



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 18 Ordinance/Resolution# 2799

For Meeting of October 17, 2016
(Ordinance First Reading Date)

For Meeting of November 7, 2016
(Adoption Date)

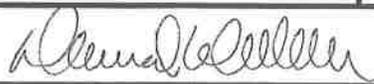
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING THE INITIAL ZONING OF A PROPERTY TO CONVENTION (UD-CZ) AND AN AMENDMENT TO FIGURE 1 OF SECTION 38-44 D OF THE LAS CRUCES MUNICIPAL CODE, 1997, AS AMENDED (LCMC) IN ORDER TO REFLECT THE ZONING AND BOUNDARY CHANGES TO THE UNIVERSITY DISTRICT OVERLAY (UDO). THE PROPERTY CONSISTS OF FOUR PARCELS AND A PORTION OF ELEPHANT BUTTE IRRIGATION DISTRICT RIGHT-OF-WAY TOTALING 7.165± ACRES AND IS LOCATED SOUTHEAST OF TURRENTINE DRIVE, SOUTH AND ADJACENT TO UNIVERSITY AVENUE, AND WEST OF THE LAS CRUCES CONVENTION CENTER. SUBMITTED BY NEW MEXICO STATE UNIVERSITY (CASE 67662).

PURPOSE(S) OF ACTION:

Initial zoning designation.

COUNCIL DISTRICT: 2		
<u>Drafter/Staff Contact:</u> Katherine Harrison-Rogers	<u>Department/Section:</u> Community Development/Building & Development Services	<u>Phone:</u> 528-3049
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

As part of an annexation request, a request for initial zoning is required by Section 37-267 of the LCMC. Following a recommendation by the Planning and Zoning Commission (P&Z), the City Council is required to review and take final action on initial zoning per Section 37-270(e), Section 38-10(B), and 38-13(A) of the LCMC. A zoning district is a specifically delineated area with uniform regulations governing the use, placement, spacing, density, bulk, height, and size of buildings and/or land.

New Mexico State University (NMSU), represented by Scott Eschenbrenner, has submitted a proposal for an annexation of four (4) parcels and a portion of Elephant Butte Irrigation District right-of-way totaling 7.165 acres into the City of Las Cruces (City). As part of the annexation, the

applicant is also requesting an initial zoning of the property to UD-CZ. The initial zoning will also require the boundaries of the UDO be modified as shown in Figure 1 of Section 38-44 D of the LCMC. Normally an annexation and initial zoning would also require a master plan. However, staff determined that the master plan was unnecessary since this area is already outlined by the University District Plan, 2010, as part of the future expansion of the UD-CZ. NMSU is partnering with the City for a future expansion of the convention center and with a hotel developer to develop a hotel at this site in support of the convention center. If incorporated into the city, the area will become part of City Council District 2.

The property proposed for the initial zoning of UD-CZ lies within the UDO, is adjacent and south of University Avenue, and has been utilized by NMSU for agricultural production. The property is also west of the convention center and the Las Cruces Lateral runs between the property and the convention center. Uses in this area and corridor are mixed and include agriculture, single-family and multi-family residences, various retail and commercial establishments, lodging, banks, restaurants, and offices. The proposed zoning would be consistent with the existing mixed uses in the area. University Avenue is designated as a major arterial where hotel or convention center uses are also considered to be compatible.

The zoning proposal is also consistent with the University District Plan, 2010, specifically Policy 4.3. which states the UD-CZ is "Envisioned as a regional destination for special events and contains property south of University Avenue, west of Knox Street, north and east of College Avenue that is subject to a long term lease with NMSU for the development and future expansion of the Las Cruces Center and the NMSU Hotel". The proposal concurs with the plan's Figure 3: Planning Boundaries of the UDO and the zones within it. The zoning would enable the development of a hotel and the expansion of the convention center which have the potential to spur economic growth and add to the City's tax base.

The University District Citizen's Design Review Board (UD-CDRC) reviewed the proposal during a public hearing held on August 1, 2016. After some discussion regarding the proposal, with a focus on the hotel development, the UD-CDRC made a recommendation to approve the annexation and modification to the boundaries of the UDO as shown in Figure 1 of Section 38-44 D and conditionally approve the initial zoning to UD-CZ. The zoning condition was that future development follow the design standards of the University Avenue Zone (UAZ) since none exist for the development of a hotel in UD-CZ.

On August 23, 2016 the P&Z recommended approval of the annexation, initial zoning, and amendment to Figure 1 of Section 38-44 D of the LCMC by a vote of 5-0-0 (two commissioners absent) based upon the findings reflected in Exhibit "C". A condition of zoning was recommended, specifically that the development will be required to follow the development standards of the UAZ as was recommended by the UD-CDRC. Staff received one phone call in support of the proposal and one e-mail objecting to the proposal, explicitly related to the development of a hotel. No additional public input was provided during the meeting.

The City Council considers the recommendation of the P&Z and decides whether the initial zoning and modification to Figure 1 of Section 38-44 D of the LCMC is appropriate. If deemed suitable based upon the evidence presented, the City Council shall make a final determination on the

request. Furthermore, the City Council can reject the recommendation; however, new evidence and facts (a.k.a. findings) must be articulated if the City Council reverses the P&Z recommendation.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Annexation Plat.
3. Exhibit "B", Amended Figure 1 of Section 38-44 D of the LCMC.
4. Exhibit "C", Findings.
5. Attachment "A", Staff Report to the P&Z for Case 67662.
6. Attachment "B", Minutes from the August 23, 2016 P&Z Meeting.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the P&Z recommendation for approval. The subject property encompassing 7.165 ± acres and located southeast of Turrentine Drive, south and adjacent to University Avenue, and west of the Las Cruces Convention Center will be zoned UD-CZ.

2. Vote "No"; this will reject the recommendation made by P&Z and the property will remain unzoned and will not be eligible for development. Denial of the zone change will require new information or facts not identified or presented during staff review or the P&Z meeting.
3. Vote to "Amend"; this could allow the City Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow the City Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. Resolution No. 10-243.



City of Las Cruces®

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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of October 17, 2016
 (Ordinance First Reading Date)

For Meeting of November 7, 2016
 (Adoption Date)

TITLE:

AN ORDINANCE APPROVING THE INITIAL ZONING OF A PROPERTY TO CONVENTION (UD-CZ) AND AN AMENDMENT TO FIGURE 1 OF SECTION 38-44 D OF THE LAS CRUCES MUNICIPAL CODE, 1997, AS AMENDED (LCMC) IN ORDER TO REFLECT THE ZONING AND BOUNDARY CHANGES TO THE UNIVERSITY DISTRICT OVERLAY (UDO). THE PROPERTY CONSISTS OF FOUR PARCELS AND A PORTION OF ELEPHANT BUTTE IRRIGATION DISTRICT RIGHT-OF-WAY TOTALING 7.165± ACRES AND IS LOCATED SOUTHEAST OF TURRENTINE DRIVE, SOUTH AND ADJACENT TO UNIVERSITY AVENUE, AND WEST OF THE LAS CRUCES CONVENTION CENTER. SUBMITTED BY NEW MEXICO STATE UNIVERSITY (CASE 67662).

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		528-3049	9-30-16
Department Director		528-3067	9-30-16
Other			
Assistant City Manager /CAO Management & Budget Manager		541-2042 541-2022	10/6/16 10/3/16
Assistant City Manager/COO			10/4/16
City Attorney		EXT 2128	6 October 2016
City Clerk			10-7-16

COUNCIL BILL NO. 17-013
ORDINANCE NO. 2799

AN ORDINANCE APPROVING THE INITIAL ZONING OF A PROPERTY TO CONVENTION ZONE (UD-CZ) AND AN AMENDMENT TO FIGURE 1 OF SECTION 38-44 D OF THE LAS CRUCES MUNICIPAL CODE, 1997, AS AMENDED (LCMC) IN ORDER TO REFLECT THE ZONING AND BOUNDARY CHANGES TO THE UNIVERSITY DISTRICT OVERLAY (UDO). THE PROPERTY CONSISTS OF FOUR PARCELS AND A PORTION OF ELEPHANT BUTTE IRRIGATION DISTRICT RIGHT-OF-WAY TOTALING 7.165± ACRES AND IS LOCATED SOUTHEAST OF TURRENTINE DRIVE, SOUTH AND ADJACENT TO UNIVERSITY AVENUE, AND WEST OF THE LAS CRUCES CONVENTION CENTER. SUBMITTED BY NEW MEXICO STATE UNIVERSITY (CASE 67662).

The City Council is informed that:

WHEREAS, New Mexico State University (NMSU), has submitted a request for initial zoning to UD-CZ on four parcels and a portion of Elephant Butte Irrigation District right-of-way totaling 7.165± acres and is located southeast of Turrentine Drive, south and adjacent to University Avenue, and west of the Las Cruces Convention Center; and

WHEREAS, the initial zoning request is required as part of an annexation of land per Section 37-270(e) of the LCMC; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 23, 2016, unanimously recommended that said initial zoning request and amendment to Figure 1 of Section 38-44 D of the LCMC be conditionally approved by a vote of 5-0-0 (two commissioners absent).

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

(I)

THAT the land as reflected in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned UD-CZ.

(II)

THAT a condition be stipulated as follows:

- Development shall follow the design standards of the University Avenue Zone (UAZ).

(III)

THAT Figure 1 of Section 38-44 D of the LCMC be amended to reflect the modified boundaries of the University District and the initial zoning UD-CZ as shown in Exhibit "B", attached hereto and part of this Ordinance.

(IV)

THAT the zoning is based on the findings contained in Exhibit "C", attached hereto and made part of this Ordinance.

(V)

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

(VI)

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

DONE AND APPROVED this _____ day of _____ 20__.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

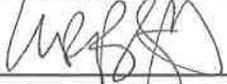
VOTE:

Mayor Miyagishima: _____
Councillor Gandara: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Eakman: _____
Councillor Sorg: _____
Councillor Levatino: _____

Moved by: _____

Seconded by: _____

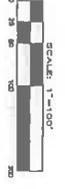
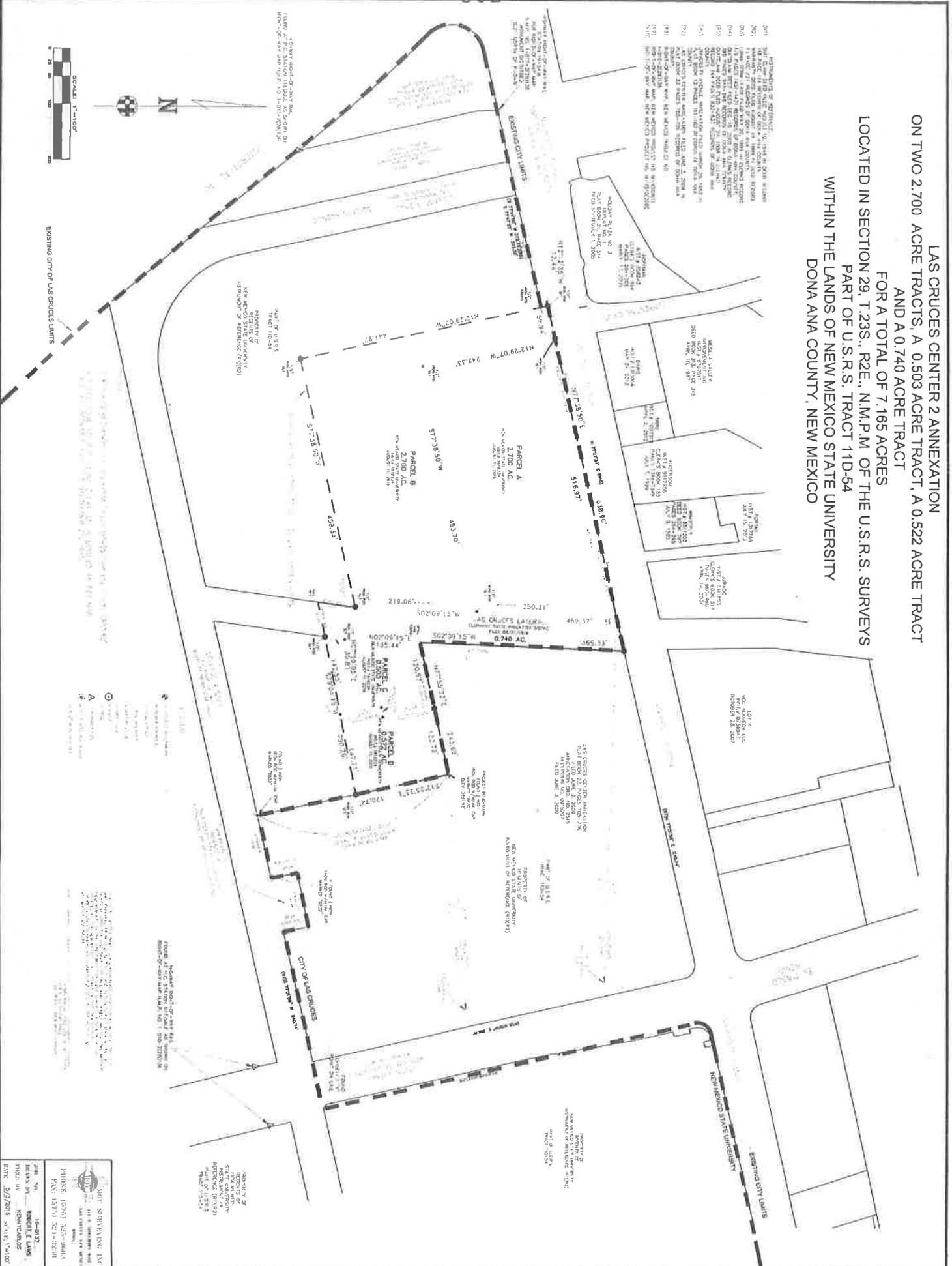
APPROVED AS TO FORM:



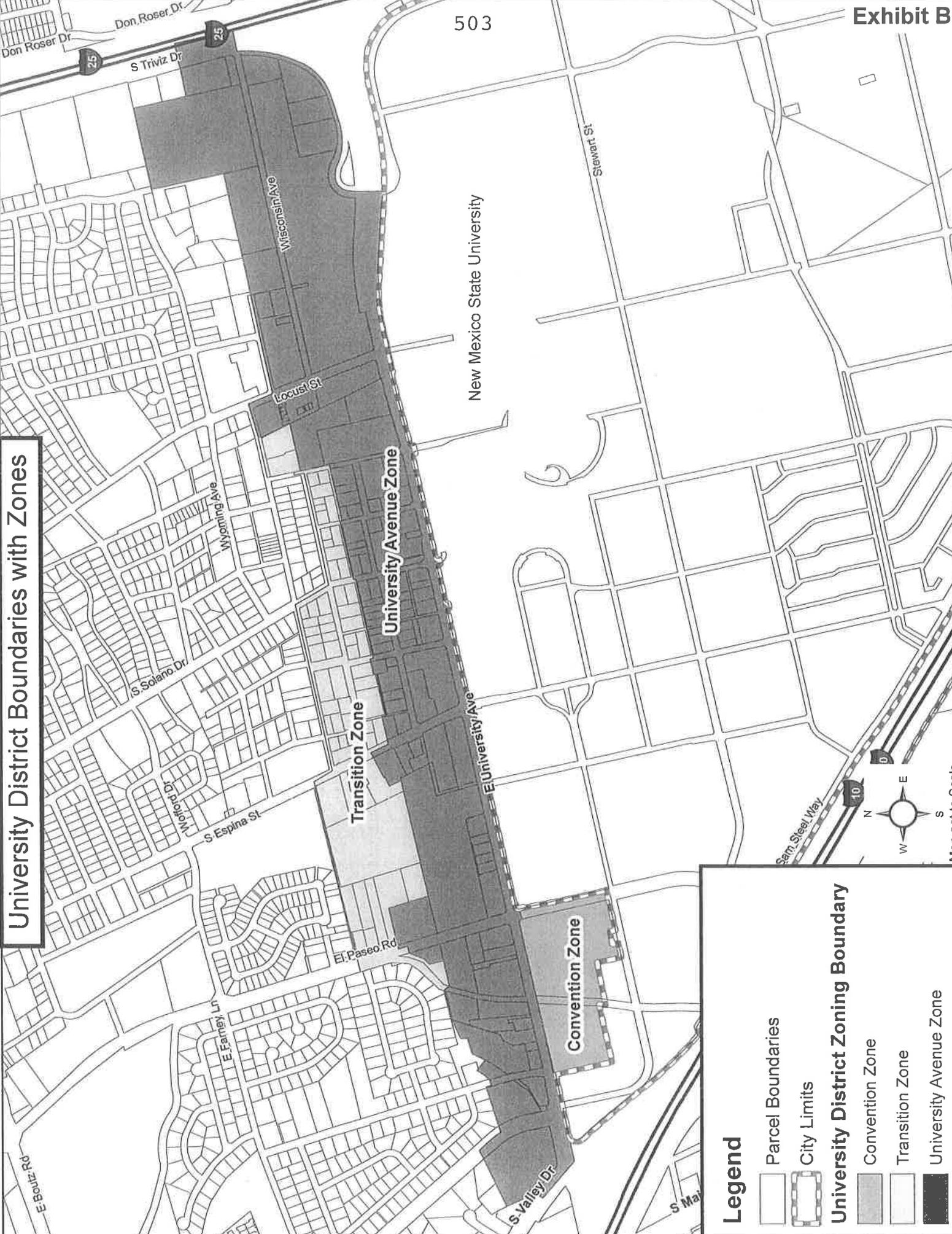
City Attorney

LAS CRUCES CENTER 2 ANNEXATION
ON TWO 2.700 ACRE TRACTS, A 0.503 ACRE TRACT, A 0.522 ACRE TRACT
AND A 0.740 ACRE TRACT
FOR A TOTAL OF 7.165 ACRES
LOCATED IN SECTION 29, T.23S., R.2E., N.M.P.M. OF THE U.S.R.S. SURVEYS
PART OF U.S.R.S. TRACT 11D-54
WITHIN THE LANDS OF NEW MEXICO STATE UNIVERSITY
DONA ANA COUNTY, NEW MEXICO

- (81) [Illegible]
- (82) [Illegible]
- (83) [Illegible]
- (84) [Illegible]
- (85) [Illegible]
- (86) [Illegible]
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- (91) [Illegible]
- (92) [Illegible]
- (93) [Illegible]
- (94) [Illegible]
- (95) [Illegible]
- (96) [Illegible]
- (97) [Illegible]
- (98) [Illegible]
- (99) [Illegible]
- (100) [Illegible]



NOT SURVAYING INC.
 16-0121
 ROBERT E. LAKE
 PHONE: (575) 525-9683
 FAX: (575) 525-9200
 DATE: 5/2/08 SURV. 1"=100'

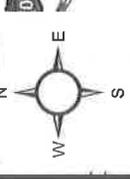


University District Boundaries with Zones

Legend

- Parcel Boundaries
- City Limits
- University District Zoning Boundary
- Convention Zone
- Transition Zone
- University Avenue Zone

Map not to Scale



503

FINDINGS FOR APPROVAL OF THE INITIAL ZONING AND AMENDMENT TO SECTION 38-44 D FIGURE 1 (67662)

1. The subject property consists of 7.165± acres adjacent to University Avenue and the City of Las Cruces Convention Center and is agricultural.
2. The proposal was recommended for approval by both the University District-Citizens Design Review Committee, the Development Review Committee, and the Planning and Zoning Commission.
3. Based upon an analysis of the proposal, the proposed initial zoning of UD-CZ meets the intent of University District Plan and Comprehensive Plan; supports several Purpose and Intent statements listed in Section 38.2 of the City of Las Cruces 2001 Zoning Code; is consistent with the requirements of Chapter 37, Article IX, Annexations; and does not contradict the Planning and Zoning Commission's Decision Criteria outlined by Las Cruces Municipal Code Section 2-382.



**Planning & Zoning
Commission
Staff Report**

Meeting Date: August 23, 2016

Drafted by: Katherine Harrison-Rogers

CASE #	66694, 67662	PROJECT NAME:	Las Cruces Center 2 Annexation and Initial Zoning
APPLICANT/ REPRESENTATIVE:	NMSU	PROPERTY OWNER:	NMSU
LOCATION:	Southeast of Turrentine Drive, south and adjacent to University Avenue, and west of the Las Cruces Convention Center	COUNCIL DISTRICT:	Proposed 4 (Smith)
SIZE:	7.165± acres	EXISTING ZONING/ OVERLAY:	N/A
REQUEST/ APPLICATION TYPE:	Annexation and Initial Zoning of UD-CZ (Convention Zone) which includes an amendment to the 2001 Zoning Code, Section 38-44 D, Figure 1, University District Overlay.		
EXISTING USE(S):	Agricultural		
PROPOSED USE(S):	Hotel and Convention Center Expansion		
STAFF RECOMMENDATION:	Yes, based on findings		

TABLE 1: CASE CHRONOLOGY

Date	Action
June 10, 2016*	Application submitted to Development Services (*Incomplete)
June 23, 2016*	Case sent out for review to all reviewing departments (*Application Complete)
June 30, 2016	All comments returned by all reviewing departments
June 30, 2016	Staff reviews and recommends approval of the proposals
August 7, 2016	Newspaper advertisement
August 8, 2016	Public notice letter mailed to neighboring property owners
August 8, 2016	Sign posted on property
August 23, 2016	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

New Mexico State University (NMSU), represented by Scott Eschenbrenner, has submitted a proposal for an annexation of four parcels totaling 7.165 acres into the City of Las Cruces. As part of the annexation, the applicant is also requesting an initial zoning of the property to UD-CZ (Convention Zone). The initial zoning will also require the boundaries of the University District Overlay (UDO) be modified as shown in Figure 1 of Section 38-44 D of the 2001 Zoning Code. Normally an annexation and initial zoning would also require a master plan. However, staff determined that the master plan was unnecessary since this area is already outlined by the University District Plan, 2010, as part of the future expansion of the Convention Zone. NMSU is partnering with the City of Las Cruces for a future expansion of the convention center and with a hotel developer to develop a hotel at this site in support of the convention center. If incorporated into the City, the area will become part of Council District 2.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Current Conditions	UD-CZ	UAZ
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	N/A	36-54 DU/ac
Lot Area	7.165 acres	N/A	N/A
Lot Width	Variable	N/A	No Minimum
Lot Depth	Variable	N/A	No Minimum
Structure Height	N/A	N/A	3-5 floors, not to exceed 75 feet, depending upon mixed uses and open space
Setbacks			
Front	N/A	N/A	5 feet
Side	N/A	N/A	10 feet
Rear	N/A	N/A	10 feet
Landscaping			
% of total (less building pad & screened storage)	N/A	20%	20%

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Applies to Project?	Explanation
EBID facilities	Yes	Las Cruces Lateral
Medians/ parkways landscaping	No	N/A
Other	No	N/A

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Agricultural fields and buildings (NMSU)	N/A	N/A
North	Multi-family & Single-family Residential	University District Overlay	University Avenue Zone (UAZ)
South	Agricultural fields and buildings (NMSU)	N/A	N/A
East	Convention Center	University District Overlay	UD-CZ
West	Agricultural Fields (NMSU)	N/A	N/A

TABLE 5: PARCEL LAND USE HISTORY

Number	Status
Permit	N/A
Ordinance	N/A
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	Zoning Condition: Shall follow UAZ design standards Annexation: Minor plat revisions required
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Land Management	No	Annexation: Minor plat revisions required
CLC Utilities	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No
DAC Community Development	Yes	No
EBID	Yes	No
Town of Mesilla	N/A	Declined Comment

Although Land Management has not approved the annexation plat, the corrections are minor and are being addressed by the applicant's surveyor. All corrections will be made prior to a hearing before City Council.

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria:

Planning and Zoning Commission Decision Criteria

The Planning and Zoning Commission shall review each request in relation to the goals, objectives and policies of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of the Code, Section 38-2 and 36-1 of the Sign Code, when appropriate, and determine whether the request is consistent or inconsistent with stated criteria.

The Las Cruces Municipal Code Section 2-382 specifies the Planning and Zoning Commission shall determine whether a proposal will:

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

Relevant Zoning Code Purpose and Intent Statements [Article I, Section 38-2.]

As mentioned above, Section 38.2 of the City of Las Cruces 2001 Zoning Code, as amended, identifies the Purposes and Intent of the Zoning regulations and should also be utilized as part of the decision criteria. The relevant purpose and intent statements to the proposed rezoning are:

- Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;
- Encourage innovations in land development and redevelopment;
- Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- Encourage mixed-land uses to decrease the length of trips for work and/or shopping and encourage the consolidation of trips and alternative modes of travel;
- Regulate or restrict the erection, construction, alteration, repair or use of buildings, structures or land;
- Improve the design, quality, and character of new development;
- Encourage development of vacant properties within established areas;

- Ensure that development proposals are sensitive to the character of existing neighborhoods;
- Foster a more rational relationship between different land uses for the mutual benefit of all;
- Conserve the value of buildings and land;
- Promote health, safety, and general welfare; and
- Mitigate conflicts among neighbors.

Applicable Comprehensive Plan Elements & Policies:

As specified by the decision criteria listed above, the proposal should be in concert with Comprehensive Plan 2040. The following goals and policies from Comprehensive Plan 2040 are relevant to the current proposal:

Chapter 4, Healthy Communities

- Balanced Development
 - Goal 1: Encourage Mixed Use Development
 - Policy 1.1 Encourage development using the mixed use concept of this Comprehensive Plan, such as developing compatible non-residential uses within walking distance of existing residential areas.
 - Policy 1.4 Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and work in one area of the community, particularly in designated Infill areas or where city services exist or are planned to support mixed use development.

Chapter 5, Community Character

- Flexible design and Positive Image
 - Goal 19: Encourage development that is context sensitive and compatible with the surrounding area.

Chapter 6, Economic Prosperity

- Economic Diversity
 - GOAL 24: Create incentives, opportunities, partnerships, and policies that build a diversified business community.
 - Policy 24.2 Support and implement mixed-use policies, flexibility of placing new uses, and office, commercial, and industrial zoning districts as outlined within this Comprehensive Plan.
- Business and Industry Support
 - Goal 27: Promote and Enhance Las Cruces and the Mesilla Valley as a tourist destination.

Chapter 7, Sustainable Growth

- Vibrant Planning Areas, Neighborhoods, and Districts
 - GOAL 32: Establish land use policy for commercial and public/quasi-public uses.
 - Policy 32.2 Community commercial uses shall be defined as those medium intensity commercial uses which provide an array of goods and services geared toward the daily and occasional needs of the community and associated neighborhoods.
- Managed Growth
 - Goal 36: Establish annexation policies that support and are consistent with this Comprehensive Plan.

- Goal 37: Establish an urban form which reflects coordinated and efficient city growth, circulation, development, redevelopment, and preservation practices.

Analysis:

The property proposed for an annexation and initial zoning to UD-CZ lies within the UDO, is adjacent and south of University Avenue, and has been utilized by NMSU for agricultural production. The property is also west of the convention center and the Las Cruces Lateral runs between the property and the convention center. Uses in this area and corridor are mixed and include agriculture, single-family and multi-family residences, various retail and commercial establishments, lodging, banks, restaurants, and offices. The proposed zoning and annexation would be consistent with the existing mixed uses in the area. University Avenue is considered to be a major arterial where hotel or convention center uses are considered to be compatible.

The annexation and initial zoning are also both consistent with the University District Plan, 2010, specifically Policy 4.3. Convention Zone (UD-CZ) which states "Envisioned as a regional destination for special events and contains property south of University Avenue, west of Knox Street, north and east of College Avenue that is subject to a long term lease with NMSU for the development and future expansion of the Las Cruces Center and the NMSU Hotel". The proposal concurs with the plan's Figure 3: Planning Boundaries of the UDO and the Zones within it. It should be noted that the site specific design for this area is not subject to P&Z review and approval, but will be subject to review and approval by the UD-CDRC and compliance with the University District Plan, the provisions of the Zoning Code, Section 38-44, University District Overlay, and any other applicable zoning and design standards.

It should be noted that the UDO has more rigorous design standards than much of the code in order to foster a more vibrant, pedestrian friendly area that bonds the City and University together. Although hotels are an allowed use in the UD-CZ, this zone only specifies design standards for convention centers and historic buildings. The UAZ outlines design guidelines for all other uses along University Avenue. Because the UD-CZ lacks design standards for hotels and the property is adjacent to University Avenue, staff and the UD-CDRC are recommending the zoning be conditioned on requiring adherence to the UAZ design standards.

The property currently has access to all City services and would not pose an added burden to the City's infrastructure or services if annexed. Furthermore, the hotel and expansion of the convention center have the potential to spur economic growth and add to the City's tax base. During their review based upon applicable regulations, City Staff did not identify any issues associated with the potential for the:

- Impairment of adequate supply of light and air to adjacent property;
- Unreasonable increase in potential traffic;
- Increase the danger of fire or endanger the public safety;
- Determent of orderly and phased growth;
- Impairment of the public health, safety or general welfare of the city;
- Establishment of a spot zone; or the
- Contradiction of the purpose and intent of the zoning code, sign code, design standards and other companion codes.

Conclusion:

The proposal for annexation, initial zoning to UD-CZ, and modification to the boundaries of the UDO as shown in Figure 1 of Section 38-44 D is supported by the University District Plan and Comprehensive Plan, as listed above; supports several Purpose and Intent statements listed in Section 38.2 of the City of Las Cruces 2001 Zoning Code; is consistent with the requirements of Chapter 37, Article IX, Annexations; and, based upon a review by relevant City Staff, does not contradict the Planning and Zoning Commission's Decision Criteria outlined by Las Cruces Municipal Code Section 2-382.

UD-CDRC RECOMMENDATION

The University District Citizens Design Review Board (UD-CDRC) reviewed the proposal during a public hearing held on Monday August 1, 2016. After some discussion regarding the proposal with a focus on the hotel development, the UD-CDRC made a recommendation to approve the annexation and modification to the boundaries of the UDO as shown in Figure 1 of Section 38-44 D and conditionally approve the initial zoning to UD-CZ. The condition was that future development follow the design standards of the UAZ.

DRC RECOMMENDATION

The annexation plat was also reviewed by the Development Review Committee (DRC) during a public meeting on August 10, 2016. After a very brief discussion, the DRC unanimously recommended approval of the annexation plat.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the project based on the findings and condition listed below.

FINDINGS FOR APPROVAL OF THE ANNEXATION (66694)

1. The subject property consists of 7.165 acres adjacent to University Avenue and the City of Las Cruces Convention Center and is agricultural.
2. The proposal was recommended for approval by both the UD-CDRC and the DRC.
3. Based upon staff's analysis of the proposal, the proposed annexation meets the intent of University District Plan and Comprehensive Plan; supports several Purpose and Intent statements listed in Section 38.2 of the City of Las Cruces 2001 Zoning Code; is consistent with the requirements of Chapter 37, Article IX, Annexations; and does not contradict the Planning and Zoning Commission's Decision Criteria outlined by Las Cruces Municipal Code Section 2-382.

FINDINGS FOR APPROVAL OF THE INITIAL ZONING AND AMENDMENT TO SECTION 38-44 D FIGURE 1 (67662)

1. The subject property consists of 7.165 acres adjacent to University Avenue and the City of Las Cruces Convention Center and is agricultural.
2. The proposal was recommended for approval by both the UD-CDRC and the DRC.
3. Based upon staff's analysis of the proposal, the proposed initial zoning of UD-CZ meets the intent of University District Plan and Comprehensive Plan; supports several Purpose and Intent statements listed in Section 38.2 of the City of Las Cruces 2001 Zoning Code;

is consistent with the requirements of Chapter 37, Article IX, Annexations; and does not contradict the Planning and Zoning Commission's Decision Criteria outlined by Las Cruces Municipal Code Section 2-382.

RECOMMENDED CONDITION OF ZONING

1. Development shall follow the design standards of the UAZ.

ATTACHMENTS

1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Annexation Plat

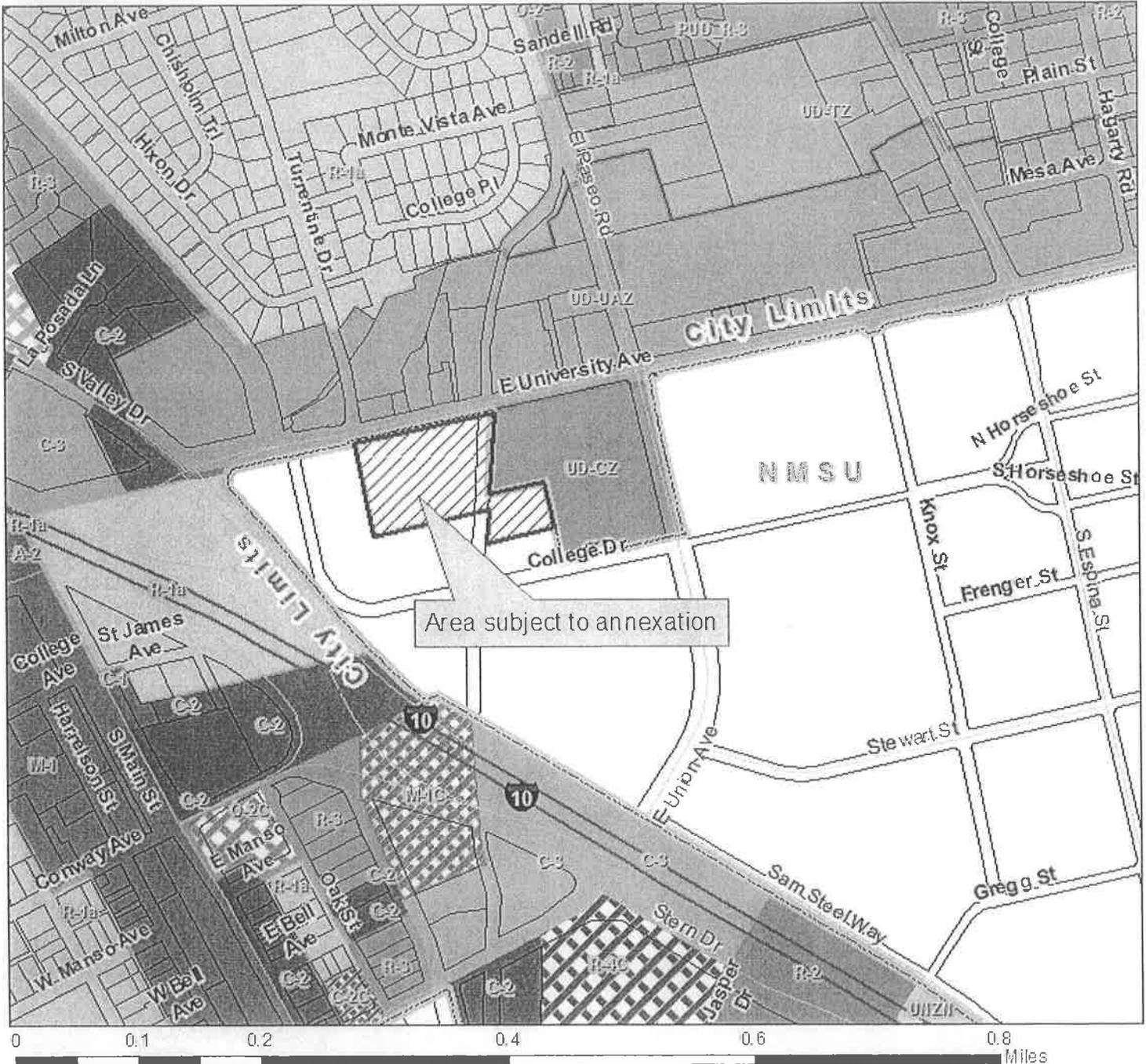
Las Cruces Center 2 Annexation

ZONING: NMSU

PARCEL: 03-07122

OWNER: N/A

DATE: 7/25/2016



PROPOSAL:
 Annexation of 7.165 acres, Initial Zoning proposed as UD-CZ, and amendment to Figure 1 of Section 38-44 D of the Zoning Code

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



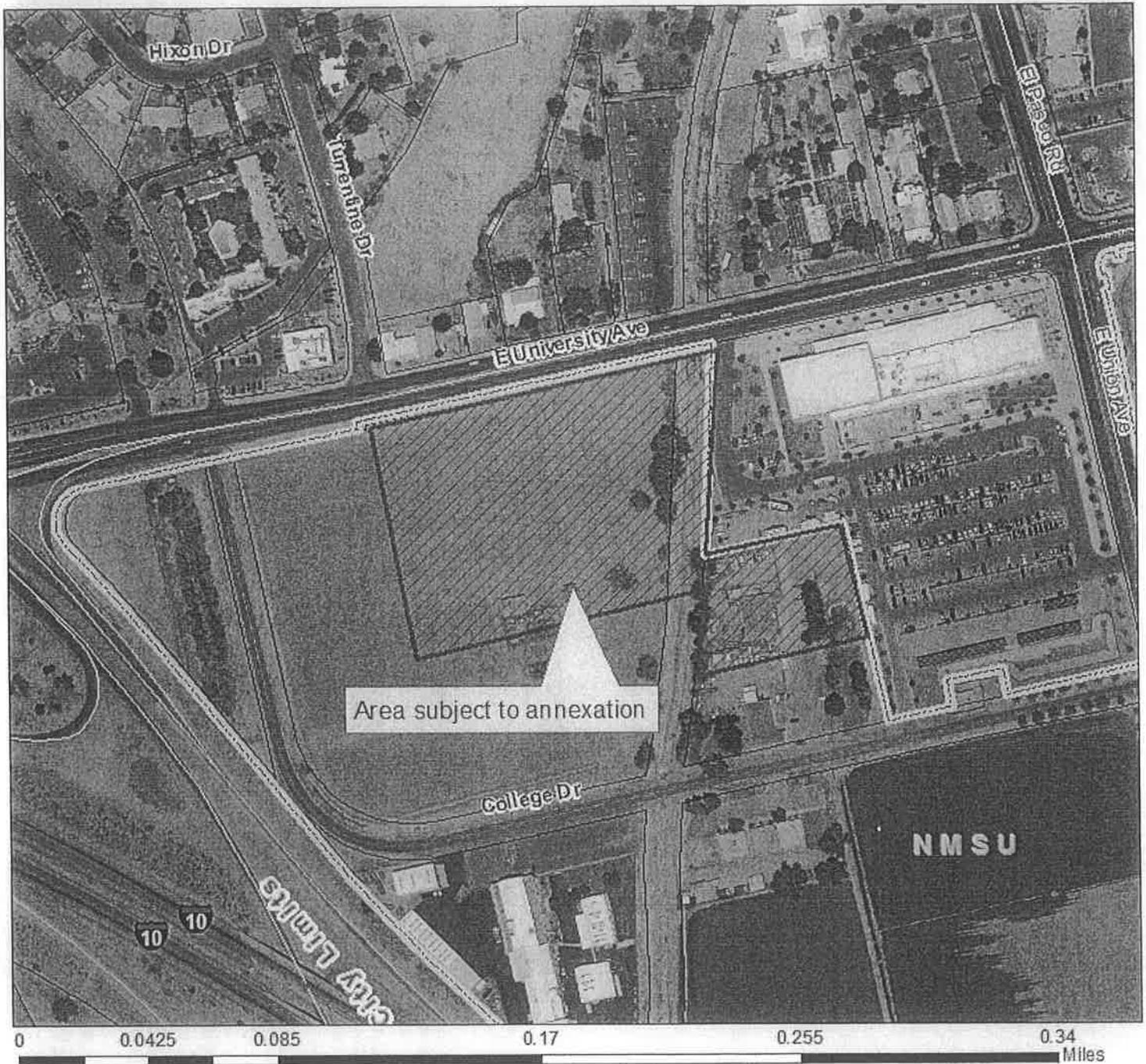
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 Las Cruces, NM 88001
 (575) 528-3222



DEVELOPMENT STATEMENT for **City Subdivision/Zoning 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: New Mexico State University
 Contact Person: Scott Eschenbrenner
 Contact Phone Number: (575) 646-2356
 Contact e-mail Address: sbrenner@ad.nmsu.edu
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: Annexation w/ Initial Zoning Request. Waiver for Master Plan
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Annexation for expansion of Las Cruces Convention Center
 Location of Subject Property South side University Ave between Valley Dr. & El Paseo
 (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: 7.165
 Detailed description of **current** use of property. Include type and number of buildings:
Vacant Land and buildings leased to USDA

 Detailed description of **intended** use of property. (Use separate sheet if necessary):
Development of Hotel and Convention Center expansion

 Zoning of Subject Property: NMSU - Convention Zone of UD Plan
 Proposed Zoning (If applicable): UD-CZ
 Proposed number of lots 4, to be developed in TBD phase (s).
 Proposed square footage range of homes to be built from N/A to N/A

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

N/A

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

N/A

Anticipated traffic generation N/A trips per day.

Anticipated development schedule: work will commence on or about TBD

and will take TBD to complete.

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

On lot ponding

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

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No X Explain: _____

Is there existing landscaping on the property? No

Are there existing buffers on the property? No

Is there existing parking on the property? Yes X No ___

If yes, is it paved? Yes ___ No X

How many spaces? _____ How many accessible? _____

Attachments

Please attach the following: (* indicates optional item)

Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

PETITION FOR ANNEXATION

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

EXECUTED on this 17 day of August, 2015 by the undersigned owners of a majority of the number of acres in the contiguous sought to be annexed.

[Signature]
Property Owner #1
(signature)

Scott Eschenbrenner
Property Owner #1
(print name)

PO Box 30001 MSC SVP
LAS CRUCES, NM 88003
Property owner #1 (Address)

Property Owner #2
(signature)

Property Owner #2
(print name)

Property owner #2 (Address)

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

SUBSCRIBED and sworn to before me this 17 day of AUGUST,
2015, by SCOTT ESCHENBRENNER



OFFICIAL SEAL
CAROLYN T. ARAGON
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires: 4/11/2016

Carolyn T. Aragon
Notary Public

My Commission Expires:
4/11/2016



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**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
August 23, 2016 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Joanne Ferrary, Member
Harvey Gordon, Vice Chair
Roger Hedrick, Member
LaVonne Muniz, Member
William Stowe, Member

BOARD MEMBERS ABSENT:

Kirk Clifton, Chairman
Ruben Alvarado, Member

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Robert Cates, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00 p.m.)

Gordon: Good evening and welcome to the August 23rd, 2016 meeting of the Planning and Zoning Commission for the City of Las Cruces. I'd like to start by introducing my fellow Commissioners. On my far right is Commissioner Hedrick from District 4; Commissioner Muniz from District 2; Commissioner Ferrary from District 5; Commissioner Stowe from District 1 who is Secretary; I am Commissioner Gordon, I am the Mayor's Appointment. Absent this evening is Mr. Alvarado from District 3 and Mr. Clifton who is the Chair and he is from District 6.

II. CONFLICT OF INTEREST

At the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda.

Gordon: At this time we'd like to just ask on a point of interest for a conflict of interest. Is there anyone from the Commission or the Community Development that they feel have a conflict of interest on any of the items on the agenda presented this evening? All right, seeing none.

III. APPROVAL OF MINUTES

1. July 26, 2016 - Regular Meeting

1
2 Gordon: Now we'd like to address the minutes. I'm looking for an approval of the
3 minutes. Are there any Commissioners present at the time of these
4 minutes that feel they have any corrections? If so please make your
5 corrections. Seeing none, can I have a motion to accept the minutes
6 please?
7

8 Stowe: So moved.

9
10 Gordon: Mr. Stowe.

11
12 Ferrary: I'll second.

13
14 Gordon: Ms. Ferrary. The minutes are approved. All in favor say "aye."

15
16 MOTION PASSES UNANIMOUSLY.

17
18 Gordon: Opposed? Then motion is passed four to zero.

19
20 **IV. POSTPONEMENTS - NONE**

21
22 Gordon: Okay. I assume that there are no postponements this evening.
23 Katherine? All right.

24
25 **V. WITHDRAWALS - NONE**

26
27 Gordon: I'm sure there are no withdrawals.

28
29 **VI. CONSENT AGENDA - NONE**

30
31 Gordon: There is no Consent Agenda.

32
33 **VII. OLD BUSINESS - NONE**

34
35 Gordon: So there is no Old Business.

36
37 **VIII. NEW BUSINESS**

38
39 1. **Case 66694 - Las Cruces Center 2 Annexation:** An application by NMSU
40 for an annexation of 7.165 acres located se of Turrentine Drive, south and
41 adjacent to University Avenue, and west of the Las Cruces Convention
42 Center. Parcel #03-07122; Proposed use: Hotel; Proposed Council District 2
43 (Smith).
44

1 Gordon: So we will move on to New Business. I have a question of Katherine
2 Rogers before we start. We are treating both of these cases as one item
3 on the agenda?
4

5 H-Rogers: Correct. We'd like to present them together but they will have to be
6 separate votes.
7

8 Gordon: Okay. That's fine. Everybody on the Commissioner understand? Okay.
9 Go ahead. Thank you.
10

11 H-Rogers: Tonight we're going to be discussing the Las Cruces Center 2 annexation,
12 initial zoning, and also along with that an amendment to, to the 2001
13 Zoning Code which is Section 38-44 D which is Figure 1 of the University
14 District Overlay. Ultimately an amendment to that would just change the
15 boundaries of that overlay and show what type of zoning it now has.

16 The project location is right here. It's just south of Turrentine Drive.
17 It's adjacent and south of East University Avenue and of course if you're
18 familiar with where the Convention Center is it is, it is adjacent and west of
19 that. It's approximately 7.165 acres. There are four parcels that were
20 created recently, did not have to go through any subdivision process
21 because of course it is owned by NMSU, the State of New Mexico, part of
22 the university. It is currently agricultural. There are some agricultural
23 buildings on-site. Those ultimately will either be demolished or converted.
24 And here's an aerial map so that you can clearly see there's an EBID
25 lateral that runs right here, it's a, one that is utilized to bring water to the
26 fields and of course you can see the agricultural field here and some ag
27 buildings here, and then the Convention Center of course to the east.

28 NMSU submitted a petition to annex this particular parcel into the
29 City as well as request initial zoning of University District CZ which is the
30 Convention Zone. Again this would include an amendment to that Figure
31 1 in the Zoning Code to reflect those changes. And the purpose of this is,
32 is for the expansion of the Convention Center in the future as well as
33 some additional parking and the development of a multistory hotel at that
34 location.

35 Here's the plat associated with the annexation. There have been
36 some slight modifications to the plat. I did receive some new ones today
37 that will be of course reviewed for compliance before it goes to City
38 Council, but here's the general idea. You can see this line right here that
39 I'm pointing to would be the new City limit line and it would encompass all
40 of this, and you can see the existing City limits running along University
41 and then of course around the Convention Center.

42 The University District Overlay is one that was created in order to
43 establish really a corridor and support that University District with
44 businesses, trying to create a, a mixed-use pedestrian-oriented area, and
45 ultimately this hotel would, would try to fit in with that and support the
46 university, the Convention Center, and of course area businesses as well.

1 The site design when the hotel and any other improvements do
2 come in will be subject to review and approval by the University District
3 Design Review Board. Hotels and convention centers and other similar
4 uses are allowed uses in the Convention Zone. So the types of uses that
5 are being proposed are within keeping of that particular zone. This is also
6 shown to be very consistent with the University District Plan as well as the
7 Comprehensive Plan that we currently have in place. Should be noted
8 that normally when annexations do come into the City they're also subject
9 to a Master Plan approval, however this use at this location was
10 contemplated by the 2010 University District Plan and so no Master Plan
11 was required as part of the process. Again they've gone, in looking at this
12 staff did see that it was in compliance with both the Subdivision and
13 Zoning Codes in terms of process and what was being proposed. Some
14 things to note, of course as this is adjacent to the City, ultimately City
15 services are already available at that site so there aren't going to be any
16 new extensions of infrastructure needed to accommodate any
17 development at that location. And again because the corridor, University
18 Avenue is a, a, one of high traffic, it's on an arterial, it is an arterial rather,
19 and it has a mix of uses everywhere, everything from multifamily to single-
20 family to commercial, financial institutions, hotels, this particular type of
21 use would be compatible at this location.

22 One thing that was of interest when staff was going through the
23 codes, there aren't any true design standards for a hotel use in the
24 University, University District Overlay. It only outlines standards for the
25 convention center type of use as well as historic buildings. And so staff is
26 recommending as, as did the UD-CDRC that a condition be considered to
27 address the lack of standards, specifically that the development meet the
28 Design Standards of the UD-AZ which is the Avenue Zone. There are
29 some really specific standards in terms of, of, of massing different types
30 of, of glazing of the windows, things of that nature that we think would be
31 appropriate. One thing to note if there are any waivers that are required
32 because this is a hotel use, maybe some of these things don't fit, those
33 can be obtained from the Design Review Board. So there is a little
34 leniency there with that condition.

35 We did have some public input in terms of the annexation and the
36 initial zoning. I did distribute an e-mail that all of you should've gotten
37 before the meeting started, and that was in opposition. I also received a
38 telephone call from somebody who was in support of the annexation and
39 the type of use that was being proposed, stating that it would fit in well
40 with the University District and the university in general. The e-mail in
41 opposition felt as though there might be a better use for the land at that
42 location other than a hotel.

43 And with that, the UD-CDRC as I'd mentioned before did
44 recommend conditional approval of this particular project, requesting that
45 future development follow the Design Standards of the University Avenue
46 Zone. There was a brief discussion during the meeting just regarding the

1 hotel proposal, how it might be laid out on the site, but again that's not in
2 the purview of this particular Commission this evening. Staff is also
3 recommending approval of the annexation, initial zoning, and Code
4 amendment with the zoning condition that the development shall follow the
5 design standards of the UAZ, again the University Avenue Zone. And of
6 course your options tonight are: To approve both the zoning and the
7 amendment that goes along with that to the Zoning Code as well as the
8 annexation; to add modifications, conditions, other stipulations to that;
9 deny the development; or table or postpone and ask staff or the applicant
10 for additional information. And of course I'd be glad to answer any
11 questions you may have at this time. We do have representatives from
12 NMSU to answer any questions of course from their end if you may have
13 them.

14
15 Gordon: All right. Thank you Katherine. I think what we'll do before we entertain
16 questions from the Commission, is there anything from the petitioner that
17 they'd like to say, and also is there anyone here from, who'll represent the
18 hotel?

19
20 H-Rogers: Sir, Mr. Chair, Members of the Commission. As the hotel is not actually
21 the applicant in this particular case, no hotel representative is here. But
22 the NMSU's been working closely with them, so they should be able to
23 answer any questions you might have in regard to the hotel development.

24
25 Gordon: All right. Thank you. Is there anything that they wish to say? Please
26 come forward and before you speak just say your name and I'd like to
27 swear you in please.

28
29 Eschenbrenner: I'm Scott Eschenbrenner, President of Aggie Development ...

30
31 Gordon: All right.

32
33 Eschenbrenner: Incorporated.

34
35 Gordon: Please raise your right hand. Do you swear or affirm that the testimony
36 you are about to give is the truth and nothing but the truth under penalty of
37 law?

38
39 Eschenbrenner: Yes sir.

40
41 Gordon: Thank you.

42
43 Eschenbrenner: Well I'm here today before y'all finally delivering on a promise that New
44 Mexico State had set aside back in 2008 when the, the Convention Center
45 was first talked about. We had promised to try and bring a hotel to the
46 area. We have had one attempt back in 2008 but with the change of the

1 market we lost the opportunity to continue forward with that developer.
2 And through diligent efforts over the years we finally feel like we've got the
3 right partner. We feel very confident in, in product that they're going to be
4 bringing to the market. This developer is one that's, specifically develops
5 in New Mexico with eight hotel properties and we're also excited about the
6 fact that they're going to be willing to work with our university through our
7 HRTM Program, Hotel, Restaurant, Tourism Management Program by
8 employing some students and working with the faculty and staff as well.
9 So we're excited to finally be here at this point and hope that we can move
10 this forward and, and have a wonderful hotel developed in that area. And
11 with that I'll stand for questions.

12
13 Gordon: All right. Thank you. Is there any questions from ... Mr. Hedrick.

14
15 Hedrick: As I understand it the university's the owner of the property?

16
17 Eschenbrenner: Yes Mr. Hedrick.

18
19 Gordon: Ms. Ferrary.

20
21 Ferrary: How many stories is the hotel planning to have?

22
23 Eschenbrenner: I believe it's four stories but they're, they're working on the plans right
24 now. It's a, it's a typical prototype of a Courtyard by Marriott and I believe
25 it's a four-story hotel.

26
27 Gordon: Well if there are no other questions from the Commission I have several
28 questions I'd like to ask. But first I would just like to ask, well let me get
29 my, let me get my thinking straight here first and let me just direct my
30 questions to you. We know that NMSU will own the land. That's fine. The
31 hotel I guess is going to be built by private funding from the developer of
32 the hotel?

33
34 Eschenbrenner: Commissioner Gordon. The hotel will be ground-leased, they will
35 ground-lease the land from us and then they will own the improvements,
36 the developer will. University will have no investment in the
37 improvements.

38
39 Gordon: Do you know how long the lease is going to be for?

40
41 Eschenbrenner: Sixty-five years with, that would include all the options to renew.

42
43 Gordon: Okay. Oh, I know what my question was, Katherine. Let me just interject
44 for a second. How does the, how does the placement of this hotel affect
45 the future anticipated expansion of the Development Center since they
46 can't go west?

- 1 H-Rogers: Let me see if I, if I understand your question correctly. How, how does it
2 affect the development centers going west?
3
- 4 Gordon: No. What, what, I, I was always under the assumption that there was
5 plans in the making for the Convention Center to be expanded at some
6 time in the future. If this property is taken over and a hotel is built, where
7 will the Convention Center be able to expand?
8
- 9 H-Rogers: Sure. I, I can answer that question. Commissioner Gordon, Members of
10 the P&Z. Basically the Convention Center can expand towards the south
11 and they are planning on actually doing overflow parking directly south of
12 where the hotel site would be. So there is room, there is area to expand.
13 It would just be a reconfiguration of the existing parking and then there
14 would be parking to the south and the west.
15
- 16 Gordon: They would have to go into their existing parking lot.
17
- 18 H-Rogers: Correct.
19
- 20 Gordon: Okay. That's fine. I was just curious as to how that was possible happen.
21 Do we know how big the hotel's going to be, sir? How many rooms?
22 What, what do they estimate?
23
- 24 Eschenbrenner: A hundred and twenty rooms.
25
- 26 Gordon: Is there going to be banquet facilities?
27
- 28 Eschenbrenner: Commissioner Gordon, Members of the Board. They will have food
29 service and they will also have two breakout meeting rooms as well.
30
- 31 Gordon: Will there be a, a, a restaurant open to the public?
32
- 33 Eschenbrenner: Yes. They will have a, if you're familiar with the Courtyard by Marriott
34 brand, it's kind of more of a grill situation. But I understand it's available to
35 the public as well if they like.
36
- 37 Gordon: How does the hotel in its desire, perhaps like you say to have meeting
38 rooms, would that be in conflict with the Convention Center?
39
- 40 Eschenbrenner: Commissioner Gordon, Members of the Board. It's my understanding
41 that the Convention Center and the, are, are fully aware of it and find that
42 that will be a benefit to them, actually. That's one of the problems that
43 they feel like they're having with the Convention Center is that they don't
44 have the adequate breakout rooms there.
45

- 1 Gordon: It's not that I'm, I'm, I'm objecting to this property. I just like to get this
 2 information in my own mind. Another question, basically because of
 3 financial background. What's going to happen in say X number of years
 4 from now if the hotel finds that it's not become a viable financial success
 5 and they decide, "Well we're going to leave, Marriott could just up and go."
 6 Who's going to be able to take over? Wait a minute.
 7
- 8 Eschenbrenner: Commissioner Gordon, Members of the Board. That's something that
 9 we've considered as, as the university is the land holders. If at some point
 10 in time they decide that this isn't a viable option for them they, that
 11 improvement will revert back to the university in ownership either at the
 12 end of the term or if they decide to pull out at some point in time. The
 13 other thing to consider is that will, there will be financing in place so if, if
 14 the finance, if there's still financing in place obviously that would revert
 15 back to the, to the mortgagor.
 16
- 17 Gordon: Okay. And just one other question. Katherine perhaps you can answer
 18 this for me. Do you know how many hotel rooms there are now in Las
 19 Cruces and what the average occupancy rate is of all the hotels and
 20 motels?
 21
- 22 H-Rogers: Sure. We have around, Las Cruces has around 3,200 rooms and I, I, I
 23 want to state that it's not just rooms. It includes RV spaces that count,
 24 actually includes RV spaces, bed and breakfasts, things of that nature. So
 25 it's not just strictly hotel rooms. But that's how the counts come in. So it's
 26 around 3,200 and if you have any other questions I'm happy to answer
 27 those.
 28
- 29 Gordon: I was just wondering if you happen to know what the average occupancy
 30 rate is in total.
 31
- 32 H-Rogers: Sure. From what I understand from our Convention and Visitors Bureau,
 33 the average occupancy rate of 2015 was 59.7%. That was for the year.
 34 And in 2016, year to date, it's 61.6% occupancy and something to note is
 35 that occupancy rate has increased year to year since 2010.
 36
- 37 Gordon: Okay. Thank you. Well, those are my questions. Is there anybody from,
 38 now from the Commission who wants to add anything in addition to that?
 39 All right. If that's the case, is there anyone from the public who wishes to
 40 speak on this? All right. Seeing no one, I guess then we're ready to vote.
 41 Katherine if you could please read our options and, again so that we'll
 42 know, are, we vote, we, we're voting on, on these items separately,
 43 correct?
 44
- 45 H-Rogers: Correct. We would like you to vote on the annexation as, as one and then
 46 once the annexation vote is complete we would suggest that you vote on

- 1 the initial zoning which also includes the amendment to the Zoning Code
2 to change the boundaries within that, that map. And your options are of
3 course to recommend approval of the proposed development; recommend
4 approval with conditions or modifications; deny; or table and postpone.
5
- 6 Gordon: All right. Thank you. Do I have a motion? Ms. Ferrary.
- 7
- 8 Ferrary: I move that we approve Case Number 66694 for the Las Cruces Center 2
9 Annexation without conditions.
- 10
- 11 Gordon: Is there a second?
- 12
- 13 Stowe: Second.
- 14
- 15 Gordon: Mr. Stowe seconds. I'm sorry.
- 16
- 17 H-Rogers: A point, excuse me, a point of clarification, I apologize. Commissioner
18 Ferrary indicated no conditions. Do you mean to exclude the
19 recommended condition from both staff and the University District or
20 include that in your motion?
21
- 22 Ferrary: To include it in the District. It's the second part that would have the
23 conditions, correct?
24
- 25 H-Rogers: Oh. Correct. I'm sorry, I apologize. That was for the zoning. You were
26 ...
27
- 28 Ferrary: Yes.
- 29
- 30 H-Rogers: Completely on, on, on par. I apologize for that. Go ahead.
- 31
- 32 Ferrary: That's all right.
- 33
- 34 Gordon: All right. So we do have a, a, a motion and a second. So can I have a
35 vote starting with Mr. Hedrick.
- 36
- 37 Hedrick: I, I vote yes based upon the findings for approval in the staff report, site
38 visit, and discussion this evening.
39
- 40 Gordon: Ms. Muniz.
- 41
- 42 Muniz: I approve and I did visit the site and I have, I also approve, I, my
43 approval's on the findings of staff.
- 44
- 45 Gordon: Ms. Ferrary.
- 46

1 Ferrary: I approve according to staff findings and discussion.

2

3 Gordon: Mr. Stowe.

4

5 Stowe: I vote yea based on site visit, discussion this evening, and finding by staff.

6

7 Gordon: And I vote yes based on site visit, discussion, and staff presentation.

8

9 MOTION PASSES UNANIMOUSLY.

10

11 2. **Case 67662 - Las Cruces Center 2 Initial Zoning and Amendment to the**
 12 **2001 Zoning Code, Section 38-44 D, Figure 1, University District**
 13 **Overlay:** An application by NMSU for the initial zoning of a property
 14 consisting of 7.165 acres located southeast of Turrentine Drive, south and
 15 adjacent to University Avenue, and west of the Las Cruces Convention
 16 Center. The applicant is requesting a zoning designation of UD-CZ
 17 (Convention Zone). An amendment to the University District Overlay Zones
 18 and boundaries is also included in this request. Parcel #03-07122; Proposed
 19 use: Hotel; Proposed Council District 2 (Smith).

20

21 Gordon: All right. Now we move on to Case Number 67662. Do I have a motion
 22 on the floor? Someone?

23

24 Stowe: I, I, I ...

25

26 Gordon: Mr. Stowe.

27

28 Stowe: I vote that we approve the proposed development application with
 29 stipulated modifications and conditions. Am I correct, is that the part that
 30 we're voting is, is ...

31

32 Gordon: Okay. Is there a second?

33

34 Ferrary: I'll second.

35

36 Gordon: Ms. Ferrary second. All right then. I'd like to have a vote and we start
 37 again with Mr. Hedrick.

38

39 Hedrick: I vote yes based upon the staff report's findings for approval, the site visit,
 40 and discussions this evening.

41

42 Gordon: Ms. Muniz.

43

44 Muniz: I approve based upon a site visit and tonight's discussions.

45

46 Gordon: Ms. Ferrary.

1
2 Ferrary: I vote yes on Case Number 67662 because of staff findings and
3 discussion, and also the conditions that they approved.
4

5 Gordon: Mr. Stowe.
6

7 Stowe: I vote yes based on site visit, discussions this evening, and findings.
8

9 Gordon: And I vote yes based on site visits, presentation, discussion, and looking
10 forward to having this built quickly.
11

12 MOTION PASSES UNANIMOUSLY.
13

14 Gordon: The case, both items have been passed.
15

16 **IX. OTHER BUSINESS**
17

18 Gordon: Since there is no Other Business.
19

20 **X. PUBLIC PARTICIPATION**
21

22 **XI. STAFF ANNOUNCEMENTS**
23

24 Gordon: Is there anything Katherine you have to discuss, any staff
25 announcements?
26

27 H-Rogers: Commissioner Gordon, Members of the Commission. I do want to give an
28 update on terms of, in terms of previous action items that have gone to
29 City Council. We had quite a few. On August 1st a decision was made on
30 the Bell Road waiver, if you all recall that. Ultimately what City Council did
31 is they approved the waiver with modifications. What they requested is
32 that the applicant be responsible for essentially a chip seal or the cost of a
33 chip seal either with a fee or lieu, a fee in lieu or with a special payment
34 agreement, which is what she's decided to execute and I believe that that
35 is almost wrapped up. Our legal, our Legal Department was telling me
36 this evening that they're essentially finished with that agreement. We also
37 had on August 15th ...
38

39 Gordon: Can I interrupt you just for a second to ask you a question about ...
40

41 H-Rogers: Yes, absolutely.
42

43 Gordon: That? The, the City Council decide that on a case basis.
44

45 H-Rogers: Correct.
46

1 Gordon: They have not entered into a discussion as to how they're going to treat
2 would these matters come before us again, cause we're going to wind up
3 in the same place that we were with that one and previous cases. Do you
4 have any information as to what their plans are on trying to resolve this
5 matter?

6
7 H-Rogers: Commissioner Gordon, Members of the Commission. Staff has presented
8 Administration with several options in terms of how we could handle these
9 in the future, Code amendments, things of that nature. We have not
10 received any formal direction in terms of how they want to proceed. Staff
11 did recommend to Management that perhaps we hold a work session to
12 discuss these options and ultimately the impacts of those options. But
13 again staff hasn't been notified in terms of how to move forward.

14
15 Gordon: Is there any way that we can force the issue? Because I think if it comes
16 before us again, you know we're basically back to square one.
17 Suggestions?

18
19 H-Rogers: Commissioner Gordon, Members of the Commission. At this point in time
20 I would suggest that you communicate your concerns with your appoint,
21 appointed, appointees rather, your, your Council Members, the Mayor.
22 Voice those concerns to see if, if they bring it to a higher level and instruct
23 staff to move forward. One thing I do want to inform you of is we are
24 actively looking for information regarding various firms that can assist our
25 department in the development and the, the revisions of our Design
26 Standards. If that does occur and we're able to secure the monies and,
27 and also secure a contract with any design firm these concerns would be
28 addressed during the development of those at, at that time. So that may
29 alleviate some of your concerns. We're actively looking for information
30 right now.

31
32 Gordon: All right. Well let's try to keep the ball moving.

33
34 H-Rogers: We will try our best. We also heard the Miller Tracts waiver on the August
35 15th Council meeting. That was approved. If you recall I believe that one
36 was on Cortez. It actually had three frontages and that one, excuse me,
37 was approved by Council I believe unanimously. And also on August 15th
38 there was the name change of Tashiro to Jim Bradley. That was denied
39 by City Council. They expressed some concerns for the loss of some
40 historic value with that name ultimately. And we do have several cases
41 up, on the upcoming September 6th and mid-September meetings. There
42 will be a final decision on an SUP for the cell tower that you heard recently
43 and then we have two zone changes and a PUD that will be on the first
44 read for that agenda, and we'll have final decision later in, in September.
45 And we will keep you updated on those. And that, that's all staff has this
46 evening unless I have, unless you have any questions for me. I'd be glad

1 to answer those.

2
3 Gordon: Mr. Hedrick.

4 Hedrick: Concerning the, the, a workshop as, as I recall City Council deferred
5 action on a case before them so, until they take some kind of action. So is
6 that case just in limbo now or a, a, what's the status?
7

8
9 H-Rogers: Members of the Commission, Commissioner Hedrick. I believe that you
10 are referring to the, the Bell Road waiver. They deferred action on that
11 and then on August 1st they did bring it back. And that was the one where
12 they, they essentially approved it with modifications. They decided that a,
13 a chip seal or payment in lieu of that chip seal was the appropriate action
14 and, and that number came out to \$2,800.

15
16 Gordon: Okay Mr. Hedrick? That's fine? All right, thank you. That's it, Katherine?

17
18 **XII. ADJOURNMENT (6:30 p.m.)**

19
20 Gordon: All right, and that's the case. Do I get a motion to adjourn?

21
22 Stowe: So moved.

23
24 Gordon: Mr. Stowe.

25
26 Ferrary: I'll second.

27
28 Gordon: Ms. Ferrary. We are adjourned at exactly 6:30. I'm sorry. I need to get in
29 a, a vote on the, on the motion. Mr. Hedrick.

30
31 Hedrick: I vote yes.

32
33 Gordon: Okay.

34
35 Muniz: Yes.

36
37 Gordon: Ms. Muniz, Ms. Ferrary.

38
39 Ferrary: Yes.

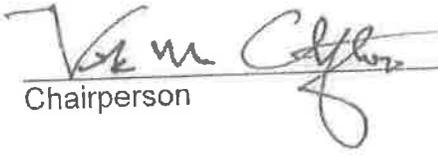
40
41 Gordon: Mr. Stowe.

42
43 Stowe: I vote yes.

44
45 Gordon: And I vote yes. Again, we're adjourned at 6:30. Thank you.

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Chairperson