The following agenda will be considered by the Planning and Zoning Commission of the City of Las Cruces, New Mexico, at a public hearing held on April 26, 2022, beginning at 6:00 p.m. in Council Chambers at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

1. Call To Order
2. Conflict Of Interest
3. Approval Of Minutes
3.1. March 22, 2022

Documents:

03-22-22 PNZ MINUTES.PDF

4. Public Participation
5. Postponements - None
6. Consent Agenda
6.1. Red Hawk Central Final Site Plan
    A request for a Final Plan, known as Red Hawk Central, located within the Metro Verde South Planned Unit Development (PUD). The proposed subdivision encompasses 7.0 ± acres, is zoned PUD, and located east of Red Hawk Golf Road and north of Central Avenue. The Final Site Plan proposed 49 single-family residential lots and two lots for commercial development. The Final Site Plan shall follow all requirements of the Metro Verde South PUD Concept Plan. Council District 5 (22ZO3000019)

6.2. 421 Avenida De Mesilla Suite C Special Use Permit
    A SUP to allow a cannabis establishment within the required 300’ buffer from a single-family zoning district. The 1.83-acre property is zoned C-3 (Commercial High Intensity) and allows a cannabis related cottage industry. The business footprint is approximately 108 ± feet to the closest R-1a (Single-Family Medium Density) zone. Council District 4 (22ZO1000016)

6.3. 1770 S Telshor Blvd Suite C Special Use Permit
    A SUP to allow a retail cannabis establishment within the required 300’ buffer
from a single-family zoning district. The 1.04-acre property is zoned C-3 (Commercial High Intensity) and allows a cannabis retail establishment. The business footprint is approximately 230 ± feet from an R-1a (Single-Family Medium Density) zone. Council District 3 (22ZO1000017)

7. Old Business

7.1. Camino Hills Subdivision Master Plan
A request for a master plan known as Camino Hills Subdivision. The proposed subdivision encompasses 10.954 ± acres, is currently zoned R-1a (Single-Family Medium Density) and located northeast of El Camion Real and west of Spitz St. The subdivision proposes 52 single-family residential lots and multiple tracts dedicated for drainage. The proposed subdivision will provide four internal roadways that provide access to Spitz St. and Hanson Ave. Council District 1 (22CS0500012)

7.2. Camino Hills Subdivision Preliminary Plat
A request for a preliminary plat known as Camino Hills Subdivision. The proposed subdivision encompasses 10.954 ± acres, is currently zoned R-1a (Single-Family Medium Density) and located northeast of El Camion Real and west of Spitz St. The subdivision proposes 52 single-family residential lots and multiple tracts dedicated for drainage. The proposed subdivision will provide four internal roadways that provide access to Spitz St. and Hanson Ave. Council District 1 (21CS0500069)

8. New Business

8.1. 855 Pinon Avenue Infill Development Request
An infill development proposal (IDP) to allow one manufactured home on property zoned R-4 (Multi-dwelling High Density & Limited Retail) and associated development waivers. Waivers include density, lot width, and lot area. The IDP also seeks to maintain the R-4 development rights for future use. The property is ± 0.158 acres in size, and generally located on the northwest corner of Pinon Avenue and Santa Fe Street. Council District 1 (22ZO5000033)

8.2. 227 S. Main Street Variance Request
A variance request of ± 300 feet to the minimum 300-foot buffer distance required between a cannabis facility and a qualifying school (property line). The subject property is zoned DDC-MS (Downtown Development Code – Main Street), ± 0.381 acres in size and is generally located at the northeast corner of S. Main Street and E. Bowman Avenue. Council District 1 (22VO0500011)

8.3. 801 E. Farney Lane Zone Change Request
A zone change request on a ± 4.35-acre parcel from R-3/C-3C (Multi-Dwelling Medium Density) / (Commercial Medium-Intensity) Conditional to R-3 (Multi-Dwelling Medium Density). The zone change seeks to remove the commercial zoning from the property and remove all conditions established for both
commercial and residential uses. The property is located on the northeast corner of El Paseo Road and E. Farney Lane. Council District 2 (22ZO0500014)

8.4. 5600 McGuffey Zone Change Request
A zone change application to rezone from R-1a (Single-Family Medium Density) to R-2 (Multi-Family Medium Density), for the development of multi-family residential housing. The property encompasses 2.638 ± acres in size and located at 5600 McGuffey Street. Council District 5 (22ZO0500048)

9. Discussion

10. Commission Commentary
11. Staff Announcements
12. Adjournment

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodations for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 48 hours before the meeting by calling 528-3043 (voice) or 1-800-659-8331 (TTY) if accommodations are necessary. This document can be made available in alternative formats by calling the same numbers listed above.

Posted: April 6, 2022
PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
MARCH 22, 2022 at 6:00 p.m.

BOARD MEMBERS PRESENT:
Harvey Gordon, Chair
Luis Armando Guerrero, Vice-Chair
Scott Kaiser, Secretary
James Bennett, Member
Enrico Smith, Member

BOARD MEMBERS ABSENT:
Vanessa Vega, Member

STAFF PRESENT:
David Weir, Deputy Director Community Planning
Katherine Harrison-Rogers, Senior Planner
Vincent Banegas, Interim Planner
John Castillo, CLC Planner
Roberto Cabrillo, CLC Deputy City Attorney
Adrian Guzman, CLC Communications
Becky Baum, Recording Secretary, RC Creations, LLC

1. CALL TO ORDER (6:00)

Gordon: Good evening and welcome to the March 22, 2022 meeting of the Planning and Zoning Commission. The time is 6:00 p.m. Let me call this meeting to order. First I need a motion to approve the agenda, please.

Bennett: So, I would like to make an amendment to the minutes.

Gordon: No, I want to approve the agenda first.

Bennett: Okay. All right.

Gordon: Just give me a motion. Just give me a motion.

Bennett: I make a motion to approve the agenda.

Kaiser: I'll second.

Gordon: Becky.

Baum: Board Member Smith.
Smith: Yes.

Baum: Board Member Kaiser.

Kaiser: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Chair Gordon.

Gordon: Yes.

Baum: Thank you.

Gordon: Okay. Before we start though I would like to just say something. LaVonne Muniz has resigned as a Commissioner for the Planning and Zoning Commission. And I would like to thank her but she's not here, I hope that she's watching, for all those years of service that she gave to us. She contributed greatly and we're going to miss her. She also did a great job as Secretary. So LaVonne, thank you very much. And those members of Commission who were here when she was here, I'm sure will agree with what I've just said.

2. CONFLICT OF INTEREST

Gordon: All right, first of all is there any conflict of interest? No. Seeing none.

3. ELECTION OF SECRETARY

Gordon: All right now the next item on the agenda, we need to elect a secretary since LaVonne is not with us any longer. I need a motion.

Smith: I motion that Scott Kaiser be nominated for Secretary.

Bennett: I'll second.

Gordon: Okay. Becky, please.

Baum: Board Member Smith.

Smith: Yes.

Baum: Board Member Kaiser.
Kaiser: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Chair Gordon.

Gordon: Yes.

Baum: Thank you.

4. APPROVAL OF MINUTES - February 22, 2022

Gordon: All right, now I need a motion to approve the minutes, and if there is any corrections.

Bennett: I make a motion to approve the minutes with an amendment that Harvey Gordon be listed as Chair, Luis Guerrero will be listed as Vice-Chair, and Lavonne be listed as secretary in the minutes.

Gordon: I need a second I guess.

Smith: I second.

Baum: Board Member Smith.

Smith: Yes.

Baum: Board Member Guerrero.

Guerrero: Yes.

Baum: Thank you. Sorry. Board Member Bennett.

Bennett: I abstain I wasn't at the meeting.

Baum: Thank you. Board Member Kaiser.

Kaiser: Yes.

Baum: Chair Gordon.

Gordon: Yes.
Baum: Thank you.

5. POSTPONEMENTS

5.1 Camino Hills Subdivision Master Plan: A request for a master plan known as Camino Hills Subdivision. The proposed subdivision encompasses 10.954 +/- acres, is currently zoned R-1a (Single-Family Medium Density) and is located northeast of El Camino Real and west of Spitz St. The subdivision proposes 52 single-family residential lots and multiple tracts dedicated for drainage. The proposed subdivision with provide four internal roadways that will provide access to Spitz St. and Hanson Ave. Submitted by Steve Calderazzo, representative. Council District 1 (22CS0500012)

5.2 Camino Hills Subdivision Preliminary Plat: A request for a preliminary plat known as Camino Hills Subdivision. The proposed subdivision encompasses 10.954 +/- acres, is currently zoned R-1a (Single-Family Medium Density) and located northeast of El Camino Real and west of Spitz St. The subdivision proposed 52 single-family residential lots and multiple tracts dedicated for drainage. The proposed subdivision will provide four internal roadways that will provide access to Spitz St. and Hanson Ave. Submitted by Steve Calderazzo, representative. Council District 1 (21DS0500069)

Gordon: All right now on the agenda there are two items, one and two, which have been indicated as a postponement. I assume that this will probably be at the next meeting. There was not enough information available that we could have acted on these two items.

6. PUBLIC PARTICIPATION

Gordon: All right. Is there anyone in the audience this evening who has anything they’d like to say that is not on the agenda this evening? All right. Seeing none. Take care of that.

7. CONSENT AGENDA

7.1 725 McClure Road Non-Administrative Replat: A non-administrative replat knowns as October Sky Subdivision to replat the one existing lot, zoned R-1a (Single-Family Medium Density), into two new lots, one for residential purposes and the other will be purchased by the City of Las Cruces to utilize for drainage. Council District 1 (21CS0500128)

Gordon: All right, now the consent agenda. Is there anybody on the Commission has any item that he wished to take interest in?
Kaiser: Chairman. I'd like to pull the second item on the consent agenda for discussion. That's the infill development request, that 1225 Chiquita Avenue.

Gordon: All right, if we can get a motion to do that, please.

Kaiser: I'll motion to pull item two from the consent agenda for discussion.

Bennett: I'll second.

Baum: Board Member Smith.

Smith: Yes.

Baum: Board Member Kaiser.

Kaiser: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Board Member Guerrero.

Guerrero: Yes.

Baum: Chair Gordon.

Gordon: Yes.

Baum: Thank you.

Gordon: All right, in that case then we assume that item number one is approved for consent and we will deal with item number two. Commissioner Mr. Fraser. Commissioner Fraser item number two.

Kaiser: Kaiser.

Gordon: Kaiser, I'm sorry.

Kaiser: I'm sorry. Yes, that's correct. Pulling item number two.

Gordon: Okay. Please address your concerns.

H-Rogers: Chair. If I could just point out that we do still need to vote on the remaining item on the consent agenda. So just vote on the consent
agenda as a yes. So you voted on pulling item number two, but now you need to vote on the consent agenda as a whole. So that would approve number one.

Gordon: Okay. Then I need that motion please.

Bennett: I make a motion to approve the consent agenda.

Guerrero: I'll second it.

Baum: Board Member Smith.

Smith: Yes.

Baum: Board Member Kaiser.

Kaiser: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Board Member Guerrero.

Guerrero: Yes.

Baum: Chair Gordon.

Gordon: Yes.

Baum: Thank you.

1225 Chiquita Ave. Infill Development Request: A proposed zone change request from R-1a (Single Family Medium Density) to O-2 (Office, Professional-Limited Retail) on a property encompassing 1.33 ± acres. The subject property is located on northeast corner of Griggs Avenue and Walnut Street (2225 E Griggs Ave). The zone change request seeks to increase development of commercial office land use and bring the property into compliance with the 2001 Zoning Code as, amended. Submitted by JAL Properties, Owner. Council District 5 (21ZO0500020)


Kaiser: Forgive me, but is staff willing to provide a presentation on this before I jump into my questions and concerns?
Banegas: Chair Gordon, Commissioner Kaiser. Yes. Vincent Banegas. I've got a full presentation if you'd like to hear that.

Kaiser: That I would appreciate that. I don't know if other members of the Commission would.

Banegas: Mr. Chair. Were you going to leave it as the first item for consideration or move it to new business?

Gordon: Well, we can deal with it now.

Banegas: Okay. Vincent Banegas Interim Planner. Mr. Chairman, Commissioners. Good evening. This is an Infill Development Process request, located at 1225 Chiquita Avenue. The use as proposed is basically a contractor's building for warehousing of items that they use, storage of items they use and of course the occasional vehicle storage in the yard.

The current conditions of the property are as follows, approximately 75 feet from the intersection of Chiquita Avenue and Santa Fe Street sits the subject property. It is currently zoned C-2 which is our commercial medium intensity district. And it does involve two lots, lots 22 and 23. A blockade of Cox's First Subdivision 117. They are both vacant at this point in time and will both be developed if the IDP gets approved this evening.

The property sit within the infill development boundary. And because they are underutilized within said boundary there are qualifying parcels for IDP consideration. The combined acreage of both sits at roughly 0.158 acres or 6,900 square feet. This map is a zoning map showing the location of the parcel. Chiquita Avenue is located here where the pointer is moving. The subject parcel is outlined in red, sits in the C-2 zone as does several other properties both north and south. To the west of the subject location you do have a variety of other, not only uses, but you have a couple of different zones both R-2 which is our multifamily low density residential zone, and then our R-3 which is our multifamily medium density residential zone. You have a mixture of uses in here both single-family located along the south side of Chiquita in certain spots and locations. You also have some service industry, car repair, transmission repair, things of that sort on fronting parcels along Solano. Immediately east of the subject location is where a previous IDP, exactly the same type of request came forward in 2019. It was ultimately approved by the Commission. And again it seeks the same, if not probably 98% of the same variables as we have here this evening for this particular request. Immediately west of the subject property you have, I believe it's a distribution center or collection center for Habitat for Humanity, some of their materials are stored there, etc. And
then as indicated some multifamily elsewhere along the west side of Santa Fe Street.

Here's an aerial map further illustrating some of the uses. Again, this is Habitat for Humanity property. You've got the service type uses here, automobile related, transmission, etc., and then a mixture of housing further west and further south.

So the proposal breaks down as follows, basically, they are wanting to construct a building that will house the contractor office, small office, majority of it will be storage, as well as the yard for the placement of some of their vehicles, etc, overnight. And then of course they would either drive there, pick those up and take them on site, etc. But there are several deviations that are part of this proposal.

Number one, when I wrote the report there was a request to utilize the two properties as they sit today, meaning they would not be requesting to replat the two into one property. I've talked with the applicant's representative before this meeting, they're willing to replat that so that's less of an issue. That is one of the conditions that staff placed on recommending approval of this case. And I'll get to that later in the presentation. Ultimately, though, you have what amounts to a 3,100 square foot deviation to a minimum 10,000 square foot lot size for a C-2 zoning parcel. In every zoning code or zoning district however rather you have minimum lot sizes and in certain instances maximum lot sizes. So in this case, it's 3,100 square feet to the minimum of 10,000 that's required of the C-2 zone. And you also have an 8.46 foot deviation to the minimum 60 foot lot width. So when you combine those two properties together, the minimum width has to be 60 feet and it's just shy of that by 8.46 feet. There's a minimum rear yard setback and a deviation of five feet to that. And a request to provide no road improvements along Chiquita. Chiquita is a City roadway. It's an unimproved roadway, has no paving surface, no curb and gutter, no sidewalk. And so there are some triggers in the codes that may require improvements to Chiquita under different circumstances, and I'll get to those in a little bit. But nonetheless, in the design standards at minimum, there is some language that talks to requiring access to the nearest improved street, which in this case would be Santa Fe Street and it would be a paved access.

There's also a request to allow compacted gravel or crusher fines in lieu of the asphalt, concrete, or other suitable surfacing to not only minimize dust but for parking on the property for the use in question. And there's a request to not be required to install landscaping as per Article IV of the Las Cruces Design Standards.
This is a layout or a site plan showing the proposed parcel. It's showing it as a combined element, and the proposed building is shaded out. The setbacks are shown accordingly, five foot on the sides. This other eastern side has a bit more, about eight feet, a little over eight feet, so that would comply. Your front setback is well in hand at 25. And the rear, that's part of what the request is to allow a five foot deviation. I rounded it a little bit so I just used the whole number of five for that deviation. Chiquita Avenue is located here. So technically going back to that design standards issue, they would have to provide a local roadway, what amounts to a local roadway or paved surface from this location out to Santa Fe which is further on the west side.

In terms of analyzing the proposal, staff did not feel this is necessarily out of character with the immediate area, surrounding area, neighborhood. I pointed out some of the land uses that were in place. Some of the construction that was in place is metal buildings much like what was proposed in this case. They would be stuccoing the exterior of the structure, applying the necessary surface onto the metal panels to allow for stuccoing. We didn't find any health, safety, or welfare related issues specifically. And we felt that this proposal again was consistent with the 2019 case that was approved by the Commission, again seeking the same allowances as presented this evening.

In terms of public input, notice was sent to the surrounding property owners pursuant to code. I did not receive any input, any questions, any calls, anything regarding this case. Staff recommendation is as follows. We thought that a conditional approval based on findings would be warranted. I'll start with the conditions first. Again, the applicant does not have any problem with the first bullet, but that's stating that lots 22 and 23 be replatted into one lot prior to the issuance of Certificate of Occupancy. So they'd be allowed, if approved this evening, to go ahead and submit for their building permit, but prior to any Certificate of Occupancy that would be issued they'd have to complete the replating process going from two lots to one.

The second condition would require an opaque screen, fence, or wall be placed around any of the allowable fenced in storage prior to the issuance of a Certificate of Occupancy as well. That can easily be handled via the building permitting process, but I didn't feel it had any harm being referenced as a condition for the IDP.

And then finally, staff, when we looked at this, and I recognize that we also looked at the 2019 case, quite frankly the only thing that has changed is our Comprehensive Plan. We had a Comprehensive Plan 2040 in effect at that time, and now we have Elevate Las Cruces currently. And although there are some similarities, I thought perhaps we were lending a
little bit too much latitude to the request, and so I put in this condition that
seeks that any change in land use or occupancy type of the building would
require compliance with landscaping, access parking, and other applicable
standards as per article seven, which is our nonconforming section of our
Zoning Code. So even if the property sat vacant for a year they would
have to get their business registration at this location. But let's say they
go out of business or they simply don't renew and we have no record of a
continuance of operation for a year or more, the nonconforming use
provisions would be triggered. And they would then have to come into
compliance the next business that sought to locate on the subject
property, even if it's the same business. Also, if there's any expansion of
use, 10% or greater, that too would trigger compliance issues. And of
course any change of use. So right now it's technically a service type use
in that its construction facility, contractors facility. If they went to
commercial, as an example, that would trigger nonconforming. So there's
different triggers that would require compliance with all the other
provisions. Staff felt that applying this kind of granted some flexibility to
the applicant, the property owner to develop vacant land, make those
parcels active use parcels, and at the same time guaranteeing that at least
in some future date, the City would ultimately get the development
requirements that would otherwise be required.

So in terms of the findings associated with the recommendation. The
subject property is existing vacant property as indicated. It's falls within
the IDEO and it is eligible for IDP consideration. It basically takes two
vacant parcels as indicated and develops them into active parcels
furthering potential economic development opportunities in our
community. It also is supported by the infill policy plan criteria for
decisions in the Muni code pursuant to Section 2-382. It is consistent with
that 2019 IDP case, deviations are the same. It is also supported by
various goals, policies, and actions of the Elevate Las Cruces
Comprehensive Plan. It meets the purpose and intent of the 2001 Zoning
Code Section 38-2. It is falls within the urban neighborhood place type,
which is characterized by medium to high density residential land uses in
areas of supporting neighborhood commercial development. This may not
be commercial per se, but there's latitude in how these place types are
applied, and service of this sort, at least in terms of what's proposed, is felt
to be in line with those provisions. The property is also located on a
commercial block that's characterized by commercial storage and service
related businesses, which front Chiquita Avenue.

And your options this evening, Mr. Chair, Commissioners, is to vote "yes"
and approve the case as presented. You can vote "no" and deny it. Just
keep in mind that denial requires new information or findings of fact, facts
that are not identified by staff during our review. And you can vote "yes"
with conditions. Staff would recommend that you consider the conditions
that were presented by staff. You could also look at the various requests, the elements of the request by the applicant, and you know you might feel that you like several of those and maybe have issue with one or two, in which case you want to remove those from the IDP approval process, so you can make those conditions as well. And you can vote to table the case. And those are the options before you this this evening Mr. Chair. And I'll be happy to stand for any questions you may have. We have Mr. Steve Green, the applicant's representative in attendance this evening. So if you have any further questions, he's here to answer them as well.

Gordon: All right. Thank you. Are there any questions for the Commissioners?
Commissioner Kaiser.

Kaiser: Thank you Chairman. So I just want to I guess get some clarification on the record here. And I don't know if this is going to be helpful for my colleagues, but in an earlier conversation today it certainly was helpful for me. So just want to clarify that the nonconforming element of this application is not the use of a commercial storage facility itself, but the underlying lot size as it pertains to its zoning, even when combined into a single lot. That's correct.

Banegas: Mr. Chairman, Commissioner Kaiser. That is correct. Both lot width and area.

Kaiser: Thank you. So I'm certainly, I understand the intent behind this particular Infill Development Process. This is certainly an area of interest for the City as far as redevelopment. It's an established part of the City, it's near downtown. But what I'm having difficulty reconciling here is the fact that underlying all of this, we're being asked to approve a nonconforming use right out of the gate, and in exchange for that approval, we're also waiving all the development standards that would be required. So from my perspective I'm having difficulty reconciling those two things. And part of the reason is because if we're going to give all of this away, as far as the development standards that we have in place through our Comprehensive Plan and our Development Code, we should be getting something in return. And I'm just not sure that this specific use in this specific location is really giving anything in return, if that makes sense. They're getting everything that they want with no assurances to the City and the community that they will come into compliance at a date unknown. And one of the things that I'm particularly I guess, focused on is the request to waive the landscape requirements. Do we know what the landscape requirements would be if they were required to comply with that?

Banegas: Yes sir. Mr. Chairman, Commissioner Kaiser. In looking at the site plan that was provided by the applicant, staff did some calculations utilizing Article IV the Las Cruces Design Standards, the lot size is 6,900 square
feet, if again considering both lots. The building was identified to be 2,400 square feet. So you take the lot size minus the building square footage and that remaining square footage times 15% nets you 675 square feet of landscape area. And according to the Article IV provisions, then it breaks it down by how many trees, how many shrubs, how much ground cover you're required to have. And I've got those numbers if you'd like to hear those.

Kaiser: Please.

Banegas: So based on those calculations, one tree would technically be required as part of the landscape requirement, 14 five-gallons shrubs, 67.5 square feet of ground cover, or 6.75, seven one-gallon shrubs.

Kaiser: Thank you. So from my perspective, this doesn't seem like much of an ask for the applicant. We've got a use that is industrial-ish in nature, if you will. It's a storage facility. There's already a lot of those on Solano Avenue in this corridor. We've got residents that are adjacent. I just don't think a fence or wall is really sufficient here. It just seems like, you know I'm sympathetic to the applicant's position here, but I don't think asking to do landscaping is really a major burden. You know this part of the town could use some additional landscaping. It keeps dust down. It provides stormwater benefits. It provides some visual softening of the wall in the facility itself for neighboring residents. So from my perspective, I'd like to see that requirement still be in place. I don't feel like it's a great burden here. So those were just some of my questions and concerns related to this project.

Gordon: Commissioner Kaiser. I just have a question for my clarification. So what you'd like to do is you'd like to have these shrubs and the one tree, also with the opaque screen around the property. Is that in addition?

Kaiser: It would be in addition. The landscaping would be in addition. And actually just one additional question on top of that. The wall itself, is there a setback from the property line required there?

Banegas: Mr. Chairman, Commissioner Kaiser. In this particular case in that the adjoining parcels are commercial or service related, they could be right on the property line, or just inside the property line.

Kaiser: Even on the main axis, what's the name of the road?

Banegas: Yes.

Kaiser: Chiquita Avenue.
Banegas: Mr. Chairman, Commissioner Kaiser. Along Chiquita Avenue they could go just inside their property line. They'd have to comply with a maximum six foot height, if memory serves, for front yard location criteria, and then go update feet beyond that.

Kaiser: Understood. Thank you. And to answer the question, yes I think the landscaping would go, would be a simple request here to soften the use and provide some benefit to the neighboring community.

Gordon: Thank you. Does the applicant have anything to add to this? What our discussion just … come forward, certainly. Just please speak your name. And before you talk I'd like to swear you in please.

Green: Sure. Okay.

Gordon: Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Green Yes sir.

Gordon: Okay, would you like to address Commissioner Kaiser's concern?

Green Sure. Steve Green. I would just like to say the reason behind the non-landscaping sir, was not to necessarily avoid it. But what the purpose of the yard is, is basically to try to get more yard space for the storage of stuff. The landscaping being that it would more than intently be behind the fence because of the fence going to the property line, I don't know if it would provide a great benefit to beautifying anything. That was the only reason why not. The other reason is he doesn't intend to have any water ran to the storage unit itself. So now having to do landscaping would require a water meter, etc, and everything else. So technically that was the reasoning behind not doing that. It really wasn't to try to avoid making things prettier. I think that was the intention behind it. So I just wanted to clarify. So that's why I'm not so sure landscaping is going to help much. Now there was a ponding provided and he does intend to lay down flat cover in there, you'll see there's a note that said gravel, he will gravel the yard, to help keep the dust and maintain the dust down from trucks and stuff going inside there. So that was really it.

Kaiser: Thank you. That's helpful. I'm wondering if, and I don't know if this is the venue for this, but I mean perhaps there's a compromise here. I mean perhaps bringing the wall in a couple of feet from Chiquita Avenue and doing some simple landscaping along there, I think is a fair ask here. I mean gravel is great, but what does gravel do? My dogs roll around in the gravel in my yard all the time and they're filthy, they're covered in dust. I mean it doesn't really do anything. It's not providing any mutual benefit.
here. So I think, I don't know if that's something that the applicant is willing to entertain. But I think just throwing the book out the window. Why do we have the book then? I mean I understand the purpose of the infill, but I also think there needs to be some discussion about what is the bar to where we can see these things. I mean no offense to the applicant, but I just don't see how a storage shed is really providing any additional value here, at least not to the extent where we have to throw everything out the window, because we're so desperate to develop this property. That's just my perspective.

Gordon: Commissioner Guerrero.

Guerrero: I actually absolutely agree with that. You know I think when we were discussing you know last year the Elevate Las Cruces and talking about infilling, I mean at some point, I mean to me infilling means you know like more housing or means more businesses or you know parks, stuff like that, not necessarily storage shed. Not that, I mean storage is definitely needed, but it can't be that needed where we have it everywhere. So I completely agree with that. Just wanted to throw that out there just for consideration of everyone.

Gordon: Is there anyone from the public who would like to speak? All right. Seeing none. Then I guess we have to take a vote on this.

I guess we’re going to have to find if someone, any Commissioner wants to make an amendment to this, I would assume in this case adding that additional condition.

Kaiser: Yes, so I may need staff's help here. But I'd like to motion to approve this application, but requiring the landscape. I guess ... what was it?

So I guess I'll make a motion to approve with conditions as listed in the staff report numbers one through three, and in addition adding the landscape requirements that are outlined in the development code.

Bennett: I'll second.

Gordon: I have a question for counsel. If we vote no, if the majority votes no, that sort of kills the whole item. So can you come back with a second vote without the amended condition?

Cabello: Yes. If you kill the amendment, you can do a second vote for without the amendment.

Gordon: All right. I think there’s going to be some discussion with Mr. Banegas and the representative. I want to make sure we get this correct.
Banegas: Mr. Chairman, Commissioner Kaiser. In talking with the applicant, they'd be willing to move the fence inward towards the property and landscape the first 15 feet.

Green Agreeable.

Kaiser: Yes, I think that's more than fair.

Green That way we don't (inaudible).

Gordon: All right, then I think we need a motion to, with this, to add this condition specific to what the applicant has just said about moving the fence and then putting in the landscaping. Is that correct? Moving the fence 15 feet back and putting the landscaping on the street side.

Green That's correct.

Gordon: Does that satisfy you?

Kaiser: Yes it does.

Gordon: I guess I've been advised that we really then have to withdraw the motion to approve this item and make a new motion with the condition that the applicant has agreed to.

Banegas: Mr. Chairman, Commissioner Kaiser. Correct me if I'm wrong, but what I'm hearing is that the three conditions that are up on screen still pertain and that you're adding a condition regarding landscaping for the placement of the front fence, 15 feet back from the property and within that first 15 feet that landscaping be installed in that area.

Kaiser: That's correct.

Gordon: Counsel. You want to add something?

Cabello: Commission. No, I had, I didn't think there was a second on the first motion, but I'm wrong. I'm wrong. Okay, there was. Never mind.

Gordon: Okay, then I think we need now a motion to approve item number two I guess it is, with the addition of this additional condition.

Kaiser: Okay, so I'm making another motion here that we're going to approve with the conditions listed in the staff report numbers one through three, and adding a condition to require a 15 foot landscape buffer between the wall fence and Chiquita Avenue.
Gordon: Do I have a second on that?

Bennett: I'll second.

Baum: Board Member Smith.

Smith: Yes, based on staff recommendation.

Baum: Board Member Kaiser.

Kaiser: Yes, based on staff recommendation and the applicant's willingness to compromise tonight.

Baum: Board Member Bennett.

Bennett: Yes, based on site survey, staff recommendation, and the conversation today.

Baum: Board Member Guerrero.

Guerrero: Yes, based on staff recommendation, as well as just the conversation today with the applicant.

Baum: Chair Gordon.

Gordon: I vote yes, based on staff recommendations, the additional condition, the Elevate Las Cruces, and the use finally of another piece of land infill.

8. OLD BUSINESS

8.1 510 S. Telshor Sign Variance: A request for a variance to Chapter 36 of the City of Las Cruces Municipal Codes, as amended, for a freestanding sign to allow one freestanding sign along a controlled access street and apply the applicable height and size standards associated with a principal arterial, E. Lohman. The applicant is also requesting a variance of +/− 5'3" to the required 15-foot front setback for a freestanding sign. Direct access to business is off Mesilla Valley Mall Drive, a private roadway. Submitted by PDG Prestige Inc, property owner. Council District 3 (21VO0500131)

Gordon: All right. Now we can go on to old business. I guess item number one. We have a presentation from staff.

H-Rogers: We do. Katherine Harrison Rogers with staff. This particular item is a variance to the sign code for a sign proposed at 510 South Telshor. If you recall this had been advertised last month but was pulled in order to
accommodate essentially an additional variance that we discovered during the review.

So I'm going to talk about what's being proposed. We do have another sign variance for the adjacent property, as they work somewhat like a business center. And that will be discussed later on under new business. This particular site is currently under development. If you've driven by you will have seen that it's been actively undergoing site development. And now there's a building that is well under construction for a commercial enterprise, a future restaurant. It's a little over two acres. Something that's unique about this building is that it has frontage along East Loman Avenue, is accessed via Telshor and through an internal local private road which is known as Mall Drive. It's essentially that ring road that circles the mall that we all probably know if we've actually gone to the mall to shop.

It is zoned C-3 which is commercial high intensity and completely appropriate for the use that's being constructed at that location. Here's a picture, I've listed both properties as they are somewhat working in conjunction. 510 is this larger property right here. You can see that this is the mall property where I'm swinging my cursor. And the other property that we will be discussing a little later in the evening is 550.

Here's an aerial. These were relatively new, I think done last month, so you can actually see the building that is currently under construction right here. And I'm going to talk about what the allowed signage is at the site and what's being proposed on the site. And then I'll go back to those pictures and highlight generally the area of where they would like to place a sign. So this particular property is limited to one freestanding sign along its primary access, which is Mall Drive, which is a private local road. They can't utilize the standards for a controlled access roadway, which is East Lohman. Because it's controlled by the New Mexico DOT they can't actually get any sort of driveway off of East Lohman. Under these circumstances, the maximum height is 30 feet, maximum size of the sign is 150 square feet, and the minimum setbacks are 10 in the front, and five on the sides. The variance being requested is to actually utilize the sign provisions for East Lohman, which is a principal arterial. So this would apply the height and the size standards and the location for this particular sign along East Lohman. That would be a maximum height of 30 feet, so no change there. A maximum size of 200 square feet. But I would like to point out that this particular sign isn't going anywhere near that, it's only 110 square feet according to the site plan that we do have. And they would like to actually utilize a setback of nine feet, nine inches. Normally for the standard front setback at this location it would be 15 feet, but there is an additional request to deviate from that.
So here is the property in question. You can see that the sign location is located near Lohman Avenue. Here’s a close up of essentially that sign in the setback, you can see with my cursor right here. And then the sign itself, this is just a visual and elevation so you can see the freestanding sign and that the copy area would be what I’m highlighting here with my cursor.

I’m going to go back to the aerial just to give you a sense of where that might be located. So generally, of course here’s the building, and it’s located around here. As you will notice, there is a significant drainage area along Lohman. And there is a significant elevation difference. One of the reasons that they’re interested in having a reduced setback towards the front is simply to address some of those issues having to do with the distancing because of the topography and elevations, as well as that drainage area and the edge of pavement.

In terms of public notice and input, this was sent to staff to all the applicable reviewing departments for review. All of those departments did support the request. There was a recommended condition, I will go over that in a moment. And notice was also sent to surrounding properties Prior to the P&Z meeting of both February 22nd, as well as the March 22nd meeting tonight. We have received no public input on this at all.

There are some specific criteria for decisions outside of the normal ones that this board normally considers as part of a request specific to variances. One being a physical hardship relative to the property in question, the potential for spurring economic development either at a neighborhood or a regional level, and then monetary considerations relative to the options available to meet the stated objectives of the applicant. I would like to point out not all of these criteria have to be met, only one. And in this case during staff’s review, we did feel as though two of these criteria were met. And I outlined that also in the staff report.

This evening staff is recommending conditional approval of this particular variance, specifically because this really is a unique site in terms of its access and some of the other conditions on the property or adjacent to the property. We do feel as though the request for these particular variances do meet the criteria for decisions as described in the staff report and then outlined in Article II Section 3810 J of the zoning code. The condition is really specific to how the sign is constructed. If you had an opportunity to visit the site, there is a significant wall that is being constructed. And one of the issues is to ensure that the footing of that sign essentially is not going to have negative effects on that wall that is retaining a significant amount of fill. And so that is something that we would determine through our permitting process, and our engineers would look at closely along with their design professionals. So if there are any questions, I’m happy to
answer that. There is a representative from PDG Development also available to answer any questions about the proposal.

Gordon: All right. Thank you Katherine. I just, I don’t know if any of the members of the Commission at this point were here, I think it was maybe two years ago, when this item was first approved by the Commission, this piece of property. And we approved it and then it was a tremendous conflict with the mall owners as to the use of the Mall Drive. But eventually they came to some agreement and this project is going forward. So I think it’s going to be a sleep store, a restaurant, and I don’t know what else is going in there at the moment. But anyway, is there anyone from the Commission has any questions? Commissioner Kaiser.

Kaiser: Just a quick clarification. So what we’re approving tonight is the sign as proposed, or the full allowance of what they could do based on the sign ordinance?

H-Rogers: So the way the report was written is essentially to be able to utilize the criteria as outlined for a principal arterial, and to allow that freestanding sign along that controlled access roadway. However, if you would like to limit it to the sign as designed in terms of 110 square feet, the height, which I believe is, it may be 30 or 29 I’d have to double check, you can do that as well. But the way the report was written was just simply to apply those criteria.

Kaiser: Thank you.

Gordon: I do have a request though Katherine. It’s nothing to do with the principles we’re talking about. But what we do get out of staff, it was simply impossible to read the dimensions of this. I don’t know if it could have been done any better. But even with a magnifying glass I couldn’t see how big or how high or how anything was. But you’ve explained it to us. All right is there any, does the applicant wish to make any comments? All right. Seeing none. Is there any questions or any comments for someone from the public who’d like to speak on this item? All right. Seeing none. Then I guess we can have a vote. I need a motion then to approve item number one under old business.

H-Rogers: Just for clarification, point of order; I would recommend adopting that condition as well.

Gordon: All right then …

Bennett: I make a motion to approve case number one with the condition outlined in the staff report.
Guerrero: And I'll second it.

Baum: Board Member Smith.

Smith: Yes, based on site visit and staff recommendation

Baum: Board Member Kaiser.

Kaiser: Yes, based on staff recommendation

Baum: Board Member Bennett.

Bennett: Yes, based on site survey and staff recommendation.

Baum: Board Member Guerrero.

Guerrero: Yes, based on staff recommendation and it just makes sense to have a sign there.

Baum: Chair Gordon.

Gordon: I vote yes based on staff recommendation and our discussion. All right. We have five zero

8.2 3999 Bataan Memorial West Zone Change Request: A zone change request for a multi-zoned 28-acre parcel from R-2 (Multi-Dwelling Low Density), C-2 (Commercial Medium Intensity) and M-1/M-2 (Industrial Standards) to R-2 (Multi-Dwelling Low Density), C-3 (Commercial High Intensity) and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity). The property is generally located on the north side of Bataan Memorial West between McGuffey Street and Monte Sol Street. Submitted by Kent Thurston, property owner. Council District 5 (21ZO0500141)

Gordon: All right, then we can move on to item number two under old business. Katherine who's doing that one?

H-Rogers: Okay, I'm going to turn this over to Vincent.

Gordon: Okay.

Banegas: Mr. Chairman, Commissioners. Vincent Banegas, Interim Planner. This case involves property located on Bataan Memorial West. It involves the rezoning of property. It's a single property with three different zoning designations upon it. It is currently R-2, C-2, and M-1/M-2. R-2 again, is our multifamily low density residential district. C-2 is our commercial
medium intensity district. And M-1/M-2 is our industrial standard district. They’re looking to maintain the R-2 portion as is, so that does not change. The C-2 piece goes to C-3, and that’s for conversion purposes to make it compliant with current code. And then the M-1/M-2 designation, they’re looking to what we call pancake or slash zone it and add C-3 to it. And this is case 21ZO00500141.

So current conditions, property as addressed is 3999 Bataan Memorial West. It is a 28 plus or minus acre vacant multi zone parcel, as I indicated I won’t bore you with the zones again. But I do want to let you know that the breakdown of acreage is as follows, roughly four acres is R-2, 14.6 acres is currently zoned C-2, and the remnant portion which is 9.4 acres is M-1/M-2. Now, the current zoning, just to repeat for the C-2 portion, and I'll show you a map here in a second, is going from C-2 to C-3 brings it into compliance with current code. There is a cap on the maximum lot size for C-2 zoned properties at present. It is one acre cap. And because the C-2 as indicated is over 14 acres, we have a nonconforming district for part of that property. So going to C-3 is what staff refers to as a conversion zone and would make it a compliant portion.

So here's a map showing the subject parcel outlined in red. You have McGuffey Street located on the east side of the property. You’ve got Bataan Memorial West located on the south. Right up against the property on the west side you have Tayvis Estates up in here. And then I believe it's Monte Sombra subdivision, you have various residential, single-family style development on the north side of the property. You do have interesting zoning here, H zone, probably a holdover from the annexation that occurred, which probably brought in this piece. There were two annexations actually that affected the subject parcel and maybe this was one of them, I didn't find out enough about it. But nonetheless, you do have some port-a-potty type business, maintenance business here. And I believe what appeared to be a small, very small kind of mobile home park in here. There were some mobile homes on the property and it was more than one, so I'm not quite sure what all is going. The H zone designation is a holding zone. It was usually used to put a holding place on property on the zoning of property upon annexation when the applicant or the property owner did not know what they were going to use the property for. So when this property if it ever changed use, that H should go away and become whatever’s applicable given the land uses on the tract of land. But regardless, this is the outline, you've got your M-1/M-2 shown in this light purple at least according to those screens, the C-2 in the middle, and the R-2 up top here.

Here's an aerial view of the same parcel. You do see various roadways Monte Sol Street dead ending right, kind of at the northwest corner of the
property. McGuffey Street providing obvious access there, and Bataan
Memorial West as well.

So the proposal is again to rezone, maintaining the R-2 piece as is,
converting the C-2 to C-3, that was more of a staff request to bring about
compliance with that segment. And to add a C-3 component to the
existing M-1/M-2 M zoning on the southernmost portion of the property.
Roughly speaking 66%, if you consider the R-2 piece remaining intact, and
basically the C-2 go to C-3 uses, basically 66% of the entire parcel
remains intact from a land use perspective. So nothing immense is
changing in terms of land use. It brings about compliance to that C-2
zone, and in pancaking the C-3 on top of the M-1/M-2 M staff feels that it
allows for greater development flexibility, potentially allowing for uses that
are more congruous to the surrounding the development and
neighborhood, as opposed to just your strict application of M-1/M-2. In
that M-1/M-2 you can have certain commercial uses, they're far more
limited than what you would find in the C-2/C-3 district, but by adding C-3
then that opens that up.

It also sets in motion a proposed, and I believe I got this right, the term
"build for rent" style of development. It's a residential style of
development. I won't steal too much of the thunder, we got Mike Clement
in the audience who's the representative for the applicant. He'd like to
speak on the proposal that they have in mind for this property. But
nonetheless, it has the look and feel of some of the residential
neighborhoods that we see around town. But it is geared towards the
renter market as I understand it. There are some amenities that are being
proposed, ball courts, community buildings, etc. Based on a proposal that
they shared with staff some time ago, it's certainly the concept that was
presented, certainly seemed very nice, a very nice fit to what is around it.

And I'd like to emphasize also that with little effort, the applicant would be
able to accomplish today what is being set in motion for the near future.
So with the R-2 and C-2 district they could virtually do what they want to
do. They may have to either seek a nonconforming certificate for that C-2
piece or subdivide into one acre lots with shared access etc, in order to
make the vision a reality, but it could be done.

I just show this for illustrative purposes, information purposes. This is
what they shared with us. I don't have all the details of this, Mike will be
able to better inform you as to the configurations and what's going on
here. But this in essence is the R-2 piece. And what you see here for the
most part is the C-2 zoned portion at present. This in here is the M-1/M-2.
So I'm sorry I had to orient that in this horizontal position as opposed to
north being up, but in order to make it a little larger for us to see I had to
do that.
Some photos just have the property, nothing exciting about it. It's vacant at present. There are some billboards located along the frontage road, Bataan Memorial, but this is looking west at the intersection McGuffey and Bataan. This is looking due north from Bataan Memorial West and this little set of homes etc, is the eastern most edge if you will of Tayvis Estates. This is McGuffey looking southwest, again vacant. You begin to see some of the residential development on the north. And this is Monte Sol roadway here were it dead ends into the applicant's property in this area. This was that holding zone property that I was referencing earlier. I didn't take a picture of it but nonetheless it is located there.

So in terms of analysis, Commissioners, staff did not find any health, safety, or welfare related items of concern. The proposed zoning districts would provide compatibility with the existing uses that are surrounding the subject property and within the adjacent neighborhoods. The property is within the suburban place type as per Elevate Las Cruces. The Comprehensive Plan encourages mixed use and low to moderate residential densities, which I think the applicant's representative will illustrate for you in a second. And it aligns the nonconforming C-2 district by going to C-3 pursuant to the Zoning Code. Now this case was noticed if you will twice. It was to be brought forward I believe it was last month. And so we sent out notice to the surrounding property owners. And at that time staff received considerable notice, I know myself I must have received at least 20, maybe even 25 phone calls. Some were just inquisitive type of calls asking what was being proposed. A lot wanted to know more about the exact proposal, what they're looking to build, etc, which I think tonight the representative can help answer. And very few were actually opposed. Most of the calls that seemed to go in terms of an opposition direction, once I explained to them the zoning and how that worked, and certainly what is in place today, and what is being requested for the future in terms of allowable development, they begin to understand that you know what is being proposed could be a good thing for them as opposed to something that's considered nightmarish, if you will.

But for this meeting notice was sent out to surrounding properties once again. And this time around, believe it or not, staff did not receive any input, I did not, and I'm not aware of anyone else receiving any substantial input at all. So it appears as if the applicant, I know they've been in contact with some of the surrounding property owners. I know residents of Tayvis Estates, Kent Thurston indicated to me that he had met with some of those folks. And I think he allayed some of the fears that they may have had.

So staff recommendation is approval based on the findings. The proposal maintains approximately 66% of the uses authorized under the existing
zoning code through this request. This conversion to C-2 to C-3 is really a staff initiative to make it a compliant zoning district within the context of this property. And that the addition of C-3 atop the M-1/M-2 allows greater development flexibility, allowing potential development that's more in keeping with the surrounding neighborhood. And the proposed development, which again is conceptual, and we must keep in mind that we're not approving the development per se, we're approving the zoning. But what they will show you at least in concept stage is compatible with the residential uses in the vicinity and certainly with the suburban neighborhood placed type identified in our comprehensive plan. And regarding the Comprehensive Plan there were several goals, policies, and actions that supported this request, certainly in line with the purpose and intent of the 2001 Zoning Code and the criteria for decisions in our Municipal Code.

So your options here this evening, Mr. Chair, Commissioners, are to vote "yes" and approve the request as stated, vote "no" to deny it, you will have to provide additional information or findings not presented this evening by staff. You can vote "yes" with conditions, or vote to table. And that concludes staff's presentation Mr. Chair. And I'll stand for questions.

Gordon: All right. Thank you. Does anybody from the Commission have any questions? I have one question.

Banegas: Yes sir.

Gordon: The only access to this property will be off of McGuffey? Does it take two … go back to that. There it is.

Banegas: Yes.

Gordon: Looks like three.

Banegas: Mr. Chairman. So yes what they're showing here and I would assume this hasn't changed, Mike can certainly speak to that, but what I'm seeing here is definite direct access often McGuffey. If they are to seek future access off of Bataan Memorial that'll have to be vetted through the New Mexico Highway Department.

Gordon: That would go to the DOT.

AUDIENCE MEMBER SPEAKING, NOT AT THE MICROPHONE.

Gordon: Right. All right. Since there are no other questions. Does the applicant have anything he liked to add? Please come forward. State your name and let me swear you in.
Banegas: Mr. Chairman. He's got some slides to show as well.

Gordon: Okay, well, first, please state your name and then let me swear you in.

Clement: Yes. Mike Clement.

Gordon: All right. Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Clement: Yes I do.

Gordon: Then go ahead. Thank you.

Clement: Okay. Thank you. Okay. My name is Mike Clement. I'm with Property Design from Phoenix and I am part of the development team. And actually we're excited to be here. We hope to be bringing you good tidings of joy. The housing development director has brought to our attention you've got a shortage of about 5,600 ... Thank you. You've got a shortage of about 5,600 rental units, not to mention single-family for sale units here in the community. And we hope to be a part solution in doing so. So, before I start my slides, I want to thank Mr. Banegas, what he said was very correct in kind of posturing our project, what we're proposing to do, and I think you'll see that it is a very exciting proposal. So let me just go through that. I hope not to, just click thank you, repeat too much of what he had to share. But let me just kind of go through this. Here's the parcel again, it's 28 acres in total that's involved with this case. You can see how it's postured. Some of the key points of access are going to be of course it has all this frontage on Bataan Memorial West. The primary axis is going to be from McGuffey Street. Given that the right-of-way is one way directional only along the Bataan Memorial West, and of course, Sonoma Ranch Boulevard will be an important point for bringing future residents to the site.

As mentioned, the current zoning is an R-2, a C-2 and M-1/M-2. And I might mention there's an error on this slide where I have put C-2 as commercial medium, it really should be, and that is correct. I stand corrected of what I was going to correct. But that is within, and what we really are doing is we're not doing anything with the R-2, but we are going to fix a problem with the existing zoning that was actually created many years ago, a couple decades ago, that hasn't been addressed. So what we really have in place is illegal nonconforming use of sorts in that we can, as was mentioned, continue with the project. But in the course of putting this together and going to show you here actually what prompted us to come forward with this request, to make it more conducive with
what's in place in terms of zoning, and actually more compatible with the neighborhood.

So as you can see, you've already seen this slide, there are multiple colors. There's the R-2, we're not doing anything with that. We have the C-2 zoning element, and then also the M-1/M-2 down here along the freeway. What I want to bring to your attention is you'll see how the color slide points up in this direction. So here's the thing, as we were starting to put our proposal together for the design elements of this community, we discovered we've got a natural barrier across the property, it's called El Paso Electric power line. There's not much we can do with that. And if you look closely here, you're going to see there's a little bit of pink on this side of the line, which is where the bulk of our project will be. And again, I know we're not here to talk about the project, but the project that will be discussed at council meeting, assume we get a favorable vote from you this evening, we'll get into more detail. And what we are telling you here tonight is this M-1/M-2 piece that has all the frontage, that is not consideration. We're not doing anything with that. Our real focus in coming here is to get in a position that we can better present a project to fit this gap right there.

So that's the thing, we've got this power line which is a national barrier and we wanted to address that. As you can see here, we have an overlay of the project right there where the zoning line is right now, you can see where the power line is running, it's marked in blue. And then we've got this little sliver of area which was causing some problems for the project. And so it suggested, well let's just go ahead and clean up the zoning. Let's go ahead and change out the C-2 with the C-3 which as was mentioned is the conversion zoning that Las Cruces is using, and therefore everything would comply. We'll put it also on this portion, but again we're not doing anything with this portion of the property, the M-1/M-2.

These items were already stated as to why this rezone is warranted. I'm not sure I need to redo that again other than the fact it's fixing a problem. While it's a nonconforming use right now, what we're proposing, because we did not create the problem, it was something that was never fixed. But we're very happy to go ahead and bring it current so everything aligns. It really is in support of the Elevate Las Cruces Comprehensive Plan, as was discussed. And so we are excited about that. And hopefully help at some point here fix, or at least help fix the shortage of housing opportunities we have in the community.

So let me tell you a little bit about the project. Again, if the vote tonight is favorable we will be talking about this in some more detail when we go before Council in a few weeks. The portion that we're concerned with right
now is about 18 acres. We're looking to do about 210, and we're doing, it's still in the conceptual stage, so we are working with this, it fluctuates a little bit. But right now approximately 210 rental homes. Our density is going to be a very mild density. I might mention that the R-2 zoning that we're not touching allows up to 15 units per acre. I might mention also that the zoning with the commercial that's already in place allows a density of a minimum of 10 units per acre up to 40. And so nothing really changes. So our overall density is very much in compliance with the zoning categories that are currently in use, and even those that are proposed after this change.

Okay, the project. So what will it look like? Yes, you've heard a lot of buzz in the news about build for rents. I mean it's kind of the thing in the country. Phoenix is ground zero for build for rent. It started about 10 years ago. I happen to be part of the project, when the first one came to town. I'm also a commercial real estate appraiser by trade. I was involved and got involved with the whole thing. And the rest is history as they say. There are approximately now in Phoenix in this property type, roughly 5,600 units that have been built. And they're about 6,000 more that are in the process. We have roughly 11,000 units that have built of this type that we're bringing here to Las Cruces, which is really a great thing.

So backing up a little bit here, hit the wrong button. What we're proposing to bring to you would be these detached and attached units. They're basically single and twin homes, mostly one stories, some will be two story. But the key thing about what's happening here, as opposed to an apartment community where you have people above and around and below sometimes, that isn't what happens. In these communities, these build for rent little communities, and these homes are sometimes referred to as casitas or villas and some are bungalows. Still, they're all about the same. Everybody's going to get their own little yard. They're very pet friendly. Consequently, they have doggie doors, which is a big thing. By the way, we have been here doing some due diligence work in Las Cruces, and believe it or not in the multifamily sector almost everybody wants a dog. And what are you going to do with a dog? I mean the idea of having your little private yards is phenomenal. I can tell you in Phoenix these types of projects are so popular they're basically fully leased before we even build them. And we hope the same thing happens here. And who knows, we may be bringing a whole lot more as time progresses.

So in this particular project, there'll be one bedrooms, two bedrooms, and even some three bedrooms. They'll be one story, single or two story twin homes. It's a gated community. Resort style amenities. We'll have these little paseos. So when you look on this site plan right here, it kind of gives it away, we're creating all of these little green areas are literally going to be green with grass. I know we have a community right here. We've got the
Tayvis Estates, well they're actually getting an extremely nice buffer of green space here. We are putting a dog park there. We're putting pickleball courts here, but it'll be very green. We'll have another picnic area up in this area, and other amenities along it. In between them we're putting in these paseos where you see that they're green. And again this is conceptual, the site plan is still in modification stage, but it'll in the end still look very similar to this. So this is a real good thing coming your way.

Gordon: Excuse me. Before you leave that site.

Clement: Yes.

Gordon: Just go back one screen. What are all these little yellow things down on the bottom? They garages?

Clement: Those?

Gordon: Yes.

Clement: Houses.

Gordon: Those are houses.

Clement: Yes.

Gordon: Okay. Thank you.

Clement: I know it's pretty hard to tell. So yes, so what we have here, these are single detached homes, and those little brown things you see there is where you literally get the park there. Now some have garages, some do not, these ones right here do not, but will have detached garage units nearby if they choose to rent one they can. Some of the units, which would be these ones here, these are basically two story twin homes. They will have at least one garage or a garage and a half, plus there will be parking in between them so be very convenient. These ones along here, literally are two bedroom, two bath little homes. In the next slide you'll see what they're going to look like. Does that answer your question?

Gordon: Yes.

Clement: Thank you. So if I might also mention, I had referred earlier that there will be another passage of access. Right now as you see here, this is our primary access. The community will be gated. There'll be an access here. It will align with what fire is expecting. Now, what'll also happen here, we have Monte Sol, as you saw earlier that kind of continues on. Right now there's a fence there kind of dead ends sort of. And there's a
dirt path that kind of continues along here. As proposed, we're not intending to continue that on through by the way to Bataan Memorial. And actually it will become a secondary access, so those coming off of Sonoma can literally come right over, come in and out, but it'll be gated. So it'll be an in and out and help circulate in the project. So there'll be multiple points of ingress and egress.

So this will give you some idea of elevations that are coming. Here you see the clubhouse. And then this shows you what a little two bedroom, two bath detached home looks like. So that little patch of those little colored ones along the long way, this is what they are, a lot of these little homes. They literally are. And then here is a design element for the twin home. As you can see there are two bedrooms and three bedrooms. And then also what we have here is the one bedroom, one bath single story and it'll be functioning as a twin home. Some of the elements again are listened here that we'll be bringing. And we can talk more about this as we move along. Secured gated entrance, clubhouse, fitness center, pool of course, pickleball courts, walking areas, ramadas, barbecues. It'll be bicycle friendly. That is important to us. The dog park. I cannot tell you again how important this is. I mean Las Cruces loves its pets. That's become very clear to us. In terms of the homes themselves, they're going to be smart homes. So you're going to have the technology. You'll have an app for those that choose to use. It'll allow them to access the project through the gate. They'll be able to control, they'll be able to use their doorbell. They will have control of the thermostat and other elements of the project. The other thing I might mention is Amazon, we'll have drop box there and it'll be app controlled. So literally you get a delivery and you'll get a prompt on your app that you can go pick up at your mailbox.

Again one thing, and I don't have a floor plan to show you, but with the pandemic there has been a change, a massive change, and this is not new news to any of us, where people are now traveling all over, you don't necessarily for a lot of occupations have to stay locally. Consequently, and people are choosing to work at home. We're putting work at home elements. So basically it's a little office in our homes. For those that choose not to do that, it'll be very accommodating if you might well to a (inaudible) room with a door, you can put your pet in, they have their own bedroom if you will, or an exercise area. So it's really a nice little amenity that's coming.

As far as the ceiling heights, they're 10 feet ground floor, nine foot in our two story, twins will be nine, so there's a lot of height and they feel very spacious. It is a very important element that we have found in Phoenix. And of course, we will be charging, these will be adaptable to charging units for electric cars, because as we know that is the thing on the horizon.
So if I can show you some elevations here very quickly, perspectives if you will. These are just renderings. I wish to say that they were already built because they would be already occupied. I really believe it's going to happen that quickly. But this will give you an idea. This will look, when you get the clusters together, this is what the access will look like to the various homes. You can see some of the design elements and how the parking will be. This was a view from the dog park area looking towards the homes and such. Here you can see what the twin homes, the two stories will have, will look like. And here's one of the little paseos in between them, it runs the length of the project, which will be a nice place for kids to play or for the pet to run or for just even a nice walk. It will create a sense of openness in the project.

In terms of points of view, I wanted to let you know that there is a great deal of separation that's going on. In this particular line of sight illustration here, this would be a neighboring home on the neighboring project, and this would be the closest wall of a unit that we will be building in this community. And the location is happening right here on the site plan is where you see this, so if there's a home right there, if you follow my cursor, and you're looking over the fence, we're looking at roughly 44 feet. So there's a great separation there. We even have a larger separation planned at this point between the Tayvis Estates community and the nearest home. They were going to be up in this area. This is where the clubhouse if you will, right there, and if you see looking like that, this would be the Tayvis community over here, their walkway, and this would be the closest home, of this one, we're showing it with a two story unit. That separation is approximately 200 feet. You're not going to find that in any other subdivision of a (inaudible). So we're being very sensitive to the neighbors and bringing them something that they can enjoy, that fits, it's accommodating, fits into the nature of character of the community. Granted with a C-2 that's already there, could do so many different things. But that's not the direction we're going. So I believe that's it. I don't know if you have any questions, but I would be happy to answer them if so at this point.

Gordon: All right, is there anybody from the Commission who would like to ask a question? All right. Seeing none. Is there anybody from the public who'd like to speak? Just simply raise your hand so I know how many. One, two, three. All right. So we'll go back to, the lady in the, you were first. You put your hand up. Yes. You can come forward, please. Will you please state your name and then let me swear you in.

Reese: My name is Carolyn Reese.

Gordon: Thank you. Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?
Reese: I do.

Gordon: Go ahead. Thank you.

Reese: I don't know how appropriate this is but I have a few questions. If I understood his description, the light yellow is single story homes. Is that correct?

Gordon: I think the representative of this project should come forward and answer some of these questions.

Reese: So yes, the light yellow on the outskirts is single story homes.

Clement: So these are all single stories here.

Reese: And then the inners…

Clement: Those are single stories and these right here will be the two stories, the twin homes.

Reese: So this is two story.

Clement: That's two stories. That's single …

Reese: What is to the right of that?

Clement: This right here?

Reese: To the right of that.

Clement: Right over here.

Reese: Yes.

Clement: Okay, we're going to have these homes right here. They're still single story twin, one bedroom homes.

Reese: And that's the same on the northern part as well.

Clement: That is correct. So only these ones right here in the center corridors.

Reese: Okay.

Clement: Are two story twin homes.
Reese: I got it. So if you go by the zoning they can build a maximum of 660 dwellings on the rezone that they're asking for. I understand that this is their proposal, but this is not guaranteed. But let's just go with their proposal. 210 rental units. That's 210 cars. That's going to go through the Monet Sombra subdivision if the people are coming from Las Cruces. So there's two streets, Monte Sombra and then the one they're talking about extending and I don't know the name of it. Currently, I live in that subdivision. I've had people pass me on Monte Sombra on that street going home from work. Since they built the houses on the northeast of that subdivision, we have more traffic going through on Monte Sombra. I wonder if there could be a traffic study done maybe to determine the amount of traffic before we agree to building 202 more homes. I'm sorry, I'm very nervous. 202 more homes with 202 more cars to go through that subdivision.

They talk about extra access but McGuffey is a two way street. Bataan is one way. So the traffic will have to either come off of Sonoma or go down to the Monte Vista, Mesa Grande exit, come back up the frontage road and then go on to McGuffey. If we already have extra traffic going through because of the northeast subdivisions that have been built, northeast of us, we're definitely going to have people coming through off of Sonoma. In fact, he even said that that was one of the main access points. So I guess my objection really centers around access and the increased traffic. I am of the understanding that some of the other housing, the people that live on Monte Sombra have asked the City for speed bumps to slow the traffic down. I've seen those signs that show you how fast you're going being placed there periodically. So we already know traffic is an issue. So I would like the council please consider the traffic issue associated with this plan.

Gordon: All right. Thank you. Thank you. Those are all very good concerns, and I understand what you, how you feel. But those items that you're talking about, right now we're just going to be talking and either approve or not approve the zone change.

Reese: Right.

Gordon: But if it is approved or not approved, I will discuss that later, you will have the opportunity if this project goes through to come back and discuss these items that you have talked about.

Reese: Okay. So if I understand it, if you approve the zoning change, you're approving up to 600. Right.

Gordon: No we're not. All we're doing is approving a zone change. The applicant will have to come back to the Commission with a design as to what he's
going to put in here and the Commission will then have the ability to approve or not approve.

Reese: Okay, but the allowance of the zone change is for up to 600. Right

Gordon: No. We’re just changing the zone. That’s all they’re doing. They’re not, we’re not telling you how many units we’re going to put in there.

Reese: No, but the zone allows for that possibility, the zone change.

Gordon: Mr. Banegas. Behind you.

Banegas: Mr. Chairman, Commissioners. The zoning of the C-2 piece at present allows up to 40 dwelling units per acre. And the R-2 allows up to 15 dwelling units per acre. I could do the math.

Reese: Do the math.

Banegas: Okay.

Reese: So it’s actually 660. That would be possible if the zone change.

Baum: Could you speak into the microphone?

Reese: I’m sorry. It’s actual 660 that would be possible should the zoning change go through. So this isn’t guaranteed from what I understand. So the zone change would allow for the option or the possibility of that many units. That’s my objection.

Gordon: Mr. Banegas. Is she correct? Just to answer her question.

Banegas: Yes, Mr. Chairman. Let me just check on the acreage here. Let me do my math. Hold on.

Reese: See I rounded it down.

Banegas: Yes, so that’s 584 dwelling units for the C-2 portion at present. And 15 times, yes and 60 for the R-2 piece.

Reese: So we’re talking about 600.

Banegas: Yes, about that.

Gordon: Thank you. Does that answer your question then? That confirms what you’re thinking?
Reese: It confirms what I'm thinking, so.

Gordon: Okay.

Reese: I just want to make sure that my understanding is that if you approve this that could happen.


H-Rogers: Mr. Chair. I would like to point out under the current zoning, those numbers are identical. Am I looking at, and Vince, yes you're correct. So regardless, if you approve the zoning change or not, they can still develop at that density. It's not changing that.

Gordon: And that, isn't that what I just said? I said yes. Okay.

Banegas: Yes, Mr. Chairman. The C-2, whether it stays C-2 or C-3, the numbers of housing units remains the same.

Gordon: Okay. But we are going for a zone change.

Banegas: That's correct. Zone change only. And to clarify a point that you raised assuming that they are not going to be requesting any variance or anything that would otherwise require any special consideration, they would go right to permit if they receive zone change approval at the Council level.

Gordon: All right. Thank you. Is there someone else in the back who wished to speak? Would you come forward, please? Will you please state your name and let me swear you in?

Tomczak: My name is Ann Tomczak. I'm a resident of Tayvis Estates.

Gordon: All right. Do swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Tomczak: I do.

Gordon: All right. Go ahead. Thank you.

Tomczak: I actually had a question for the gentleman. When you showed the screen there.

Gordon: You're going to have to speak into the microphone because she's taking, this is for the record.
Tomczak: This site two for Tayvis Estates.

Clement: Tell me when to stop.

Tomczak: Sorry.

Clement: I'm back …

Tomczak: You showed the houses.

Clement: You want me to show the houses? Oh, the slide of view.

Tomczak: The site number two, yes.

Clement: This one?

Tomczak: That on, yes. I purchased.

Baum: I really need you to speak into the microphone.

Tomczak: I'm sorry.

Baum: Thank you.

Tomczak: I apologize. I purchased a lot there about four years ago. And I'm in love with the Organ Mountains. I come from the East Coast. And it's a beautiful City. I love it here. What I'd like to know is because I bought a premium lot, will my view be obstructed? Will there be an obstruction from me seeing the lovely Organ Mountains?

Clement: You will still, excuse me, yes, you will still be able to see you lovely Organ Mountains. Now you may see other improvements as you're looking into your lovely mountains. But no, you will still be able to see them. These are two story, they're not three. They could be massive, but they're not.

Tomczak: Okay. And one last question. I was hoping to find out what the timeline if - I'm jumping ahead. I apologize. From the time that the company gets the approval to start building, what, how long of a timeline between, with all the phases? Phase one, two, and three?

Clement: That's an excellent question. It will take us approximately six to nine months to do site work. And then, Kent shout out, how long do you think it's going to take to build these 210 units? And then I'll repeat your answer. It depends. That's a good answer. Let me tell you what happens in Phoenix. If we were doing this in Phoenix, you would be looking from start to finish about three years. So in reality, if he's really as good as he
keeps telling me he is in building it, maybe a little faster, but we'll just give him the benefit case

Tomczak: Thank you so much..

Gordon: Okay. Was there a gentleman in the back who wished to speak? All right, would you please come forward? Will you please state your name and let me swear you in?

Connor: Kevin Connor.

Gordon: Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under the penalty of law?

Connor: I do.

Gordon: Go ahead. Thank you.

Connor: I guess this might not be the right time. Because again it's, this is just a zoning change. But when you get into approving the design and the layout of this, is there going to be another meeting or how does this work?

Gordon: Yes, tonight we're just going to either approve or not approve the zoning change.

Connor: Okay.

Gordon: It will then have to go to City Council.

Connor: Okay.

Gordon: If, depends on how the vote goes here and there.

Connor: Okay.

Gordon: If it is eventually approved, then they'll have to come back with all this other information that you people are …

Connor: Okay.

Gordon: About the site plan.

Connor: Yes.

Gordon: All right Vince I'm sorry.
Banegas: Mr. Chair, Commissioners. Tonight's approval is recommending approval of the zone change to City Council. Assuming City Council approves it, the applicant would go straight to permitting. So they wouldn't have to come back to this Commission for any site approvals unless there's some variances or things of that nature that need to be considered. They're not subdividing the land. They're basically developing in phases on the track that was presented.

Gordon: But if they do come back with anything, they may have to come back to Planning and Zoning.

Banegas: Yes, if there's variances to be considered, or maybe they, you know if they want to pursue some type of Planned Unit Development, site plan or something like that, but the word that I got is the next step would be permit.

Gordon: But what they're showing us is just conceptual.

Banegas: That's correct.

Gordon: All right. Is there anyone else?

Connor: I'm not finished.

Gordon: Okay. I'm sorry.

Connor: Yes, if it's conceptual, then we don't really know what's going to end up. And you're going to prove something that we don't really know what?

Gordon: We're not here tonight to approve anything of that nature. We're just here to approve or not approve the zoning change.

Connor: Okay.

Gordon: Yes sir.

Clement: Yes, I was just discussing the matter with this line of sight with my team members, and they wanted me to clarify, let me show you here right this. That this perspective, while correct may not necessarily be this point of view right here. So because it's going to vary. So let me restate that it could be up to 200 feet rather than as an absolute. And the comment was, or the question was made, will I be able to see my mountains? And I just wanted to reiterate, you will. But it doesn't matter what we put there. You're going to also see in your, anyone would see other things besides
the mountains in that view. The whole goal here on our part as you can
see is to make it green as lush as possible and a great amenity for all
residents in the area. So thank you.

Gordon: Is there anyone else? Yes sir, come forward please. Again, please state
your name and let me swear you in.

Zielie: My name is Jack Zielie.

Gordon: Do you swear or affirm that the testimony you're about to give is the truth
and nothing but the truth under penalty of law?

Zielie: I do.

Gordon: Thank you. Go ahead.

Zielie: I'm a resident of Tayvis Estates. And I think this proposal sounds beautiful
and just wonderful. But just to me common sense it seems like you're
putting the cart before the horse. Why would you approve a zoning
change based on the possibility? They might, once they get the zoning
change and they can propose something totally different. Or if something
C-3 there's a, from what I understand, there's a number of things that can
go on a C-3 approval. So it seems like the cart is being put before the
horse. You're basically approving their plan, or you're approving a zoning
change based on what they might do. Seems like you would wait till they
want, till they propose a development then do the zoning change. There's
a ton of things you're going to put on it. This lady that was talking about
the traffic, it's going to be unbelievable, the traffic that goes through their
neighborhood there, especially if you're that one street, that it's not
McGuffey but the other street. I mean to funnel those cars through there
is just, I mean unbelievable really. So I just want to make a comment. I
just think that this is way ahead of it. That should wait till this proposal for
the development before you approve a zoning change. Thank you.

Gordon: All right. Thank you. Was there someone else who raised their hand?
Yes sir. Okay, and please you state your name and let me swear you in

Mamerow: George Mamerow.

Gordon: Do you swear or affirm that the testimony you're about to give is the truth
and nothing but the truth under penalty of law?

Mamerow: Yes I do.

Gordon: Go ahead. Thank you.
Mamerow: And my questions are going to be premature because I know that this development is not necessarily what's going to be concluded after final approvals and permits are done. But I also had a real concern about the access. I know there's an access, ingress and egress on McGuffey but the other one I was not clear of in previous presentation on how that was going to be opened up or how I was going to run. I know it was going to connect to Sonoma Ranch in some way.

But I was also wondering in looking at the pictures of the dwellings, the yellow buildings, well that one isn't up there now, but the small yellow buildings that run probably 90% of the total length of the property line there. I don't see in looking at the pictures of the dwellings, and they're lovely dwellings, but I don't see any garages on any of those. And I don't see any ability to accommodate cars being parked on the outside. Now maybe I'm misinterpreting how this is laid out. But I'm concerned that there's going to be adequate parking for all of these homes that are in here. And I don't see where it's provided for now. I know it's not Mr. Thurston's responsibility to have a final plan here. But I just wanted to mention that. And I had one other concern. And I'm afraid as this brain gets old and solidified, it doesn't function well and I can't remember what it was. So that's it.

Gordon: All right. Thank you. You have another, you'd like to add something to that?

Clement: No, I was just going to respond to a question. And by the way that was a good concern, where are they going to park and I don't see any garages. That is a characteristic of this concept. If you will go back, and if I may use Phoenix since that's where the, that is the heart of all of this. In many and say most of these projects, none of the units have garages. It's all covered, or they'll have detached, so it's optional. We're actually far exceeding that in the fact that all of these two stories will each have a garage and a garage and a half actually. Plus we're bringing in detached garages to share amongst those who don't want them. If you look at the communities here that are say multifamily oriented that have garages, not everyone gets a garage. But I'm going to tell you not everybody wants a garage. This is a market rate project you know and it would come with an additional fee for that use. Our allowance for total garages far exceeds anything that is being offered in metro Phoenix for the same product type.

Gordon: All right. Thank you. Does anyone on the Commission have any questions or any comments? Commissioner Guerrero.

Guerrero: Yes. Thank you so much for bringing this forth. You know as discussed, there is definitely a crisis as far as rental and just housing in general. I actually live really close to this area. I live on the other side of the Monte,
not Monte Sombra but across, there's a neighborhood across, called, gosh
what's my neighborhood called, Sierra Norte. So I know the area really,
really well because I drive there on occasion. The street Monte Sol, I
mean I get it, it's a small street. I just, my only concern and I don't really
think it's a concern, it's probably not something we need to bring up right
now because we're just doing rezoning. But where the access point is in
McGuffey, is fairly close to where Bataan Memorial sits. So I don't know if
that's necessarily the best point of access. It might create some
bottlenecking for sure. I mean that whole area because there's so much
development being built, I mean, you have Metro Verde, and you have like
Metro Park, and Metro, blah, blah, blah, whatever. Whatever they're
calling them these days. There is a really, really high amount of traffic,
especially in the mornings, especially you know, 5:30, six o'clock. So
again I know we're not voting on this tonight. It's just something to
consider for whenever you guys do your, put your plants together. That's
all I had.


Kaiser: Yes, some similar I guess comments after staff confirmed that this is the
sort of the, well aside from City Council, this is the last stop before they
move to the building permanent phase. So I guess my question is, we've
got you know some concerns about traffic, though regardless of whether
or not this rezone goes through, they have the ability to build out most of
these units right now. So, but that doesn't mitigate the impact that would
occur. So I guess for staff, I mean what do we have? I know we just
passed the Complete Streets ordinance. What sorts of improvements
would this development trigger moving forward to address some of these
traffic concerns, particularly on McGuffey Road? Though I do just want to
say I appreciate the traffic circle inside the development.

Banegas: Mr. Chairman, Commissioner Kaiser. I was going to bring this up because
it's come up regarding traffic, but one of the reviewing staff from
transportation approved the zone change submittal, upon review with the
following contingencies, number one was a TIA would be required prior to
development. And I think that would take into consideration whatever was
submitted for development, you know they would take a look at anticipated
traffic and require the developer to submit a TIA to address impacts
accordingly. They've also submitted some information in that traffic circle,
one of the main entrances to the development that they're proposing. I
know it's conceptual, but they welcomed the allowance of City transit to
have a route that actually went into the development. And so much so
that they asked that a 35 foot bus to make sure that that radius was
adequate enough to accommodate that. So they're, at least from the
perspective of potential transportation related issues and improvements,
they're looking at you know transit as a means to facilitate access to the
property and transportation measures to the property. But staff's also recognizing that there could be impacts and they need that study in order to determine how best to address those concerns. Staff has not seen any, this is more than I recall seeing. I think we got a cursory, very cursory review of the concept. So until we see something more substantial, we wouldn't be able to go any further in terms of comment on that.

Kaiser: Understand. Thank you for that explanation. On that transit I idea, I mean I think it's great. Is this currently on a transit line? Does the bus currently run by this?

Banegas: Mr. Chairman, Commissioner Kaiser. I believe so Transit actually did comment and provide input, they'd like to see a bus pull out alongside that main access road where the circle is, and so they're already considering that. So I would have to assume yes,

Kaiser: That's really great to hear. I guess my last comment would just be encouraging the applicant to find and leave room for other connectivity to that commercial, the remaining commercial site, the M-1/M-2, C-3, if this does get approved. I think that would also address some of the traffic concerns here. I mean, gated communities are by definition exclusionary, so you know if you don't include additional access, specifically pedestrian access, for future development there, no matter what you do, if it's a shopping center, or anything like that, you're going to be requiring all these people that live in this development to essentially get in their cars, generate additional traffic, literally to go back around their house. So I'd just considered the, or encourage the applicant to look at opportunities to do that within this concept of a gated community. But I'm encouraged to hear about the conversations ongoing about transit.

Gordon: Any further comments?

Smith: Yes. I have one comment/question. I know traffic seems to be a point of issue with the residents of Tayvis Estates. And just looking at the possibility of Monte Sol Street. I know it terminates along that Northwestern boundary. Has the developer looked very closely at that possibility of extending through that, a roadway through that property to alleviate some of the traffic concerns? I know just in reading this that you know right now it's not anticipated, but it appears that that may be something that may have to be seriously considered if this project is going to not have a really big impact on traffic in and around this development.

Gordon: I noticed there's a gentleman here who wants to speak. Sir, I didn't see your hand before but you're welcome to come up. If you will please state your name and let me swear you in.
O'Neill: My name is Chaplain Scott O'Neill. I'm public safety chaplain. And it's just a passing comment. It's not an objection but it's a concern. That McGuffey is a pretty dangerous street where I see people that are speeding, and it's a real safety concern of mine, because I do a lot of calls out that aren't pleasant. And I'm just concerned about the traffic from a public safety concern. Because even myself and my wife, we walk along McGuffey all the time and there's a lot of foot traffic there, I don't know how that's going to be impacted. That's just a question and a concern. Thank you.

Gordon: All right. Thank you. Is there anyone else? Any further comments from the Commission? I'm sorry. Please, you have to state your name. And I have to swear you in also.

Thurston: Kent Thurston.

Gordon: All right. Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Thurston: Yes. I just wanted to clarify a couple little things. So today we're just asking for the zone change from C-2 to C-3. And then also the pancake zone on the front to add the additional C-3. A lot of the discussion right now was having to do with a lot of TIA, what are we doing with some of the buildings? What's the future development of it? I know some of the concerns were this was just a conceptual drawing right now. And what can you do in the future? What if we don't approve it? What if we do approve it, what happens?

And so say worst case scenario, you know that we don't get approved. And that's okay, I just wanted to, I would hope we would get approved, but a couple of things on C-2 that you currently can do on here. Let me see if I can, says a hospital. So any hospital that I've seen lately is fairly tall, and brings a lot of traffic. And so going from C-2 to C-3, you're still being able to put a hospital on C-3, you're still able to put a hospital in C-2. So the discussion going back and forth of how's it going to impact us, right? How's it going to impact the City going from C-2 to C-3? The zoning difference really isn't going to, in my views it's not that big of a change from C-2 to C-3, other than the ability to instead of carve it up into one acre pieces and still accomplish the same thing. It's really to be able to leave it as one block, which is easier for the City to maintain, it's easier for us to put you know one parcel in there together. So that's kind of one of the bigger reasons of going from C-2 to C-3. The ability to put high density in there is existing, right. So if we wanted to go in today and put very high density housing, other things like that, it's permissible in the way that we would do it.
Now, going through the process, we've gone through the processes of building things, you do have staff that will grill us to death. Okay, so we do have to provide TIAs, all of the questions that you've asked, your staff does ask all of those and in greater detail. So we do go through all of that. What are you going to do with the sidewalks? What are you going to do with the traffic? What are you doing with sewer? What are you doing with the drainage? What are you doing with, you know how, how are we going to help the new transit going to come in? So all of those discussions do happen at the next step. So if it gets passed today from a C-2 to C-3, still know that it's not just like, hey the developer can now go do willy-nilly whatever he wants. We still get grilled left and right, right, we still go through the big process of having to get all of the things approved through staff. So it still happens. We still follow all the code. Other things like that have to happen.

So going from C-2 to C-3 really on the front portion helps it out, in my opinion on the City. I know the M-1/M-2 you can end up putting you know car, like auto body shops, other things like that, the open yards, there's, you can really do industrial complexes out there that's permissible by code. So you could throw the chain link fences and other things like that and just have a basically a junkyard out there on the beginning of it. So but now you don't have that much opportunity to do commercial on the front end of that. So by zoning M-1/M-2, and adding that conditional C-3 to it, it really does allow the flexibility of being able to have the possibility of maybe some restaurants, maybe some other things like that in that area that aren't so eyesores to the area.

Our intent is to come in here. So we tried to show a little bit of our intent of what we will do with it. And so with a neighborhood right behind us, and then being the owner of it, we would also try to beautify the front end of Bataan Memorial. So we wouldn't want something really ugly right there beside us anyways as well. So that's kind of one of the clarifications. Just wanted to show that C-3 is really adding the flexibility, adding the ability to make it a prettier landscape, prettier buildings, and things like that instead of the M-1/M-2 that is currently zoned that way.

And then once again, just to reiterate the C-2 to C-3, the abilities in C-2 C-3 are fairly, pretty close. If I think staff can agree to that being the abilities of C-2 to C-3 is pretty much the same, other than we're able to do a bigger chunk of it instead of having to break it down into one acre. That's it.

Gordon:  Okay, thank you. Now, is there anyone else? Sir, you'd like to come back? I'll let you speak again. But I think this should be it.

Mamerow: And the question that I forgot to ask ...
Gordon: Please, please, please just repeat your name for.

Mamerow: George Mamerow.

Gordon: All right. You've always been sworn in. Go ahead.

Mamerow: Yes. Are the billboards that are they're coming down? I was just, okay. Because we were hopeful. I would much rather look at Mr. Thurston's property development than those billboards.

Gordon: Okay. Ma'am, do you have anything in addition or are you just going to repeat? Okay, come again. But this just a couple, just a minute and that's it. Just repeat your name for the record, and you've already been sworn in.

Reese: My name is Carolyn Reese. And if I understand it correctly, going from C-2 to C-3 means that he doesn't have to use one acre plots, he can use it as all one big chunk of property. And if you use it as one acre plots, that decreases the number of houses, traffic, and everything that's there. That's the reason for going from C-2 to C-3 is so you can get more density. And if I'm wrong, I would like to know.

Banegas: Mr. Chairman, Members of Commission. If you carve out C-2 property into one acre lots, you potentially have less density. I think the density that was shown here is already much less than what could be, not that we're approving that. But nonetheless you do have setbacks to contend with on each one acre lot, how much that impacts overall density until we laid it out and calculated it out, we really wouldn't know. Versus an entire tract of C-3 you know you have the outermost edges to contend with in terms of setbacks, not every one acre segment thereof.

H-Rogers: Mr. Chair. If I could point out, I'm just going to add to some of what Mr. Banegas stated. Some of the things to note is C-2 properties can have zero setbacks on the sides, and can also share facilities such as access, parking, landscaping, if it works as a cohesive unit. So I did want to point that out. So Vince is right, we have no idea if there would really be a significant decrease in the ability to develop it at this density.

Gordon: All right. Thank you Katherine. All right, before we vote on this though, I would like to let everyone know that this will have to go to City Council at their next meeting I believe, or whenever they do take up this item. If we approve this tonight, the public, the residents who are here this evening will have the right to appeal that decision to City Council. You will have the right to go there. So I would suggest that if we do approve this, that you speak to Mr. Banegas or, to find out what is the procedure for doing that. And you can take it from there. And the converse also works, if we
do not approve it you have the right, the developer, to go to City Council.
So with that, I think that we might be ready for a vote. I know. I want to
make sure nobody else has anything to say. All right I need a motion
please.

Kaiser: I will motion to approve this application for a zone change per staff's
recommendation.

Smith: I second

Baum: Board Member Smith.

Smith: Yes, it meets a staff recommendation and also it's in harmony with
neighborhood compatibility and also the character of the neighborhood.

Baum: Board Member Kaiser.

Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
Cruces.

Baum: Board Member Bennett.

Bennett: Yes, based on staff recommendation, this meets Elevate Las Cruces, and
the purpose and intent of the code.

Baum: Board Member Guerrero.

Guerrero: Yes, again based on staff recommendations, as well as Elevate Las
Cruces and also just the need for additional housing.

Baum: Chair Gordon.

Gordon: I vote yes, based on staff recommendations, it complies with Elevate Las
Cruces, our discussion this evening and my site visit.

9. NEW BUSINESS

9.1 550 S. Telshor Sign Variance: A request for a variance to Chapter 36 of
the City of Las Cruces Municipal Code, as amended, for a freestanding
sign. The request is for a variance of +/- 3 feet 10 inches to the required
5-foot side setback for a freestanding sign along a local roadway.
Submitted by PDG Prestige Inc. property owner. Council District 3
(21VO0500132)

Gordon: All right, with that we can go to the last item on the agenda, which is new
business. Let's see.
H-Rogers: Mr Chair, Members of Commission. Katherine Harrison-Rogers with staff. As I had mentioned earlier that we would be returning to South Telshor and the properties that were interested in having sign variances. This address in particular is 550 South Telshor. And the request for this is different than what was requested on the adjacent property to the east. Currently, this this property is vacant. This one does not have a building currently under construction, but the site is being developed. It's a little over one acre. It too has frontage along east Lohman and Mall Drive. Again is also accessed from Mall Drive via South Telshor Boulevard, and is zoned C-3, commercial high intensity.

Again, these are the properties in question. This one in particular is 550. You can see that it is what we call a flag lot, whereby the frontage along Mall Drive is actually just this itty bitty little 20 foot, what we'd call the flagpole, right here. These two properties do share an access easement between the lot lines. There's also a shared driveway that is planned to be placed, again between these two properties. You can see in a little bit more detail generally how this looks. I'm sorry that these lot lines are in black so that they are hard to see, but you can see that flagpole generally where I am circling my cursor. It should be noted that Mall Drive of course runs adjacent right here. And there is a drainage structure essentially to the southwest that serves the mall property.

As currently sits, one freestanding sign is allowed along the primary access, which is Mall Drive, which is again that private local road. Maximum height of 30 feet, maximum size of 100 square feet, with minimum setbacks of 10 in the front and five on the sides. I would like to point out that the staff report did have a typo that indicated that the size would be limited to 150 square feet per code. It's actually 100 square feet, and my apologizes for that typo, but I did want to point that out. What is being requested specifically this evening is actually to deviate simply from the side setback. And that would be a deviation of three feet, 10 inches for a side setback of one foot, two inches. And ultimately that's to allow the sign at the location it would normally be allowed in, with just that slight deviation to the setback simply because they can't place it inside of the access easement, nor would there be room for a driveway at that location.

Here are some general site plans. You can see this is the location that we're speaking of. This is the property in question. This funny wedge shaped piece again is the adjacent drainage for the mall. Here's a close up of where you can see it's 10 feet away from the property line. But again, the sign would be placed close to the edge of the property near that drainage area and really wouldn't impact anything but that drainage area in terms of visuals. Nothing will ever be, at least the way this is
constructed with drainage, there won’t be any plans for any sort of commercial building at that location.

Here’s just a picture of the sign itself, very compatible with the sign that we saw earlier. They are proposing a smaller sign face than what is allowed by code, only 57 feet by this particular site plan. Again, staff did send reviews to all applicable departments to look at this sign variance.

Notice was also sent to surrounding properties prior to this meeting. We received no input from the public on this. And all the departments did review this and didn’t indicate that there were any issues associated with the placement of the sign at that location. Again, in addition to the normal criteria that the board reviews for decisions, there are also criteria specific to variances. Again, a physical hardship, the potential for spurting economic development, and then monetary considerations. As with the first one, because of the unique site features associated with these staff is recommending approval based on these particular criteria. We do feel as though it does meet the physical hardship based on the very narrow frontage, the fact that it’s encumbered by that access easement and the shared driveway that really do limit the location of that sign along that frontage. Also, we feel as though the ability to essentially develop this long vacant property and advertise it and direct traffic that are internal on that Mall Drive to businesses within, would essentially help spur economic development, at least at that neighborhood level.

Staff is recommending approval with the findings that were outlined in the staff report. And of course, your options this evening are to vote "yes," to vote "no," "yes" with conditions, or to table. And we do have the applicant’s representative here if there any questions of the applicant on this. And so with that, I’d be happy to answer any questions.

Gordon: Thank you. Are there any questions from the Commission? Is there anyone from the public? How about from the applicant, does he wish to speak? He or she? If not, is anybody from the public? Okay, in that case, I guess we can … I need a motion then.

Guerrero: I make a motion to approve this item. With, wait, hold on, can we, are we doing, I'm just really confused about this one. Yes. Sorry. This new business. Case number one.

Bennett: I second.

Baum: Board Member Smith.

Smith: Yes, based on staff recommendation.
Baum: Board Member Kaiser.
Kaiser: Yes, based on staff recommendation.
Baum: Board Member Bennett.
Bennett: Yes, based on staff recommendation.
Baum: Board Member Guerrero.
Guerrero: Yes, based on staff recommendations as well.
Baum: Chair Gordon.
Gordon: Yes, based on staff recommendations. All right. Thank you for going over the item.

10. COMMISSION COMMENTARY

Gordon: Is there any comments from the Commission this evening on anything other than what we've been discussing?

11. STAFF ANNOUNCEMENTS

Gordon: Are there any staff announcements?
Weir: Mr. Chairman. David Weir, with the Community Development Department. I just wanted to make the Commission aware, staff has been requested to provide a technical advisory committee to the Realize Las Cruces. If you recall that's the update to all of our development codes. It's been a request of certain interested parties and advocacy groups. Just wanted to make the Commission aware of that. Staff has drafted a Technical Advisory Committee for the Council to consider appointing. The way it's structured right now is it would be a 15 member committee, it would be individuals that are involved with development, the financing, title, neighborhood representatives, etc. They would be recommendations of appointments from the six City Councilors. It's been drafted they would appoint two, then the mayor would appoint three to make that, and the mayor would endorse all the recommendations. Basically, it's an additional public engagement and oversight into that process. Just wanted to make the Commission aware of that. And if you felt that that would be a good thing your endorsement would be appreciated, but it's not an official action or anything. Staff is going to go forward with that, but we did also want to make you aware of that and get any input that you may have.
Gordon: Well, I certainly will endorse it. I think that we need somebody to get this done. It's been a long time in process. As far as I'm concerned it's fine with me. Commissioner Kaiser.

Kaiser: Is there any I guess structured breakdown in who the representatives are on that committee?

Weir: Mr. Chairman and Commissioner Kaiser. There is a general oversight of who to draw from, but then it would be up to the recommendation of the City Councilors themselves. I would think one strategy they could take would be to have somebody from the development community and someone as a neighborhood rep or a business representative to be their other ones to balance the perspective on that. And then as I said, the Mayor would have to endorse all of those going forward.

Kaiser: Yes, I guess that would be my recommendation to ensure that there's some sort of equal representation of all, as many voices as you can get with 15 people.

Weir: Mr. Chairman and Commissioner Kaiser. We drafted it so there could be the widest spectrum as possible from viewpoints and perspectives. Like I said we also, it's been drafted as a Technical Advisory Committee, so it's not advocating it's just their professional or representative experience that they would bring to the process.

Kaiser: Yes, I just, I don't want to see it overwhelmingly filled by the development community. I think there need to be different voices, different perspectives, people with different backgrounds. So that's just my recommendation.

Gordon: Anyone else?

12. ADJOURNMENT (8:15)

Gordon: If that's the case, I will entertain a motion to adjourn.

Smith: I motion that we adjourn.

Kaiser: I'll second.

Gordon: All in favor.

MOTION PASSES UNANIMOUSLY.

Gordon: All right, it's 8:15. We are adjourned.
Chairperson