

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11 Ordinance/Resolution# 10-121 Council District: 6

For Meeting of October 26, 2009
(Adoption Date)

TITLE: A RESOLUTION TO APPEAL THE PLANNING AND ZONING COMMISSION'S DECISION OF APPROVAL FOR A MAJOR AMENDMENT TO THE SONOMA RANCH NORTH MASTER PLAN. THE SONOMA RANCH NORTH MASTER PLAN ENCOMPASSES 275 ± ACRES. THE AMENDMENT AFFECTED 17 PLANNING PARCELS. THE AMENDMENT CREATED A COMMERCIAL DEVELOPMENT NODE AT THE INTERSECTION OF NORTHRISE DRIVE AND SONOMA RANCH BOULEVARD, CREATED AN AREA OF MULTI-FAMILY LAND USES BETWEEN THE NEW COMMERCIAL NODE AND THE ESTABLISHED SINGLE-FAMILY LAND USES TO THE SOUTH. THE MASTER PLAN AREA IS GENERALLY LOCATED SOUTH OF U.S. HIGHWAY 70 NORTH, SOUTH OF NORTHRISE DRIVE, AND EAST/WEST OF SONOMA RANCH BOULEVARD. THE MASTER PLAN AMENDMENT WAS SUBMITTED BY GUNAJI-KLEMENT & ASSOCIATES FOR SONOMA RANCH NORTH, LLC. THE APPELLANT IS ALAMEDA LAND INVESTMENT CORPORATION (S-09-011A)

PURPOSE(S) OF ACTION: To appeal the Planning and Zoning Commission decision of approval of a major amendment to the Sonoma Ranch North Master Plan.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On July 28, 2009, the property owner, Sonoma Ranch North, LLC, received approval from the Planning and Zoning Commission to amend the Sonoma Ranch North master plan by a vote of 4-0-0 (three Commissioners absent). The major amendment to the master plan affected 17 planning parcels. Specifically, the amendment established a commercial node at the intersection of Northrise Drive and Sonoma Ranch Boulevard. In addition, a multi-family land use was established to provide a buffer between commercial and single-family residential land uses.

The Sonoma Ranch North Master Plan area encompasses approximately 275 ± acres. The subject properties are generally located along Northrise Drive and Sonoma Ranch Boulevard, immediately south of Highway 70/Bataan Memorial East. A portion of the master planned area is built out while the remainder is undeveloped.

Historical Background: The original Sonoma Ranch North master plan was approved on December 11, 1996 by the Planning and Zoning Commission. The master plan was subsequently appealed to the City Council on January 21, 1997 in which the City Council affirmed the decision made by the Planning and Zoning Commission. The first major amendment was approved by the Planning and Zoning Commission on April 22, 1998. The second major amendment was approved by the Planning and Zoning Commission on April 26, 2005. However, the zone change requested as a component to the major master plan amendment was denied by the City Council on June 27, 2005. On January 26, 2006, a minor amendment was submitted and approved administratively on March 6, 2006. The minor amendment modified the existing land use matrix and included specific language allowing for single-family residential uses within the prescribed R-2 and R-3 zoning districts.

Overview of Master Plan Amendment: For ease of discussion, the following narrative describes the 17 affected planning parcels within the master plan amendment (see Exhibit "B"). The table below also summarizes the proposed changes.

Planning Parcel 1A

This planning parcel contains 13.29 ± acres and is currently zoned R-4 (Multi Dwelling-High Density) with a corresponding land use of High Density Multi-Family/Single-Family. The proposed zoning is C-3 (Commercial High Intensity) with a proposed land use of High Intensity Commercial.

Planning Parcel 1B

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

Planning Parcel 1C

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

Planning Parcel 1D

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

Planning Parcel 2

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

Planning Parcel 3

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

Planning Parcel 3A

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

Planning Parcel 4

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

Planning Parcel 5

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

Planning Parcel 6

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

Planning Parcel 7A

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

Planning Parcel 7B

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

Planning Parcel 8

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

Planning Parcel 9

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

Planning Parcel 10

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

Planning Parcel 11

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

Planning Parcel 12

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

Planning Parcel	Current Zoning/ Land Use	Proposed Zoning/Land Use
1A (13.29 ± ac)	R-4/MF/SF	C-3/Commercial
1B (18.70 ± ac)	C-3/Commercial	No change
1C (6.86 ± ac)	C-3/Commercial	No change
1D (10.35 ± ac)	R-3/SF	White Sage Sub., Phase 1
2 (R-1a/R-3/MF/SF/Open Space	C-3/Commercial/MF @ 20DU/acre
3	R-1a/R-3/MF/SF/Open Space	C-3/Commercial/MF @ 20DU/acre
3A	R-3/SF/MF/Open Space	C-3/Commercial/MF @ 20DU/acre
4	R-1a/R-3/MF/SF/Open Space	R-3/MF
5	R-1a/SF	No change
6	R-1a/R-3/SF/MF/ Open Space	R-1a/SF
7A	RE/SF	White Sage Sub., Phase2
7B	R-1a/SF	White Sage Sub., Phase 2
8	R-1a/SF/MF/Open Space	R-3/MF
9	R-a/SF/MF/Open Space	R-3/MF
10	R-1a/SF/Open Space	OSR/Open Space/Flood Control
11	R-1a/SF/Open Space	OSR/Open Space/Flood Control
12	R-1a/R-3/SF/MF	R-3/SF/MF@ 10DU/acre

Appeal: On August 12, 2009, the Alameda Land Investment Corporation submitted an appeal to reverse the affirmative decision on the major amendment to the master plan granted by the Planning and Zoning Commission on July 28, 2009 (see Exhibit "A"). In addition, Alameda Land Investment Corporation is also appealing the Planning and Zoning Commission's action on the zone change request that accompanied the master plan amendment. Please note that the Planning and Zoning Commission's decision on the zone change is a recommendation to the City Council, the official body who retains final authority on zone change requests.

Exhibit "A" identifies the basis of the appeal for Alameda Land Investment Corporation. Contained in the appeal are items of concern regarding the staff handling of the two development applications. The two development applications were reviewed and processed in accordance with established procedures within the Community Development Department. The two applications were submitted on February 26, 2009. The master plan amendment was reviewed by various City departments three times prior to the hearing by the Development Review Committee on July 15, 2009. The master plan amendment was processed in accordance with the CLC Subdivision Code. The Development Review Committee forwarded a recommendation to the Planning and Zoning Commission.

In regards to the zone change request, the zoning was reviewed by multiple departments. Documentation from various departments exists in the file. The culmination of the reviewing comments from the various departments coupled with the Development Review Committee's recommendation of the master plan resulted in a staff report to the Planning and Zoning Commission (see Attachment "B"). Within the staff report, there is a section entitled "Findings." This section delineates which City codes and/or policies the development application is in

conformance with. Furthermore, the section depicts the goals, objectives, and policies of the 1999 Comprehensive Plan that the development application is consistent with. The staff recommendation of approval states that approval is based off of the "preceding findings."

SUPPORT INFORMATION:

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

1. Resolution
2. Exhibit "A" – Appeal submitted by Alameda Land Investment Corporation
3. Exhibit "B" – Master Plan Major Amendment
4. Exhibit "C" – Findings and Comprehensive Plan Analysis
5. Attachment "A"- Copy of the zoning plat – for reference only
6. Attachment "B" – Staff Report to the Planning and Zoning Commission
7. Attachment "C"- Minutes from the July 28, 2009 Planning and Zoning Commission
8. Attachment "D" – Letter of public opposition at the July 28, 2009 Planning and Zoning Commission meeting
9. Attachment "E"- Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote YES to approve the Resolution. This action reverses the Planning and Zoning Commission recommendation for approval. The property owner, Sonoma Ranch North, LLC, will be required to submit an alternative development proposal for the Sonoma Ranch North master plan.
2. Vote NO to deny the Resolution. This action affirms the decision made by the Planning and Zoning Commission. This action allows the property owner, Sonoma Ranch North, LLC, to continue with their development plans for the Sonoma Ranch North master plan area.
3. Modify the Resolution and vote YES to approve the modified Resolution. The Council may modify the Resolution as deemed appropriate.
4. Table/Postpone the Resolution and direct staff accordingly.

RESOLUTION NO. 10-121

A RESOLUTION TO APPEAL THE PLANNING AND ZONING COMMISSION'S DECISION OF APPROVAL FOR A MAJOR AMENDMENT TO THE SONOMA RANCH NORTH MASTER PLAN. THE SONOMA RANCH NORTH MASTER PLAN ENCOMPASSES 275 ± ACRES. THE AMENDMENT AFFECTED 17 PLANNING PARCELS. THE AMENDMENT CREATED A COMMERCIAL DEVELOPMENT NODE AT THE INTERSECTION OF NORTHRISE DRIVE AND SONOMA RANCH BOULEVARD, CREATED AN AREA OF MULTI-FAMILY LAND USES BETWEEN THE NEW COMMERCIAL NODE AND THE ESTABLISHED SINGLE-FAMILY LAND USES TO THE SOUTH. THE MASTER PLAN AREA IS GENERALLY LOCATED SOUTH OF U.S. HIGHWAY 70 NORTH, SOUTH OF NORTHRISE DRIVE, AND EAST/WEST OF SONOMA RANCH BOULEVARD. THE MASTER PLAN AMENDMENT WAS SUBMITTED BY GUNAJI-KLEMENT & ASSOCIATES FOR SONOMA RANCH NORTH, LLC. THE APPELLANT IS ALAMEDA LAND INVESTMENT CORPORATION (S-09-011A)

The City Council is informed that:

WHEREAS, Alameda Land Investment Corporation has submitted an appeal to reverse the Planning and Zoning Commission decision of approval for a major amendment to the Sonoma Ranch North Master Plan; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on July 28, 2009, approved the major amendment to the Sonoma Ranch North Master Plan by a vote of 4-0-0 (three Commissioners absent).

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

(I)

THAT the approval for the major amendment to the Sonoma Ranch North Master Plan granted by the Planning and Zoning Commission is hereby reversed.

(II)

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

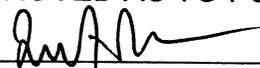
VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

TO: Ms. Cheryl Rodriguez
Administrator of Development Services
City of Las Cruces
575 Alameda Boulevard, Room 117
Las Cruces, New Mexico 88005

MATTER: NOTICE OF APPEAL

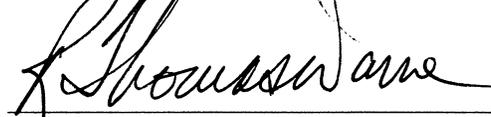
Alameda Land Investment Corporation herewith appeals the approval by the Planning and Zoning Commission of modification to the Sonoma North Master Plan and zone change, Nos. S-09-11 and Z2785 on July 28, 2009 to the Las Cruces City Council.

Attached hereto and incorporated herein by reference as Exhibit A is the basis of the appeal.

Enclosed with this Notice of Appeal is our check number 103391 in the sum of \$200 for the appeal.

Alameda Land Investment Company further requests that the City of Las Cruces sequester the files for the Sonoma North Subdivision and Master Plan and Amendments thereto as well as Alameda Land Investment Corporation files of 2007 regarding the Walmart "Master Plan Amendment."

LEWIS AND ROCA LLP



R. Thomas Dawe

Attorneys for Alameda Land Investment Corporation
201 Third Street NW, Suite 1950
Albuquerque, New Mexico 87102
Phone: (505) 764-5427
Fax: (505) 764-5464

RTD/gr

Enclosure

cc: (w/o encl.)
Ms. Ester Martinez
City Clerk
City of Las Cruces
PO Box 2000
Las Cruces, NM 88004

Alameda Land Investment Corporation

APPEAL of the Las Cruces Planning & Zoning Commission approval and recommendation for approval for the Sonoma North (applicant) cases S-09-011 (Master Plan Amendment) and Z-2785 (Zone Change Request),
SUBMITTED BY Alameda Land Investment Corporation (fka Alameda Land & Development Corporation, hereinafter “Alameda”), to wit:

Based upon the fact that the Sonoma North Master Plan area is a minor portion of the area subject to the Las Alamedas Master Plan and was sold to the applicant subject to compliance with such plan, and based upon the background, facts, analysis and conclusions embodied herein, Alameda Land Investment Corporation hereby respectfully requests that the Las Cruces City Council grant its appeal and deny applicant’s requests for case S-09-011, a major master plan amendment, and case Z-2785, a zone change request to change +/-38 acres at Northrise Drive and Sonoma Ranch Boulevard from single family residential to a high intensity commercial node. Alameda further respectfully requests that the appeal hearing be conducted in accordance with “Battershall” requirements.

REASONS FOR APPEAL:

BACKGROUND

Alameda had a master plan and design guidelines prepared for Las Alamedas, a 2,800+ acre master planned community on land owned by the City of Albuquerque in 1985 for the purpose of subdividing and zoning it in a manner consistent with good principles of sustainable quality community development in growing southwestern cities so that it could be sold and developed in master-planned, ready to subdivide and improve parcels (with



entitlements in place) over a period of three or four decades to the market for residential and commercial development, insuring that adequate controls would be in place to require development in conformance with a publicly-approved master plan and design guidelines. Great efforts were made in the preparation of the plan to have a proper balance of land uses and relationships to optimize the quality of development given the size and dynamics of the Las Cruces economy and land absorption patterns and rates.

When the City of Las Cruces adopted a comprehensive plan and new subdivision and zoning codes some fifteen years after the Las Alamedas Master Plan (the LAMP) was approved, Alameda updated and received approval for amending the LAMP and zoning map for all the property it still owned in order to conform with the new comprehensive plan and codes.

The subject Sonoma North property, which comprised less than 10% of the original master planned area, was sold to the applicant subject to the LAMP and design guidelines. Alameda agreed to the applicant preparing its own master plan in conformance with the LAMP and to a realignment and renaming of Las Alamedas Boulevard to Sonoma Ranch Boulevard. The realignment necessitated other road and utility realignments and a reconfiguration of a few of the parcels so that the zoning would make sense adjacent to major roads, and a minor amount of additional commercial zoning was agreed to so that adjacent uses would be compatible after the realignments.

Alameda has sold considerable land during the past 25 years in the Las Alamedas area to several local developers, has joint-ventured with others

and developed several projects for its own account within the LAMP area. It is still the largest landowner (including its joint venture interests) within the area protected by the LAMP, continues to sell parcels to commercial and residential developers in accordance with the LAMP, and expects to continue to do so for another two to three decades.

For twenty-five years Alameda's clients and associates have relied on Alameda and the City of Las Cruces to enforce the LAMP in order to maintain the integrity of the original land use plan and other master plan components.

The applicant's requests for their master plan amendment and zone change request are not in conformance with the LAMP. They violate the carefully planned balance of residential and commercial uses established in accordance with site-specific studies and reports prepared by professional economic and planning consultants. Further, as discussed below, the applicant has not provided the land use and population density and growth studies necessary to justify its requests, and the city planning staff has not done an adequate review or analysis to justify its findings and recommendations.

FACTS

The city planning department staff recommended approval of the subject major master plan amendment and zone change request based on "findings" enumerated in its report to the Planning & Zoning Commission (Exhibit A). On August 5, 2009 Jack Pickel, president of Alameda, reviewed the subject case files in their entirety as provided by city planning staff in their offices

for the purpose of determining the factual basis for the city planning staff findings and recommendations in its report to the Planning & Zoning Commission which it adopted at its meeting on July 28, 2009.

The most notable fact discovered was the dearth of reasonable documentation that would normally be expected to be included in the files in order for the applicant to justify the master plan amendment and zone change request and for the staff to conclude that it should recommend approval of the requests:

- No documents purporting to justify the reasons for the zone change request were in the application.
- No staff comparison of each individual requirement of the Subdivision Code section on Master Plan requirements or the Zoning Code requirements to justify particular zoning were in the file.
- No notes or analysis indicating which elements of the codes should be cited in the staff's "findings" in support of the applicant's request were in the file.
- No notes of intra-staff discussions or efforts to determine the appropriateness of the zone change were in the files.
- The minutes of the Development Review Committee's meeting and recommendations did not include any discussion of the appropriateness of the zone change request. All of the expressed concerns of city staff were related to the difficulties created as a result of the zone change to accommodate storm water management, traffic circulation and park location.
- No analysis of whether the applicant's master plan area contained sufficient population required to meet the threshold requirement for a

high intensity commercial node existed as required in the staff's findings.

- No mandatory study of land use balance within the surrounding area within a one-mile radius of the subject property as required by city codes stated in the staff's findings was in the files.
- There was no documentation in the Z-2785 case file (zone change request) justifying the zone change as a matter of mistake, change in circumstance or compelling public necessity as required under established New Mexico case law.

ANALYSIS

As determined by a thorough review of the subject files, the city planning staff performed only ministerial tasks of submitting requests for comments and taking notes at the DRC meeting, and did no professional analysis of the major master plan amendment and zone change request and did not require reasonable justification by the applicant as contemplated by city codes and required of all other similarly situated applicants.

Among the unsupported staff findings are two that clearly require specific objective threshold tests in order for a site to qualify for the requested zone change:

1) *Finding 3. Land Use Element, Commercial Uses, Goal 1, Objective 5.3* requires a high intensity commercial use node to serve a population of 15,000 to 85,000 people. The applicant's project at full build-out will be comprised of fewer than 10,000 people. The rest of the Las Cruces and Las Alamedas have ample vacant commercial property to meet their respective future needs for development;

2) *Finding 3. Land Use Element, Growth Management, Goal 2, Objective 1, Policy 1.10* requires a balancing test in the form of a mandatory study of land uses within a defined study area. “**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...”. **No such deficiency is alleged by the applicant or demonstrated by the staff that would permit consideration of the other site characteristics.**

Neither of these objective tests were documented in the case files. From appellant’s cursory review of the relevant sections of the city’s comprehensive plan and subdivision and zoning codes several other inadequacies in the city planning staff’s consideration of the issues are apparent. Since neither the applicant nor the city planning staff prepared any written analysis justifying the reasons for granting the zone change request and master plan amendment, no analysis of their deliberations is possible.

Established case law in New Mexico requires proof that one of three legal conditions exist in order to grant a zone change request: mistake, change in circumstance or compelling public necessity. Each condition requires factual support that a regulatory body can independently verify and rely upon to make analyses, recommendations and conclusions. No such documentary support exists in the subject case files.

CONCLUSIONS

The Planning & Zoning Commission decisions to approve S-09-011 and recommend approval of Z-2785 were based on staff’s findings. **Staff’s**

findings are not supported by any documentation in the subject case files or in the public record provided by the applicant or the city planning staff that justifies recommending approval of the requested major master plan amendment or zone change request from single family residential to a high intensity commercial node. Therefore, the Planning & Zoning Commission erred in its decisions because of inadequate and unreliable applicant and staff documentation of facts that compelled its decision and recommendation.

The city planning staff merely “rubber stamped” the applicant’s requests, and the Planning & Zoning Commission “rubber stamped” the staff’s findings and recommendations. The applicant’s requests should be denied by the City Council because they do not meet even the threshold requirements of city codes and New Mexico law required to inform such decisions.

Further, approval of applicant’s requests will undermine the integrity of the city and Alameda in their representations as to the value of master planning for future community development. Approval implies that both entities are willing to “chisel” and “weasel” when asked to compromise their principles in order to satisfy the economic desires of an applicant when it comes to enforcement of the LAMP and by extension, all other master plans approved by the city and relied upon by owners benefiting from such master plans.

Finally, approval of applicant’s requests will violate Alameda’s rights of due process and equal protection in the administration of city codes.

APPEAL of the Las Cruces Planning & Zoning Commission approval and recommendation for approval for the Sonoma North (applicant) cases S-09-011 (Master Plan Amendment) and Z-2785 (Zone Change Request),
SUBMITTED BY Alameda Land Investment Corporation (fka Alameda Land & Development Corporation, hereinafter “Alameda”), to wit:

Based upon the fact that the Sonoma North Master Plan area is a minor portion of the area subject to the Las Alamedas Master Plan and was sold to the applicant subject to compliance with such plan, and based upon the background, facts, analysis and conclusions embodied herein, Alameda Land Investment Corporation hereby respectfully requests that the Las Cruces City Council grant its appeal and deny applicant’s requests for case S-09-011, a major master plan amendment, and case Z-2785, a zone change request to change +/-38 acres at Northrise Drive and Sonoma Ranch Boulevard from single family residential to a high intensity commercial node. Alameda further respectfully requests that the appeal hearing be conducted in accordance with “Battershall” requirements.

REASONS FOR APPEAL:

BACKGROUND

Alameda had a master plan and design guidelines prepared for Las Alamedas, a 2,800+ acre master planned community on land owned by the City of Albuquerque in 1985 for the purpose of subdividing and zoning it in a manner consistent with good principles of sustainable quality community development in growing southwestern cities so that it could be sold and developed in master-planned, ready to subdivide and improve parcels (with

entitlements in place) over a period of three or four decades to the market for residential and commercial development, insuring that adequate controls would be in place to require development in conformance with a publicly-approved master plan and design guidelines. Great efforts were made in the preparation of the plan to have a proper balance of land uses and relationships to optimize the quality of development given the size and dynamics of the Las Cruces economy and land absorption patterns and rates.

When the City of Las Cruces adopted a comprehensive plan and new subdivision and zoning codes some fifteen years after the Las Alamedas Master Plan (the LAMP) was approved, Alameda updated and received approval for amending the LAMP and zoning map for all the property it still owned in order to conform with the new comprehensive plan and codes.

The subject Sonoma North property, which comprised less than 10% of the original master planned area, was sold to the applicant subject to the LAMP and design guidelines. Alameda agreed to the applicant preparing its own master plan in conformance with the LAMP and to a realignment and renaming of Las Alamedas Boulevard to Sonoma Ranch Boulevard. The realignment necessitated other road and utility realignments and a reconfiguration of a few of the parcels so that the zoning would make sense adjacent to major roads, and a minor amount of additional commercial zoning was agreed to so that adjacent uses would be compatible after the realignments.

Alameda has sold considerable land during the past 25 years in the Las Alamedas area to several local developers, has joint-ventured with others

and developed several projects for its own account within the LAMP area. It is still the largest landowner (including its joint venture interests) within the area protected by the LAMP, continues to sell parcels to commercial and residential developers in accordance with the LAMP, and expects to continue to do so for another two to three decades.

For twenty-five years Alameda's clients and associates have relied on Alameda and the City of Las Cruces to enforce the LAMP in order to maintain the integrity of the original land use plan and other master plan components.

The applicant's requests for their master plan amendment and zone change request are not in conformance with the LAMP. They violate the carefully planned balance of residential and commercial uses established in accordance with site-specific studies and reports prepared by professional economic and planning consultants. Further, as discussed below, the applicant has not provided the land use and population density and growth studies necessary to justify its requests, and the city planning staff has not done an adequate review or analysis to justify its findings and recommendations.

FACTS

The city planning department staff recommended approval of the subject major master plan amendment and zone change request based on "findings" enumerated in its report to the Planning & Zoning Commission (Exhibit A). On August 5, 2009 Jack Pickel, president of Alameda, reviewed the subject case files in their entirety as provided by city planning staff in their offices

for the purpose of determining the factual basis for the city planning staff findings and recommendations in its report to the Planning & Zoning Commission which it adopted at its meeting on July 28, 2009.

The most notable fact discovered was the dearth of reasonable documentation that would normally be expected to be included in the files in order for the applicant to justify the master plan amendment and zone change request and for the staff to conclude that it should recommend approval of the requests:

- No documents purporting to justify the reasons for the zone change request were in the application.
- No staff comparison of each individual requirement of the Subdivision Code section on Master Plan requirements or the Zoning Code requirements to justify particular zoning were in the file.
- No notes or analysis indicating which elements of the codes should be cited in the staff's "findings" in support of the applicant's request were in the file.
- No notes of intra-staff discussions or efforts to determine the appropriateness of the zone change were in the files.
- The minutes of the Development Review Committee's meeting and recommendations did not include any discussion of the appropriateness of the zone change request. All of the expressed concerns of city staff were related to the difficulties created as a result of the zone change to accommodate storm water management, traffic circulation and park location.
- No analysis of whether the applicant's master plan area contained sufficient population required to meet the threshold requirement for a

high intensity commercial node existed as required in the staff's findings.

- No mandatory study of land use balance within the surrounding area within a one-mile radius of the subject property as required by city codes stated in the staff's findings was in the files.
- There was no documentation in the Z-2785 case file (zone change request) justifying the zone change as a matter of mistake, change in circumstance or compelling public necessity as required under established New Mexico case law.

ANALYSIS

As determined by a thorough review of the subject files, the city planning staff performed only ministerial tasks of submitting requests for comments and taking notes at the DRC meeting, and did no professional analysis of the major master plan amendment and zone change request and did not require reasonable justification by the applicant as contemplated by city codes and required of all other similarly situated applicants.

Among the unsupported staff findings are two that clearly require specific objective threshold tests in order for a site to qualify for the requested zone change:

1) *Finding 3. Land Use Element, Commercial Uses, Goal 1, Objective 5.3* requires a high intensity commercial use node to serve a population of 15,000 to 85,000 people. The applicant's project at full build-out will be comprised of fewer than 10,000 people. The rest of the Las Cruces and Las Alamedas have ample vacant commercial property to meet their respective future needs for development;

2) *Finding 3. Land Use Element, Growth Management, Goal 2, Objective 1, Policy 1.10* requires a balancing test in the form of a mandatory study of land uses within a defined study area. “**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...”. **No such deficiency is alleged by the applicant or demonstrated by the staff that would permit consideration of the other site characteristics.**

Neither of these objective tests were documented in the case files. From appellant’s cursory review of the relevant sections of the city’s comprehensive plan and subdivision and zoning codes several other inadequacies in the city planning staff’s consideration of the issues are apparent. Since neither the applicant nor the city planning staff prepared any written analysis justifying the reasons for granting the zone change request and master plan amendment, no analysis of their deliberations is possible.

Established case law in New Mexico requires proof that one of three legal conditions exist in order to grant a zone change request: mistake, change in circumstance or compelling public necessity. Each condition requires factual support that a regulatory body can independently verify and rely upon to make analyses, recommendations and conclusions. No such documentary support exists in the subject case files.

CONCLUSIONS

The Planning & Zoning Commission decisions to approve S-09-011 and recommend approval of Z-2785 were based on staff’s findings. **Staff’s**

findings are not supported by any documentation in the subject case files or in the public record provided by the applicant or the city planning staff that justifies recommending approval of the requested major master plan amendment or zone change request from single family residential to a high intensity commercial node. Therefore, the Planning & Zoning Commission erred in its decisions because of inadequate and unreliable applicant and staff documentation of facts that compelled its decision and recommendation.

The city planning staff merely “rubber stamped” the applicant’s requests, and the Planning & Zoning Commission “rubber stamped” the staff’s findings and recommendations. The applicant’s requests should be denied by the City Council because they do not meet even the threshold requirements of city codes and New Mexico law required to inform such decisions.

Further, approval of applicant’s requests will undermine the integrity of the city and Alameda in their representations as to the value of master planning for future community development. Approval implies that both entities are willing to “chisel” and “weasel” when asked to compromise their principles in order to satisfy the economic desires of an applicant when it comes to enforcement of the LAMP and by extension, all other master plans approved by the city and relied upon by owners benefiting from such master plans.

Finally, approval of applicant’s requests will violate Alameda’s rights of due process and equal protection in the administration of city codes.

EXHIBIT "C"
FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The proposed master plan amendment is in conformance with the City Subdivision Code, Zoning Code, Design Standards, Transportation Plan, and Stormwater Management Policy Plan.
2. The adjacent land use and zoning include:

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

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

Land Use Element, Residential Uses, Goal 1, Objective 3

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

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

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

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

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

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

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

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

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

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

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

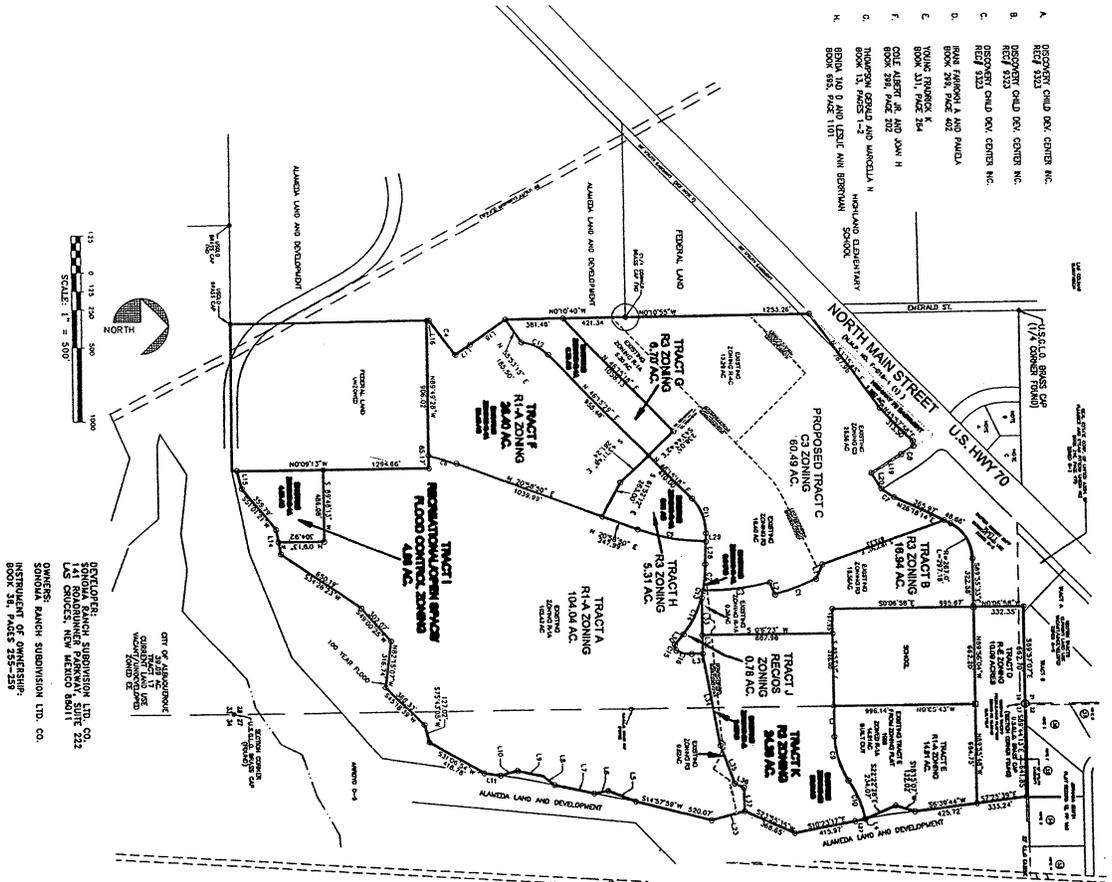
Urban Design Element, Goal 3, Objective 9

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

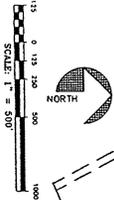
Policy 9.4 Encourage creative site planning for all new development and redevelopment.

- 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.



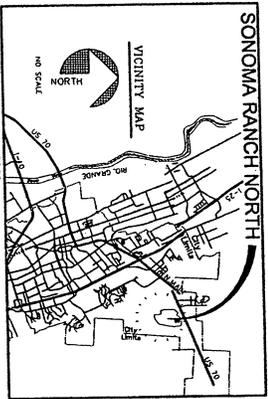
DEVELOPER:
SONOMA RANCH SUBDIVISION, LTD. 522
LOS ANGELES, NEW MEXICO 88011
OWNER:
SONOMA RANCH SUBDIVISION, LTD. CO.
INSTRUMENT OF CONVEYANCE:
BOOK 361, PAGE 285-291



- A. DISCOVERY CHLD DEV. CENTER, INC. REF# 9333
- B. DISCOVERY CHLD DEV. CENTER, INC. REF# 9333
- C. DISCOVERY CHLD DEV. CENTER, INC. REF# 9333
- D. RING HARBOR & MUD PUDLA BOOK 291, PAGE 282
- E. YOUNG TOWNHOME #34 BOOK 311, PAGE 282
- F. GOLD MOUNTAIN AND JOHN H. THOMPSON CONSULTING AND ARCHITECTS, INC. BOOK 131, PAGE 1-7
- G. THOMPSON CONSULTING AND ARCHITECTS, INC. BOOK 131, PAGE 1-7
- H. HIGHLAND ELEMENTARY SCHOOL
- I. GORDON, 100 S. 2ND STREET, SAN BERNARDINO COUNTY, CALIF. BOOK 655, PAGE 1101

SONOMA RANCH NORTH ZONING PLAT AMENDMENT #2

A 275.00 ACRE PARCEL OF LAND LOCATED IN SECTIONS 27 AND 28, T12S, R2E, N1/4 PM, OF DEER CREEK QUAD, SAN JUAN COUNTY, NEW MEXICO CITY OF LOS ANGELES, NEW MEXICO SCALE: 1" = 500' JUNE 4, 2009

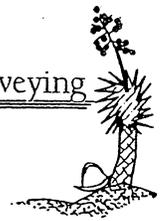


USE TABLE

U-1	UNIMPLEATED
U-2	UNIMPLEATED
U-3	UNIMPLEATED
U-4	UNIMPLEATED
U-5	UNIMPLEATED
U-6	UNIMPLEATED
U-7	UNIMPLEATED
U-8	UNIMPLEATED
U-9	UNIMPLEATED
U-10	UNIMPLEATED
U-11	UNIMPLEATED
U-12	UNIMPLEATED
U-13	UNIMPLEATED
U-14	UNIMPLEATED
U-15	UNIMPLEATED
U-16	UNIMPLEATED
U-17	UNIMPLEATED
U-18	UNIMPLEATED
U-19	UNIMPLEATED
U-20	UNIMPLEATED
U-21	UNIMPLEATED
U-22	UNIMPLEATED
U-23	UNIMPLEATED
U-24	UNIMPLEATED
U-25	UNIMPLEATED
U-26	UNIMPLEATED
U-27	UNIMPLEATED
U-28	UNIMPLEATED
U-29	UNIMPLEATED
U-30	UNIMPLEATED
U-31	UNIMPLEATED
U-32	UNIMPLEATED
U-33	UNIMPLEATED
U-34	UNIMPLEATED
U-35	UNIMPLEATED
U-36	UNIMPLEATED
U-37	UNIMPLEATED
U-38	UNIMPLEATED
U-39	UNIMPLEATED
U-40	UNIMPLEATED
U-41	UNIMPLEATED
U-42	UNIMPLEATED
U-43	UNIMPLEATED
U-44	UNIMPLEATED
U-45	UNIMPLEATED
U-46	UNIMPLEATED
U-47	UNIMPLEATED
U-48	UNIMPLEATED
U-49	UNIMPLEATED
U-50	UNIMPLEATED
U-51	UNIMPLEATED
U-52	UNIMPLEATED
U-53	UNIMPLEATED
U-54	UNIMPLEATED
U-55	UNIMPLEATED
U-56	UNIMPLEATED
U-57	UNIMPLEATED
U-58	UNIMPLEATED
U-59	UNIMPLEATED
U-60	UNIMPLEATED
U-61	UNIMPLEATED
U-62	UNIMPLEATED
U-63	UNIMPLEATED
U-64	UNIMPLEATED
U-65	UNIMPLEATED
U-66	UNIMPLEATED
U-67	UNIMPLEATED
U-68	UNIMPLEATED
U-69	UNIMPLEATED
U-70	UNIMPLEATED
U-71	UNIMPLEATED
U-72	UNIMPLEATED
U-73	UNIMPLEATED
U-74	UNIMPLEATED
U-75	UNIMPLEATED
U-76	UNIMPLEATED
U-77	UNIMPLEATED
U-78	UNIMPLEATED
U-79	UNIMPLEATED
U-80	UNIMPLEATED
U-81	UNIMPLEATED
U-82	UNIMPLEATED
U-83	UNIMPLEATED
U-84	UNIMPLEATED
U-85	UNIMPLEATED
U-86	UNIMPLEATED
U-87	UNIMPLEATED
U-88	UNIMPLEATED
U-89	UNIMPLEATED
U-90	UNIMPLEATED
U-91	UNIMPLEATED
U-92	UNIMPLEATED
U-93	UNIMPLEATED
U-94	UNIMPLEATED
U-95	UNIMPLEATED
U-96	UNIMPLEATED
U-97	UNIMPLEATED
U-98	UNIMPLEATED
U-99	UNIMPLEATED
U-100	UNIMPLEATED

ZONING TABLE

TRACT NUMBER	PROPOSED ZONING	EXISTING ZONING	COMMENTS
TRACT A	R1A	R1A	
TRACT B	R3	R3	
TRACT C	R3	R3	
TRACT D	R3	R3	
TRACT E	R3	R3	
TRACT F	R3	R3	
TRACT G	R3	R3	
TRACT H	R3	R3	
TRACT I	R3	R3	
TRACT J	R3	R3	
TRACT K	R3	R3	
TRACT L	R3	R3	
TRACT M	R3	R3	
TRACT N	R3	R3	
TRACT O	R3	R3	
TRACT P	R3	R3	
TRACT Q	R3	R3	
TRACT R	R3	R3	
TRACT S	R3	R3	
TRACT T	R3	R3	
TRACT U	R3	R3	
TRACT V	R3	R3	
TRACT W	R3	R3	
TRACT X	R3	R3	
TRACT Y	R3	R3	
TRACT Z	R3	R3	
TRACT AA	R3	R3	
TRACT AB	R3	R3	
TRACT AC	R3	R3	
TRACT AD	R3	R3	
TRACT AE	R3	R3	
TRACT AF	R3	R3	
TRACT AG	R3	R3	
TRACT AH	R3	R3	
TRACT AI	R3	R3	
TRACT AJ	R3	R3	
TRACT AK	R3	R3	
TRACT AL	R3	R3	
TRACT AM	R3	R3	
TRACT AN	R3	R3	
TRACT AO	R3	R3	
TRACT AP	R3	R3	
TRACT AQ	R3	R3	
TRACT AR	R3	R3	
TRACT AS	R3	R3	
TRACT AT	R3	R3	
TRACT AU	R3	R3	
TRACT AV	R3	R3	
TRACT AW	R3	R3	
TRACT AX	R3	R3	
TRACT AY	R3	R3	
TRACT AZ	R3	R3	
TRACT BA	R3	R3	
TRACT BB	R3	R3	
TRACT BC	R3	R3	
TRACT BD	R3	R3	
TRACT BE	R3	R3	
TRACT BF	R3	R3	
TRACT BG	R3	R3	
TRACT BH	R3	R3	
TRACT BI	R3	R3	
TRACT BJ	R3	R3	
TRACT BK	R3	R3	
TRACT BL	R3	R3	
TRACT BM	R3	R3	
TRACT BN	R3	R3	
TRACT BO	R3	R3	
TRACT BP	R3	R3	
TRACT BQ	R3	R3	
TRACT BR	R3	R3	
TRACT BS	R3	R3	
TRACT BT	R3	R3	
TRACT BU	R3	R3	
TRACT BV	R3	R3	
TRACT BW	R3	R3	
TRACT BX	R3	R3	
TRACT BY	R3	R3	
TRACT BZ	R3	R3	
TRACT CA	R3	R3	
TRACT CB	R3	R3	
TRACT CC	R3	R3	
TRACT CD	R3	R3	
TRACT CE	R3	R3	
TRACT CF	R3	R3	
TRACT CG	R3	R3	
TRACT CH	R3	R3	
TRACT CI	R3	R3	
TRACT CJ	R3	R3	
TRACT CK	R3	R3	
TRACT CL	R3	R3	
TRACT CM	R3	R3	
TRACT CN	R3	R3	
TRACT CO	R3	R3	
TRACT CP	R3	R3	
TRACT CQ	R3	R3	
TRACT CR	R3	R3	
TRACT CS	R3	R3	
TRACT CT	R3	R3	
TRACT CU	R3	R3	
TRACT CV	R3	R3	
TRACT CW	R3	R3	
TRACT CX	R3	R3	
TRACT CY	R3	R3	
TRACT CZ	R3	R3	
TRACT DA	R3	R3	
TRACT DB	R3	R3	
TRACT DC	R3	R3	
TRACT DD	R3	R3	
TRACT DE	R3	R3	
TRACT DF	R3	R3	
TRACT DG	R3	R3	
TRACT DH	R3	R3	
TRACT DI	R3	R3	
TRACT DJ	R3	R3	
TRACT DK	R3	R3	
TRACT DL	R3	R3	
TRACT DM	R3	R3	
TRACT DN	R3	R3	
TRACT DO	R3	R3	
TRACT DP	R3	R3	
TRACT DQ	R3	R3	
TRACT DR	R3	R3	
TRACT DS	R3	R3	
TRACT DT	R3	R3	
TRACT DU	R3	R3	
TRACT DV	R3	R3	
TRACT DW	R3	R3	
TRACT DX	R3	R3	
TRACT DY	R3	R3	
TRACT DZ	R3	R3	
TRACT EA	R3	R3	
TRACT EB	R3	R3	
TRACT EC	R3	R3	
TRACT ED	R3	R3	
TRACT EE	R3	R3	
TRACT EF	R3	R3	
TRACT EG	R3	R3	
TRACT EH	R3	R3	
TRACT EI	R3	R3	
TRACT EJ	R3	R3	
TRACT EK	R3	R3	
TRACT EL	R3	R3	
TRACT EM	R3	R3	
TRACT EN	R3	R3	
TRACT EO	R3	R3	
TRACT EP	R3	R3	
TRACT EQ	R3	R3	
TRACT ER	R3	R3	
TRACT ES	R3	R3	
TRACT ET	R3	R3	
TRACT EU	R3	R3	
TRACT EV	R3	R3	
TRACT EW	R3	R3	
TRACT EX	R3	R3	
TRACT EY	R3	R3	
TRACT EZ	R3	R3	
TRACT FA	R3	R3	
TRACT FB	R3	R3	
TRACT FC	R3	R3	
TRACT FD	R3	R3	
TRACT FE	R3	R3	
TRACT FF	R3	R3	
TRACT FG	R3	R3	
TRACT FH	R3	R3	
TRACT FI	R3	R3	
TRACT FJ	R3	R3	
TRACT FK	R3	R3	
TRACT FL	R3	R3	
TRACT FM	R3	R3	
TRACT FN	R3	R3	
TRACT FO	R3	R3	
TRACT FP	R3	R3	
TRACT FQ	R3	R3	
TRACT FR	R3	R3	
TRACT FS	R3	R3	
TRACT FT	R3	R3	
TRACT FU	R3	R3	
TRACT FV	R3	R3	
TRACT FW	R3	R3	
TRACT FX	R3	R3	
TRACT FY	R3	R3	
TRACT FZ	R3	R3	
TRACT GA	R3	R3	
TRACT GB	R3	R3	
TRACT GC	R3	R3	
TRACT GD	R3	R3	
TRACT GE	R3	R3	
TRACT GF	R3	R3	
TRACT GG	R3	R3	
TRACT GH	R3	R3	
TRACT GI	R3	R3	
TRACT GJ	R3	R3	
TRACT GK	R3	R3	
TRACT GL	R3	R3	
TRACT GM	R3	R3	
TRACT GN	R3	R3	
TRACT GO	R3	R3	
TRACT GP	R3	R3	
TRACT GQ	R3	R3	
TRACT GR	R3	R3	
TRACT GS	R3	R3	
TRACT GT	R3	R3	
TRACT GU	R3	R3	
TRACT GV	R3	R3	
TRACT GW	R3	R3	
TRACT GX	R3	R3	
TRACT GY	R3	R3	
TRACT GZ	R3	R3	
TRACT HA	R3	R3	
TRACT HB	R3	R3	
TRACT HC	R3	R3	
TRACT HD	R3	R3	
TRACT HE	R3	R3	
TRACT HF	R3	R3	
TRACT HG	R3	R3	
TRACT HH	R3	R3	
TRACT HI	R3	R3	
TRACT HJ	R3	R3	
TRACT HK	R3	R3	
TRACT HL	R3	R3	
TRACT HM	R3	R3	
TRACT HN	R3	R3	
TRACT HO	R3	R3	
TRACT HP	R3	R3	
TRACT HQ	R3	R3	
TRACT HR	R3	R3	
TRACT HS	R3	R3	
TRACT HT	R3	R3	
TRACT HU	R3	R3	
TRACT HV	R3	R3	
TRACT HW	R3	R3	
TRACT HX	R3	R3	
TRACT HY	R3	R3	
TRACT HZ	R3	R3	
TRACT IA	R3	R3	
TRACT IB	R3	R3	
TRACT IC	R3	R3	
TRACT ID	R3	R3	
TRACT IE	R3	R3	
TRACT IF	R3	R3	
TRACT IG	R3	R3	
TRACT IH	R3	R3	
TRACT II	R3	R3	
TRACT IJ	R3	R3	
TRACT IK	R3	R3	
TRACT IL	R3	R3	
TRACT IM	R3	R3	
TRACT IN	R3	R3	
TRACT IO	R3	R3	
TRACT IP	R3	R3	
TRACT IQ	R3	R3	
TRACT IR	R3	R3	
TRACT IS	R3	R3	
TRACT IT	R3	R3	
TRACT IU	R3	R3	
TRACT IV	R3	R3	
TRACT IW	R3	R3	
TRACT IX	R3	R3	
TRACT IY	R3	R3	
TRACT IZ	R3	R3	
TRACT JA	R3	R3	
TRACT JB	R3	R3	
TRACT JC	R3	R3	
TRACT JD	R3	R3	
TRACT JE	R3	R3	
TRACT JF	R3	R3	
TRACT JG	R3	R3	
TRACT JH	R3	R3	
TRACT JI	R3	R3	
TRACT JJ	R3	R3	
TRACT JK	R3	R3	
TRACT JL	R3	R3	
TRACT JM	R3	R3	
TRACT JN	R3	R3	
TRACT JO	R3	R3	
TRACT JP	R3	R3	
TRACT JQ	R3	R3	
TRACT JR	R3	R3	
TRACT JS	R3	R3	
TRACT JT	R3	R3	
TRACT JU	R3	R3	
TRACT JV	R3	R3	
TRACT JW	R3	R3	
TRACT JX	R3	R3	
TRACT JY	R3	R3	
TRACT JZ	R3	R3	
TRACT KA	R3	R3	
TRACT KB	R3	R3	
TRACT KC	R3	R3	
TRACT KD	R3	R3	
TRACT KE	R3	R3	
TRACT KF	R3	R3	
TRACT KG	R3	R3	
TRACT KH	R3	R3	
TRACT KI	R3	R3	
TRACT KJ	R3	R3	
TRACT KK	R3	R3	
TRACT KL	R3	R3	
TRACT KM	R3	R3	
TRACT KN	R3	R3	
TRACT KO	R3	R3	
TRACT KP	R3	R3	
TRACT KQ	R3	R3	
TRACT KR	R3	R3	
TRACT KS	R3	R3	
TRACT KT	R3	R3	
TRACT KU	R3	R3	
TRACT KV			



July 14, 2009

DESCRIPTION OF A 13.29 ACRE TRACT
"Parcel 1A"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the southwest corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.43°56'29"E., 3805.69 feet;

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

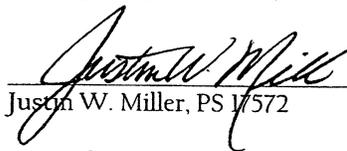
THENCE N.0°10'55"W., 837.07 feet to a point for the northwest corner of this tract;

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

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

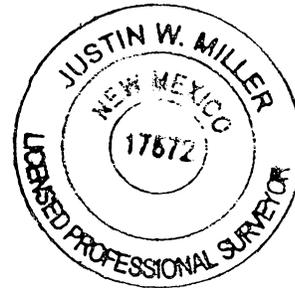
THENCE S.46°15'18"W., 1180.38 feet to the point of beginning, containing 13.29 acres of land, more or less. Subject to easements and reservations of record. Field notes by Coronado Land Surveying, Inc..

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

7-14-09
Date

09030.doc





July 14, 2009

DESCRIPTION OF AN 18.70 ACRE TRACT
"Parcel 1B"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the southwest corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.55°32'52"E., 3206.16 feet;

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

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

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

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

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

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

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

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

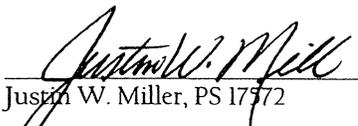
THENCE along the arc of a curve to the left, having a radius of 600.00 feet, an arc length of 188.05 feet, whose central angle is 17°57'26" and whose long chord bears S.55°14'01"W., 187.28 feet to a point of tangency;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

09030.doc

7-14-09
Date





July 14, 2009

DESCRIPTION OF A 6.86 ACRE TRACT
"Parcel 1C"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northwest corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.57°25'56"E., 1864.88 feet;

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

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

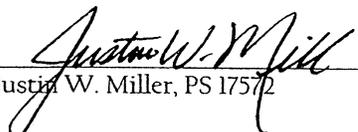
THENCE N26°18'14"E., 365.97 feet to a point for the northeast corner of this tract;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

09030.doc

7-14-09
Date





July 14, 2009

DESCRIPTION OF A 10.35 ACRE TRACT
"Parcel ID"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.63°22'51"E., 740.51 feet;

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

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

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

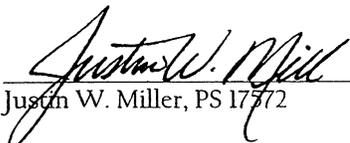
THENCE N.19°02'50"W., 873.23 feet to a point for the northwest corner of this tract;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

7-14-09
Date

09030.doc





July 14, 2009

DESCRIPTION OF A 12.24 ACRE TRACT
"Parcel 2"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.42°12'19"E., 2257.19 feet;

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

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

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

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

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

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

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

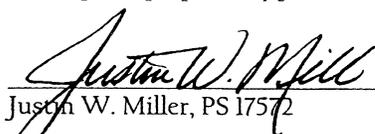
THENCE S.46°15'18"W., 1058.13 feet to a point for the southwest corner of this tract;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

7-14-09
Date

09030.doc





July 14, 2009

DESCRIPTION OF A 4.04 ACRE TRACT
"Parcel 3"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.35°27'37"E., 1656.32 feet;

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

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

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

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

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

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

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

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

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

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

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

Description prepared by Justin W. Miller, PS 17572.

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

09030.doc





July 14, 2009

DESCRIPTION OF A 5.36 ACRE TRACT
"Parcel 3A"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.37°15'24"E., 1845.82 feet;

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

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

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

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

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

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

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

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

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

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

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

Description prepared by Justin W. Miller, PS 17572.

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

09030.doc





July 14, 2009

DESCRIPTION OF A 6.59 ACRE TRACT
"Parcel 4"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.20°54'53"E., 1378.61 feet;

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

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

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

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

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

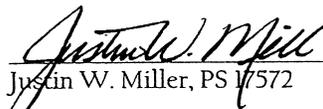
THENCE along the arc of a curve to the left, having a radius of 1747.93 feet, an arc length of 303.22 feet, whose central angle is 9°56'21" and whose long chord bears N.19°27'06"W., 302.84 feet to an angle point of this tract;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

09030.doc

7-14-09
Date





July 14, 2009

DESCRIPTION OF A 26.40 ACRE TRACT
"Parcel 5"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.24°42'07"E., 3110.95 feet;

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

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

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

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

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

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

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

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

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

7-14-09
Date





July 14, 2009

DESCRIPTION OF A 104.04 ACRE TRACT
"Parcel 6"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Sections 27 and 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.20°39'08"W., 2040.36 feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THENCE $N.20^{\circ}58'50''E.$, 1287.98 feet to a point of curvature;

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

THENCE $N.02^{\circ}38'39''E.$, 75.96 feet to a point for the northwest corner of this tract;

THENCE $S.87^{\circ}54'42''E.$, 198.36 feet to a point of curvature;

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

THENCE $S.52^{\circ}06'08''E.$, 86.20 feet to a point of curvature;

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

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

THENCE $N.00^{\circ}00'00''E.$, 74.38 feet to an angle point of this tract;

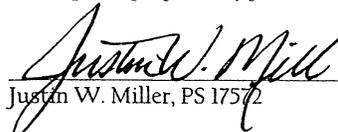
THENCE $N.80^{\circ}09'28''E.$, 647.17 feet to an angle point of this tract;

THENCE $N.70^{\circ}35'16''E.$, 276.81 feet to an angle point of this tract;

THENCE $N.23^{\circ}55'42''E.$, 66.90 feet to an angle point of this tract;

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

7-14-09
Date

09030.doc





July 14, 2009

DESCRIPTION OF A 10.09 ACRE TRACT
"Parcel 7A"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Sections 27 and 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point on the north line of this tract, said point being a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M.;

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

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

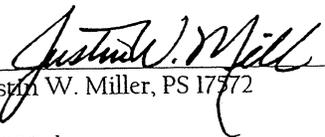
THENCE N.89°54'50"W., 684.37 feet to an angle point of this tract;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

09030.doc

7-14-09
Date





July 14, 2009

DESCRIPTION OF A 14.91 ACRE TRACT
"Parcel 7B"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 27, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.64°03'59"W., 761.57 feet;

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

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

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

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

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

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

7-14-09
Date

09030.doc





July 14, 2009

DESCRIPTION OF A 6.70 ACRE TRACT
"Parcel 8"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.38°42'44"E., 2998.69 feet;

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

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

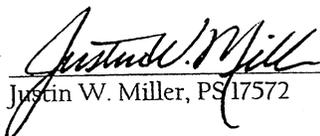
THENCE along the arc of a curve to the left, having a radius of 275.00 feet, an arc length of 199.78 feet, whose central angle is 41°37'27" and whose long chord bears S.25°26'34"W., 195.42 feet to an angle point;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

09030.doc

7-14-09
Date





July 14, 2009

DESCRIPTION OF A 5.31 ACRE TRACT
"Parcel 9"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.27°41'04"E., 2417.06 feet;

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

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

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

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

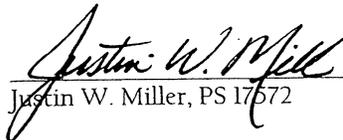
THENCE N.43°11'48"W., 261.24 feet to a point for the northeast corner of this tract;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

09030.doc

7-14-09

Date





July 14, 2009

DESCRIPTION OF A 4.96 ACRE TRACT
"Parcel 10"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.13°50'59"E., 4836.87 feet;

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

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

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

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

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

7-14-09
Date





July 14, 2009

DESCRIPTION OF AN 0.78 ACRE TRACT
"Parcel 11"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Section 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.9°36'56"E., 2206.75 feet;

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

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

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

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

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

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

Description prepared by Justin W. Miller, PS 17572.

Justin W. Miller
Justin W. Miller, PS 17572

09030.doc

7-14-09
Date





July 14, 2009

DESCRIPTION OF A 24.38 ACRE TRACT
"Parcel 12"

A tract of land situate within the corporate limits of the City of Las Cruces, Doña Ana County, New Mexico in Sections 27 and 28, T.22S., R.2E., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows:

BEGINNING at a point for the northeast corner of this tract; Whence a U.S.G.L.O. brass cap found for the corner common to Sections 21, 22, 27 and 28, T.22S., R.2E., N.M.P.M. bears N.35°31'37"W., 1341.29 feet;

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

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

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

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

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

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

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

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

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

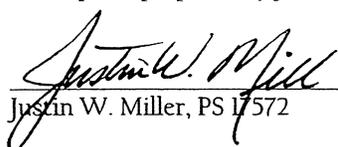
THENCE N.00°06'23"E., 887.98 feet to a point for the northwest corner of this tract;

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

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

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

Description prepared by Justin W. Miller, PS 17572.


Justin W. Miller, PS 17572

7-14-09
Date





TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Helen Revels, Associate Planner *HR*

DATE: July 28, 2009

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

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

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

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

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

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

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

BACKGROUND

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

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

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

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

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

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

Planning Parcel 1A

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

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

Planning Parcel 1B

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

Planning Parcel 1C

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

Planning Parcel 1D

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

Planning Parcel 2

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

Planning Parcel 3

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

Planning Parcel 3A

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

Planning Parcel 4

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

Planning Parcel 5

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

Planning Parcel 6

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

Planning Parcel 7A

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

Planning Parcel 7B

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

Planning Parcel 8

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

Planning Parcel 9

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

Planning Parcel 10

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

Planning Parcel 11

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

Planning Parcel 12

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

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

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

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

FINDINGS

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

2. The adjacent land use and zoning include:

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

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

Land Use Element, Residential Uses, Goal 1, Objective 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Establish urban and rural open space networks in the area.

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

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

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

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

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

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

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

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

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

Urban Design Element, Goal 2, Objective 5

Protect those natural resources and features unique to our region.

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

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

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

Urban Design Element, Goal 3, Objective 9

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

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

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

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

RECOMMENDATION FOR CASE S-09-011

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

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

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

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

1. The park/dual use facility must meet design standards that are applicable at the time of development. Public Works and Facilities must be involved in the final design of this facility (Parcel 10) to ensure requirements are met.
2. In accordance with LCMC Sec. 32-103, it shall be the responsibility of the developers/owners engineer to show that the peak flow and volume from a proposed development or construction project does not adversely affect or impact any upstream or downstream property, up to and including the next major drainage facility, drain, and/or regional ponding area. The development must not increase the peak, volume or change the location of the historic flow.
3. For any retention/detention facility design, a soils report shall be included (LCMC Sec. 32-106) to meet both Public Works and Facilities requirements.
4. The City will not accept ponding areas for operation and maintenance that are for the purpose of maintaining post-development runoff from commercial sites. Nor will the City accept ponding areas that contain a combination of post-development runoff from commercial sites and post-development runoff from residential subdivisions.

RECOMMENDATION FOR CASE Z2785

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

- All new utilities shall be underground

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

OPTIONS

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

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

ATTACHMENTS

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

DEVELOPMENT STATEMENT for City Subdivision Applications

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

Applicant Information

Name of Applicant: SONOMA RANCH Subdivision
 Contact Person: Brian Daniel Sambrano
 Contact Phone Number: 525-1183
 Contact e-mail Address: daniel@sonomaranch.com
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: SONOMA RANCH NORTH MASTER PLAN Amendment II
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
S.F. , M.F. Commercial
 Location of Subject Property _____
 (In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)
 Acreage of Subject Property: 275.09
 Zoning of Subject Property: R-1A , R3 , C3 OS
 Proposed number of lots 2512 max, to be developed in 15 phase (s).
 Proposed square footage range of homes to be built 1500 to 4000
 Anticipated traffic generation 25,126 trips per day.
 Anticipated development schedule: work will commence on or about 2009
 and will take APPX. 5 Year to complete.
 How will stormwater be retained on site (detention facility, on-lot ponding, etc.)?
COMBO OF ON SITE (ON LOT) & REGIONAL POUNDS

DEVELOPMENT REVIEW COMMITTEE

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

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

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

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

I. CALL TO ORDER (9:10 am)

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

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

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

Reyes: So moved, Loretta Reyes.

Murphy: Second, Tom Murphy.

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

Members: Aye.

Rodriguez: Those opposed? None? Minutes are passed.

1 III. OLD BUSINESS – NONE

2
3 IV. NEW BUSINESS

4
5 1. Case S-09-011: Sonoma Ranch North Master Plan, Major Amendment

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

16
17 Rodriguez: We have two items on the agenda this morning. The first item is Case S-
18 09-011, the Sonoma Ranch North Master Plan, a Major Amendment. I
19 invite the applicants to the table. Helen Revels is going to present the case
20 and then I ask the applicant then to follow up with any statements and then
21 we'll go around the table. And for the purposes of the Recording Secretary
22 if the applicants can please state their name into the record when we get to
23 them. Helen if you can please present the case.

24
25 Revels: Helen Revels for the record. Today we have a master plan amendment;
26 it's a major amendment for Sonoma Ranch North. Sonoma Ranch North is
27 located south of Highway 70, east and west of Sonoma Ranch Blvd., north
28 and south of Northrise Drive. Today the amendment is to establish a
29 commercial node on the corner at the intersection of Sonoma Ranch Blvd.
30 and Northrise Dr. and incorporate some true multi-family parcels that will
31 separate the commercial development from single family development and
32 in conjunction with this, with the restructuring of the parcels they are also
33 seeking zone changes to be able to seek the commercial node and to put
34 the true multi-family parcels which will be parcels 4, 8 and 9.

35
36 Rodriguez: So Helen, the proposed land uses for parcels 4, 8 and 9 are multi-family as
37 part of the zone change request what would be the correspondence to?

38
39 Revels: They are zoning to I believe it's R3? No, R4.

40
41 Rodriguez: And I also know that they have a note on the plat regarding boundary shifts
42 for parcels 4, 8 and 9; that if there is a change in the product layout of that,
43 that they can shift that. That will impact the adjacent commercial
44 properties; I think it's two and three.

45
46 Revels: Three.

- 1
2 Rodriguez: And my recommendation to the applicant then to achieve that flexibility for
3 that note on the plat is on planning parcels 2 and 3 you have commercial
4 high intensity land uses. Also just incorporate multi-family language in
5 there for land use and just identify what your maximum density would be
6 and that would give you the flexibility then to shift those planning parcel
7 boundaries. So I'll go ahead and hand it over to the applicant now.
8
- 9 Gunaji: I think the earlier R4 was...
- 10
11 Rodriguez: Speak into the mike please, thank you.
12
- 13 Gunaji: The earlier statement you made R4, they are R3 I think. A little while ago.
14 It'll be R3. Okay, I just wanted to make sure of that.
15
- 16 Rodriguez: So it'll be zoned R3 but the land use will be multi-family so they will be
17 developed as multi-family.
18
- 19 Gunaji: We have worked with the engineering on various issues for last several
20 days and also next several times with (*inaudible*) and the director trying to
21 resolve the differences between the pond that will be planned down there
22 and the regional park and a pond as well as all of the design criteria and
23 the appropriate notes that should go on the master plan. Those notes we
24 have worked out with the engineering and give them a draft and as I
25 understand when you left the office yesterday all those notes are already
26 approved or at least agreeable. If you have any particular question we can
27 modify them now. You have any modification on them?
28
- 29 Reyes: Oh, do I? Loretta Reyes, Public Works. Under the parcel 10 and 11 notes,
30 it's my understanding that there was a discussion with regard to the very,
31 very last line and last sentence. The storm water facility park will be
32 designed to drain within 24 hours. The decision to allow the water from
33 that parcel 10 future storm water facility, it has not been decided whether it
34 would be allowed to be a detention pond to allow to drain into the arroyo
35 through a pipe so I would just like to see that it's... this last sentence say to
36 drain or percolate within 24 hours to match the design standards.
37
- 38 Gunaji: It doesn't make any difference. Do think in 24 hours is more proper?
39 Because percolation how long can I take this large pond within 24 hours?
40 But if you want to use the word percolation that's fine it doesn't make any
41 difference. The pond will be drained by either a pipe or other measures
42 into the arroyo probably less than 24 hours. We don't want to keep that
43 water as per a request made by the Parks more than eight hours... 12
44 (*inaudible-someone speaking in background*).
45
- 46 Reyes: Forty-eight hours.

- 1
2 Gunaji: That way the grass doesn't get down there saturated with the water so
3 it's... I think it's been done, its okay with us but if you want to add
4 percolation it's a moot question putting down there about percolation. It's
5 going to drain more by draining to the arroyo than percolation.
6
- 7 Reyes: Okay, well I don't know.
8
- 9 Rodriguez: We'll go ahead and start with Public Works.
10
- 11 Reyes: Okay, well that was one of my first comments there and then the other
12 issues is on the conceptual drainage plan, in the middle of the paragraph,
13 tract 10 will be used to detain residential post development runoff south of
14 Northrise. And again I mean the details haven't been worked out. I mean if
15 it is in fact decided that this would be a detention pond then I think that
16 would be decided at a later time in the master plan. I would at least like it
17 to give us some flexibility to either say tract 10 may be used to detain or
18 change the word detain. Because I'd, you know I think there's other
19 decisions that have to be made with regard to allowing a detention pond for
20 this development when the design standards state that you have to retain
21 your drainage on site; your post developed drainage. And you do wanna
22 put it into the Alameda Arroyo so I think there you know we have to make
23 sure that we're not transferring a problem from one area to another or that
24 it's not affecting down stream.
25
- 26 Gunaji: The normal procedure for drainage is to pass the post drainage after the
27 storm is terminated. So we do not intend to pass any post development to
28 the arroyo while the storm is in progress. By the time we start draining the
29 pond the peak in the arroyo is already passed by and we can show that by
30 running (*inaudible*) study and showing how we can do that at the time when
31 they are ready to do that, that's what they're for. The feel that we have,
32 that you have that we will pass on the dump water into the arroyo and
33 create more problems is I would say a little, kind of (*inaudible*) because
34 normal procedure in all drainage facilities is that whatever's in storage is
35 drained after the storm is gotten over and therefore it doesn't make a great
36 deal of impact. If you don't like that word will be, we like I say maybe may
37 be the word. Tract 10 may be used to detain (*inaudible*) runoff.
38
- 39 Rodriguez: But Dr. Gunaji you'll... the client would be amenable to changing the word
40 from will to may since this is a conceptual drainage report?
41
- 42 Gunaji: Yeah.
43
- 44 Rodriguez: Okay. Any other...? Have the notes, the conditions from the July 9th
45 review, did you want those stated into the record later or are they added
46 onto the master plan?

- 1
2 Reyes: I could state it onto the record later. That was what we had decided to put
3 some notes to go to P & Z.
4
5 Rodriguez: These five notes?
6
7 Reyes: Dr. Gunaji, did you see the four notes that we were gonna...?
8
9 Gunaji: We worked with Natashaia and worked out and we had copies of those
10 things received this morning.
11
12 Soleman: Brian Soleman with Sonoma Ranch. I don't think we have received final
13 revised notes based on the meeting. I've received your comment and your
14 review sheet but I haven't received anything on the revised notes based on
15 the meeting of July 9th.
16
17 *(People speaking away from the microphones.)*
18
19 Soleman: During the July 9th meeting we agreed to come up with some language to
20 put into the packet for P&Z that we agreed to. If that's the note you're
21 referring, no we haven't received it.
22
23 *(Inaudible-multiple people speaking.)*
24
25 Gunaji: We have no problem with working the details and putting it in the way we
26 agreed upon.
27
28 Soleman: *(Inaudible-speaking at same time as Dr. Gunaji)* comment sheet, yes. I
29 didn't know *(inaudible-multiple people speaking)*
30
31 Rodriguez: Okay, that is what I'm referring to.
32
33 Reyes: Now the only one is number four, we were going to strike the last three
34 words for percolation rates?
35
36 Gunaji: Yes.
37
38 Reyes: We'll strike those three words and leave that sentence just as it reads there
39 up to requirements.
40
41 Gunaji: I think its okay with us.
42
43 Reyes: Okay.
44
45 Rodriguez: And as some of those notes affect Facilities, I'm going to jump to Facilities
46 right now, Mark?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

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

Rodriguez: Utilities. Meei?

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

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

1 back credits that have taken us between five and seven years to use. So, I
2 understand your comments, I would hope that you would understand mine.
3

4 Montoya: Yes, we do and I cannot comment on that you know when those right-of-
5 way will become available for us to put the 24 inch water line. But I do
6 have to make that comment because whenever development you know
7 goes in we do have to ensure there's property fire flow, especially the
8 proper flow you know to you know for that area. But like I said that the
9 Utility Department at this time is not concerned about the water demand in
10 this area but through the modeling we have in the computer we will monitor
11 the demand in this area. When we foresee there will be a problem to
12 meeting you know the fire flow demand we will let you know ahead of time
13 and hopefully that this situation will not happen that we will get the
14 easement that we need or get you know and find some other way to be
15 able to meet a demand.
16

17 Rawson: Okay, for the record, George Rawson, Sonoma Ranch. I need you to know
18 that we've been told at least twice in the last ninety days that the most
19 recent water line solutions and interconnects pumping water all the way to
20 the East Mesa was supposed to be the solution to the pressure issue so
21 that it took the issue off building Mesa Grande. So that's for the record.
22 We have been involved in the water issue, I understand fire flow. I can tell
23 you down on Hadley, right down on West Hadley, we still don't have 1,000
24 gallons a minutes. So we have other places within the City of Las Cruces
25 that don't have 1,000 gallons a minute fire flow so we haven't solved all of
26 the problems. And I do understand what you're saying, Meei and I just
27 want to make the point that we are involved in solving that problem and for
28 somebody to say that you can't have water because this problem hasn't
29 been solved but it's not because we haven't made the effort.
30

31 Rodriguez: I think that that's been noted for the record and I think that, that both parties
32 understand the situation. They're just looking at it from a very broad
33 perspective so as development occurs and if Mesa Grand was to come to
34 fruition then hopefully this matter will be solved. So at least both parties
35 have been noted on record and as development occurs both parties will
36 continue to monitor the situation. MPO?
37

38 Murphy: Tom Murphy, MPO. I have no questions on this amendment.
39

40 Rodriguez: Fire?
41

42 Dubbin: Mark Dubbin, Las Cruces Fire Department. We have not issues with the
43 master plan amendment although we will be monitoring the fire flow as
44 development occurs.
45

46 Rodriguez: Public Works?

- 1
2 Reyes: Loretta Reyes, Public Works. I have a question on tracts 4, 8 and 9. Are
3 those tracts now expected to be discharging into the tract 10, the pond? Or
4 is it still just 5, 6 and 12?
5
- 6 Gunaji: *(Inaudible-not speaking into a microphone)* we need to have the option to
7 discuss if needed.
8
- 9 Reyes: It's my understanding that those tracts will be rezoned R3, so what is
10 allowed under R3? Is that single family homes?
11
- 12 Rodriguez: R3 zoning district permits single family, multi-family but the master plan will
13 be governed as multi-family. So they will be allowed to develop as true
14 multi-family so single family will not be permitted in the planning parcels of
15 4, 8 and 9.
16
- 17 Reyes: Okay, and so when those parcels come in for development, will they come
18 in under a residential subdivision permit or a commercial permit?
19
- 20 Rodriguez: They will come in as a multi-family so however that is classified.
21
- 22 Revels: Commercial.
23
- 24 Rodriguez: Commercial.
25
- 26 Reyes: Okay. Well therein lies then my concern and Public Works concern with
27 the ponding because when we do get multi-family type developments
28 coming in under commercial, they are to store their post development flow
29 on-site and not put it into... but I don't you know I mean I know things can
30 change and things can be discussed and things can be negotiated so I just
31 I guess wanted to bring that to the table and basically make it known that if
32 it comes in as a commercial we would expect that they would store the post
33 development flow on-site.
34
- 35 Soleman: Brian Soleman, Sonoma. The reason that we've changed this note as we
36 have various projects that are multi-family such as the Del Prados which
37 are a higher density product, that isn't a commercial product. If we go in
38 there and we put a true multi-family such as a Del Prado product, higher
39 density would fall into the same category as residential. And that's why
40 we've revised the note to allow us to use this pond for ponding as we have
41 in the past.
42
- 43 Rodriguez: But your note doesn't include planning parcel 4.
44
45 *(People speaking away from the microphone.)*
46

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

2
3 Soleman: We've omitted... the revised note for parcel 10 and 11 we've omitted the
4 specific parcels and just went strictly to residential use.

5
6 Reyes: Okay.

7
8 Rodriguez: So on that note, do you have any comments?

9
10 Reyes: No, only that I just wanted to bring that forward and I just I want the
11 applicant to understand that if you know if decisions are made that are
12 contrary to what you'd like to do that at least you know that right now, okay.

13
14 Rawson: George Rawson. We still do have the option before we build the pond to
15 make other arrangements with you if we find a way to drain that water to a
16 detention pond that's reasonably... meets your expectations?

17
18 Reyes: Yes, Mr. Rawson, that's true. That's correct.

19
20 Rodriguez: So, do I have a motion to approve the major amendment to the Sonoma
21 Ranch North master plan with the four conditions as stipulated by Public
22 Works on the review date of July 9, 2009?

23
24 *CONDITIONS:*

- 25
26 1. The park/dual use facility must meet design standards that are applicable at
27 the time of development. Public Works and Facilities must be involved in the
28 final design of this facility (Parcel 10) to ensure requirements are met.
29
30 2. In accordance with LCMC Sec. 32-103, it shall be the responsibility of the
31 developers/owners engineer to show that the peak flow and volume from a
32 proposed development or construction project does not adversely affect or
33 impact any upstream or downstream property, up to and including the next
34 major drainage facility, drain, and/or regional ponding area. The development
35 must not increase the peak, volume or change the location of the historic flow.
36
37 3. For any retention/detention facility design, a soils report shall be included
38 (LCMC Sec. 32-106) to meet both Public Works and Facilities requirements.
39
40 4. The City will not accept ponding areas for operation and maintenance that are
41 for the purpose of maintaining post-development runoff from commercial sites.
42 Nor will the City accept ponding areas that contain a combination of post-
43 development runoff from commercial sites and post-development runoff from
44 residential subdivisions.

45
46 Johnston: Mark Johnston, so moved.

47
48 Murphy: Tom Murphy, second.

1

2 Rodriguez: All those in favor?

3

4 Members: Aye.

5

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

8

9 ND Gunaji: Thank you.

10

11

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

12

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

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

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

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

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

10
 11 4. **Case Z2785:** A request for multiple zone changes for 54.53 +/- acres within
 12 the Sonoma Ranch North master planned area. The subject properties are
 13 generally located south of U.S. Highway 708 North, and south of Northrise
 14 Drive, and east and west of Sonoma Ranch Boulevard. The zone changes
 15 are identified as follows:

- 16 • Tract A (1997) to Tract B, 0.38 +/- acres, from R-1a (Single-Family
 17 Medium Density) to R-3 (Multi-Dwelling Medium Density)
- 18 • Tract A (1997) to Tract C, 5.24 +/- acres, from R-1a (Single-Family
 19 Medium Density) to C-3 (Commercial High Intensity)
- 20 • Tract A (1997) to Tract C, 13.29 +/- acres, from R-4C (Multi-Dwelling High
 21 Density-Conditional) to C-3 (Commercial High Intensity)
- 22 • Tract B (1997) to Tract C, 16.40 +/- acres, from R-3 (Multi-Dwelling
 23 Medium Density) to C-3 (Commercial High Intensity)
- 24 • Tract A (1997) to Tract G, 6.70 +/- acres, from R-1a (Single-Family
 25 Medium Density) to R-3 (Multi-Dwelling Medium Density)
- 26 • Tract A (1997) to Tract H, 5.31 +/- acres, from R-1a (Single-Family
 27 Medium Density) to R-3 (Multi-Dwelling Medium Density)
- 28 • Tract A (1997) to Tract I, 4.96 +/- acres, from R-1a (Single-Family Medium
 29 Density) to OSR (Open Space Recreation)/FC (Flood Control)
- 30 • Tract A (1997) to Tract J, 0.78 +/- acres, from R-1a (Single-Family
 31 Medium Density) to OSR (Open Space Recreation)
- 32 • Tract A to Tract K, 0.85 +/- acres, from R-1a (Single-Family Medium
 33 Density) to R-3 (Multi-Dwelling Medium Density)
- 34 • Tract K to Tract A, 0.62 +/- acres, from R-3 (Multi-Dwelling Medium
 35 Density) to R-1a (Single-Family Medium Density)

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

37
 38 Crane: Ms. Rodriguez, you wanted to keep the cases that Mr. Shipley pulled from
 39 the agenda in sequence, but do you want me to put number six and seven
 40 next or ...

41
 42 Rodriguez: Mr. Chairman, it would be the intent that we're going in order of the
 43 agenda, so whatever the next item that was removed.

44
 45 Crane: Thank you. The next case is S-09-011 and Ms. Revels has something to
 46 say regarding this.

1
2 Revels: Good evening. Helen Revels for the record. I'd like for us to suspend the
3 rules so we can hear the cases together and then we'll unsuspend the
4 rules to vote separately on the zone change and the master plan
5 amendment. Also, there was a letter that was presented as opposition of
6 this case from Alameda Property Group that was submitted by e-mail after
7 the packets went out, so we have given that to you for your packets this
8 evening.

9
10 Crane: Thank you. Do I hear a motion to suspend the rules for these two cases
11 so we can hear them together?

12
13 Shipley: So moved.

14
15 Crane: Moved by Mr. Shipley.

16
17 Bustos: Second.

18
19 Crane: All in favor.

20
21 ALL COMMISSIONERS MEMBERS - AYE.

22
23 Crane: Against? Passes four-nothing. The rules are suspended so we can
24 discuss S-09-011 and Z2785 as one and then we will vote on them later.

25
26 Revels: Okay, Sonoma Ranch North Master Plan amendment and zone change.
27 The property is located south of U.S. Highway 70 and east and west of
28 Sonoma Ranch Boulevard. Here is a photograph showing the property.
29 It's all shaded in of the Sonoma Ranch Master planned area there. Case
30 specifics, the Sonoma Ranch Master Plan is a major amendment. There
31 are modifications to planning parcels two, three, and three A to establish a
32 commercial mode at the intersection of a Collector which is Northrise
33 Drive and a Principal Arterial which is Sonoma Ranch Boulevard. There
34 are also modifications to planning parcels four, eight, and nine to establish
35 a true multi-family buffer between the commercial to the north and the
36 single-family development proposed to the south. They're also creating a
37 planning parcel ten that will be used to accommodate a park/pond facility
38 that will be used as a dual facility for ponding and also as a park.
39 Planning parcel eleven will also be created for an additional park in the
40 Sonoma Ranch North Master planned area.

41 Case specifics for the zone change, Z2785, the zone change
42 consists of 54.53 +/- acres of the total 275 acres that has been master
43 planned. The proposed zone changes just will correspond with the
44 modification to the planning parcels that I just described. The above
45 master plan amendment and zone change are in compliance with the
46 1999 Comprehensive Plan and is supported by policy numbers 1.535b, d,

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

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

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

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

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

5 The recommendation or options for you here tonight for Case S-09-
 6 011 is to approve the master plan amendment with the conditions as
 7 recommended by DRC; approve the master plan amendment with
 8 conditions deemed appropriate by this body; or deny the master plan
 9 amendment. Just to let you know, the Planning and Zoning Commission
 10 is the final authority on master plans and their decision may be appealed
 11 to City Council.

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

20
 21 Crane: Thank you Ms. Revels. Commissioners, any questions for staff?

22
 23 Shipley: Not at the moment.

24
 25 Crane: Members of the public. Any questions ... the applicant, I beg your pardon,
 26 yes. The applicant wish to address the Commission?

27
 28 Gunaji: Mr. Chairman, my name is Mr. Gunaji of Gunaji-Klement and Associates.
 29 And I'm the consulting engineer for the Sonoma Ranch development. I
 30 will try to take you through some of our points to make this particular
 31 presentation quite positive for you. First of all, I want to thank the City
 32 staff with whom we worked for many weeks to get to this point. We had
 33 several meetings with them and attended various departmental staff and
 34 make sure that we answer all of the questions. I just want to recapitulate
 35 some of the highlights of our presentation.

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

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

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

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

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

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

13
14 Crane: Thank you Mr. Gunaji. Commissioners? Commissioner Shipley.

15
16 Shipley: Mr. Gunaji, I'm kind of perplexed to see that you've only got one area for
17 the park at the very southerly end of this development. I mean people
18 have to get in their cars and drive to this park. I mean if you're going to
19 have a master planned area why don't we have multiple park locations,
20 five acres, eight acres or something like that adjacent to R-1 and R-3 and
21 the other areas so that people don't have to ... they can take ... their kids
22 can go on their bicycles and go to the park. The way I see this is you've
23 got to drive you know a mile and a half in a car and so we're not making
24 this very friendly for the people who live there. We're not doing a good
25 thing for our environment. We're not doing smart things for the
26 management of this site. This is a master plan community. It's all on
27 paper and now is the time to get the plan right.

28
29 Gunaji: Mr. Shipley. I need to tell you that we spent hours with the Park
30 Department staff. All this area that you see is residential. The streets will
31 have trails and walkways coming down that will be ending into this park.
32 The park will have facility, besides what we're going to provide, the facility
33 for those people that want to drive, so though you say that why can't you
34 spread this park out, there are pros and cons versus small parks, number
35 many parks, and large parks. Our discussion with the Parks Department
36 resulted into a fairly good sized park like you see in Gomez or Frenger
37 Park which is for multiple use and we kind of felt that people would be
38 walking from this space here down to this area. That's why we put the
39 park down there. In addition, there are trails going into the arroyo right
40 down here, going to the Armijo Arroyo, and so that kind of merges with the
41 desire for the people who want to walk through the (*inaudible*).

42
43 Shipley: But I think you need more neighborhood parks because the people who
44 live in neighborhoods you know we're trying to get them to stay out of their
45 cars. And you know to go a mile and a half or two miles down the road on
46 a bicycle at 97 degrees temperature, they're not going to do that. And

- 1 there is a chance not necessarily to have huge parks, but to have parks
2 where people can get out of their homes, they can walk down for 30 or 40
3 minutes, kids can swing, they can recreate a little bit, it doesn't have to be
4 you know enormous soccer fields or anything of that nature, but it should
5 be just something so that people can go out and meet with their
6 neighbors, talk, and then go back to their homes and do that. And when
7 you see... you've got a school on one end up there, there are playgrounds
8 on the school grounds, there's no access to that unless you're at the
9 school.
- 10
- 11 Gunaji: There is a school area. There is access to the school area here already.
- 12
- 13 Shipley: Through that wash where the runoff goes? Behind it?
- 14
- 15 Gunaji: There is a... this particular is the Northrise and the school sits right here.
- 16
- 17 Shipley: And the playgrounds are behind the school and they're (*inaudible*).
- 18
- 19 Gunaji: Yeah. Playground areas are on both sides of the school.
- 20
- 21 Shipley: Correct.
- 22
- 23 Gunaji: The residential area here, see. And there are... all of our systems are
24 designed for multi-use path in this development, so there will be bicycling
25 or walking available to most of the residents down there.
- 26
- 27 Shipley: But those people that live up there are going to have to go all the way
28 down Sonoma Ranch Boulevard to get to this park.
- 29
- 30 Gunaji: That depends, some of them may go here, from down here will go down
31 here. There is a park down here, a small park down here.
- 32
- 33 Soleman: For the record, Brian Soleman with Sonoma Ranch. Earlier you had
34 referred to Sonoma Ranch Boulevard as approximately a mile and a half
35 from Northrise. It's closer to half a mile area. When we built Sonoma
36 Ranch Boulevard keep in mind that in the planning of the north, we
37 provided multiuse paths for exactly what you're talking about to provide
38 connectivity from the north to the south which is kind of how we
39 strategically placed the park in the south area. We worked with staff to
40 kind of locate a park that would work as a more combined community
41 park. The multiuse path that we've built within Sonoma Ranch Boulevard
42 now is a continuous network of multiuse paths from Northrise all the way
43 to the golf course. So just to kind of give you an idea of link through this
44 particular property, it is not so much a mile and a half, the walk is
45 considerably shorter.
- 46

- 1 Shipley: I live out there. I know where it is. But I would just say this, if you're going
2 to build a wheel, and that was a wheel, you put the hub in the center. Put
3 your park in the center so that people have the shortest distance to get
4 there from the outer perimeters, and that makes more sense to me than
5 putting a park at the south end of this development, especially with all the
6 acreage that you've got here. Because you're going to put it down there
7 and they're going to have access along Sonoma Ranch which is 35 mile
8 an hour limit, two cars, it's four lanes, so you're... to me that's not good
9 planning as far as where we should have the park. The park ought to be
10 up in the center of the neighborhoods so that the people have access to it
11 and can go to it just like the hub. That ought to be the key point that you
12 design everything else around, the amenities that your people... you're
13 selling your homes for.
- 14
15 Gunaji: Your thought pattern is correct, but the drainage issues and the
16 topography was such that working with the Parks Department they kind of
17 felt that that would be the best location. So, that's what we are proposing.
18
- 19 Shipley: Okay.
- 20
21 Crane: Anything else Commissioners? Thank you. Any member of the public
22 wish to address this issue?
23
- 24 Dawe: Good evening Commissioners. My name is Tom Dawe and as I said I'm
25 an attorney. I'm appearing here tonight on behalf of Alameda
26 Development and I'd like to address several of Mr. Gunaji's points right
27 away. First of all, he indicated that they had worked many weeks on this
28 project. As you are aware from the file, this case goes back, or the master
29 plan goes back to '84 to '86. It was a two year project. There was quite a
30 bit of work done by Alameda at that time and in the file I'd like to address
31 several points that were raised when there was an earlier modification of
32 this master plan sought two years ago. First of all, I don't see that
33 anything has changed in the past two years to merit a modification of the
34 master plan. You may recall from the history of this that before the
35 preparation of the master plan, Alameda engaged a land development
36 economist, Dr. Alfred Gobar who prepared an absorption analysis for
37 residential, office, retail, and commercial properties. The data that he
38 used went back as far as 1960 and he set forth the likely absorption
39 scenarios for the lands given the location of the properties and the growth
40 characteristics. Simultaneously with this, the members of the Alameda,
41 one of whom is with me here tonight, Mr. Phil Custer who is both an officer
42 and director and share holder looked throughout the country for types of
43 master planned communities that would work. You may not recall from
44 your records but when this plan was put together 20 years ago it won a
45 gold medal by the Pacific Coast Builders Association which considered
46 master plans in the far western United States.

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

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

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

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

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

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

- 1 us with the reasons for your vote against the ... or in favor of modifying the
2 master plan. But again I would urge you not to make these changes
3 because I think they're negative. They're negative for the total Las Cruces
4 community. Thank you. Anybody have any questions for me?
5
- 6 Crane: Commissioners?
- 7
- 8 Dawe: I probably can't answer them but I have Mr. Custer here who can.
9
- 10 Shipley: Okay. I have one.
- 11
- 12 Crane: Commissioner Shipley.
- 13
- 14 Shipley: In the letter that we were presented and I believe this is from Mr. Pickle,
15 states that the development has occurred throughout the original
16 boundaries of the Las Alamedas generally in accordance with the original
17 master plan densities, with the exception of the Sonoma Ranch golf
18 course, which eliminated more than 100 acres of single-family residential
19 zoned land from development as single-family homes. So, did you
20 oppose that?
21
- 22 Dawe: I can't tell you ... I don't believe we did. Was that opposed? Because that
23 was a green use of the property as far as we were concerned. I mean this
24 is not ... we're not going to turn this into a commercial development and
25 put condos and high traffic, a golf course creates more open space for
26 everybody.
27
- 28 Shipley: I was ... your analysis was economic analysis that you don't need more
29 commercial because there isn't sufficient R-1a there to support additional
30 commercial.
31
- 32 Dawe: Right.
- 33
- 34 Shipley: That's what you said initially.
- 35
- 36 Dawe: Yes, sir.
- 37
- 38 Shipley: So if that's the case you didn't oppose the loss of 100 acres of single-
39 family residential before, but you just ... is it because there's competition
40 now, is that part of the problem?
41
- 42 Dawe: I don't think it's so much competition, the competition, there is plenty of
43 commercial acreage available as it exists right now and I can't tell you
44 what the vote was ... (TURNED SPEAKING TO AUDIENCE MEMBER,
45 NOT NEAR MICROPHONE). I can't answer that particular one. I did not
46 represent them at the time of that particular vote your honor.

1
2 Shipley: I just was...
3
4 Dawe: Commissioner. I'm used to speaking to judges.
5
6 Shipley: That's quite all right.
7
8 Dawe: We'll call you your honor if that's all right with you.
9
10 Shipley: I don't represent that remark, I can tell you that. But I just ... you had it in
11 your letter so I was just curious as to why that was in there. I don't have
12 any other questions Mr. Chairman.
13
14 Crane: Commissioners? I have a question. I'm a little at sea as to the interest of
15 Alameda Land Investment Corporation in this matter. Did you sell the land
16 to Sonoma Ranch North LLC?
17
18 Dawe: Yes, Commissioner.
19
20 Crane: And now it's been sold, why do you have a further interest in the way it's
21 developed?
22
23 Dawe: Because Alameda put together the entire master plan. This was not
24 originally done by the City, this was done by Alameda. So this tract is part
25 of the master plan Alameda developed for this whole area. So regardless
26 of who owns the property, the master plans still should remain true.
27
28 Crane: So you owned adjacent property?
29
30 Dawe: It's not immediately adjacent, but it's in the vicinity.
31
32 Crane: And your concern is that if the master plan is changed in this respect it
33 creates a precedent?
34
35 Dawe: Yes, sir. Absolutely.
36
37 Crane: Undermines the whole concept of master plan?
38
39 Dawe: Absolutely. And I think it violates the statute that says these things... or
40 these master plans are designed to be long range.
41
42 Crane: Is this requested change going to be damaging to Alameda?
43
44 Dawe: It will from the standpoint it would impact significantly on their ability to
45 repay bonds because those bond repayments were scheduled in
46 accordance with the property as it existed under the master plan.

1
2 Crane: The money Alameda uses to pay off the bonds comes in some way from
3 the Sonoma Ranch development, Sonoma Ranch North?
4
5 Dawe: I don't... I think the money that comes...
6
7 Crane: I don't understand how fiddling with the master plan in this respect is going
8 to impact your ability to pay off your bonds.
9
10 Dawe: It will devalue the property.
11
12 Crane: The whole of the property that Alameda owns.
13
14 Dawe: Right. It will devalue the property.
15
16 Crane: Thank you. Mr. Shipley.
17
18 Shipley: Then my question would be why would you sell it? You took the money
19 from this sale to use to pay it off.
20
21 Dawe: Well the sale was sold, the property was residential. So we didn't know
22 they were going to come in here. I mean probably they wouldn't have sold
23 it if they'd been told, oh by the way we're going to replat, request that this
24 be re-master planned and replatted and turn it into commercial. But it was
25 bought in the condition as it was when it was originally master planned.
26
27 Shipley: That there was no restrictions in the sale that precluded them from
28 revising the master plan?
29
30 Dawe: I think there were. I believe there were conditions in the sale.
31
32 Crane: Explicitly?
33
34 Dawe: Yes.
35
36 Shipley: They're written conditions?
37
38 Dawe: I believe there are. I don't have those with me. We can provide that
39 information to you.
40
41 Crane: So you feel that the substitution of this commercial cluster for residential
42 devalues this property and property around it.
43
44 Dawe: Yes, sir. It certainly makes it more... it does not meet any of these
45 statutory conditions as it doesn't lessen the traffic and improve the quality
46 of life for the people that are there. I mean it's more commercial property.

1
2 Crane: Wouldn't it be... but it's commercial property that serves the homeowners
3 and apartment dwellers in that area.
4
5 Dawe: Well there is already commercial property available for that purpose, sir.
6 Vacant commercial property. So it's not as if this is the only piece of
7 property that people could go to, to put up some type of a building to sell
8 merchandise.
9
10 Crane: Thank you. Mr. Shipley.
11
12 Shipley: Mr. Chairman, I would say that if there are conditions you should've
13 brought those tonight, the written conditions, number one, because if we're
14 going to make a decision... we try to make a decision given the full
15 information that's available. And if there were written conditions I would...
16 you're being an attorney, that would've been the first thing I'd laid in front
17 of this Commission, so then we would have had something to say, you
18 know this is a little more feasible. Now what I would offer it maybe what
19 we ought to do is postpone this for a month... and I get people shaking
20 their heads no, but do you know something I don't know Ms. Rodriguez?
21
22 Rodriguez: Mr. Chairman, Commissioners, listening to the testimony before you, staff
23 needs to offer some clarification regarding a master plan and the City's
24 Comprehensive Plan. Las Alamedas Master Plan was adopted by the
25 City of Las Cruces. It was approved by... let me retract that statement... it
26 wasn't adopted; it was approved by the City of Las Cruces. And it was
27 approved in accordance with the comprehensive plan set in forth at that
28 time. Now, as private sale transpired, this property was conveyed to
29 another entity. The City of Las Cruces does not regulate or enforce
30 restrictive covenants, so any sale agreements at that time would have
31 been a civil nature. But in 1996 as Helen presented in her case, the
32 Sonoma Ranch North Master Plan was approved in accordance with the
33 City's comprehensive plan at that time. As Helen stated in her
34 presentation over the course of the years you had amendments to the
35 master plan. We're here before you tonight because the applicant is
36 seeking a major amendment to their master plan. When staff evaluates
37 the master plan amendment, because staff is looking at this master plan
38 as a standalone document because City Council at the time in 1996
39 approved the Sonoma Ranch North plan so we're looking at the major
40 amendment tonight in terms of what they're seeking, in terms of shifts of
41 land uses, and then to zone the property accordingly with those proposed
42 land use shifts. We're looking at it in respect of what do we have
43 adopted... what does the City of Las Cruces have adopted today that
44 governs all of our codes and policies that are with the City of Las Cruces,
45 since the City's 1999 Comprehensive Plan. In your packet there are three
46 pages of findings that support the proposed amendment tonight in terms

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

32
 33 Crane: Commissioners, any questions of Ms. Rodriguez? Mr. Shipley. Mr. Dawe
 34 I will give you an opportunity in a minute, but let me let them ask her.

35
 36 Shipley: I still have a question. Total acreage here that we're talking about tonight
 37 is what, of this?

38
 39 Crane: Total acreage.

40
 41 Shipley: Two hundred and seventy-five acres?

42
 43 Rodriguez: Mr. Chairman, in total, the master planned area is 275 acres.

44
 45 Shipley: Okay.

46

- 1 Rodriguez: You have approximately 54 acres that are being affected by land use shift
2 with the zone change request.
3
- 4 Shipley: But my point is 275 acres, a five acre park, and then you've got another
5 little piece that's less than an acre. So what percentage is that of... that's
6 way out of whack is what I'm saying. We're going to put hundreds of
7 homes in here. We're going to put multi-family, we've got a school. We're
8 going to do all this stuff. I think this is inadequate. I think again you know
9 maybe that's where they want the park because it's the worst piece of land
10 that they have at that point, but the parks need to be where the people are
11 living, not at the end. And I just... I don't think that this is good planning at
12 all. I think that we need to go back and say, let's think about the people
13 first and then let's draw our plan according to that.
14
- 15 Rodriguez: Mr. Chairman, Commissioner Shipley, your comments are well received; I
16 will offer that the applicant can come forth with what they're proposing for
17 the open space recreation. All I can offer from a staff perspective at this
18 moment is that they did work with the Facilities Director. I cannot speak
19 for the Facilities Director this evening and I know it was reviewed in
20 context of the adopted parks and recreation plan. But I'll defer any other
21 questions regarding additional open space to the applicant at that time.
22
- 23 Crane: Ms. Rodriguez. What was the park situation on the plan before this
24 request for a change was made? Mr. Shipley's bringing up some good
25 points it seems to me. Has the quantity of park or the distribution of park
26 declined?
27
- 28 Rodriguez: Mr. Chairman, valid question, let me get with staff real quick.
29
- 30 Crane: Okay. Mr. Dawe.
31
- 32 Dawe: Yes, sir.
33
- 34 Crane: Do you think it's more logical I put you on now or hear from the applicant
35 again? Do you have something to say?
36
- 37 Dawe: Surely.
38
- 39 Crane: Then go ahead.
40
- 41 Dawe: With respect to the residential park and I can't... there is a residential park
42 adjacent to this tract in a residential area that's... there is a park there but
43 it's outside of this particular area. I don't know how big that park is.
44
- 45 Crane: It's outside the 275 acres?
46

1 Dawe: Yes, sir. The other point that...
2
3 Shipley: Use your mouse.
4
5 Dawe: Okay.
6
7 Shipley: Use your mouse on the computer.
8
9 Dawe: The master plan I'm advised had it right... I don't want to end up taking
10 your picture off the screen here.
11
12 Crane: You go far enough we're going to get Gilligan's Island or something.
13
14 Dawe: The original master plan had the park in this vicinity right here I'm advised.
15 And I don't know the size of the park. One of the things I wanted to point
16 out to you was that this original master plan balanced commercial,
17 residential, multi-family uses. And that was quite a bit of effort went into
18 balancing those issues. If you approve this stand alone request you upset
19 that balance. I think Ms. Rodriguez' comment that I picked up in her
20 statement; we're looking at this as a standalone project. We'll we're not.
21 We're looking at this as the whole master planned area, not this request
22 generally, just one little... but it certainly does set a precedent for future
23 efforts and undermines we believe the long-term master plan.
24
25 Crane: Thank you. Does the applicant want to rebut in any way? Any further...
26 you want to speak sir?
27
28 Holt: My name is Matthew Holt. Since they brought an attorney, Sonoma
29 Ranch brought an attorney too.
30
31 Shipley: The battle of the bands.
32
33 Holt: Mr. Dawe talks about the comprehensive plan and raises the issue of
34 consistency and I'd like to talk about consistency, because I think it is
35 important. He suggests that the comprehensive plan and the master plan
36 are the same things and I beg to differ. I believe master plans are things
37 that developers have prepared, anticipating future as they see it. And the
38 comprehensive plan is something the City prepares showing the future as
39 they see it. And still has already said that's what's been proposed by my
40 client here is fully consistent with the comprehensive plan even though it
41 may be a change from a master plan. As Mr. Dawe talks about the master
42 plan, keep in mind that there has been more than one master plan. His
43 client, ABG, prepared a master plan back in the 1980's, after my client
44 acquired some land. They prepared a master plan in 1990's. Two
45 different master plans. And he really doesn't want you to be consistent
46 because in his 1980's master plan his client didn't allow for any parks in

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

11
12 Crane: Excuse my interruption sir. What is APG?

13
14 Holt: I'm sorry, Alameda Property Group. Mr. Dawe's client in this matter.

15
16 Crane: This is identical to Alameda Land Investment Corporation?

17
18 Holt: I don't know if they're separate legal entities, but they're related entities,
19 one way or the other.

20
21 Crane: Okay. Thank you.

22
23 Holt: Let me focus a little bit more closely because APG itself has sought and
24 obtained these zoning changes, focusing right on this issue. Important to
25 note that in 1996 Sonoma Ranch put in its master plan of its own. What
26 we now know as Sonoma Ranch Boulevard wasn't on it. There was a
27 street on it called Las Alamedas or Las Alamedas Boulevard that in some
28 places in the same place as Sonoma Ranch Boulevard is, but in other
29 places is an entirely different place. In other words, what was planned in
30 1996 and earlier in 1980's did not include the Sonoma Ranch Boulevard
31 that we know today. And while you may say there's some analogy
32 between Las Alamedas Boulevard that was thought about and Sonoma
33 Ranch Boulevard, although in different places, Northrise wasn't on the
34 plan. So we're talking about change in zoning and a major intersection,
35 Sonoma Ranch and Northrise. And you can't say there wasn't any change
36 because Northrise wasn't imagined at the time. Other circumstances have
37 wildly changed. There's a new golf course going in and Sonoma Ranch
38 will go to it. Mr. Dawe's client property, a Wal-Mart is going to be built, a
39 major designation for commercial traffic. Sonoma Ranch has now been
40 extended to Lohman and soon is going to be extended all the way to
41 University. Sonoma Ranch Boulevard has changed dramatically from
42 what anyone could have imagined at any point in time. This city has
43 experienced phenomenal growth but the majority of this growth has been
44 in the Sonoma Ranch community and its outlying areas. It has changed
45 the way we have thought about ways, what our city needs both in terms of

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

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

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

24
25 Crane: Excuse me, sir. Would you repeat the location of that zone change that
26 APG required? Sonoma Ranch and?

27
28 Holt: And Calle Jitas, if I'm pronouncing it right. One of my ...

29
30 Shipley: Where is that?

31
32 Holt: Calle Jitas is I'm going (*inaudible*) is to the south.

33
34 Crane: Its south of Rinconada Boulevard.

35
36 Holt: South of Northrise.

37
38 Crane: South of Northrise.

39
40 Holt: Yes, sir.

41
42 Crane: Okay. But north of Rinconada which is the bottom of that?

43
44 Holt: South.

45
46 Crane: Thank you.

1
2 Holt:

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

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

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

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

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

24
25 Crane: Thank you sir. Commissioners, any questions of this gentleman? Thank
26 you. Ms. Rodriguez or Ms. Revels, you had a Development Review
27 Committee meeting on this topic 15th of July at which you voted to
28 approve this request, am I correct?

29
30 Revels: That's correct.

31
32 Crane: Can you tell me roughly how long was that meeting, the part of it that
33 discussed this? I have your minutes here but...

34
35 Revels: I'm thinking anywhere from about 30 to 45 minutes maybe.

36
37 Crane: Okay. Thank you. Any other input from the public? Mr. Dawe.

38
39 Dawe: Excuse Commissioner. May I ask if Mr. Custer could address you?

40
41 Crane: Yes, sir.

42
43 Custer: Commissioners. I have to point out a few things.

44
45 Shipley: Could you state your name please?

46

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

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

45
46 Shipley: I have a question.

1
2 Crane: Any questions of Mr. Custer?
3
4 Shipley: Yes.
5
6 Crane: Mr. Shipley.
7
8 Shipley: Sir, the property that has the Pick Quik and the ... whose property was
9 that, where the Pick Quik is on the corner of Sonoma Ranch Boulevard
10 and ... who owned that property? Who sold that?
11
12 Custer: It was a single transaction commercial property sold to Pick Quik I believe.
13
14 Shipley: But who sold it? You did?
15
16 Custer: No, Sonoma Ranch did.
17
18 Shipley: So that's Sonoma Ranch property as well?
19
20 Custer: That's correct. I believe that was a part of the original master plan.
21
22 Shipley: Okay, now just hear me out. When you get off 70, not Interstate 70, but
23 70, you're either going north or south and come under or go to the right;
24 you come down to the Pick Quik. You turn right, the next thing is
25 Northrise and then at that point there is also a physical fitness facility that's
26 just moved in there. And I think there's a bank in that area going in there
27 somewhere. Is that correct?
28
29 Custer: I don't know about those.
30
31 Shipley: Well the physical fitness is there.
32
33 Custer: Okay.
34
35 Shipley: I don't know the name of it. Okay. Then you make a left and you go down
36 and there's a vacant spot, what they're talking about making commercial
37 and then there's another vacant spot and then there's a school on
38 Northrise.
39
40 Custer: Correct.
41
42 Shipley: Northrise elementary. So if this was going to be the entrance way and
43 lord knows I've been to Palm Springs and you know lots of other places.
44 I've lived in Columbia, Maryland and I know that when you're going to
45 have an entryway you don't put any commercial there. You put the big
46 golden arches up that say welcome to Sonoma Ranch or whatever you're

- 1 going to call it and that becomes residential and that's the way it always
2 would stay. So, I'm having trouble... if somebody's already sold a
3 commercial piece and then you've got... or two commercial pieces, you
4 know it no longer meets what you're telling me that was your intent 20
5 years ago.
6
- 7 Custer: Well, also the intent was that in those areas you don't want to have large
8 commercial.
9
- 10 Shipley: Well what's large? I mean...
- 11
- 12 Custer: We're talking small neighborhood businesses that support small
13 neighborhood type things like laundromat or something. But it's never
14 intended for a 30 acre plus site of a big box or something like that. So that
15 would destroy your entrance and the original concept for the City of Las
16 Cruces.
17
- 18 Shipley: Well I think just by putting a Pick Quik on the corner for an entrance into a
19 residential neighborhood that's not what you want to do. If you're going to
20 have a node for commercial, make yourself a node and make the paths
21 that go to that and then put your residential around it, but on the corner
22 like that, you've already set... the theme has already been set somewhat.
23
- 24 Custer: Well we wanted to keep it to a very small impact there. We knew there
25 was always a need in that kind of environment. But you just, you can't run
26 to the shopping center and hope to get to your residential and that's what's
27 going to happen.
28
- 29 Crane: Mr. Custer, I do have a comment on your point. It seems to me that
30 having a commercial cluster there, Rinconada and Sonoma Ranch, might
31 make some kind of a buffer behind which the residents might be protected
32 a little from the noise of U.S. 70. And they might not regard it as
33 disagreeable to have that commercial area there. You have a comment.
34
- 35 Custer: I'd have to look at the original zoning, but I think it was intended to be... I'd
36 have to look at the zoning. But if it allowed for some density in housing
37 that's one thing, but you can also build walls, but I didn't want to do that
38 either. Las Cruces has some bad examples of that.
39
- 40 Crane: Thank you. Any further questions for Mr. Custer? Any further input from
41 the public?
42
- 43 Abrams: Jared Abrams, City legal.
44
- 45 Crane: Yes.
46

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

21
22 Crane: I'm not sure the technical term, redirect whatever. Sir, you have a
23 comment, Mr. Holt is it?

24
25 Holt: Yes, sir. Mr. Abrams is right that the City can change a comprehensive
26 plan, but the City isn't seeking to change its comprehensive plan. The City
27 has agreed that the proposed changes here are consistent with the
28 existing comprehensive plan. I wanted to answer a question you had
29 posed about who owned the land where the Pick Quik was. It's my
30 understanding that the current owners of the Pick Quik and the fitness
31 center acquired the land from Sonoma Ranch, who in turn had acquired
32 the land from APG, who in turn had acquired the land from BLM and I'm
33 told we can trace the history back even further than that, but I won't. That
34 land was zoned commercial at the time and it was APG's plan and we
35 acquired the property from them zoned commercial that would be a
36 commercial entrance.

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

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

11
12 Crane: Thank you. Any further input from the public? Mr. Dawe.

13
14 Dawe: Yes, one more time. I would like to invite you... I believe that that case
15 that was cited by staff talks about a zone change not changes in the
16 comprehensive or in the master plan. The point is however that we have
17 a master plan in place. It's designed to try to make this a better
18 community to live in. And we believe that this does amount to basically a
19 spot zone. You're going to open up everything that they want to do, if
20 somebody comes in now, anybody and any part say well master plan
21 really doesn't work here anymore and we really want to try to get
22 something that's a little bit more intensive on some commercial over here,
23 but we'll shift residential. This plan as Mr. Custer pointed out balances the
24 commercial versus the residential versus multi-family, and that's what we
25 think needs to take place. That doesn't change in the long run. Sure you
26 could say this is a busier city, but as you pointed out in an earlier hearing
27 Councilor Shipley, this is not a major urban center. It's a small suburb.
28 And in order to keep the sprawl from developing where we have shopping
29 centers on every corner such as in Rio Rancho or in some places in
30 Albuquerque, we would like you to see this master plan stay in place and
31 not be amended. Thank you.

32
33 Crane: Thank you, sir. Any further input? For the record Mr. Dawe, I got the
34 minutes here of that meeting and the motion was to approve the major
35 amendment to the Sonoma Ranch North master plan with four conditions
36 and it passed. I can't tell you what the vote was. Okay. Mr. Abrams, I
37 need a little parliamentary input here. Do I have to unsuspend the rules
38 before we vote on this? Yes, all right. Mr. Shipley.

39
40 Shipley: Did we get all the answers from Ms. Rodriguez. Wasn't she going to...
41 they were going to do some research and come back to us with regards
42 to...?

43
44 Crane: You have something else Ms. Rodriguez?
45

- 1 Rodriguez: Mr. Chairman, Commissioner Shipley, just to answer the question. It
2 looks like that there is no... if there's a net loss or increase its minor. It
3 seems five acres for five acres give or take a tenth or a hundredth of an
4 acre.
5
- 6 Shipley: So that's what was there before?
7
- 8 Rodriguez: Yes.
9
- 10 Shipley: Okay. But, is there somebody here from Parks tonight?
11
- 12 Rodriguez: Mr. Chairman, Commissioner Shipley, no, they're all at the Parks and Rec
13 Advisory Board meeting this evening.
14
- 15 Crane: Thank you. Commissioners, do I hear a motion to restore the rules?
16
- 17 Shipley: So moved.
18
- 19 Crane: And a second.
20
- 21 Bustos: Second.
22
- 23 Crane: Thank you Mr. Bustos. All in favor of restoring the rules?
24
- 25 ALL COMMISSIONERS MEMBERS - AYE.
26
- 27 Crane: Against. The rules are restored. We will proceed to vote on first S-09-
28 011, a request for major amendments to master plan known as Sonoma
29 Ranch North. I'll entertain a motion...
30
- 31 Revels: I've already read the conditions into the record, so we don't have to read
32 them in again.
33
- 34 Crane: Yes you did, right. Thank you.
35
- 36 Shipley: And the conditions were where, on the last page?
37
- 38 Crane: They're on page nine of the minutes of the Development Review
39 Committee.
40
- 41 Revels: Page nine on your packet.
42
- 43 Shipley: Oh, on the draft? That's a Development Review...
44
- 45 Crane: Okay.
46

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

2
3 Crane: All right. Go ahead Mr. Shipley.

4
5 Shipley: I'll just address this in general. Would the applicant be willing to add more
6 park space up into the residential areas a little closer than...? I mean
7 you're talking 275 acres, if you added another two or three pocket parks or
8 something up there that people could use would that be amenable?

9
10 Steinborn: David Steinborn. I'm one of the principals of Sonoma Ranch. You know,
11 we are the only developers in town that of our own volition do parks. Sam
12 Graft Park, we turned over to the City two years ago. We donated the
13 land. We built the park. We maintained it for a year. The economy has
14 changed. And the reality is that today one of the things that we're looking
15 at in terms of housing stock and your first item on your agenda is making
16 lots smaller in order to make lots as affordable as we can. And the
17 difficulty is that the cost of the development of the subdivision is... even
18 though the market has slowed down, the costs keep going up. So you
19 have a good question. We've explained through our staff why the park is
20 located where it is and why we took the circular... we had a circular park
21 in the middle of the east side and we removed it. We had a linear park
22 that separated the R-3 from the R-1, linear being rather narrow and rather
23 long. The Parks folk didn't want it because it would be hard to maintain.
24 They didn't like the circular park because the swath that the lawn mower
25 cuts doesn't cut circles. And so what we did is we went back and looked
26 at okay, if we did a square park where would it be. Would it be on the east
27 side, would it be on the west side, would we do two parks or one? So the
28 compromise we came up with, with the staff was the small park on the
29 east side of Sonoma Ranch and the large park on the bottom. Now the
30 reality is that between now and the time we actually develop the housing
31 stock, we might be back again. And we might want to add a park because
32 it may make sense to do that.

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

46

- 1 Crane: You're speaking Mr. Steinborn of an additional park area, right?
- 2
- 3 Steinborn: Yes. I mean we're committed to do what tonight's recommendations and
4 proposals speak to. How time changes, what happens two years from
5 now, I can't tell you. But I can tell you that it's going to be easier for us to
6 add a park if it justifies itself a couple of years from now, than to come
7 back a couple of years from now and try to take it away. And I'd rather be
8 in that position. And one of my partners is here and he concurs with that.
9 So that's kind of the way it has to be tonight.
- 10
- 11 Crane: Mr. Shipley.
- 12
- 13 Shipley: Mr. Steinborn I appreciate your candor and the only reason I'm saying that
14 is because when we sit here at this body we look at things not from just
15 the next one or two years, this is going to be around for 50 to 100 years
16 from now and what we're really asking you to do and I think you've always
17 done... tried to do that, is to realize that... like with me, I don't take these
18 things lightly. I study them. I look at them. I read about things, and I try
19 to do things that I think are going to affect safety, marketability, property
20 values, those kinds of things. And when I see something where people
21 have to get in their car to drive to it, that's a turn off to me. And so that's
22 why I asked that question, it's not... I don't ever try to leverage somebody
23 and say I'll only vote for you if you do this, because that's not what we're
24 here for. We're here as a body to be a Planning Commission and a
25 Zoning Commission. And planning for me is very important because you
26 know 50 years from now I want people to look back and say that you get
27 all the credit because your name's on it, but the thing is, it's how beneficial
28 is it going to be to the customers that you're building these homes for, or
29 you're building these shopping centers for. And that's why I've raised that
30 question, is because I try to use logic and common sense and that's all I'm
31 trying to do. So you can... you've made yourself very clear to me. I
32 understand what you're saying. But I just wanted you to make sure that
33 you know how clear I am and you understand what I'm trying to say.
- 34
- 35 Steinborn: Well you made a comment earlier that I'd like to respond to which is that
36 maybe we're giving this piece of land because it's the worst piece of land
37 we have. I'm going to assume you said that kind of tongue and cheek.
- 38
- 39 Shipley: I did.
- 40
- 41 Steinborn: Because it's really a very good piece of land and as a matter of fact as you
42 get closer to the escarpment, closer to the arroyo, there's a view shed and
43 that view shed to a developer has a pretty good value. So if you take a
44 look... what I would recommend you do tomorrow is drive over to Sam
45 Graft Park, walk in the middle of it and take a look around from that park
46 and ask two questions; number one is that park which is in the middle of a

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

10
11 Shipley: But Mr. Steinborn let me just assure you, I have a four-year-old and a
12 three-year-old, grandson and granddaughter. I take my children to the
13 parks on Roadrunner. I take my children to the parks over in Sonoma
14 Ranch East. I even take them into the park with the little... because they
15 love the little red cars that are over there in the estates, Sonoma Ranch
16 Estates, that small park there. And they love that as well. They're not
17 looking at the view. They're looking at what they can do, swing, run
18 around, maybe kick a soccer ball in some of those fields. That's what's
19 important to them. So that's what's important to me. And that's what I
20 tried to say is we look for safety; we look for convenience, and those kinds
21 of things. And that's why I said a park, a parcel that's down on a main
22 thoroughfare where a child could run out after a ball and get hit by a car is
23 not safe for me and that's... adjacent to that. Now there may be some
24 means of putting a fence up and obstructing that, I understand all that.
25 But I'm just saying as a point the closer it is to the more people it serves,
26 the better it's going to be utilized and that's why I brought that up.

27
28 Steinborn: You might be interested in knowing Mr. Shipley that Sage Crest Park on
29 Roadrunner, we did not build it. Sonoma Ranch didn't build it. It was not
30 part of the Sonoma Ranch property. But at a public meeting at the
31 Roadrunner Association somebody said, we're concerned about the
32 danger of that park. My partner's and I paid to put the fence up around it.
33 We didn't have to do that. So we understand good citizenship. My partner
34 back here has a five-year-old daughter; I have a ten-year-old daughter.
35 So I understand what the value of parks are. And my commitment is that
36 if we can do a park later we will.

37
38 Shipley: Okay.

39
40 Steinborn: But I can't commit to that tonight.

41
42 Shipley: Okay. I understand.

43
44 Steinborn: Thank you.
45

1 Crane: Any further input? Then we'll proceed to a vote. The chair will entertain a
2 motion that Case S-09-011, approval of a master plan amendment with
3 conditions, that that be approved. Will somebody move that?
4

5 Bustos: So moved.
6

7 Crane: Mr. Bustos moves. Is there a second?
8

9 Beard: Second.
10

11 Crane: Proceed to a vote. Commissioner Shipley.
12

13 Shipley: Aye findings, discussion, and site visit.
14

15 Crane: Commissioner Bustos.
16

17 Bustos: Aye findings, discussion, and site visit.
18

19 Crane: Commissioner Beard.
20

21 Beard: Aye findings and discussions.
22

23 Crane: And the Chair votes aye findings and discussion. Passes four-zero.
24 Thank you. Now we'll proceed to the zone change that goes with that
25 Z2785. May I hear a motion that the request for zone change be
26 approved with the conditions established by the City?
27

28 Bustos: So moved.
29

30 Crane: Mr. Bustos. A second?
31

32 Beard: Second.
33

34 Crane: Mr. Beard. Mr. Shipley, your vote.
35

36 Shipley: Aye findings, discussion, and site visit.
37

38 Crane: Mr. Bustos.
39

40 Bustos: Aye findings, discussion, and site visit.
41

42 Crane: Mr. Beard.
43

44 Beard: Aye findings and discussions.
45

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

5 **END** →
 6 TEN MINUTE BREAK.

7
 8 5. **Case S-09-027:** A request for a major amendment to the Heather Hills
 9 Master Plan that is located west of Stern Drive and south of Broadmoor
 10 Drive. Heather Hills Master Plan Amendment No. 1, area will be increased
 11 by 7.126 +/- acres for a total size of 57.663 +/- acres. The Master plan
 12 amendment will also include three new planning parcels that will allow for
 13 single-family residential and quasi institutional land uses. Submitted by
 14 Scanlon White, Inc. for DTG Development Company, LLC.

15
 16 6. **Case A1693:** A request for a zone change for three planning parcels located
 17 west of Stern Drive and south of Ringneck Drive. The Planning parcels have
 18 a combined area of 7.126 +/- acres. The proposed zone change will facilitate
 19 the explanation of a residential subdivision (Dove Crossing II) and a portion
 20 of the future school site for Mesilla Valley Christian School. The zone change
 21 request is as follows:

22 1) Planning parcel 1- a zone change from M-T (Industrial Light) to R-1ac
 23 (Single-Family Medium Density-Conditional-Limited to Quasi-Institutional
 24 uses) for 5.451 +/- acres;

25 2) Planning parcel 2- a zone change from O-2C (Office, Professional-
 26 Limited Retail Service-Conditional) to R-1a (Single-Family Medium
 27 Density) for 1.107 +/- acres;

28 3) Planning Parcel 3- a zone change from M-T (Industrial Light) to R-1a
 29 (Single-Family Medium Density) for 0.568 +/- acres.

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

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

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

41
 42 Crane: Yes, Mr. Shipley.

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

ATTACHMENT "D"

586

Cheryl Rodriguez

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

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



Microsoft Word -
oppose sonoma...



ATT388164.txt
(216 B)

Good day, Ms. Rodriguez

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

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

Best regards,

Jack Pickel
President
Alameda Land Investment Corporation

July 23, 2009

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

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

Dear Members:

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

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

DISCUSSION

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

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

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

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

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

CONCLUSION

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

Respectfully submitted,

/s/ Jack Pickel

Jack Pickel
 President
 Alameda Land Investment Corporation

589

Cheryl Rodriguez

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

Mr. Dawe,

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

Thank you,

Cheryl Rodriguez

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

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

LEWIS AND ROCA <small>LLP</small> LAWYERS <small>LEWIS AND ROCA LLP</small> PHOENIX TUCSON LAS VEGAS ALBUQUERQUE RENO	R. Thomas Dawe Partner Telephone: (505) 764-5427 Facsimile: (505) 764-5464 E-mail: TDawe@LRLaw.com
	201 Third Street NW, Ste. 1950 Albuquerque, New Mexico 87102 www.lewisandroca.com

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.

Phoenix (602) 262-5311
 Tucson (520) 622-2090
 Las Vegas (702) 949-8200
 Reno (775) 823-2900
 Minden (775) 586-9500
 Albuquerque (505) 764-5400
 Silicon Valley (650) 391-1380

This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this E-Mail by return E-Mail or by telephone.

In accordance with Internal Revenue Service Circular 230, we advise you that if this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

