City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9 **Ordinance/Resolution#** 2543 **Council District:** ___

For Meeting of October 26, 2009
(Adoption Date)

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

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

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

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

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

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

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

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

SUPPORT INFORMATION:

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

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

OPTIONS / ALTERNATIVES:

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

COUNCIL BILL NO. 10-014
ORDINANCE NO. 2543

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

The City Council is informed that:

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

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

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

(I)

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

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

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

(II)

THAT the condition be stipulated as follows:

- All newly installed utilities to be placed underground.

(III)

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

(IV)

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

(V)

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

DONE AND APPROVED this_____ day of _____ 2009.

APPROVED:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

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

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

SONOMA RANCH EAST II ZONING PLAN AMENDMENT #1

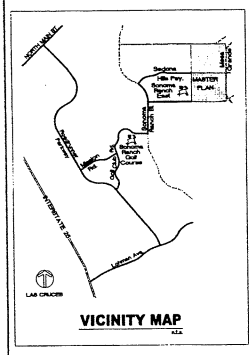
A MIXED LAND USE DEVELOPMENT

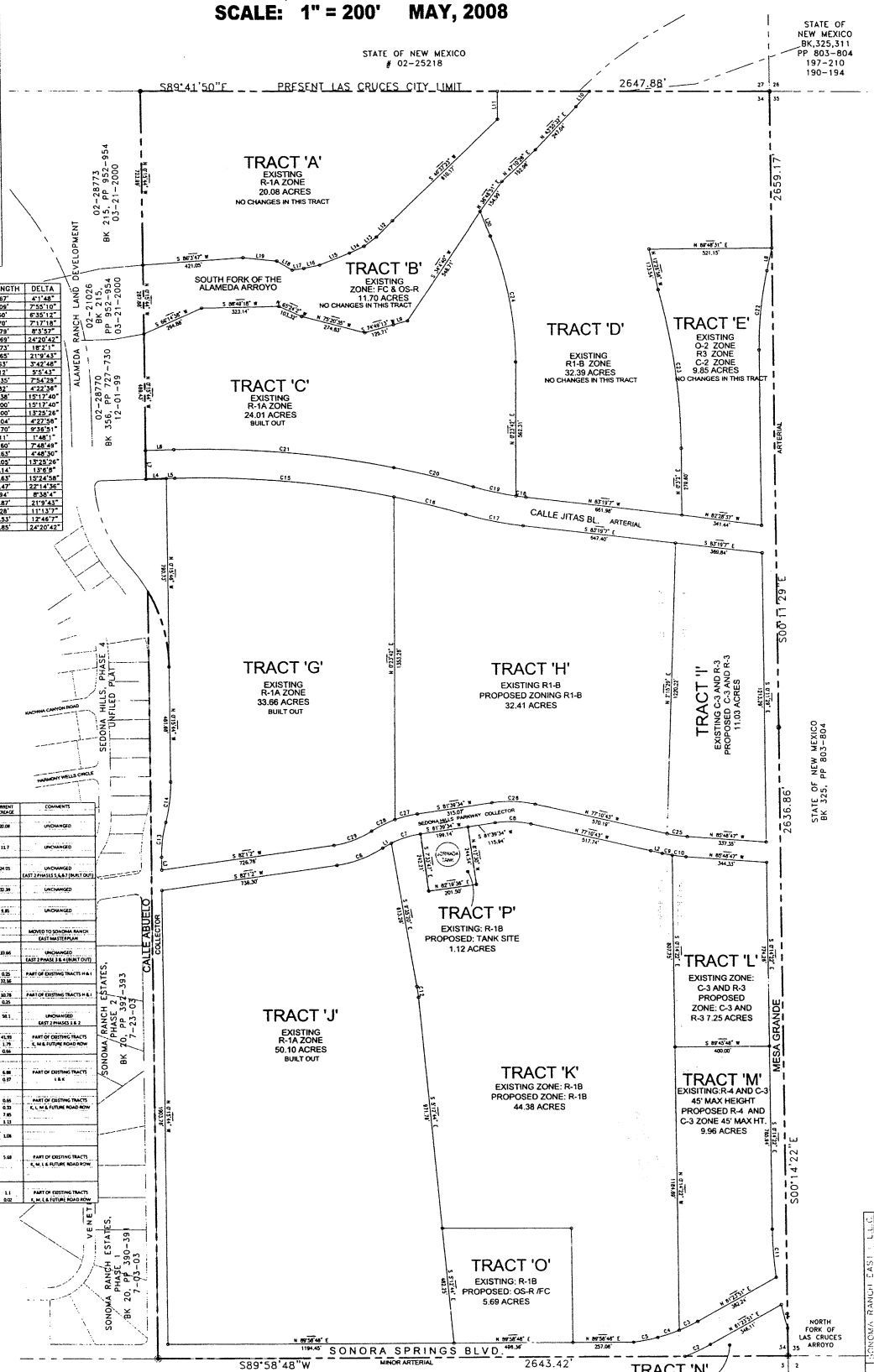
320.98 ACRES LOCATED IN SECTION 34, T22S., R.2E N.M.P.M. OF THE U.S.G.L.O. SURVEYS

PREVIOUS ZONING: NONE (FORMERLY STATE LAND)

CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

SCALE: 1" = 200' MAY, 2008





CURVE	RADIUS	LENGTH	CHORD	CH-LENGTH	DELTA
C1	1460.00'	102.69'	S 14°42'26" E	102.67'	4°1'48"
C2	855.00'	118.18'	N 65°21'26" E	118.09'	7°55'10"
C3	745.00'	85.65'	N 64°41'27" E	85.60'	6°35'12"
C4	745.00'	94.77'	N 71°37'42" E	94.70'	7°17'18"
C5	745.00'	104.88'	N 79°18'19" E	104.79'	8°3'57"
C6	492.50'	209.26'	N 69°50'41" E	207.69'	24°20'42"
C7	407.50'	128.26'	S 72°38'33" W	127.73'	18°2'1"
C8	407.50'	150.51'	N 87°45'35" W	149.65'	21°9'43"
C9	642.50'	41.64'	S 78°51'41" E	41.63'	3°42'48"
C10	642.50'	57.14'	S 83°15'56" E	57.12'	5°5'43"
C11	1460.00'	201.51'	S 4°11'36" E	201.35'	7°54'28"
C12	600.00'	45.83'	N 7°24'2" W	45.82'	4°22'36"
C13	557.50'	146.82'	S 7°23'6" W	146.38'	15°17'40"
C14	642.50'	171.51'	N 7°23'6" E	171.00'	15°17'40"
C15	3940.00'	923.11'	N 84°52'57" W	921.00'	13°23'24"
C16	3940.00'	307.12'	N 75°56'15" W	307.04'	4°27'58"
C17	1460.00'	244.98'	S 78°30'42" E	244.70'	9°36'51"
C18	1340.00'	42.11'	S 82°25'6" E	42.11'	1°48'1"
C19	1340.00'	182.74'	S 77°36'41" E	182.60'	7°48'49"
C20	4060.00'	340.73'	N 76°6'31" W	340.63'	4°48'30"
C21	4060.00'	951.22'	N 84°52'37" W	949.05'	13°25'26"
C22	1460.00'	333.87'	S 6°21'35" W	333.14'	13°6'8"
C23	2500.00'	672.66'	N 7°39'27" W	670.63'	15°24'58"
C24	1388.00'	538.85'	N 10°43'38" W	535.47'	22°14'36"
C25	557.50'	84.02'	S 81°28'45" E	83.94'	8°38'4"
C26	492.50'	181.90'	N 87°45'35" W	180.87'	21°9'43"
C27	492.50'	96.43'	S 76°3'0" W	96.28'	11°13'7"
C28	492.50'	109.75'	S 64°3'23" W	109.53'	12°46'7"
C29	407.50'	173.15'	N 69°50'41" E	171.85'	24°20'42"

LINE	LENGTH	BEARING
L1	42.33	S 60°38'42" W
L2	50.49	N 77°10'43" W
L3	53.32	S 0°15'44" E
L4	85.02	S 88°24'20" W
L5	36.59	N 88°24'20" E
L6	118.83	N 88°24'20" E
L7	120.03	N 0°15'44" W
L8	97.02	N 12°54'39" E
L9	62.53	S 74°49'13" W
L10	87.49	N 42°53'24" E
L11	116.60	S
L12	98.42	S 44°57'53" W
L13	65.89	S 54°11'6" W
L14	68.46	S 65°41'28" W
L15	135.85	S 66°53'6" W
L16	67.95	S 78°47'48" W
L17	48.08	S 81°41'28" W
L18	73.21	N 58°37'0" W
L19	141.56	N 84°5'58" W
L20	110.95	N 21°50'54" W

CHART FOR TRACTS

TRACT PROPOSED	PROPOSED ACREAGE	PROPOSED ZONING	TRACT EXISTING	CURRENT ZONING	CURRENT ACREAGE	COMMENTS
A	20.08	R-1A	A	R-1A	20.08	UNCHANGED
B	11.7	FC & OS-R	B	FC & OS-R	11.7	UNCHANGED
C	24.01	R-1A	C	R1-A	24.01	UNCHANGED EAST 2 PH1&1S 5,6,&7 (BUILT OUT)
D	32.39	R1-B	D	R1-B	32.39	UNCHANGED
E	9.85	O-2, R3, C-2	E	O-2, R3, C-2	9.85	UNCHANGED
F	NOT USED		F			MOVED TO SONOMA RANCH EAST MASTERPLAN
G	33.66	R-1A	G	R-1A	33.66	UNCHANGED EAST 2 PHASE 2 & 4 (BUILT OUT)
H	32.41	R-1B	I H	C-3, R3 R-1B	0.25 32.16	PART OF EXISTING TRACTS H & I
I	11.03	C-3, R3	I H	C-3, R3 R-1B	10.78 0.25	PART OF EXISTING TRACTS H & I
J	50.1	R1-A	J	R1-A	50.1	UNCHANGED EAST 2 PHASES 2 & 3
K	44.38	R-1B, FC & OS-R	K M ROAD ROW	R-1B R-4 & C-3	41.59 1.79 0.66	PART OF EXISTING TRACTS K, M & FUTURE ROAD ROW
L	7.25	C-3, R-3	L K	C-3, R-3 R-1B	6.88 0.37	PART OF EXISTING TRACTS L & K
M	9.96	R-4 & C-3 45' MAX HEIGHT LIMIT	K L M ROAD ROW	R-1B C-3, R-3 R-4 & C-3	0.66 0.33 7.85 1.13	PART OF EXISTING TRACTS K, L, M & FUTURE ROAD ROW
N	1.08	FC & OS-R	N	TANK SITE	1.08	
O	5.69	R-1B, C-3 & R3	K	R-1B	5.69	PART OF EXISTING TRACTS K, M, L & FUTURE ROAD ROW
P	1.12	FC & OS-R	K ROAD ROW	R-1B	1.1 0.02	PART OF EXISTING TRACTS K, M, L & FUTURE ROAD ROW

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

GRAPHIC SCALE
200 0 100 200 400
(IN FEET)
1 inch = 200ft.

R:5/5/8
NEWZONE.DWG

GUNAJI-KLEMENT & ASSOCIATES
Civil Engineering - Geology - Environmental - Groundwater
LAS CRUCES, NEW MEXICO (505) 640-3304

NARENDRA N. GUNAJI
STATE OF NEW MEXICO
NO 3371
REGISTERED PROFESSIONAL ENGINEER

SONOMA RANCH EAST II L.L.C.
ZONING PLAN
12/10/8
1 of 1

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

August 24, 2009

DESCRIPTION OF A 20.08 ACRE TRACT
"Parcel H1"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.12°27'39"E., 5429.99 feet;

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

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

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

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

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

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

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

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

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

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

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

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

THENCE S.89°41'50"E., 1496.12 feet to the point of beginning, containing 20.08 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

8-24-09
Date

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

09037.doc

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

August 24, 2009

DESCRIPTION OF A 11.70 ACRE TRACT
"Parcel H2"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.8°24'29"E., 5357.61 feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(continued on page 2)

(continued from page 1)

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

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

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

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

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

THENCE S.89°41'50"E., 388.25 feet to the point of beginning, containing 11.70 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

8-24-09
Date

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

09037.doc

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

August 24, 2009

DESCRIPTION OF A 7.54 ACRE TRACT
"Parcel H3"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.24°38'21"E., 4806.05 feet;

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

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

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

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

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

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

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

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

THENCE S.65°24'02"E., 103.32 feet to the point of beginning, containing 7.54 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

8-24-09
Date

JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

09037.doc

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

August 24, 2009

DESCRIPTION OF A 6.16 ACRE TRACT
"Parcel H4"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.20°27'48"E., 4623.61 feet;

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

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

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

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

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

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

THENCE N.74°49'13"E., 125.71 feet to the point of beginning, containing 6.16 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

8-24-09
Date

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JUSTIN W. MILLER
NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

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

August 24, 2009

DESCRIPTION OF A 10.31 ACRE TRACT
"Parcel H5"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.14°34'25"E., 4962.36 feet;

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

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

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

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

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

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

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

THENCE N.34°04'40"E., 548.71 feet to the point of beginning, containing 10.31 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572 — 8-24-09 Date

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August 24, 2009

DESCRIPTION OF A 22.36 ACRE TRACT
"Parcel H6"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.09°08'44"E., 5303.35 feet;

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

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

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

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

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

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

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

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

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

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

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

THENCE N.21°50'54"W., 110.95 feet to a point for the northwest corner of this tract;

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

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

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

THENCE N.43°55'32"E., 247.04 feet to the point of beginning, containing 22.36 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572 — 8-24-09 Date

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August 24, 2009

DESCRIPTION OF A 10.03 ACRE TRACT
Parcel H7"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; being a U.S.G.L.O. brass cap identical to the northeast corner of Section 34Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.00°12'55"E., 5296.03 feet;

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

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

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

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

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

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

THENCE S.89°41'50"E., 763.51 feet to the point of beginning, containing 10.03 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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August 24, 2009

DESCRIPTION OF A 9.85 ACRE TRACT
"Parcel H8"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point on the east line of Section 34 for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.00°13'07"E., 4644.21 feet;

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

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

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

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

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

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

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

THENCE N.89°48'31"E., 521.15 feet to the point of beginning, containing 9.85 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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August 24, 2009

DESCRIPTION OF A 8.38 ACRE TRACT
"Parcel H10"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.30°24'20"E., 4272.09 feet;

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

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

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

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

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

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

THENCE along the arc of a curve to the left, having a radius of 25.00 feet, an arc length of 39.27 feet, whose central angle is 90°00'00" and whose long chord bears S.45°00'00"W., 35.36 feet to a point of tangency;

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

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

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

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

THENCE along the arc of a curve to the right, having a radius of 3940.00 feet, an arc length of 376.78 feet, whose central angle is 05°28'45" and whose long chord bears S.88°51'18"E., 376.64 feet to the point of beginning, containing 8.38 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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DESCRIPTION OF A 8.82 ACRE TRACT
"Parcel H11"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.24°11'15"E., 3957.32 feet;

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

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

THENCE N.90°00'00"E., 58.03 feet to a point of curvature;

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

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

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

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

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

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

THENCE N.03°53'05"E., 118.28 feet to a point for the northwest corner of this tract;

THENCE along the arc of a non-tangent curve to the right, having a radius of 3940.00 feet, an arc length of 546.33 feet, whose central angle is 07°56'41" and whose long chord bears S.82°08'35"E., 545.89 feet to the point of beginning, containing 8.82 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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August 24, 2009

ESCRIPTION OF A 7.61 ACRE TRACT
"Parcel H12"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northwest corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.41°55'17"E., 3848.97 feet;

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

THENCE S.00°00'00"E., 58.03 feet to a point of curvature;

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

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

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

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

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

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

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

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

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

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

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

THENCE N.00°15'44"W., 447.97 feet to the point of beginning, containing 7.61 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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DESCRIPTION OF AN 8.10 ACRE TRACT
"Parcel H13"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.29°35'41"E., 3293.55 feet;

THENCE from the point of beginning, S.00°23'42"W., 607.23 feet to a point for the southeast corner of this tract;

THENCE along the arc of a non-tangent curve to the left, having a radius of 492.50 feet, an arc length of 109.75 feet, whose central angle is 12°46'07" and whose long chord bears S.64°03'23"W., 109.53 feet to a point of reverse curvature;

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

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

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

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

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

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

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

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

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

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

THENCE N.90°00'00"E., 369.28 feet to the point of beginning, containing 8.10 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller 8-24-09

Justin W. Miller, PS 17572 Date

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DESCRIPTION OF A 0.75 ACRE TRACT
"Parcel H14"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.34°20'08"E., 3538.49 feet;

THENCE from the point of beginning, S.00°00'00"E., 116.06 feet to a point of curvature for the southeast corner of this tract;

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

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

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

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

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

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

THENCE along the arc of a curve to the right, having a radius of 25.00 feet, an arc length of 39.27 feet, whose central angle is 90°00'00" and whose long chord bears S.45°00'00"E., 35.36 feet to the point of beginning, containing 0.75 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

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DESCRIPTION OF A 32.41 ACRE TRACT
"Parcel A1"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.7°21'46"E., 3439.60 feet;

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

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

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

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

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

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

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

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

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

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

THENCE S.83°19'07"E., 647.40 feet to the point of beginning, containing 32.41 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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DESCRIPTION OF A 11.03 ACRE TRACT
"Parcel H19"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.1°14'58"E., 3369.01 feet;

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

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

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

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

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

THENCE S.83°19'07"E., 369.84 feet to the point of beginning, containing 11.03 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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NEW MEXICO
17572
LICENSED PROFESSIONAL SURVEYOR

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

August 24, 2009

DESCRIPTION OF A 10.55 ACRE TRACT
"Parcel H20"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.47°03'44"E., 2970.93 feet;

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

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

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

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

THENCE along the arc of a curve to the left, having a radius of 25.00 feet, an arc length of 39.27 feet, whose central angle is 90°00'00" and whose long chord bears S.45°00'00"W., 35.36 feet to a point of tangency;

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

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

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

THENCE N.82°01'02"E., 439.16 feet to the point of beginning, containing 10.55 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

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August 24, 2009

DESCRIPTION OF A 12.79 ACRE TRACT
"Parcel H21"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.37°21'13"E., 2714.36 feet;

THENCE from the point of beginning, S.09°35'20"E., 613.26 feet to a point of curvature;

THENCE along the arc of a curve to the right, having a radius of 600.00 feet, an arc length of 45.83 feet, whose central angle is 04°22'36" and whose long chord bears S.07°24'02"E., 45.82 feet to a point of tangency;

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

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

THENCE N.00°00'00"E., 58.03feet to a point of curvature;

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

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

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

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

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

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

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

THENCE along the arc of a curve to the right, having a radius of 407.50 feet, an arc length of 42.34 feet, whose central angle is 05°57'13" and whose long chord bears N.60°38'42"E., 42.33 feet to the point of beginning, containing 12.79 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572 — Date 8-24-09

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August 24, 2009

ESCRIPTION OF A 13.21 ACRE TRACT
"Parcel H22"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northwest corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.67°54'29"E., 2812.24 feet;

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

THENCE S.00°00'00"E., 58.03 feet to a point of curvature;

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

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

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

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

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

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

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

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

THENCE N.00°15'44"W., 998.60 feet to the point of beginning, containing 13.21 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572 — Date: 8-24-09

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August 24, 2009

DESCRIPTION OF AN 12.80 ACRE TRACT
"Parcel H23"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.54°46'20"E., 1833.59 feet;

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

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

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

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

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

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

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

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

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

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

THENCE N.90°00'00"E., 469.00 feet to the point of beginning, containing 12.80 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..
Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572 — 8-24-09 Date

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August 24, 2009

DESCRIPTION OF A 0.75 ACRE TRACT
"Parcel H24"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.60°26'07"E., 2261.22 feet;

THENCE from the point of beginning, S.00°00'00"E., 116.06 feet to a point of curvature for the southeast corner of this tract;

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

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

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

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

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

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

THENCE along the arc of a curve to the right, having a radius of 25.00 feet, an arc length of 39.27 feet, whose central angle is 90°00'00" and whose long chord bears S.45°00'00"E., 35.36 feet to the point of beginning, containing 0.75 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

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August 24, 2009

DESCRIPTION OF A 1.12 ACRE TRACT
"Parcel H25"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.30°50'02"E., 2590.86 feet;

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

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

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

THENCE N.81°39'34"E., 199.14 feet to the point of beginning, containing 1.12 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

9-24-09
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August 24, 2009

DESCRIPTION OF A 44.38 ACRE TRACT
"Parcel A2"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.12°34'31"E., 2153.14 feet;

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

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

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

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

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

THENCE N.05°12'44"W., 971.79 feet to a point of curvature;

THENCE along the arc of a curve to the left, having a radius of 600.00 feet, an arc length of 45.83 feet, whose central angle is 4°22'36" and whose long chord bears N.7°24'02"W., 45.82 feet to a point of tangency;

THENCE N.9°35'20"W., 613.26 feet to a point for the northwest corner of this tract;

THENCE along the arc of a non-tangent curve to the right, having a radius of 407.50 feet, an arc length of 128.26 feet, whose central angle is 18°02'01" and whose long chord bears N.72°38'38"E., 127.73 feet to an angle point for this tract;

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

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

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

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

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

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

THENCE along the arc of a curve to the left, having a radius of 642.50 feet, an arc length of 39.69 feet, whose central angle is 3°32'21" and whose long chord bears S.78°56'54"E., 39.68 feet to the point of beginning, containing 44.38 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572 — 8-24-09 Date

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August 24, 2009

DESCRIPTION OF A 7.25 ACRE TRACT
"Parcel H29"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.1°53'59"E., 2070.79 feet;

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

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

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

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

THENCE S.85°48'47"E., 344.33 feet to the point of beginning, containing 7.25 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller, PS 17572

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August 24, 2009

DESCRIPTION OF A 9.96 ACRE TRACT
"Parcel H30"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears N.2°53'27"E., 1297.05 feet;

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

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

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

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

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

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

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August 24, 2009

DESCRIPTION OF A 1.08 ACRE TRACT
"Parcel H31"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the southeast corner of this tract; Being a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M.;

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

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

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

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

THENCE S.0°14'22"E., 115.47 feet to the point of beginning, containing 1.08 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

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August 24, 2009

DESCRIPTION OF A 5.69 ACRE TRACT
"Parcel N1"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in the W1/2 of Section 34, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the southeast corner of Section 34, T.22S., R.2E., N.M.P.M. bears S.59°31'03"E., 1058.68 feet;

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

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

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

THENCE S.89°42'36"E., 538.21 feet to the point of beginning, containing 5.69 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.

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Exhibit "B" 342

FINDINGS

1. This is a request for zone changes to 13.59 ± acres of a Master-Planed area known as Sonoma Ranch East II.

2. The adjacent land use and zoning include:

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

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

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

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

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

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

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

Land Use Element, Commercial Uses, Goal 1, Objective 5.3
High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

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

Policy 5.3b High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

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

Policy 5.3d High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

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

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

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

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

Land Use Element, Open Space, Goal 1, Objective 11

Establish urban and rural open space networks in the area.

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

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

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

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

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

Land Use Element, Growth Management, Goal 2, Objective 1

Establish an integrated and coordinated approach to meet all established and proposed development-related policy.

Policy 1.10 Criteria such as existing land use distribution and their integration within adjacent areas shall be considered when determining a proposal's significance in providing a mixed use, sustainable and reasonable distribution of land uses. In general, a minimum ratio of 40% single family residential, 10% multi-family, 20% non-residential (office, commercial, and industrial), and 30% miscellaneous (residential, non-residential, public and quasi-public) within the "study area" should be achieved. The "study area" shall include all parcels within a one (1) mile radius of the proposed limits of the site plan proposal. When a "study area" reflects a deficiency with the established land use ratio, the proposal's location with regards to its overall compatibility to the surrounding area shall be taken into consideration to see if application of the land use ratio is feasible.

Urban Design Element, Goal 2, Objective 5

Protect those natural resources and features unique to our region.

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

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

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

Urban Design Element, Goal 3, Objective 9

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

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

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

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

Attachment "A"

City of Las Cruces®

TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Helen Revels, Associate Planner HR

DATE: August 25, 2009

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

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

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

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

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

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

BACKGROUND

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

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

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

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

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

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

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

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

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

FINDINGS

1. The adjacent land use and zoning include:

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

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

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

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

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

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

Policy 3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and

landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

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

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

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

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

Policy 5.3b High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

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

Policy 5.3d High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

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

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

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

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

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

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

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

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

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

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

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

Policy 1.10 Criteria such as existing land use distribution and their integration within adjacent areas shall be considered when determining a proposal's significance in providing a mixed use, sustainable and reasonable distribution of land uses. In general, a minimum ratio of 40% single family residential, 10% multi-family, 20% non-residential (office, commercial, and industrial), and 30% miscellaneous (residential, non-residential, public and quasi-public) within the "study area" should be achieved. The "study area" shall include all parcels within a one (1) mile radius of the proposed limits of the site plan proposal. When a "study area" reflects a deficiency with the established land use ratio, the proposal's location with regards to its overall compatibility to the surrounding area shall be taken into consideration to see if application of the land use ratio is feasible.

Urban Design Element, Goal 2, Objective 5
Protect those natural resources and features unique to our region.

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

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

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

Urban Design Element, Goal 3, Objective 9
Enhance our community's natural environment, physical environment, and character through quality design.

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

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

4. Staff has reviewed the proposed master plan amendment and zone change and no significant outstanding issues exist. The mixed use concept of the Master Plan remains intact from the original submittal. The mixed uses include Medium/High Density Single-Family, Medium/High Density Multi-Family and High Intensity Commercial. This request proposes rezoning for only 13.71 ± acres out of the total 320.98 ± acres within the Sonoma Ranch East II Master Planned area, leaving the remaining acreage as currently zoned/planned. The proposal does not add to the overall density of the master plan area and this proposal increases the amount of open space previously provided. The zone change request is consistent with the proposed amendment to the master plan.

RECOMMENDATION FOR CASE S-08-106

On July 29, 2009, the Development Review Committee (DRC) reviewed the proposed master plan amendment. The DRC reviews master plans from an infrastructure, utilities and public improvement standpoint. After some discussion regarding the Jornada Tank site, the case was tabled until the August 5, 2009 DRC meeting.

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

RECOMMENDATION FOR CASE Z2792

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

1. All new utilities shall be underground.

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

OPTIONS

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

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

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

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

ATTACHMENTS

1. Development Statement
2. Copy of the Master Plan
3. Copy of Zoning Plat
4. Copy of the Original Master Plan
5. Copy of the Original Zoning Plat
6. DRC Minutes (Draft) – July 29, 2009 & August 5, 2009
7. Zoning map
8. Vicinity Map

Attachment 1

DEVELOPMENT STATEMENT for **City Subdivision Applications**

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

Applicant Information

Name of Applicant: Sonoma Ranch Subdivisions

Contact Person: Brian Soleman

Contact Phone Number: 575-525-1183

Contact e-mail Address: bsoleman@sonomaranch.com

Web site address (if applicable):

Proposal Information

Name of Proposal: Sonoma Ranch East II Zone Change Amendment

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

S.F., M.F. Commercial

Location of Subject Property Sect. 34, T22S R2E

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

Acreage of Subject Property: 322

Zoning of Subject Property: R1a, R1-b, C3, R2, R3, R4, OSR, FC

Proposed number of lots 2584 MAX, to be developed in 18 phase (s).

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

Anticipated traffic generation 25,840 trips per day.

Anticipated development schedule: work will commence on or about 8/2009

and will take Appx 5 years to complete.

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

All drainage will be handled in accordance with CLC Design Standards. Combination of on lot storage and detention facility.

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional). THE PUDS IN this PLAN will MOST likely HAVE LANDSCAPED ENTRYWAYS, ENTRANCE SIGNAGE AND DECORATIVE LIGHTING, LANASCAPED MEDIANS AND CONVENTIONAL ROCK WALLS WILL BE USED.

Attachments

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

Location map

Subdivision Plat

Proposed house elevations

*renderings of architectural or site design features

*other pertinent information

SONOMA RANCH EAST II ZONING PLAN AMENDMENT #1

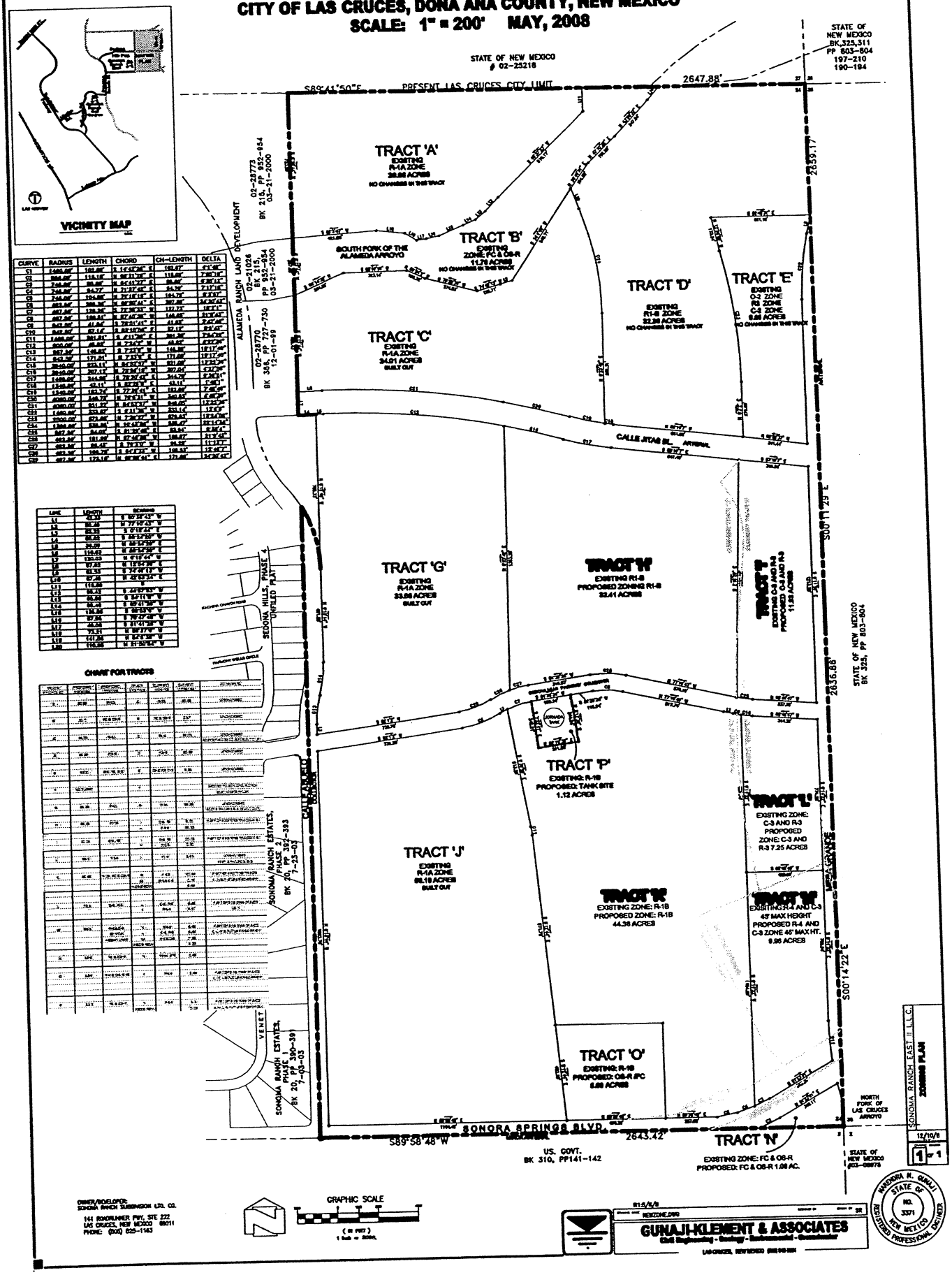
A MIXED LAND USE DEVELOPMENT

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

PREVIOUS ZONING: NONE (FORMERLY STATE LAND)

CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

SCALE: 1" = 200' MAY, 2008



CURVE	RADIUS	LENGTH	CHORD	CH-LENGTH	DELTA
C1	2,660.00'	100.00'	S 1°41'50"W S	100.07'	2°1'46"
C2	664.00'	118.14'	N 86°31'26" E	118.00'	7°36'16"
C3	744.00'	80.00'	N 84°41'33" E	80.00'	6°36'11"
C4	744.00'	94.77'	N 71°17'40" E	94.76'	7°17'16"
C5	744.00'	104.00'	N 78°16'18" E	103.92'	8°0'0"
C6	663.00'	300.30'	N 80°56'44" E	297.80'	34°46'42"
C7	487.00'	139.30'	S 72°36'33" W	137.73'	16°23'1"
C8	487.00'	188.40'	N 87°42'36" W	148.88'	33°13'44"
C9	843.00'	41.84'	S 78°51'45" E	41.83'	2°47'46"
C10	843.00'	67.14'	S 82°16'06" E	67.12'	4°34'0"
C11	1,486.00'	361.80'	S 71°13'36" E	361.00'	7°34'30"
C12	800.00'	46.84'	S 73°30'0" W	46.83'	3°32'36"
C13	663.34'	146.80'	S 73°33'0" W	146.56'	12°17'24"
C14	843.00'	171.84'	S 73°33'0" E	171.60'	11°17'24"
C15	2640.00'	523.11'	N 84°53'37" W	521.88'	12°33'34"
C16	2640.00'	307.12'	N 78°36'18" W	307.00'	6°32'39"
C17	1,486.00'	344.98'	N 78°36'42" E	344.28'	13°30'11"
C18	1,340.00'	43.11'	S 82°35'1" E	43.11'	1°46'1"
C19	1,340.00'	183.73'	N 77°46'41" E	183.60'	7°46'39"
C20	2000.00'	348.70'	N 78°35'31" W	348.26'	10°00'00"
C21	2000.00'	351.37'	N 84°53'37" W	348.85'	10°3'0"
C22	1,640.00'	333.87'	S 81°11'36" W	333.16'	11°6'0"
C23	2000.00'	373.46'	N 73°36'37" W	373.00'	10°34'0"
C24	1,360.00'	323.11'	N 84°53'36" W	322.47'	13°11'0"
C25	347.00'	84.00'	S 81°36'46" E	83.84'	6°36'4"
C26	463.00'	181.00'	N 87°46'36" W	180.07'	21°3'46"
C27	463.00'	85.00'	N 74°31'0" W	84.88'	11°13'0"
C28	463.00'	108.00'	S 61°31'0" W	108.00'	13°46'0"
C29	487.00'	173.10'	N 60°36'44" E	171.00'	34°36'43"

LINE	LENGTH	BEARING
L1	42.00'	S 80°38'43" W
L2	80.00	N 77°18'43" W
L3	83.33	S 8°18'22" E
L4	80.00	S 80°53'50" W
L5	34.00	N 80°53'50" E
L6	150.00	S 80°53'50" W
L7	120.00	N 6°18'44" W
L8	97.00	S 12°54'36" E
L9	62.00	S 74°46'13" W
L10	97.00	N 42°53'34" E
L11	110.00	S
L12	96.00	S 42°53'53" W
L13	40.00	S 84°11'0" W
L14	80.00	S 80°41'36" W
L15	130.00	S 80°53'0" W
L16	97.00	S 76°37'46" W
L17	40.00	S 81°41'36" W
L18	70.00	S 80°17'0" W
L19	140.00	S 84°41'36" W
L20	110.00	N 81°50'54" W

OWNER/DEVELOPER:
SONORA RANCH SUBDIVISION LTD. CO.
141 SNOWBUNNER PKY, STE 222
LAS CRUCES, NEW MEXICO 88011
PHONE: (505) 525-1143

Attachment 3

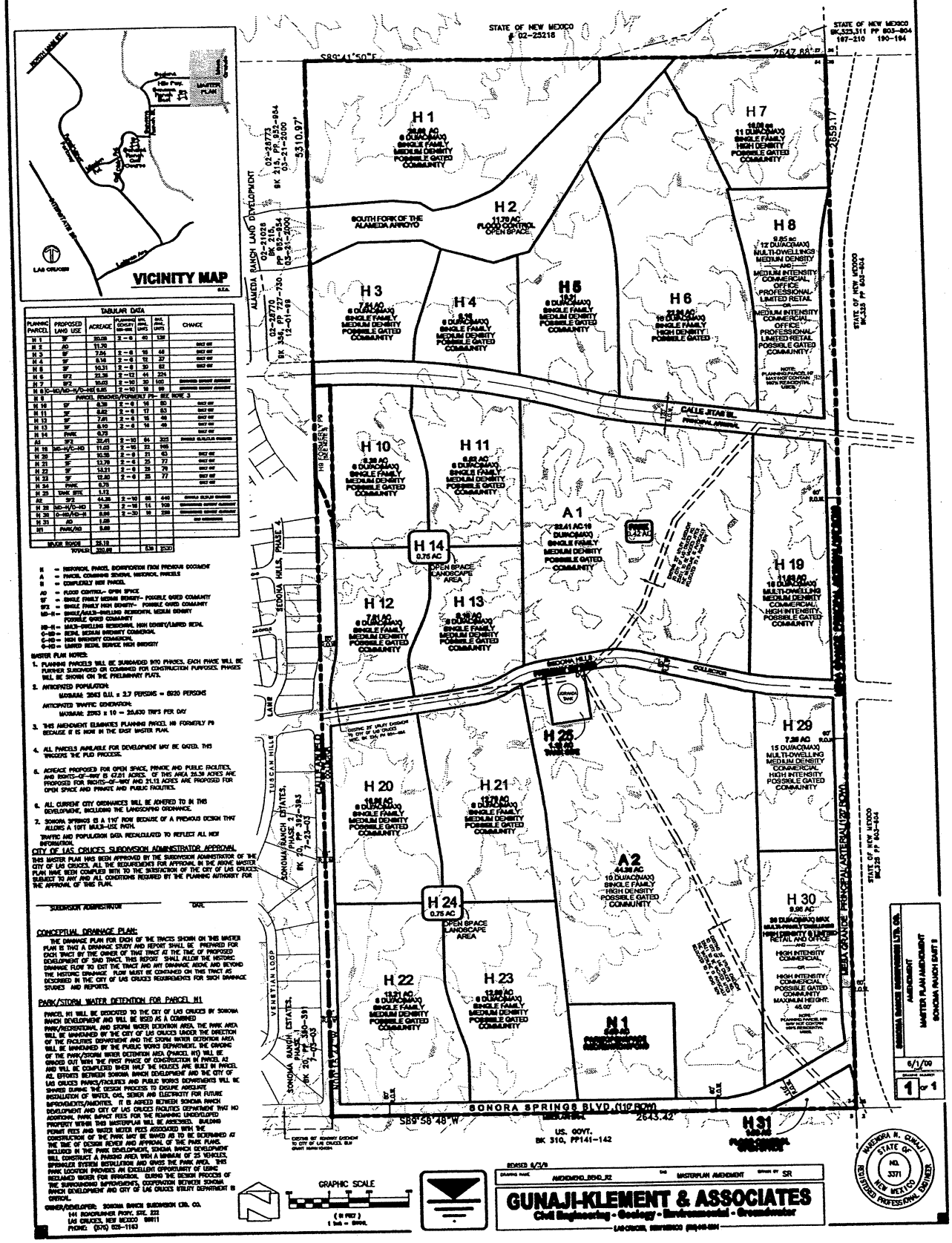
SONOMA RANCH EAST II MASTER PLAN-AMENDMENT #1

A MIXED LAND USE DEVELOPMENT

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

CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

SCALE: 1" = 200' July, 2009



TABULAR DATA						
PLANNING PARCEL	PROPOSED LAND USE	ACREAGE	PLANNING DENSITY (DU/AC)	MIN. UNITS	MAX. UNITS	CHANGE
H 1	SF	30.00	2 – 6	60	180	
H 2	AO	11.79				
H 3	SF	7.96	2 – 6	16	48	
H 4	SF	6.16	2 – 6	12	37	
H 5	SF	10.31	2 – 6	20	62	
H 6	SF2	22.38	2 – 12	44	224	
H 7	SF2	16.02	2 – 10	32	160	
H 8	C-HD/MD-H/O-HD	9.85	2 – 10	19	99	
PARCEL BROKEN/REMOVED PR- SEE NOTE 3						
H 10	SF	8.38	2 – 6	16	50	
H 11	SF	8.82	2 – 6	17	53	
H 12	SF	7.81	2 – 6	15	46	
H 13	SF	8.16	2 – 6	16	49	
H 14	PARK	0.75				
A1	SF2	22.41	2 – 10	44	223	
H 19	MD-H/C-HD	11.60	2 – 15	23	169	
H 20	SF	10.58	2 – 6	21	63	
H 21	SF	13.78	2 – 6	25	77	
H 22	SF	13.21	2 – 6	26	79	
H 23	SF	13.88	2 – 6	25	77	
H 24	PARK	0.75				
H 29	TAIL SITE	3.13				
A2	SF2	44.38	2 – 10	88	440	
H 30	MD-H/O-HD	7.38	2 – 18	14	108	
H 30	C-HD/O-H	8.88	2 – 30	18	266	
H 31	AO	1.88				
H1	PARK/AO	8.88				
MAJOR ROADS		38.18				
TOTALS		320.98			538	2530

H = HISTORICAL PARCEL DESIGNATION FROM PREVIOUS DOCUMENT
A = PARCEL CONTAINING SEVERAL HISTORICAL PARCELS
N = COMPLETELY NEW PARCEL
AO = FLOOD CONTROL- OPEN SPACE
SF = SINGLE FAMILY MEDIUM DENSITY- POSSIBLE GATED COMMUNITY
SF2 = SINGLE FAMILY HIGH DENSITY- POSSIBLE GATED COMMUNITY
MD-H = SINGLE/MULTI-DWELLING RESIDENTIAL MEDIUM DENSITY POSSIBLE GATED COMMUNITY
HD-H = MULTI-DWELLING RESIDENTIAL HIGH DENSITY/LIMITED RETAIL
O-HD = RETAIL MEDIUM INTENSITY COMMERCIAL
C-HD = HIGH INTENSITY COMMERCIAL
O-HD = LIMITED RETAIL SERVICE HIGH INTENSITY

MASTER PLAN NOTES:

1. PLANNING PARCELS WILL BE SUBDIVIDED INTO PHASES. EACH PHASE WILL BE FURTHER SUBDIVIDED OR COMBINED FOR CONSTRUCTION PURPOSES. PHASES WILL BE SHOWN ON THE PRELIMINARY PLATS.
2. ANTICIPATED POPULATION:
   MAXIMUM: 2043 D.U. x 2.7 PERSONS = 5520 PERSONS
   ANTICIPATED TRAFFIC GENERATION:
   MAXIMUM: 2793 x 10 = 25,630 TRIPS PER DAY
3. THIS AMENDMENT ELIMINATES PLANNING PARCEL H9 FORMERLY P9 BECAUSE IT IS NOW IN THE EAST MASTER PLAN.
4. ALL PARCELS AVAILABLE FOR DEVELOPMENT MAY BE GATED. THIS TRIGGERS THE PUD PROCESS.
5. ACREAGE PROPOSED FOR OPEN SPACE, PARKS AND PUBLIC FACILITIES, AND RIGHTS-OF-WAY IS 67.01 ACRES. OF THIS AREA 26.39 ACRES ARE PROPOSED FOR RIGHTS-OF-WAY AND 21.13 ACRES ARE PROPOSED FOR OPEN SPACE AND PRIVATE AND PUBLIC FACILITIES.
6. ALL CURRENT CITY ORDINANCES WILL BE ADHERED TO IN THIS DEVELOPMENT, INCLUDING THE LANDSCAPING ORDINANCE.
7. SONOMA SPRINGS IS A 110' ROW BECAUSE OF A PREVIOUS DESIGN THAT ALLOWS A 10FT MULTI-USE PATH.

TRAFFIC AND POPULATION DATA RECALCULATED TO REFLECT ALL NEW INFORMATION.

CITY OF LAS CRUCES SUBDIVISION ADMINISTRATOR APPROVAL

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

SUBDIVISION ADMINISTRATOR — DATE

CONCEPTUAL DRAINAGE PLAN:

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

PARK/STORM WATER DETENTION FOR PARCEL H1

PARCEL H1 WILL BE DEDICATED TO THE CITY OF LAS CRUCES BY SONOMA RANCH DEVELOPMENT AND WILL BE USED AS A COMBINED PARK/RECREATIONAL AND STORM WATER DETENTION AREA. THE PARK AREA WILL BE MAINTAINED BY THE CITY OF LAS CRUCES UNDER THE DIRECTION OF THE FACILITIES DEPARTMENT AND THE STORM WATER DETENTION AREA WILL BE MAINTAINED BY THE PUBLIC WORKS DEPARTMENT. THE GRADING OF THE PARK/STORM WATER DETENTION AREA (PARCEL H1) WILL BE CARRIED OUT WITH THE FIRST PHASE OF CONSTRUCTION IN PARCEL A2 AND WILL BE COMPLETED WHEN HALF THE HOUSES ARE BUILT IN PARCEL A2. EFFORTS BETWEEN SONOMA RANCH DEVELOPMENT AND THE CITY OF LAS CRUCES PARKS/FACILITIES AND PUBLIC WORKS DEPARTMENTS WILL BE SPACED DURING THE DESIGN PROCESS TO ENSURE ADEQUATE INSTALLATION OF WATER, GAS, SEWER AND ELECTRICITY FOR FUTURE IMPROVEMENTS/AMENITIES. IT IS AGREED BETWEEN SONOMA RANCH DEVELOPMENT AND CITY OF LAS CRUCES FACILITIES DEPARTMENT THAT NO ADDITIONAL PARK IMPACT FEES FOR THE REMAINING UNDEVELOPED PROPERTY WITHIN THIS MASTERPLAN WILL BE ASSESSED. BUILDING PERMIT FEES AND WATER METER FEES ASSOCIATED WITH THE CONSTRUCTION OF THE PARK MAY BE WAIVED AS TO BE DETERMINED AT THE TIME OF DESIGN REVIEW AND APPROVAL OF THE PARK PLANS. INCLUDED IN THE PARK DEVELOPMENT, SONOMA RANCH DEVELOPMENT WILL CONSTRUCT A PARKING AREA WITH A MINIMUM OF 25 VEHICLES, SPRINKLER SYSTEM INSTALLATION AND GRADE THE PARK AREA. THIS PARK LOCATION PROVIDES AN EXCELLENT OPPORTUNITY OF USING RECLAIMED WATER FOR IRRIGATION. DURING THE DESIGN PROCESS OF THE SURROUNDING IMPROVEMENTS, COOPERATION BETWEEN SONOMA RANCH DEVELOPMENT AND CITY OF LAS CRUCES UTILITY DEPARTMENT IS CRITICAL.

OWNER/DEVELOPER: SONOMA RANCH SUBDIVISION LTD. CO.
141 ROADRUNNER PKWY. STE. 222
LAS CRUCES, NEW MEXICO 88011
PHONE: (575) 523-1163

REVISED 6/3/09
DRAWING NAME: MASTERPLAN AMENDMENT — DRAWN BY: SR

Attachment 4

SONOMA RANCH EAST II MASTER PLAN

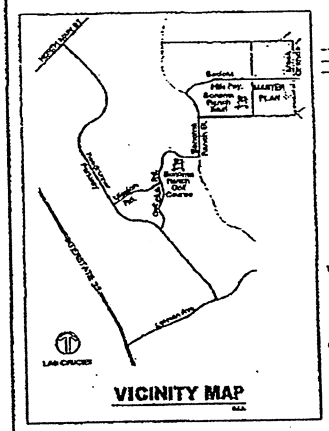
A MIXED LAND USE DEVELOPMENT

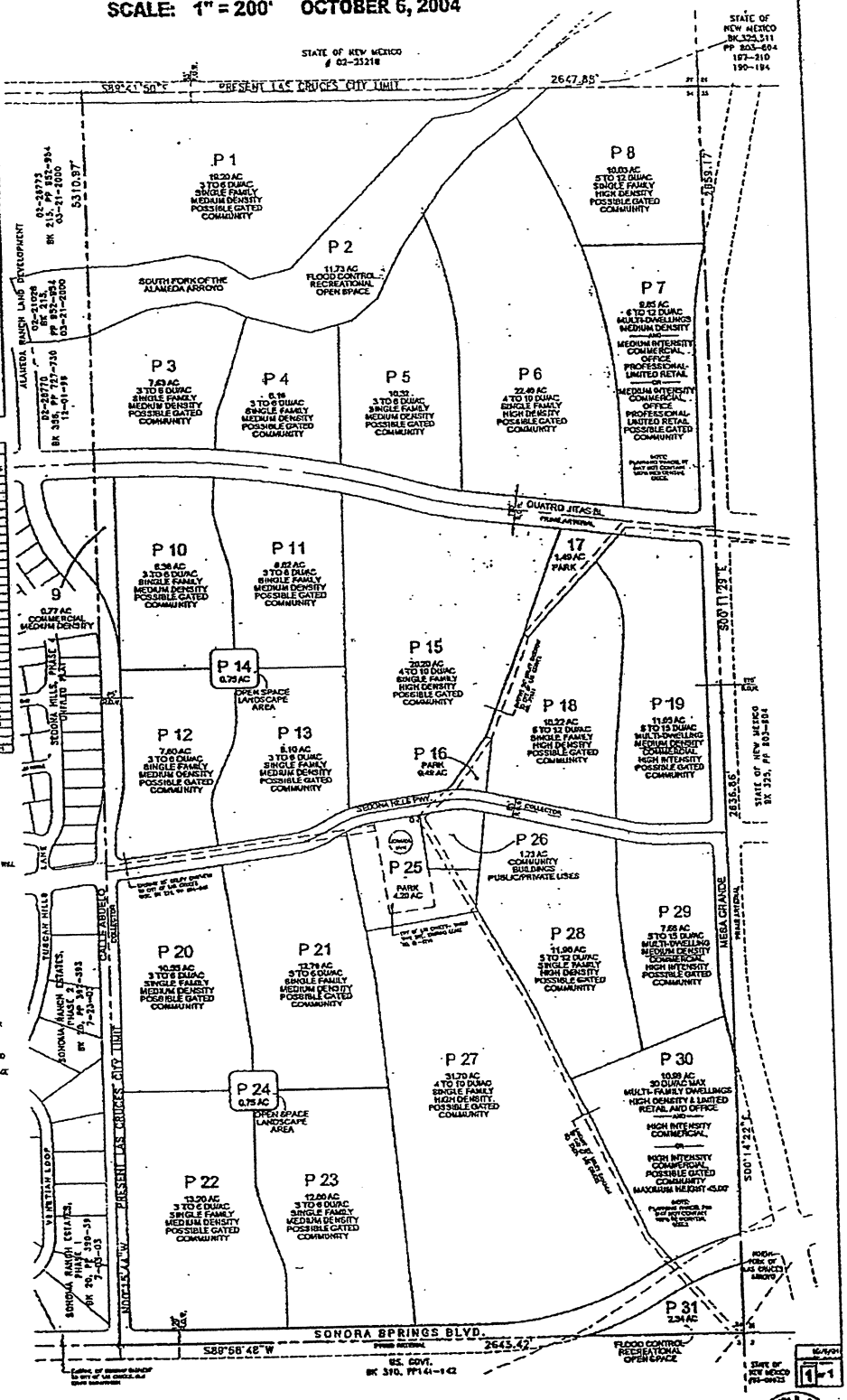
322.037 ACRES LOCATED IN SECTION 34, T22S., R.2E N.M.P.M. OF THE U.S.G.L.O. SURVEYS

PREVIOUS ZONING: NONE (FORMERLY STATE LAND)

CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

SCALE: 1" = 200' OCTOBER 6, 2004





TABULAR DATA				
PARCEL	PROPOSED LAND USE	ACREAGE	PROPOSED DENSITY (DU/AC)	ANTICIPATED DWELLING UNITS
P 1	SFD	19.20	3-6	58 to 115
P 2	OS	11.73		
P 3	SFD	7.63	3-6	23 to 46
P 4	SFD	6.16	3-6	18 to 37
P 5	SFD	10.31	3-6	31 to 62
P 6	SF	22.49	4-10	90 to 224
P 7	SF	8.85	6-12	54 to 106
P 8	SF	10.03	5-12	50 to 120
P 9	C-NB	0.77		
P 10	SFD	6.58	3-6	20 to 39
P 11	SFD	8.22	3-6	25 to 49
P 12	SFD	7.60	3-6	23 to 46
P 13	SFD	8.10	3-6	24 to 48
P 14	PARK	0.75		
P 15	SF	20.20	4-10	80 to 202
P 16	PARK	0.45		
P 17	PARK	1.49		
P 18	SF	10.22	6-12	61 to 122
P 19	MD-MF/C-NB	11.65	9-15	105 to 175
P 20	SFD	10.55	3-6	32 to 63
P 21	SFD	13.74	3-6	41 to 82
P 22	SFD	13.20	3-6	40 to 79
P 23	SFD	12.60	3-6	38 to 76
P 24	OS	0.75		
P 25	PARK	4.20		
P 26	COMMUNITY BUILDING	1.23		
P 27	SF	31.70	4-10	127 to 317
P 28	SFD	11.90	5-12	60 to 143
P 29	MD-MF/C-NB	7.65	5-15	38 to 115
P 30	MD-MF	10.98	15-30	165 to 330
P 31	OS	2.34		
	RIGHT-OF-WAY/OTHER	23.37		
	TOTALS	322.04	-	1149 to 2674

SF = SINGLE FAMILY MEDIUM DENSITY - POSSIBLE GATED COMMUNITY
SFE = SINGLE FAMILY HIGH DENSITY - POSSIBLE GATED COMMUNITY
MD-MF = MULTI-DWELLING DEVELOPMENT & LIMITED RETAIL & OFFICES POSSIBLE GATED COMMUNITY
SFD = SINGLE FAMILY LOW DENSITY - POSSIBLE GATED COMMUNITY
C-NB = MEDIUM DENSITY COMMERCIAL
C-HB = HIGH DENSITY COMMERCIAL

MASTER PLAN NOTES:

1. PLANNING PARCELS WILL BE SUBDIVIDED INTO PHASES. EACH PHASE WILL BE TRACKED SUBSEQUENT OR COMMENCED FOR CONSTRUCTION PURPOSES. PHASES WILL BE SHOWN ON THE PRELIMINARY PLATS.
2. ANTICIPATED POPULATION:
   MINIMUM: 1,149 DUs x 2.7 PERSONS/DU = 3,103 PERSONS
   MAXIMUM: 2,674 DUs x 2.7 PERSONS/DU = 7,220 PERSONS
   ANTICIPATED TRAFFIC GENERATION
   MINIMUM: 1,149 x 10 = 11,490 TRIPS PER DAY
   MAXIMUM: 2,674 x 10 = 26,740 TRIPS PER DAY
3. ACREAGE PROPOSED FOR OPEN SPACE, PRIVATE AND PUBLIC FACILITIES, AND RIGHTS-OF-WAY IS 51.70 ACRES. OF THIS AREA 24.23 ACRES ARE PROPOSED FOR RIGHTS-OF-WAY AND 27.46 ACRES ARE PROPOSED FOR OPEN SPACE AND PRIVATE AND PUBLIC FACILITIES.

CONCEPTUAL PLAN FOR UTILITIES SERVICE:
SEE PLAN PROVIDED

CONCEPTUAL DRAINAGE PLAN:

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

OWNER/DEVELOPER: SONORA RANCH SUBDIVISION CO. LTD.
250 E. SONORA BLVD.
LAS CRUCES, NEW MEXICO 88004
PHONE: (505) 523-1193

CITY OF LAS CRUCES SUBDIVISION ADMINISTRATOR APPROVAL
THIS MASTER PLAN HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR OF THE CITY OF LAS CRUCES. ALL THE REQUIREMENTS FOR APPROVAL BY THE SOIL INSPECTOR PLAN HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES, SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR THE APPROVAL OF THIS PLAN.

SUBDIVISION ADMINISTRATOR DATE

SONORA RANCH EAST II L.L.C.
MASTER PLAN

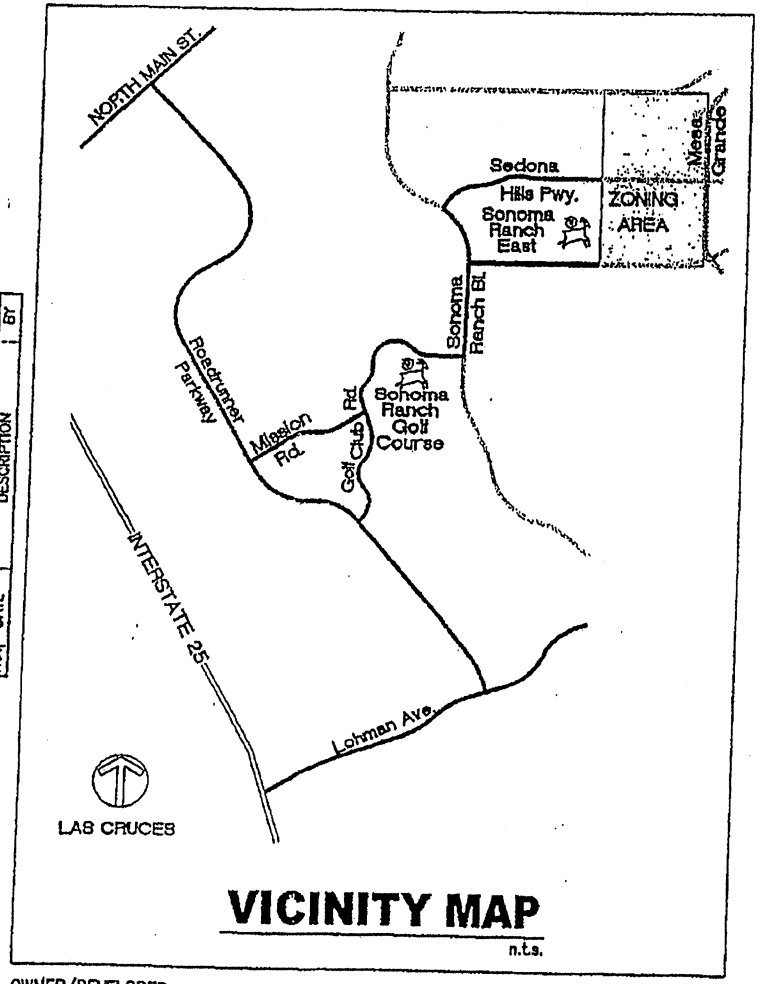
GUNAJI-KLEMENT & ASSOCIATES
Civil Engineering · Geology · Environmental · Groundwater

10/6/04
1-1

SONOMA RANCH EAST II ZONING MAP

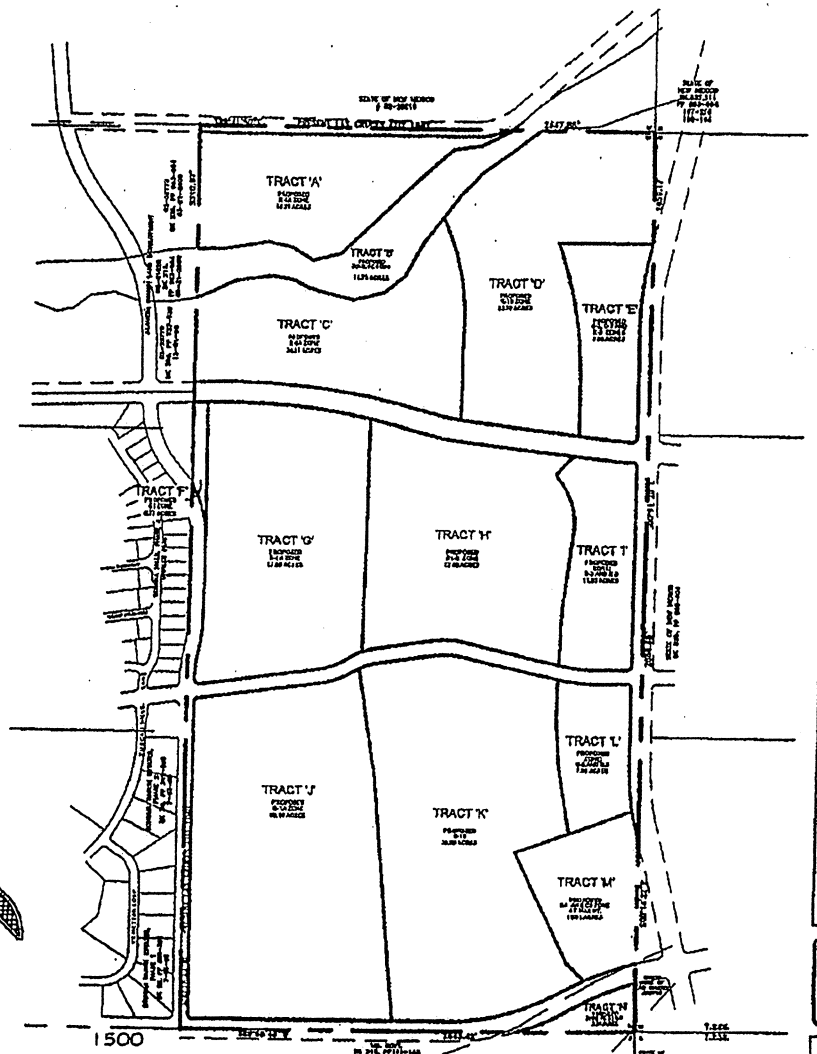
A MIXED LAND USE DEVELOPMENT
322.037 ACRES LOCATED IN SECTION 34, T2S., R.22E N.M.P.M. OF THE U.S.G.L.O. SURVEYS
PREVIOUS ZONING: NONE (FORMERLY STATE LAND)
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
OCTOBER 6, 2004

KEYED LOCATION



VICINITY MAP

n.t.s.



KEY MAP

NO.	DATE	CITY COMMENTS DESCRIPTION	D.D.	BY
1	11/18/04			

OWNER/DEVELOPER:
SONOMA RANCH SUBDIVISION LTD. CO.

250 S. DOWNTOWN MALL
LAS CRUCES, NEW MEXICO 88001
PHONE: (505) 525-1183

KEYED ZONING MAP

GUNAJI-KLEMENT & ASSOCIATES
Civil Engineering - Geology - Environmental - Groundwater
P.O. BOX 5048 LAS CRUCES NEW MEXICO (505) 524-1963

10/5/04
1 = 4

359

Attachment 5

Attachment 6

DEVELOPMENT REVIEW COMMITTEE

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, July 29, 2009 at 9:00 a.m. in the Las Cruces City Council Chambers, 200 North Church Street, Las Cruces, New Mexico.

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

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

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

I. CALL TO ORDER (9:02 am)

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

II. APPROVAL OF MINUTES – July 15, 2009

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

Murphy: Move approval, Tom Murphy.

Johnston: Second, Mark Johnston.

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

Members: Aye.

Rodriguez: Those opposed? Okay, minutes are approved.

III. OLD BUSINESS – NONE

DRAFT

IV. NEW BUSINESS

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

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

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

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

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

Rodriguez: Are any land uses being modified?

Revels: No.

Rodriguez: What's the new planning parcel being created?

DRAFT

Revels: There's N1; that's an open space recreation pond area. We have H25 which is a historical parcel but now they're giving it the zoning for the, I believe is flood control for the Jornada tank. That's the only new tract on this one.

Rodriguez: Would Sonoma Ranch like to comment?

Soleman: Brian Soleman with Sonoma Ranch. As Helen stated, the majority of our changes are really south of Calle Jitas. We had some changes due to the boundaries of the parcels to straighten them up for planning, for topography. If you look south of Sedona Hills, in comparison to the original master plan, basically what we've done is straighten up the lines. We did add a larger park in combination with storm as we did with the north. We shifted Sonora and Mesa Grande according to the approved alignment; it went before Planning and Zoning and Council and that's ultimately what triggered these changes.

Rodriguez: And the alignment for the intersection for Sonora Springs and Mesa Grande was altered because of the arroyo?

Soleman: Right. We did do a CLOMR on this. We do have an approval from FEMA based on this alignment; we have performed that and we are approved (*inaudible*).

Rodriguez: Okay. Go ahead and go around the table; I'll begin with Fire.

Dubbin: Mark Dubbin, Fire Department. We have no issues.

Rodriguez: MPO.

Murphy: Tom Murphy, MPO. The shifting of the Mesa Grande alignment is within the parameter for MPO policy so it's acceptable to us.

Rodriguez: Thank you. Facilities.

Johnston: Mark Johnston, Facilities. I did meet with the applicant and Brian Denmark. We discussed some of our issues. The one thing for the record that I'd like to make sure that we get on the record is that we do support the park pond issue however we do want to know what kind of water retention is going to be in that area and whether it is going to be more park or more pond as we move forward.

Soleman: Brian Soleman with Sonoma. In response to your question, this park pond will be the same concept as the north. If we need to make a statement about the drainage, if you are concerned about draining within 48 hours that is our intent with the park. As far as the detention on the pond it will be

DRAFT

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

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

Rodriguez: Utilities.

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

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

Montoya: Okay. The other thing is...

DRAFT

Steinborn: Oh excuse me, and your last item which is the City would like to get ownership of the property, we can talk about that as well.

Montoya: Okay, one more thing. Here is just a sketch that we have for the tank site. There is some important valve, not important, I mean there is some valve that outside the fence area and I know going to be approximately around this area but those valve are going to be outside the tank. I mean right now it's out… they are outside of tank. I know there is some line, it's going to be, I mean this line gonna be relocated so we would like to if it's got relocate… it depend on what is the future valve location, we would like to go ahead perhaps relocate the fence to enclose those valve as well.

Steinborn: Well, again, David Steinborn with Sonoma, it's the same issue. Let's take a look at the lease, let's have either our Engineers or yours shoot the legal description and make sure that the fence is either in the property or outside of the property. Let's find out that if the valves that you're talking about are within your lease or outside of your lease. Right now we don't know what we're talking about. Does that make sense to everybody? I mean… let's find out what the facts are and then… so we have two sets of facts. We have the facts on the ground and we have the fact of the document. The facts of the documents is what we bought, facts on the ground is what you need so we'll find a solution. And is there anything else we need to know about?

Montoya: Not at least moment there's not much the discretion over there as far as you know the utility concept but you know the conversation that I had with Brian is those two line, those two major transmission line, they are going to be relocated, they are gonna put it in the street. It's not going to be in the easement and we like that concept better so we don't have problem with that. It just that that Jornada tank site is one of the major City infrastructures of two million gallon tank so you know we… I believe we can work something out and as soon as I go back to the office I will ask to see the lease that we previously had with the state and to see what it did say there and then we perhaps will call a meeting between the Utility Director and you and then just resolve all of this at once and get to (*inaudible*).

Steinborn: That would be fine. There is one other thing about the tank and that is early on we provided the City through your offices a picture of how we would like to see the tank painted and we'd like to see that move forward.

Montoya: You provide that painting stuff to the…

Steinborn: To the City.

Montoya: To the City.

DRAFT

Steinborn: Yeah. This was several years ago.

Rodriguez: Meei in regards to the concerns regarding the transfer of ownership or anything regarding the tank site, any... the discharge issue. Does Utilities prefer to get this resolved with the master plan or would Utilities like to tie it to that it be resolved prior to any development occurring in planning parcel A2 and N1?

Montoya: Well when we went through the three reviews, we thought that is not going to be a problem for transfer of the tank site and then the City will fore go the pond area as long as we need to join the tank that water has to go somewhere and we have valve over there. We can throttle down the flow that is going to come off on the tank to that pond because we don't to flood that pond. So I thought maybe all this is in agreement but I don't know what Dave's thing right now when we talk about this. Are we still have big differences as far as what the City would like to get and what you because now this pond size kinda give me concern. I don't know what you really is asking us.

Steinborn: Well, again Steinborn with Sonoma. I don't think that the two things have to be linked together. We want to move forward on the issues on the master plan. We also want to move forward on a dual tract with you on these issues that you bring up about the water tank but you're telling me things that this is the fist time I'm hearing them. So it's first time I'm hearing them, so you may have talked to our staff before but they did not see this as an issue. I see it as an issue because if you're valve is outside your legal description, if your ponding is outside of your legal description, we have an issue because it's an accretion of our land. It's changing how much land we own or how much land we need to work out with the City. So what I'm committed to do is... I mean we can do it today. I mean as soon as you can get me the lease, as soon as we can get somebody out there to survey it or you can get somebody out there to survey it, my guess is you can do that quicker than we can, then we can resolve this.

Rodriguez: My recommendation based on the nature of the discussion I know the applicant is seeking to go to the August Planning and Zoning Commission meeting. There is time to have another DRC meeting. I'd recommend that we table this until next Wednesday, that gives the applicant and Utilities about a week to discuss the issues at the table and then to determine if it needs to be resolved with the master plan or if Utilities is comfortable tying it to future development with planning parcels A2 and N1 and then if that is the case we can come back next week and then still meet your... a timeline of the August Planning and Zoning Commission meeting.

Soleman: Brian Soleman with Sonoma, I would like to offer one comment. As you know Meei, we submitted a full blown design for the relocation of the water

DRAFT

line along Sedona Hills, Mesa Grande and in that submittal what you are talking about with the valves outside of the fence, those valves are completely eliminated.

Montoya: Okay. We just…

Soleman: I just wanted to throw that out that we have submitted a flown blown set of drawings; nothing was ever acted on them. But that's something that we could look at as well.

Montoya: When I was talking about the valve is pretty much based on what the valve we currently have right now and those two valves are outside the fence area. But you know for the line relocation if those two valves or you know whatever the many of the valve is going to be, we can move that inside the fence area. We don't want the fence areas bigger than what we need. You know we are not asking for that. But if it is going to be outside the fence area and then it's going to be potentially be located in somebody's back yard, that's something we don't want. That's why we would like to either move them into the fence area just like what Brian say or we have to work something out. But when I go back the first thing I will do is I will find the lease to see what the lease say and then call and then you know report to the Utility Directors and just to see what you would like to do. So I will support and maybe postpone this as far for the Utilities till next Wednesday.

Rodriguez: For one week to the August 5th DRC meeting; that would give the applicant and Utilities some time to look at the lease agreement and see if it needs to be resolved with the master plan or tie it to future development in the planning parcels. Mr. Steinborn.

Steinborn: Yeah, David Steinborn again. So to… may I ask a question to Brian? So where are we… if we've submitted a detailed layout of the utilities that got rid of the valves, what happened to them?

Soleman: Well the valve system that we submitted was along with the Mesa Grande design that we provided from the south to Onate.

Steinborn: Right.

Soleman: And that particular project was shut down at MPO. That was the project for (*inaudible-multiple people speaking*) we design…

Steinborn: This is the deal about the right-of-way not being on the section line and all that?

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Soleman: Right. We provided a full water line design for connection to the tank eliminating both the north and the south lines that you have existing out there now.

Steinborn: So in other words we submitted this plan a year and a half ago?

Soleman: Year and a half, between year and a half and two years.

Montoya: And then I would like to add we did review, we did not have a problem but there was get hung up because of the… because of the right-of-way. You know of the…

Soleman: Mesa Grande.

Montoya: Mesa Grande. So we cannot go forward for to relocate the line because the Mesa Grande right-of-way at that time was in question. Now I don't know where are we on the Mesa Grande with the annexation of Presidio.

Soleman: Well the Mesa Grande alignment was approved to Planning and Zoning and with Council, it's sitting at the state land office now.

Rodriguez: My recommendation, the right-of-way issue is a separate issue. I think that the tank itself regarding the lease agreement and any drainage valve location, things of that nature, I think that can be resolved in dialogue outside of DRC in the next week and we can come back and see if this can be moved forward to the Planning and Zoning for the August meeting. But I'd like to give Public Works an opportunity to state any comments or concerns they have so the applicant's aware of this and then after that we can entertain a motion to table this to August 5th. Public Works?

Diaz: Claudia Diaz for Public Works. I wanted talk about actually not too many issues but just a couple of comments. So on the Mesa Grande alignment, what we did on our review, we understand it already went to Planning and Zoning and Council and all of that's been resolved but there was a dedication plat and I guess it's getting signatures. This incorporates that change so we just kind of defer to Planning as far we weren't sure at Public Works if the dedication plat had to be filed in order for this to be official so we just deferred on that issue to Planning. We don't have any more issues on Mesa Grande on that. We do have for Facilities; I did make sure that there is some language for N1 which is the dual park. That there's some language that will work together so we'll review the drainage and then you can review the park. So just to feel comfortable we went ahead and worked with Sonoma Ranch to add that language so we're okay on that; not too detailed but it has some language in there that we'll review the design. Another thing, the last one is just a recommendation and we weren't going to hold anybody up for that, we just recommended that

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

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

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

Rodriguez: Yes ma'am.

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

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

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

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

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

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

Montoya: Thank you.

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

Dubbin: Mark Dubbin, so moved.

Johnston: Mark Johnston, second.

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Rodriguez: All those in favor?

Members: Aye.

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

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

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

Murphy: So moved, Tom Murphy.

Dubbin: Second, Mark Dubbin.

Rodriguez: We are adjourned.

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Chairperson

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DEVELOPMENT REVIEW COMMITTEE

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, August 5, 2009 at 9:00 a.m. in the Las Cruces City Council Chambers, 200 North Church Street, Las Cruces, New Mexico.

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

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

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

I. CALL TO ORDER (9:05 am)

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

II. APPROVAL OF MINUTES – NONE

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

III. OLD BUSINESS

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

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

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

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

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

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

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

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

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

Dubbin: So moved, Mark Dubbin.

Reyes: Second, Loretta Reyes.

Rodriguez: All those in favor.

Members: Aye.

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

Gunaji: Thank you.

IV. NEW BUSINESS

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1. **Peachtree Hills Annexation (includes Master Plan and Initial Zoning). Cases S-09-035 Annexation Plat, S-09-036 Master Plan and Z2798 Initial Zoning:**
   - Located north of Peachtree Hills Road (Minor Arterial) and west of Jornada Road (Collector),
   - Comprises 162.734 +/- acres,
   - Staff proposes zoning of R-1aC (Single-Family Medium Density Conditional), R-3 (Multi-Dwelling High Density), H (Holding Zone District), and OS-R (Open Space – Recreational). Applicant originally proposed R-2 (Multi-Dwelling Low Density), R-3 (Multi-Dwelling Medium Density), and R-3/C-3 (Multi-Dwelling Medium Density) with (Commercial High Intensity) overlapping.
   - Proposed uses are institutional, residential, holding (undeveloped), and open space-recreational.
   - Land use distribution (excluding road ROW): 37% Holding (undeveloped); 12% High Density Residential; 42% Institutional (elementary and middle school), 9% Open Space – Recreational.
   - Submitted by Summit Engineering for Las Cruces Public Schools.

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

Byres: Greg Byres with Summit Engineering.

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

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

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

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

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

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

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

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

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

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

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

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

Hembree: Which, staff supports that.

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

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

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Byers: Yes, he did.

Hembree: Okay.

Byers: And he clarified that with... we've turned in everything that is required for an annexation but he stated that when it does go to P & Z, they'll probably ask for additional information which we're trying to provide now so that that information's there. As far as the annexation plat itself, I think we addressed all the comments on it. We tried to clarify some of the line types and everything so it's a little cleaner and easier to read.

Hembree: As I recall, staff had some issues with the southern boundary line, it was unclear as to the extent of the annexation area.

Byers: And all of the other comments that Engineering have had, I think we've pretty much have addressed as well.

Rodriguez: Greg, I have a few questions. Primary access to the development will be, is proposed to be through the extension of Sonoma Ranch Boulevard to Peachtree Hills, is that correct?

Byers: That's correct. That will be the bus route.

Rodriguez: On that note what are the plans right now for the extension of Sonoma Ranch to Peachtree Hills Road?

Byers: As of right now in speaking with the developer that is doing Sonoma Ranch, Sonoma Ranch right now from my understanding is, the design is being completed. Sonoma Ranch has currently or they are currently trying to get it on to the TIP; they have a meeting with MPO on the 12th to get that going. As far as I know that is still going through as a City project so the last meeting that we had which was a week and a half ago with the developer, they are still scheduled to have it completed at the same time that the schools will be open which is Fall of 2010.

Rodriguez: And then in terms for the construction of Peachtree Hills Road and Jornada, the school, it's my understanding that the school would be funding that construction project but the City will be managing that construction project. It is also my understanding that there was going to be an agreement between the City of Las Cruces Public Schools to identify the roles so the City can actually do the contract management component to that. Is it expected that that agreement can go to Council with the annexation request so we can tie all of the development issues together cleanly?

Torres: The initial request for... from the school district to the City for whatever is necessary to accommodate that and to execute that has been submitted to the office of the Assistant City Manager. We're working with Robert Garza to complete that. As soon as that can be resolved and completed with Mr. Garza then I don't see a problem. I'm sorry, Herb Torres with Las Cruces Public Schools.

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Reyes: Madam Chair, I have a question.

Rodriguez: Yes, Loretta.

Reyes: Loretta Reyes, Public Works. So for the construction, design and construction of Peachtree Hills and Jornada, are the plans going to be developed by the engineer on behalf of Las Cruces Public Schools, their engineer and then the City will do the bidding and contract and construction management and all of that? Can we please make that clear for the record?

Byers: That is exactly what is going to happen. The construction drawings at this point in time are about 70% complete. We're trying to finish up a submittal for an application going in for funding for the schools itself. Once we get that set done, we will probably turn that over to City Engineering for an initial review and comments for a 70% complete review. It won't be for final but at lease that way you guys can have a look at what we're planning on doing and if you have any comments coming back we can address those before we get to final construction drawings. And if that needs to go directly to Engineering or if it needs to go through Contracts, however I need to route that.

Reyes: Loretta Reyes. The contract or the bidding and that process is done by our Project Development Section of Public Works so I'm not sure if it would have to go, it probably will have to go through them.

Byers: Okay.

Hembree: Madam Chair I have a question, a clarification. Gary Hembree. In terms of access to the middle school you know we're trying to basically use Sonoma Ranch as our primary point of access. What are your mitigation measures if you will in terms of trying to maintain Jornada as secondary access for the middle school relative to Sonoma?

Byers: There's actually there's... we have the primary access being Jornada coming from Jornada down Peachtree to Sonoma Ranch, that is the bus route, that's emergency bus route or the primary bus route. There is also a secondary access that is going to be routed from the middle school through an access road on the elementary school property. And that's for both maintenance use and for emergency access.

Hembree: Okay, thank you.

Rodriguez: I'm going to go ahead and go around the table and I'll start with Public Works.

Reyes: Loretta Reyes, Public Works. One more issue on the design and construction of Jornada and Peachtree with regard to who do... provide the plans to. We'll touch base with Louis Grijalva, the Project Development Administrator and with Mike Johnson and figure out who would need to get those plans and then we'll also discuss the review as far as who will be

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

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

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

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

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

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

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

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

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to state, the utility plan showing here is conceptual only and will, may need to be revised. That's it.

Rodriguez: Meei and I guess this is a joint question for both Utilities and Herb Torres with the school. As part of the agreement with the City regarding the contract management component for the roads, are utilities tied to that as well for the extension of those utilities?

Torres: Yes, they are.

Montoya: So with that the Utility Department will need to review the roadway design for Jornada and Peachtree so we can get our utility in.

Rodriguez: Okay and those are all elements that will be identified in that agreement of understanding for... between the City and Las Cruces Public Schools. Facilities?

Johnston: Mark Johnston, Facilities. Facilities has no issues at this point however I would like to recommend that the school district look at opportunities for possibly some shared space for community recreation on either of these parcels.

Rodriguez: I do have a question for both Schools and Facilities. Concerns have been raised with the Planning and Zoning Commission regarding park opportunities. In terms for the playground facilities that will be at the elementary school, is those facilities for public use, I just need to clarify that for the record.

Torres: Madam Chair the actual space that'll be utilized for the actual elementary school and surrounding space which will be in excess of what is require for the elementary school will be available for certainly community use. We are in the process now of finalizing some JPA agreements with the City about all facility usage that we share with the City and any additional spaces that are added for the development of schools by the District will be included in those JPA agreements for additional community recreational uses.

Rodriguez: Thank you for that clarification. MPO?

Murphy: Tom Murphy, MPO. In regard to Sonoma Ranch, an application was filed to us to put the Sonoma Ranch project onto the TIP. It goes to the TAC tomorrow and Policy Committee the following week. At this time there's no federal funds identified for the project nor I understand they are seeking at the... the funding is going to be a combination of private and possibly local funding and this project is being placed on the TIP for purposes that it's a regionally significant project but there's no federal funding that is in the pipeline for this project.

Rodriguez: Thank you for that clarification, any other comments?

Murphy: No other comments.

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Rodriguez: Fire?

Dubbin: Mark Dubbin, Las Cruces Fire Department. I understand Moongate is the water provider. We will require a technical water report to make sure that we have the adequate fire flow for the facilities and since there was some mention of construction earlier, I'd like to add that make sure on the timeline that there is primary access available before the groundbreaking of the school so that we can have adequate response.

Byers: Are you requiring that technical report as part of the master plan?

Dubbin: No, just prior to construction and access as well.

Byers: Okay.

Rodriguez: The technical report can be submitted with the construction drawings for the roads and utilities?

Dubbin: Yes.

Hembree: Madam Chair, Gary Hembree. As far as the Public Works concerns and comments are concerned I'd like to maybe offer up a suggestion that they consider a conditional approval such that those conditions or the issues are addressed prior to Planning Commission action, if they would consider that, I would work with them to clear those comments in the interim.

Rodriguez: Public Works?

Reyes: Loretta Reyes, Public Works. That's amenable, that would work for us.

Rodriguez: And Greg you're gonna resubmit this effective tomorrow?

Byers: Yes.

Rodriguez: Because we need to clear up the land use for that private parcel for four and seven.

Byers: Yes, we will have it in tomorrow.

Rodriguez: So all outstanding review comments from any department will be rectified prior to the Planning and Zoning Commission and we'll be able to monitor that when we prep the agenda for the August Planning and Zoning Commission and meanwhile I will also touch base with the Assistant City Manager regarding the status of that agreement between the schools and the City and see if that could be finalized when we bring this to City Council for final action.

Hembree: And Madam Chair, Gary Hembree, I'll serve as point person including all those comments prior to the Planning Commission packet being prepared.

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Rodriguez: Thank you. On that note, do I have a motion to... what we need to do is we'll have three separate motions... two separate motions. One for the annexation and one for a master plan and then we'll vote on each item separately so for the first item do we have a motion to conditionally approve the annexation Case No. S-09-035 that all outstanding reviewing comments be rectified prior to the August Planning and Zoning Commission meeting?

Johnston: Mark Johnston, Facilities, so moved.

Dubbin: Second, Mark Dubbin.

Rodriguez: All those in favor?

Members: Aye.

Rodriguez: The next item is a motion to approve Case S-09-036, the master plan for the Peachtree Hills Annexation with the condition that all outstanding review comments be addressed prior to the August Planning and Zoning Commission.

Reyes: So moved, Loretta Reyes.

Dubbin: Second, Mark Dubbin.

Rodriguez: All those in favor?

Members: Aye.

Rodriguez: None opposed.

V. **ADJOURNMENT (9:29 am)**

Rodriguez: Do I have a motion to adjourn?

Reyes: So moved, Loretta Reyes.

Dubbin: Second.

Rodriguez: We are adjourned.

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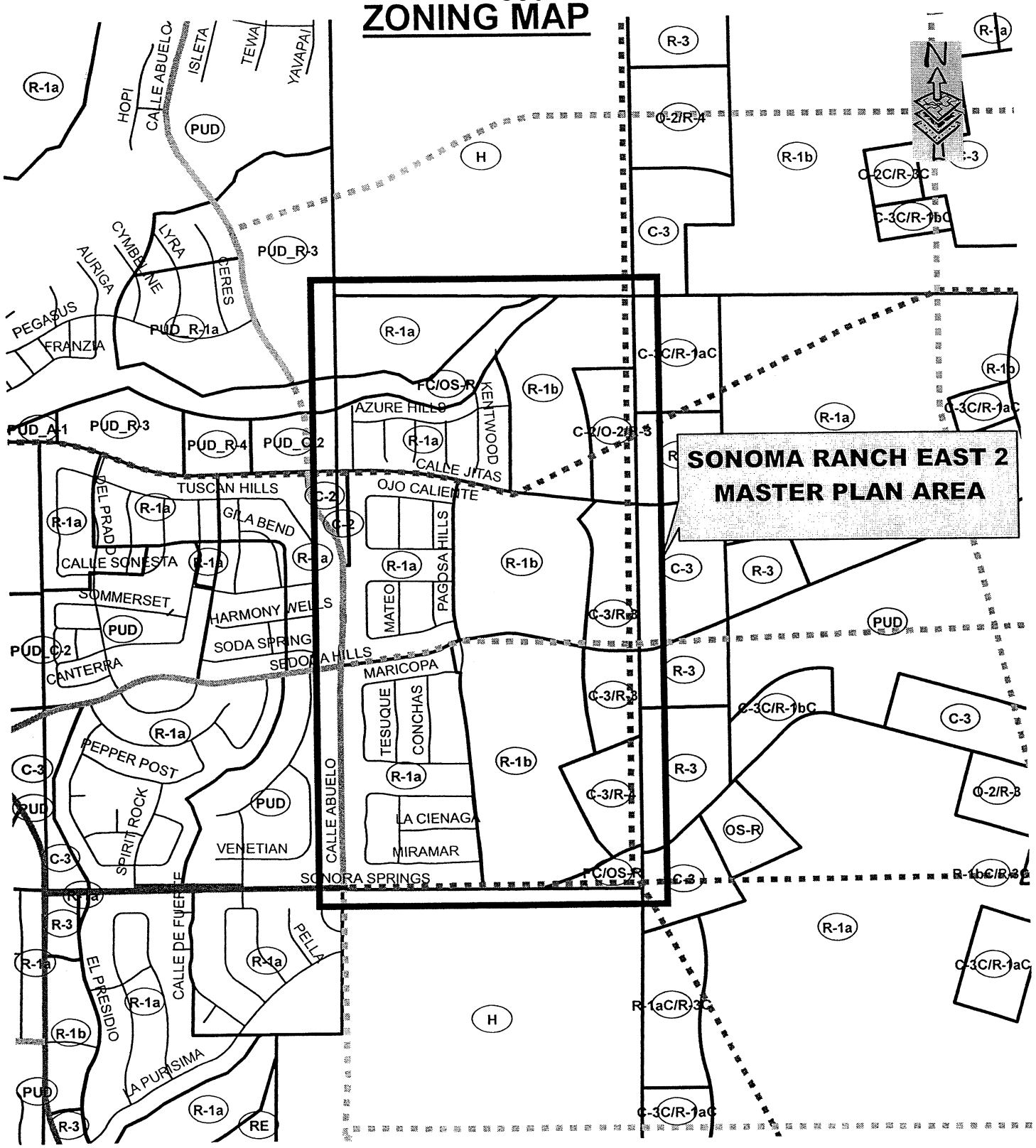
Chairperson

Attachment 7

ZONING MAP



CASE NO. S-08-106 AND Z2792

PARCEL: 02-37615

OWNER: SONOMA RANCH SUBDIVISION LTD CO

EXISTING SUBDIVISIONS

SONOMA RANCH EAST 2

PHASES 1 - 7

0 445 890 1,780 2,670 3,560 Feet

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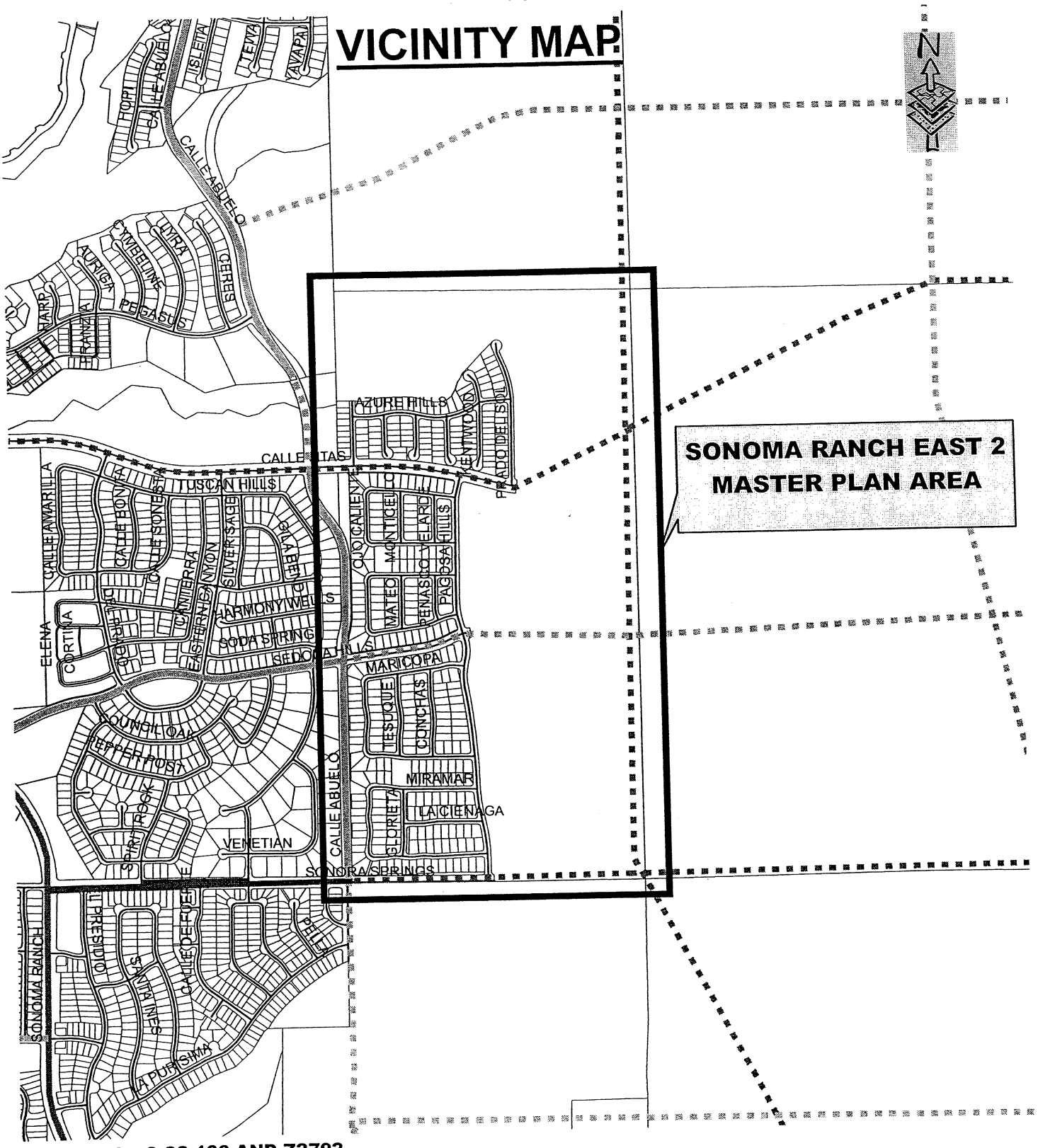
Community Development Department
575 S Alameda Blvd.
Las Cruces, NM 88001
(505) 528-3222

Attachment 8

VICINITY MAP



CASE NO. S-08-106 AND Z2792

PARCEL: 02-37615

OWNER: SONOMA RANCH SUBDIVISION LTD CO

EXISTING SUBDIVISIONS

SONOMA RANCH EAST 2

PHASES 1 - 7

0 440 880 1,760 2,640 3,520 Feet

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

Attachment 384 "B"

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

BOARD MEMBERS PRESENT:
Charles Scholz, Chairman
Shawn Evans, Member
Charles Beard, Member
Ray Shipley, Member

BOARD MEMBERS ABSENT:
Godfrey Crane, Vice Chair
Donald Bustos, Secretary

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

I. CALL TO ORDER 6:00

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

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

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

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

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

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

Beard: So moved.

Shipley: Second.

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

ALL COMMISSIONERS - AYE.

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

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III. POSTPONEMENTS

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

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

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

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

Shipley: I move that we postpone subject case.

Scholz: Second.

Beard: Second.

Scholz: All those in favor say aye.

ALL COMMISSIONERS - AYE.

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

IV. WITHDRAWALS

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

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

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

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

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

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

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

Scholz: Okay.

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

Scholz: Okay.

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

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

V. CONSENT AGENDA

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

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

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

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Shipley: Yes.

Scholz: So you go away for a month and you get confused.

Rodriguez: Mr. Chairman, Cheryl Rodriguez. What you do is go ahead, have a motion to amend the agenda as noted with the withdrawal of Case Z2786 and then we'll have a motion and a vote. Thank you.

Scholz: Thank you. So I'll entertain a motion.

Shipley: I move to amend the agenda to have Case Z2786 placed under the withdrawal category.

Scholz: Okay. Is there a second?

Evans: I second.

Scholz: Okay, it's been moved and seconded. All in favor say aye.

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. All right the agenda is amended.

VI. OLD BUSINESS

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

VII. NEW BUSINESS

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

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

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

Ochoa: Yes, sir.

Scholz: Go ahead.

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

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

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

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

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

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

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

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

Ochoa: Different departments.

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

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Shipley: Mr. Ochoa, very nice to see this. I just have two questions. The sign for the City Hall that you showed just says City of Las Cruces, is it not going to say City Hall so that somebody that's a new person coming to our area may not be as you know familiar?

Ochoa: The applicant is here, representative for the applicant is here to go ahead and comment on that. I'll leave that to him sir.

Shipley: Okay, and the second question would probably be addressed to him as well is on the Library, Branigan Library sign, it looks like it's on the drawing that I have, looks like it's on one side of the street, is it visible from both directions? I know it's a four by eight sign, it's a pretty good size sign, but.

Ochoa: Correct. From what I believe, I'm sorry, Commissioner Shipley, from what I believe the sign does run perpendicular to the street so you can see it from driving on both sides, from what I've seen from the designs. I'm going to let the applicant address the rest of that for you sir.

Scholz: Okay, we'll hear from the applicant. I forgot to mention this at the beginning; our procedure is that the City presents the case, the applicant then speaks to the case, then we open it to the public for their input, we close the public discussion and the Commissioners discuss and vote. All right, let's hear from the applicant.

Heltne: Good evening Commissioners. My name is Kyle Heltne, project management section with the Facilities Department of the City. To answer your question Mr. Shipley, we are looking to add City Hall to the main City Hall sign. That has been changed with … we have been given direction from the City Council to do that after we submitted our application. I do have a revised plan of that showing in the top left corner of this plan.

Scholz: Okay, does that answer your question Commissioner Shipley?

Shipley: Yes it does. Thank you very much. But the other question is the location of the sign, the City Hall sign, on your map there shows it kind of at an angle which is not either perpendicular or parallel to Main Street. Is that correct?

Heltne: Are you looking at this sign right here?

Shipley: Yes, sir, right there.

Heltne: Yes, this … let me get to another slide here. Mr. Chairman, Commissioner Shipley, this picture shows the retaining wall that is located on this corner that we are looking at of the property. This is where we will be locating our letters to this retaining wall to create our sign here sir.

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Shipley: Is that going to give you enough … a person coming northerly on Main Street, is that going give them enough time to see it, to turn in there or are they going to zip right by it before they see it?

Heltne: That question I would have to refer to the City Architect, Tomas Mendez, to answer that question.

Mendez: Good afternoon Commissioners. Mr. Shipley, there's a possibility that we may have actually to come back and add a sign, but that would be a separate application and we wanted to pursue this one. Let me scroll back to the site plan. We originally had envisioned having another sign in this location, but that got a little complicated because of the ongoing design and construction work related to the roundabout to the traffic circle, so we suspended that. We're not real sure exactly how we're going to address traffic from the south until we actually get that roundabout built there. Then we will see what the sight lines are. So we suspended that effort, but we do envision there … there's sidewalk here and sidewalk here, and we're not real sure how all that's going to play into … basically the roundabout you can see it cuts off into here, but we at the present time will not be developing … if you draw a line, follow the cursor, we're going to suspend work in this area until that roundabout is built. They obviously need work to construct that … or excuse me need work area to construct that. So we're not real sure exactly how it's going to pan out. That's a long answer to a short question.

Shipley: Well, I guess the problem I have is trying to visualize you know coming from the south going north there, being able to see the sign and having a sight triangle so that people pulling out can see back to the left so they don't get … we don't have an accident there on that corner. Because that's the turn in to the parking lot there for the City Hall.

Mendez: This entrance?

Shipley: Yes, right there.

Mendez: Yes, sir, well our sign …

Shipley: The way the sign is located now, it's not going to be visible from anybody coming northerly on the right hand side, until they get right up beside it.

Mendez: North bound, that's correct. And that's why we actually would rather have the sign in this area, but we want to wait until the traffic circle is constructed to develop … to find out exactly where it will work best. Originally we had it planned approximately in here, but we're not sure whether that will work because the traffic circle may not allow for that … for you to be maneuvering the traffic circle and looking over your right

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shoulder to get the proper sight line. So we're still working on what the best location for a sign for northbound traffic.

Scholz: All right, any other questions for these gentlemen? Okay. Thank you. Is there anyone from the public who wants to comment on this issue? Okay, I'm going to close it to public discussion then. Gentlemen what's your pleasure? Mr. Shipley.

Shipley: I guess what my problem would be is that just looking at this plan the way it's laid out, I didn't have problems with the three signs, the one sign here I did have a problem with. Basically if they put a similar sign on the opposite side of the entry way that would be visible and that would be visible far enough out that somebody would slow down to make a right turn into the parking lot. You know the way I look at this is that people that go there every day are going to know that entry way is there, but you put a sign farther back down near the traffic circle, that's not going to help a stranger that is trying to find his way into the City Hall if they're coming there. So I just thought the way this is laid out is probably not ...

Scholz: Not ideal.

Shipley: Not ideal and it's not really a workable solution for what I think we should be looking at.

Scholz: Okay. Commissioner Evans, comments?

Evans: No, I think it's reasonable to you know go ahead and get the roundabout in and then come back and reassess it. They plan to do something else. I think it'll become obvious what the correct course will be once that stuff is constructed and then like he said, he's going to come back and reassess it. I think we're fine for now.

Scholz: Commissioner Beard.

Beard: No.

Scholz: No comments. Okay. We did something like this for the new museum if you recall. It was again a variance of the sign location and we were very concerned there about what did you call, the triangle ...

Shipley: Sight triangle.

Scholz: Sight triangle. Right, the visibility. That seemed to work out pretty well. But as I recall that was a modification of a modification ultimately. So I'm hoping that we'll be able to see the same thing here. So, is there a motion to accept ... to approve this variance.

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Evans: Mr. Chairman, I move that we approve Case A1699.

Scholz: All right, is there a second to that?

Beard: Second.

Scholz: Okay, it's been moved and seconded, I'll call the roll. Commissioner Shipley.

Shipley: Aye findings and discussion and site visit.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings, discussions, and site visit.

Scholz: And the Chair votes aye for findings, discussion, and site visit. So that variance is approved.

2. **Case A1700:** A request for a variance from the maximum allowed height of a front yard wall of a property located at 1530 Country Club Circle. The subject property encompasses +/- 0.18 acres and is zoned R-1a (Single-Family Medium Density.) Currently the maximum allowed height of a front yard wall for a residential property is four (4) feet. The applicants would like to add an additional two (2) feet to the height of an existing front yard wall that currently measures four (4) feet in height. The proposed addition would make the wall six (6) feet in height. Submitted by property owners Tony H. Ortega & Merna D. Kauble.

Scholz: All right, our next case is Case A1700, a request for a variance from the maximum allowed height of a front yard wall of a property located at 1530 Country Club Circle. Let me get my packet. Mr. Ochoa, you're up for this too I guess. Okay, go ahead.

Ochoa: Yes, sir, I'll be up here for a little bit. Case A1700 is a request for a variance from the maximum allowed height of a front yard wall for a property located at 1530 Country Club Circle. It was submitted by property owners Tony H. Ortega and Merna D. Kauble. Forgive me if I mispronounce that. Code requirements under Article VI Section 38-60C is basically what outlines the height allowances for walls and fences. Basically for residential land uses, regardless of zoning districts in which the land use is located, within the required front yard the maximum height of a front yard wall can be four-feet tall.

Some case specifics, the property is zoned R-1a, single-family

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

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

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

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

Kauble: Good evening gentlemen.

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

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

Scholz: Thank you.

Kauble: Good evening gentlemen, these are the pictures prior to where we had railroad ties there first that were two-feet. There are the railroad ties that we had therr prior. These are houses in the neighborhood that we have taken that are within the two-mile radius of our house that have six-foot fences. This is a tree that we have in the front yard that is 150-feet tall. We have asked somebody to come in to remove the tree and to degrade the land. Just to remove the tree, not a stump would be $1,500 and then it would take out the existing sprinkler systems and if they went down two-feet to level it to the sidewalk we would run into the City's piping and they said that we couldn't do that because prior to us buying this house they had redone the sewage and they did not bury the pipes down far enough and that's what we've run into. This is the house across the street, all the houses are built on a slant so they were built up on top. This is our next door neighbors. We have put also letters out to all our neighbors and they have signed them that they did not have any problems. This is a house that is less than a mile from our house and they have over six-foot fence. This is where their sliding gate is. Again, within a mile of our house. And this one is around the corner from our house. This one is down on Desert Street, again it's showing the different variants of the street that they're at six-foot fences. This is down the street from us, four houses away from us. This is the house cattycorner from us. And we have done the neighborhood and talked to all our neighbors and they have signed that they did not have any problems with us getting this fence put up. We have looked at putting rod iron in the front by the doors and due to his disability there is no way he would be able to get out. On New Year's day we did have somebody pounding on the door and windows trying to get in, and since then we have had a lot of people coming up at night trying to knock on windows and the dogs are set, are you know the ones that tell us what's going on.

This is the sewage problem that we have that we did ask if we could ... is there a way that we can rebury it and they said no, there wasn't a way that they could rebury it. They could just add more dirt to it which would cause more of a problem trying to let the dogs out. And this is what the fence actually looks like right now. And this is the site, the rod iron would only go up to that area, to the brick of your right.

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Scholz: Okay, questions for these applicants? Yes, Commissioner Beard.

Beard: Are you going to gate the driveway?

Kauble: Yes, rod iron.

Beard: And how high will that be?

Kauble: It will be six-foot. It will match the rock and then the two feet of rod iron that's there. There's no other gate except the driveway and it'll have the sliding … a slide where we can slide it in and out.

Scholz: Commissioner Shipley, did you have a question?

Shipley: When did you put in the four-foot wall?

Kauble: Five weeks ago.

Shipley: Five weeks ago. So you haven't really given it time to see if that has deterred people from coming over to go up to your house. I mean that's your main reason is because they're knocking on the windows?

Kauble: Right, but the main also is that we want to let the dogs … we have two blue heelers that we would like to release into the front yard. We have yet to put the gate in yet.

Shipley: Do you have adequate room in the back yard for the dogs?

Kauble: Yes.

Ortega: Yes, we do.

Shipley: So I mean …

Ortega: It's just protection … a protection at night time because we have kind of like riff raff coming at night, knocking on the windows, and they have no business there. I can't get up real fast and shoo them away. We just want the dogs out in front and then in the day time put them back in the back.

Shipley: Right.

Ortega: I'm there all day long and I cannot you know we have some stuff out there that's kind of valuable and everything, earned, and we cannot … I cannot get up quick enough to see who it is or what it is that's wanting to take what I got. We just let the dogs out at nighttime, gives me a little leeway to get up and see what's going on outside, pull the dogs back out in the

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morning, just to have them in the back gate.

Scholz: Okay, I have two questions. Are you through Commissioner Shipley? Thank you. One is you've had this wall for five weeks?

Kauble: Yes.

Scholz: Okay, well, did you plan on putting a gate up at the same time? Sliding gate or whatever.

Ortega: Yes, we did. We haven't done it yet but we ...

Scholz: Okay. Well I'm assuming that if there's a gate there and a wall then it's not likely that people are going to wander into your yard, is it?

Ortega: Given half a chance, they will.

Scholz: Well it's four-foot. Excuse me sir. Its four-feet off the sidewalk, isn't it?

Ortega: Yes.

Scholz: Yes, so I don't know many people who are going to vault over a four-foot wall to get into your house, you know, at least I don't think that's very likely. Is that what they're going or are they walking in on the driveway, which is open.

Ortega: Well when the wall wasn't there they walked right through.

Scholz: Of course, yes, I understand that. So now the wall is there, you put a gate on it, and I assume that'll stop the majority of traffic wouldn't it?

Ortega: Hopefully, yes.

Scholz: Yeah, well, I would advise that you try that first instead of asking for a variance. You know put a gate on the driveway and see if that stops the traffic. It seems to me that it would. I understand your concern about the slope and I can see that from the drawings that that's a problem. But it doesn't seem like your property is very secure at the moment without a gate across the driveway.

Ortega: Right.

Scholz: My second concern is though you may have gone around the neighborhood and looked for houses with similar conditions, I drove that street the other day and stopped by your house and looked at it and so on, and the only house I saw that had a fence on it was the one you showed in the last picture I believe, and it's like three or four doors down from you.

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Kauble: Correct.

Scholz: And that fence is about four-feet high. Right, it's a decorative fence. There's a brick coping I think and then a rod iron fence that's about four-feet, so that's still within the City code.

Kauble: Okay.

Ortega: We're just trying to make it pretty too.

Scholz: No, I understand.

Ortega: On top of the rock wall, in order to make it a little pretty on the area and just try to keep the dogs from going out instead of coming in. That variance on the other side, inside of the property it is a little bit high. They asked us to see if we could excavate it, but we would be hitting the roots of that tree and it will come down if we start excavating it to get it lower. But as low as we get we see more roots on that one tree and I don't know where that tree's going to go, either forward or backwards. I really hate going that route you know, to excavate it. We could excavate it, put more dirt on that tree, we can go that route, you know. There are a lot of options you know, we just thought maybe we come see what this option is going to take us to.

Scholz: Okay. Thank you. Is there anyone from the public who'd like to speak to this? Okay, I'm going to close it to public discussion then. Thank you folks.

Kauble: Thank you.

Scholz: Commissioners, what is your pleasure? No thoughts. Commissioner Evans.

Evans: You know I have a dog that runs all the way around my house too and I actually like it and I do worry about him jumping over the fence. But what I've done is put like an electric wire you know to prohibit that. So I sympathize with you in trying to get that higher.

Ortega: SPEAKING - NOT AT MICROPHONE

Scholz: You'll have to speak to the microphone sir.

Ortega: Okay, we have thought about electric wire.

Evans: Right.

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Ortega: But we have kids running around there too. And curiosity will sure enough kill that cat and we don't want nobody coming up and tell us hey your wire just electrified our kids. It says don't touch you know.

Evans: Right.

Ortega: Kids will be kids, you know. And we thought about that option you know and we didn't want to go that route. Zapping the kids, not very fun. Thank you.

Scholz: Thank you. Okay, I'll entertain a motion to approve A1700.

Evans: Mr. Chair I move that we approve Case A1700.

Scholz: Is there a second?

Beard: I second it.

Scholz: I'll call the roll. Commissioner Shipley.

Shipley: Nay findings, discussion, and site visit.

Scholz: Commissioner Evans.

Evans: No findings and discussion.

Scholz: Commissioner Beard.

Beard: No findings, discussions, and site visit.

Scholz: And the Chair votes no for findings, discussion, and site visit. So you're variance is denied.

3. **Case Z2797**: A request for a zone change from R-3 (Multi-Dwelling Medium Density) to O-1 (Office Neighborhood-Limited Retail Service) and R-3 (Multi-Dwelling Medium Density) overlapping for 0.374 +/- acres located at 428 W. Griggs Avenue. The zone change request will bring the property into zoning compliance with the 2001 Zoning Code, as amended. Submitted by Kathryn Bonansinga, property owner.

Scholz: All right. Our next case is Case Z2797, a request for a zone change from R-3 to O-1. And Mr. Ochoa you're doing all the heavy lifting today I see.

Ochoa: Actually, I consider myself the lucky one tonight. Adam Ochoa from Community Development one more time for the record. Z2797 is a request for a zone change from R-3 multi-dwelling medium density to O-1 office neighborhood-limited retail service and R-3 multi-dwelling medium

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

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

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

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

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

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

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Scholz: Questions gentlemen? All right. Thank you Mr. Ochoa. May we hear from the applicant please?

Taylor: Hi, my name is David Taylor. I'm the applicant. And this was a situation in which we worked fairly closely with the City to both build the building that is the art studio on the property. And we were requested to change the zoning to better conform with the use that it's currently under. And we ... I think basically nobody read the zoning code closely enough and then the field check yielded a result that was different than what we expected. Because basically we read the zoning as being ... or we had intended what Lonny Ruth, who is on the Planning board at the time, well not the Planning board, but in the Community Development Department at the time had advised us to go with R-4 which would've allowed for light commercial as well as multi-dwelling residential and that seemed to cover the use that we have the property currently working under. Unfortunately, it doesn't allow for an art studio. So, then on top of that it looks like the field check, whoever did that, they looked at it as being three dwellings, R-3 and honestly I think we didn't pay close enough attention when we ... I mean my wife signed off on the zone change and thinking that it should have been R-4, it wasn't. And then on top of that the R-4 wouldn't even have allowed for what the property is currently being used ... the way the property is currently being used. Mind you, the property was built ... the new building was built while the property was zoned commercial and was built for the purpose of an art studio. So there were a lot of mistakes. Needless to say, this hopefully will correct the situation.

Scholz: Okay. Questions for this gentleman?

Taylor: Thank you.

Scholz: Thank you. Anyone from the public wants to speak to this? All right, hearing none. We'll close it to public discussion. Gentlemen I don't know if you're familiar with this. I remember actually touring the art studio during an arts hop a couple of years ago. And didn't you do some adobe work on that dwelling too.

Taylor: SPEAKING, NOT AT MICROPHONE.

Scholz: Right. Yeah, I remember that. Very impressive. Okay. Gentlemen, I'll entertain a motion to accept ... to approve this zone change without conditions.

Evans: Mr. Chairman I move that we approve Case Z2797.

Scholz: Is there a second?

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Shipley: I second.

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

Shipley: Aye findings, discussion, and site visit.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

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

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

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

Ochoa: Yes, sir, one more time.

Scholz: Lay it on us.

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

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

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

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

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

Scholz: Okay.

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

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

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

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

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

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

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

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recommend denial of the amendment. This action proposes to Council to not incorporate any of the proposed changes to the Sign Code. Vote yes and amend the proposal, basically seeks to establish additional modifications as determined appropriate by the Planning and Zoning Commission; or vote to postpone and table the proposed amendments. That is the conclusion of my presentation. I stand for questions.

Scholz: Okay. Questions about this ordinance.

Shipley: Mr. Ochoa that's a great deal of work there and it's well received. One of the things that I noticed in here was that there is requirement to have a brightness switch on the signs, especially the electronic signs. And one of the things I would ask is could we not specify that there be an automatic sensor or something placed on a sign so that during the day it could be brighter and at night it would be reduced in brightness. It doesn't say anything about that, it just says it has a control, it doesn't say what it.

Ochoa: That issue basically, I'm sorry Commissioner Shipley, that issue will be covered by the Outdoor Lightening Ordinance. Basically what we're doing here is just sticking to overall sign regulations of it, but the brightness of it, the actual functioning of the electrical part of the sign itself will be left to the Outdoor Lightening Ordinance basically.

Shipley: It doesn't say that in this ... should it say that in here? In other words that's ... it doesn't have a number on the page, but it says on the electronic variable message display billboards paragraph eight says an off premise electronic variable message display billboard shall have an automatic dimmer control to produce distinct illumination change from a highest allowed illumination level to the lowest, and that's all it says.

Ochoa: In the back page continues, level meeting the illumination standards of the City of Las Cruces Outdoor Lighting Ordinance.

Shipley: Do the standards now require them to dim at night?

Ochoa: Currently I believe they are amending the Outdoor Lighting Ordinance as well, sir, and it'll be covered by that.

Shipley: So will that come to us as well?

Rodriguez: Mr. Chairman, Commissioner Shipley, the Outdoor Lighting Ordinance isn't something that the Planning and Zoning Commission governs. It will go directly to City Council. And right now they're going through a series of public input meetings. The next public input meeting will be I believe held September 21st. And I will confirm that for you and forward that information.

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Shipley: Could we make that a condition of this? In other words what I'm getting at is that a bright sign ... you need a bright sign during the day, but you don't need the same amount of light at night. And if it's really bright then it distracts you and it's more of a distraction. It's more of a safety factor. So that was ... there are automatic dimmers that just like you have on your automobile that your lights get dimmer at night, well it's not so bright in the cockpit more or less.

Rodriguez: Mr. Chairman, Commissioner Shipley, what this body could do is go under option number three, to modify the proposal and make some additional recommendations to Council for final authority.

Scholz: All right. Commissioner Shipley did that answer your question?

Shipley: Yes.

Scholz: Okay. I had one question Mr. Ochoa, well two actually. The signs on private property, as these like identification signs, like the sign by you know High Range, that says High Range, is that what we're talking about?

Ochoa: Chairman Scholz basically neighborhood signs, that's basically what they are if you will. I don't know if any of you all driven down Country Club Road along the median there, there are some examples of what a neighborhood sign would look like. Basically what the amendment of the sign code, what we're trying to do is get them off of those medians and put onto private property, requiring whoever's trying to put those signs up to get approval from that property owner instead of leaving signs on public right-of-way and well possibly leaving the I guess if you will the maintenance of the sign to City since City takes care of those medians.

Scholz: I see. Okay. Yeah I was wondering what the purpose was. Right. Why would they have to renew this every year?

Ochoa: Chairman Scholz basically what it is, is in the past neighborhood signs have been allowed to go in public right-of-way and on private property and they basically just fall apart and left there for dead if you will. This basically forces who ever puts the sign up to keep maintenance up on their signs, if not remove them and give us kind of a guideline to if you will.

Scholz: Gives you a measure of control.

Ochoa: Yes, thank you very much. That's what it is sir.

Scholz: Okay. My second question was you said the signs which are in the public right-of-way I assure we're talking about temporary signs, right? Like political signs, or sales signs, or realtor's signs, or something like that?

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Ochoa: Chairman Scholz that's every type of sign that might come up on a public right-of-way from anything from new house for sale this way, to vote for this guy, to puppies for sale. Basically every sign that's on public right-of-way sir, will give us the right to remove that sign without I guess without cause if you will. Giving the right to remove the sign as the Sign Code administrator or official designee.

Scholz: Well you're saying you're allowing 30 days for the person to respond to this. That's probably half the run of most local elections. Okay, I'm just asking. Any other questions for this gentlemen? I assume you are the applicant in this case?

Ochoa: That is correct.

Scholz: Yes. Okay. So you don't have some hidden person in the audience there.

Ochoa: I could slip on a hat if you like.

Scholz: No questions for this gentleman. Okay, any public input on this. Yes, sir.

Gunaji: Mr. Gunaji. Citizen of Las Cruces. I just want to find out or at least make you aware that political (*inaudible*) comes around for two months, you have signs, all kinds of signs all over the place. There is no reference being made into City ordinances. Separate along the line though the enforcement of political signs may not be within the City of Las Cruces. And some reference should be made as to who is going to take care of it when the election gets over. Basically the election code allows sign to go into effect 60 days before the election and they should be removed 15 days after the election. But no candidate follows that. And some other thing that you have in your code are the direct in conflict. So you can only say it is not our job, but at least you should (*inaudible*) that political signs should be done some way and have a reference in City code.

Scholz: Okay are you talking sir about signs that are on the public right-of-way or are you talking about …

Gunaji: Private property.

Scholz: Signs that are on private property.

Gunaji: Yeah, because there is a code here that you have a four-foot sign on the private property. One sign per property. I as a voter would have five signs of my favorite election on my property. That directly conflict with your regulations. So all I'm saying is that some reference should be made you know, some place along, some reference should be made about political signs because they do play an important role and do occupy three or four months of time in the City and county and federal elections.

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Scholz: Thank you. Okay, Mr. Ochoa you care to reply to that?

Ochoa: Chairman Scholz, political signs are covered under Section 38-46 of the Sign Code.

Shipley: 86. 38-86.

Ochoa: Thank you.

Shipley: 36-86.

Ochoa: Thank you very much, 36-86. Basically stating signs can go up starting at a certain time and they must come down at a certain time after that allowed period of time. It's basically a code enforcement issue now.

Shipley: Its 90 days before and 10 days following.

Ochoa: That is correct.

Shipley: Okay.

Scholz: All right, any other questions? Okay, I'm going to close this to public input. Gentlemen, I'll entertain a motion to approve.

Rodriguez: Mr. Chairman, if I may please. In light of Commissioner Shipley's comment regarding the Outdoor Lighting Ordinance. That meeting will be held September 22nd at 9:00 a.m. in City Council Chambers.

Shipley: Twenty-second, 9:00 a.m.

Scholz: Do you want to add a condition to this ordinance Commissioner Shipley?

Shipley: I would move that we approve SiCA-09-01 with ... as written with one additional condition and that condition would be to add a requirement that any electronic signs would have an automatic dimmer or I guess it's a sensor and switch that would reduce the amount of light that's produced at night versus ... a lower brightness. And I think that the City should determine what that brightness is. I don't have that. But it should be looked at from ... there are studies out there that show what it should be. And it should be brighter during the day because it's more difficult to see them, but it should be lower at night. And it ought to be able to go on a photo sensor.

Scholz: Can you say that in one short sentence? Commissioner Evans.

Evans: Mr. Chairman, Commissioner Shipley, I like the intent, but I think that the

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lighting guidelines that are given by the City should govern that and whether or not they have a sensor regulating it up and down, it's the maximum admitted light which would govern that.

Shipley: It's a new technology which we're using which can be done. I mean it's not.

Evans: Sure, it can be done, but you know I don't know if the … the requirement is for them to have … well to fall within the guidelines of the City lighting ordinance.

Shipley: That's not covered under there at the current time.

Evans: Right, but it will be, and to mandate that they put a light sensor on it I think is you know I don't know, I think that's just a little bit above and beyond what you know … as long as they comply with the City ordinance lighting code, that shouldn't matter whether or not they have a dimmer switch on that or not.

Scholz: Commissioner Evans you're suggesting that we not dictate technology.

Evans: Yeah. We have a requirement out there. Let's follow the requirement or change the requirement.

Ochoa: Commissioner Shipley, Mr. Chairman, that is inside the Outdoor Lighting Ordinance, the proposed one, stating everything about dimmers and so forth for outdoor lighting. It will be covered sir.

Shipley: Okay. So should we just say that they will comply, it should comply with that?

Evans: Sure.

Shipley: As a condition. And what I'm really trying to say is so that can say well we didn't have that in the requirement before so we … it's grandfathered under the old way. That's what I'm trying to avoid.

Evans: Sure.

Shipley: So let me see if I can rephrase this.

Ochoa: Mr. Chairman, Commissioner Shipley, you might want to possibly add a condition to encourage that to City Council for them to look at that a little more deeper if you wish. Encouragement would probably be something you might want to think about.

Evans: Right, I think this is going to City Council for final approval.

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Shipley: Correct.

Evans: And so if we make a recommendation from the Planning and Zoning Commission to consider that in their final discussions, I think meets your intentions.

Shipley: Yes.

Scholz: So are you going to make that a condition, a recommendation?

Shipley: A recommendation to the City Council to address using dimmer, an automatic photo sensor dimmer on all electronic signs.

Scholz: Well, we're introducing technology again.

Shipley: Well I'm just stating what it is.

Scholz: Right.

Shipley: It's clear as mud.

Ochoa: Mr. Chairman I believe that that should work.

Scholz: All right. Can you repeat that for me while I write that down? Recommendation to City Council that ...Commissioner Shipley?

Shipley: Okay I'm trying to rephrase it now. A recommendation to City Council to review or it's not to review but to ...

Evans: Review and perhaps comply with City lighting codes and regulations.

Shipley: With regards to automatic dimmers for electronic signs.

Evans: Sure.

Scholz: Okay.

Beard: Have we defined what an electronic sign is?

Scholz: It's defined in the ordinance.

Beard: Okay.

Scholz: It's under 36-8 I think. All right. So with that condition, do I hear a motion to approve?

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Shipley: That is the motion.

Scholz: That is the motion to approve. Approve with that condition.

Evans: I second.

Scholz: Okay it's been moved and seconded. I'll call the roll. Commissioner Shipley.

Shipley: Aye findings, discussions and …

Scholz: And you were going to say site visit. Okay. Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye for findings and discussions. So it's approved 4-0 with that condition.

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

6. **Case Z2792:** A request for multiple zone changes for 12.71 +/- acres within the Sonoma Ranch East II master planned area. The subject area is generally located east of Sonoma Ranch Boulevard and west of the future extension of Mesa Grande Drive. Submitted by Gunaji-Klement & Associates for Sonoma Ranch Subdivision Ltd. Co.

   This request is due to the re-alignment of Mesa Grande Drive and the proposed master plan amendment for Case S-08-106. Planning parcel boundaries must change in order for the master plan to reflect the re-alignment of Mesa Grande Drive; in addition the zoning of these planning parcels must adhere to planning parcel boundaries. The zone changes are identified as follows:

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- Tract H to Tract I, 0.25 +/- acres, from R-1b (Single-Family High Density) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- Tract I to Tract H, 0.25 +/- acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)
- Tract L to Tract K, 0.24 +/- acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)
- Tract M to Tract K, 1.79 +/- acres, from R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity) to R-1b (Single-Family High Density)
- Road right-of-way to Track K, 0.66 +/- acres to R-1b (Single-Family High Density)
- Tract K to Tract L, 0.37 +/- acres, from R-1b (Single-Family High Density) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- Tract M to Tract L, 0.03 +/- acres, from R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity) to R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity)
- Tract K to Tract M, 0.65 +/- acres, from R-1b (Single-Family High Density) to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- Tract L to Tract M, 0.33 +/- acres, from R-3 (Multi-Dwelling Medium Density)/C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- Road right-of-way to Track M, 1.33 +/- acres to R-4 (Multi-Dwelling High Density)/C-3 (Commercial High Intensity)
- Tract O, 5.69 +/- acres, from R-1b (Single-Family High Density) to OSR (Open Space Recreation)/FC (Flood Control)
- Tract P, 1.12 +/- acres, from R-1b (Single-Family High Density) to FC (Flood Control)

Scholz: All right, it's 7:15. We're moving right along here. Let's try Case number S-08-106.

Robertson: If I could ask you to move to suspend the rules to hear cases S-08-106 and Z2792 together.

Shipley: So moved.

Scholz: Okay. And do I hear a second?

Evans: Second.

Scholz: Okay moved and seconded. All those in favor say aye.

ALL COMMISSIONERS - AYE.

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Scholz: Those opposed same sign. Okay, rules are suspended so we can hear these two together.

Robertson: Before this …

Scholz: Excuse me Ms. Robertson, you don't look at all like Helen Revels.

Robertson: We worked together on this case.

Scholz: I was going to say, Helen is here.

Robertson: She started the authoring and I finished so we went ahead and left her name on the author page, but I am here.

Scholz: Okay.

Robertson: I went ahead and gave you an amended table for the master plan amendment. I just want to go ahead and let you know this is for this case. I will also be referring to it in my presentation as well. This is Case S-08-106 and Z2792, Sonoma Ranch East II, master plan major amendment and zone change proposal. This is the corrected or amended table. The main change is from the old density which was 1,148 units to 2,621 units. The corrected density range, corrected to the table that you have in your master plan amendment that was prepared for you in your packet. The correction is 539 to 2,539 units. That's the minimum and maximum range for that. Those are the things that had changed. This correction will be put in place of the master plan proposal table provided to you in your packet. Maximum and minimum density for the proposal are lower than the original master plan's, but again I will go over that later on in my presentation.

Scholz: Okay.

Robertson: Case specifics for the master plan amendment, include the Sonoma Ranch East II master plan area, encompasses approximately 320 +/- acres and its partial vacant right now. The proposed master plan area contains 27 planning parcels identified with specific land use, acreage, proposed minimum and maximum density, and proposed minimum and maximum number of dwelling units as applicable. The master plan amendment establishes new boundaries for planning parcels due to the roadway realignment of Mesa Grande Drive. Some planning parcels have been combined into one planning parcel and a new planning parcel was created for a dual use facility, a park/pond facility. In addition, a relative to a survey error on the original master plan, a corrected adjustment is also proposed which will reallocate approximately one acre in the northwestern section of this master plan area to another tract or planning parcel in the master plan. And I'll delineate these areas in the master plan proposal in

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just a moment. The original master plan (*inaudible*) minimum to maximum is 1,248 to 2,621. As I just stated in the amendment to the tabular data provided to you in your major amendment for the master plan, in your packet. There is a density range currently proposed of 539 to 2,539 per this amended tabular data. There is an overall decrease in the minimum density proposed in this amendment, and there is also a decrease in the maximum density proposed in this amendment. The utilities will all be provided by the City of Las Cruces.

Here is the master plan amendment as shown. The one acre change that I was talking about, these planning parcels will have acreage reallocated to H 1, totalling in about one acre. The major amount of change going on which is approximately 13 acres is in this area right here. And it all has to do with the realignment of this roadway right here, Mesa Grande. The total acreage change of course is approximately 13 plus one acre, 14 acres total. The total acreage change for open space because there are some parks shown out here, not necessarily designated as open space, designated as park space, but I wanted to go ahead and just briefly let you know that that change is in addition of 0.21 acres from the original master plan to the proposed amendment, so they're adding 0.21 acres or a little over 9,000 square feet.

Case specifics for the zoning request. The realignment of Mesa Grande has impacted planning parcels in the master plan area and also affects that zoning as that zoning is associated with those planning parcels. The zone changes are proposed to tracts H, I, K, L, M, and P, and a new tract O is being created for the open space and flood control area. These changes incorporate approximately 12.71 acres of the subject area. In area, the survey area that I mentioned earlier will be changing for tracts A, B, C, D, and E, will be reallocating one acre from the lower parcels to that most northwesterly parcel. In total this request is rezoning 13.71 +/- acres out of the total 320.98 +/- acres within the entire Sonoma Ranch East II master planned area. Leaving the remaining acreage as currently zoned and planned.

The adjacent land use and zoning include on the north and south ends are holding zones, its vacant land. On the east is also vacant land, but has been zoned for residential high density and commercial as well. The west there is some residential existing. There is also some commercial and PUD development as well. That area is vacant. This is the area discussed. Again we have this one acre reallocation to tract A from these lower tracts. And then we also have the reallocation of zoning for the realignment of Mesa Grande. Mesa Grande used to only touch just kind of right in here in the middle. And so they had to kind of realign things and straighten some lines as it is proposed here for that realignment.

This is a vicinity map of the subject area. As you can see here this is Sonoma Ranch Boulevard. Here's an aerial photo of the property. These are Sonoma Ranch II East subdivision phases one through seven, right here. These subdivisions up here have been platted and the

surveyor that I have been referring to is in regards to some of the platted subdivisions are currently in ... are not zoned properly. The overlapping of the zoning doesn't conform to what the subdivisions have been platted as. Subdivisions are looked at as more direct and more recent, more current survey. So that surveyor is being corrected as proposed in this amendment. This is a picture of the MPO thoroughfare map. As you can see here, this is Mesa Grande, it didn't come up on my map, but it is a principal arterial.

For staff DRC recommendation, the recommendation for Case S-08-106 which is the master plan amendment, on August 5, 2009 the DRC reviewed the master plan amendment and approved it. The recommendation for Case Z2792, the zone change request, staff has reviewed the zone change and recommends approval with the following condition, that all new utilities be placed underground. And then we have the Commission's options tonight; 1) to approve the master plan amendment and zone change request as recommended by DRC and staff; to approve the master plan amendment and zone change request as recommended by DRC and staff with additional conditions as determined appropriate by this body; or deny the master plan amendment and zone change request. I will stand for questions. In addition the applicant is also here to present their proposal as well.

Scholz: Okay. Questions for this lady? No? I just have one, what caused the realignment of Mesa Grande?

Robertson: I've got some chuckling over here. I'm going to go ahead and let the applicant answer that for me. If that's all right?

Scholz: Okay. And did that ... I know that obviously changed the boundaries of the tracts, did it make them smaller or larger?

Robertson: What it did was we shifted from one side to the other. Some things were existing below. There's a flood control area existing below. I believe its Sonora Springs. That was reallocated. Things were moved further to the east because that roadway came in. So they reallocated and pretty much straightened up the lines to go along with what that alignment is.

Scholz: Okay. All right, let's hear from the application.

Gunaji: Mr. Gunaji, Gunaji-Klement, consulting engineer for Sonoma Ranch (*inaudible*). First of all we want to thank City staff, Jennifer and Helen. We worked with them on this project for a long period of time and finally we got our act together, theirs and ours together. You asked a very important question why Mesa Grade realignment. Mesa Grande realignment has been an issue in the City's master planning because of different ownership and finally the final approved alignment is presently with the state land office which owns the land. And we had to change all

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our alignment. If you look at the … Mesa Grande in the earlier subdivision moved from here and went this way, like this. And this road was coming up around here and going out this way, so when we moved the entire alignment to what is recommended by the land office and by the adjacent developer, we have to re-change all of our boundaries into this area. The same thing happened also in the north side where there is (*inaudible*) right down here going around, dodging this thing because they wanted to have the roadway down here coming down from (*inaudible*) to Mesa Grande. These changes changed all our parcel lines and it was one of the major reasons that this particular amendment was required, to bring the entire parcels into conformance with our zoning code and the master plan.

Scholz: Okay.

Gunaji: I only have a few things to say because Jennifer did a good job. (*Inaudible*) that actually occurs in only about 12 acres and that normally occurs just around these parcels which were realigned right around here. But other parts remain the same. And she did tell you about the reduce in density that occurred because of this particular realignment. The one acre movement that took place in the northern parcels because when the land was, the arroyo was (*inaudible*) error in the line that kind of change the areas and we wanted to make sure that the areas of the parcels are correct so when do the resurvey we found that that needed to be corrected in the master plan.

Scholz: Okay.

Gunaji: So that's it. The only other thing that I would like to mention is that in the discussion, the City has a water tank here, right here, and presently there is a shallow pond here that when (*inaudible*) discharges and cleans up the tank, that water just comes into that area and just ponds down there. In our discussion with the utilities division, we have agreed that in our development or when we do our streets and all that, we will provide a storm sewer so that we can carry the wastage that comes from this pond into the storm sewer and then carried down to the arroyo down here.

Scholz: And that water I assume is from flushing the tanks?

Gunaji: Flushing the tanks. And we met with the direction of the utilities and discussed with him and they have given us when they will discharge and what happens. They only wanted … that facility should be within 200 feet of the tank.

Scholz: Okay.

Gunaji: So that they don't have to put a long line to going down there. And the developer has agreed to do that. That's in the record already into the

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DRC records.

Scholz: Okay. Good.

Gunaji: That's about, brings the conclusion of my presentation.

Scholz: Okay. Let me see if there are some questions from the Commissioners. Questions from this gentleman? No, okay. Thank you very much.

Gunaji: Thank you sir.

Scholz: Anyone from the public want to speak to this?

Martino: Good evening. My name is Fred Martino and I'm a resident of Sonoma Ranch East. I strongly urge you to reject one portion of the rezoning request of the development, and that involves the proposal to rezone certain properties from single-family residential to allow multi-family structures. The City has a severe shortage of communities with single-family homes not adjacent to other types of properties. To maintain property values and ensure a safe, quiet environment, many people prefer communities that have zoning that only allows single-family homes. It's an economic development issue that's crucial for the City. In addition to this, tonight we've discovered this new sign ordinance which affects R-4 which is included in these zoning proposals, which means that people who now have a view of the Organ Mountains that is pristine will have a view that includes signs apparently up to 12-feet in height according to what was just presented tonight.

I sympathize with the developers desire to pursue multi-family zoning because of this tough economy. However, zoning is a long-term decision for the entire community and not a short-term decision for land owners. The City has many, many communities with multi-family structures and commercial structures, which is included in this proposal. In fact there are condominiums and rentals at the Golf Club Road entrance to Sonoma Ranch on Sedona Hills and on Sonoma Ranch Boulevard at Morning Star. In addition, a brand new 410 unit apartment complex is opening on Roadrunner right at the end of Sonora Springs as you exit Sonoma Ranch and Diamond Springs.

As a community we have many areas that are zoned for multi-family and commercial use and there is a lot of room for expansion in areas where it is appropriate to build new multi-family and commercial units. I strongly urge you to reject any rezoning in Sonoma Ranch East from single-family to multi-family commercial.

Scholz: All right, anyone else in the public want to speak to this?

Rawson: SPEAKING, NOT AT MICROPHONE.

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Scholz: Well let me see if there's anybody else from the public who wants to speak to this. Okay, no one else? Yes, sir, you can respond.

Rawson: Good evening Mr. Chairman. George Rawson from Sonoma Ranch. What I'd like to do is if you'd look at Case number 6, there is some information here. This is the handout you handout to the public and all of us tonight. And just to clarify what we've done because I think that sometimes things get a little out of context. We've changed the zoning on about 12 acres. If we'll start here on the first one, it says tract H to tract I, 0.25 acres. We're talking about 8,000 square feet that we changed from R-1b to R-3, to C-3. All we did was straighten up these lot lines. And so this whole list, tract I is 0.25 acres from R-3 to R-1b, so it goes back. Tract L 0.24 acres to R-3, that went to R-3. Tract M 1.79 acres from R-4 to R-1b. Right-of-way out of tract K to 0.66. You have to understand in the center of these roads and right-of-ways we're zoning to the center of the streets, so as we design the streets and we move Mesa Grande, we have to change Mesa Grande's zoning to exactly the same as to the center line of the street. If you'll look, tract K is 0.37 acres. It's all clean up. And the biggest thing if you look down here to tract O of the 12 acres 5.69 acres are just going to open space, increasing the open space. We've reduced our density by putting that into open space. So I think if you'll look through the list all we're really trying to do is clean up. One of these, tract M to tract L is 0.03 acres. So as we discussed, all we're doing is clean up. We're not changing any of the master plan, original plan for zoning at all, we're just cleaning it up based on the roads and most of it ... almost all of it is to the open space change and Mesa Grande.

Scholz: Okay. Thank you. Any other public input? Okay, I'm going to close it to public input. Commissioners what say you? When we vote on this obviously we'll have to divide it again. Yes, thank you very much. Commissioner Shipley? No. Commissioner Evans.

Evans: I concur with Mr. Rawson that this is just cleanup and doesn't substantially change for the intent of the master plan from its inception.

Scholz: Okay. Commissioner Shipley.

Shipley: I would also thank Jennifer for putting in the large map so that we can look at these because without that it's very difficult. For the gentleman that had a question about the commercial, along Mesa Grande there is R-3. There are zones that were there before. That hasn't changed. That has been in the master plans you know since we started looking at it. They might have modified something by adding a little piece, but it still is the same area along Mesa Grande. And those are existing O-2 and C-2 and R-3 that were there before, so there were no changes in the tract per se, other than just administratively changing the surveyed areas so that it is accurate now.

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The other thing though is it also should be noted that tract O is open space, but it's also flood control. So that's got kind of a dual usage there. I kind of like to look at these things when we've got an idea of what the product is going to be there and I know that R-1a and R-1b is going to look like ... it's nice to see about the things that I'm really interested in is seeing that we've got adequate parks that people don't have to drive to and those kinds of things and that's doesn't happen with this today. So what we're here to do today is ... seems to be everything's been answered here.

Scholz: Okay. Commissioner Beard, comments?

Beard: No.

Scholz: All right. What we have to do now is ...

Shipley: I have to move to institute the rules.

Scholz: Unsuspend, yes.

Shipley: Unsuspend the rules.

Evans: I second.

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

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. Okay, we've unsuspended the rules. Now we will vote first on Case S-08-106, a request for an amendment to the master planned area known as Sonoma Ranch East II.

Evans: Mr. Chairman I move that we approve Case S-09-03, excuse me, that we approve Case S-09-106.

Shipley: 08.

Scholz: Okay.

Shipley: I think its 08-106.

Scholz: I'm sorry, it's S-08-106.

Evans: S-08-106.

Scholz: Okay, is there a second.

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Shipley: Second.

Scholz: Okay, it's been moved and seconded. I'll call the roll. Commissioner Shipley.

Shipley: Aye findings and discussion.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye for findings, discussion, and site visit. Okay so that's 4-0, passed. Okay, now on the second one, this is a request for multiple zone changes for approximately 13.71 acres within the Sonoma Ranch East II master planned area, Case Z2792.

Shipley: That was 13 point what?

Scholz: 13.71 aces plus or minus.

Evans: Mr. Chairman I move that we approve Case Z2792 with the following condition, all new utilities shall be underground.

Scholz: Okay, is there a second.

Shipley: Second.

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

Shipley: Aye findings and discussion.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye findings and discussions. So both S-08-106 and Case Z2792 are approved. Thank you very much Ms. Robertson, you did a nice job. And thank you Ms. Revels for the prep you obviously did on this.

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7. **Case S-09-032:** A request for final plat approval for a replat of an existing single lot to create an additional lot on a total of 4.85 +/- acres. The property is zoned EE (Single-Family Equestrian Estate and Agricultural). The subject property is located at 1690 Tucson Avenue. Submitted by Southwest Engineering for Linda Ann Garza.

8. **Case S-09-032W:** A request to waive 100% of the requirements for road improvements to Tucson Avenue as a Minor Local roadway for approximately 2300 feet of roadway, beginning from the intersection of Del Rey Boulevard (nearest paved, public roadway) to the easternmost property boundary. The total dedicated right-of-way currently existing for Tucson Avenue is 60 feet. The subject property is zoned EE (Single-Family Equestrian Estate and Agricultural) and is located at 1690 Tucson Avenue. Submitted by Southwest Engineering for Linda Ann Garza.

Scholz: All right. We have Case S-09-032 and Case S-09-032W. And I assume are going to be heard together, right?

Robertson: Please, if you wouldn't mind moving to suspend the rules to hear the cases together.

Scholz: Okay.

Shipley: Mr. Chairman I move to suspend the rules for Case S-09-032 and S-09-032W.

Scholz: Okay. It's moved. Is there a second.

Evans: Second.

Scholz: All those in favor say aye.

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. Motion carried. We have suspended the rules to discuss these two at the same time.

Robertson: Thank you. Commission, this is Case S-09-032, replat for EBL&T Subdivision C. That replat number is 35. And S-09-032W is the waiver request for that replat.

The case specifics for this replat and waiver request are, the applicant is proposing to replat one lot to create two lots on 4.85 acres. The subject property is located at 1690 Tucson Avenue just east of Del Rey Boulevard. The subject property is zoned EE which is single-family equestrian estate and agricultural. The property was also granted a variance in March 24, 2009 to increase the maximum permissible density

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from one single-family residence to two single-family residences. The developer is proposing to provide the following utilities; sewer will be done by the City, water Moongate Water Company, gas Rio Grande Natural Gas Association. Currently there are 60-feet of existing right-of-way existing from the original subdivision, EBL&T Subdivision C. Tucson Avenue is considered a minor local roadway, only requiring 50-feet, so no additional dedication of right-of-way will be required by the subdivision. The proposed replat, however, is not as it stands alone in conformance with our City Subdivision Code Design Standards for the comprehensive plan. The developer is proposing however a waiver to road improvements for the subdivision, which is also known as Case 09-032W.

Case specifics for the waiver. The applicant has requested 100% waiver to the City Subdivision Code, specifically Article XII construction standards. Again presently Tucson Avenue has an existing right-of-way of 60-feet. Only 50-feet is needed for minor local roadway. No dedication will be required. Pursuant to the City Subdivision Code Design Standards and comprehensive plan, this subdivision application requires road improvements to Tucson Avenue from the property boundary to the nearest paved public roadway which is Del Rey Boulevard. The Design Standards state that when improvements are required on a minor local roadway, the subdivider is responsible for providing the full street section. I'll show you that street section on a slide in a moment. For Tucson Avenue the subdivider is responsible for that full street section including 50-feet of pavement, sidewalk, curb and gutter, and again we'll see that cross section in just a moment. During the subdivision review process the applicant was informed that they will be required to build a pro-rata share of improvements to approximately 2,300 linear feet of Tucson Avenue because Tucson Avenue is currently unimproved, hence the waiver request.

Here's a picture of the subdivision plat. You've got 4.85 acres divided up into two. You can see those two lots. Right here as well you can see the 60-feet of dedicated right-of-way per EBL&T Subdivision C, Tucson Avenue is at 60-feet here. Here's a cross section for the minor local roadway, in total requiring 50-feet to include possibly street lights, sidewalk, curb and gutter, and then the pavement section as well. The arrow is pointing to the subject property on this vicinity map. This is an aerial photo, this is Google 2009 and they're not quick enough to catch it but the property owners who I believe have already started construction on this particular parcel. So unfortunately there is not anything there right now, maybe in 2010 there will be, so I apologize. Again this is an MPO thoroughfare map and vicinity map of the parcel. As you can see Del Rey is a principal arterial. It is the closest paved public roadway to Tucson.

Staff and DRC recommendation, for S-09-032, on July 22, 2009 the DRC reviewed this proposed replat and they approved this replat. For the recommendation for the waiver, staff recommended denial of the waiver request based on current City policy, i.e. the Subdivision Code, the Design Standards, and the comprehensive plan. As already noted, the

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development policies and ordinances require developers and subdividers to either construct their pro-rata share of public improvements or pay for them in lieu of. The DRC had reviewed the waiver request on July 22 as well and denied it.

Commission options for decision of these two cases; one is to approve the waiver request and replat; the second one would be to approve the waiver request and replat with conditions, for example one you could approve the waiver and approve the replat with the condition that the waiver request receives approval from City Council. The other option would be to approve the waiver request with some conditions and/or approve the replat with some sort of conditions. The third option would be to deny the waiver request as recommended by the DRC and then table the final plat so that the subdivider has the option of providing those road improvements or payment in lieu without that subdivision plat being denied. I will stand for questions regarding this proposal. The applicant also has a presentation they would like to give you as well.

Scholz: Okay, questions for this lady. Yes, Commissioner Shipley.

Shipley: In the packet that we got we also got a statement from Southwest Engineering Inc. that says what the cost of the road improvements are.

Robertson: Yes.

Shipley: What are the City's estimate of the cost of the road improvements? And secondly, normally if you're going to do ... you know if they're going to do an improvement or the City's going to do an improvement, they would just be required to pay their pro-rata share, is that correct?, not the full amount of the road improvements.

Robertson: Exactly, pro-rata share.

Shipley: Okay, so what would their pro-rata share for this cost be.

Robertson: Pro-rata is from the eastern most boundary of the subdivision or the boundary of the subdivision furthest away from the nearest paved public roadway, and that road has to be built to the nearest paved public roadway.

Shipley: But they wouldn't be required to pay for curb and gutter on both sides of the street or whatever would they?

Rodriguez: Mr. Chairman, Commissioner Shipley, actually the applicant would be required to built their full share. So they'd be required for 100% of the road improvements; curb, gutter, sidewalk, street lighting, basically what's in concert with the City Design Standards. The cost estimate that was provided by the applicant was reviewed by Public Works staff and is

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consistent with the dollar amounts that Public Works staff would use if they had to build that road, if City staff had to build that road.

Shipley: Okay. But what I'm getting at is that there are other owners of parcels adjacent to that road that are going to use that road. So if you're going to do that why don't we just put the road in and then bill all of the owners along there for the improvements, which is what should happen so that they would pay you know their pro-rata share based upon their acreage.

Rodriguez: Mr. Chairman, Commissioner Shipley, comment is well received, however that's not how the current City Code and Policy is written today. And so, the comment is well received by staff.

Scholz: In other words, so we can't do it that way. Okay. I do have a question and my question is … excuse me am I interrupting you?

Beard: No.

Scholz: My question is, when this was … these people were allowed to have two houses on the same property, wouldn't that imply replatting? And if this was passed in March, I don't recall the particular case, but if this was passed in March of this year, why weren't the people told about you know it's going to be a replat therefore they're going to be responsible for the street?

Robertson: When the variance was granted, there was no condition of replat put on that variance. The variance I believe is privately provoked and the developer or applicant's representative would be happy to elaborate on that.

Beard: This was discussed in the last … before though, wasn't it?

Robertson: Yes.

Beard: So everybody should know, be up to speed as to what's required.

Robertson: Yes.

Scholz: Yeah, and I also … excuse me Commissioner Evans.

Evans: I'm sorry Mr. Chair. So I guess I'm a little unclear as to why we're hearing this again.

Robertson: I'd like to go ahead and refer to the applicant's representative. Like I was stating earlier, it was privately provoked. So it's not something that the City provoked, nor was it something that the City made a condition on for the variance. Yes, we did know that you know you could put a lot line

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there. What they did was they went and asked for a variance to the number of dwelling units normally allowed on a parcel. Normally it's one lot, one dwelling unit. They had come and asked for two dwelling units on one lot for this variance. If the Subdivision Code had been pursued, I do remember reading in the staff report for the variance, that it was given as an option to the applicants. They did not choose to do that. They chose to pursue the variance. And yes, we are here today in regards to your question as to what the reason is why, I would have to defer to the applicant.

Evans: Okay. Which they probably have a presentation?

Robertson: Do you have any more questions for me?

Scholz: Well I just want to make a comment. We had a similar situation along Peachtree as I recall a couple of months ago.

Shipley: This one.

Scholz: Pardon me?

Shipley: We had this one. They came in and requested a variance to put two houses on one parcel.

Robertson: In March of 2009 you heard that case.

Shipley: In March.

Scholz: Yes, but no, I thought this was ... wasn't there a case on Peachtree?

Robertson: Mesa Village Tracts, yes.

Scholz: Okay.

Robertson: There was one there as well for a waiver.

Scholz: Right. And what we said was because they were relatively close to ... and I'm trying to think of the street,

Robertson: Holman.

Scholz: Pardon me.

Robertson: Holman Road.

Scholz: Was it was Holman Road.

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Robertson: Yes.

Scholz: Okay. And we assumed or at least we voted to allow them not to pave the entire street all the way to Homan Road because all they were doing was essentially dividing a lot that they owned. Do you recall that gentlemen?

Shipley: It was a variance to have two homes on that, yes.

Scholz: Yes. Okay.

Shipley: But there was ... that was why we didn't do anything. That was the same thing here.

Scholz: Yeah. Okay, well let's hear from the applicant.

Pompeo: Good evening Commissioners. Paul Pompeo with Southwest Engineering. I'm here to present this case. I also spoke to you back in March about this same issue. I've listened to your questions and let me get through my presentation, I'll elaborate, and I think it'll answer some of your questions and then we can go from there.

Once again, the subject property is located on Tucson Avenue. Once again, it's just short of 5 acre lot. We're proposing to divide it into two lots. Here's a site aerial of the subject property. The subject property is here where it's labeled 1690. Commission what I want you to note here is this existing arroyo that runs through this area and also the distance of unpaved road that we're dealing with in this location here. As the subdivision proposed, the City of Las Cruces Design Standards require 37-foot roadway, a cross section with curb and gutter. This improvement will be required from Del Rey Boulevard to the eastern side of the property, distance of approximately 2,310 feet. Preliminary cost estimate for the roadway alone is $515,000. That's derived from City of Las Cruces current unit costs for roadway construction. Drainage improvements on Tucson Avenue to protect the southern edge of the roadway from the existing arroyo are estimated at $125,000. So we're at $640,000 worth of roadway improvements to be burdened on one property owner to create one additional lot is excessive, and that's basically the stance of our waiver request.

The City of Las Cruces Design Standards as currently written do not contain a provision to have individual lot owners in this situation build only their fair share. That goes to ... that Design Standards requires the full 2,310 to be constructed for this subdivision to go through. As noted, from the plat, we also have multi-jurisdictional issue here because we sit on the boundary line of the City of Las Cruces and Doña Ana County. The City of Las Cruces Planning and Zoning Commission heard the zone change request and waiver request for this property on March 24, 2009. The waiver request submitted at this time was for the construction of two single-family residences on one lot, each member is the same family. The

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issue of roadway improvements for the property was discussed at that hearing. The City of Las Cruces Planning and Zoning Commission voted to allow the two homes without roadway improvements. Changes in the banking requirement for permanent financing for the second home have lead to the need for the subdivision of this property. Originally the second home did receive construction financing. The home is built, but now going into permanent financing and issue has arisen with the lending institution and therefore the requirement for the actual free and clear lot has become ... that's what the need is for the subdivision and therefore the need for the variance.

The City of Las Cruces City Council heard a similar waiver request on Mesa Village Subdivision II, replat number one, resolution 09-317 on June 22, 2009. The subdivision was also for family members and contained two lots just over one acre in size. The waiver was approved with limiting language added to the plat. This language could also be incorporated into this subdivision plat and would read as follows: this is similar language directed by City Council that was added to that plat. Per the City Council the City of Las Cruces resolution 09 and obviously we don't have a resolution number yet, no roadway improvements to Tucson Avenue are required for the approval of this replat. However, any further replat that creates additional lots or any rezoning that increases the allowable density and/or intensity above the current land use of the subject properties will require the developer to construct the required amount of roadway improvements to Tucson Avenue as required by the City of Las Cruces Design Standards. At the time of a replat application that creates additional lots, or a rezoning application that increases the allowable density and/or intensity above the current land uses, if Tucson Avenue has been previously improved, such as another developer or the City, the developer shall reimburse the City of Las Cruces, the monetary amount necessary to make those required improvements based on the current construction unit cost and the data application.

So with that Commission we're asking for approval of the plat. We're also asking for your consideration and approval of the waiver request so that that property owners can move forward in their permanent financing and close on the two homes that are built there. Thank you. And I will be happy to answer any questions you might have.

Scholz: Okay, Commissioner Shipley, questions for this gentlemen?

Shipley: I'll wait.

Scholz: Okay. You said you have to divide the property now for financial reasons, or to secure permanent funding you said?

Pompeo: Originally the second house to be built on the property, when they went in to get their financing, their construction financing, having two single-family residential homes on that one tract of land was not an issue, not a

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problem at that time. The home went to construction. The home's built. Now that they're going into permanent financing and getting ready to close on the house, the banking institution has said now, we will not accept that any more, we want two individual tracts of land, each containing one of the two houses. So that's the change of circumstance that has led us today from the March meeting to where we're at today.

Scholz: Okay. What's the multi-jurisdictional problem you mentioned? I don't see any multi-jurisdictional problem.

Pompeo: Well I was just merely pointing out to the Commission that Doña Ana County exists to the north side of this roadway.

Scholz: Yeah, well right, you'd only have to build the south side of the roadway, you wouldn't have to build the north side of the roadway.

Pompeo: No, I just pointed out for the ...

Scholz: I don't consider that a problem. You know this has been done in other areas on the boundary of the City.

Shipley: They have to build both lanes.

Scholz: No, they only have to build half of it.

Pompeo: Well, no Commission, actually as this is a minor local roadway, we have to build the full street section, and we have to build it to the nearest paved and maintained roadway which is Del Rey.

Scholz: I understand that. Certainly.

Pompeo: However, as you have pointed out, there is 60-foot of existing right-of-way there and the roadway can wholly be built within the City of Las Cruces.

Scholz: Right. The second home is already built you said?

Pompeo: Yes. Sorry, the first home is built.

Scholz: The first home is built. That's what I thought. When I visited the site I only saw one house there.

Pompeo: I'm sorry Commission. The second home is ... and I'll have the people that actually, you know the financing and all that give you an explanation as to the second house.

Scholz: Okay.

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Lucero: Last time we were here ...

Scholz: Identify yourself please.

Lucero: I'm sorry, Vicky Lucero. I'm representative for Ms. Linda Garza, property owner.

Scholz: Okay.

Lucero: Last time we were here I think I'm going to have to chalk it up to our naiveness and our first subdivision of a property. I believe that it was presented as a possibility to go ahead and waive those road improvements at that point in time.

Scholz: Right, because you weren't subdividing, yes.

Lucero: Correct. And I don't believe that we understood all the implications that would come with it. We were quite pleased with just the variance for two single-family units. However, due to lending regulations, they would no longer allow a lot one, parcel A, B, C, lot two, parcel A, B, C. We have to have two separate parcel numbers. So we have already ... the most westerly lot already has a house built on it. So this section right here has a dwelling. It's already been ... two legal descriptions have been derived at this point. There is a dwelling that is built and ready to move into, however, permanent financing cannot be obtained due to the fact that there is now not two separate legal descriptions with two separate parcel numbers, although we have two separate legal descriptions that Southwest Engineering has prepared for us. We do not have two separate parcel numbers and due to the timing of lending regulations we do need two separate parcel numbers to proceed. We also, if you recall at our last meeting, we did have the owners of the properties that border Tucson Avenue and none of them were opposed to it, I just don't think at the time we understood that it would quite be necessary. I believe this option was offered to us at that time and now of course that there has been something done right up the road, we're asking for the complete subdivision and the waiver of the improvements. Did that answer your questions, or no?

Scholz: Okay. Well I think so, yeah.

Evans: Yean.

Scholz: Okay. Commissioner Evans.

Evans: I think you know we should go forward with the intent of our previous discussion.

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Scholz: Okay. Anyone else from the public want to speak to this? Okay, we'll close it for public discussion. Gentlemen what's your pleasure? Commissioner Shipley you look like you're going to burst into speech. I'm sorry, Commissioner Beard.

Beard: I need a little clarification. You want to subdivide so that you can get financing on this piece of property.

Shipley: First and second.

Beard: That's the bottom line.

Pompeo: The bottom line is there are two family members that want to occupy each side of that lot and in order to go to permanent financing on two homes they'd have to have two separate legally existing lots. At the time that we came before you in March, we were of the understanding via the bank that we could ... that having the second dwelling unit on the one lot was okay. That they could get into permanent financing then. That has changed. There are two family members, they want two single-family residential dwellings and the banking industry is saying we have to have two legal descriptions, two legal lots. So that's the reason why.

Beard: Okay. The other thing that I'm not certain that it is material, but if you do improve the road, you have to improve both sides of it, the county side?

Pompeo: No. We are required ... there is 60-foot of existing right-of-way there that exists within the city limits. We would have to develop a 37-foot wide street section there which could all fit in that 60-feet obviously. And it's a minor local roadway. The Design Standards say that minor local roadways for subdivisions you have to build the full section and it has to be extended to the nearest paved road. So we would have to build a full 37-foot wide, back of curb to back of curb street section and extend it all the way west to Del Rey Boulevard.

Beard: So the county property would not be affected then?

Pompeo: No, it's just that anybody accessing the road in the future from the north is going to be living in the ETZ or the Doña Ana County rather.

Beard: Okay.

Scholz: Commissioner Shipley you're shaking your head. Are you trying to clear it, is that the idea?

Shipley: I understand exactly what they want to do, but what I'm trying to get at is you know at some time this road's going to be developed and that everybody that lives on that road should pay a fair part and to say ... to

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give this parcel you know no responsibility I mean they're going to be using that road. And whoever develops it, whatever next parcel is, they're going to say the same thing that these folks are saying. And you know it's just the same thing over and over again. You know I don't know how to do this equitably and that's why I asked ... that what I was asking Ms. Rodriguez is that why isn't there some provision that says that you know we'll build the road and everybody along that road that lives there and will use it, is responsible to pay their fair share. I mean that's part of the City services and that's the way it ought to work. And we're piecemealing this together and ...

Evans: Right.

Shipley: You know the next guy that decides to do this is going to do the same thing that we're doing right here today.

Evans: Right.

Shipley: And I don't see that that's fair to you know ... it's not the way thing should be done.

Scholz: Commissioner Evans.

Evans: Mr. Chairman, I agree with Commissioner Shipley and as far as I think we need to have a uniformed approach to addressing these situations. That being said, at this present time we don't and I would like to support the individual homeowners and property owners to develop that piece of property in the meantime until the City comes up with a formal process for allowing the property owners to utilize their property to the extent that they want to and bring the City regulations or needs into compliance with the development of their property rights. So, I would actually ... and I think if you go back and you look at what the City Council's conditions were on a similar piece of property I think it tried to address some of my concerns in as much as a developer coming in would not be granted the same waivers and that they were trying to allow people the latitude to do the things that they wanted to do. And so I guess I would be in support of granting a waiver ... well granting the ... what was it?

Scholz: Well it would be granting the variance ...

Evans: Right, granting the variance ...

Scholz: Excuse me, approving the final plat and allowing the waiver.

Evans: Right. So I would be in support of approving the final plat and granting a waiver with the conditions similar to what City Council has done not to exclude additional developers.

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Shipley: Well I think what he put up there ... if you pull it back up again, what your stating. I think that's very appropriate except for the part that says they only have to pay their portion if they subdivide again or change the usage again. In other words if they put a business on there, so ...

Evans: Can we go this line by line, because he kind of went through it real fast and I'm not ... and I don't know if we should even use this as an example. I'm advocating this because this is what City Council has done in the past, so we should try and be ...

Pompeo: Mr. Chairman if I might ...

Scholz: Yes.

Pompeo: This language was tweaked to for this specific subdivision, but this was the language that was added to the Mesa Village replat at the direction of City Council. To take into consideration that we could allow the waiver now to allow the land use now, however recognizing that these areas are going to develop and as they develop and as roads are built, people are going to come in and want to re-subdivide and change the zoning of their property, and you know you may have got your freebee one, but you're not going to get any more after that. Just for the Commissions information, at the City Council meeting, you know this discussion because on the Design Standards it's all or nothing. Either build $640,000 or you get to do nothing. And that lead into a discussion like on the previous case it was discussed that lead right into the discussion on impact fees and that's how the City's going to deal with situations like this.

Evans: Right. And I believe it's too burdensome on individual property owners.

Shipley: Well obviously.

Evans: So in not having a well defined City position on this, you know we should go ahead and grant a waiver and come up with some type of constraints ...

Scholz: Or a recommendation to City Council as we've done in the past. I think there is a clear policy on this, but it appears to be you know a punitive policy.

Pompeo: In certain situations I believe it is.

Evans: Well I think it's defined for developers and not for individual property owners.

Scholz: Well that's perhaps the reason. It seems to me though a couple of years

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ago we did one on Mesa. A gentleman wanted to put three mobile units on his property and we said he'd have to subdivide in order to do that and if he did subdivide then he would have to do his share of road improvement. Now his share of road improvement was limited to the width of his property, you know the width of the property that faced Mesa. And I'd think it'd be reasonable to put that condition into this situation. In other words, asking the people who are getting the replat to pave or at least pay for the paving of the width of their property all right, that faces Tucson.

Evans: Well actually that's not a bad direction in which perhaps staff should pursue this and have a fund out there where they continually put money into a bank. But if you look at the practical application of what you're advocating, you're going to have you know 20-feet of paved road out in the middle of a desert with no … a bridge to nowhere.

Scholz: As a matter of fact Commissioner Evans this has already been done. There are scattered pieces of pavement all over the East Mesa. I've driven on them and I've driven off of them. And you know they exist because we have asked the property owners to follow the law, you know to follow the code. That's what we're doing. Ms. Rodriguez you have a comment for us.

Rodriguez: Mr. Chairman, Commissioners, I'm just listening to the general discussion. The discussion that you guys are having is a similar discussion that council had when the previous case regarding Mesa Village tracts had. Commissioner Shipley's comments are well received. Staff right now is looking at different means that they can implement … impact fees are one option to where that as people get building permits to build their houses you would pay an impact fee and therefore would go to road improvements in general, maintenance, etc. That's one option. But that's going through the City process right now and Council hasn't formally adopted a position on that. The latter case on Mesa Village was an example that raised a discussion about impact fees. I believe that this case would be a similar discussion that would lend towards impact fees. With that being said, and staff's position on this exactly what is defined in today's City Codes and Policies. And yes, it says developers are responsible. I mean as development occurs you are responsible for your road improvements. It doesn't come out and say whether or not a developer is a big or small one, is the fact is, is that you are developing your property today, therefore you must follow the codes that are set forth. And in this case, since it is an unimproved roadway, they have to build their share of road improvements all the way out Del Rey. If you were to look at the option of just doing road improvements on an unimproved roadway and limiting that to just the frontage in front of their property, you're looking at approximately 350 linear feet. Well when you look at that … staff hasn't reviewed that but there are engineering concerns regarding

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that and traffic impact concerns because then you're going to have basically a piecemeal road and you're not going to have transitional lanes, etc. So that would be a grave concern that staff would have if we would just limit it to road improvements in front of their property, because you won't transition correctly with the other ... the non-existing improvements that are out there.

In terms for the approval of the final plat, DRC recommended approval of the final plat knowing that if the waiver was granted then the waiver is granted. They can file the plat. But if the waiver is not granted, then the applicant has two options, you provide the payment or you build the road. Those are your two options. And then staff has means to basically ... you know the plat doesn't mean it's going to be filed tomorrow necessarily. We can hold that plat until the waiver request is gone to City Council. But in terms of the language, the applicant has provided here, this is similar language that council used for the Mesa Village tracts. It's consistent with what they put forward because they had a very similar discussion regarding impact fees. But at that time legal staff said well you can't require the other additional property owners to pay because we don't have any policy in place to do that. So Council came up with language that was very similar here to what the applicant proposed and if the Commission chooses to make a recommendation to Council to use similar language as this, that is this body's purview and then that would be the recommendation for the waiver request to go forward to City Council. But staff's position on this is we can only operate what's defined on the codes of the books today and hence the reason it's either pay it or build it. And if Council on the Mesa Village case which is a separate case said, understanding the circumstances we offer this language in terms of approving the waiver request, then the Commission can use similar logic for this case as well.

Scholz: Well, gentlemen? Commissioner Beard.

Beard: If the lots are subdivided will both of them be zoned EE?

Rodriguez: Mr. Chairman, Commissioner Beard, that is correct. The zoning stays in place. The proposed replat in terms of the lots that are going to be created will confirm to the development standards of the EE zoning district.

Scholz: Okay gentlemen, we're going to rise from our suspended rules. Do I hear a motion to unsuspend the rules?

Evans: Mr. Chairman I move that we unsuspend the rules.

Scholz: Is there a second?

Beard: I second it.

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

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. Motion carries. All right. I'll entertain an approval of the final plat. That's Case S-09-032.

Evans: So moved.

Scholz: Is there a second?

Beard: Second.

Scholz: Okay it's been moved and seconded. I'll call the roll. Commissioner Shipley.

Shipley: Aye findings, discussion, and site visit.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye for findings, discussions, and site visit. Okay so we have approved the final plat. Now, on the waiver request, I'll entertain a motion to approve the waiver request.

Evans: Mr. Chair I move that we approve Case S-09-032W.

Scholz: Is there a second?

Beard: Second.

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

Shipley: Nay findings, discussion, and site visit.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

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Beard: No findings and discussions.

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

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

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

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

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

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

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

Scholz: Mr. Hembree.

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

Scholz: Certainly.

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

Scholz: And Case Z2798.

Shipley: And Case Z2798.

Scholz: Is there a second?

Beard: I second.

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

ALL COMMISSIONERS - AYE.

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

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

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

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

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

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

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

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

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

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

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

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

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

Meyers: Sorry about that.

Scholz: There you go.

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

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

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

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

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

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

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

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

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

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

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

Scholz: Okay. Yes, Commissioner Beard.

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

DRAFT

Meyers: Commissioner Beard and Chairman, those numbers come directly out of the ITE trip manual. And the best way I can tell you is that an elementary school you have a whole lot more traffic coming into those elementary schools, mostly because there are more parents dropping off individual students. As you get into middle school, those trips kind of diminish. So you're either teaming up, the parents are teaming up bring more kids in than a single student, or so forth. But that's exactly how the ITE criteria calls out for middle schools and for elementary schools based on per student evaluations for traffic.

Beard: Okay. Thank you.

Scholz: That's very interesting. I didn't think of that. All right. Any other questions for this gentleman? Yes, Commissioner Shipley.

Shipley: It says on the chart though, it says trips per dwelling unit. You have that for elementary but not for the middle school? In your chart under anticipated traffic.

Meyers: Let's see if I can find ... is that on the master plan that you're talking about?

Shipley: Yes, right there, on that sheet, at the bottom of the sheet. In that chart right there. The bottom it has trips per dwelling unit 42.94.

Meyers: Yeah, I believe that's for the individual private parcels, not for the school itself.

Shipley: Okay. Well it says though it got it under middle school if you go to the right.

Scholz: No I see that as residential single-family.

Shipley: It says commercial C-3, N/A, dwelling units N/A, but then it says trips per dwelling unit 42.94. So trips 3,005. And it says the code is middle school students.

Scholz: I see. Yes.

Meyers: Those are different columns. If you read through it. It's on the same table but there are separate columns. If you go by the IT ... where it says ITE code 520 and you go down to elementary school, it's by the number of students, trips per student and that's how it's evaluated. The single-family is under the IT code 210, if you follow through. Don't follow that line all the way across. It's per column.

Shipley: Okay.

DRAFT

Scholz: All right. Any other questions? Okay, is there any one from the public who wishes to speak to this issue? Okay, hearing none we will close it for public discussion. Commissioners? We have to rise from our ...

Shipley: Have to reinstate the rules.

Scholz: Yes.

Shipley: I move to reinstate the rules.

Scholz: Is there a second?

Evans: So moved.

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

ALL COMMISSIONERS - AYE.

Scholz: Okay those opposed same sign. All right we have unsuspended the rules. Let us consider then Case S-09-035.

Evans: Mr. Chairman I move that we approve S-09-035 with no conditions.

Scholz: Is there a second?

Shipley: Second.

Scholz: All right I'll call the roll. Commissioner Shipley.

Shipley: Aye findings and discussion.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye findings and discussions. Okay.

Shipley: Move to approve Case S-09-036 with no conditions.

Scholz: Is there a second?

Evans: Second.

DRAFT

Scholz: All right, I'll call the roll. Commissioner Shipley.

Shipley: Aye findings and discussion.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye for findings and discussions. So we have passed that one.

Shipley: Move to approve Case Z2798 with the condition that all utilities will be underground.

Scholz: All right, is there a second?

Evans: I second.

Scholz: I'll call the roll. Commissioner Shipley.

Shipley: Aye findings and discussion.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye for findings and discussions. Thank you very much gentlemen for your endurance and your presentation.

VIII. OTHER BUSINESS

Scholz: That brings us to other business.

Shipley: I guess I have a couple of things.

Scholz: Commissioner Shipley has a couple of things of other business he wants to run by us.

DRAFT

Shipley: One thing I'd like to ask is a couple of meetings ago I asked about when were our, the City code books going to be updated and … in other words we've made changes to the code and yet we've never given our books back to be … so our books are out of date. So what I'd like to propose is to get I believe the City clerk is responsible for updating those kinds of things or you are, okay. So can we put that on your agenda so we could do that? And if you'll give us a date when we should turn our books in you know after a meeting or something like that then we can get them back before the next …

Scholz: So we can find our books before we …

Shipley: Yeah.

Scholz: I know mine's in the closet somewhere.

Shipley: Okay, so that was one. The second thing is you know the case we had tonight with regards to impact fees I guess is the way to address that, but we really ought to sit down and say, you know as a planning Commission that's our responsibility to say this isn't working guys. And we have got to place this on somebody's agenda which it should be ours. Because we're going to be confronted with this … you know we've added more acreage tonight that's got roads that are unimproved and somebody comes in and wants to split a parcel, we're going to be right back where we started and it's … you know we're not solving a problem by ignoring it. You know it's time that we stopped ignoring it and come up with some language. And I think we can get legal language that says that or we can look at impact fees. And the other thing is we're not helping the citizens prepare for that because they think that because they've got a piece of land out there with a dirt road, that they're home free. They don't have to worry about anything. And with ownership comes responsibility. And that responsibility is that eventually there's going to be a road there. This is a city, they're not living out in the country any more, they're living in the city. And the city's going to have a road and they're going to have to pay their fair share.

Scholz: Commissioner Evans.

Evans: I agree, but I think the … I don't know, I voted for the waiving of the fee, so … but I think I obviously understand where you're coming from. But I think the intent and I would have liked to have seen this be a little more clearer if we actually supported their position, but we wanted to raise up to City Council to have them weigh in on it and obviously I think they'll weigh in, in the appropriate direction, you know like they've done historically.

DRAFT

Scholz: Yeah, I think you're correct. Two incidents that have happened in the past, one was the ... we finally got to the place where we're revising the Sign Ordinance.

Evans: Right.

Scholz: You know we've had problems with that a number of times, including height variations, and placement and that sort of thing, and obviously the rules were much too rigid. I think we've managed to get some flexibility there. And I think the same thing is true on infill development. I think we've made some progress there. But it takes a long time. And the reason it takes a long time is because the City Council grinds you know exceedingly slow, exceedingly fine in most cases, but rather slow. So, this remark was off the record at the time, but what Commissioner Evans said was, well let's kick it up to City Council. Yes, I think we should. I think we should put the onus on City Council to make these changes.

Shipley: This will go to the City Council because they're going to go in and appeal our decision.

Scholz: Yes.

Shipley: But I think the point is that it's time for us to say, you know we can't just keep doing this, we've got to take some action to create policy because that's what we're here for.

Scholz: Like the covered porches in yards.

Shipley: Correct.

Scholz: You know and there has been some policy changes I think and some progress on that.

Rodriguez: Mr. Chairman, Commissioners, what I could offer is this, the Public Works Department right now is looking into the feasibility of impact fees and they're working through the capital improvement advisory committee. I will confirm the next time that there is a meeting with the capital improvement advisory committee and that the impact fee discussion is going to be on that agenda and I will advise the Commission in its entirety when that meeting will be and invite you all to come and advertise the appropriate notice, we have potential quorum so you can weigh in to CIAC so they can hear these valid comments that you raised tonight. Staff can offer that much. Public Works is spear heading this and I will relay your comments to Public Works staff and see if possibly this can be done also address at a future Planning and Zoning work session as sell.

Shipley: Okay.

DRAFT

Scholz: Good. Thank you very much. Is there a future Planning and Zoning work session scheduled?

Rodriguez: Mr. Chairman, not in the month of September. I haven't really thought that far ahead.

Scholz: Okay.

Rodriguez: But at this moment the answer is probably no, but let me talk with the Public Works director and see if we can't put something together for you for the month of September.

Scholz: All right. Great.

IX. PUBLIC PARTICIPATION

X. STAFF COMMENT

XI. ADJOURNMENT 8:45

Scholz: Well if there are no other announcements or public business, we are adjourned at quarter to 9:00. Thank you very much folks.

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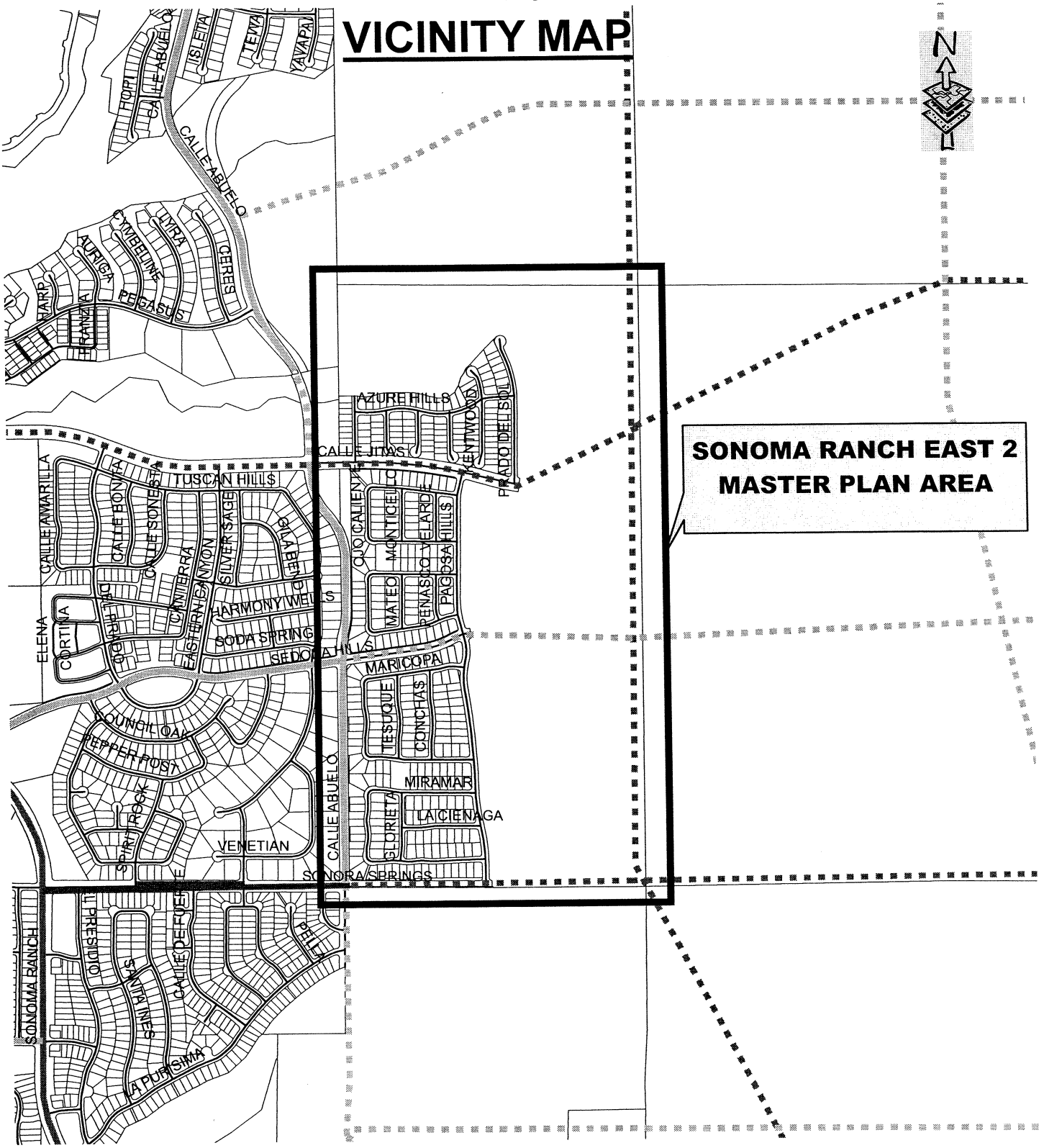
Chairperson

DRAFT

Attachment "C"

VICINITY MAP



CASE NO. S-08-106 AND Z2792

PARCEL: 02-37615

OWNER: SONOMA RANCH SUBDIVISION LTD CO

EXISTING SUBDIVISIONS

SONOMA RANCH EAST 2

PHASES 1 - 7

0 445 890 1,780 2,670 3,560 Feet

This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.

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