



# City of Las Cruces<sup>®</sup>

## Planning and Zoning Commission Agenda

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

9.1. Progress Report On The Land Development Code Rewrite Known As Realize Las Cruces.

10. Commission Commentary

11. Staff Announcements

12. Adjournment

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Posted: April 6, 2022

1 **PLANNING AND ZONING COMMISSION**  
2 **FOR THE**  
3 **CITY OF LAS CRUCES**  
4 **City Council Chambers**  
5 **MARCH 22, 2022 at 6:00 p.m.**  
6

7 **BOARD MEMBERS PRESENT:**

8 Harvey Gordon, Chair  
9 Luis Armando Guerrero, Vice-Chair  
10 Scott Kaiser, Secretary  
11 James Bennett, Member  
12 Enrico Smith, Member  
13

14 **BOARD MEMBERS ABSENT:**

15 Vanessa Vega, Member  
16

17 **STAFF PRESENT:**

18 David Weir, Deputy Director Community Planning  
19 Katherine Harrison-Rogers, Senior Planner  
20 Vincent Banegas, Interim Planner  
21 John Castillo, CLC Planner  
22 Roberto Cabrillo, CLC Deputy City Attorney  
23 Adrian Guzman, CLC Communications  
24 Becky Baum, Recording Secretary, RC Creations, LLC  
25

26 **1. CALL TO ORDER (6:00)**  
27

28 Gordon: Good evening and welcome to the March 22, 2022 meeting of the  
29 Planning and Zoning Commission. The time is 6:00 p.m. Let me call this  
30 meeting to order. First I need a motion to approve the agenda, please.  
31

32 Bennett: So, I would like to make an amendment to the minutes.  
33

34 Gordon: No, I want to approve the agenda first.  
35

36 Bennett: Okay. All right.  
37

38 Gordon: Just give me a motion. Just give me a motion.  
39

40 Bennett: I make a motion to approve the agenda.  
41

42 Kaiser: I'll second.  
43

44 Gordon: Becky.  
45

46 Baum: Board Member Smith.

1  
2 Smith: Yes.  
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4 Baum: Board Member Kaiser.  
5  
6 Kaiser: Yes.  
7  
8 Baum: Board Member Bennett.  
9  
10 Bennett: Yes.  
11  
12 Baum: Chair Gordon.  
13  
14 Gordon: Yes.  
15  
16 Baum: Thank you.  
17  
18 Gordon: Okay. Before we start though I would like to just say something. LaVonne  
19 Muniz has resigned as a Commissioner for the Planning and Zoning  
20 Commission. And I would like to thank her but she's not here, I hope that  
21 she's watching, for all those years of service that she gave to us. She  
22 contributed greatly and we're going to miss her. She also did a great job  
23 as Secretary. So LaVonne, thank you very much. And those members of  
24 Commission who were here when she was here, I'm sure will agree with  
25 what I've just said.

26  
27 **2. CONFLICT OF INTEREST**  
28

29 Gordon: All right, first of all is there any conflict of interest? No. Seeing none.  
30

31 **3. ELECTION OF SECRETARY**  
32

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

35  
36 Smith: I motion that Scott Kaiser be nominated for Secretary.  
37

38 Bennett: I'll second.  
39

40 Gordon: Okay. Becky, please.  
41

42 Baum: Board Member Smith.  
43

44 Smith: Yes.  
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46 Baum: Board Member Kaiser.

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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.

1 Baum: Thank you.

2  
3 **5. POSTPONEMENTS**  
4

5 **5.1 Camino Hills Subdivision Master Plan:** A request for a master plan  
6 known as Camino Hills Subdivision. The proposed subdivision  
7 encompasses 10.954 +/- acres, is currently zoned R-1a (Single-Family  
8 Medium Density) and is located northeast of El Camino Real and west of  
9 Spitz St. The subdivision proposes 52 single-family residential lots and  
10 multiple tracts dedicated for drainage. The proposed subdivision with  
11 provide four internal roadways that will provide access to Spitz St. and  
12 Hanson Ave. Submitted by Steve Calderazzo, representative. Council  
13 District 1 (22CS0500012)  
14

15 **5.2 Camino Hills Subdivision Preliminary Plat:** A request for a preliminary  
16 plat known as Camino Hills Subdivision. The proposed subdivision  
17 encompasses 10.954 +/- acres, is currently zoned R-1a (Single-Family  
18 Medium Density) and located northeast of El Camino Real and west of  
19 Spitz St. The subdivision proposed 52 single-family residential lots and  
20 multiple tracts dedicated for drainage. The proposed subdivision will  
21 provide four internal roadways that will provide access to Spitz St. and  
22 Hanson Ave. Submitted by Steve Calderazzo, representative. Council  
23 District 1 (21DS0500069)  
24

25 Gordon: All right now on the agenda there are two items, one and two, which have  
26 been indicated as a postponement. I assume that this will probably be at  
27 the next meeting. There was not enough information available that we  
28 could have acted on these two items.  
29

30 **6. PUBLIC PARTICIPATION**  
31

32 Gordon: All right. Is there anyone in the audience this evening who has anything  
33 they'd like to say that is not on the agenda this evening? All right. Seeing  
34 none. Take care of that.  
35

36 **7. CONSENT AGENDA**  
37

38 **7.1 725 McClure Road Non-Administrative Replat:** A non-administrative  
39 replat knowns as October Sky Subdivision to replat the one existing lot,  
40 zoned R-1a (Single-Family Medium Density), into two new lots, one for  
41 residential purposes and the other will be purchased by the City of Las  
42 Cruces to utilize for drainage. Council District 1 (21CS0500128)  
43

44 Gordon: All right, now the consent agenda. Is there anybody on the Commission  
45 has any item that he wished to take interest in?  
46

1 Kaiser: Chairman. I'd like to pull the second item on the consent agenda for  
2 discussion. That's the infill development request, that 1225 Chiquita  
3 Avenue.  
4  
5 Gordon: All right, if we can get a motion to do that, please.  
6  
7 Kaiser: I'll motion to pull item two from the consent agenda for discussion.  
8  
9 Bennett: I'll second.  
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11 Baum: Board Member Smith.  
12  
13 Smith: Yes.  
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15 Baum: Board Member Kaiser.  
16  
17 Kaiser: Yes.  
18  
19 Baum: Board Member Bennett.  
20  
21 Bennett: Yes.  
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23 Baum: Board Member Guerrero.  
24  
25 Guerrero: Yes.  
26  
27 Baum: Chair Gordon.  
28  
29 Gordon: Yes.  
30  
31 Baum: Thank you.  
32  
33 Gordon: All right, in that case then we assume that item number one is approved  
34 for consent and we will deal with item number two. Commissioner Mr.  
35 Fraser. Commissioner Fraser item number two.  
36  
37 Kaiser: Kaiser.  
38  
39 Gordon: Kaiser, I'm sorry.  
40  
41 Kaiser: I'm sorry. Yes, that's correct. Pulling item number two.  
42  
43 Gordon: Okay. Please address your concerns.  
44  
45 H-Rogers: Chair. If I could just point out that we do still need to vote on the  
46 remaining item on the consent agenda. So just vote on the consent  
47



1 agenda as a yes. So you voted on pulling item number two, but now you  
2 need to vote on the consent agenda as a whole. So that would approve  
3 number one.

4  
5 Gordon: Okay. Then I need that motion please.

6  
7 Bennett: I make a motion to approve the consent agenda.

8  
9 Guerrero: I'll second it.

10  
11 Baum: Board Member Smith.

12  
13 Smith: Yes.

14  
15 Baum: Board Member Kaiser.

16  
17 Kaiser: Yes.

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19 Baum: Board Member Bennett.

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21 Bennett: Yes.

22  
23 Baum: Board Member Guerrero.

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25 Guerrero: Yes.

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27 Baum: Chair Gordon.

28  
29 Gordon: Yes.

30  
31 Baum: Thank you.

32  
33 **1225 Chiquita Ave. Infill Development Request:** A proposed zone change  
34 request from R-1a (Single Family Medium Density) to O-2 (Office, Professional-  
35 Limited Retail) on a property encompassing 1.33 ± acres. The subject property is  
36 located on northeast corner of Griggs Avenue and Walnut Street (2225 E Griggs  
37 Ave). The zone change request seeks to increase development of commercial  
38 office land use and bring the property into compliance with the 2001 Zoning Code  
39 as, amended. Submitted by JAL Properties, Owner. Council District 5  
40 (21ZO0500020)

41  
42 Gordon: Okay. Now Commissioner Kaiser.

43  
44 Kaiser: Forgive me, but is staff willing to provide a presentation on this before I  
45 jump into my questions and concerns?  
46

1 Banegas: Chair Gordon, Commissioner Kaiser. Yes. Vincent Banegas. I've got a  
2 full presentation if you'd like to hear that.

3  
4 Kaiser: That I would appreciate that. I don't know if other members of the  
5 Commission would.

6  
7 Banegas: Mr. Chair. Were you going to leave it as the first item for consideration or  
8 move it to new business.?

9  
10 Gordon: Well, we can deal with it now.

11  
12 Banegas: Okay. Vincent Banegas Interim Planner. Mr. Chairman, Commissioners.  
13 Good evening. This is an Infill Development Process request, located at  
14 1225 Chiquita Avenue. The use as proposed is basically a contractor's  
15 building for warehousing of items that they use, storage of items they use  
16 and of course the occasional vehicle storage in the yard.

17  
18 The current conditions of the property are as follows, approximately 75  
19 feet from the intersection of Chiquita Avenue and Santa Fe Street sits the  
20 subject property. It is currently zoned C-2 which is our commercial  
21 medium intensity district. And it does involve two lots, lots 22 and 23. A  
22 blockade of Cox's First Subdivision 117. They are both vacant at this  
23 point in time and will both be developed if the IDP gets approved this  
24 evening.

25  
26 The property sit within the infill development boundary. And because they  
27 are underutilized within said boundary the are qualifying parcels for IDP  
28 consideration. The combined acreage of both sits at roughly 0.158 acres  
29 or 6,900 square feet. This map is a zoning map showing the location of  
30 the parcel. Chiquita Avenue is located here where the pointer is moving.  
31 The subject parcel is outlined in red, sits in the C-2 zone as does several  
32 other properties both north and south. To the west of the subject location  
33 you do have a variety of other, not only uses, but you have a couple of  
34 different zones both R-2 which is our multifamily low density residential  
35 zone, and then our R-3 which is our multifamily medium density residential  
36 zone. You have a mixture of uses in here both single-family located along  
37 the south side of Chiquita in certain spots and locations. You also have  
38 some service industry, car repair, transmission repair, things of that sort  
39 on fronting parcels along Solano. Immediately east of the subject location  
40 is where a previous IDP, exactly the same type of request came forward in  
41 2019. It was ultimately approved by the Commission. And again it seeks  
42 the same, if not probably 98% of the same variables as we have here this  
43 evening for this particular request. Immediately west of the subject  
44 property you have, I believe it's a distribution center or collection center for  
45 Habitat for Humanity, some of their materials are stored there, etc. And

1 then as indicated some multifamily elsewhere along the west side of Santa  
2 Fe Street.

3  
4 Here's an aerial map further illustrating some of the uses. Again, this is  
5 Habitat for Humanity property. You've got the service type uses here,  
6 automobile related, transmission, etc., and then a mixture of housing  
7 further west and further south.

8  
9 So the proposal breaks down as follows, basically, they are wanting to  
10 construct a building that will house the contractor office, small office,  
11 majority of it will be storage, as well as the yard for the placement of some  
12 of their vehicles, etc, overnight. And then of course they would either  
13 drive there, pick those up and take them on site, etc. But there are  
14 several deviations that are part of this proposal.

15  
16 Number one, when I wrote the report there was a request to utilize the two  
17 properties as they sit today, meaning they would not be requesting to  
18 replat the two into one property. I've talked with the applicant's  
19 representative before this meeting, they're willing to replat that so that's  
20 less of an issue. That is one of the conditions that staff placed on  
21 recommending approval of this case. And I'll get to that later in the  
22 presentation. Ultimately, though, you have what amounts to a 3,100  
23 square foot deviation to a minimum 10,000 square foot lot size for a C-2  
24 zoning parcel. In every zoning code or zoning district however rather you  
25 have minimum lot sizes and in certain instances maximum lot sizes. So in  
26 this case, it's 3,100 square feet to the minimum of 10,000 that's required  
27 of the C-2 zone. And you also have an 8.46 foot deviation to the minimum  
28 60 foot lot width. So when you combine those two properties together, the  
29 minimum width has to be 60 feet and it's just shy of that by 8.46 feet.  
30 There's a minimum rear yard setback and a deviation of five feet to that.  
31 And a request to provide no road improvements along Chiquita. Chiquita  
32 is a City roadway. It's an unimproved roadway, has no paving surface, no  
33 curb and gutter, no sidewalk. And so there are some triggers in the codes  
34 that may require improvements to Chiquita under different circumstances,  
35 and I'll get to those in a little bit. But nonetheless, in the design standards  
36 at minimum, there is some language that talks to requiring access to the  
37 nearest improved street, which in this case would be Santa Fe Street and  
38 it would be a paved access.

39  
40 There's also a request to allow compacted gravel or crusher fines in lieu of  
41 the asphalt, concrete, or other suitable surfacing to not only minimize dust  
42 but for parking on the property for the use in question. And there's a  
43 request to not be required to install landscaping as per Article IV of the  
44 Las Cruces Design Standards.

1 This is a layout or a site plan showing the proposed parcel. It's showing it  
2 as a combined element, and the proposed building is shaded out. The  
3 setbacks are shown accordingly, five foot on the sides. This other eastern  
4 side has a bit more, about eight feet, a little over eight feet, so that would  
5 comply. Your front setback is well in hand at 25. And the rear, that's part  
6 of what the request is to allow a five foot deviation. I rounded it a little bit  
7 so I just used the whole number of five for that deviation. Chiquita Avenue  
8 is located here. So technically going back to that design standards issue,  
9 they would have to provide a local roadway, what amounts to a local  
10 roadway or paved surface from this location out to Santa Fe which is  
11 further on the west side.  
12

13 In terms of analyzing the proposal, staff did not feel this is necessarily out  
14 of character with the immediate area, surrounding area, neighborhood. I  
15 pointed out some of the land uses that were in place. Some of the  
16 construction that was in place is metal buildings much like what was  
17 proposed in this case. They would be stuccoing the exterior of the  
18 structure, applying the necessary surface onto the metal panels to allow  
19 for stuccoing. We didn't find any health, safety, or welfare related issues  
20 specifically. And we felt that this proposal again was consistent with the  
21 2019 case that was approved by the Commission, again seeking the same  
22 allowances as presented this evening.  
23

24 In terms of public input, notice was sent to the surrounding property  
25 owners pursuant to code. I did not receive any input, any questions, any  
26 calls, anything regarding this case. Staff recommendation is as follows.  
27 We thought that a conditional approval based on findings would be  
28 warranted. I'll start with the conditions first. Again, the applicant does not  
29 have any problem with the first bullet, but that's stating that lots 22 and 23  
30 be replatted into one lot prior to the issuance of Certificate of Occupancy.  
31 So they'd be allowed, if approved this evening, to go ahead and submit for  
32 their building permit, but prior to any Certificate of Occupancy that would  
33 be issued they'd have to complete the replatting process going from two  
34 lots to one.  
35

36 The second condition would require an opaque screen, fence, or wall be  
37 placed around any of the allowable fenced in storage prior to the issuance  
38 of a Certificate of Occupancy as well. That can easily be handled via the  
39 building permitting process, but I didn't feel it had any harm being  
40 referenced as a condition for the IDP.  
41

42 And then finally, staff, when we looked at this, and I recognize that we also  
43 looked at the 2019 case, quite frankly the only thing that has changed is  
44 our Comprehensive Plan. We had a Comprehensive Plan 2040 in effect  
45 at that time, and now we have Elevate Las Cruces currently. And  
46 although there are some similarities, I thought perhaps we were lending a

1 little bit too much latitude to the request, and so I put in this condition that  
2 seeks that any change in land use or occupancy type of the building would  
3 require compliance with landscaping, access parking, and other applicable  
4 standards as per article seven, which is our nonconforming section of our  
5 Zoning Code. So even if the property sat vacant for a year they would  
6 have to get their business registration at this location. But let's say they  
7 go out of business or they simply don't renew and we have no record of a  
8 continuance of operation for a year or more, the nonconforming use  
9 provisions would be triggered. And they would then have to come into  
10 compliance the next business that sought to locate on the subject  
11 property, even if it's the same business. Also, if there's any expansion of  
12 use, 10% or greater, that too would trigger compliance issues. And of  
13 course any change of use. So right now it's technically a service type use  
14 in that its construction facility, contractors facility. If they went to  
15 commercial. as an example, that would trigger nonconforming. So there's  
16 different triggers that would require compliance with all the other  
17 provisions. Staff felt that applying this kind of granted some flexibility to  
18 the applicant, the property owner to develop vacant land, make those  
19 parcels active use parcels, and at the same time guaranteeing that at least  
20 in some future date, the City would ultimately get the development  
21 requirements that would otherwise be required.  
22

23 So in terms of the findings associated with the recommendation. The  
24 subject property is existing vacant property as indicated. It's falls within  
25 the IDEO and it is eligible for IDP consideration. It basically takes two  
26 vacant parcels as indicated and develops them into active parcels  
27 furthering potential economic development opportunities in our  
28 community. It also is supported by the infill policy plan criteria for  
29 decisions in the Muni code pursuant to Section 2-382. It is consistent with  
30 that 2019 IDP case, deviations are the same. It is also supported by  
31 various goals, policies, and actions of the Elevate Las Cruces  
32 Comprehensive Plan. It meets the purpose and intent of the 2001 Zoning  
33 Code Section 38-2. It is falls within the urban neighborhood place type,  
34 which is characterized by medium to high density residential land uses in  
35 areas of supporting neighborhood commercial development. This may not  
36 be commercial per se, but there's latitude in how these place types are  
37 applied, and service of this sort, at least in terms of what's proposed, is felt  
38 to be in line with those provisions. The property is also located on a  
39 commercial block that's characterized by commercial storage and service  
40 related businesses, which front Chiquita Avenue.  
41

42 And your options this evening, Mr. Chair, Commissioners, is to vote "yes"  
43 and approve the case as presented. You can vote "no" and deny it. Just  
44 keep in mind that denial requires new information or findings of fact, facts  
45 that are not identified by staff during our review. And you can vote "yes"  
46 with conditions. Staff would recommend that you consider the conditions

1 that were presented by staff. You could also look at the various requests,  
2 the elements of the request by the applicant, and you know you might feel  
3 that you like several of those and maybe have issue with one or two, in  
4 which case you want to remove those from the IDP approval process, so  
5 you can make those conditions as well. And you can vote to table the  
6 case. And those are the options before you this this evening Mr. Chair.  
7 And I'll be happy to stand for any questions you may have. We have Mr.  
8 Steve Green, the applicant's representative in attendance this evening.  
9 So if you have any further questions, he's here to answer them as well.

10  
11 Gordon: All right. Thank you. Are there any questions for the Commissioners?  
12 Commissioner Kaiser.

13  
14 Kaiser: Thank you Chairman. So I just want to I guess get some clarification on  
15 the record here. And I don't know if this is going to be helpful for my  
16 colleagues, but in an earlier conversation today it certainly was helpful for  
17 me. So just want to clarify that the nonconforming element of this  
18 application is not the use of a commercial storage facility itself, but the  
19 underlying lot size as it pertains to its zoning, even when combined into a  
20 single lot. That's correct.

21  
22 Banegas: Mr. Chairman, Commissioner Kaiser. That is correct. Both lot width and  
23 area.

24  
25 Kaiser: Thank you. So I'm certainly, I understand the intent behind this particular  
26 Infill Development Process. This is certainly an area of interest for the  
27 City as far as redevelopment. It's an established part of the City, it's near  
28 downtown. But what I'm having difficulty reconciling here is the fact that  
29 underlying all of this, we're being asked to approve a nonconforming use  
30 right out of the gate, and in exchange for that approval, we're also waiving  
31 all the development standards that would be required. So from my  
32 perspective I'm having difficulty reconciling those two things. And part of  
33 the reason is because if we're going to give all of this away, as far as the  
34 development standards that we have in place through our Comprehensive  
35 Plan and our Development Code, we should be getting something in  
36 return. And I'm just not sure that this specific use in this specific location  
37 is really giving anything in return, if that makes sense. They're getting  
38 everything that they want with no assurances to the City and the  
39 community that they will come into compliance at a date unknown. And  
40 one of the things that I'm particularly I guess, focused on is the request to  
41 waive the landscape requirements. Do we know what the landscape  
42 requirements would be if they were required to comply with that?

43  
44 Banegas: Yes sir. Mr. Chairman, Commissioner Kaiser. In looking at the site plan  
45 that was provided by the applicant, staff did some calculations utilizing  
46 Article IV the Las Cruces Design Standards, the lot size is 6,900 square

1 feet, if again considering both lots. The building was identified to be 2,400  
2 square feet. So you take the lot size minus the building square footage  
3 and that remaining square footage times 15% nets you 675 square feet of  
4 landscape area. And according to the Article IV provisions, then it breaks  
5 it down by how many trees, how many shrubs, how much ground cover  
6 you're required to have. And I've got those numbers if you'd like to hear  
7 those.

8  
9 Kaiser: Please.

10  
11 Banegas: So based on those calculations, one tree would technically be required as  
12 part of the landscape requirement, 14 five-gallons shrubs, 67.5 square  
13 feet of ground cover, or 6.75, seven one-gallon shrubs.

14  
15 Kaiser: Thank you. So from my perspective, this doesn't seem like much of an  
16 ask for the applicant. We've got a use that is industrial-ish in nature, if you  
17 will. It's a storage facility. There's already a lot of those on Solano  
18 Avenue in this corridor. We've got residents that are adjacent. I just don't  
19 think a fence or wall is really sufficient here. It just seems like, you know  
20 I'm sympathetic to the applicant's position here, but I don't think asking to  
21 do landscaping is really a major burden. You know this part of the town  
22 could use some additional landscaping. It keeps dust down. It provides  
23 stormwater benefits. It provides some visual softening of the wall in the  
24 facility itself for neighboring residents. So from my perspective, I'd like to  
25 see that requirement still be in place. I don't feel like it's a great burden  
26 here. So those were just some of my questions and concerns related to  
27 this project.

28  
29 Gordon: Commissioner Kaiser. I just have a question for my clarification. So what  
30 you'd like to do is you'd like to have these shrubs and the one tree, also  
31 with the opaque screen around the property. Is that in addition?

32  
33 Kaiser: It would be in addition. The landscaping would be in addition. And  
34 actually just one additional question on top of that. The wall itself, is there  
35 a setback from the property line required there?

36  
37 Banegas: Mr. Chairman, Commissioner Kaiser. In this particular case in that the  
38 adjoining parcels are commercial or service related, they could be right on  
39 the property line, or just inside the property line.

40  
41 Kaiser: Even on the main axis, what's the name of the road?

42  
43 Banegas: Yes.

44  
45 Kaiser: Chiquita Avenue.

46

1 Banegas: Mr. Chairman, Commissioner Kaiser. Along Chiquita Avenue they could  
2 go just inside their property line. They'd have to comply with a maximum  
3 six foot height, if memory serves, for front yard location criteria, and then  
4 go update feet beyond that.  
5  
6 Kaiser: Understood. Thank you. And to answer the question, yes I think the  
7 landscaping would go, would be a simple request here to soften the use  
8 and provide some benefit to the neighboring community.  
9  
10 Gordon: Thank you. Does the applicant have anything to add to this? What our  
11 discussion just ... come forward, certainly. Just please speak your name.  
12 And before you talk I'd like to swear you in please.  
13  
14 Green: Sure. Okay.  
15  
16 Gordon: Do you swear or affirm that the testimony you're about to give is the truth  
17 and nothing but the truth under penalty of law?  
18  
19 Green Yes sir.  
20  
21 Gordon: Okay, would you like to address Commissioner Kaiser's concern?  
22  
23 Green Sure. Steve Green. I would just like to say the reason behind the non-  
24 landscaping sir, was not to necessarily avoid it. But what the purpose of  
25 the yard is, is basically to try to get more yard space for the storage of  
26 stuff. The landscaping being that it would more than intently be behind the  
27 fence because of the fence going to the property line, I don't know if it  
28 would provide a great benefit to beautifying anything. That was the only  
29 reason why not. The other reason is he doesn't intend to have any water  
30 ran to the storage unit itself. So now having to do landscaping would  
31 require a water meter, etc, and everything else. So technically that was  
32 the reasoning behind not doing that. It really wasn't to try to avoid making  
33 things prettier. I think that was the intention behind it. So I just wanted to  
34 clarify. So that's why I'm not so sure landscaping is going to help much.  
35 Now there was a ponding provided and he does intend to lay down flat  
36 cover in there, you'll see there's a note that said gravel, he will gravel the  
37 yard, to help keep the dust and maintain the dust down from trucks and  
38 stuff going inside there. So that was really it.  
39  
40 Kaiser: Thank you. That's helpful. I'm wondering if, and I don't know if this is the  
41 venue for this, but I mean perhaps there's a compromise here. I mean  
42 perhaps bringing the wall in a couple of feet from Chiquita Avenue and  
43 doing some simple landscaping along there, I think is a fair ask here. I  
44 mean gravel is great, but what does gravel do? My dogs roll around in the  
45 gravel in my yard all the time and they're filthy, they're covered in dust. I  
46 mean it doesn't really do anything. It's not providing any mutual benefit



1 here. So I think, I don't know if that's something that the applicant is  
2 willing to entertain. But I think just throwing the book out the window.  
3 Why do we have the book then? I mean I understand the purpose of the  
4 infill, but I also think there needs to be some discussion about what is the  
5 bar to where we can see these things. I mean no offense to the applicant,  
6 but I just don't see how a storage shed is really providing any additional  
7 value here, at least not to the extent where we have to throw everything  
8 out the window, because we're so desperate to develop this property.  
9 That's just my perspective.

10  
11 Gordon: Commissioner Guerrero.

12  
13 Guerrero: I actually absolutely agree with that. You know I think when we were  
14 discussing you know last year the Elevate Las Cruces and talking about  
15 infilling, I mean at some point, I mean to me infilling means you know like  
16 more housing or means more businesses or you know parks, stuff like  
17 that, not necessarily storage shed. Not that, I mean storage is definitely  
18 needed, but it can't be that needed where we have it everywhere. So I  
19 completely agree with that. Just wanted to throw that out there just for  
20 consideration of everyone.

21  
22 Gordon: Is there anyone from the public who would like to speak? All right. Seeing  
23 none. Then I guess we have to take a vote on this.

24  
25 I guess we're going to have to find if someone, any Commissioner wants  
26 to make an amendment to this, I would assume in this case adding that  
27 additional condition.

28  
29 Kaiser: Yes, so I may need staff's help here. But I'd like to motion to approve this  
30 application, but requiring the landscape. I guess ... what was it?

31  
32 So I guess I'll make a motion to approve with conditions as listed in the  
33 staff report numbers one through three, and in addition adding the  
34 landscape requirements that are outlined in the development code.

35  
36 Bennett: I'll second.

37  
38 Gordon: I have a question for counsel. If we vote no, if the majority votes no, that  
39 sort of kills the whole item. So can you come back with a second vote  
40 without the amended condition?

41  
42 Cabello: Yes. If you kill the amendment, you can do a second vote for without the  
43 amendment.

44  
45 Gordon: All right. I think there's going to be some discussion with Mr. Banegas and  
46 the representative. I want to make sure we get this correct.

1  
2 Banegas: Mr. Chairman, Commissioner Kaiser. In talking with the applicant, they'd  
3 be willing to move the fence inward towards the property and landscape  
4 the first 15 feet.  
5  
6 Green Agreeable.  
7  
8 Kaiser: Yes, I think that's more than fair.  
9  
10 Green That way we don't (*inaudible*).  
11  
12 Gordon: All right, then I think we need a motion to, with this, to add this condition  
13 specific to what the applicant has just said about moving the fence and  
14 then putting in the landscaping. Is that correct? Moving the fence 15 feet  
15 back and putting the landscaping on the street side.  
16  
17 Green That's correct.  
18  
19 Gordon: Does that satisfy you?  
20  
21 Kaiser: Yes it does.  
22  
23 Gordon: I guess I've been advised that we really then have to withdraw the motion  
24 to approve this item and make a new motion with the condition that the  
25 applicant has agreed to.  
26  
27 Banegas: Mr. Chairman, Commissioner Kaiser. Correct me if I'm wrong, but what  
28 I'm hearing is that the three conditions that are up on screen still pertain  
29 and that you're adding a condition regarding landscaping for the  
30 placement of the front fence, 15 feet back from the property and within  
31 that first 15 feet that landscaping be installed in that area.  
32  
33 Kaiser: That's correct.  
34  
35 Gordon: Counsel. You want to add something?  
36  
37 Cabello: Commission. No, I had, I didn't think there was a second on the first  
38 motion, but I'm wrong. I'm wrong. Okay, there was. Never mind.  
39  
40 Gordon: Okay, then I think we need now a motion to approve item number two I  
41 guess it is, with the addition of this additional condition.  
42  
43 Kaiser: Okay, so I'm making another motion here that we're going to approve with  
44 the conditions listed in the staff report numbers one through three, and  
45 adding a condition to require a 15 foot landscape buffer between the wall  
46 fence and Chiquita Avenue.

1  
2 Gordon: Do I have a second on that?  
3  
4 Bennett: I'll second.  
5  
6 Baum: Board Member Smith.  
7  
8 Smith: Yes, based on staff recommendation.  
9  
10 Baum: Board Member Kaiser.  
11  
12 Kaiser: Yes, based on staff recommendation and the applicant's willingness to  
13 compromise tonight.  
14  
15 Baum: Board Member Bennett.  
16  
17 Bennett: Yes, based on site survey, staff recommendation, and the conversation  
18 today.  
19  
20 Baum: Board Member Guerrero.  
21  
22 Guerrero: Yes, based on staff recommendation, as well as just the conversation  
23 today with the applicant.  
24  
25 Baum: Chair Gordon.  
26  
27 Gordon: I vote yes, based on staff recommendations, the additional condition, the  
28 Elevate Las Cruces, and the use finally of another piece of land infill.  
29

## 30 8. OLD BUSINESS

31  
32 8.1 510 S. Telshor Sign Variance: A request for a variance to Chapter 36 of  
33 the City of Las Cruces Municipal Codes, as amended, for a freestanding  
34 sign to allow one freestanding sign along a controlled access street and  
35 apply the applicable height and size standards associated with a principal  
36 arterial, E. Lohman. The applicant is also requesting a variance of +/- 5'3"  
37 to the required 15-foot front setback for a freestanding sign. Direct access  
38 to business is off Mesilla Valley Mall Drive, a private roadway. Submitted  
39 by PDG Prestige Inc, property owner. Council District 3 (21VO0500131)  
40

41 Gordon: All right. Now we can go on to old business. I guess item number one.  
42 We have a presentation from staff.  
43

44 H-Rogers: We do. Katherine Harrison Rogers with staff. This particular item is a  
45 variance to the sign code for a sign proposed at 510 South Telshor. If you  
46 recall this had been advertised last month but was pulled in order to

1 accommodate essentially an additional variance that we discovered during  
2 the review.

3  
4 So I'm going to talk about what's being proposed. We do have another  
5 sign variance for the adjacent property, as they work somewhat like a  
6 business center. And that will be discussed later on under new business.  
7 This particular site is currently under development. If you've driven by you  
8 will have seen that it's been actively undergoing site development. And  
9 now there's a building that is well under construction for a commercial  
10 enterprise, a future restaurant. It's a little over two acres. Something  
11 that's unique about this building is that it has frontage along East Loman  
12 Avenue, is accessed via Telshor and through an internal local private road  
13 which is known as Mall Drive. It's essentially that ring road that circles the  
14 mall that we all probably know if we've actually gone to the mall to shop.

15  
16 It is zoned C-3 which is commercial high intensity and completely  
17 appropriate for the use that's being constructed at that location. Here's a  
18 picture, I've listed both properties as they are somewhat working in  
19 conjunction. 510 Is this larger property right here. You can see that this is  
20 the mall property where I'm swinging my cursor. And the other property  
21 that we will be discussing a little later in the evening is 550.

22  
23 Here's an aerial. These were relatively new, I think done last month, so  
24 you can actually see the building that is currently under construction right  
25 here. And I'm going to talk about what the allowed signage is at the site  
26 and what's being proposed on the site. And then I'll go back to those  
27 pictures and highlight generally the area of where they would like to place  
28 a sign. So this particular property is limited to one freestanding sign along  
29 its primary access, which is Mall Drive, which is a private local road. They  
30 can't utilize the standards for a controlled access roadway, which is East  
31 Lohman. Because it's controlled by the New Mexico DOT they can't  
32 actually get any sort of driveway off of East Lohman. Under these  
33 circumstances, the maximum height is 30 feet, maximum size of the sign  
34 is 150 square feet, and the minimum setbacks are 10 in the front, and five  
35 on the sides. The variance being requested is to actually utilize the sign  
36 provisions for East Lohman, which is a principal arterial. So this would  
37 apply the height and the size standards and the location for this particular  
38 sign along East Lohman. That would be a maximum height of 30 feet, so  
39 no change there. A maximum size of 200 square feet. But I would like to  
40 point out that this particular sign isn't going anywhere near that, it's only  
41 110 square feet according to the site plan that we do have. And they  
42 would like to actually utilize a setback of nine feet, nine inches. Normally  
43 for the standard front setback at this location it would be 15 feet, but there  
44 is an additional request to deviate from that.

1 So here is the property in question. You can see that the sign location is  
2 located near Lohman Avenue. Here's a close up of essentially that sign in  
3 the setback, you can see with my cursor right here. And then the sign  
4 itself, this is just a visual and elevation so you can see the freestanding  
5 sign and that the copy area would be what I'm highlighting here with my  
6 cursor.

7  
8 I'm going to go back to the aerial just to give you a sense of where that  
9 might be located. So generally, of course here's the building, and it's  
10 located around here. As you will notice, there is a significant drainage  
11 area along Lohman. And there is a significant elevation difference. One  
12 of the reasons that they're interested in having a reduced setback towards  
13 the front is simply to address some of those issues having to do with the  
14 distancing because of the topography and elevations, as well as that  
15 drainage area and the edge of pavement.

16  
17 In terms of public notice and input, this was sent to staff to all the  
18 applicable reviewing departments for review. All of those departments did  
19 support the request. There was a recommended condition, I will go over  
20 that in a moment. And notice was also sent to surrounding properties  
21 Prior to the P&Z meeting of both February 22nd, as well as the March  
22 22nd meeting tonight. We have received no public input on this at all.

23  
24 There are some specific criteria for decisions outside of the normal ones  
25 that this board normally considers as part of a request specific to  
26 variances. One being a physical hardship relative to the property in  
27 question, the potential for spurring economic development either at a  
28 neighborhood or a regional level, and then monetary considerations  
29 relative to the options available to meet the stated objectives of the  
30 applicant. I would like to point out not all of these criteria have to be met,  
31 only one. And in this case during staff's review, we did feel as though two  
32 of these criteria were met. And I outlined that also in the staff report.

33  
34 This evening staff is recommending conditional approval of this particular  
35 variance, specifically because this really is a unique site in terms of its  
36 access and some of the other conditions on the property or adjacent to the  
37 property. We do feel as though the request for these particular variances  
38 do meet the criteria for decisions as described in the staff report and then  
39 outlined in Article II Section 3810 J of the zoning code. The condition is  
40 really specific to how the sign is constructed. If you had an opportunity to  
41 visit the site, there is a significant wall that is being constructed. And one  
42 of the issues is to ensure that the footing of that sign essentially is not  
43 going to have negative effects on that wall that is retaining a significant  
44 amount of fill. And so that is something that we would determine through  
45 our permitting process, and our engineers would look at closely along with  
46 their design professionals. So if there are any questions, I'm happy to

1 answer that. There is a representative from PDG Development also  
2 available to answer any questions about the proposal.  
3

4 Gordon: All right. Thank you Katherine. I just, I don't know if any of the members  
5 of the Commission at this point were here, I think it was maybe two years  
6 ago, when this item was first approved by the Commission, this piece of  
7 property. And we approved it and then it was a tremendous conflict with  
8 the mall owners as to the use of the Mall Drive. But eventually they came  
9 to some agreement and this project is going forward. So I think it's going  
10 to be a sleep store, a restaurant, and I don't know what else is going in  
11 there at the moment. But anyway, is there anyone from the Commission  
12 has any questions? Commissioner Kaiser.  
13

14 Kaiser: Just a quick clarification. So what we're approving tonight is the sign as  
15 proposed, or the full allowance of what they could do based on the sign  
16 ordinance?  
17

18 H-Rogers: So the way the report was written is essentially to be able to utilize the  
19 criteria as outlined for a principal arterial, and to allow that freestanding  
20 sign along that controlled access roadway. However, if you would like to  
21 limit it to the sign as designed in terms of 110 square feet, the height,  
22 which I believe is, it may be 30 or 29 I'd have to double check, you can do  
23 that as well. But the way the report was written was just simply to apply  
24 those criteria.  
25

26 Kaiser: Thank you.  
27

28 Gordon: I do have a request though Katherine. It's nothing to do with the principles  
29 we're talking about. But what we do get out of staff, it was simply  
30 impossible to read the dimensions of this. I don't know if it could have  
31 been done any better. But even with a magnifying glass I couldn't see  
32 how big or how high or how anything was. But you've explained it to us.  
33 All right is there any, does the applicant wish to make any comments? All  
34 right. Seeing none. Is there any questions or any comments for someone  
35 from the public who'd like to speak on this item? All right. Seeing none.  
36 Then I guess we can have a vote. I need a motion then to approve item  
37 number one under old business.  
38

39 H-Rogers: Just for clarification, point of order; I would recommend adopting that  
40 condition as well.  
41

42 Gordon: All right then ...  
43

44 Bennett: I make a motion to approve case number one with the condition outlined in  
45 the staff report.  
46

1 Guerrero: And I'll second it.  
2  
3 Baum: Board Member Smith.  
4  
5 Smith: Yes, based on site visit and staff recommendation  
6  
7 Baum: Board Member Kaiser.  
8  
9 Kaiser: Yes, based on staff recommendation  
10  
11 Baum: Board Member Bennett.  
12  
13 Bennett: Yes, based on site survey and staff recommendation.  
14  
15 Baum: Board Member Guerrero.  
16  
17 Guerrero: Yes, based on staff recommendation and it just makes sense to have a  
18 sign there.  
19  
20 Baum: Chair Gordon.  
21  
22 Gordon: I vote yes based on staff recommendation and our discussion. All right.  
23 We have five zero  
24  
25 **8.2 3999 Bataan Memorial West Zone Change Request:** A zone change  
26 request for a multi-zoned 28-acre parcel from R-2 (Multi-Dwelling Low  
27 Density), C-2 (Commercial Medium Intensity) and M-1/M-2 (Industrial  
28 Standards) to R-2 (Multi-Dwelling Low Density), C-3 (Commercial High  
29 Intensity) and M-1/M-2/C-3 (Industrial Standard/Commercial High  
30 Intensity). The property is generally located on the north side of Bataan  
31 Memorial West between McGuffey Street and Monte Sol Street.  
32 Submitted by Kent Thurston, property owner. Council District 5  
33 (21ZO0500141)  
34  
35 Gordon: All right, then we can move on to item number two under old business.  
36 Katherine who's doing that one?  
37  
38 H-Rogers: Okay, I'm going to turn this over to Vincent.  
39  
40 Gordon: Okay.  
41  
42 Banegas: Mr. Chairman, Commissioners. Vincent Banegas, Interim Planner. This  
43 case involves property located on Bataan Memorial West. It involves the  
44 rezoning of property. It's a single property with three different zoning  
45 designations upon it. It is currently R-2, C-2, and M-1/M-2. R-2 again, is  
46 our multifamily low density residential district. C-2 is our commercial

1 medium intensity district. And M-1/M-2 is our industrial standard district.  
2 They're looking to maintain the R-2 portion as is, so that does not change.  
3 The C-2 piece goes to C-3, and that's for conversion purposes to make it  
4 compliant with current code. And then the M-1/M-2 designation, they're  
5 looking to what we call pancake or slash zone it and add C-3 to it. And  
6 this is case 21ZO00500141.  
7

8 So current conditions, property as addressed is 3999 Bataan Memorial  
9 West. It is a 28 plus or minus acre vacant multi zone parcel, as I indicated  
10 I won't bore you with the zones again. But I do want to let you know that  
11 the breakdown of acreage is as follows, roughly four acres is R-2, 14.6  
12 acres is currently zoned C-2, and the remnant portion which is 9.4 acres is  
13 M-1/M-2. Now, the current zoning, just to repeat for the C-2 portion, and  
14 I'll show you a map here in a second, is going from C-2 to C-3 brings it into  
15 compliance with current code. There is a cap on the maximum lot size for  
16 C-2 zoned properties at present. It is one acre cap. And because the C-2  
17 as indicated is over 14 acres, we have a nonconforming district for part of  
18 that property. So going to C-3 is what staff refers to as a conversion zone  
19 and would make it a compliant portion.  
20

21 So here's a map showing the subject parcel outlined in red. You have  
22 McGuffey Street located on the east side of the property. You've got  
23 Bataan Memorial West located on the south. Right up against the  
24 property on the west side you have Tayvis Estates up in here. And then I  
25 believe it's Monte Sombra subdivision, you have various residential,  
26 single-family style development on the north side of the property. You do  
27 have interesting zoning here, H zone, probably a holdover from the  
28 annexation that occurred, which probably brought in this piece. There  
29 were two annexations actually that affected the subject parcel and maybe  
30 this was one of them, I didn't find out enough about it. But nonetheless,  
31 you do have some port-a-potty type business, maintenance business  
32 here. And I believe what appeared to be a small, very small kind of mobile  
33 home park in here. There were some mobile homes on the property and it  
34 was more than one, so I'm not quite sure what all is going. The H zone  
35 designation is a holding zone. It was usually used to put a holding place  
36 on property on the zoning of property upon annexation when the applicant  
37 or the property owner did not know what they were going to use the  
38 property for. So when this property if it ever changed use, that H should  
39 go away and become whatever's applicable given the land uses on the  
40 tract of land. But regardless, this is the outline, you've got your M-1/M-2  
41 shown in this light purple at least according to those screens, the C-2 in  
42 the middle, and the R-2 up top here.  
43

44 Here's an aerial view of the same parcel. You do see various roadways  
45 Monte Sol Street dead ending right, kind of at the northwest corner of the



1 property. McGuffey Street providing obvious access there, and Bataan  
2 Memorial West as well.

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

19  
20 It also sets in motion a proposed, and I believe I got this right, the term  
21 "build for rent" style of development. It's a residential style of  
22 development. I won't steal too much of the thunder, we got Mike Clement  
23 in the audience who's the representative for the applicant. He'd like to  
24 speak on the proposal that they have in mind for this property. But  
25 nonetheless, it has the look and feel of some of the residential  
26 neighborhoods that we see around town. But it is geared towards the  
27 renter market as I understand it. There are some amenities that are being  
28 proposed, ball courts, community buildings, etc. Based on a proposal that  
29 they shared with staff some time ago, it's certainly the concept that was  
30 presented, certainly seemed very nice, a very nice fit to what is around it.

31  
32 And I'd like to emphasize also that with little effort, the applicant would be  
33 able to accomplish today what is being set in motion for the near future.  
34 So with the R-2 and C-2 district they could virtually do what they want to  
35 do. They may have to either seek a nonconforming certificate for that C-2  
36 piece or subdivide into one acre lots with shared access etc, in order to  
37 make the vision a reality, but it could be done.

38  
39 I just show this for illustrative purposes, information purposes. This is  
40 what they shared with us. I don't have all the details of this, Mike will be  
41 able to better inform you as to the configurations and what's going on  
42 here. But this in essence is the R-2 piece. And what you see here for the  
43 most part is the C-2 zoned portion at present. This in here is the M-1/M-2.  
44 So I'm sorry I had to orient that in this horizontal position as opposed to  
45 north being up, but in order to make it a little larger for us to see I had to  
46 do that.

1  
2 Some photos just have the property, nothing exciting about it. It's vacant  
3 at present. There are some billboards located along the frontage road,  
4 Bataan Memorial, but this is looking west at the intersection McGuffey and  
5 Bataan. This is looking due north from Bataan Memorial West and this  
6 little set of homes etc, is the eastern most edge if you will of Tayvis  
7 Estates. This is McGuffey looking southwest, again vacant. You begin to  
8 see some of the residential development on the north. And this is Monte  
9 Sol roadway here were it dead ends into the applicant's property in this  
10 area. This was that holding zone property that I was referencing earlier. I  
11 didn't take a picture of it but nonetheless it is located there.  
12

13 So in terms of analysis, Commissioners, staff did not find any health,  
14 safety, or welfare related items of concern. The proposed zoning districts  
15 would provide compatibility with the existing uses that are surrounding the  
16 subject property and within the adjacent neighborhoods. The property is  
17 within the suburban place type as per Elevate Las Cruces. The  
18 Comprehensive Plan encourages mixed use and low to moderate  
19 residential densities, which I think the applicant's representative will  
20 illustrate for you in a second. And it aligns the nonconforming C-2 district  
21 by going to C-3 pursuant to the Zoning Code. Now this case was noticed  
22 if you will twice. It was to be brought forward I believe it was last month.  
23 And so we sent out notice to the surrounding property owners. And at that  
24 time staff received considerable notice, I know myself I must have  
25 received at least 20, maybe even 25 phone calls. Some were just  
26 inquisitive type of calls asking what was being proposed. A lot wanted to  
27 know more about the exact proposal, what they're looking to build, etc,  
28 which I think tonight the representative can help answer. And very few  
29 were actually opposed. Most of the calls that seemed to go in terms of an  
30 opposition direction, once I explained to them the zoning and how that  
31 worked, and certainly what is in place today, and what is being requested  
32 for the future in terms of allowable development, they begin to understand  
33 that you know what is being proposed could be a good thing for them as  
34 opposed to something that's considered nightmarish, if you will.  
35

36 But for this meeting notice was sent out to surrounding properties once  
37 again. And this time around, believe it or not, staff did not receive any  
38 input, I did not, and I'm not aware of anyone else receiving any substantial  
39 input at all. So it appears as if the applicant, I know they've been in  
40 contact with some of the surrounding property owners. I know residents of  
41 Tayvis Estates, Kent Thurston indicated to me that he had met with some  
42 of those folks. And I think he allayed some of the fears that they may  
43 have had.  
44

45 So staff recommendation is approval based on the findings. The proposal  
46 maintains approximately 66% of the uses authorized under the existing  
47

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

15  
16 So your options here this evening, Mr. Chair, Commissioners, are to vote  
17 "yes" and approve the request as stated, vote "no" to deny it, you will have  
18 to provide additional information or findings not presented this evening by  
19 staff. You can vote "yes" with conditions, or vote to table. And that  
20 concludes staff's presentation Mr. Chair. And I'll stand for questions.

21  
22 Gordon: All right. Thank you. Does anybody from the Commission have any  
23 questions? I have one question.

24  
25 Banegas: Yes sir.

26  
27 Gordon: The only access to this property will be off of McGuffey? Does it take two  
28 ... go back to that. There it is.

29  
30 Banegas: Yes.

31  
32 Gordon: Looks like three.

33  
34 Banegas: Mr. Chairman. So yes what they're showing here and I would assume this  
35 hasn't changed, Mike can certainly speak to that, but what I'm seeing here  
36 is definite direct access off McGuffey. If they are to seek future access  
37 off of Bataan Memorial that'll have to be vetted through the New Mexico  
38 Highway Department.

39  
40 Gordon: That would go to the DOT.

41  
42 AUDIENCE MEMBER SPEAKING, NOT AT THE MICROPHONE.

43  
44 Gordon: Right. All right. Since there are no other questions. Does the applicant  
45 have anything he liked to add? Please come forward. State your name  
46 and let me swear you in.

1  
2 Banegas: Mr. Chairman. He's got some slides to show as well.  
3  
4 Gordon: Okay, well, first, please state your name and then let me swear you in.  
5  
6 Clement: Yes. Mike Clement.  
7  
8 Gordon: All right. Do you swear or affirm that the testimony you're about to give is  
9 the truth and nothing but the truth under penalty of law?  
10  
11 Clement: Yes I do.  
12  
13 Gordon: Then go ahead. Thank you.  
14  
15 Clement: Okay. Thank you. Okay. My name is Mike Clement. I'm with Property  
16 Design from Phoenix and I am part of the development team. And  
17 actually we're excited to be here. We hope to be bringing you good tidings  
18 of joy. The housing development director has brought to our attention  
19 you've got a shortage of about 5,600 ... Thank you. You've got a shortage  
20 of about 5,600 rental units, not to mention single-family for sale units here  
21 in the community. And we hope to be a part solution in doing so. So,  
22 before I start my slides, I want to thank Mr. Banegas, what he said was  
23 very correct in kind of posturing our project, what we're proposing to do,  
24 and I think you'll see that it is a very exciting proposal. So let me just go  
25 through that. I hope not to, just click thank you, repeat too much of what  
26 he had to share. But let me just kind of go through this. Here's the parcel  
27 again, it's 28 acres in total that's involved with this case. You can see how  
28 it's postured. Some of the key points of access are going to be of course it  
29 has all this frontage on Bataan Memorial West. The primary axis is going  
30 to be from McGuffey Street. Given that the right-of-way is one way  
31 directional only along the Bataan Memorial West, and of course, Sonoma  
32 Ranch Boulevard will be an important point for bringing future residents to  
33 the site.  
34  
35 As mentioned, the current zoning is an R-2, a C-2 and M-1/M-2. And I  
36 might mention there's an error on this slide where I have put C-2 as  
37 commercial medium, it really should be, and that is correct. I stand  
38 corrected of what I was going to correct. But that is within, and what we  
39 really are doing is we're not doing anything with the R-2, but we are going  
40 to fix a problem with the existing zoning that was actually created many  
41 years ago, a couple decades ago, that hasn't been addressed. So what  
42 we really have in place is illegal nonconforming use of sorts in that we  
43 can, as was mentioned, continue with the project. But in the course of  
44 putting this together and going to show you here actually what prompted  
45 us to come forward with this request, to make it more conducive with

1 what's in place in terms of zoning, and actually more compatible with the  
2 neighborhood.

3  
4 So as you can see, you've already seen this slide, there are multiple  
5 colors. There's the R-2, we're not doing anything with that. We have the  
6 C-2 zoning element, and then also the M-1/M-2 down here along the  
7 freeway. What I want to bring to your attention is you'll see how the color  
8 slide points up in this direction. So here's the thing, as we were starting to  
9 put our proposal together for the design elements of this community, we  
10 discovered we've got a natural barrier across the property, it's called El  
11 Paso Electric power line. There's not much we can do with that. And if  
12 you look closely here, you're going to see there's a little bit of pink on this  
13 side of the line, which is where the bulk of our project will be. And again, I  
14 know we're not here to talk about the project, but the project that will be  
15 discussed at council meeting, assume we get a favorable vote from you  
16 this evening, we'll get into more detail. And what we are telling you here  
17 tonight is this M-1/M-2 piece that has all the frontage, that is not  
18 consideration. We're not doing anything with that. Our real focus in  
19 coming here is to get in a position that we can better present a project to  
20 fit this gap right there.

21  
22 So that's the thing, we've got this power line which is a national barrier and  
23 we wanted to address that. As you can see here, we have an overlay of  
24 the project right there where the zoning line is right now, you can see  
25 where the power line is running, it's marked in blue. And then we've got  
26 this little sliver of area which was causing some problems for the project.  
27 And so it suggested, well let's just go ahead and clean up the zoning.  
28 Let's go ahead and change out the C-2 with the C-3 which as was  
29 mentioned is the conversion zoning that Las Cruces is using, and  
30 therefore everything would comply. We'll put it also on this portion, but  
31 again we're not doing anything with this portion of the property, the M-1/M-  
32 2.

33  
34 These items were already stated as to why this rezone is warranted. I'm  
35 not sure I need to redo that again other than the fact it's fixing a problem.  
36 While it's a nonconforming use right now, what we're proposing, because  
37 we did not create the problem, it was something that was never fixed. But  
38 we're very happy to go ahead and bring it current so everything aligns. It  
39 really is in support of the Elevate Las Cruces Comprehensive Plan, as  
40 was discussed. And so we are excited about that. And hopefully help at  
41 some point here fix, or at least help fix the shortage of housing  
42 opportunities we have in the community.

43  
44 So let me tell you a little bit about the project. Again, if the vote tonight is  
45 favorable we will be talking about this in some more detail when we go  
46 before Council in a few weeks. The portion that we're concerned with right

1 now is about 18 acres. We're looking to do about 210, and we're doing,  
2 it's still in the conceptual stage, so we are working with this, it fluctuates a  
3 little bit. But right now approximately 210 rental homes. Our density is  
4 going to be a very mild density. I might mention that the R-2 zoning that  
5 we're not touching allows up to 15 units per acre. I might mention also  
6 that the zoning with the commercial that's already in place allows a density  
7 of a minimum of 10 units per acre up to 40. And so nothing really  
8 changes. So our overall density is very much in compliance with the  
9 zoning categories that are currently in use, and even those that are  
10 proposed after this change.

11  
12 Okay, the project. So what will it look like? Yes, you've heard a lot of  
13 buzz in the news about build for rents. I mean it's kind of the thing in the  
14 country. Phoenix is ground zero for build for rent. It started about 10  
15 years ago. I happen to be part of the project, when the first one came to  
16 town. I'm also a commercial real estate appraiser by trade. I was involved  
17 and got involved with the whole thing. And the rest is history as they say.  
18 There are approximately now in Phoenix in this property type, roughly  
19 5,600 units that have been built. And they're about 6,000 more that are in  
20 the process. We have roughly 11,000 units that have built of this type that  
21 we're bringing here to Las Cruces, which is really a great thing.

22  
23 So backing up a little bit here, hit the wrong button. What we're proposing  
24 to bring to you would be these detached and attached units. They're  
25 basically single and twin homes, mostly one stories, some will be two  
26 story. But the key thing about what's happening here, as opposed to an  
27 apartment community where you have people above and around and  
28 below sometimes, that isn't what happens. In these communities, these  
29 build for rent little communities, and these homes are sometimes referred  
30 to as casitas or villas and some are bungalows. Still, they're all about the  
31 same. Everybody's going to get their own little yard. They're very pet  
32 friendly. Consequently, they have doggie doors, which is a big thing. By  
33 the way, we have been here doing some due diligence work in Las  
34 Cruces, and believe it or not in the multifamily sector almost everybody  
35 wants a dog. And what are you going to do with a dog? I mean the idea  
36 of having your little private yards is phenomenal. I can tell you in Phoenix  
37 these types of projects are so popular they're basically fully leased before  
38 we even build them. And we hope the same thing happens here. And  
39 who knows, we may be bringing a whole lot more as time progresses.

40  
41 So in this particular project, there'll be one bedrooms, two bedrooms, and  
42 even some three bedrooms. They'll be one story, single or two story twin  
43 homes. It's a gated community. Resort style amenities. We'll have these  
44 little paseos. So when you look on this site plan right here, it kind of gives  
45 it away, we're creating all of these little green areas are literally going to be  
46 green with grass. I know we have a community right here. We've got the

1 Tayvis Estates, well they're actually getting an extremely nice buffer of  
2 green space here. We are putting a dog park there. We're putting  
3 pickleball courts here, but it'll be very green. We'll have another picnic  
4 area up in this area, and other amenities along it. In between them we're  
5 putting in these paseos where you see that they're green. And again this  
6 is conceptual, the site plan is still in modification stage, but it'll in the end  
7 still look very similar to this. So this is a real good thing coming your way.  
8  
9 Gordon: Excuse me. Before you leave that site.  
10  
11 Clement: Yes.  
12  
13 Gordon: Just go back one screen. What are all these little yellow things down on  
14 the bottom? They garages?  
15  
16 Clement: Those?  
17  
18 Gordon: Yes.  
19  
20 Clement: Houses.  
21  
22 Gordon: Those are houses.  
23  
24 Clement: Yes.  
25  
26 Gordon: Okay. Thank you.  
27  
28 Clement: I know it's pretty hard to tell. So yes, so what we have here, these are  
29 single detached homes, and those little brown things you see there is  
30 where you literally get the park there. Now some have garages, some do  
31 not, these ones right here do not, but will have detached garage units  
32 nearby if they choose to rent one they can. Some of the units, which  
33 would be these ones here, these are basically two story twin homes. They  
34 will have at least one garage or a garage and a half, plus there will be  
35 parking in between them so be very convenient. These ones along here,  
36 literally are two bedroom, two bath little homes. In the next slide you'll see  
37 what they're going to look like. Does that answer your question?  
38  
39 Gordon: Yes.  
40  
41 Clement: Thank you. So if I might also mention, I had referred earlier that there will  
42 be another passage of access. Right now as you see here, this is our  
43 primary access. The community will be gated. There'll be an access  
44 here. It will align with what fire is expecting. Now, what'll also happen  
45 here, we have Monte Sol, as you saw earlier that kind of continues on.  
46 Right now there's a fence there kind of dead ends sort of. And there's a

1 dirt path that kind of continues along here. As proposed, we're not  
2 intending to continue that on through by the way to Bataan Memorial. And  
3 actually it will become a secondary access, so those coming off of  
4 Sonoma can literally come right over, come in and out, but it'll be gated.  
5 So it'll be an in and out and help circulate in the project. So there'll be  
6 multiple points of ingress and egress.  
7

8 So this will give you some idea of elevations that are coming. Here you  
9 see the clubhouse. And then this shows you what a little two bedroom,  
10 two bath detached home looks like. So that little patch of those little  
11 colored ones along the long way, this is what they are, a lot of these little  
12 homes. They literally are. And then here is a design element for the twin  
13 home. As you can see there are two bedrooms and three bedrooms. And  
14 then also what we have here are the one bedroom, one bath single story  
15 and it'll be functioning as a twin home. Some of the elements again are  
16 listened here that we'll be bringing. And we can talk more about this as  
17 we move along. Secured gated entrance, clubhouse, fitness center, pool  
18 of course, pickleball courts, walking areas, ramadas, barbecues. It'll be  
19 bicycle friendly. That is important to us. The dog park. I cannot tell you  
20 again how important this is. I mean Las Cruces loves its pets. That's  
21 become very clear to us. In terms of the homes themselves, they're going  
22 to be smart homes. So you're going to have the technology. You'll have  
23 an app for those that choose to use. It'll allow them to access the project  
24 through the gate. They'll be able to control, they'll be able to use their  
25 doorbell. They will have control of the thermostat and other elements of  
26 the project. The other thing I might mention is Amazon, we'll have drop  
27 box there and it'll be app controlled. So literally you get a delivery and  
28 you'll get a prompt on your app that you can go pick up at your mailbox.  
29

30 Again one thing, and I don't have a floor plan to show you, but with the  
31 pandemic there has been a change, a massive change, and this is not  
32 new news to any of us, where people are now traveling all over, you don't  
33 necessarily for a lot of occupations have to stay locally. Consequently,  
34 and people are choosing to work at home. We're putting work at home  
35 elements. So basically it's a little office in our homes. For those that  
36 choose not to do that, it'll be very accommodating if you might well to a  
37 (*inaudible*) room with a door, you can put your pet in, they have their own  
38 bedroom if you will, or an exercise area. So it's really a nice little amenity  
39 that's coming.  
40

41 As far as the ceiling heights, they're 10 feet ground floor, nine foot in our  
42 two story, twins will be nine, so there's a lot of height and they feel very  
43 spacious. It is a very important element that we have found in Phoenix.  
44 And of course, we will be charging, these will be adaptable to charging  
45 units for electric cars, because as we know that is the thing on the horizon.  
46



1 So if I can show you some elevations here very quickly, perspectives if  
2 you will. These are just renderings. I wish to say that they were already  
3 built because they would be already occupied. I really believe it's going to  
4 happen that quickly. But this will give you an idea. This will look, when  
5 you get the clusters together, this is what the access will look like to the  
6 various homes. You can see some of the design elements and how the  
7 parking will be. This was a view from the dog park area looking towards  
8 the homes and such. Here you can see what the twin homes, the two  
9 stories will have, will look like. And here's one of the little paseos in  
10 between them, it runs the length of the project, which will be a nice place  
11 for kids to play or for the pet to run or for just even a nice walk. It will  
12 create a sense of openness in the project.  
13

14 In terms of points of view, I wanted to let you know that there is a great  
15 deal of separation that's going on. In this particular line of sight illustration  
16 here, this would be a neighboring home on the neighboring project, and  
17 this would be the closest wall of a unit that we will be building in this  
18 community. And the location is happening right here on the site plan is  
19 where you see this, so if there's a home right there, if you follow my  
20 cursor, and you're looking over the fence, we're looking at roughly 44 feet.  
21 So there's a great separation there. We even have a larger separation  
22 planned at this point between the Tayvis Estates community and the  
23 nearest home. They were going to be up in this area. This is where the  
24 clubhouse if you will, right there, and if you see looking like that, this would  
25 be the Tayvis community over here, their walkway, and this would be the  
26 closest home, of this one, we're showing it with a two story unit. That  
27 separation is approximately 200 feet. You're not going to find that in any  
28 other subdivision of a (*inaudible*). So we're being very sensitive to the  
29 neighbors and bringing them something that they can enjoy, that fits, it's  
30 accommodating. fits into the nature of character of the community.  
31 Granted with a C-2 that's already there, could do so many different things.  
32 But that's not the direction we're going. So I believe that's it. I don't know  
33 if you have any questions, but I would be happy to answer them if so at  
34 this point.  
35

36 Gordon: All right, is there anybody from the Commission who would like to ask a  
37 question? All right. Seeing none. Is there anybody from the public who'd  
38 like to speak? Just simply raise your hand so I know how many. One,  
39 two, three. All right. So we'll go back to, the lady in the, you were first.  
40 You put your hand up. Yes. You can come forward, please. Will you  
41 please state your name and then let me swear you in.  
42

43 Reese: My name is Carolyn Reese.

44  
45 Gordon: Thank you. Do you swear or affirm that the testimony you're about to give  
46 is the truth and nothing but the truth under penalty of law?

1  
2 Reese: I do.  
3  
4 Gordon: Go ahead. Thank you.  
5  
6 Reese: I don't know how appropriate this is but I have a few questions. If I  
7 understood his description, the light yellow is single story homes. Is that  
8 correct?  
9  
10 Gordon: I think the representative of this project should come forward and answer  
11 some of these questions.  
12  
13 Reese: So yes, the light yellow on the outskirts is single story homes.  
14  
15 Clement: So these are all single stories here.  
16  
17 Reese: And then the inners...  
18  
19 Clement: Those are single stories and these right here will be the two stories, the  
20 twin homes.  
21  
22 Reese: So this is two story.  
23  
24 Clement: That's two stories. That's single ...  
25  
26 Reese: What is to the right of that?  
27  
28 Clement: This right here?  
29  
30 Reese: To the right of that.  
31  
32 Clement: Right over here.  
33  
34 Reese: Yes.  
35  
36 Clement: Okay, we're going to have these homes right here. They're still single  
37 story twin, one bedroom homes.  
38  
39 Reese: And that's the same on the northern part as well.  
40  
41 Clement: That is correct. So only these ones right here in the center corridors.  
42  
43 Reese: Okay.  
44  
45 Clement: Are two story twin homes.  
46

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

15  
16 They talk about extra access but McGuffey is a two way street. Bataan is  
17 one way. So the traffic will have to either come off of Sonoma or go down  
18 to the Monte Vista, Mesa Grande exit, come back up the frontage road  
19 and then go on to McGuffey. If we already have extra traffic going through  
20 because of the northeast subdivisions that have been built, northeast of  
21 us, we're definitely going to have people coming through off of Sonoma.  
22 In fact, he even said that that was one of the main access points. So I  
23 guess my objection really centers around access and the increased traffic.  
24 I am of the understanding that some of the other housing, the people that  
25 live on Monte Sombra have asked the City for speed bumps to slow the  
26 traffic down. I've seen those signs that show you how fast you're going  
27 being placed there periodically. So we already know traffic is an issue.  
28 So I would like the council please consider the traffic issue associated with  
29 this plan.

30  
31 Gordon: All right. Thank you. Thank you. Those are all very good concerns, and I  
32 understand what you, how you feel. But those items that you're talking  
33 about, right now we're just going to be talking and either approve or not  
34 approve the zone change.

35  
36 Reese: Right.

37  
38 Gordon: But if it is approved or not approved, I will discuss that later, you will have  
39 the opportunity if this project goes through to come back and discuss  
40 these items that you have talked about.

41  
42 Reese: Okay. So if I understand it, if you approve the zoning change, you're  
43 approving up to 600. Right.

44  
45 Gordon: No we're not. All we're doing is approving a zone change. The applicant  
46 will have to come back to the Commission with a design as to what he's  
47

1 going to put in here and the Commission will then have the ability to  
2 approve or not approve.  
3  
4 Reese: Okay, but the allowance of the zone change is for up to 600. Right  
5  
6 Gordon: No. We're just changing the zone. That's all they're doing. They're not,  
7 we're not telling you how many units we're going to put in there.  
8  
9 Reese: No, but the zone allows for that possibility, the zone change.  
10  
11 Gordon: Mr. Banegas. Behind you.  
12  
13 Banegas: Mr. Chairman, Commissioners. The zoning of the C-2 piece at present  
14 allows up to 40 dwelling units per acre. And the R-2 allows up to 15  
15 dwelling units per acre. I could do the math.  
16  
17 Reese: Do the math.  
18  
19 Banegas: Okay.  
20  
21 Reese: So it's actually 660. That would be possible if the zone change.  
22  
23 Baum: Could you speak into the microphone?  
24  
25 Reese: I'm sorry. It's actual 660 that would be possible should the zoning change  
26 go through. So this isn't guaranteed from what I understand. So the zone  
27 change would allow for the option or the possibility of that many units.  
28 That's my objection.  
29  
30 Gordon: Mr. Banegas. Is she correct? Just to answer her question.  
31  
32 Banegas: Yes, Mr. Chairman. Let me just check on the acreage here. Let me do  
33 my math. Hold on.  
34  
35 Reese: See I rounded it down.  
36  
37 Banegas: Yes, so that's 584 dwelling units for the C-2 portion at present. And 15  
38 times, yes and 60 for the R-2 piece.  
39  
40 Reese: So we're talking about 600.  
41  
42 Banegas: Yes, about that.  
43  
44 Gordon: Thank you. Does that answer your question then? That confirms what  
45 you're thinking?  
46

1 Reese: It confirms what I'm thinking, so.  
2  
3 Gordon: Okay.  
4  
5 Reese: I just want to make sure that my understanding is that if you approve this  
6 that could happen.  
7  
8 Gordon: I would say yes. Katherine.  
9  
10 H-Rogers: Mr. Chair. I would like to point out under the current zoning, those  
11 numbers are identical. Am I looking at, and Vince, yes you're correct. So  
12 regardless, if you approve the zoning change or not, they can still develop  
13 at that density. It's not changing that.  
14  
15 Gordon: And that, isn't that what I just said? I said yes. Okay.  
16  
17 Banegas: Yes, Mr. Chairman. The C-2, whether it stays C-2 or C-3, the numbers of  
18 housing units remains the same.  
19  
20 Gordon: Okay. But we are going for a zone change.  
21  
22 Banegas: That's correct. Zone change only. And to clarify a point that you raised  
23 assuming that they are not going to be requesting any variance or  
24 anything that would otherwise require any special consideration, they  
25 would go right to permit if they receive zone change approval at the  
26 Council level.  
27  
28 Gordon: All right. Thank you. Is there someone else in the back who wished to  
29 speak? Would you come forward, please? Will you please state your  
30 name and let me swear you in?  
31  
32 Tomczak: My name is Ann Tomczak. I'm a resident of Tayvis Estates.  
33  
34 Gordon: All right. Do swear or affirm that the testimony you're about to give is the  
35 truth and nothing but the truth under penalty of law?  
36  
37 Tomczak: I do.  
38  
39 Gordon: All right. Go ahead. Thank you.  
40  
41 Tomczak: I actually had a question for the gentleman. When you showed the screen  
42 there.  
43  
44 Gordon: You're going to have to speak into the microphone because she's taking,  
45 this is for the record.  
46

1 Tomczak: This site two for Tayvis Estates.  
2  
3 Clement: Tell me when to stop.  
4  
5 Tomczak: Sorry.  
6  
7 Clement: I'm back ...  
8  
9 Tomczak: You showed the houses.  
10  
11 Clement: You want me to show the houses? Oh, the slide of view.  
12  
13 Tomczak: The site number two, yes.  
14  
15 Clement: This one?  
16  
17 Tomczak: That on, yes. I purchased.  
18  
19 Baum: I really need you to speak into the microphone.  
20  
21 Tomczak: I'm sorry.  
22  
23 Baum: Thank you.  
24  
25 Tomczak: I apologize. I purchased a lot there about four years ago. And I'm in love  
26 with the Organ Mountains. I come from the East Coast. And it's a  
27 beautiful City. I love it here. What I'd like to know is because I bought a  
28 premium lot, will my view be obstructed? Will there be an obstruction from  
29 me seeing the lovely Organ Mountains?  
30  
31 Clement: You will still, excuse me, yes, you will still be able to see you lovely Organ  
32 Mountains. Now you may see other improvements as you're looking into  
33 your lovely mountains. But no, you will still be able to see them. These  
34 are two story, they're not three. They could be massive, but they're not.  
35  
36 Tomczak: Okay. And one last question. I was hoping to find out what the timeline if  
37 - I'm jumping ahead, I apologize. From the time that the company gets the  
38 approval to start building, what, how long of a timeline between, with all  
39 the phases? Phase one, two, and three?  
40  
41 Clement: That's an excellent question. It will take us approximately six to nine  
42 months to do site work. And then, Kent shout out, how long do you think  
43 it's going to take to build these 210 units? And then I'll repeat your  
44 answer. It depends. That's a good answer. Let me tell you what happens  
45 in Phoenix. If we were doing this in Phoenix, you would be looking from  
46 start to finish about three years. So in reality, if he's really as good as he

1 keeps telling me he is in building it, maybe a little faster, but we'll just give  
2 him the benefit case  
3  
4 Tomczak: Thank you so much..  
5  
6 Gordon: Okay. Was there a gentleman in the back who wished to speak? All right,  
7 would you please come forward? Will you please state your name and let  
8 me swear you in?  
9  
10 Connor: Kevin Connor.  
11  
12 Gordon: Do you swear or affirm that the testimony you're about to give is the truth  
13 and nothing but the truth under the penalty of law?  
14  
15 Connor: I do.  
16  
17 Gordon: Go ahead. Thank you.  
18  
19 Connor: I guess this might not be the right time. Because again it's, this is just a  
20 zoning change. But when you get into approving the design and the  
21 layout of this, is there going to be another meeting or how does this work?  
22  
23 Gordon: Yes, tonight we're just going to either approve or not approve the zoning  
24 change.  
25  
26 Connor: Okay.  
27  
28 Gordon: It will then have to go to City Council.  
29  
30 Connor: Okay.  
31  
32 Gordon: If, depends on how the vote goes here and there.  
33  
34 Connor: Okay.  
35  
36 Gordon: If it is eventually approved, then they'll have to come back with all this  
37 other information that you people are ...  
38  
39 Connor: Okay.  
40  
41 Gordon: About the site plan.  
42  
43 Connor: Yes.  
44  
45 Gordon: All right Vince I'm sorry.  
46

1 Connor: Sure, go ahead.  
2  
3 Banegas: Mr. Chair, Commissioners. Tonight's approval is recommending approval  
4 of the zone change to City Council. Assuming City Council approves it,  
5 the applicant would go straight to permitting. So they wouldn't have to  
6 come back to this Commission for any site approvals unless there's some  
7 variances or things of that nature that need to be considered. They're not  
8 subdividing the land. They're basically developing in phases on the track  
9 that was presented.  
10  
11 Gordon: But if they do come back with anything, they may have to come back to  
12 Planning and Zoning.  
13  
14 Banegas: Yes, if there's variances to be considered, or maybe they, you know if they  
15 want to pursue some type of Planned Unit Development, site plan or  
16 something like that, but the word that I got is the next step would be  
17 permit.  
18  
19 Gordon: But what they're showing us is just conceptual.  
20  
21 Banegas: That's correct.  
22  
23 Gordon: All right. Is there anyone else?  
24  
25 Connor: I'm not finished.  
26  
27 Gordon: Okay. I'm sorry.  
28  
29 Connor: Yes, if it's conceptual, then we don't really know what's going to end up.  
30 And you're going to prove something that we don't really know what?  
31  
32 Gordon: We're not here tonight to approve anything of that nature. We're just here  
33 to approve or not approve the zoning change.  
34  
35 Connor: Okay.  
36  
37 Gordon: Yes sir.  
38  
39 Clement: Yes, I was just discussing the matter with this line of sight with my team  
40 members, and they wanted me to clarify, let me show you here right this.  
41 That this perspective, while correct may not necessarily be this point of  
42 view right here. So because it's going to vary. So let me restate that it  
43 could be up to 200 feet rather than as an absolute. And the comment  
44 was, or the question was made, will I be able to see my mountains? And I  
45 just wanted to reiterate, you will. But it doesn't matter what we put there.  
46 You're going to also see in your, anyone would see other things besides



1 the mountains in that view. The whole goal here on our part as you can  
2 see is to make it green as lush as possible and a great amenity for all  
3 residents in the area. So thank you.  
4  
5 Gordon: Is there anyone else? Yes sir, come forward please. Again, please state  
6 your name and let me swear you in.  
7  
8 Zielie: My name is Jack Zielie.  
9  
10 Gordon: Do you swear or affirm that the testimony you're about to give is the truth  
11 and nothing but the truth under penalty of law?  
12  
13 Zielie: I do.  
14  
15 Gordon: Thank you. Go ahead.  
16  
17 Zielie: I'm a resident of Tayvis Estates. And I think this proposal sounds beautiful  
18 and just wonderful. But just to me common sense it seems like you're  
19 putting the cart before the horse. Why would you approve a zoning  
20 change based on the possibility? They might, once they get the zoning  
21 change and they can propose something totally different. Or if something  
22 C-3 there's a, from what I understand, there's a number of things that can  
23 go on a C-3 approval. So it seems like the cart is being put before the  
24 horse. You're basically approving their plan, or you're approving a zoning  
25 change based on what they might do. Seems like you would wait till they  
26 want, till they propose a development then do the zoning change. There's  
27 a ton of things you're going to put on it. This lady that was talking about  
28 the traffic, it's going to be unbelievable, the traffic that goes through their  
29 neighborhood there, especially if you're that one street, that it's not  
30 McGuffey but the other street. I mean to funnel those cars through there  
31 is just, I mean unbelievable really. So I just want to make a comment. I  
32 just think that this is way ahead of it. That should wait till this proposal for  
33 the development before you approve a zoning change. Thank you.  
34  
35 Gordon: All right. Thank you. Was there someone else who raised their hand?  
36 Yes sir. Okay, and please you state your name and let me swear you in  
37  
38 Mamerow: George Mamerow.  
39  
40 Gordon: Do you swear or affirm that the testimony you're about to give is the truth  
41 and nothing but the truth under penalty of law?  
42  
43 Mamerow: Yes I do.  
44  
45 Gordon: Go ahead. Thank you.  
46

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

8  
9 But I was also wondering in looking at the pictures of the dwellings, the  
10 yellow buildings, well that one isn't up there now, but the small yellow  
11 buildings that run probably 90% of the total length of the property line  
12 there. I don't see in looking at the pictures of the dwellings, and they're  
13 lovely dwellings, but I don't see any garages on any of those. And I don't  
14 see any ability to accommodate cars being parked on the outside. Now  
15 maybe I'm misinterpreting how this is laid out. But I'm concerned that  
16 there's going to be adequate parking for all of these homes that are in  
17 here. And I don't see where it's provided for now. I know it's not Mr.  
18 Thurston's responsibility to have a final plan here. But I just wanted to  
19 mention that. And I had one other concern. And I'm afraid as this brain  
20 gets old and solidified, it doesn't function well and I can't remember what it  
21 was. So that's it.

22  
23 Gordon: All right. Thank you. You have another, you'd like to add something to  
24 that?

25  
26 Clement: No, I was just going to respond to a question. And by the way that was a  
27 good concern, where are they going to park and I don't see any garages.  
28 That is a characteristic of this concept. If you will go back, and if I may  
29 use Phoenix since that's where the, that is the heart of all of this. In many  
30 and say most of these projects, none of the units have garages. It's all  
31 covered, or they'll have detached, so it's optional. We're actually far  
32 exceeding that in the fact that all of these two stories will each have a  
33 garage and a garage and a half actually. Plus we're bringing in detached  
34 garages to share amongst those who don't want them. If you look at the  
35 communities here that are say multifamily oriented that have garages, not  
36 everyone gets a garage. But I'm going to tell you not everybody wants a  
37 garage. This is a market rate project you know and it would come with an  
38 additional fee for that use. Our allowance for total garages far exceeds  
39 anything that is being offered in metro Phoenix for the same product type.

40  
41 Gordon: All right. Thank you. Does anyone on the Commission have any  
42 questions or any comments? Commissioner Guerrero.

43  
44 Guerrero: Yes. Thank you so much for bringing this forth. You know as discussed,  
45 there is definitely a crisis as far as rental and just housing in general. I  
46 actually live really close to this area. I live on the other side of the Monte,

1 not Monte Sombra but across, there's a neighborhood across, called, gosh  
2 what's my neighborhood called, Sierra Norte. So I know the area really,  
3 really well because I drive there on occasion. The street Monte Sol, I  
4 mean I get it, it's a small street. I just, my only concern and I don't really  
5 think it's a concern, it's probably not something we need to bring up right  
6 now because we're just doing rezoning. But where the access point is in  
7 McGuffey, is fairly close to where Bataan Memorial sits. So I don't know if  
8 that's necessarily the best point of access. It might create some  
9 bottlenecks for sure. I mean that whole area because there's so much  
10 development being built, I mean, you have Metro Verde, and you have like  
11 Metro Park, and Metro, blah, blah, blah, whatever. Whatever they're  
12 calling them these days. There is a really, really high amount of traffic,  
13 especially in the mornings, especially you know, 5:30, six o'clock. So  
14 again I know we're not voting on this tonight. It's just something to  
15 consider for whenever you guys do your, put your plants together. That's  
16 all I had.

17  
18 Gordon: Anyone else? Commissioner Kaiser.

19  
20 Kaiser: Yes, some similar I guess comments after staff confirmed that this is the  
21 sort of the, well aside from City Council, this is the last stop before they  
22 move to the building permanent phase. So I guess my question is, we've  
23 got you know some concerns about traffic, though regardless of whether  
24 or not this rezone goes through, they have the ability to build out most of  
25 these units right now. So, but that doesn't mitigate the impact that would  
26 occur. So I guess for staff, I mean what do we have? I know we just  
27 passed the Complete Streets ordinance. What sorts of improvements  
28 would this development trigger moving forward to address some of these  
29 traffic concerns, particularly on McGuffey Road? Though I do just want to  
30 say I appreciate the traffic circle inside the development.

31  
32 Banegas: Mr. Chairman, Commissioner Kaiser. I was going to bring this up because  
33 it's come up regarding traffic, but one of the reviewing staff from  
34 transportation approved the zone change submittal, upon review with the  
35 following contingencies, number one was a TIA would be required prior to  
36 development. And I think that would take into consideration whatever was  
37 submitted for development, you know they would take a look at anticipated  
38 traffic and require the developer to submit a TIA to address impacts  
39 accordingly. They've also submitted some information in that traffic circle,  
40 one of the main entrances to the development that they're proposing. I  
41 know it's conceptual, but they welcomed the allowance of City transit to  
42 have a route that actually went into the development. And so much so  
43 that they asked that a 35 foot bus to make sure that that radius was  
44 adequate enough to accommodate that. So they're, at least from the  
45 perspective of potential transportation related issues and improvements,  
46 they're looking at you know transit as a means to facilitate access to the

1 property and transportation measures to the property. But staff's also  
2 recognizing that there could be impacts and they need that study in order  
3 to determine how best to address those concerns. Staff has not seen any,  
4 this is more than I recall seeing. I think we got a cursory, very cursory  
5 review of the concept. So until we see something more substantial, we  
6 wouldn't be able to go any further in terms of comment on that.  
7

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

11  
12 Banegas: Mr. Chairman, Commissioner Kaiser. I believe so Transit actually did  
13 comment and provide input, they'd like to see a bus pull out alongside that  
14 main access road where the circle is, and so they're already considering  
15 that. So I would have to assume yes,  
16

17 Kaiser: That's really great to hear. I guess my last comment would just be  
18 encouraging the applicant to find and leave room for other connectivity to  
19 that commercial, the remaining commercial site, the M-1/M-2, C-3, if this  
20 does get approved. I think that would also address some of the traffic  
21 concerns here. I mean, gated communities are by definition exclusionary,  
22 so you know if you don't include additional access, specifically pedestrian  
23 access, for future development there, no matter what you do, if it's a  
24 shopping center, or anything like that, you're going to be requiring all these  
25 people that live in this development to essentially get in their cars,  
26 generate additional traffic, literally to go back around their house. So I'd  
27 just considered the, or encourage the applicant to look at opportunities to  
28 do that within this concept of a gated community. But I'm encouraged to  
29 hear about the conversations ongoing about transit.  
30

31 Gordon: Any further comments?  
32

33 Smith: Yes. I have one comment/question. I know traffic seems to be a point of  
34 issue with the residents of Tayvis Estates. And just looking at the  
35 possibility of Monte Sol Street. I know it terminates along that  
36 Northwestern boundary. Has the developer looked very closely at that  
37 possibility of extending through that, a roadway through that property to  
38 alleviate some of the traffic concerns? I know just in reading this that you  
39 know right now it's not anticipated, but it appears that that may be  
40 something that may have to be seriously considered if this project is going  
41 to not have a really big impact on traffic in and around this development.  
42

43 Gordon: I noticed there's a gentleman here who wants to speak. Sir, I didn't see  
44 your hand before but you're welcome to come up. If you will please state  
45 your name and let me swear you in.  
46

1 O'Neill: My name is Chaplain Scott O'Neill. I'm public safety chaplain. And it's just  
2 a passing comment. It's not an objection but it's a concern. That  
3 McGuffey is a pretty dangerous street where I see people that are  
4 speeding, and it's a real safety concern of mine, because I do a lot of call  
5 outs that aren't pleasant. And I'm just concerned about the traffic from a  
6 public safety concern. Because even myself and my wife, we walk along  
7 McGuffey all the time and there's a lot of foot traffic there, I don't know  
8 how that's going to be impacted. That's just a question and a concern.  
9 Thank you.

10  
11 Gordon: All right. Thank you. Is there anyone else? Any further comments from  
12 the Commission? I'm sorry. Please, you have to state your name. And I  
13 have to swear you in also.

14  
15 Thurston: Kent Thurston.

16  
17 Gordon: All right. Do you swear or affirm that the testimony you're about to give is  
18 the truth and nothing but the truth under penalty of law?

19  
20 Thurston: Yes. I just wanted to clarify a couple little things. So today we're just  
21 asking for the zone change from C-2 to C-3. And then also the pancake  
22 zone on the front to add the additional C-3. A lot of the discussion right  
23 now was having to do with a lot of TIA, what are we doing with some of  
24 the buildings? What's the future development of it? I know some of the  
25 concerns were this was just a conceptual drawing right now. And what  
26 can you do in the future? What if we don't approve it? What if we do  
27 approve it, what happens?

28  
29 And so say worst case scenario, you know that we don't get approved.  
30 And that's okay, I just wanted to, I would hope we would get approved, but  
31 a couple of things on C-2 that you currently can do on here. Let me see if  
32 I can, says a hospital. So any hospital that I've seen lately is fairly tall, and  
33 brings a lot of traffic. And so going from C-2 to C-3, you're still being able  
34 to put a hospital on C-3, you're still able to put a hospital in C-2. So the  
35 discussion going back and forth of how's it going to impact us, right?  
36 How's it going to impact the City going from C-2 to C-3? The zoning  
37 difference really isn't going to, in my views it's not that big of a change  
38 from C-2 to C-3, other than the ability to instead of carve it up into one  
39 acre pieces and still accomplish the same thing. It's really to be able to  
40 leave it as one block, which is easier for the City to maintain, it's easier for  
41 us to put you know one parcel in there together. So that's kind of one of  
42 the bigger reasons of going from C-2 to C-3. The ability to put high  
43 density in there is existing, right. So if we wanted to go in today and put  
44 very high density housing, other things like that, it's permissible in the way  
45 that we would do it.

46

1 Now, going through the process, we've gone through the processes of  
2 building things, you do have staff that will grill us to death. Okay, so we do  
3 have to provide TIAs, all of the questions that you've asked, your staff  
4 does ask all of those and in greater detail. So we do go through all of that.  
5 What are you going to do with the sidewalks? What are you going to do  
6 with the traffic? What are you doing with sewer? What are you doing with  
7 the drainage? What are you doing with, you know how, how are we going  
8 to help the new transit going to come in? So all of those discussions do  
9 happen at the next step. So if it gets passed today from a C-2 to C-3, still  
10 know that it's not just like, hey the developer can now go do willy-nilly  
11 whatever he wants. We still get grilled left and right, right, we still go  
12 through the big process of having to get all of the things approved through  
13 staff. So it still happens. We still follow all the code. Other things like that  
14 have to happen.

15  
16 So going from C-2 to C-3 really on the front portion helps it out, in my  
17 opinion on the City. I know the M-1/M-2 you can end up putting you know  
18 car, like auto body shops, other things like that, the open yards, there's,  
19 you can really do industrial complexes out there that's permissible by  
20 code. So you could throw the chain link fences and other things like that  
21 and just have a basically a junkyard out there on the beginning of it. So  
22 but now you don't have that much opportunity to do commercial on the  
23 front end of that. So by zoning M-1/M-2, and adding that conditional C-3  
24 to it, it really does allow the flexibility of being able to have the possibility  
25 of maybe some restaurants, maybe some other things like that in that area  
26 that aren't so eyesores to the area.

27  
28 Our intent is to come in here. So we tried to show a little bit of our intent  
29 of what we will do with it. And so with a neighborhood right behind us, and  
30 then being the owner of it, we would also try to beautify the front end of  
31 Bataan Memorial. So we wouldn't want something really ugly right there  
32 beside us anyways as well. So that's kind of one of the clarifications. Just  
33 wanted to show that C-3 is really adding the flexibility, adding the ability to  
34 make it a prettier landscape, prettier buildings, and things like that instead  
35 of the M-1/M-2 that is currently zoned that way.

36  
37 And then once again, just to reiterate the C-2 to C-3, the abilities in C-2 C-  
38 3 are fairly, pretty close. If I think staff can agree to that being the abilities  
39 of C-2 to C-3 is pretty much the same, other than we're able to do a bigger  
40 chunk of it instead of having to break it down into one acre. That's it.

41  
42 Gordon: Okay, thank you. Now, is there anyone else? Sir, you'd like to come  
43 back? I'll let you speak again. But I think this should be it.

44  
45 Mamerow: And the question that I forgot to ask ...  
46

1 Gordon: Pease, please, please just repeat your name for.  
2  
3 Mamerow: George Mamerow.  
4  
5 Gordon: All right. You've always been sworn in. Go ahead.  
6  
7 Mamerow: Yes. Are the billboards that are they're coming down? I was just, okay.  
8 Because we were hopeful. I would much rather look at Mr. Thurston's  
9 property development than those billboards.  
10  
11 Gordon: Okay. Ma'am, do you have anything in addition or are you just going to  
12 repeat? Okay, come again. But this just a couple, just a minute and that's  
13 it. Just repeat your name for the record, and you've already been sworn  
14 in.  
15  
16 Reese: My name is Carolyn Reese. And if I understand it correctly, going from C-  
17 2 to C-3 means that he doesn't have to use one acre plots, he can use it  
18 as all one big chunk of property. And if you use it as one acre plots, that  
19 decreases the number of houses, traffic, and everything that's there.  
20 That's the reason for going from C-2 to C-3 is so you can get more  
21 density. And if I'm wrong, I would like to know.  
22  
23 Banegas: Mr. Chairman, Members of Commission. If you carve out C-2 property  
24 into one acre lots, you potentially have less density. I think the density  
25 that was shown here is already much less than what could be, not that  
26 we're approving that. But nonetheless you do have setbacks to contend  
27 with on each one acre lot, how much that impacts overall density until we  
28 laid it out and calculated it out, we really wouldn't know. Versus an entire  
29 tract of C-3 you know you have the outermost edges to contend with in  
30 terms of setbacks, not every one acre segment thereof.  
31  
32 H-Rogers: Mr. Chair. If I could point out, I'm just going to add to some of what Mr.  
33 Banegas stated. Some of the things to note is C-2 properties can have  
34 zero setbacks on the sides, and can also share facilities such as access,  
35 parking, landscaping, if it works as a cohesive unit. So I did want to point  
36 that out. So Vince is right, we have no idea if there would really be a  
37 significant decrease in the ability to develop it at this density.  
38  
39 Gordon: All right. Thank you Katherine. All right, before we vote on this though, I  
40 would like to let everyone know that this will have to go to City Council at  
41 their next meeting I believe, or whenever they do take up this item. If we  
42 approve this tonight, the public, the residents who are here this evening  
43 will have the right to appeal that decision to City Council. You will have  
44 the right to go there. So I would suggest that if we do approve this, that  
45 you speak to Mr. Banegas or, to find out what is the procedure for doing  
46 that. And you can take it from there. And the converse also works, if we

1 do not approve it you have the right, the developer, to go to City Council.  
2 So with that, I think that we might be ready for a vote. I know. I want to  
3 make sure nobody else has anything to say. All right I need a motion  
4 please.

5  
6 Kaiser: I will motion to approve this application for a zone change per staff's  
7 recommendation.

8  
9 Smith: I second

10  
11 Baum: Board Member Smith.

12  
13 Smith: Yes, it meets a staff recommendation and also it's in harmony with  
14 neighborhood compatibility and also the character of the neighborhood.

15  
16 Baum: Board Member Kaiser.

17  
18 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las  
19 Cruces.

20  
21 Baum: Board Member Bennett.

22  
23 Bennett: Yes, based on staff recommendation, this meets Elevate Las Cruces, and  
24 the purpose and intent of the code.

25  
26 Baum: Board Member Guerrero.

27  
28 Guerrero: Yes, again based on staff recommendations, as well as Elevate Las  
29 Cruces and also just the need for additional housing.

30  
31 Baum: Chair Gordon.

32  
33 Gordon: I vote yes, based on staff recommendations, it complies with Elevate Las  
34 Cruces, our discussion this evening and my site visit.

35  
36 **9. NEW BUSINESS**

37  
38 **9.1 550 S. Telshor Sign Variance:** A request for a variance to Chapter 36 of  
39 the City of Las Cruces Municipal Code, as amended, for a freestanding  
40 sign. The request is for a variance of +/- 3 feet 10 inches to the required  
41 5-foot side setback for a freestanding sign along a local roadway.  
42 Submitted by PDG Prestige Inc. property owner. Council District 3  
43 (21VO0500132)

44  
45 Gordon: All right, with that we can go to the last item on the agenda, which is new  
46 business. Let's see.



1  
2 H-Rogers: Mr Chair, Members of Commission. Katherine Harrison-Rogers with staff.  
3 As I had mentioned earlier that we would be returning to South Telshor  
4 and the properties that were interested in having sign variances. This  
5 address in particular is 550 South Telshor. And the request for this is  
6 different than what was requested on the adjacent property to the east.  
7 Currently, this this property is vacant. This one does not have a building  
8 currently under construction, but the site is being developed. It's a little  
9 over one acre. It too has frontage along east Lohman and Mall Drive.  
10 Again is also accessed from Mall Drive via South Telshor Boulevard, and  
11 is zoned C-3, commercial high intensity.  
12

13 Again, these are the properties in question. This one in particular is 550.  
14 You can see that it is what we call a flag lot, whereby the frontage along  
15 Mall Drive is actually just this itty bitty little 20 foot, what we'd call the  
16 flagpole, right here. These two properties do share an access easement  
17 between the lot lines. There's also a shared driveway that is planned to  
18 be placed, again between these two properties. You can see in a little bit  
19 more detail generally how this looks. I'm sorry that these lot lines are in  
20 black so that they are hard to see, but you can see that flagpole generally  
21 where I am circling my cursor. It should be noted that Mall Drive of course  
22 runs adjacent right here. And there is a drainage structure essentially to  
23 the southwest that serves the mall property.  
24

25 As currently sits, one freestanding sign is allowed along the primary  
26 access, which is Mall Drive, which is again that private local road.  
27 Maximum height of 30 feet, maximum size of 100 square feet, with  
28 minimum setbacks of 10 in the front and five on the sides. I would like to  
29 point out that the staff report did have a typo that indicated that the size  
30 would be limited to 150 square feet per code. It's actually 100 square feet,  
31 and my apologizes for that typo, but I did want to point that out. What is  
32 being requested specifically this evening is actually to deviate simply from  
33 the side setback. And that would be a deviation of three feet, 10 inches  
34 for a side setback of one foot, two inches. And ultimately that's to allow  
35 the sign at the location it would normally be allowed in, with just that slight  
36 deviation to the setback simply because they can't place it inside of the  
37 access easement, nor would there be room for a driveway at that location.  
38

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

1 constructed with drainage, there won't be any plans for any sort of  
2 commercial building at that location.

3  
4 Here's just a picture of the sign itself, very compatible with the sign that we  
5 saw earlier. They are proposing a smaller sign face than what is allowed  
6 by code, only 57 feet by this particular site plan. Again, staff did send  
7 reviews to all applicable departments to look at this sign variance.

8  
9 Notice was also sent to surrounding properties prior to this meeting. We  
10 received no input from the public on this. And all the departments did  
11 review this and didn't indicate that there were any issues associated with  
12 the placement of the sign at that location. Again, in addition to the normal  
13 criteria that the board reviews for decisions, there are also criteria specific  
14 to variances. Again, a physical hardship, the potential for spurring  
15 economic development, and then monetary considerations. As with the  
16 first one, because of the unique site features associated with these staff is  
17 recommending approval based on these particular criteria. We do feel as  
18 though it does meet the physical hardship based on the very narrow  
19 frontage, the fact that it's encumbered by that access easement and the  
20 shared driveway that really do limit the location of that sign along that  
21 frontage. Also, we feel as though the ability to essentially develop this  
22 long vacant property and advertise it and direct traffic that are internal on  
23 that Mall Drive to businesses within, would essentially help spur economic  
24 development, at least at that neighborhood level.

25  
26 Staff is recommending approval with the findings that were outlined in the  
27 staff report. And of course, your options this evening are to vote "yes," to  
28 vote "no," "yes" with conditions, or to table. And we do have the  
29 applicant's representative here if there any questions of the applicant on  
30 this. And so with that, I'd be happy to answer any questions.

31  
32 Gordon: Thank you. Are there any questions from the Commission? Is there  
33 anyone from the public? How about from the applicant, does he wish to  
34 speak? He or she? If not, is anybody from the public? Okay, in that  
35 case, I guess we can ... I need a motion then.

36  
37 Guerrero: I make a motion to approve this item. With, wait, hold on, can we, are we  
38 doing, I'm just really confused about this one. Yes. Sorry. This new  
39 business. Case number one.

40  
41 Bennett: I second.

42  
43 Baum: Board Member Smith.

44  
45 Smith: Yes, based on staff recommendation.

46

1 Baum: Board Member Kaiser.  
2  
3 Kaiser: Yes, based on staff recommendation.  
4  
5 Baum: Board Member Bennett.  
6  
7 Bennett: Yes, based on staff recommendation.  
8  
9 Baum: Board Member Guerrero.  
10  
11 Guerrero: Yes, based on staff recommendations as well.  
12  
13 Baum: Chair Gordon.  
14  
15 Gordon: Yes, based on staff recommendations. All right. Thank you for going over  
16 the item.

17  
18 **10. COMMISSION COMMENTARY**

19  
20 Gordon: Is there any comments from the Commission this evening on anything  
21 other than what we've been discussing?  
22

23 **11. STAFF ANNOUNCEMENTS**

24  
25 Gordon: Are there any staff announcements?  
26  
27 Weir: Mr. Chairman. David Weir, with the Community Development  
28 Department. I just wanted to make the Commission aware, staff has been  
29 requested to provide a technical advisory committee to the Realize Las  
30 Cruces. If you recall that's the update to all of our development codes.  
31 It's been a request of certain interested parties and advocacy groups. Just  
32 wanted to make the Commission aware of that. Staff has drafted a  
33 Technical Advisory Committee for the Council to consider appointing. The  
34 way it's structured right now is it would be a 15 member committee, it  
35 would be individuals that are involved with development, the financing,  
36 title, neighborhood representatives, etc. They would be recommendations  
37 of appointments from the six City Councilors. It's been drafted they would  
38 appoint two, then the mayor would appoint three to make that, and the  
39 mayor would endorse all the recommendations. Basically, it's an  
40 additional public engagement and oversight into that process. Just  
41 wanted to make the Commission aware of that. And if you felt that that  
42 would be a good thing your endorsement would be appreciated, but it's not  
43 an official action or anything. Staff is going to go forward with that, but we  
44 did also want to make you aware of that and get any input that you may  
45 have.  
46

1 Gordon: Well, I certainly will endorse it. I think that we need somebody to get this  
2 done. It's been a long time in process. As far as I'm concerned it's fine  
3 with me. Commissioner Kaiser.  
4

5 Kaiser: Is there any I guess structured breakdown in who the representatives are  
6 on that committee?  
7

8 Weir: Mr. Chairman and Commissioner Kaiser. There is a general oversight of  
9 who to draw from, but then it would be up to the recommendation of the  
10 City Councilors themselves. I would think one strategy they could take  
11 would to have somebody from the development community and someone  
12 as a neighborhood rep or a business representative to be their other ones  
13 to balance the perspective on that. And then as I said, the Mayor would  
14 have to endorse all of those going forward.  
15

16 Kaiser: Yes, I guess that would be my recommendation to ensure that there's  
17 some sort of equal representation of all, as many voices as you can get  
18 with 15 people.  
19

20 Weir: Mr. Chairman and Commissioner Kaiser. We drafted it so there could be  
21 the widest spectrum as possible from viewpoints and perspectives. Like I  
22 said we also, it's been drafted as a Technical Advisory Committee, so it's  
23 not advocating it's just their professional or representative experience that  
24 they would bring to the process.  
25

26 Kaiser: Yes, I just, I don't want to see it overwhelmingly filled by the development  
27 community. I think there need to be different voices, different  
28 perspectives, people with different backgrounds. So that's just my  
29 recommendation.  
30

31 Gordon: Anyone else?  
32

33 **12. ADJOURNMENT (8:15)**  
34

35 Gordon: If that's the case, I will entertain a motion to adjourn.  
36

37 Smith: I motion that we adjourn.  
38

39 Kaiser: I'll second.  
40

41 Gordon: All in favor.  
42

43 MOTION PASSES UNANIMOUSLY.  
44

45 Gordon: All right, it's 8:15. We are adjourned.  
46

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Chairperson