34, TOWNSHIP 23 SOUTH, RANGE 2 EAST,
USGS SURVEYS WITHIN THE CITY OF LAS CRUCES,
DONA ANA COUNTY, NEW MEXICO.

APRIL 23, 2009

Name of development: DIVE CROSSING 2

Developer: D.J. Development, LLC
2501 N. Tishon, Blvd.
505-821-1814

Engineer: Scanlon White, Inc.
3780 Foothills Rd, Suite 6801
505-825-2112

Surveyor: Scanlon White, Inc.
3780 Foothills Rd, Suite 6801
505-825-2112

Proposed Land Use: Single Family Residential (Medium Density Institutional)

Proposed Zoning: R-1A

Location: Section 34, T23S, R2E,
City of Las Cruces, New Mexico

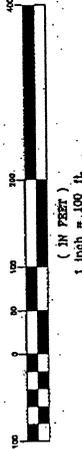
Jurisdictional Authority: City of Las Cruces

Applicable Codes: City of Las Cruces Zoning Code
City of Las Cruces Subdivision Regulations
City of Las Cruces Utility Specifications
City of Las Cruces Design Standards
All other Applicable City Codes in Effect

Proposed Utility Services:
Water - Jarrada Water Company
Sewer - City of Las Cruces
Electric - Electric Service of Paso Electric Co.
Telephone - Verizon
Cable TV - Comcast

588

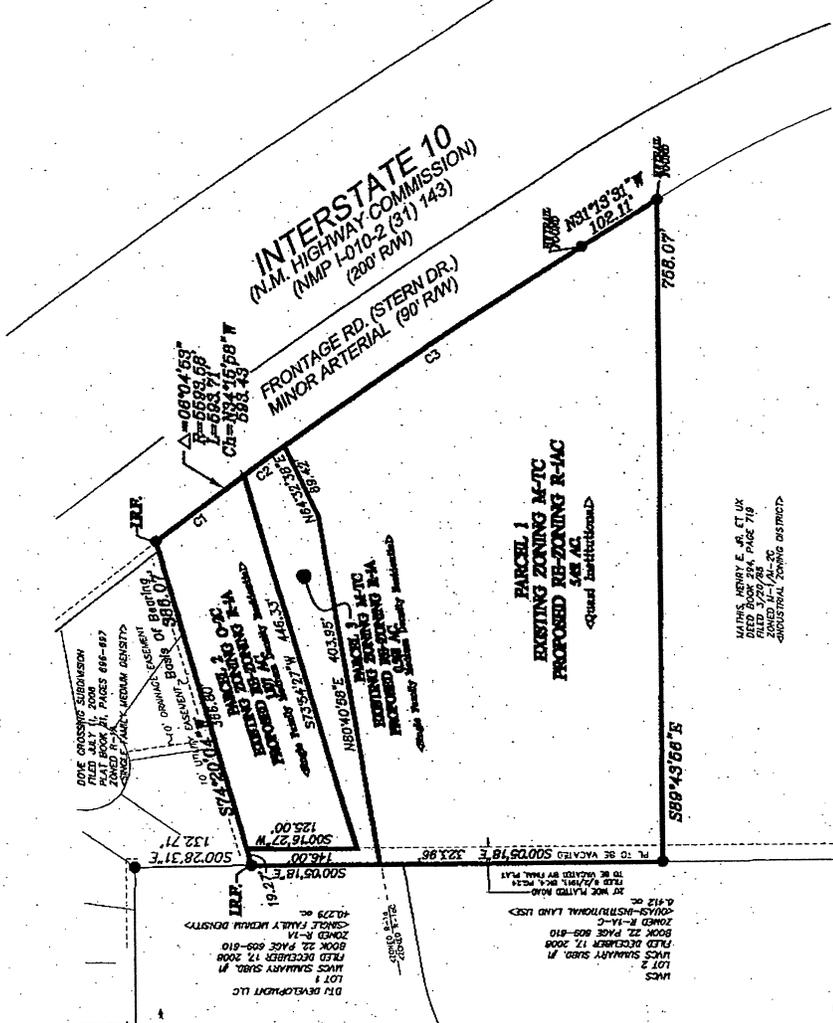
GRAPHIC SCALE



CURVE RADIUS	LENGTH	DELTA	CHORD DIR.	CHORD	
CI	5593.56	126.28	071°16'58"	N48°39'55"W	125.26
CII	5593.56	56.60	002°34'47"	N33°44'02"W	56.80
C3	5593.56	411.85	041°30'27"	N33°20'05"W	411.76



VICINITY MAP



ENGINEER'S CERTIFICATE
I, HENRY E. JR., ET AL., REGISTERED PROFESSIONAL ENGINEERS, STATE OF NEW MEXICO, LICENSE NO. 10000, DO HEREBY CERTIFY THAT THE RE-ZONING MAP AND ZONING ORDINANCE FOR THE HEATHER HILLS MASTER PLAN, DONA ANA COUNTY, NEW MEXICO, IS IN ACCORDANCE WITH THE PROVISIONS OF THE ZONING ACT, AND THAT THE RE-ZONING MAP AND ZONING ORDINANCE ARE IN ACCORDANCE WITH THE CITY OF LAS CRUCES ZONING ORDINANCE AND THE CITY OF LAS CRUCES ZONING COMMISSION RESOLUTIONS.

DATE OF REVIEW: APRIL 23, 2009
BY: HENRY E. JR., ET AL., REGISTERED PROFESSIONAL ENGINEERS, STATE OF NEW MEXICO, LICENSE NO. 10000

Parcel / Re-Zoning / Proposed Land Use	Existing Zoning	Proposed Zoning	Area (Acres)	Population	Employment	Units	Total
Parcel 1 (R-1A) (Medium Density Residential)	R-1A	R-1A	7.26	18	0	0	18
Parcel 2 (R-1C) (Office Zoning District)	R-1C	R-1C	1.07	1	1	0	2
Parcel 3 (R-1D) (Industrial Zoning District)	R-1D	R-1D	0.84	0	0	0	0
Parcel 4 (R-1E) (Single-Family Medium Density Residential)	R-1E	R-1E	7.26	18	0	0	18
TOTAL			16.43	37	1	0	38

*Population Projections = 18 Persons
**Employment Projections based on actual development of 7 months, based on U.S. Census Bureau figure of 2.7 persons per household

DEVELOPMENTAL IMPACTS

Employment
The development is based on standard U.S.A. criteria. The development is based on standard U.S.A. criteria. The development is based on standard U.S.A. criteria.

Population
The development is based on standard U.S.A. criteria. The development is based on standard U.S.A. criteria. The development is based on standard U.S.A. criteria.

Peak Hour Traffic
The development is based on standard U.S.A. criteria. The development is based on standard U.S.A. criteria. The development is based on standard U.S.A. criteria.

D.U.	AM PK. HR.	PM PK. HR.	ENTER	EXIT	ENTER	EXIT
Parcel 1 (R-1E.539)	N/A	092	188	121	20	39
Parcel 2&3 (R-1E.210)	7	71	1	4	6	3
TOTAL	7	1099	190	126	34	42

scanlon white INC.
3780 Foothills Rd, Suite C
LAS CRUCES, NEW MEXICO 88011
PHONE: 505-825-2112
FAX: 505-825-1228

SHEET 1 OF 1

DEVELOPMENT STATEMENT for Zoning Applications
(Use for Zone Changes, SUP's and PUD's)
 Please type or print legibly,

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 or City Council 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: DTJ DEVELOPMENT, LLC
 Contact Person: TEO G. SCANLON
 Contact Phone Number: 575-525-2112
 Contact e-mail Address: scanlon@zianet.com
 Web site address (if applicable): _____

Proposal Information

Location of Subject Property West of Stern Drive, South of Dove Crossing
 (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)

Current Zoning of Property: MT-C, O-2C

Proposed Zoning: R-1a, R-1ac (quasi-Institutional)

Acreage of Subject Property: _____

Detailed description of intended use of property. (Use separate sheet if necessary):

Single-Family Residential
Quasi Institutional - Merilla Valley Christian School

Proposed square footage and height of structures to be built (if applicable):

T. B. D.

Anticipated hours of operation (if proposal involves non-residential uses):

T. B. D.

Anticipated traffic generation T.B.D. trips per day (if known).

Anticipated development schedule: Work will commence on or about Upon Approval and will take approximately T.B.D. to complete.

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

On-Lot Ponding & storm drains

Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

T.B.D.

Attachments

Please attach the following: (* indicates optional item)

Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

1
2 Rodriguez: All those in favor?

3
4 Members: Aye.

5
6 Rodriguez: Those opposed? None, this passes. This will be going to Planning and
7 Zoning Commission for July 28th.

8
9 Gunaji: Thank you.

start

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

- 12 • Located west of Stern Drive and south of Broadmoor Drive;
- 13 • Master plan amendment would result in the land area being increased by
- 14 7.126 +/- acres for a total size of 57.663 +/- acres;
- 15 • Planning parcel 1 encompassing 31,902 acres that is zoned R-1a (Single-
- 16 family medium density) is not affected by the master plan amendment;
- 17 • Planning parcel 2 encompassing 6.388 +/- acres that is zoned R-1c (Single-
- 18 family low density) is not affected by the master plan amendment; Planning
- 19 parcel 3 encompassing 4.952 +/- acres that is zoned R-1a (Single-family
- 20 medium density) is not affected by the master plan;
- 21 • Planning parcel 4 encompassing 7.139 +/- acres that is zoned R-1aC (Single-
- 22 family medium density conditioned to quasi institutional land uses) is not
- 23 affected by the master plan amendment;
- 24 • Master plan amendment is limited to a single property of 7.126 +/- acres
- 25 located east (adjacent) of the current boundary of the Heather Hills master
- 26 plan;
- 27 • 5.451 +/- acres will be rezoned from M-T (Industrial Light) to R-1ac (Single-
- 28 family medium density limited to quasi institutional land uses);
- 29 • The remaining 1.6 +/- acres will be rezoned from O-2C (Office, Professional-
- 30 Limited Retail Service Conditional) and M-T (Industrial Light) to R-1a (Single-
- 31 family medium density)
- 32 • The previous conditions imposed on the master plan will remain:
- 33 • Heather Hills master plan will be limited to a maximum of 172 single-family
- 34 residences;
- 35 • All newly installed utilities will be placed underground;
- 36 • Access from Broadmoor Drive is limited to emergency purposes;
- 37 • Submitted by Scanlon White, Inc for DTG Development Company.

38
39 Rodriguez: The next item on the agenda is another master plan amendment to the
40 Heather Hills. It's Case S-09-027. I invite staff and the applicant to the
41 table to discuss the proposed amendment.

42
43 Scanlon: For the record though before we start on this case, I want to make an
44 acknowledgement and a clarification. I want to acknowledge that certainly I
45 believe the Sonoma Partners are in a major fight over the location of right-

1 of-way for Mesa Grande Road. I want to clarify that that's fights not with
2 me.

3
4 Rodriguez: Thank you. Thank you for that clarification. James, if I could have you
5 present the case, please?

6
7 White: Sure. The second item this morning is a major amendment to the Heather
8 Hills master plan area. What transpired at the Heather Hills area was a
9 portion of an annexation that occurred circa 2007 and in that actual
10 annexation there was a resolution done for a master plan and there's three
11 distinct land uses in the Heather Hills master plan area.

12 On the area in the farthest north portion adjacent to University
13 Estates, that area was zoned R1aC or actually R1C allowed for a 10,000
14 square foot minimum lot size. That area provided a buffer between the
15 University Estates area. That's denoted on the master plan as planning
16 parcel 2.

17 If you notice also on the Heather Hills master plan, you have what's
18 called planning parcel 1 which is roughly about 40 acres in size. That is
19 single family residential, medium density 5,000 square foot lots.

20 Also included within the Heather Hills master plan, this parcel 4; there
21 was limited to quasi-institutional uses. That is the proposed location for the
22 future Mesilla Valley Christian School and is also further to the south, you
23 have planning parcel number 3 which is also zoned R1a. In respect to the
24 master plan amendment there is no deviations from currently what is
25 approved in the resolution which allows a maximum 172 dwelling units over
26 the entire master plan area.

27 There was also a stipulation restricting access from Broadmoor Drive,
28 which is located on the far northern boundary there. There was also a
29 stipulation requiring all utilities be underground and there was also a
30 condition limiting parcel 4 to quasi-institutional uses. The amendment
31 you're looking at now is roughly about 7 acres, 7.1 acres is located directly
32 adjacent to Stern Drive and what we're speaking about this morning is in
33 respect to this area in here.

34 The reason we have different color shade if you notice here, these two
35 areas right here, the recommendation is for, or the proposal is to make that
36 into single family residential R1a development. The remaining 5.5 acres
37 roughly is proposed to be an expansion in the Mesilla Valley Christian
38 School High School site which is located here and here. So the proposal
39 is to have roughly about 12 acres of land that'll be used for the actual
40 school site and the remaining 1.5 acres would be integrated into a
41 preliminary plat that we are currently reviewing called Dove Crossing 2,
42 which proposed roughly a 145 lots.

43 The last comment we have in respect to this was regarding for the
44 New Mexico DOT; respecting of the location of an access permit for the
45 property. Last week I received an email from DOT respecting that they
46 have a general location of where it will be issued. It will be evaluated at a

1 traffic impact analysis via the Dove Crossing preliminary plat so prior to the
 2 preliminary plat moving forward, the zone change and master plan
 3 amendment will affect this area here for residential and this area here for
 4 the proposed Mesilla Valley Christian School. That will end staff
 5 presentation.

6
 7 Rodriguez: James, just two questions. So that the sole purpose of the major
 8 amendment is because they are increasing the acreage of the original
 9 master plan area?

10
 11 White: That is correct. The increase is going from 50 acres to roughly 57 acres.

12
 13 Rodriguez: There's no net increase in density because the original master plan
 14 established the dwelling unit count and they're still within, they're not
 15 exceeding that.

16
 17 White: That is correct. They capped it a 172.

18
 19 Rodriguez: The applicant; Mr. Scanlon. Do you have any comments?

20
 21 Scanlon: I don't really have anything to add. I think James pretty well covered it. A
 22 little bit of history though is the seven acres that is being added into the
 23 master plan was previously owned by Mr. Mathis. It was zoned A2 for
 24 whatever reason for a long time. Sometime last year, he came in with a
 25 request to convert the zoning on this parcel as well as some other property
 26 that he owns adjacent to it and along with Mr. Johnson who owns the pipe
 27 and steel company to the south for MT zoning as well as some O2 as a
 28 buffer against the residential area.

29 At the time Mesilla Valley Christian School put the seven acre parcel
 30 under a real estate contract with Mr. Mathis to purchase it and as long as
 31 that purchase had not been completed although they were making monthly
 32 payments on it they hadn't paid him off, he wasn't interested in doing any
 33 rezoning or master planning or anything on the property until such time as it
 34 was paid off. So DTJ Development Company, of which I'm a principle
 35 partner, came in then and purchased that property from Mr. Mathis and we
 36 now own it and we have a real estate contract to sell it subsequently to
 37 Mesilla Valley Christian School or the five point something acres that will be
 38 going to the school. We have a contract to sell that to the Mesilla Valley
 39 Christian School and retain the 1.5 acres for future residential lots as
 40 shown on the master plan. So just a little history on how we got to this
 41 point of amending the master plan to show that when it's always been part
 42 of our plan from the beginning so.

43
 44 Rodriguez: Than you. MPO?
 45

- 1 Murphy: Tom Murphy, MPO. A question probably James you can answer this.
 2 There's a portion of this being rezoned from O2C which is Office
 3 Professional Limited Retail Service. Is there any... will there be any O2C
 4 remaining in the area; any kind of commercial either inside or outside the
 5 master plan area?
 6
- 7 White: The answer to that is no.
 8
- 9 Murphy: Okay, I guess I'd probably just want to kind of state that at least from the
 10 MPO's perspective, really need to have kinda of a balance land use mix in
 11 all areas and when things are zoned exclusively residential all you know all
 12 residents of the area must you know travel more on the network you know
 13 increasing pressures on the system and you know I guess I hope that the P
 14 & Z Commissioners read these minutes and you know understand that it is
 15 a developing concern of ours that there are too many homogeneous areas
 16 of the City without any mixed use zoning. And for that reason I probably
 17 won't support this amendment.
 18
- 19 Rodriguez: Facilities.
 20
- 21 Johnston: Mark Johnston, Facilities. No issues.
 22
- 23 Rodriguez: Utilities.
 24
- 25 Montoya: Meei Montoya. I don't have comments with this but now I look at the plan, I
 26 do have a quick question for Ted. You are converting this, the blue area
 27 that James has highlight in here. I assume you have your utility workout for
 28 the extension, especially the sewer into this residential area or now you
 29 want the residential area in this blue area? The utility master plan, I think
 30 at that time, I don't know do we have a road extending to here with the
 31 utility gravity sewer services especially into this area possible?
 32
- 33 Scanlon: Yes, we do. Ted Scanlon. Yeah our utility master plan provides for gravity
 34 sewer line be extended up that street.
 35
- 36 Montoya: Up this there here.
 37
- 38 Scanlon: In fact we are negotiating with some developers on the other side of the
 39 highway for... to allow sewage from the east side of interstate to by means
 40 of a force main to dump into a manhole that we're going to be building right
 41 next to Stern Drive or right up at the end of that.
 42
- 43 Montoya: Okay, I don't have comments.
 44
- 45 Rodriguez: Public Works.
 46

- 1 Reyes: Loretta Reyes, Public Works. One thing I'd like to say is that there is a
2 proposal for a dual usage storage facility, storm water facility and I just
3 want to reiterate that the developer and the engineer will need to work with
4 Public Works and Facilities on the final design of that ponding area. And
5 with that I don't have any other issues.
- 6
7 Rodriguez: Another follow up question, James. On the original Heather Hills master
8 plan, the land uses, can you tell me what the land uses were originally in
9 the master plan?
- 10
11 White: The original land uses are single family residential with a portion of the
12 northern being 10,000 square feet, the remainder being 5,000 square foot
13 lots and then the limited parcel 4 is limited to quasi-institutional uses.
14 There was not other varying land uses.
- 15
16 Rodriguez: And with this amendment we're increasing the boundary size of the master
17 planned area by approximately seven acres, correct?
- 18
19 White: That is correct.
- 20
21 Rodriguez: And approximately five acres of that is for the private school use?
- 22
23 White: Approximately 5.5 acres.
- 24
25 Rodriguez: So it's compatible with the original land uses established in the Heather
26 Hills master plan and the remaining balance is single family to integrate
27 back into Dove Crossing.
- 28
29 White: That is correct.
- 30
31 Reyes: Madam Chair. With regard to the mixed use as far as... is there a
32 requirement, are they required to have a mixed use or is this acceptable or
33 I guess I don't understand you know is there I mean is there a way you
34 force them to have mixed use or for lack of a better, I don't know?
- 35
36 Rodriguez: The City's Comprehensive Plan supports mixed use. When we did the
37 original the... this was annexed into the City, correct? The Heather Hills?
38 When we looked at the original master plan, we looked for the balance of...
39 for mixed use. But knowing what was going on, the pressures for the
40 development in there we did see predominately single family and James
41 you can correct me on the history of how this annexation played out. I
42 understand when Mr. Scanlon relayed the history of Mr. Mathis rezoning
43 the property it was always the intent for the subject property that was zoned
44 A2 to be integrated into this area. But for whatever civil reasons that did
45 not happen at that time and Mr. Mathis as a property owner pursued a zone
46 change and we got the different types of land uses established because of

1 the existing land uses that were happening just south. The intensity of
 2 those, some of the industrial type uses that he had we sought to seek a
 3 balance. It is desirable to have a mixed use but based on what the existing
 4 master plan set forth I mean what they're proposing here is, is consistent
 5 with what the original master plan was approved as part of the annexation
 6 request.

7
 8 Scanlon: I would point out too that during the annexation and so forth, it was looked
 9 at some of the properties along Stern Drive and there is a number of
 10 commercial properties that are zoned commercial that are currently not yet
 11 developed along Stern Drive and it was thought that you know those would
 12 be available to provide needed services as the population increased within
 13 that area too.

14
 15 Rodriguez: Do I have a motion to approve the ?

16
 17 Dubbin: Madam Chair.

18
 19 Rodriguez: Oh, I'm sorry, did I forget Fire? I apologize.

20
 21 Dubbin: That's okay. Las Cruces Fire Department, Mark Dubbin. We had a
 22 couple of issues. Before any building construction takes place we're going
 23 to require a technical water report from the private water provider to ensure
 24 fire flow and also a secondary access will be required if the development
 25 exceeds more than 30 dwelling units. There will have to be a complete
 26 secondary access.

27
 28 Scanlon: I'm not sure I'm understanding your...

29
 30 Dubbin: Do we have access to the master plan from this area?

31
 32 Scanlon: If you recall during the annexation and original master plan process the
 33 neighborhood known as University Estates were very vocal in opposition to
 34 development of this property and they were extremely opposed to any
 35 traffic from this new development entering into University Estates along
 36 Broodmoor to the point where they had actually filed for a vacation of the
 37 existing right-of-way that stubs into this property. A condition was brought
 38 up in the Planning and Zoning Commission which was ratified by the City
 39 Council at the time of their approval of the annexation that the access from
 40 Broodmoor be only any emergency access and we agreed to that. We did
 41 have a position, a personal position as a traffic engineer and as a planning
 42 type person and so forth is that that street should be a full street and that
 43 traffic should be able to move from this area into an existing city street just
 44 like would be possible any where else in town. However the wishes of the
 45 Planning and Zoning Commission and the City Council at the time that it
 46 was annexed was that that be an emergency only and that there not be any

1 traffic from this area to go into Broodmoor. Now we do have, there are
 2 three other or more access points into and out of this development the way
 3 it's planned and I'll point those out to you real quickly.

4 The main entrance is the new entrance between this little piece of
 5 residential area and Mesilla Valley Christian School. There's also a street
 6 that goes up here into Dove Crossing which has an access in this direction
 7 and this direction back to Stern. There's also a street that comes down
 8 here and connects too as an existing street in the Cobblestone Creek
 9 development which is just outside the City limits in the ETZ which connects
 10 to Rocky Road which connects back to Stern. So we a number of access
 11 options in there. As I stated my opinion is still that this street should be
 12 open and that there should be access across there but and I believe that's
 13 probably an issue that may come up again in the preliminary plat as we go
 14 through with the preliminary plat process and go through the public hearing
 15 on that because you know people change, sensitivities change and
 16 opinions change with respect to those types of things. Our position is we
 17 don't have an official opinion on that. We will do whatever we are told to do
 18 by whoever is in charge of that street and tells us what to do.

19
 20 Dubbin: Thank you Mr. Scanlon. I think that the Broodmoor access whether it's
 21 emergency access or dedicated full access will probably be acceptable
 22 based on the remoteness of the development. But it will probably have to
 23 be tied in when you get more than 30 units in the main area. That's all
 24 Madam Chair.

25
 26 Rodriguez: Do I have a motion to approve the major amendment to the Heather Hills
 27 Master Plan?

28
 29 Dubbin: So moved.

30
 31 Rodriguez: A second?

32
 33 Reyes: Second, Loretta Reyes.

34
 35 Rodriguez: Go around the table. MPO?

36
 37 Murphy: No.

38
 39 Rodriguez: Facilities.

40
 41 Johnson: Yes

42
 43 Rodriguez: Utilities.

44
 45 Montoya: Yes.

46

1 Rodriguez: Public Works

2
3 Reyes: Yes.

4
5 Rodriguez: Community Development votes yes. Fire?

6
7 Dubbin: Yes.

8
9 Rodriguez: Motion passes and I believe you're gonna be on the July 28th Planning and
10 Zoning Commission meeting.

11
12 (Didn't state
13 Name): Thank you very much.

14
15 Rodriguez: Do I have a motion to adjourn?

16
17 Reyes: So moved, Loretta Reyes.

18
19 Johnston: Second.

20
21 Rodriguez: We are adjourned.

22
23 **V. ADJOURNMENT (9:52 am)**

24
25
26
27
28
29
30
31 Chairperson

32

DRAFT

MEETING OF PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
July 28, 2009 at 6:00 p.m.

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BOARD MEMBERS PRESENT:
Godfrey Crane, Vice Chair
Donald Bustos, Secretary
Charles Beard, Member
Ray Shipley, Member

BOARD MEMBERS ABSENT:
Charles Scholz, Chairman
Shawn Evans, Member
Clayton Iserman, Member

STAFF PRESENT:
Cheryl Rodriguez, Development Services Administrator
Gary Hembree, Senior Planner
James White, Planner
Adam Ochoa, Associate Planner
Helen Revels, Associate Planner
David Dollahon, Neighborhood Services Administrator
Jennifer Robertson, Planner
Robert Gonzales, Las Cruces Fire
Jared Abrams, CLC Legal Staff
Becky Eich, Recording Secretary

I. CALL TO ORDER 6:00

Crane: Good evening, ladies and gentlemen. This is Tuesday, the 28th of July and this is the call to order of the Planning and Zoning Commission meeting. Let me start by introducing the members as we usually do. On my far right, Commissioner Shipley, he is the Mayor's representative. Then Commissioner Bustos, representing district 3. Commissioner Beard, district 2. My name's Crane, I'm the Vice Chair and tonight I'm substituting for Charlie Scholz, our usual Chair who can't be with us. And I represent district 4.

II. APPROVAL OF MINUTES - June 30, 2009

Crane: The first thing on our agenda is to have comments on and approval of the minutes of the last meeting. Commissioners, anybody have any points to make about that? Then the Chair will entertain a motion the minutes be accepted.

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

5
 6 TEN MINUTE BREAK.

- 7
 8 5. **Case S-09-027:** A request for a major amendment to the Heather Hills
 9 Master Plan that is located west of Stern Drive and south of Broadmoor
 10 Drive. Heather Hills Master Plan Amendment No. 1, area will be increased
 11 by 7.126 +/- acres for a total size of 57.663 +/- acres. The Master plan
 12 amendment will also include three new planning parcels that will allow for
 13 single-family residential and quasi institutional land uses. Submitted by
 14 Scanlon White, Inc. for DTG Development Company, LLC.
 15
 16 6. **Case A1693:** A request for a zone change for three planning parcels located
 17 west of Stern Drive and south of Ringneck Drive. The Planning parcels have
 18 a combined area of 7.126 +/- acres. The proposed zone change will facilitate
 19 the explanation of a residential subdivision (Dove Crossing II) and a portion
 20 of the future school site for Mesilla Valley Christian School. The zone change
 21 request is as follows:
 22 1) Planning parcel 1- a zone change from M-T (Industrial Light) to R-1ac
 23 (Single-Family Medium Density-Conditional-Limited to Quasi-Institutional
 24 uses) for 5.451 +/- acres;
 25 2) Planning parcel 2- a zone change from O-2C (Office, Professional-
 26 Limited Retail Service-Conditional) to R-1a (Single-Family Medium
 27 Density) for 1.107 +/- acres;
 28 3) Planning Parcel 3- a zone change from M-T (Industrial Light) to R-1a
 29 (Single-Family Medium Density) for 0.568 +/- acres.
 30 Submitted by Scanlon White, Inc for DTG Development Company, LLC.

31
 32 Crane: Ladies and gentleman if you'll take your seats we'll get started in about a
 33 minute. Thank you. Thank you ladies and gentlemen. We're back in
 34 session. The next case is one again deferred from the consent agenda.
 35 Mr. White do you have something to say? Case S-09-027 and Z2794.

36
 37 White: Again for the record, James White, Community Development Department.
 38 This case was previously on the consent agenda. I'd like to ask the same
 39 question to this board this evening. If there are any specific questions
 40 regarding either Case Z2794 or S-09-027 that staff could respond to?

41
 42 Crane: Yes, Mr. Shipley.

43
 44 Shipley: I was the one that asked that it be pulled. I just didn't understand and I
 45 looked in the diagram with regards to the reference to is it going to be an
 46 adjoining property for an additional amount of space for the high school?

- 1
2 White: Let me just go to the slide show and show you that slide.
3
4 Shipley: From the diagram I couldn't tell where it was.
5
6 White: Chair Crane, Commissioner Shipley, what we're speaking about this
7 evening is roughly 7.186 acres in area which is located in this area here.
8 As stipulated in the report roughly 5.5 acres will be integrated into Mesilla
9 Valley Christian School site which is located right here. This is currently in
10 the Heather Hills master plan and it's roughly seven acres in size. And as
11 stipulated in the packet, roughly about 1.6 acres is a request for a
12 rezoning to R-1a, which will facilitate a small addition to the Heather Hills
13 master plan and residential area which is being platted in this area here
14 throughout the Heather Hills master plan area.
15
16 Shipley: So where is the area that's going to be where Mesilla Valley... there is
17 what I'm looking for.
18
19 White: The two properties in question for Mesilla Valley Christian School is this
20 tract right in here and roughly 5.5 acres located in this area here.
21
22 Shipley: Okay. That tract is a 5.5 acre tract? Or is this part of that?
23
24 White: Commissioner Shipley, what's actually occurring, that is actually old
25 Elephant Butte Land and Trust tracts. They're usually five acre tracts.
26 The actual tract itself is roughly a little bit over seven acres. That's why it's
27 alluded to as a planning parcel. A planning parcel says we're talking
28 about a portion thereof of a larger tract of land.
29
30 Shipley: That zone change is just in that seven acre parcel or just a portion of that?
31
32 White: Chair Crane, Commissioner Shipley, the entire zone change entails the
33 entire seven acres that front Stern Drive. As stipulated in the report
34 roughly the northern 1.6 acres will be rezoned from office professional O-
35 2C to R-1a. The remaining 5.5 acres, the request is to rezone from M-T
36 which is industrial light to R-1a, but there's a stipulation that it only can be
37 used for quasi-institutional land uses.
38
39 Crane: Anything else Commissioners? Any questions of Mr. White? Thank you.
40 Any input from the applicant? Please identify yourself sir.
41
42 Scanlon: Mr. Chairman, members of the Commission, my name is Ted Scanlon. I
43 represent the applicant and I'm in fact a member of the development team.
44 I don't have anything to add. I'll be happy to answer any questions any of
45 you might have.
46

- 1 Crane: Any questions Mr. Shipley? Mr. Beard.
2
- 3 Beard: Just when is the Mesilla Valley Christian School planning on moving?
4
- 5 Scanlon: As soon as they're able to raise sufficient funds to get their site built and
6 so forth. We've got some development work to do out there in the next
7 couple of years, but I'm hoping within the next two years or so that they'll
8 be well underway in getting their school started.
9
- 10 Beard: Thank you.
11
- 12 Crane: Mr. Shipley is there anything for Mr. Scanlon?
13
- 14 Shipley: No sir.
15
- 16 Crane: All right. Mr. White.
17
- 18 White: Since we did a very succinct presentation, I'm just going to go ahead and
19 read the conditions into the record.
20
- 21 Crane: Excuse me; at this point do we need to suspend the rules to pair these
22 up? We haven't actually gone through that.
23
- 24 White: We can do them separately in theory because we haven't actually
25 discussed them... well we didn't discuss the master plan at all, we actually
26 discussed with the zoning on the front 7.84 acres. So we've never actually
27 had a formal presentation this evening regarding this case. So what we
28 can do is take systematically case one and case two and vote upon those
29 respectively.
30
- 31 Crane: All right. Continue please.
32
- 33 White: To keep it in order regarding the actual agenda item, item number eight is
34 the actual... I'm sorry item number eight is S-09-027 which is actually a
35 request for the actual master plan amendment. The DRC
36 recommendation in respect to this case, the DRC did not recommend
37 approval with these conditions; however staff recommends that the
38 previous conditions imposed on the master plan amendment be
39 considered. Pretty much what we're stipulating is we want the previous
40 conditions on the master plan to be enforced on the master plan
41 amendment. This was done circa 2007 through a resolution through City
42 Council at a maximum of 172 single-family dwelling units to be located
43 within the entire Heather Hills master plan amendment number one. The
44 second condition for parcels four and five having an approximate area of
45 12.6 acres to be limited to quasi-institutional uses. Future development
46 shall utilize underground utilities and connection to Broadmoor Drive shall

- 1 be limited to emergency purposes only. That will end staff's
 2 recommendation for Case S-09-027.
- 3
- 4 Crane: Commissioners? Mr. Beard.
- 5
- 6 Beard: I move to accept S-09-027.
- 7
- 8 Crane: With the conditions.
- 9
- 10 Beard: With conditions.
- 11
- 12 Crane: Is there a second?
- 13
- 14 Bustos: I second.
- 15
- 16 Crane: Mr. Bustos. Any discussion? Your vote Commissioner Shipley.
- 17
- 18 Shipley: Aye findings, discussion, and site visit.
- 19
- 20 Crane: Commissioner Bustos.
- 21
- 22 Bustos: Aye findings.
- 23
- 24 Crane: Commissioner Beard.
- 25
- 26 Beard: Aye findings, discussions, and site visit.
- 27
- 28 Crane: And the Chair votes aye findings and discussion. Passes four-zero. Let's
 29 proceed to Z2794, a request for a zone change for three planning parcels
 30 located west of Stern Drive and south of Ringneck Drive.
- 31
- 32 White: Sure, I'll read the conditions into the record for Case Z2794. Its approval
 33 with conditions, future development will utilize underground utilities.
 34 Planning parcel five encompassing 5.41 acres will be limited to quasi-
 35 institutional land uses. And just to stipulate since this is actually a zone
 36 change it will be required to go forward to City Council for final
 37 consideration.
- 38
- 39 Crane: Any questions for Mr. White? Commissioners?
- 40
- 41 Shipley: Move to approve Case Z2794 with conditions as stated.
- 42
- 43 Crane: Perhaps I should ask if the applicant is present. The applicant wish to say
 44 anything? In that case Mr. Shipley did I hear a motion?
- 45
- 46 Shipley: I move to approve Case Z2794 with conditions as I stated.

- 1
2 Crane: Is there a second?
3
4 Bustos: I second.
5
6 Crane: Your vote Mr. Shipley.
7
8 Shipley: Aye findings, discussion, and site visit.
9
10 Crane: Mr. Bustos.
11
12 Bustos: Aye findings.
13
14 Crane: Mr. Beard.
15
16 Beard: Aye findings, discussions, and site visit.
17
18 Crane: And the chair votes aye findings and discussion. Thank you that passes
19 four-zero.
20
21 7. **Case A1696:** A request for a variance from the required minimum public
22 right-of-way for a property located at 1304 W. McFie. A religious institution
23 must be located on a major local or higher designated roadway with a
24 minimum of 60 feet of public right-of-way. The applicant is seeking a
25 variance to allow the continued use of the subject property as a religious
26 institution on an existing local roadway with only 30 feet +/- of public right-of-
27 way. The property's existing public right-of-way is half the minimum required
28 size. The subject property is zoned C-2 (Commercial Medium Intensity) and
29 encompasses 0.15 acres +/- . Submitted by property owners Martha Mahle &
30 Saul Estupinan.
31 **POSTPONED UNTIL AUGUST 25, 2009**
32
33 Crane: Next item on the agenda is one of the original items of new business.
34 Case A1696, a request for a variance from the required minimum public
35 right-of-way for a property located at 1304 W. McFie. I think all interested
36 parties have this in front of them. Do we need to read it into the record?
37 No, okay. Mr. Ochoa.
38
39 Ochoa: Good evening. Adam Ochoa from Community Development for the
40 record. Case A1696 is a request for a variance from the minimum
41 required public right-of-way for a religious institution for a property located
42 at 1304 W. McFie. Submitted by property owners Martha Mahle and Saul
43 Estupinan.
44 Code requirements, under Article VI section 38-53 it's the
45 conditional uses. Basically religious institutions with over 10 persons shall
46 be located on a major local or higher designated roadway. It's a

1 Rodriguez: Mr. Chairman, I just wanted to let you know that there will not be... there is
2 not a work session scheduled for the month of August. So the only
3 meeting the Commission would be involved in would be your regular
4 Tuesday meeting.

5
6 Crane: So it's almost a vacation month for us?

7
8 Rodriguez: Almost, yeah.

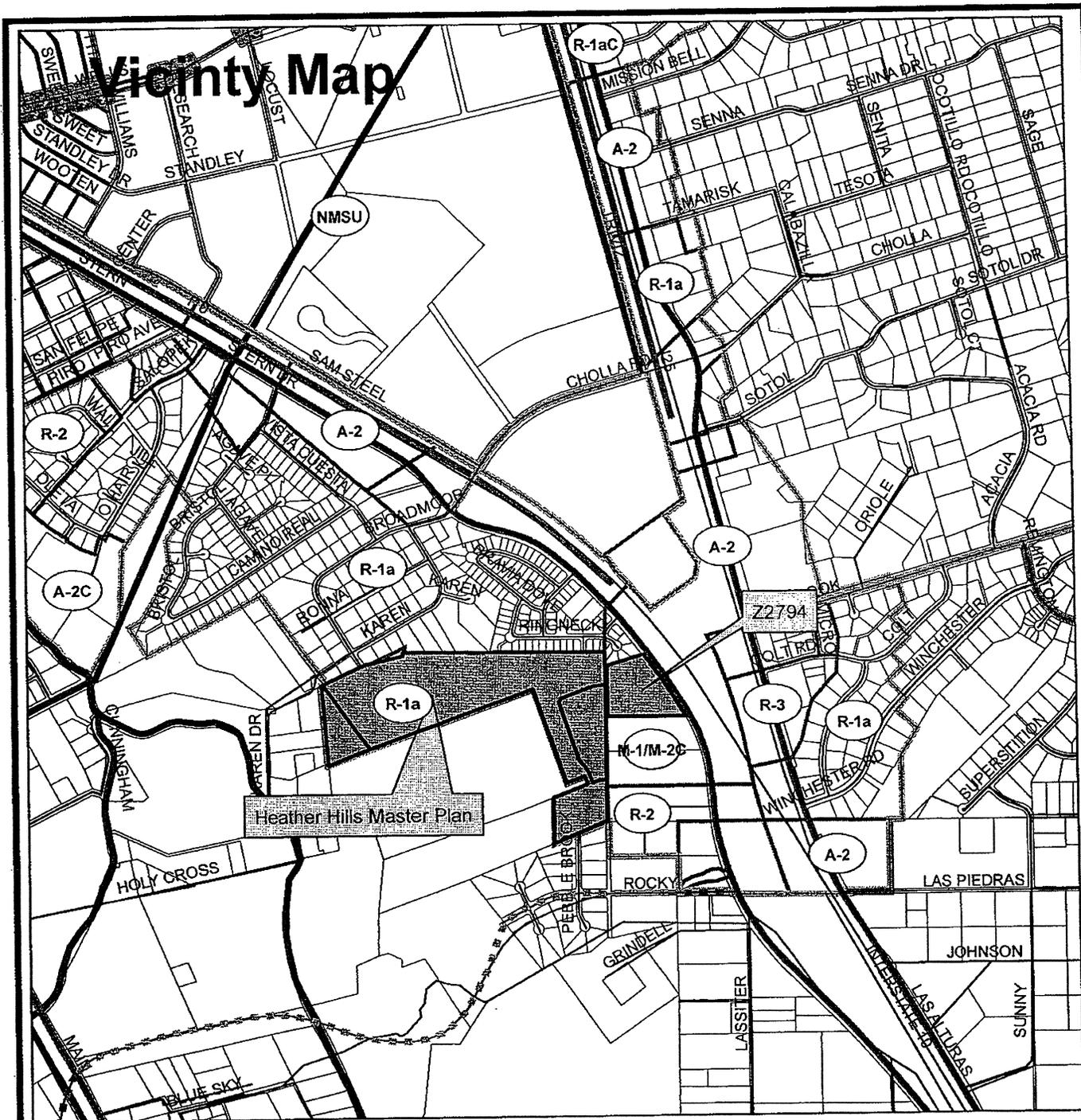
9
10 Crane: Thank you.

11
12 **XI. ADJOURNMENT 9:59**

13
14 Crane: We stand adjourned at 9:59. Thank you.

15
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 8/25/09
Chairperson



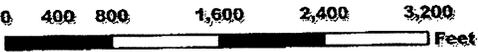
MAP CREATED FOR: JWHITE (Z2794/ S-09-027)

ADDRESS: Heather Hills Master Plan

OWNERS: DTJ Development, LLC

DATE: 7/22/2009 1:46:07 PM

ZONING: Various



Community Development Department
 575 S Alameda Blvd.
 Las Cruces, NM 88001
 (505) 528-3222

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