

1 **PLANNING AND ZONING COMMISSION**
2 **FOR THE**
3 **CITY OF LAS CRUCES**
4 **City Council Chambers**
5 **December 28, 2021 at 6:00 p.m.**
6

7 **BOARD MEMBERS PRESENT:**

8 Sharon Thomas, Chair
9 Harvey Gordon, Vice-Chair
10 James Bennett, Member
11 Luis Armando Guerrero, Member
12 LaVonne Muniz, Member
13 Enrico Smith, Member
14

15 **BOARD MEMBERS ABSENT:**

16 Vanessa Vega, Member
17

18 **STAFF PRESENT:**

19 Larry Nichols, Director Community Development Department, CLC
20 Katherine Harrison-Rogers, Senior Planner
21 Vincent Banegas, Interim Planner
22 Roberto Cabrillo, CLC Deputy City Attorney
23 Adrian Guzman, CLC Communications
24 Becky Baum, Recording Secretary, RC Creations, LLC
25

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

28 Thomas: Good evening and welcome to the Planning and Zoning Commission.
29 Today is December 28th and the time is 6:00 p.m. We need to start with
30 calling the meeting to order, but we have two commissioners who want to
31 participate by phone. So can I have a motion to allow them to do that?
32 It's Commissioner Vega and Commissioner Muniz.
33

34 Gordon: All right I'll make a motion that we allow Commissioner Vega and
35 Commissioner Muniz to participate by telephone.
36

37 Bennett: I'll second.
38

39 Thomas: Thank you. So we have a motion and a second to allow two
40 commissioners to participate by phone. Could we have a roll call?
41

42 Baum: Board Member Bennett.
43

44 Bennett: Yes.
45

46 Baum: Board Member Guerrero.

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2 Guerrero: Yes.
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4 Baum: Board Member Smith.
5
6 Smith: Yes.
7
8 Baum: Board Member Gordon.
9
10 Gordon: Yes.
11
12 Baum: Board Member Vega. Board Member Vega can you hear us? Board
13 Member Muniz.
14
15 Muniz: Yes.
16
17 Baum: Thank you.
18
19 Thomas: Can some work on getting Board Member Vega connected?
20
21 H-Rogers: Chairwoman Thomas. We are trying to get her to connect. She's
22 connected, she just can't hear any of us. So they're trying to reestablish
23 that connection.
24
25 Thomas: Thank you for that information.
26

27 **II. APPROVAL OF MINUTES**

28
29 **a. October 26, 2021**

30
31 Thomas: Okay, the next item on our agenda is approval of the minutes from
32 November 23, 2021. I need a motion and a second to approve the
33 minutes,
34
35 Bennett: I make a motion that we approve the minutes from the previous meeting.
36
37 Guerrero: I'll second it.
38
39 Thomas: Okay, we have a motion and a second to approve the minutes from
40 November 23rd. Is there any discussion?
41
42 I have something I want to bring up. Mr. Nichols mentioned on page 16
43 about the public outreach and the developers and builders who are now
44 our ad hoc committee working on the land development code. I just want
45 to state my opposition to that. I don't think that a special interest group
46 like that should be involved in the actual writing of the code. They were

1 involved when we worked on the comprehensive plan. And now all that
2 the consultants are charged with is writing the land development code to
3 meet the comprehensive plan. And we don't, I spoke to people from
4 AARP and the bicycle group and Safe Routes to School and American
5 Heart Association, and they all feel like if the homebuilders get to be an ad
6 hoc committee that's actually involved in the writing of the code, that they
7 all should be able to be there as well. So I want to state my opposition
8 and give the floor to anyone else who wants to state their opposition or
9 approval, or if we want to as a commission say that we don't approve of
10 that.

11
12 Gordon: I happen to agree with you. The problem with, to put it bluntly is that they
13 march to the beat of their own drum. And I don't think they care very
14 much about the City.

15
16 Thomas: I can't hear you. Can you get a little closer?

17
18 Gordon: I said, I happen to agree with you. I feel that basically to put it bluntly, like
19 I said, is that the builders, they just march to the beat of their own drum.
20 And pretty much inconsiderate sometimes of what is good for the City, just
21 for them.

22
23 Guerrero: I agree as well. I mean as much as I understand that some of the home
24 builders have experience, obviously they have experience in development.
25 I do feel like there should be a voice more of the people of Las Cruces as
26 well. So I oppose as well.

27
28 Thomas: Thank you.

29
30 Muniz: Sharon.

31
32 Thomas: Yes.

33
34 Muniz: Yes. I also agree with you.

35
36 Thomas: Thank you Commissioner Muniz. Any other comments? Yes, Mr. Nichols.

37
38 Nichols: Thank you Madam Chairman, Commissioner. Larry Nicholas Community
39 Development. The announcement that I made at that meeting, and then
40 showed up in the minutes, was information that was brought forward. The
41 Mayor, Mayor Miyagishima and the City Manager, Mr. Pili, had met with
42 the developers, the ad hoc committee requestees and they agreed to form
43 this committee to work with the land development code. And that's the
44 reason that it was presented to you. But I'll carry the information.
45 Obviously, this is being broadcast publicly and on the minutes, but I will

1 carry the information back to the Mayor, City Manager about your
2 comments. Thank you.

3
4 Thomas: Thank you. I've been in communication with the Mayor all day. And the
5 other groups would like to meet with the Mayor and the City Manager as
6 well. They just want that to be on the record also. Okay, so we need a
7 vote on the approval of the amendments.

8
9 Baum: Board Member Muniz. Board Member Muniz

10
11 Muniz: Approve.

12
13 Baum: Thank you. Board Member Vega. Board Member Vega. Board Member
14 Bennett.

15
16 Bennett: Yes.

17
18 Baum: Board Member Guerrero.

19
20 Guerrero: Yes.

21
22 Baum: Board Member Smith.

23
24 Smith: Yes.

25
26 Baum: Board Member Gordon.

27
28 Gordon: Yes.

29
30 Baum: Chairperson Thomas.

31
32 Thomas: Yes.

33
34 Baum: Thank you.

35
36 **III. CONFLICT OF INTEREST**

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

40
41 Thomas: Next is conflict of interest. Does anybody have a conflict of interest with
42 any of the items on the agenda tonight? No. Seeing none.
43 Commissioner Muniz do you have any conflicts?

44
45 Muniz: No.

1 Thomas: Commissioner Vega, are you on the line yet? No.

2

3 **IV. PUBLIC PARTICIPATION**

4

5 Thomas: Okay, we'll go on to public participation. This is for anybody who wants to
6 speak about something that is not on the agenda. If you're here to speak
7 about something on the agenda, we ask that you would wait until that item
8 comes up and we have the presentation. So is there anyone here to
9 speak on something that's not on the agenda? Okay, seeing none.

10

11 **V. CONSENT AGENDA**

12

13 Thomas: There's nothing on the consent agenda.

14

15 **VI. OLD BUSINESS - NONE**

16

17 Thomas: And there's no old business.

18

19 **VII. NEW BUSINESS**

20

21 **1. Ellora Vista Subdivision Master Plan:** A request for approval of a master
22 plan known as Ellora Vista Subdivision. The master plan proposes the
23 development of 94 single-family lots with one tract dedicated to the City of
24 Las Cruces for drainage and utilities to be developed. The subject
25 properties encompass 18 +/- acres, is zoned R-3 (multi-dwelling medium
26 density) and is located west of Jornada Road and north of Peachtree Hills
27 Road. Submitted by Legacy Acquisitions LLC, Representatives. Council
28 District 5. (21CS0500086)

29

30 Thomas: So we will go to new business. Agenda item 7.1 Ellora Vista Subdivision
31 Master Plan.

32

33 Gordon: Commissioner Thomas. I think we're going to have to vote on these two
34 items together. And we're going of see the presentation of these two
35 items together, but we're going to vote.

36

37 Thomas: Thank you. Yes. There are two items that have to do with this
38 subdivision. So first we need a motion to say that we can discuss them
39 together. But we will vote on them separately. But I need a motion to say
40 we'll discuss them together.

41

42 Bennett: I make a motion that we discuss 7.1 and 7.2 together.

43

44 Smith: I second the motion.

45

46 Thomas: Okay. Roll call.

1
2 Baum: Board Member Muniz.
3
4 Muniz: Yes.
5
6 Baum: Thank you. Board Member Vega. Board Member Bennett.
7
8 Bennett: Yes.
9
10 Baum: Board Member Guerrero.
11
12 Guerrero: Yes.
13
14 Baum: Board Member Smith.
15
16 Smith: Yes.
17
18 Baum: Board Member Gordon.
19
20 Gordon: Yes.
21
22 Baum: Chairperson Thomas.
23
24 Thomas: Yes.
25
26 Baum: Thank you.
27
28 Thomas: Okay. And now we have a presentation.
29
30 H-Rogers: Good evening, Members of the Commission. This particular presentation
31 is for the Ellora Vista Subdivision. This is both a master plan and a
32 preliminary plat. And as you indicated Chair Thomas, these would be
33 voted on separately, however they are related.
34
35 So the site consists of about 18 acres. It's west of Jornada Road and
36 north of Peachtree Hills Road, just east of the school there as well as
37 south from a multifamily development that's to the north. It's currently
38 zoned R-3 and it is vacant and undeveloped. Here is a picture of the site
39 in question. As you can see the school is here to the west. There's
40 another school up here to the north, and in just north of it is that small
41 multifamily development that I had mentioned. And the Metro Verde
42 development that we're all familiar with you can see is very nearby to the
43 south of Peachtree at this location.
44
45 Again, just a zoning map so you can see the types of zones that surround
46 that. Again multifamily, there's some single-family where the schools are
47

1 located, the PUD, which is Metro Verde, and a holding zone to the south.
2 Currently, there are two parcels, and they're interested and they're
3 proposing 94 single-family lots and then one tract that is dedicated for
4 drainage and utilities. Based on staff's review, we saw that it met the
5 requirements of the Subdivision Code, the Design Standards, Active
6 Transportation Plan and Elevate Las Cruces. This is listed as part of the
7 suburban place type and so the lot sizes, the layouts, and the uses are
8 within that place type character.
9

10 Here's an example of what's being proposed. This specifically is a
11 preliminary plat but it doesn't differ wildly from the master plan, it's just
12 much more clear. On this you can see the roadways intersecting over
13 here, and then it loops. And then out of consideration for the development
14 to the south, the developer is placing that roadway adjacent to the lot to
15 the south so that it would make development much more cohesive moving
16 forward.
17

18 Reviews were sent to all the relevant agencies and departments. All of
19 those reviewing agencies and departments did support the project. During
20 their reviews they didn't note anything that would indicate that there were
21 any need for mitigation or any negative comments. Notice was sent to the
22 surrounding properties. There was one phone call with just some general
23 questions about the development, what they were doing. The
24 Development Review Committee also reviewed the project, that was on
25 December 8, 2021. And after some short discussion did recommend
26 approval. Staff is recommending approval based on the findings that this
27 complies with the, that the master plan and the preliminary plat comply
28 with one another. They both comply with all the requirements of the
29 Zoning Code and the Subdivision Code, Elevate Las Cruces and the
30 Design Standards. And of course the Development Review Committee
31 did approve the master plan and preliminary plat.
32

33 It should be noted that ... I just lost my train of thought, excuse me for
34 that. So your options tonight are to vote "yes," which would approve, to
35 vote "no" to deny, "yes" with conditions, or vote to table. Please note that
36 denial would require new information or facts that weren't otherwise
37 identified in the staff report or during the discussion tonight. So with that,
38 I'm open to questions. And the engineer as well as the applicant are here
39 to answer any additional questions on this. Ultimately, the reason that the
40 master plan is being done and again they look very, very similar is simply
41 because the number of lots associated with that exceeds 40. And so
42 they're required to do a master plan in addition to this preliminary plat.
43 Moving forward if this were to be approved, they could proceed with a final
44 plat and then construction drawings.
45

46 Thomas: I have one question. This roadway that's on the southern side.

1
2 H-Rogers: Yes ma'am.
3
4 Thomas: Is this so there will be connectivity to any future development?
5
6 H-Rogers: Yes ma'am. That was the intent.
7
8 Thomas: Okay. So I'm very happy to see that. It's a problem we have in many
9 parts of the City where we have subdivisions that are not connected to
10 one another, so all the traffic goes out onto one road or people have to go
11 out on that road to go in the next subdivision. And I hope going forward
12 we're not going to do that anymore.
13
14 H-Rogers: And I would like to point out, the applicant worked long and hard to try to
15 negotiate some connections to the school property that's just to the west.
16 And unfortunately, based on a number of factors, that was not viable.
17 However, they made their best attempt to try to create that connectivity.
18
19 Thomas: But there are sidewalks right, that go down to the corner.
20
21 H-Rogers: That is correct.
22
23 Thomas: And around the corner and up the ...
24
25 H-Rogers: That is correct.
26
27 Thomas: Okay. Yes, so, because when the Peach, when that elementary school
28 was first built there was no sidewalk up to the school. There were roads,
29 but no sidewalks.
30
31 H-Rogers: So any development associated with this, if there are any missing
32 sidewalks at least adjacent to this property, they will develop those and
33 then Peachtree has sidewalks as well.
34
35 Thomas: Okay. Thank you very much.
36
37 H-Rogers: You're welcome.
38
39 Thomas: Commissioners. Questions, comments? No. Anyone in the public who
40 wants to comment on this proposal? Okay, so now we'll have to go back
41 for separate votes. So we need a motion to approve 7.1 and a second.
42 We'll vote on that and then we'll need a motion for 7.2 and to vote on that.
43
44 H-Rogers: And Madam Chair, Members of the commission. Just to be clear, the
45 master plan is the first vote, the preliminary plat is the second vote.
46

1 Thomas: For the master plan.
2
3 Guerrero: I'll make a motion to vote on both of those. Do I have to mention them
4 individually or?
5
6 Thomas: Yes, we should do them individually.
7
8 Guerrero: Okay so, okay perfect. So I make a motion to vote on 7.1 and 7.2.
9
10 Thomas: Just say 7.1.
11
12 Guerrero: 7.1. Sorry.
13
14 Bennett: I second.
15
16 Thomas: Okay. Any more discussion from the Commissioners? Okay. And have a
17 roll call
18
19 Baum: Board Member Muniz.
20
21 Muniz: Yes. Based on staff findings and discussion this evening.
22
23 Baum: Thank you. Board Member Vega. Board Member Bennett.
24
25 Bennett: I vote yes. Meets Elevate Las Cruces, current Zoning Codes, along with
26 the increased connectivity.
27
28 Baum: Board Member Guerrero.
29
30 Guerrero: I vote yes as well, based on the staff recommendations and it meeting the
31 comprehensive plan.
32
33 Baum: Board Member Smith.
34
35 Smith: I vote yes based on meeting staff recommendation and it also complies
36 with the Elevate Las Cruces comprehensive plan.
37
38 Baum: Board Member Gordon.
39
40 Gordon: I vote yes based on findings, staff recommendations and comprehensive
41 plan. Yes.
42
43 Baum: Chair Thomas.
44
45 Thomas: I vote yes based on site visit and staff recommendation and the nice
46 connectivity. And just for the record I want to read what it says in Elevate
47

1 Las Cruces, continuation and projection of streets; as development occurs
2 existing streets should be extended, and when an adjacent area is
3 undeveloped, the right-of-way layout should provide for the possible future
4 continuation of the street, or in this case a street that will sort of be shared
5 between the two developments. So, yes. So it passes six/nothing
6

7 **2. Ellora Vista Subdivision Preliminary Plat:** A request for a preliminary plat
8 known as Ellora Vista. The proposed subdivision encompasses 18 +/-
9 acres, is currently zoned R-3 (multi-dwelling medium density). The
10 preliminary plat proposes 94 single-family residential lots and a tract
11 dedicated for drainage and utilities to be developed. Submitted by
12 Souder, Miller and Associates, Representatives on behalf of Tierra Del Sol
13 Housing Corporation. (21CS0500087)
14

15 Thomas: I need a motion now for 7.2.

16 Bennett: I make a motion to approve 7.2.

17 Thomas: Is there a second?

18 Guerrero: I second it.

19 Thomas: Any more discussion? Can we have a roll call?

20 Baum: Board Member Muniz.

21 Muniz: Yes based on staff recommendations.

22 Baum: Board Member Vega. Board Member Bennett.

23 Bennett: Yes, based on staff recommendation.

24 Baum: Board Member Guerrero.

25 Guerrero: Yes, just like last the last one, based on staff recommendations and
26 meaning the comprehensive plan.
27

28 Baum: Board Member Smith.

29 Smith: I vote yes, based on staff recommendation and also compliance with the
30 thoroughfare plan.
31

32 Baum: Board Member Gordon.

33 Gordon: I vote yes, based on staff recommendations, and it complies with Elevate
34 Las Cruces.
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2 Baum: Chair Thomas.
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4 Thomas: I vote yes based on site visit, staff recommendations, and Elevate Las
5 Cruces. Motion passes six to zero.
6
7 **3. Bumble Bee Learning Center Master Plan:** A request for approval of a
8 master plan known as Bumble Bee Learning Center. The master plan
9 proposes the development of two commercial lots and one multi-family
10 residential lot that will be developed in phases and/or lot line adjustments
11 for future commercial and residential uses. The subject properties
12 encompass 5.64 +/- acres, is currently zoned S-2 (multi-dwelling low
13 density) and is located west of Holman Road and north of Bataan
14 Memorial West. Submitted by Souder Miller and Associates,
15 Representatives. (21ZO0500020)
16
17 Thomas: Next, we now have two more items that we want to discuss together. So
18 can I have a motion to discuss 7.3 Bumblebee Learning Center master
19 plan and 7.4 Bumblebee Learning Center zone change.
20
21 Gordon: All right I'll make a motion that we deal with items 7.3 and 7.4. That we'll
22 vote on separately.
23
24 Thomas: Okay. Is there a second to discuss together but vote separately?
25
26 Bennett: I second.
27
28 Thomas: Okay. Any discussion? Can we have a roll call?
29
30 Baum: Board Member Muniz.
31
32 Muniz: Yes.
33
34 Baum: Board Member Vega. Board Member Bennett.
35
36 Bennett: Yes.
37
38 Baum: Board Member Guerrero.
39
40 Guerrero: Yes.
41
42 Baum: Board Member Smith.
43
44 Smith: Yes.
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46 Baum: Board Member Gordon.

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Gordon: Yes.

Baum: Chair Thomas.

Thomas: Yes. We have a presentation. Yes.

H-Rogers: We do. Members of the Commission, Chair. This is Katherine Harrison-Rogers. This particular project is similar to the last one in that there is a master plan, however, instead of a preliminary plat associated with it, there are multiple zone changes. Any subdivision would occur if this is approved and at a later date. Ultimately, this particular property is also vacant and undeveloped. It's about five and a half acres. It's located west of Holman Road and north of Bataan Memorial West with frontage along the Bataan Memorial. It's currently zoned R-2 which is a multifamily low density zoning district.

Here's the map. You can see that the R-2 is surrounded on all sides by R-2, however, there is some commercial and higher intensity multifamily nearby. Again, here's an aerial, you can see the nature of development in that area. Of course there's a school, some single-family residential subdivisions, some vacant properties. And then when you get across the road or across the interstate, it's not an interstate, but across the highway Bataan Memorial, there is some limited sort of commercial development.

This master plan and corresponding zone change is proposing two commercial parcels and one multi-dwelling parcel to be again subdivided in the future. The zone change request is from R-2 to C-3, which is a high intensity commercial, and also R-2 in some of the areas, so maintaining that zoning that's already there. The commercial zoning districts will be fronting Bataan Memorial West where high intensity commercial uses are generally appropriate and recommended in both Elevate Las Cruces and our current Zoning Codes. The multi-dwelling residential land uses will be near Holman Road, they don't front Holman Road exactly but they will be near Holman Road. And the applicant is placing conditions upon themselves for limited land uses. Those limited land uses were outlined I believe in Attachment 3 of the report, to try to mitigate any potential high intensity impacts on the neighborhood that already exists out there. They're proposing that this will be phased and most likely subdivided through the alternate summary subdivision process, which is an administrative process.

During our review staff did determine that it did meet our Subdivision Code requirements for the master plan, the Design Standards, as well as the Zoning Code as amended. Ultimately, what they're proposing, you can see here that the two properties along Bataan are being proposed as

1 commercial. This last property, number three, would be, excuse me, I
2 misspoke. Number one would be residential, two and three would be the
3 commercial properties.
4

5 Now, the Development Review Committee did review this on December
6 8th, specifically for the master plan, not for the zoning because ultimately
7 they don't have control over projects outside of the subdivision process.
8 After some minor discussion, it was recommended for approval. It should
9 be noted that the applicant did go through the early notification process to
10 alert the neighbors and provide them an opportunity to express their
11 feelings about the zone change and the master plan. City staff did receive
12 some input from the public, basically with concerns about future
13 commercial development and the intensity near their neighborhood. And
14 as I had stated before, the applicant did provide some limited uses to try to
15 address those concerns.
16

17 Now, Planning and Zoning is the final authority on the master plan.
18 However, Planning and Zoning is a recommending body to City Council,
19 so ultimately for the zone change that will go to City Council. However the
20 master plan would be approved at this level. I do recommend again
21 individual motions for each proposal as we did on the last project. And
22 staff is recommending approval of the master plan, and then approval with
23 conditions for the zone change, specifically the conditions limiting those
24 uses as outlined in Attachment number 3 of your staff report. And this is
25 based on staffs findings outlined here and also reiterated in the staff
26 reports that were provided to you. And again, the conditions based on
27 what's in Attachment 3 of the staff report. Your options tonight are to vote
28 "yes," vote no," "yes" with conditions, or to table. And of course the
29 applicant, Souder, Miller is here to address any questions you may have.
30 And I do believe there are members of the public here who'd like to speak
31 to this as well.
32

33 Thomas: Thank you Katherine. So maybe we should discuss the master plan first
34 and then the zone change, or what order are they?
35

36 H-Rogers: So Madam Chair, Members of the Commission. The master plan in terms
37 of voting would need to be voted upon first, the zone change would come
38 second. However, I think you could discuss them simultaneously and
39 make a determination on that because one dictates the other ultimately,
40 they do influence one another.
41

42 Thomas: Okay. Any questions or concerns or comments from any of the
43 Commissioners? No. Seeing none.
44

45 Muniz: Madam Chairman.
46

1 Thomas: Yes.
2
3 Muniz: Yes. I'd like to ask a question. And it's in regarding to the commercial
4 part of the plan. I'd like to know what type of buildings are being built for
5 commercial. When I asked that question, what are they going to attract
6 supermarkets, another dollar store, a thrift store? What are they being
7 built to attract? I'd like to hear from the builder or the person asking for the
8 zone change improvement.
9
10 H-Rogers: Madam Chair. If I might,
11
12 Thomas: Yes,
13
14 H-Rogers: The applicant is here today and does have a presentation. I think that
15 may clarify.
16
17 Thomas: Yes, that would be great.
18
19 Pompeo: Good evening, Madam Chair, Commission. My name is Paul Pompeo
20 with Souder, Miller and Associates. And we are here to present this case
21 on behalf of the owner.
22
23 Thomas: You know the drill.
24
25 Pompeo: Yes ma'am.
26
27 Thomas: Do you swear and affirm the testimony you're about to give us the truth
28 and nothing but the truth under penalty of law?
29
30 Pompeo: Yes, I do.
31
32 Thomas: Thank you.
33
34 Pompeo: Thank you Madam Chair and Commission for the opportunity to present
35 this to you tonight. I do have a presentation so as to not be repetitive I'll
36 skip to, the staff's presentation was quite comprehensive, so I'll skip to the
37 good parts. What you see before you adjacent to Holman Road and US
38 Highway 70 is the subject property. There is a zone change.
39
40 Muniz: Madam Chair. I can't hear him at all.
41
42 Pompeo: How about now?
43
44 Muniz: No.
45

1 Thomas: Can you get a little closer to the microphone? I don't know, maybe you
2 need to take your mask off.

3
4 Pompeo: If it's okay I'll take my mask down. Once again the property is located off
5 the northwest corner of Holman Road and US Highway 70. The property
6 is currently zoned R-2. This plan seeks to keep a portion of it zoned R-2
7 and other portions modified to C-3. For the record, I'd like to point out that
8 the C-3 designation is wholly because of the size of the lots. If we were
9 not talking about one acre lots then the appropriate zoning would be C-2.
10 But we're limited to C-3 because of the lot size.

11
12 This is the proposed Master Plan showing the three lots being created as
13 Katherine mentioned by subdivision process at a later date. I did want to
14 make one modification to staff's presentation; right now that property is
15 zoned R-2 and it's kind of an odd shape here but you can see on the
16 screen. We are proposing to keep this property that's in the northeast
17 quadrant or section that will stay R-2. The C-3 properties that front
18 Bataan that are more appropriate for those uses because they take
19 access directly off Bataan.

20
21 We're getting

22
23 Thomas: We're getting an awful lot of feedback. I don't know. I don't think it's you.
24 Do you think it's the open line to Commissioner Muniz?

25
26 H-Rogers: Commissioner Muniz. Can you mute your phone please?

27
28 Muniz: On mute.

29
30 H-Rogers: Is that better? I think that's better.

31
32 Thomas: I think so. Yes. Thank you.

33
34 Pompeo: Okay. Thank you Madam Chair, Commission. As I was pointing out that
35 on the actual zone change, R-2 will stay in the quadrant in the upper
36 northeast section and the zone change to C-3 is for this these two parcels
37 here that front Bataan Memorial as that's more of an appropriate use
38 pursuant to the comprehensive plans and Elevate Las Cruces to have
39 commercial uses that front that section of Bataan. A question was asked
40 as to what is anticipated to be there, one of the tracts, the tract to the west
41 will be that of the learning center as it's been presented in the applicant's
42 presentation. The C-3 to the east will be general neighborhood
43 commercial type uses. So they could be freestanding stores or things of
44 that nature. But I'd like to point out with the property only being slightly
45 over, I think this tractor is 1.2 acres in size, those uses are limited as far
46 as square footage and intensity of use. So with that, Madam Chair, that

1 concludes my presentation. I would be happy to answer any questions
2 that this Commission might have. And I would also like the opportunity at
3 a future to respond to anybody that may be speaking about this case.
4
5 Thomas: Thank you very much.
6
7 Gordon: I have a question.
8
9 Thomas: Yes.
10
11 Gordon: What access will be available to get to R-2?
12
13 Pompeo: Well, Madam Chair, Commission. There will be a single driveway that is
14 proposed in this section here off Bataan Memorial that will be applied for
15 and permitted through the New Mexico Department of Transportation.
16 And that will be the primary access to these properties. There is no plans
17 at this time currently today to do any development on the R-2 tract to the
18 back.
19
20 Gordon: But if there is and say you're going to put some houses or something in
21 there, then how are they going to get out? How fire going to get there?
22 Police?
23
24 Pompeo: Well, in order to develop this and to your point, if there was going to be a
25 multifamily even low density residential in this area, there would have to
26 be multiple access routes. So when this property R-2 goes to be
27 developed, they're going to have to figure an access through the adjacent
28 property out to Bataan so thereby having two separate and distinct access
29 points.
30
31 Gordon: Do they own the adjacent property?
32
33 Pompeo: No, they do not.
34
35 Gordon: What happens if the owner doesn't want to give them an easement?
36
37 Pompeo: Well, I believe that pursuant to the fire code we'd be, the property ends up
38 being undevelopable in the back if we can't secure those other access.
39 Because I don't I believe based on my working relationship with Las
40 Cruces Fire Department that they would have to have that access. So if
41 they cannot secure it, then they're limited on what they can do with the
42 property.
43
44 H-Rogers: Commissioner Gordon, Members of the Commission. I would like to point
45 out that during any sort of subdivision process, staff would have to ensure
46 that legal access is provided to all properties. So in terms of a commercial

1 or multifamily development, that could be a 50 foot driveway easement
2 leading to that back property. And we would ensure that that would occur
3 during the subdivision phase of this as is required by code.
4

5 Gordon: Okay, thank you.
6

7 Thomas: I'm not sure I understood that Katherine. Can you, so would that road go
8 through the lot 2 over to three or?
9

10 H-Rogers: So during any sort of subdivision process, Madam Chair, Members of the
11 Commission, staff would ensure that if this were to be subdivided off as its
12 own property, that there would be an easement providing access from
13 Bataan Memorial to this R-2 property, or as an alternative, another access
14 secured through the adjacent, the adjoining property. But that would have
15 to occur in order to subdivide this. They would have to provide legal
16 access and staff would ensure that at the time of subdivision.
17

18 Thomas: But that legal access could come off of Bataan Memorial.
19

20 H-Rogers: It could.
21

22 Thomas: It could.
23

24 H-Rogers: Via an easement in one of the C-3 properties.
25

26 Thomas: Okay. Thank you. Any more comments from up here? Okay. Are there
27 people here who would like to speak?
28

29 Pompeo: Thank you your Madam Chair.
30

31 Thomas: Can you raise your hand so I can see how many people want to speak?
32 Okay, we're going to limit comments to three minutes. So if you want to
33 come down. We'll start on the left here, so the first, yes you're the first
34 person on the left. If you want to come down here. Can you state your
35 name?
36

37 J. Bulla: My name is John Bulla.
38

39 Thomas: Okay, I need to swear you in.
40

41 J. Bulla: Yes ma'am.
42

43 Thomas: Do you swear and affirm the testimony you're about to give is the truth and
44 nothing but the truth under penalty of law?
45

46 J. Bulla: Yes ma'am.

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Thomas: Thank you. Go ahead.

J. Bulla First of all, just to kind of go over what was recently discussed. Concerns were not just sent by phone calls, they're also by e-mails by numerous members of the neighborhood. When you talk about commercial's already established in the area, it is on the other side of US 70 not on the north side of US 70. Also, you went through slide nine very quickly, I really would like to know what was on that slide. And lastly when you talk about general store, when you talk about a general residential store, there's still no solid what kind of store. We don't know.

So with that being said, I also would like to, as we talked about purpose, authority, and scope of zoning condition, Section 38.2 purpose of intent, I'd like to figure out mitigate congestion in the streets and public ways. Right now with the two elementary schools on Holman Road there's so much congestion in the morning and afternoon when schools are in session. There is no police there to monitor/control that traffic, so building a commercial into that area would be even more harmful for congestion. Secure safety from fire, floodwaters, panic, and other dangers, we're already next to a flood zone, so by building commercial properties there increased water. What are we going to do for flooding there? Promote health and general welfare. By bringing in commercial, even a daycare center, learning center, you're going to have diapers, you going to have food waste, which is going to attract vermin, snakes, spiders, scorpions, other trash. There's already feral hogs running around from construction going on north of Holman. There's already javelinas running around from the construction going on north of Holman. So what are we going to do to protect the neighborhood there? Prevent overcrowding of land. Sorry, that kind of speaks for itself. Approving this is going to overcrowd that property by going into a commercial zone. Facilitate adequate provisions, transportation, water, sewage, schools, parks, and other public requirements. So how are you going to, with all the congestion already going on with the two elementary schools, the WIC program out there, how are you going to facilitate being able to provide transportation safely, not only for the residents of the area, but new people coming to the area? Also, there's so many more things I can go over but I'm limited on time. But lastly, as far as the neighborhood itself is concerned, when that was designed and approved, our neighborhood was supposed to have a park and sidewalks. We have yet to receive that. So how are we going to be able to facilitate this when the City's responsibility still hasn't been met to what was promised to us as residential occupants of that area? Thank you.

Thomas: Thank you. Okay, next row on the left side. There's somebody. Row three did you want to come? Yes.

1
2 Augustyniak: Hi, my name is Mark Augustyniak. I live back in the neighborhood.
3
4 Thomas: Okay. Do you swear and affirm the testimony you're about to give is the
5 truth and nothing but the truth under penalty of law?
6
7 Augustyniak: I do.
8
9 Thomas: Thank you.
10
11 Augustyniak: Well my question is looking up there at his thing, the middle property,
12 what's going in there? We don't even know what kind of commercial
13 building's going in there. Okay, you're going to throw something in there.
14 It's going to devalue our property value. Okay. Number one. Number
15 two, what's it going to do for crime? Where's the closest police station to
16 that area? There's not one. So you're taking chance of raising the crime
17 rate. I mean it's just, it's a train wreck, the whole thing. How do you
18 propose to police that area when we barely get policed right now?
19 Answers?
20
21 I mean, they're not even telling us what's going to go in that middle piece
22 of property, some commercial building. There going to be a three story,
23 four story building. They're not saying. So what's going to go in there?
24 You're going to have a daycare going on the left, I understand that, and
25 housing on the right. What about that middle piece of property? What are
26 we going to stick in there? And what's it going to do to our neighborhood
27 as far as crime and property value going down because they're going to
28 stick something there that we don't know, what? Don't we have a right to
29 know what's going to go in there? That's all I've got to say. Thank you.
30
31 Thomas: I think I understand that the lot on the left is housing and the middle lot is
32 the learning center.
33
34 Augustyniak: I'd still like to see a more, you know exactly what's going to go in there.
35 Because we don't know what kind of building they're going to stick in
36 there. Is it going to be a four story building? They're not telling us that.
37
38 Thomas: Well, those kinds of things will be decided later on in the process ...
39
40 Augustyniak: Well I'm just saying ...
41
42 Thomas: And they'll work with staff.
43
44 Augustyniak: I just think it'd be nice to know a little bit more, because we live in that
45 neighborhood. We got to deal with these things. Like I said, law

1 enforcement out there is very nonexistent. I mean you don't see patrols
2 coming through there as it is now. I've been there almost 15 years.

3
4 Thomas: Okay. Thank you.

5
6 Augustyniak: Thank you.

7
8 Thomas: Anyone else on the left hand, my left hand side? Yes. One, two, three,
9 row four.

10
11 V. Bulla: My name is Veronica Bulla.

12
13 Thomas: Can you pull the microphone down?

14
15 V. Bulla: Hi. Veronica Bulla.

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

19
20 V. Bulla: I do. I'm just going to read the letter that I sent in response to this whole
21 debacle here. To Whom It May Concern. I am writing in reference to your
22 letter which proposes rezoning the above noted property from residential
23 multidwelling low density zone R-2 to commercial high intensity zone C-3.
24 C-3 zone permits a wide range of high intensity commercial activities
25 generating large amounts of traffic serving a wide region of the City. As a
26 homeowner in this immediate area I would be directly impacted by this
27 proposed zoning change. And I'd like to state a few things. Firstly, we
28 purchased this property outside of the valley in a strictly residential area to
29 enjoy the joys and comforts of bright starry night skies, views of the Organ
30 Mountains, less traffic, more space, convenience to shopping without
31 congestion and traffic. Your plan will have severely damaging
32 consequences for our neighborhood. Secondly, your proposal if allowed
33 will negatively impact my neighborhood and community with respect to the
34 commercial parking lot lighting, increased traffic, noise, garbage, vermin,
35 snakes, crime, dumpster garbage pickup times and noise at who knows
36 what hour, vendor deliveries, food, trash and refuse being left about by
37 patrons of the commercial spaces. And also this would establish a
38 toehold and open up our entire residential community to more and more
39 commercial building. What happens when they decide to sell this property
40 at some point and that person doesn't respect their limits, then what
41 happens to our community?

42
43 Also, this has effect on our values as other members of the community
44 have said. And as a homeowner it also affects our ability to enjoy our
45 investment as we intended. Who wants to live by a storage facility that's
46 in between their house and their view of the majestic Organ Mountains?

1 He talked about the Bumble Bee Learning Center, storage units, small
2 commercial shopping center, which brings up daycare supplies like food,
3 garbage, trash diapers, wipes, gloves. Peak traffic congestion at a
4 daycare drop off and pickup impacting commuting traffic in the immediate
5 area where there are already two elementary schools and WIC side by
6 side just a block away. Additional traffic and nonresident parking in
7 residential areas on our street and Calico due to the proximity, overflow
8 parking leaving our,. we don't have any sidewalks. Where are they going
9 to park? Commercial dumpsters being picked up, banging around loudly,
10 crime, environmental disturbances from vehicle exhaust fumes, loitering,
11 car lights, engine noises. I realize that you and your client purchased this
12 property knowing that it was residential. There's plenty of commercial
13 property kitty-corner across on the other side. Thank you
14

15 Thomas: Anyone else on my left side? Okay. One, two, three, four, five, row five.

16
17 C. Main: My name is Carol Main and I live on Calico.

18
19 Thomas: Okay. Do you swear and affirm that the testimony you're about to give is
20 the truth and nothing but the truth under penalty of law?
21

22 C. Main: Yes.

23
24 Thomas: Thank you.

25
26 C. Main: Okay, the proposal we all received in August is not what they is putting
27 before a vote has changed. We weren't notified of the change till we got
28 the letter about this meeting. We haven't seen your Attachment 3. There
29 seems to be some confusion between what this gentleman just said and
30 what the Chairman understands what the three parcels are. I understand
31 the one right behind my house from what he said is the R-2 one. You
32 think it's the daycare. The original proposal said storage. So we need
33 some concrete clarification on what the three parcels are because Sharon
34 Thomas is not understanding what I understand based on what this
35 gentleman just said 10 minutes ago. That's all I say.
36

37 Thomas: Thank you. Would you like to respond to that about what the three lots
38 are? Maybe I'm misunderstanding.
39

40 Pompeo: Thank you Madam Chair. To clarify, on the map before you on the
41 screen, there was an original proposal I think when this project first started
42 that had, they were going to, we were going to do C-3 on all of the parcels.
43 That has changed. On this tract here which is the upper northeastern
44 region., that will remain R-2. The two tracts as shown to the southwestern
45 area of the property that both front Bataan Memorial are being requested
46 to change to C-3. So C-3 on the two pieces that front Bataan, R-2 in the

1 upper, the eastern section, so this basically, this R-2 remains unchanged.
2 There is no zone change requested for this parcel in the back.
3
4 Thomas: Okay I stand corrected. So the two parcels that front on to Bataan
5 Memorial are the two commercial.
6
7 Pompeo: Yes.
8
9 Thomas: And the one that's further back is the one that remains residential.
10
11 Pompeo: That is correct Madam Chair.
12
13 Thomas: Okay. Thank you.
14
15 Pompeo: Thank you.
16
17 Thomas: Okay, anybody else on that side? Okay.
18
19 PERSON IN THE AUDIENCE SPEAKING, NOT AT THE MICROPHONE.
20
21 Thomas: Yes. No, could you come, you have to come down to the microphone
22 because we have to record everything. Sorry.
23
24 G. Main: My name is Gerald Main. That's my wife just asking the question. The
25 question she wants ...
26
27 Thomas: Okay. Do you swear to and affirm that the testimony you're about to give
28 is the truth and nothing but the truth under penalty of law?
29
30 G. Main: I do.
31
32 Thomas: Thank you.
33
34 G. Main: The question she has is, is precisely which plot is the daycare going on?
35 With some confusion about that. Also, my question is exactly what are
36 they going to do or put on the section that is going to remain R-2? That's
37 my question for the ...
38
39 Thomas: Say the last part again. What's going to remain R-2?
40
41 G. Main: We would like to know precisely what is going to go, what is being
42 proposed for construction on the R-2 zoned plot. Okay.
43
44 Thomas: Okay. Thank you.
45

1 G. Main: Also and we'd like clarification on exactly which part of the C-3 is the
2 daycare going on?
3

4 Thomas: Okay. I think Katherine is going to answer your question.
5

6 H-Rogers: Chair Thomas, Members of the Commission. As I understand it this
7 western most C-3 parcel would be the daycare. At this point in time, there
8 are no proposals for the R-2. However, from a land use standpoint in
9 zoning it could be developed as multifamily, it could be developed as
10 townhomes, it could be developed as single-family residential.
11

12 G. Main: Thank you ma'am.
13

14 Thomas: Anyone else on my left hand side? Yes, do you want to come down?
15

16 Ambriz: My name is Eileen Ambriz. I'm a resident of the area there.
17

18 Thomas: Okay, do you swear and affirm the testimony you're about to give is the
19 truth and nothing but the truth under penalty of law?
20

21 Ambriz: I do.
22

23 Thomas: Thank you.
24

25 Ambriz: So a couple of questions that I have is they keep talking about the size of
26 the commercial lots. That they are limited to what can go there because
27 of the size of them, because it's only five acres. So you have the C-3,
28 which is smaller than you know the one furthest, what would that be west,
29 is smaller than the larger one. Nothing is planned for the larger one, but
30 the Bumble Bee is already for this smaller lot. Is this going to be a small,
31 tiny little learning center? Because I live right behind, I mean that is right
32 behind my house and it's not very big when you factor in parking and you
33 factor in playground size and the building size and trash, it's not very
34 large. So how far is this going to be from the easement there? The other
35 thing is there's, most of it's the size. If R-2 is as big as it's looking, that C-
36 3 zones are not very big at all. So I don't understand what they try, they're
37 going to try and squeeze in there. Also where the C-3 that is where the
38 traffic merges on to 70 and there are tons of accidents there. Tons.
39 There's so many accidents up on 70 that the traffic gets routed on to
40 Bataan Memorial all the time. And this is during the you know our
41 workday where traffic backs up. How are we going to get out of there
42 when people are trying to get out of daycares and dollar stores or
43 whatever it is that's going to be there? The noise, the lights, the just
44 everything going on, even if it's just during daytime hours. I just don't
45 understand with the size of those lots what you think you're going to shove
46 in there. It's just, it doesn't seem ideal.

1
2 Thomas: Thank you. Katherine, could you give us any information on how large a
3 building can be? Thank you.
4
5 Pompeo: Thank you Madam Chair. As previously noted that with the C-3
6 designation, the minimum lot size is going to be one acre and it'll probably
7 be larger than that. By the time we factor in playground area, parking, the
8 building, stormwater management, and also remembering that there's
9 quite an extensive buffer between the residential area and the C-3
10 pursuant to the Zoning Code, the lot will start to grow in size. It will
11 probably in all likelihood split the distance between the most easterly
12 property line here and the westerly property line here by the time that's all
13 factored in.
14
15 PERSON IN THE AUDIENCE SPEAKING, NOT AT THE MICROPHONE.
16
17 Pompeo: I hear a lot of mumbling, but I'm not quite understanding what they're
18 saying. This piece of property here totals 5.46 acres. It's approximately
19 three-ish acres in here. And once again by the time you factor in having to
20 put a dual driveway here that will serve both properties, the building, the
21 parking lot, stormwater management, setback, landscaping and buffering,
22 it leaves you with basically two lots. So that's what we're proposing to do
23 pursuant to the master plan. The master plan shows three total lots.
24
25 Thomas: So are you saying that this furthestmost to the west lot, that when the
26 Bumble Bee Learning Center and everything that goes with it will require
27 that that lot become bigger?
28
29 Pompeo: I don't see based on all the requirements that I've listed to you that that
30 type of facility would with all of those requirements would fit exactly on one
31 acre in size. I'm suggesting that that lot will probably grow in size to
32 accommodate all the things previously listed. But it will just be a single
33 building learning center, which will go on that property. But to properly
34 design it, it will probably be slightly larger than an acre. That will leave the
35 balance of this property probably 1.2, 1.3 acres that's left on C-3 here.,
36 that will be left for another C-3 use.
37
38 Thomas: Okay, so the line between those two lots is going to shift.
39
40 Pompeo: This ...
41
42 Thomas: Most likely.
43
44 Pompeo: Yes, Madam Chair. We placed a lot, a line on here so we could depict
45 that on the master plan to clearly indicate that we were going to have two
46 lots in this area. There's nothing magical about the location of that line

1 right now other than to depict that there will be two C-3 lots in the future, at
2 some future date.

3

4 Thomas: And do you know how tall the building will be?

5

6 Pompeo: I do not anticipate, just based on that facility, especially the learning center
7 it will be a single storey building. We must remember that the current R-2
8 two zoning on that allows for 35 foot structures. So that's allowed by
9 Zoning Code as we sit here tonight. I am not anticipating, if you look at
10 other small neighborhood commercial uses throughout the outskirts of
11 town, I used to live off a Parkhill and Del Rey, there's a Dollar General
12 there, as an example. We don't have any specific uses. But once again,
13 that's a single storey building. So we're not anticipating any multi story
14 buildings on the property. Now, when we get to the R-2 that may be a
15 different story. I don't know what's proposed for that later on in the future
16 sometime. But I'm only speaking of the C-3 uses.

17

18 Thomas: Okay. Thank you very much.

19

20 Pompeo: Thank you Madam Chair.

21

22 Thomas: Yes. Would you like to come down? Did you speak once already?

23

24 J. Bulla: Yes ma'am.

25

26 Thomas: Can we wait until everybody else speaks?

27

28 J. Bulla: By all means.

29

30 Thomas: Anybody else on the left side? Okay, you want to come down.

31

32 Rabey: My name is Bill Rabey:

33

34 Thomas: Do you swear and affirm the testimony you're about to give is the truth and
35 nothing but the truth under penalty of law?

36

37 Rabey: Yes I do.

38

39 Thomas: Thank you.

40

41 Rabey: My problem, I only got one question on the residential property. Is there
42 anything in place to protect us from getting us a zone eight housing?

43

44 Thomas: On getting what kind of housing?

45

46 Rabey: The housing, what is that, housing, low income housing.

1
2 Thomas: I don't know if there's anything in place at this point. Katherine, can you
3 answer that?
4
5 H-Rogers: I think the gentleman's referring to Section 8 housing. There's no proposal
6 for that nor can we discriminate against that type of housing in any
7 particular location.
8
9 Thomas: Thank you. Okay, anybody else on my left side? Okay, so go to the right.
10 Okay, row three.
11
12 Breitag: Good evening. My name is Brian Breitag.
13
14 Thomas: Do you swear and affirm the testimony you're about to give is the truth and
15 nothing but the truth under penalty of law?
16
17 Breitag: I do.
18
19 Thomas: Thank you.
20
21 Breitag: I just had a few questions concerning the changes that have happened
22 since we were just contacted by this meeting. Already the proposed
23 shopping center is not going to happen now. Okay. Just there's been so
24 many changes that, how can we even make a decision here at this time?
25 Okay, but let's get back to the Bumble Bee daycare center. My property is
26 on the north side of that. And I was told by the planners that they would
27 have a 15 foot easement with a wall. And I would request that that wall
28 would be eight foot. Do I have an input in that? Can we make some type
29 of determination? And if they do this, could that wall be eight foot?
30
31 Also, the distance between my property and the wall is 15 feet. Is that
32 going to be cleaned out and maintained by the Bumble Bee Learning
33 Center and/or, who me? I don't think I'm going to. One more thing is the
34 lighting. I'm an amateur astronomer, I like to set up my telescope. And a
35 parking lot for a business is going to throw that all out the door. Now
36 there's zoning requirements that the shades would be installed. I would
37 sure hope that that would happen. I think, and I think that everybody here
38 would agree with me, that this should be tabled until we have a better
39 understanding of what we're going to do here. Thank you.
40
41 Thomas: Okay. Do we have any answers to these questions about the easement?
42
43 H-Rogers: Chair Thomas, Members of the Commission. We have requirements in
44 our Zoning Code for buffers between certain types of uses. And so
45 generally when you have single-family residential uses against
46 commercial uses, there's a recommended buffer of what we call a type A

1 screen, which is a completely opaque screen, it can be through fencing,
2 walls, a combination of walls and landscaping, and a number of other
3 things. And there is also generally a setback associated with that. It's not
4 necessarily an easement per se, but it is a setback. And the residences
5 adjacent to it would not be responsible for any sort of maintenance of any
6 areas, that would be entirely up to the property owner.
7

8 Thomas: Thank you. Anybody else on my right hand side? One, two, three, row
9 five.

10
11 Venegas: Hi, my name is Renee Venegas.
12

13 Thomas: Hi. Do you swear and affirm the testimony you're about to give is the truth
14 and nothing but the truth under penalty of law?
15

16 Venegas: I do. Hi, my property right now it looks like it's going to be a boundary on
17 two of those. I'm right split in the middle of it. My biggest concern is we're
18 not getting the whole story and that concerns me. I feel like something's
19 going to pop up and surprise us later on and I don't like that. Right now
20 we deal with a lot of traffic. There's two schools right there. My son
21 attended one. Traffic is ridiculous, sometimes just to get out of Calico
22 to take him across the street because I cannot allow them to walk there.
23 There's no sidewalks. There's no way to go around a car. Only two cars
24 fit on that road. You try to get onto Bataan Memorial after that in the
25 morning, your line is going to go all the way past the school, sometimes up
26 to Peachtree. We can't even get out of there. You can see there is a line
27 where people have made their own way. They will drive through there.
28 They will go through there and that's also on the side of my home. That
29 third piece of land, are they going to cut through that property to get
30 through to Calico to go around? Are they going to come through there? I
31 just know it's going to be worse than that as we go along. If you look at
32 Porter and Bataan Memorial, they've set up some plastic barriers to
33 prevent people who make the U-turns, make their own ways. I can see
34 that happening here. That's going to be too much traffic to handle. The
35 people coming off of 70, the people coming off of Holman, the people
36 trying to turn around right there at the underpass. There is no sidewalks.
37 There's nothing right there to give anybody any way to get through to
38 there. So that whole R-2 is going to be a mess if you have to go through
39 Bataan Memorial and add more traffic to that. I just going to state I don't
40 like this, I don't like the way it sounds and it's too much. I don't know, it's
41 just, it sounds like there's something going on (*inaudible*). I just don't want
42 to be surprised by it. Thank you.
43

44 Thomas: Anybody else on my right side? Okay, so you wanted to make a second
45 comment.
46

1 J. Bulla: Thank you Lady Chair. Yes, my name is John Bulla. I'd like to go back to
2 Article II Administration of Zoning Code, Section 38-10. It is required for
3 neighborhood group notice of area meeting shall be the responsibility of
4 the applicant or representative for the proposal to conduct a meeting,
5 supply any and all materials necessary to convey development
6 parameters as applicable. I feel that he has failed to provide all
7 information necessary to make a vote on this. I do not agree that we
8 should table this, I feel we should deny. There has been multiple
9 statements/comments made to prove that this has been very ill planned.
10 And changes have been made without the neighborhood being informed
11 of the changes even before this meeting. And due to the negligence, this
12 plan should be denied. Thank you.
13

14 Thomas: Okay, I would like to point out that our staff and this Commission have to
15 abide by whatever the ordinances are as to the City. And if developers or
16 someone with a project meets all the requirements in our ordinances,
17 we're bound to allow it. We cannot make decisions based on something
18 other than what's in our ordinances. Okay, any final comments or
19 questions from up here on the Commission?
20

21 Gordon: I do.
22

23 Thomas: Yes, go ahead.
24

25 Gordon: Right now I'm not very happy with what I'm hearing to be very honest with
26 you. A lot of comments from the presenter and from (*inaudible*) are very
27 vague. Things like we expect this or we're thinking of doing that. Not only
28 that I think number one that I would require that there be a condition with
29 this if we do approve it, that there should be an easement now allowing
30 access to that R-2 property. That's number one.
31

32 Number two, I think perhaps if we talk about a buffer to the neighborhood,
33 I mean you're not going to put up a 30 foot wall. But there are trees and
34 there are other things, but they should be very specific at what will protect
35 the residents from having to look at the Bumble Bee Center. I don't think
36 the Bumble Bee Center as a whole will not be ugly, it'll just be a one story
37 building that is going to be a learning center. But right now they're moving
38 lines, they don't know how big this is going to be. And to me this is just
39 very confusing.
40

41 What I would like to see happen here is, I don't think that we should vote
42 no at the moment, although I'm thinking of that, but I would like to see this
43 perhaps, you can't table this. If we table it, it'll never come back. But I
44 would like to perhaps think about maybe a postponement to the developer
45 to come back with very specific information as what they are planning on
46 doing. I think the residents have a right to feel that they are being put

1 under a cloak here in not knowing what's going on. And I think that they
2 have a very good reason to speak as they did. So that's my feelings.
3
4 Thomas: Commissioner Gordon. I think we can table to a date specific. It doesn't
5 have to just go away.
6
7 Gordon: Well that's fine too. But a postponement will do the same thing. It gives
8 them time to come back. And I think not only to come back to us, but they
9 should go back to the neighborhood. I think they should have some kind
10 of a neighborhood meeting perhaps where the residents can get together
11 with the owners of the property or the developer and try to pinpoint down
12 exactly what they're planning, and if they can do that and come to some
13 agreement, arbitrate this issue or whatever you want to call it, that would
14 be fine too. But I don't think they should just come back to us with what
15 they're planning on doing. The residents have the right to know before we
16 do. So if they want to postpone it, table it to a date specific, fine. I mean,
17 sorry to table it to a date specific, that's fine. They want to postpone it to a
18 date specific, that's fine also. But keeping in mind I think this one is, this is
19 what should be. There's too much concern here. There's just not one or
20 two people getting up who are a little bit annoyed, which what we usually
21 get. But I think there are some very, very specific concerns here, that we
22 should give them the benefit of being able to know what's going on.
23
24 Thomas: So if you want to table ... you have to make that motion if you want to
25 table it.
26
27 Gordon: Well, I think we have to wait till we hear from everybody.
28
29 Thomas: Thank you. Let's do that. Okay.
30
31 Smith: I have two concerns. One looking at the west side of the C-3 property. It
32 looks like it's pretty close to a couple of residences there. I think one of
33 the residents was here. It's her, it abuts up to her property. I know there
34 was discussion of a 15 foot buffer, is that going to be sufficient based on
35 what I'm looking at here to provide enough distance between the
36 homeowners property and whatever building would be their (*inaudible*)
37 wall. Just looking at this 15 feet would not seem sufficient to provide
38 distance from a property where it would not impact the homeowner.
39
40 Thomas: Thank you. Moving down, Commissioner Bennett.
41
42 Smith: Sorry, I have one more.
43
44 Thomas: You have one more. Sorry.
45
46 Smith: I do have one more.

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Thomas: Commissioner Smith.

Smith: That was a mouthful. I wasn't sure you wanted to address that one at a time. But I'll go and provide my second concern. Just have a question. Has there been a traffic study concerning the high volume of traffic on Bataan Memorial West? A number of residents have talked about how much traffic is in that area. I'm familiar with that area. I was a former Las Cruces police officer a long time ago, and this is before many of these homes were even built, and even then there was traffic issues. So I can imagine over the last 15 years that traffic has increased. So I was just wondering if there's been any type of traffic study over the past 10 years, even within the last five years, considering the amount of development that's being proposed in this area.

H-Rogers: Chair Thomas, Members of the Commission. I can answer one of the questions and then we'll defer to the applicant on the other because Bataan Memorial and Highway 70 are outside of our jurisdiction. It's the jurisdiction of the State. But Mr. Pompeo can answer that.

In terms of buffering, we do have some built in buffering matrices outlined in our code, in terms of the options of what to do from certain uses to other types of uses. And in this case, there's an option. We double checked the matrix just to make sure. There's actually an option that's listed there. The option is a 10 foot setback and a fully opaque screen or wall, or a 15 foot setback and a semi opaque screen or wall. So those are the options listed in the code. Now if this Commission feels as though that's not sufficient, of course you have the authority to add conditions for additional buffering and other types of screening mechanisms.

Smith: Thank you.

Pompeo: Madam Chair, Commissioners. We have not performed a detailed traffic analysis on this yet. However, in order for us to get a driveway permit from the NMDOT that site threshold analysis would be required at that time. I would like to point out we have an eight lane highway with 44,000 trips per day capacity in this area. And right now traffic volumes in that area are floating around 5,000 trips per day. So the overall roadway network is capable of handling the traffic from this area. The State of New Mexico spent quite a lot of money building that US Highway 70 grade separations.

The schools do generate a lot of traffic in the areas when they're letting schools in and out. I would like to point out Madam Chair, if you look at Elks Drive, there's Jornada Elementary. It's four lane divided. So it's basically five lanes of traffic. I live in that area. It gets congested when

1 the students are being dropped off, and the students are being picked up.
2 That's just a fact of life we live with every day. That doesn't have anything
3 to do with this commercial site because it takes all access to the
4 commercial lots come off Bataan, do not touch Calico, do not touch
5 Holman Road. Thank you.
6

7 Thomas: Could you refer again to what you said about Highway 70? Some
8 approval has to come from NMDOT.
9

10 Pompeo: Yes Madam Chair. Access to the two proposed commercial lots are off
11 Bataan Memorial West. That roadway. that frontage road is under the
12 jurisdiction of the New Mexico Department of Transportation. So if this
13 project were to be approved we would have to go to the NMDOT and get a
14 driveway permit, shared driveway permit for both lots, that would require a
15 site threshold analysis as part of that application process.
16

17 Thomas: Okay, so that's all in the hands of NMDOT at this point.
18

19 Pompeo: Yes.
20

21 Thomas: Okay. Thank you.
22

23 Pompeo: Thank you Madam Chair.
24

25 Thomas: Okay, moving to Commissioner Guerrero, did you have comments?
26

27 Guerrero: Yes. So I don't know, this is, I'm kind of the same place, some of my
28 colleagues because this is a. I feel like we're experiencing a sort of
29 growing pains in Las Cruces right now. I mean my neighborhood is the
30 same way. I live, right between Las Colinas and Metro Verde. There's
31 tons of development there. Sonoma Ranch gets packed every morning
32 because of what's, whatever, I forget the name of the school that's there,
33 Starbucks, there's a bunch of stuff. And so like I really I sympathize with
34 this. I mean you know it's just like Gordon said, it's not like it's one you
35 know disgruntled neighbor, it's multiple people. And you know so I feel
36 like if we are going to keep presenting things like this, because it is going
37 to happen you know I mean the City is going to grow, we're going to need
38 more commercial properties, more residential properties. I mean that's
39 just a fact of where we're at right now. I just feel like we need smarter
40 development, and we need consultation with the neighbors as well. I
41 mean this is their daily life. They have to stay, you know they're going to
42 have to drive by, see this, experience this, live with the traffic. I think they
43 should be more consulted as well. I also you know I have the same
44 concerns as some of my colleagues have as well, is you know as far as
45 what the, like what is this is going to be used for? So you know I just, I
46 mean I'm inclined to vote no. I don't know, I might vote to table it just

1 because I just feel like there needs to be more consultation and more
2 thought as far as some of these properties that, of this kind that we're
3 seeing.
4

5 Bennett: And I'm echoing the same statement.
6

7 Thomas: Commissioner Bennett.
8

9 Bennett: I'm just echoing the same sentiments. I have concerns with traffic and
10 quite a bit with this. So I just feel like we need a better picture of what
11 exactly is going on here.
12

13 Thomas: Thank you. Commissioner Gordon.
14

15 Gordon: I don't, no one has said anything yet but I'm just curious, just a matter of
16 question. What are they going to be teaching here? And who is going to
17 be being taught? Can somebody tell me what kind of learning center this
18 is?
19

20 Thomas: Do you have some information from the applicant?
21

22 Pompeo: Madam Chair. Unfortunately as the engineer on this project I don't know
23 exactly what the ages are, younger children for that type of learning center
24 activity, but I cannot answer that question directly.
25

26 Gordon: It is possible this is nothing more than a daycare center.
27

28 Pompeo: Well, it's for younger children. The owner has it framed as a learning
29 center. So that's why the application and the documentation state that.
30

31 Gordon: Again, see this is very, very vague. You can't answer specifically. We'd
32 be thinking about two different things, a learning center I think perhaps
33 older children who can come before and get like say a prekindergarten or
34 whatever, preschool.
35

36 Pompeo: My understanding is it is in that range. I will read a statement that the
37 owner has had previously prepared. Bumble Bee Learning Center offers a
38 quality daycare, much like their Santa Teresa and surrounding areas. We
39 strive to provide the best childcare ranging from age from newborns to
40 school aged children. We offer infant and toddler care, multiple two year
41 classrooms, preschool prep, and prekindergarten programs. So that is the
42 age range of the people that will be utilizing this facility.
43

44 Gordon: So aside from newborns, I don't think they're going to be teaching them
45 how to read. But I think for the older children are going to be there. Is
46 there going to be a limit to how many children are going to have in this

1 facility? Talk about it, if this is really a daycare center where people who
2 work have to drop off their children for somebody to take care of them all
3 day long. This is a misnomer in my mind. This call it a learning center to
4 me is, this is nothing more than a daycare center. I, you can't tell me that
5 there's going to be some learning here for children who are newborns or
6 one year old or perhaps one and a half year olds. How old there's going
7 to be and how many children are going to be there? How much traffic is
8 going to be generated by people coming in early in the morning to drop off
9 their children? How many people are going to be there in the evening to
10 come pick them up? See, there's so much information that we don't have
11 that I feel that this is something that we have to be provided with more
12 information. Sorry.

13
14 Pompeo: Madam Chair, Commissioner Gordon. I understand that the information
15 you want and we can seek to get that information. As far as the operation
16 of the facility, my understanding is that is purely licensed and regulated by
17 the State of New Mexico. So how many children or capacity and things
18 like that, it's all based on the size of the building and whatever those
19 licensing standards are of which I am not aware of.

20
21 Gordon: But I believe we do have the right to know that. We can use that number
22 of children to determine whether or not we feel that this is a viable
23 opportunity for someone to put up this, they want to call it a learning
24 center, if it's going to create a lot of problems because of traffic and age,
25 are they going to have, I know they have to be licensed by the State, they
26 have to have certain regulations. If that's the case, if it's going to be this
27 type of thing, we would also like to know are there going to be a medical
28 facility if somebody gets sick? Is it going to have an opportunity for
29 somebody to be there to take a child for medical care? Are they going to
30 be licensed, maybe a nurse or someone on staff to watch out for this? Are
31 there going to be licensed teachers? Or is this just people coming in and
32 watch these kids for eight hours? That's just my feelings. I just would like
33 to know these things. We have approved on many occasions daycare
34 centers where all this information has been provided to us. And right now
35 we're, for example when we've approved daycare centers, we also
36 learned for example how big the building was, how big the parking lot was
37 going to be, how much traffic was going to be done you know in the
38 morning and in the evening. It's just a lot of misinformation that I just feel
39 very uncomfortable with.

40
41 Pompeo: Madam Chairman and Commissioner Gordon. I think, as I stand before
42 you tonight the question I have in my mind is, is it is C-3 the appropriate
43 zoning land use designation for this property pursuant to the Zoning Code
44 and Elevate Las Cruces and other master planning documents. The
45 getting into the details about building size and square footages and
46 parking lots and things seems to be something where we're putting the

1 cart before the horse. You're asking for the owner to go through all of
2 these designs and such. I mean past just general statements before
3 knowing that we even have the right via the zoning to even utilize this
4 property for that use.

5
6 Gordon: I'm not questioning the zoning here. I would like to have enough
7 information for me to approve this.

8
9 Pompeo: And that's what I'm seeking I guess. And I was going to follow up with a
10 question to you is if we're going to table this case in order for us to get
11 more information, than other than what you've spoken of, if there's any
12 other items that we have then we can certainly bring that back to you.

13
14 Gordon: I also brought up the item of a condition of this if we do approve it for now
15 to have an easement so that there is going to be access to that R-2
16 property. Right now there's nothing in there that's specific. They're just
17 saying, oh we have a way to get there. Well, I would want to make sure
18 that they exactly have the right given to whatever is going to be in that
19 property for a way to get out of it to the access road. Right now you're not
20 showing me anything. You're saying well we can give them access. I
21 want to specific about an easement or right-of-way to get into that
22 property. That would be a condition. But I still think that there's a lot of
23 things that I'm not, I don't think that I could at the moment feel
24 comfortable. Listen if you want me to approve this master plan, I think I'm
25 entitled to know a lot of this information before I can make a decision.
26 Otherwise, why bother coming here? Just put the plan in and we would
27 automatically say yes.

28
29 Thomas: Katherine. Did you want to respond to that?

30
31 H-Rogers: Madam Chair, Members of the Commission. I do want to point out that
32 during your consideration for a project such as this, it's about a range of
33 uses and not one specific use and the impacts that perhaps that range of
34 uses could bring. And I also want to clarify that during the subdivision
35 phase of any project, one of the requirements of staff as mandated by the
36 Design Standards has to do with access. And so they could not subdivide
37 these properties without staff ensuring that there is either right-of-way or a
38 perpetual easement. And so that's part of the process during the
39 subdivision phase. So I do want to be clear that this is not just about a
40 daycare, but it's about the entire range of uses that could occur on the
41 property.

42
43 Thomas: And are you, Katherine, can I ask you a question?

44
45 Gordon: Me too, but go ahead.

46

1 Thomas: And we got this whole list of uses and a whole bunch of them were
2 crossed out. And so the ones that were left on that list, that's the range of
3 uses you're talking about.
4

5 H-Rogers: Madam Chair, Members of the Commission. Yes ma'am. That is correct.
6 Because I would point out that, let's just say theoretically that the zone
7 change was to be approved, but Bumble Bee Learning Center decided to
8 relocate somewhere else. Well, the property is then open for any of those
9 uses that are listed in that land use table that was provided in attachment
10 number three.
11

12 Thomas: Even the ones that were crossed out.
13

14 H-Rogers: Not the ones that are crossed out.
15

16 Thomas: Not the ones that are crossed out.
17

18 H-Rogers: Those would be eliminated.
19

20 Thomas: So that that goes with the approval, the limited uses.
21

22 H-Rogers: That's correct.
23

24 Thomas: Okay.
25

26 Gordon: Katherine. Please excuse me for a moment. But just I want to follow up
27 with that. Then what was the point of even bringing this up as a Bumble
28 Bee Learning Center? Just approve it as a C-3? Why put that in here?
29 What was the purpose?
30

31 H-Rogers: Commissioner Gordon, Members of the Commission. I believe that the
32 intent was just to provide just a little bit more clarity about what they
33 wanted to do on the property in terms of their immediate plans.
34

35 Nichols: Madam Chairman and Members Commission. Larry Nichols Community
36 Development. Thank you everyone for making their comments tonight,
37 both the public and the Commission. I can add a few of my comments as
38 the Community Development Director. We have repeatedly a number of
39 occasions, we have a developer come to us that has identified a parcel of
40 land that he thinks has potential to enhance the neighborhood and the
41 overall City development. But in order to do that, he needs to know that
42 his project would have the proper zoning. Otherwise, he said if I can't get
43 this zoning, I have no interest in that development. So the zoning comes
44 first, and then he can begin to tell us, I have this particular project in mind.
45 It might be a learning center, it might be a restaurant, it might be
46 professional offices, it might be a cinema, it could be a number of items

1 that are allowed in that particular zoning. And then once they identify as
2 that project, what type of building is going to be, then our ordinances as
3 the Commission Chair said here tonight, our ordinances come into play.
4 Those ordinances are zoning and land use and building codes and fire
5 codes and utility requirements. All of those come into play. They submit
6 their plan and then we see that they meet the requirements of those
7 ordinances. That's when you get the answers that some of the questions
8 you've been answering tonight. But the zoning for the developer, the
9 zoning is paramount, because without the zoning he has no potential to
10 increase development of commercial and residential land use.

11
12 I just wanted to make a few of those comments to kind of explain why at
13 this stage of the proposal or the request we can't provide the
14 developer/the applicant is not able, unable to provide the specific answers
15 that you're asking about. Once the zoning is there and he knows the
16 building type, then these answers can be provided. Thank you Madam
17 Chair.

18
19 Thomas: And will any of this future planning come back before this board or the City
20 Council? And will any of this future planning once they see what's
21 allowed, will any of that come back then to this board or to the ... I think
22 that's what they want to know.

23
24 H-Rogers: Madam Chair, Members of the Commission. Unless they're pursuing a
25 multi lot subdivision on this property, the answer is most likely no. If they
26 subdivide this using the alternate summary method, one by one, individual
27 lots, that's entirely administrative and there wouldn't be an additional
28 review by this particular Commission. It should be pointed out that the
29 zone change however, will have an additional review by City Council.

30
31 Thomas: Okay. Any more comments or suggestions on what we should do from
32 people up here? Do we want to table this for them to bring back more
33 information or do we want to take a vote?

34
35 Gordon: I like to have a motion to table it to a date specific.

36
37 Thomas: Okay.

38
39 Bennett: I second.

40
41 Thomas: What date should we set?

42
43 Gordon: I'd like to know whether or not I can make that conditional upon the fact
44 that the applicant has to try to make an effort to contact the residents who
45 live alongside this project. I mean I think that when they're going to come
46 back to us at least they'll be here with some information as to what they

1 would at least be able to object to or approve. I don't know if that's
2 possible.

3

4 Thomas: Probably not. Legal, do you have anything to say about that? Do you
5 want to say that again Commissioner Gordon?

6

7 Cabello: Chair.

8

9 Thomas: What you were asking if it was possible to do for legal.

10

11 Cabello: Chair, Council. I'm not sure you could actually require them to meet. I
12 mean it would be good idea for the developer to meet with the
13 neighborhood. I'm not sure that's a requirement you can make that force
14 them to meet.

15

16 Gordon: All right then I have another question. If we approve the master plan
17 which is item number three, or whatever it is on the, 7.3. If we approve
18 7.3 which is the master plan, the approval then would have to be for a
19 zone change, again then that, how would we be able to vote yes on that
20 without having information as to what these people want to know. I mean
21 then I would have to say no. What happens if I say no on 7.4 and say yes
22 on 7.3? Can you answer that question Legal or Katherine?

23

24 H-Rogers: Chair, Members of the Commission, Commissioner Gordon. I think that,
25 the master plan is the basis for why, one of the supporting documents for
26 why you would then support a zone change. It would be hard to defend a
27 master plan that outlines specific uses and then not recommend approval
28 of a zone change with the same uses. It does ...

29

30 Gordon: So then what would happen at, let's say for example we vote yes on both.
31 All right, now we've approved the master plan and we've approved a zone
32 change. At this point when does the neighborhood have another bite at
33 the apple?

34

35 H-Rogers: Commissioner Gordon. The neighborhood would have an opportunity at
36 City Council to voice their opinion and their concerns and ultimately City
37 Council could then make a determination on the zone change. It's a bit of
38 a conundrum because if they deny the zone change yet there's an
39 approved master plan specifying those types of uses, it would force the
40 applicant then to one, either appeal to district court, or to revise their
41 master plan, come back to this Commission with a revised master plan
42 and a different zoning proposal to match that master plan.

43

44 Gordon: So it seems to me, let me think about this for a second before I say
45 something. It seems to me, well what happens if we vote yes on the
46 master plan and no on the zone change. In other words they don't get a

1 zone change, correct. Which means that the property will stay what it is.
2 Now can they, I know then they can still go to City Council, correct.
3
4 Thomas: The zone change also goes to City Council, correct. Yes.
5
6 H-Rogers: Yes. Madam Chair, Members of the Commission. The zone change
7 whether or not you recommend approval or denial would move forward to
8 City Council unless then the applicant withdraws their application.
9
10 Gordon: Well, it seems to me sometimes I wonder why we sit here. If that's what it
11 basically, every time we have a zone change. We've already had one
12 reversed on us about three months ago, that we denied something and
13 they said it was okay. So I don't know. All right, let it go forward. I'll see
14 what happens. I'll decide how I'm going to vote.
15
16 Thomas: Any more comments or suggestions or motions from other
17 Commissioners? Did you want to add something, Katherine?
18
19 H-Rogers: Not an addition. But I do want to remind you that there's already a motion
20 on the table to essentially postpone this to a date certain however, I don't
21 know that that date certain was ever specified.
22
23 Thomas: Did you make that motion to postpone to a date?
24
25 Gordon: I think I did, but not with a date certain. We didn't decide on that.
26
27 Thomas: You didn't pick a date.
28
29 Gordon: No.
30
31 Thomas: So it wasn't completed and I don't think there was a second.
32
33 Gordon: I don't, yes I don't even think there was a vote.
34
35 Thomas: Pardon?
36
37 Gordon: James did a second.
38
39 Thomas: You second.
40
41 Bennett: Yes.
42
43 Thomas: Okay.
44
45 Gordon: We get a roll call.
46

1 Thomas: We need to say what the date is.
2
3 Gordon: I don't have a calendar.
4
5 Thomas: Well ...
6
7 Gordon: How much time, how much time does, well if we postpone this to a time
8 certain, what is the applicant going to come back to us with that he, what,
9 he hasn't already given to us tonight. I'm looking to find out more
10 information. If he's going to come back with the same information we're
11 going to be in the same point we are right now. It will be redundant.
12 Katherine,
13
14 H-Rogers: Madam Chair, Members of the Commission. Aside from the applicant
15 maybe being able to procure some additional details about the one
16 proposal which is the daycare center, I'm not quite sure what else they
17 could provide you. We must remember that a master plan is a conceptual
18 plan in terms of general uses, densities, phasing, things of that nature.
19 And then again zoning is a range of uses. It's not about one specific use
20 per se. So I'm not entirely certain what they could bring you unless you're
21 asking for some specific details that maybe they could work on in the
22 interim. I would like to point out that the January meeting is January 25.
23 I'm not certain of the February meeting. Do you know? I do not have a
24 calendar on me.
25
26 Gordon: I don't think that we should postpone this to January. I have an idea of
27 what the agenda is going to be for January and I don't know if we'll have
28 time to discuss this. If anything I would like to do it in February. But if I
29 look at the summary of the case provided to us, it says that the zone
30 change request is associated with the Bumble Bee master plan. They're
31 very specific about using that term again, and seeks to increase
32 development of commercial and residential land uses. That's very, very
33 general. If it was just a case of rezoning this to be commercial, then they
34 should have said we just want to do commercial. They don't have to tell
35 anybody what it is. Is that true?
36
37 H-Rogers: Commissioner Gordon, Madam Chair, Members of the Commission.
38 Ultimately, it's interesting, it depends on what the Commission requests.
39 Sometimes commissioners want specificity. It sounds like maybe this
40 evening, they wanted less specificity. I'm not entirely certain. Sometimes
41 zoning is very speculative, sometimes it's not. In this case there is a
42 specific use in mind. Do they have to tell us? No, the answer is that
43 applicants don't. However, sometimes it does help.
44
45 Gordon: And I agree with you. And that's what we asked for. I think that we, I think
46 I would like to have that information so it would help me to make a
47

1 decision. I mean I feel for these residents. They have, I think they have a
2 very strong argument.
3
4 Thomas: Okay, so date specific probably should not be any later than the January
5 meeting.
6
7 Gordon: No, don't do January.
8
9 Thomas: Pardon?
10
11 Gordon: Knowing what I know about what's going to happen in January don't do it
12 in January. We'll be here till three o'clock in the morning.
13
14 Thomas: Well it's true, it's a packed agenda for the January meeting.
15
16 Gordon: I mean is there any problem with doing it for February?
17
18 Thomas: Let's ask the applicant.
19
20 Baum: Madam Chair. That would be February 22nd.
21
22 Thomas: Thank you.
23
24 Baum: You're welcome.
25
26 Pompeo: Madam Chair. If it is the will of this Commission that we go to February,
27 then we'll go to February. And I will seek to get as much information as I
28 can to submit it back to staff. I don't know about meeting with the
29 neighborhood again. I do believe that I due owe the information that they
30 seek. I will say that after meeting with the neighborhood we retracted the
31 intensity of this development, but then come to this meeting and be
32 accused of changing what we submitted to them. What I mean, we tried
33 to reduce the scope of that. So I will, within the next, if we postpone to the
34 February the 15th, over the next two weeks we'll make another submittal
35 to staff that will have as much clarification as we can provide on the items
36 Commissioner Gordon that you've asked for.
37
38 Gordon: Okay. But you realize we did not accuse you of that.
39
40 Pompeo: No, no, no. No. No. Clarification, comments from the neighborhood, I
41 understand where they're coming from. There was a number of people
42 that spoke to the fact that we had tried to pull the wool over their eyes or
43 changed up what we were doing, etc. When we first met with the
44 neighborhood there was going to be a shopping center, the whole, all of
45 this property was going to be C-3. And we retracted that. Not only did we
46 do that, we went back into the C-3 uses and struck a number of those

1 uses in attempt to downgrade the intensity of the uses that can be on that
2 property. So yes, things did change. But in my opinion it changed to the
3 benefit of reducing the scope and magnitude of the zone change.
4
5 Gordon: Well I don't think, I don't think the residents agree with you but that's fine.
6
7 Pompeo: Well other than ...
8
9 Gordon: If the Commission is agreeable, then why don't we just make that decision
10 now and we don't have to continue this discussion because we're not
11 getting anywhere.
12
13 Thomas: There's a motion on the floor is to postpone this to the February meeting
14 which is February 22nd. We have a motion and a second. Can we have
15 a roll call?
16
17 Baum: Board Member Muniz.
18
19 Muniz: Yes.
20
21 Baum: Board Member Vega. Board Member Bennett.
22
23 Bennett: Yes.
24
25 Baum: Board Member Guerrero.
26
27 Guerrero: Yes.
28
29 Baum: Board Member Smith.
30
31 Smith: Yes.
32
33 Baum: Board Member Gordon.
34
35 Gordon: Yes.
36
37 Baum: Chair Thomas.
38
39 Thomas: Yes.
40
41 Baum: Thank you.
42
43 Gordon: Madam Chair.
44
45 Thomas: Okay thank you.
46

1 Gordon: Madam Chair.

2
3 Thomas: Thank you to the people from the neighborhood for coming. I think that
4 you did lay out the things you wanted to know. I think that has to do with
5 more about what kind of a center that Bumble Bee Center is, more about
6 traffic, more about the buffers between the commercial and the
7 neighborhood. And so we'll expect to hear more about that in February.
8 Thank you.
9

10 **4. Bumble Bee Learning Center Zone Change:** A proposed zone change
11 request from R-2 (multi-dwelling low density) to R-2 (multi-dwelling low
12 density) and C-3 (commercial high density) on a property encompassing
13 5.64 +/- acres and located north of Bataan Memorial West and west of
14 Holman Road. The zone change request is associated with the Bumble
15 Bee Master Plan and seeks to increase development of commercial and
16 residential land uses. Submitted by Souder, Miller and Associates,
17 representatives. Council District 5. (21ZO0500020)
18

19 POSTPONED UNTIL FEBRUARY 22, 2022.
20

21 **5. 1240 S. Valley Drive Special Use Permit Request:** A Special Use Permit
22 (SUP) to allow for a deviation of 200 feet to the required 300-foot buffer
23 distance for cannabis retail establishments from a single-family residential
24 zoning district. The subject property encompasses + 0.99 acres and is
25 zoned C-2 (commercial medium intensity) and is within Council District 4.
26 Submitted by Desert Peaks Architects for Everest Cannabis Co.
27 (21ZO1000109)
28

29 Thomas: Okay, the next item is ...
30

31 Gordon: 7.5.
32

33 Thomas: 7.5. I need a motion and a second to approve the Special Use Permit on
34 South Valley Drive.
35

36 Gordon: I make a motion that we approve the Special Use Permit for the property
37 and the opening of a store on South Valley Drive.
38

39 Thomas: Is there a second?
40

41 Smith: I second.
42

43 Thomas: Okay. We have a presentation from Mr. Banegas.
44

45 Banegas: Yes ma'am. Madam Chair, Members of the Commission. Vincent
46 Banegas Interim Planner. The Special Use Permit this evening involves
47

1 property located at 1240 South Valley Drive. It is indeed a Special Use
2 Permit and I'll explain why here in a minute. It involves case number
3 21ZO1000109.
4

5 Current conditions related to the project or the property in question. It's
6 currently zoned C-2, which is our medium intensity commercial, it's
7 intensity not density. It is currently developed as a small four suite retail
8 node or center. And the property, in this case the, not only the property
9 but the suite is located on the northwest corner of Aspen Avenue and
10 South Valley Drive. And it is roughly 0.225 acres in size, if you round up.
11 The surrounding property, there is a mixture of uses and zoning to the
12 west and northwest of the site, you have single-family residential property
13 in the R-1a district. Directly north of the subject property is multifamily
14 uses, apartments in this case and zoned R-3. And elsewhere along Valley
15 Drive, certainly across the street further south of the subject property
16 wrapping around Avenida de Mesilla you have commercial zoning and
17 commercial uses, and you have a mix of not only C-2 but some C-3
18 zoning as well.
19

20 This is a zoning map showing the subject property, it is outlined in red and
21 hatched as shown on the map. And again your multifamily component is
22 directly north. This is the R-1a single-family residential neighborhood.
23 And you'll notice that this parcel which is single-family is the adjoining
24 neighbor to the subject parcel. And it is the juxtaposition of these two
25 properties that require the consideration of the SUP. Elsewhere you have
26 the C-2 as indicated, and further along Avenida de Mesilla you have C-2
27 and C-3.
28

29 This is an aerial view of the subject property. The little or the small
30 business node component sits on the property in this fashion. And again,
31 your residential neighborhood west-northwest of the site. Just south of
32 there is a gas station located south of the subject property. And you do
33 have shared access not only off of Valley Drive but into or across property
34 boundaries to help with traffic pattern/traffic flow on site. And you do have
35 ingress/egress pursuant to code off of Aspen Avenue for that subject
36 property.
37

38 In terms of history, the property was subdivided with its southern neighbor
39 in 2008. And later was developed as the commercial property we see
40 today, that took place roughly four years later after subdivision activity
41 occurred. At the time all development requirements were met. Certainly
42 at the time of construction for that commercial node or development, all
43 the parking, all the building codes, all the buffers and screens that are
44 required in our code. We heard about the screens this evening. Those
45 were in place and are today. The property has been zoned C-2 since pre-
46 1970. And we say pre-1970 because 1969 was our base zoning that we

1 started from, we sprung forth with all our zoning history. So it certainly
2 has been around for a while in terms of C-2 zoning for that site. The
3 building itself was built approximately 110 feet from the adjacent R-1 zone,
4 the property that I showed you on the map. And that is the shared
5 property line that is in question for this is SUP.
6

7 In terms of the proposal, the applicant, which is Everest Apothecary Inc.
8 and Desert Peak Architects on behalf of them, have submitted a request
9 for an SUP to place a retail cannabis store at this location. And again it
10 would be in suite D of that building. The buffer distance between cannabis
11 store perimeter and the closest single-family residential zoning district
12 boundary is approximately 110 feet. In terms of the current code that
13 which was adopted by City Council not too very long ago, 300 feet is
14 required. Because of that discrepancy, a Special Use Permit is now being
15 sought and is an element for approval for this proposal. All other buffer
16 distances are met and those distances refer to the boundary of operation
17 for the retail cannabis store to other retailers and also to school and
18 daycare property. The proposed use will have to follow all remaining CLC,
19 assuming it gets approved, will have to follow all CLC requirements and
20 State of New Mexico regulation governing cannabis uses and related
21 activity. This is a kind of a modified site plan showing again the subject
22 property adjacent to the neighborhood. They identified roughly 66 feet
23 from the boundary of operation for the retail cannabis site to the R-3, but
24 again it's 110 feet from that same perimeter over to the nearest portion of
25 the R-1a zoning district, and that's the 110 feet which is required to be 300
26 feet.
27

28 A couple of photos showing the site. I know these were taken in the
29 summer, but it kind of illustrates the point that I'm going to try to make
30 here, and that is the fact that you have the existing development, you have
31 parking already in place, here's that shared access point to the neighbor to
32 the south, which is the gas station, you have clearly the required
33 landscaping element. And you begin to see some of these trees along
34 here that serve as the buffer or screen to the residential properties due
35 north, in this case those apartments. This is a shot looking down Aspen
36 Avenue from about the intersection of Valley Drive, and you can see that
37 the site or the subject property that I'm pointing to with this cursor is
38 already well hidden by those trees. And then of course further down on
39 Aspen, this is the subject residential property, the R-1a property that is
40 within the 110 foot distance to the subject building. And certainly from that
41 angle you can see that there's quite a bit of distance separated by a
42 drainage pond for drainage from the commercial property, you got parking
43 lot, and then you got the back of the building. The front of the building of
44 course and is facing Valley Drive.
45

1 In terms of notice, notice was sent to surrounding property owners. To
2 date two e-mails were received, one was included in your packet, the
3 other one I handed out this evening, and one phone call was received, all
4 objecting to the proposal. The objection cited basically further
5 encroachment of nonresidential use into the residential development
6 located west of the subject property. And there were also concerns about
7 what the proposed use might bring in terms of people that use drugs or
8 the opportunity for increased traffic accidents and injuries because of the
9 location, and the anticipated traffic that would be brought into the site and
10 brought into the neighborhood etc. So those were some of the concerns
11 that were cited.

12
13 In terms of recommendation and findings of fact, staff recommends
14 approval of the proposal. The findings are as follows, again going back to
15 the distance or buffer requirements for the proposed use, all other
16 distances are met, excepting the residential distance that I've talked about.
17 You have property that meets current screening and buffer requirements.
18 Going back to those photos I illustrated that some of the screens do a
19 pretty decent job of at least buffering any visual impact and potential any
20 noise impact to the surrounding properties. And those measures of
21 course are to mitigate some of those development impacts that come with
22 commercial development. Also, there's a relatively high degree of
23 compatibility with other commercial properties along Valley Drive in
24 context to what you see on the subject site. And the ingress/egress on
25 that site is intended to mitigate traffic impacts to the residential
26 neighborhood. It was a required element in terms of the building permit
27 process for a commercial building, such as what you see there today.

28
29 Proposal also meets the purpose and intent of Section 38-2. the
30 requirements or the elements of that section are identified in your packet.
31 And it's safe to say without any doubt that the proposal must meet any
32 other Zoning Code requirements required by the City of Las Cruces and of
33 course the State of New Mexico. Those must be followed for any
34 cannabis related use. There are several goals, policies., and actions that
35 are also identified in your report that are consistent with the SUP, with
36 Suburban Place Type. And just to reiterate, Suburban Place Type is
37 characterized by low to moderate residential densities with intermixed
38 areas of commercial development, and there's single-family, multifamily.
39 retail office, institution, and public uses are a component of that mixture.

40
41 Yes. In summary in terms of the goals and policies and some of the
42 actions, it's safe to say that mixed use neighborhoods are mentioned in
43 those goals and supporting policies that I presented in your packet. You
44 also have expanding economic opportunities that are promoted both at a
45 regional and national level. You have increases to employment
46 opportunities to increase economic security amongst individuals in the

1 community. And locating businesses along key corridors and major
2 thoroughfares is a component of our comprehensive plan as well.

3
4 And this evening, you have the following options, you can vote "yes" and
5 approve, vote "no" and deny, just recognize that denial will mean you'll
6 have to come up with your own findings of fact to support that action, you
7 could vote "yes" with condition, and I would strongly suggest that you add
8 those conditions in your motion please so that they can be recorded as an
9 element for approval, should you take that route, or you could vote to
10 table. And that concludes staffs presentation, Madam Chair. And I'll
11 stand for any questions you may have.

12
13 Thomas: I have a question Mr. Banegas. I was told that there are other cases like
14 this where people who are planning to open a cannabis store had already
15 purchased property or made arrangements or set up a lease or something
16 before the City put out its regulation, it's 300 feet regulation. Was I
17 misinformed or is that part of the problem here that when the decision was
18 made to open the store in this location the City's ordinance for cannabis
19 had not yet been determined?

20
21 Banegas: Madam Chair. To the best of my knowledge, I know the buffer distance
22 criteria, that was something that was discussed at some length and
23 certainly at the Council level, something that was later asked of staff to
24 build into the proposed ordinance. In terms of specifically whether or not
25 people bought or secured lease on property prior to, I'm not privy to that.
26 But we are holding meetings at present every week, in meeting with
27 cannabis related potential businesses to discuss opportunities and how
28 the code reads and how the law currently reads in context to the City
29 Zoning Code. And one of the elements that's identified in that code is, is if
30 you're less than the 300 feet to single-family residential zoning district
31 boundaries, you do have the opportunity to seek a Special Use Permit,
32 which is what we're talking about this evening.

33
34 Thomas: Okay, thank you for that information. Any other questions or comments?
35 Any comments from the public? Okay, let's take, start on this side and
36 we'll start in row three.

37
38 Gilboard: Thank you.

39
40 Thomas: And your name is?

41
42 Gilboard: Mark Gilboard.

43
44 Thomas: And do you swear and affirm the testimony you're about to give is the truth
45 and nothing but the truth under penalty of law?
46

1 Gilboard: I do.
2
3 Thomas: Thank you. Go ahead.
4
5 Gilboard: Madam Chair and Members. Want to say first and foremost that Everest
6 Cannabis Company is a provider of jobs. We hire locally, and we hire a
7 diverse staff that reflects the values and (*inaudible*) of the community. Our
8 employees spend their money in the community, they pay taxes, attend
9 events in Las Cruces and they add to the tax base for the City. I also want
10 to say that we take pride in being good neighbors, our patients love us and
11 we provide a safe legal way for people to find relief. We opened our
12 existing dispensary in March of 2020. To my knowledge there have been
13 no complaints, no increase in any concerns in the area. We are good
14 neighbors to the Jimmy John's sub place, the Dunkin' Donuts, there are
15 doctors' offices where our existing location is on Lohman. We opened,
16 and I wanted to mention that cannabis customers are not what most
17 people think; they're you know your neighbors, your doctors, your
18 teachers, maybe even friends. They're professionals who spend on
19 average you know over \$60 a transaction, that's our average transaction.
20 And they go enjoy our outdoor activities. And they are not a detriment to
21 society, which is a common misconception. I'm the director of retail
22 strategy for Everest Cannabis Company. I invite your questions about any
23 of our retail operations. We will have standard business hours. Our
24 existing location is 9:00 a.m. to 8:00 p.m. And so we anticipate standard
25 business hours at this location. And that's all I have for you.
26
27 Thomas: Thank you. Questions or comments? Yes. Commissioner Gordon.
28
29 Gordon: Yes I have just a simple question. Is, I know what's happening now in
30 New Mexico, and of course in many other states with these new cannabis
31 stores or retail outfits or whatever you want to call it being open. How
32 does that relate to people who hold medical cannabis cards? Because
33 you can go to a place here in Las Cruces now Sacred Garden or
34 something like that it's called, all my neighbors go there. They will have
35 medical cannabis cards.
36
37 Gilboard: Yes.
38
39 Gordon: In order to come to your establishment do you need to have that card?
40
41 Gilboard: That's correct. Yes, until the law changes and gets implemented in April
42 of 2022. Currently only medical card holders that are certified through the
43 program in the State of New Mexico are able to enter and purchase
44 cannabis.
45

1 Gordon: So my feeling is that the type of person who's going to enter your
2 establishment to buy something is not the type of person that people think
3 is going to be going there who is a dope addict or for better lack of a
4 definition. I have, I know of my neighborhood alone there's at least five or
5 six people who have (*inaudible*) it and they all swear by it. You know
6 people have these terrible problems with pain and nerve problems and
7 they all use it and swear by it. To me it's a godsend. I think it was just an
8 interesting program on CNN this weekend where now they are using
9 cannabis to treat children who have, what is it, who have ...
10
11 Gilboard: Epilepsy.
12
13 Gordon: Pardon?
14
15 Gilboard: Epilepsy.
16
17 Gordon: No, not only epilepsy, but who are autistic. Thank you. I'm sorry, lost my
18 train of thought. Autistic and they've shown amazing results with the use
19 of cannabis. So I know about from experience and from my friends and
20 what I've seen it's, to me it's about time.
21
22 Thomas: Any other comments or questions from the Commissioners? Okay.
23
24 Gilboard: Thank you.
25
26 Thomas: Anyone else who wishes to speak? Okay, again on that, one, two, three,
27 four, row five.
28
29 Kirk: Trishelle Kirk.
30
31 Thomas: Do you swear and affirm the testimony you're about to give is the truth and
32 nothing but the truth under penalty of law?
33
34 Kirk: Yes.
35
36 Thomas: Okay, go ahead.
37
38 Kirk: And I am the CEO of Everest. And thank you for your consideration
39 tonight. I can provide some clarification on the timing of our lease. It was
40 signed on July 13th. And I believe the new zoning laws that we're
41 currently requesting a Special Use Permit went into effect in early
42 September. And so we did have a lease in place. We have been licensed
43 and in good standing with the State of New Mexico, the Department of
44 Health, and the Cannabis Control Division since 2016. We currently
45 operate seven dispensaries throughout New Mexico. We've been in Las
46 Cruces as Mark said for over a year and a half. And you know we just

1 really look forward to continuing to grow in the Las Cruces market and
2 really be part of the community here in Las Cruces. And I'm available for
3 any additional questions.
4
5 Thomas: Thank you. Any questions? Thank you for your comments. Okay, wait,
6 too confusing. Who's already been up here?
7
8 King: Good evening, Chair Thomas and Members of the Commission. I am ...
9
10 Thomas: What's your name?
11
12 King: Jefferson King.
13
14 Thomas: Okay, do you swear and affirm the testimony you're about to give is the
15 truth and nothing but the truth under penalty of law?
16
17 King: I do.
18
19 Thomas: Okay.
20
21 King: As the director of marketing and store development for the company, I'm
22 here to make comment that we put a lot of effort and design into the look
23 and feel of our stores. We make sure that our environment is very inviting,
24 and also very professional. Our stores are extremely well lit. And we
25 follow all of the security guidelines that are given from currently from the
26 CLC.
27
28 So, and as for any concerns regarding stigma, I would just like to speak to
29 what Mark mentioned that our cannabis customer is the professional, it is
30 the younger patient, it's the older patient, it's the single mother, it's me
31 standing before you. So just wanting to let you know that we are looking
32 forward to bringing a lot more business to this area. And we think that our
33 presence there will make the area much improved.
34
35 Thomas: Thank you.
36
37 King: Thank you.
38
39 Nichols: Madam Chair.
40
41 Thomas: Wait, could you come back to the microphone for a minute? I think there
42 was a question.
43
44 Nichols: Thank you Madam Chairman, Commission.
45
46 King: Yes.

1
2 Nichols: Yes sir. You mentioned that you were the director of marketing. Is that
3 correct?
4
5 King: Yes.
6
7 Nichols: Could you expand a little bit? This particular facility, will it be involved in
8 what type of cannabis licensure? Is it retail sales? Is it growth? Is it
9 extraction? Is it laboratory? What is the, your business?
10
11 King: Strictly retail sales.
12
13 Nichols: Strictly retail. Thank you.
14
15 King: Okay.
16
17 Thomas: Thank you. Okay, we're on row one, two, three, four, five. Okay.
18
19 De La O: Hello. Austin De La O.
20
21 Thomas: And do you swear and affirm the testimony you're about to give is the truth
22 and nothing but the truth under penalty of law?
23
24 De La O: Yes ma'am.
25
26 Thomas: Thank you.
27
28 De La O: Okay, so I just wanted to start out by thanking you guys for coming. I am
29 an assistant manager at our current location off of Lohman that we have.
30 We've been there for a little over two years, going on two years almost.
31 It's really nice working there. I don't feel like I would have the benefits
32 currently that I have right now without this job available to me. I've lived
33 here all my life. I've been a resident of Las Cruces 27 years. Pay my
34 taxes every year. You know doing good stuff. Just trying to you know
35 make a good living. I don't feel the benefits that this company gives me
36 though I would be able to fully find elsewhere. They're very professional,
37 they do everything simple. We have good rapport with the community and
38 stuff. We have people that look forward to coming and seeing us. It's
39 nothing harmful like they were saying. It's something that you know
40 everybody, not everybody but a large amount of the community uses right
41 now. And I don't see a large uptick in crime. A lot of my family, I'm kind of
42 like the black sheep of the family, everybody is law enforcement or
43 military. I'm the only one that kind of went this route, so it is a little bit
44 different. And they come to me with questions and stuff. None of them
45 are bad people, they're just looking to make their lives a little bit better.
46 They have pain management that they're trying to assess. They have

1 sleep deprivation, things that they don't need to go and seek out other
2 medication when they already went the legal route of attaining a card and
3 going through the board and the systems that are required. You know
4 what I mean? So there's leaps and ways to prevent bad people from kind
5 of attaining this type of product.
6

7 Another good thing that I think would be really positive for the community,
8 I've lived here all my life like I said, is the taxes that it's going to bring in. I
9 visit a lot of different places. I've gone to places where it's legal and
10 places where it's not, and you can definitely see, sometimes day and night
11 the difference in the community. Like the highways, just everything built
12 up, the people that it brings in for visitation purposes and stuff like that.
13 There's a lot of money to be made, which I know isn't everything. But you
14 know, the cannabis portion brings everyone kind of closer together and
15 then the money is just extra you know. That's always an added bonus.
16 And that's all I really have to say. I'm very thankful for everything I have.
17

18 Thomas: Thank you very much for your comments.
19

20 De La O: Yes ma'am. Thank you.
21

22 Thomas: Anyone else over here? Okay, one, two, three, I think you're on row six or
23 seven.
24

25 Smead: Hello, my name is Cole Smead.
26

27 Thomas: Do you swear and affirm the testimony you're about to give is the truth and
28 nothing but the truth under penalty of law?
29

30 Smead: Yes ma'am.
31

32 Thomas: Thank you.
33

34 Smead: Awesome. I just wanted to come up here today and talk to all of you
35 about how awesome Everest has been for the community aspects. I know
36 personally since I've just grown up here, I've been along here a long time.
37 It's been really nice to see them trying to get us to reach out to other
38 businesses, to reach out to other people in our communities, to try to set
39 something up that's bigger than just ourselves, but instead working
40 towards a greater future for just Las Cruces in general. Joining the
41 company it was heavily emphasized to me that the community outreach
42 was important and that what we were building was so much more
43 important than just a business. One thing that I love to point out to people
44 that are coming into our store for the first time or just coming around, is
45 that we have hundreds of reviews on Google and they're all super high like
46 4.9 stars is our average right now. And the reason that is, is because we

1 do try to build a community with every single person who comes into our
2 store. It's really amazing to see, and I've never worked in sales, I've
3 worked in multiple fast food, I've worked in a couple other jobs. I've never
4 seen the type of relationship that we've been able to build with our
5 clientele and the people in our City that I have been able to build while I've
6 been at Everest Apothecary. that was all
7

8 Thomas: Thank you very much. Any more comments? The next to the last row.
9

10 Stoops: Name is Ryan Stoops.
11

12 Thomas: Do you swear and affirm the testimony you're about to give us the truth
13 and nothing but the truth under penalty of law?
14

15 Stoops: Yes.
16

17 Thomas: Thank you.
18

19 Stoops: My name is Ryan Stoops. Of course I've lived in, down and around in the
20 New Mexico area for a little over 15 years. I am currently a homeowner
21 and a guest advisor at Everest Cannabis Co. Currently, right now my
22 biggest thing that I see with the way that we actually run our company is
23 we're very big on integrity. We're also very big on sustainability.
24 Everything that we do we try to make sure that it's completely organic. We
25 try to minimize as much waste as possible. So there's not usually any
26 issues with like floating containers, bags, or anything like that that you
27 may see, like contraband wise. Everything that we do we keep clean, we
28 maintain, and we try to make sure that everything is above standard or
29 even more so by the book. We try to keep things of course you know with
30 the way that we actually run our company, we are hugely bound to New
31 Mexico and the way that we actually run things. Of course, most of our
32 stuff is up north at the moment, but we are trying to basically expand and
33 create more of a home down here in southern Mexico. Providing some of
34 the highest quality of both customer service, sales, and of course
35 cannabis that we can provide for our community. The biggest things of
36 course that I see are the actual benefits that we do to our patients,
37 basically providing everything that we can between the knowledge that we
38 actually get, especially researching and making sure that we have
39 everything available for our patients primarily because that is our main
40 focus that we actually have in a company. We try to take care of every
41 patient's needs, basically one on one for the most part. We even make
42 sure to actually keep everything separate. There is a full on waiting lobby
43 between, we try to make sure everything is sectioned off so that there is
44 no cross contamination or anything. We take care of it all, in house
45 sanitizing all. Thank you.
46

1 Thomas: Thank you very much for your comments. Anyone else? Okay, we'll
2 come back to Commissioners. Any more comments up here or questions,
3 discussion? Yes Commissioner Guerrero.

4
5 Guerrero: Yes. I just, so I want to make a comment real quick because I mean first
6 of all you know just so everybody in the public knows, cannabis is legal in
7 New Mexico. I mean it will be you know as of April whenever the law is
8 enacted. But at the same time you know like, we get e-mails like this and
9 I'm not going to read the whole e-mail. This was written by somebody that
10 clearly doesn't you know I guess, subscribes to old ideas about cannabis.
11 You know list a whole bunch of things that are side effects. Those are the
12 same or worse as alcohol and there is a gas station around the corner
13 from here, there's one across the street that sell alcohol. So you know it's
14 like picking and choosing just because of something that you heard was
15 really bad back in the day isn't fair to businesses like this one. I mean
16 clearly they have a really big staff, very knowledgeable. You guys all
17 seem amazing. I don't have a medical card, but whenever it's retail I may
18 stop by and visit, I mean who knows, right. But you know like, I think we
19 really need to remind people it's like you know legalization of cannabis is a
20 law in New Mexico now, and we are going to see more like this. You
21 know so I mean it just is what it is. Brings businesses, brings
22 employment, brings diverse, young employment which is what we need in
23 New Mexico. So you know I just want to remind people of that, that yes, I
24 mean sometimes, are there myths that exist about things, yes there's
25 myths that exist about everything. I mean McDonald's you know can kill
26 you as well and people use it all the time and that's not illegal. You know
27 diabetes, and obesity is not illegal. So you know just want to remind
28 people of that, is like there's pros and cons to everything.

29
30 Thomas: Thank you. Any more comments from Commissioners? Commissioner
31 Smith.

32
33 Smith: Just to tag on to my colleague, just to (*inaudible*). You know I also read
34 this e-mail and you know I'm familiar with that area. I live nearby within a
35 mile of this proposed site. And you know that neighborhood, I'm familiar
36 with the neighborhood, and there have been businesses there before. I've
37 been living in that area for over 20 years. And I know at one point there
38 was a Verizon store there. And there's been a couple of other businesses
39 there. So you know that neighborhood, they're used to retail. They're
40 used to you know commercial businesses being there. And so that's
41 something that they're familiar with. The difference now is that you know
42 there's a cannabis store coming in and so they have this idea that it's
43 going to bring in drug addicts, it's going to bring in you know problems in
44 that area. And of course we know now, especially over the years of how
45 cannabis is being used medically and scientifically that that's not the case.
46 So I still want to be sensitive to you know the neighborhood and the

1 neighbors so they can understand that we're not sitting here just you know
2 to approve something just because it's a viable business you know for a
3 tax base and for the City of Las Cruces. This is a company and many of
4 the cannabis companies that are starting to open in Las Cruces are very
5 professional and they brought in their entire staff to make that point. And
6 so I feel that it is important that the concerns of the neighborhood are
7 addressed and that they do understand that this is not ... I lived in New
8 York City for eight years. And I used to ride my bike in areas where there
9 were crack houses. And some of the comments that I've read in this
10 particular e-mail is something I'm familiar with like from a crack house.
11 And this is not a crack house. And so I think as these type of businesses
12 continue to grow in Las Cruces, it's important for the residents of the City
13 to understand that these are beneficial businesses for the community and
14 for the City. And we have laws and ordinances that will make sure that
15 these businesses are run in a very professional way.

16
17 Thomas: Thank you. Any more comments? Yes Commissioner Gordon.

18
19 Gordon: just want to correct myself. It wasn't on CNN it was on 60 minutes on
20 CBS. And I think that if anybody is watching this meeting tonight, if they
21 have the opportunity, for example if you are on Comcast, you can go to
22 demand and bring up this 60 Minutes story about the use of cannabis.
23 And I have to tell you, you could almost bring yourself to tears to see what
24 this is able to do.

25
26 Thomas: Thank you. Any more comments? Okay. Roll Call.

27
28 Baum: Chairperson. The motion was made prior to hearing Mr. Banegas'
29 statement concerning conditions. I didn't know whether those needed or
30 didn't need to be included in the motion.

31
32 Thomas: Mr. Banegas.

33
34 Banegas: Yes, just to clarify Madam Chair, Commissioners,. All I was stating is that
35 if there are conditions please include them in your motion. Staff didn't
36 recommend any conditions be added.

37
38 Thomas: Okay. Thank you.

39
40 Baum: Thank you. Board Member Muniz.

41
42 Muniz: I vote yes. And the reasons for my voting is cannabis is really helped
43 some of my family members who have suffered with cancer. And I've
44 seen it gave them a little life. So I give it a big yes.

45
46 Baum: Board Member Vega. Board Member Bennett.

1
2 Bennett: I vote to approve based on staff recommendation and site survey.
3
4 Baum: Board Member Guerrero.
5
6 Guerrero: I as well approve to, or vote to approve based on staff recommendations,
7 and as well as you know just bringing jobs and the diverse workforce to
8 Las Cruces.
9
10 Smith: Board Member Smith.
11
12 Smith: I vote yes based on staff recommendation and also based on site visit.
13
14 Baum: Board Member Gordon.
15
16 Gordon: I vote a very strong yes based on staff recommendations. I wish you
17 success in this operation. And go ahead and I know that you will bring
18 tremendous, tremendous relief to a lot of people who suffer. And have no
19 other recourse but to use cannabis. Believe me when I tell you I have so
20 many friends who rely on this to get a night's sleep, to be free of pain. It's
21 amazing what this product does. Even a simple use perhaps maybe of
22 just CBD, which is a nothing as compared to what cannabis in your retail
23 store could do. But if they have to take that extra step and go get
24 themselves a medical card, then it's something that they have to do. It's
25 just unbelievable. I don't hear anybody say anything negative. So again I
26 vote a very strong yes. And good luck.
27
28 Baum: Chair Thomas.
29
30 Thomas: I also vote yes, based on staff recommendations and site visit. And so the
31 motion passes six to zero.
32

33 **VIII. COMMISSION COMMENTARY**

34
35 Thomas: Next on the agenda is commission commentary. Thank you very much for
36 coming and sharing your information with us and we wish you all success.
37
38 Gordon: Now commission comments?
39
40 Thomas: Yes. Commissioner Gordon.
41
42 Gordon: Yes, I have, I think which is a very apropos statement to make. Knowing
43 that Commissioner Thomas is that this is her last meeting. I have to tell
44 you two years ago when she joined the P&Z I was so thrilled to know that
45 someone of her stature and knowledge and history in the City and being a
46 council woman, being on a lot of commissions, and it's just amazing how

1 much she has been able to enlighten us in many cases. So we will miss
2 you. And I can only say that we have to hope that everything goes well for
3 you. You know, you take care of your problems. And again we will miss
4 you. And I'm sorry that you are leaving.

5
6 Thomas: Thank you for that. I will miss everybody as well.

7
8 Guerrero: I have an additional comment as well. you know, just ...

9
10 Thomas: Yes.

11
12 Guerrero: Same thinking Commissioner Thomas. But also you know I mean, this
13 has been a really great commission. You know we've gained a few new
14 members such as Rico, and as well as Commissioner Vega this year.
15 And I'm excited you know for I guess the fresh, I guess maybe like a fresh
16 2022 in this commission. I've been on it for three years. And you know
17 I've seen a lot of things and I've seen our City continue to grow. And you
18 know I just want to remind people again you know what we saw today was
19 just an example of growing pains. And we're going to have to continue
20 dealing with this for a while. And the new code is going to be hopefully
21 coming in soon and I'm really excited that we all get to be a part of that as
22 well.

23
24 Thomas: Thank you. Okay, I just want to say as many of you know, I've tried to
25 retire several times and it never seems to work out. So my husband and I
26 retired early from Michigan State because he was diagnosed with
27 leukemia. And our adult kids already lived here and were running our
28 café, so we decided to move here. And I thought that I was, I was looking
29 forward to getting back to pottery. I used to be a potter and maybe doing
30 some yoga. So I didn't bring a pottery wheel, but I brought all my tools
31 and my clay and my glaze formulas. And then I met Jeff Steinborn. And
32 he and Karen Paris were setting up a little group to study comprehensive
33 plans. And there were I don't know, eight or 10 of us. I don't think any of
34 us knew what a comprehensive plan was let alone what made a good one.
35 But we learned a lot. Several people from that group have actually ended
36 up running for office. Nathan Small, Gill Sorg, you'll recognize the names.
37 I think we all got inspired by Jeff. Then there was a group that wanted
38 Ken Miyagishima to run for mayor. And he said he wouldn't do that unless
39 he knew who was going to run for his seat. And so they asked me to go
40 meet with them. And I met with them and then he won and announced at
41 his party that night that I was going to run for his seat. So then I had a
42 new career.

43
44 So I wanted to learn more about planning. I spent a lot of time with my
45 daughter who's a planner, and I started going to conferences. And I have
46 to say that my husband, who's watching, put up with a lot over the years.

1 He learned to get those rotisserie chickens from Albertsons and find stuff
2 to go with them, did a good job on the meals. He put up with a lot of
3 conferences and meetings, and got very adept at saying, wait you need to
4 talk to that person over there. So it was kind of a two person job. So but
5 we just didn't get to the comprehensive plan, we did a strategic plan. But
6 comprehensive plan didn't come along. The county got a grant, they did
7 their comprehensive plan. I worked a lot on that and also on the
8 implementation. So I kept hoping that we were sometime going to do that,
9 but it didn't look like it was going to happen. So I retired from the City
10 Council. And then lo and behold the City decided to do a comprehensive
11 plan. So when I had the opportunity to join this group you know that was, I
12 jumped at that opportunity because that's what I'd been wanting to do from
13 the very beginning when I first became a part of the City Council. So I say
14 that I want to thank all the Commissioners, several of you who are up here
15 worked on the comprehensive plan. You all put in extra-long hours you
16 know just to make sure we had a good plan. I think we have a good plan.
17 And I want to thank you all for doing that. As you've pointed out, there's
18 still work to be done, the implementation is coming and you're going to be
19 seeing a lot of drafts. And so I would like to be here to do that but my
20 family health issues don't make that possible. So my charge to you is that
21 you make sure the comprehensive plan gets implemented when all those
22 drafts come forward and that you pay attention. So I hope you'll be very
23 familiar with the comprehensive plan and see that the implementation
24 really does live up to what we all put into the comprehensive plan. So
25 that's my charge to you. And in the meantime, I think I'm going to go look
26 for a potter's wheel.

27 28 **IX. STAFF ANNOUNCEMENTS**

29
30 Thomas: Staff announcements.

31
32 H-Rogers: Larry, if you if you don't mind.

33
34 Nichols: Yes, please go ahead.

35
36 H-Rogers: Okay. Madam Chair, Members of the Commission. I do want to let you all
37 know that January, as had been stated previously during this meeting, is
38 going to be a very, very full agenda. Of course we had the tabled item
39 related to the halfway house, there is going to be a zone change related to
40 the Old Country Club property, and there is also going to be a discussion
41 item related to where we are in terms of the drafting of the Realize Las
42 Cruces Development Code. Our consultants will be in town to talk about
43 where we are and how we're proceeding. And so just want to remind you
44 that it's going to be a long night, but hopefully a good night. So there's
45 that.

1 And also just wanted to thank you very, very much Commissioner
2 Thomas. It's been really nice to work with you over the last several years.
3 And we're going to miss really your care and passion for what we all do.
4 And you know it's my profession, and I've appreciated that you really do
5 care deeply about it. So thank you.
6

7 Thomas: Thank you. And you know and I want to say that that I've really enjoyed
8 working with the staff over all these years, too. It's been a lot of years I've
9 seen staff come and go and I find the staff to be very accomplished and
10 professional and helped me learn more and more about how all this
11 works. So I really appreciate the work the staff does.
12

13 Nichols: Thank you Madam Chair. Larry Nichols Community Development. I had
14 four items announcement, but Katherine has covered all of them. So I
15 won't labor any further on that, except for the last one. And that is with
16 this meeting tonight Chair Thomas is tending her retirement and will be
17 soon passing the gavel to another member of the Commission. We want
18 to express our sincere appreciation for your years of service to the City of
19 Las Cruces, both on the City Council and on this Commission. And your
20 public service is a very challenging endeavor but I can't think of any more
21 rewarding one than public service, which you have given many, many
22 years and hours. So we want to thank you sincerely from the City, and the
23 Community Development staff for your sage advice and direction and
24 decision making. And as you broaden your perspectives and look for new
25 horizons, we wish you all the best. Thank you Chairman.
26

27 Gordon: One last thing before you retire, you have to sign a lot of mylars
28

29 Thomas: What did you say? I'm sorry.
30

31 Gordon: I said before you retire you have to sign a lot of mylars.
32

33 Thomas: You're stacking up the mylars for me right before I can leave. Yes, well, I
34 have to say you know I thought retirement would be much different than
35 what it turned out to be. It's like having a whole nother career and a whole
36 nother life, and it's been exciting and wonderful. Thank you all.
37

38 **X. ADJOURNMENT (8:30)**

39
40 Thomas: I'll entertain a motion to ..,
41

42 Gordon: I make a motion we adjourn.
43

44 Thomas: Is there a second?
45

46 Guerrero: Second it.

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Thomas: All those in favor say "aye."

MOTION PASSES UNANIMOUSLY.

Thomas: We're adjourned.

Chairperson

DRAFT