



CITY OF LAS CRUCES

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
August 27, 2024 at 6:00 p.m.

BOARD MEMBERS PRESENT:

- Scott Kaiser, Chair
- Enrico Smith, Vice-Chair
- Jeannette Acosta, Member
- Joaquin Acosta, Member
- Connor Murray, Member
- Kent Thurston, Member

BOARD MEMBERS ABSENT:

- Vanessa Porter, Member

STAFF PRESENT:

- Larry Nichols, Director Community Development Department
- David Weir, Deputy Director Community Planning
- Adam Ochoa, Senior Planner/Building Inspection Supervisor
- Vincent Banegas, Interim Planner
- John Castillo, Planner
- Mark Dubbin, Fire Department
- Jocelyn Garrison, City Attorney

1. CALL TO ORDER (6:00)

Kaiser: All right. Good evening, ladies and gentlemen. We'll go ahead and call this meeting to order. It is 6:00 p.m. on August 27th. This is the City of Las Cruces Planning and Zoning Commission meeting. I guess welcome back from the little summer hiatus, since we didn't have a meeting in July. And I also want to welcome two new Commissioners to the dais this evening. I'm really excited to finally have a full Commission, although we're missing one Commissioner tonight who's out of town. But going forward we should have seven Commissioners. So very excited to have both of you here and excited to work with you all over the next couple of years.

2. APPROVAL OF MINUTES – June 25, 2024

Kaiser: First item on tonight's agenda is the approval of the minutes from the June 25th meeting. Are there any questions, concerns, comments about the

1 minutes? All right. Hearing none. I'm looking for a motion to approve the
2 minutes from June.

3
4 Murray: I make a motion to approve the minutes from June 25th meeting.

5
6 Smith: I second.

7
8 Ochoa: I'll go ahead and do the roll call, sir. Commissioner Thurston.

9
10 Thurston: Yes.

11
12 Ochoa: Commissioner Acosta.

13
14 Jo. Acosta: Yes.

15
16 Ochoa: Commissioner Smith.

17
18 Smith: Yes.

19
20 Ochoa: Commissioner Acosta.

21
22 Je. Acosta: I abstain, please.

23
24 Ochoa: Commissioner Murray.

25
26 Murray: Yes.

27
28 Ochoa: And Chair Kaiser.

29
30 Kaiser: Yes.

31
32 Ochoa: Minutes pass.

33
34 **3. CONFLICT OF INTEREST**

35
36 Kaiser: All right. Any conflicts of interest this evening? Seeing none.

37
38 **4. POSTPONEMENTS**

39
40 Kaiser: I do not believe we have any postponements.

41
42 Ochoa: None tonight. No, sir.

43
44 **5. ACCEPTANCE OF THE AGENDA**

45

1 Kaiser: All right, so before we move to accept tonight's agenda, I do want to pull
2 both items from the consent agenda, item 8.1 and 8.2 for very brief
3 discussion on 8.1, and a discussion on 8.2. So with those changes, can I
4 get a motion to accept tonight's agenda?
5
6 Murray: I'll make a motion to approve tonight's agenda, removing 8.1 and 8.2 for a
7 quick discussion.
8
9 Smith: I second.
10
11 Ochoa: All right, this is a motion to accept the agenda by moving the two items from
12 the consent agenda to the first two items on the new business.
13 Commissioner Thurston.
14
15 Thurston: Yes.
16
17 Ochoa: Commissioner Acosta.
18
19 Jo. Acosta: Yes.
20
21 Je. Acosta: Yes.
22
23 Ochoa: Commissioner Smith.
24
25 Smith: Yes.
26
27 Ochoa: Commissioner Acosta.
28
29 Je. Acosta: Yes.
30
31 Ochoa: Commissioner Murray.
32
33 Murray: Yes.
34
35 Ochoa: And Chair Kaiser.
36
37 Kaiser: Yes. We won't put the two of you next to each other. Slightly confusing.
38

39 **6. PUBLIC PARTICIPATION**
40

41 Kaiser: All right. Moving on to public participation. Is there anybody in tonight's
42 audience who wishes to speak on an item that is, or on a topic that is not
43 on tonight's agenda? I see one. All right, I see two. We'll start with the lady
44 over here, if you want to come forward. And before you begin ma'am I do
45 need to swear you in, so give me one second. All right. Please state your
46 name for the record. Please state your name for the record.

1
2 Potter: Constance Potter.
3
4 Kaiser: And do you swear or affirm that the testimony you're about to give is the
5 truth and nothing but the truth on the penalty of law?
6
7 Potter: I do.
8
9 Kaiser: I'll give you three minutes. Go ahead.
10
11 Potter: Yes. Actually, my only comment is the difficulty I had finding the agenda,
12 the meeting notice, and the minutes on the City of Las Cruces website
13 today. I actually contacted several people that were planning to come to
14 say, it says 27th August. No meeting. No meetings. I had to call the
15 mayor's assistant. She took probably 45 minutes to an hour to find this
16 information. I got a certified letter on the date of the 15th, and this is just
17 not acceptable. We can't run a City like this. So whoever is responsible for
18 posting that, you can look it's not there. Thank you.
19
20 Kaiser: Thank you. Please state your name for the record.
21
22 Shervanick: Gregory Shervanick.
23
24 Kaiser: And do you swear or affirm that the testimony about to give is the truth and
25 nothing but the truth under penalty of law?
26
27 Shervanick: I do.
28
29 Kaiser: Go ahead.
30
31 Shervanick: Commissioners. Welcome. I'm Gregory Shervanick. I'll be speaking twice
32 this evening, public participation first. I'd like you to know that Realize Las
33 Cruces is an inevitable item that you will have to follow the zoning laws
34 when you make decisions. There are three more intimate workshops with
35 the contractor. I suggest that you highly sit in on them. That you're
36 prepared, because based on what will happen to our City and the increase
37 of the GRT, a number of things could slow the progress of building in Las
38 Cruces.
39
40 I'd also like you to listen to or watch the City workshop that was this past
41 Monday, with the first section about Invision, which will also guide you as it
42 is replacing Elevate in your playbook.
43
44 I also would like you to ask your Councilors to please put this quasi-legal
45 meeting online as a video, a live feed. If not a live feed, a recorded verbatim
46 item. Every time the minutes come out they're concentrated. They're not

1 verbatim, and there are no ways to document anything or documentation
2 coming from the public. I'm also asking that you think about a moratorium
3 on any shade structures that are auxiliary and attached, or attached to any
4 homes in the R-1, for the simple fact that the Realize wishes everyone to
5 have less urban heat. And every time you remove shade from a dwelling,
6 you remove good more heat and remove cooling temperatures to the
7 facility. Also, I ask that you think about rescinding the 25 foot setback for
8 most residential areas since Realize and Elevate wishes you to build on the
9 street with parking inside. Thank you very much.

10
11 Kaiser: Thank you. All right, is there anybody else who wishes to speak on an item
12 that is not on tonight's agenda? All right, seeing none. I'll close public
13 participation,
14

15 **7. DISCUSSION**

16
17 Kaiser: And we'll move to item number seven, discussion. Would the staff ...

18
19 Ochoa: No further discussion tonight, sir.
20

21 **8. CONSENT AGENDA**

22
23 **8.1 Case No. 24CS0500011:**

24
25 **8.2 Case No. 24CS0500064:**
26

27 BOTH CASES MOVED TO NEW BUSINESS.
28

29 **9. OLD BUSINESS**

30
31 Kaiser: All right, so moving on to, there's no old business.
32

33 **10. NEW BUSINESS**

34
35 **8.1 Case No. 24CS0500011:** A request to approve a preliminary plat known as Sierra
36 Norte Heights Phase 2. The proposed preliminary plat encompasses 6.311 ±
37 acres, is zoned R-1b (Single-Family High Density), and is located west of Sonoma
38 Ranch Blvd., north of Sierra Ventana Ave., and south of Vista Belleza Ave. The
39 subdivision proposes 33 residential lots that range from 0.119 ± to 1.277 ± acres.
40 Submitted by Souder Miller and Associates, representative. Council District 5.
41

42 Kaiser: So we'll move straight into item 8.1, which is a request to approve a
43 preliminary platinum known as Sierra Norte Heights Phase 2. I don't
44 necessarily need a presentation, but I'll defer to others on what the
45 Commission - does anyone need a presentation on item 8.1? Okay. So I
46 just have two quick questions on this one. The staff report, the staff

1 recommendation was to approve, but looking through the DRC minutes it
2 appears that two departments, traffic engineering and utility engineering
3 department both had yes with conditions. So I just wanted to clarify what it
4 is we would be approving. And I guess where did those conditions go?
5

6 Castillo: Mr. Chair. The first condition from traffic engineering was in regards to a
7 connection ...
8

9 Nichols: For the record, please state your name, please.
10

11 Castillo: I apologize. This is John Castillo for the record. So traffic engineering's
12 concerns were more so with the connection between Vista Belleza and
13 Sonoma Ranch. During that meeting the construction management, Jimmy
14 Moreno was going to discuss it furthermore with the Director of Public
15 Works, as well as with others to see if it would be a necessary connection,
16 as it may cause other traffic safety issues from distancing between
17 intersections and needing to make a median cut for Sonoma Ranch.
18

19 Kaiser: And so what was the outcome? Because the condition is, yes, with the
20 potential to build out the intersection with Sonoma Ranch Boulevard.
21

22 Castillo: Mr. Chair. At this moment I don't know what the outcome was. I would
23 have to reach out to Public Works to see if they had come to a
24 determination.
25

26 Kaiser: Okay. What about the utility engineering conditions? Would we be
27 approving those or are those a part of the package? I'm just trying to
28 understand what we're approving here.
29

30 Castillo: Mr. Chair. I don't recall what the utility engineering conditions were
31 regarding that one. Looking at the application, ultimately it would just be
32 approving a preliminary plat as is.
33

34 Ochoa: Pardon me Chair. The applicant representative is here. He could shed
35 more light as to those discussions. These are more like engineer based
36 type of conditions that are typically not put on preliminary plats, more on
37 final plat and construction drawings. But the applicant's engineer is here to
38 answer those questions for you, sir.
39

40 Kaiser: Yes, I appreciate that. But I guess this is a question for staff, right. I mean
41 staff in two departments had yes with conditions, and the presentation, or I
42 guess the recommendation as of now is just approval. So is it approval with
43 conditions? Is approval with no conditions?
44

45 Ochoa: Chairman Kaiser. Typically what we do at DRC, DRC is more from an
46 infrastructure, actual development, when things actually get built. That is

1 what they're reviewing. So when we have engineers there, a lot of
2 comments, conditions they place on subdivisions are construction based,
3 taken care of at a at a different time. This is just a preliminary plat that's
4 just showing how the outlay of the subdivision is. At the final plat stage and
5 construction drawing phase is when those conditions will either have to be
6 met or they'll have to change whatever design that they need to do to the
7 actual subdivision itself in order for it to work from an engineering
8 standpoint, sir.
9

10 Kaiser: Okay. Thank you for that explanation. I think going forward having some
11 sort of explanation in the staff report would be helpful. Because it's a little
12 confusing to see approval, and then when you read through the packet
13 there's conditions.
14

15 Ochoa: Understood. Yes, sir.
16

17 Kaiser: Okay. All right. Any other questions from the Commission?
18

19 Jo. Acosta: I guess I'm, just to clarify here. So if we were to vote yes with conditions, is
20 how we would have to propose that, and then the conditions that are in from
21 the DRC.
22

23 Ochoa: Mr. Chair, Commissioner Acosta. No, sir. Essentially the recommendation
24 tonight is just for approval, so you can just vote yes. Those conditions that
25 were stated at DRC will be taken care of at a later phase through the
26 administrative process, through engineering, sir. Hopefully, that clarifies,
27

28 Jo. Acosta: Yes.
29

30 Thurston: I got a quick question on here. Is there, being new to this, is there a way
31 that we can actually remove the condition on here for them, or is that not an
32 approval?
33

34 Kaiser: So if we just vote to approve that essentially, there's no conditions that we're
35 approving. If to include the conditions, we would have to state approve with
36 conditions and then state what those conditions were. Does that make
37 sense?
38

39 Thurston: Okay. So like for example on this one where, I got to pull back up the, where
40 it says the status, yes, with conditions is from the traffic engineering. This
41 is the DRC comments. Says possible full build out, which was your first
42 question on that one. When going through the notes of the DRC it seems
43 like they were not going to be tying in. So that's why I'm wondering on this
44 one, can we just strike out yes with conditions because it looks like they've
45 already agreed in DRC to not do the build out of the north road, but just the
46 south one, is what it seemed like I was reading in there. So if, now just help

1 me on clarification on this one, so if we vote yes, it's going to include these
2 utility conditions and also the traffic condition. Is that correct pr am I wrong?
3
4 Kaiser: No. If we just vote to approve it will not include those conditions as part of
5 our action.
6
7 Thurston: Thank you.
8
9 UNKNOWN: Mr. Chair. If you're okay, if we go ahead and proceed to vote on this.
10
11 Kaiser: Yes, we'll need to open it up for public participation, but we'll get there. Any
12 other questions? No other questions from the Commission. All right.
13 Anyone in the audience who wishes to speak on this item this evening,
14 please raise your hand. I see about four. So we'll start on this side of the
15 room. Gentlemen in the back, if you come forward.
16
17 Wallace: Good evening.
18
19 Kaiser: Please state your name for the record.
20
21 Wallace: My name is Brian Wallace.
22
23 Kaiser: And do you swear or affirm that the testimony you're about to give is the
24 truth and nothing but the truth under penalty of law?
25
26 Wallace: I do.
27
28 Kaiser: Go ahead.
29
30 Wallace: So my concern is we live in the area. We live right where this concern is,
31 or excuse me, this construction is going to be done. Our concern with the
32 infrastructure here is that there's already a maddening amount of traffic that
33 is being directed through a roundabout from all of the development
34 happening north of Red Hawk that is causing serious congestion at the four
35 way at Las Colinas. And then furthermore at, you know rifled into an
36 intersection right there at Sonoma Ranch and Bataan. So our concern is
37 that you know there's already infrastructure lacking on that street. We live
38 off of Sierra Bonita, and at the end of that road there's no speed bumps,
39 nothing saying, not a through street. Our neighbor's house has been hit by
40 a car driving up that road. There's no infrastructure in the subdivisions that
41 already exist, and now we're talking about passing on another high-density
42 cluster that is going to be right at the end of the road that is already very
43 difficult to get out of. So I see why the engineers are, or other folks are
44 making some sort of conditional comments or stipulations on that, because
45 it just doesn't make sense to me how they're going to be creating less of a
46 bottleneck by doing this, versus you know some sort of issue where folks

1 who already live there now have to compete with not only the traffic going
2 50 miles an hour down Sonoma, but also the people trying to exit that new
3 subdivision onto Sonoma Ranch. Maybe you guys would be able to share
4 a little bit of information. But that's my concern, just as a resident in the
5 area, from what we've seen already, just lack of speed bumps, lack of signs
6 saying not a through street, things of that nature. So that's where I'm at with
7 that.

8
9 Kaiser: Thank you. All right, anybody else on this side of the room? All right, seeing
10 none. We'll go to this side, and we'll start in the back and come forward,
11 sir, please.

12
13 Foster: I'll state my name for the record. My name is George Foster.

14
15 Kaiser: And do you swear or affirm that the testimony you're about to give is the
16 truth and nothing but the truth under penalty of law?

17
18 Foster: I do.

19
20 Kaiser: Go ahead. I also live in the area. Specifically, I live on the corner of Sierra
21 de Oro Place and Sierra Ventana. This subdivision would abut my property.
22 I am absolutely amazed that you would have the unmitigated gall to approve
23 something without having a public hearing beforehand. And how you could
24 give someone carte blanche before listening to the residents is not only
25 disheartening, but very discouraging. Now the conditions are that there are
26 more problems specifically to the infrastructure. Have you ever tried to go
27 in our area during the morning hours? You're going to add to that problem.
28 Oh, well, we'll figure that out later. No, no, you figure it out now. You figure
29 it out before you do it. And also know this, you are declining my property
30 values. Why? This subdivision is going to be directly between my house
31 and the mountain view. I'm a disabled veteran. I served my country
32 honorably. I deserve at least to be heard. And as a citizen of this City, you
33 owe it to us to protect the residents of that area's interest. Common
34 decency calls for you to do something, but do something to help the problem
35 not to add on to it.

36
37 Kaiser: Thank you, sir. Thank you for your service. I see I think we had, was there
38 anyone ...

39
40 PERSON NOT AT THE MICROPHONE SHOUTING OUT.

41
42 Kaiser: I see you. We'll come back around, okay. Was there anybody else? Okay,
43 we'll come down. Gentlemen with the hat. Yes, yes you can.

44
45 B. Quinones: I'm Brandon Quinones. This is my wife.

46

1 Quinones: Hi.
2
3 Kaiser: All right. Do you swear or affirm that the testimony you're about to give is
4 the truth and nothing but the truth under penalty of law?
5
6 B. Quinones: Yes.
7
8 Kaiser: Go ahead. So we have the same concerns as everybody else. I think that's
9 already come up here and spoke. We were talking about it. We've been
10 talking about it since we saw the sign. And one of the things that we see is
11 we haven't even finished a road that they were going to create two lanes,
12 that's been under construction since last year, right before I left to go to
13 Maryland. So it's been over a year. It's been close to a year and a half
14 since they started that road, and they still have not completed that road.
15
16 Quinones:
17 Sonoma Ranch.
18
19 B. Quinones: Right, the Sonoma Ranch Road. That leads up to that turnabout. We also
20 see a taxing on our infrastructure as far as our roads go. We see on a
21 weekly basis, maybe monthly basis, we see them re-digging up the roads
22 in our neighborhood because ...
23
24 Quinones: Water lines.
25
26 B. Quinones: Water lines are breaking, right. But more importantly, I think the thing that
27 Patty and I have been talking about is how unsafe that road is. That road
28 has - I follow the speed limit on that road, 40 miles an hour, and people whiz
29 by me every day. Just today, just tonight, I turned off of 70 coming from
30 White Sands and there was a vehicle coming from underneath the bridge.
31 He passed me before he got to the ...
32
33 Quinones: Four way stop.
34
35 B. Quinones: Four way stop and proceeded on. Before I even got around the water catch
36 or whatever I could see he was more than a quarter of a mile in front of me.
37 And by the time I got to my turn to go into Sierra Ventana, he was out of
38 sight. I couldn't see him. This happens daily. Every single day, we see two
39 or three of those kind of events. Nobody's following the speed limits.
40 There's so much construction. There's one way in and one way out. And I
41 just don't believe you guys, well the City has addressed the in way and the
42 out. And, like he said earlier, morning times are crazy. Now I happen to go
43 to White Sands so I get through that. But when my wife goes to work, it's a
44 huge line to get out of that neighborhood. So these are some of our
45 concerns. We are also concerned about property value as well.
46

1 Quinones: And just to add to that, when you're making, you have to make a left hand
2 turn onto the Sierra Ventana, so you're in the left lane. And I call it Sonoma
3 racetrack because, I mean like Brandon said, there's constantly people just
4 whizzing by you. And you have to slow down to be able to make that left
5 hand turn. And I don't know how many times I felt like a car is going to just
6 run me over ...
7
8 B. Quinones: Because they think that the ...
9
10 Quinones: I've gotten honked at.
11
12 B. Quinones: Yes.
13
14 Quinones: I've gotten you know almost hit I don't know how many times on that road.
15 And it's, I don't know if, I just feel like traffic needs to figure it out before you
16 add a bunch of other buildings. And I don't really think we understand what
17 high density means. I did look it up where our lot is 0.24 acres, and some
18 of these lots that they're planning are 0.11. So that's putting ...
19
20 Kaiser: All right. I apologize, but I do, that is time, so we'll have to stop you there.
21
22 Quinones: Okay.
23
24 Kaiser: But I appreciate you coming out tonight and expressing your concerns.
25 Thank you.
26
27 Quinones: Thank you.
28
29 Kaiser: Is anybody else on this side that wishes to speak on this item? Yes, sir.
30
31 Pompeo: Mr. Chair. (*inaudible*) after the public has given theirs I'd like a chance to
32 do my presentation.
33
34 Kaiser: Absolutely. We can do that. Okay, coming back around to this side of the
35 room. We had someone in the back. Please come forward.
36
37 Thurston: My name is Tammy Thomas.
38
39 Kaiser: And do you swear or affirm that the testimony you're about to give is the
40 truth and nothing but the truth under penalty of law?
41
42 Thurston: Yes, I do.
43
44 Kaiser: Go ahead.
45

1 Thurston: My concern is three parts. One is obviously the traffic, like my neighbors
2 were saying, it's one way in, one way out. It's already a bad road going up
3 there because you're dealing with everybody that's going all the way further
4 up than Sierra Norte. I don't believe that adding extra homes is beneficial
5 to Sierra Norte. I have been living in the same house for 44 years. I have
6 chosen to live at Sierra Norte. That was not an easy decision for me, but I
7 did that because I fell in love with the neighborhood. It's very tranquil, and
8 everybody's very kind. And like my neighbor up there was saying it's, extra
9 homes is going to obstruct my view of the Organs, and that was part of the
10 reason I wanted to live up there. I'm getting ready to retire. I want to
11 increase my quality of life, and you guys are taking it away from me by
12 building homes. And like the other neighbor said, you're building homes
13 without consulting the people that are already up there. You've already
14 made up the plans. That's very insulting to me as a taxpayer and a person
15 that's going to be living there in my retirement. You're not adding to the
16 quality of my life if you're piling a bunch of extra people on there. That's
17 creating more traffic. That's creating more noise, because that's a very
18 calm, quiet neighborhood for the most part, like 99% quiet, and this is going
19 to obstruct it. So you know the traffic, the extra noise, just piling people on.
20 And then what if somebody decides to build a two story house? I mean, I
21 don't even know what your building things are, but I'm going to be very
22 disappointed if I don't have my view of the Organ Mountains. That was the
23 whole purpose, the main purpose of me moving there. I could have stayed
24 where I'm at, but I decided I wanted to live there. And I don't think you guys
25 are valuing the people that are already there and paying taxes on that
26 property. If extra homes need to be built, I understand that, people need
27 places to live, but there's a lot of desert out there. They don't have to build
28 right there. They can find another part of the desert to build. Doesn't have
29 to be right there. And I don't think any more construction should be
30 happening with that road the way it is, because it is very dangerous. I don't
31 think, if any of you guys have ever been on it, maybe you haven't, maybe
32 you should. Try it during rush hour and see how you survive it. That's all I
33 have to say.
34

35 Kaiser: Thank you. All right, anybody else who wishes to speak on this item before
36 we come back to the Commission? Seeing no hands. We'll go ahead and
37 close public comment. And I will let the applicant have an opportunity to
38 make a presentation. Please state your name for the record.
39

40 Pompeo: Paul Pompeo. This case with Southwest Engineering.
41

42 Kaiser: And you swear or affirm that the testimony you're about to give is the truth
43 and nothing but the truth under penalty of law?
44

45 Pompeo: So help me God.
46

1 Kaiser: All right.
2
3 Pompeo: Good evening, Commission. I just have a very brief presentation, and I'd
4 be happy to answer any questions that you might have. First of all, this
5 Sierra North Height subdivision is located here, as we've all seen, adjacent
6 to Sonoma Ranch Boulevard. This is the preliminary plat layout, connecting
7 this internal street with the access to the south. As previously discussed
8 Mr. Chair, there's discussion about this entrance here. When Sonoma
9 Ranch Boulevard was recently designed and is now under construction, this
10 was left out of that set of construction drawings. And the reason for that
11 was, is that the amount of traffic that Sonoma Ranch carries, they didn't
12 want to have too many entrances coming on which would then slow down
13 traffic. So that's why that condition was placed by DRC.
14
15 I would like to point out that this property lies within the Sierra Norte Master
16 Planned area approved by the City Planning and Zoning Commission on
17 January 24, 2006. zoning was approved by City Council on March 20, 2006.
18 Right after that, later on in 2006, this entire master plan for Sierra Norte
19 Heights was approved by the Planning and Zoning Commission. Although
20 I do respect the opinions and input for the people that came before and
21 spoke, this area was already previously master planned with this road and
22 with these lots since 2006. So everybody's known that there's going to be
23 lots there, because it was on that master plan for now almost, you know 18
24 years. With that, Mr. Chairman, concludes my presentation. I'd answer any
25 questions you might have.
26
27 Kaiser: Thank you. Coming to the Commission. Are there any questions,
28 comments for the applicant's representative?
29
30 Smith: Yes, I have one that's kind of a combination question and comment. I think
31 you may have answered my question. On this proposal under the zoning
32 decision criteria and the neighborhood character and compatibility it states
33 that the subject property is in the final phase of a residential subdivision. So
34 clearly all those homes that are to the west of the subject property were
35 built, and they've been. How long have those homes been there, the
36 majority of them?
37
38 Pompeo: I believe construction of the original subdivision was completed in 2007,
39 maybe early 2008, and then then that subdivision started filling in with site
40 built residential housing.
41
42 Smith: Okay. Thank you.
43
44 Kaiser: Other questions?
45
46 Jo. Acosta: For City staff I think, rather than the engineer but.

1
2 Kaiser: Go ahead and ask it.
3
4 Jo. Acosta: All right, I was, I know, thank you for enlightening me on the '06 approval. I
5 guess just to kind of, what is my question or my wording knowledge, the
6 traffic issues that are out there along Sonoma Ranch Boulevard. Is there
7 anything, I see perhaps two separate issues, but is there anything about
8 like you know stop lights or temporary other stops that can help to fix or
9 mitigate any of the traffic issues not related perhaps to the plan or the
10 approvals, but maybe just on a separate note.
11
12 Kaiser: I'll just tack on to that question. Specifically related to, yes, the intersection
13 with Sierra Ventana is - what's the long term plan there for that intersection?
14
15 Castillo: Mr. Chair, Commissioner Acosta. At this time traffic engineering would be
16 the ones that would ultimately make the determination based on traffic
17 impact analysis, which have been done during the creation of this first phase
18 of the Sierra Norte Heights subdivision. Back in 2006 additional traffic to
19 impact analysis have been done for the Metro Verde area during its creation
20 in the early 2000s. As to more recently with newer developments, at this
21 time I cannot say whether or not a traffic light will be needed. It would
22 require further studies, but it maybe something that they would look into.
23
24 Ochoa: Mr. Chair. To clarify a little bit further. So our traffic engineering
25 department, they are aware of the situation in this area, which is why they
26 brought that condition of just closing off that one or not extending, pardon
27 me, the additional traffic out to Sonoma Ranch for that northern extension.
28 As for the southern one, there's still further discussion to be done when this
29 subdivision gets built, sir. Whether they'll about to put stop signs, additional
30 type of remedies for traffic calming, that'll be at the time when construction
31 happens and traffic engineering will be reviewing that, sir.
32
33 Kaiser: Okay. Is there any, I mean this is an issue. It's an issue not with this
34 subdivision. We've heard it before. We've heard it many, many times.
35 Residents come in and they describe awful safety conditions of our
36 roadways. And it just seems like there's got to be a way to acknowledge it
37 and do something about it. You know I've mentioned the statistics before.
38 I won't go into them, but it seems like here's an opportunity, perhaps maybe
39 there's some temporary solution that can be put in place until there's a
40 longer term strategy figured out. I mean, it's unfortunate that we're sitting
41 here without a long term strategy, but it seems like now is a good time to
42 maybe try some solutions that may be temporary in nature, but still address
43 some of the concerns that we've had. I mean I completely sympathize with
44 the residents here; you add you know this many more lots and homes and
45 you know it seems like it's going to be, it already is a nightmare to get in and
46 out, and they're just going to make it even worse. And to sit here and say,

1 well we can't have this other entrance because it's going to slow traffic
2 down, when everybody here is saying that's the problem, traffic speed is the
3 problem. So I mean, what are we doing? So I know that this is not an issue
4 with this subdivision in particular, but it is a trend. It is a pattern that we see
5 time and time again. And I would like to find some way that we can address
6 it. This seems like there's an opportunity maybe to do some temporary
7 solutions until this full build out can take place and the long term solution
8 can be constructed. Just my final thoughts on the matter.
9

10 Ochoa: Understood.

11

12 Kaiser: Commission Acosta. Do they answer your question?

13

14 Jo. Acosta: Yes. Thank you, Commissioner Kaiser, for voicing my thoughts there.

15

16 Smith: I just, one comment I want to add to Commissioner Kaiser. I live on
17 Melendes, and we call that the Melendres 500 because literally people drive
18 down there doing 90 miles per hour at times. So the City has taken
19 measures over the past year, two years, to calm the speed. They put in
20 some calming measures, temporary. They've worked. They've not worked.
21 Hopefully, they'll do something more permanent, maybe put some stop
22 signs. So I make this comment because there is action that can be taken
23 to mitigate the speed in that area. So hopefully the City will listen to what's
24 been brought before this Commission and take some action.
25

26 Ochoa: And Mr. Chair, Commissioner Smith. To kind of, I believe at DRC the traffic
27 engineering section they do know about the situation in that area, which is
28 why that condition was brought up during that meeting, sir. They are aware
29 of the situation so I'm pretty sure they're looking into that situation, sir.
30

31 Kaiser: Okay. I mean, it sounds like the conclusion they came to was the opposite
32 of the solution that's needed and that they can't do it because it will slow
33 traffic down.
34

35 Ochoa: I believe the, pardon me, sir. I believe that it was they didn't want to add
36 additional traffic to Sonoma Ranch I believe was the reason for the condition.
37 Was it not?
38

39 Kaiser: No, I believe it was, the conversation as I understand it was that adding an
40 additional intersection would slow traffic down. You're already adding traffic
41 no matter what with the building of these additional lots. So I appreciate
42 that staff is aware of the issue, but I think it's time to take some action. So
43 with that, looking for a motion to approve.
44

45 Je. Acosta: Mr. Chair. I like to approve case number 24CS0500011, based on facts
46 and findings.

1
2 Murray: I second.
3
4 Ochoa: We have a motion to approve Commissioner Acosta, seconded by, pardon
5 me, who was that, I turned away. Thank you, Commissioner Murray. Roll
6 call. Commissioner Thurston.
7
8 Thurston: I'm going to abstain from voting on this one, because there might be a
9 possible conflict of interest, being that I live on the alternate route for lower
10 congestion.
11
12 Ochoa: Okay. Commissioner Acosta.
13
14 Jo. Acosta: I vote to approve based on staff recommendation and Elevate Las Cruces.
15
16 Ochoa: Commissioner Smith.
17
18 Smith: I vote yes based on staff recommendation.
19
20 Ochoa: Commissioner Acosta.
21
22 Je. Acosta: Yes, based on staff's recommendations.
23
24 Ochoa: Commissioner Murray.
25
26 Murray: Yes, based on staff recommendation.
27
28 Ochoa: And Chair Kaiser, please.
29
30 Kaiser: Yes based on staff recommendation, consistency with Elevate Las Cruces. I
31 But I do ask that staff take some serious action about the conditions out
32 there. Motion passes.
33
34 Ochoa: Motion passes. Yes, sir, thank you.
35
36 **8.2 Case No. 24CS0500064:** A request to approve a preliminary plat known as Royal
37 Crossing Subdivision, Phase 1B for a property encompassing 57.33 + acres,
38 zoned C-3C (Commercial High Intensity-Conditional) and C-2C/R-4C (Commercial
39 Medium Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and
40 Office-Conditional), and generally located south of Samaritan Drive, east of Solano
41 Drive and southeast of Main Street. The subdivision proposes ten (10) commercial
42 lots and three (3) commercial/multi-family lots. Submitted by Souder Miller and
43 Associates, representative. Council District 1.
44
45 Kaiser: Okay, moving on to Item 8.2, and I will turn it over to staff for a presentation.
46

1 Ochoa: Next one before you is a preliminary plat known as the Royal Crossing
2 Phase 1b Preliminary Plat. This is essentially the second phase that has
3 come before you. And I'll go a little more into detail as to the actual history
4 here. The subject property itself is generally located south what is
5 Samaritan Drive, south of the new church that's located up there on Main
6 Street, east of Solano Drive, and southeast of Main Street. Property
7 compasses roughly 57 acres in size and is zoned C-3C which is commercial
8 high intensity conditional, C-2C/R-4C which is commercial, medium
9 intensity conditional, and multi dwelling high density limited retail and office
10 conditional. The Conditions on that zoning are essentially stating all design
11 requirements needed to follow the Apodaca Blueprint Policy Plan, which is
12 what this area is made up of, essentially. And again, the property is vacant
13 and undeveloped.

14
15 So a little bit of history. It is part of what is the Apodaca Blueprint Policy
16 Plan initiative that the City took into play for this subject property, as well as
17 the Villa Mora area that was down the street off of Triviz. It is part of that
18 master plan which was approved back in April of 2023, conditionally
19 approved by the Planning and Zoning Commission. And of course that
20 phase one of the preliminary plat was approved at that same night as well.

21
22 Showing here the property. A very large piece of property as you can see
23 there. There is that vacant property as we spoke about. So what is being
24 proposed are 10 commercial lots that are being carved out of what is the
25 commercial center and the town center of the Apodaca Blueprint area. It
26 includes 50 foot wide access easements running between lots in that area,
27 where you could have additional access, cross access between lots instead
28 of just people driving into one lot out to another lot, or even pedestrian and
29 bicycle as well. There are also three commercial/multifamily lots, which is
30 the town home residential area located more in the southeast area of the
31 Apodaca Blueprint area. The remaining area, which is the large variety of
32 it, which is located to the northeast of the area, just to give you a better idea,
33 here we go, which is essentially everything over here, just to give you a
34 better idea where we're talking about. That area is still being called out as
35 just a tract so it is not being subdivided as of now. It'll come back later when
36 it's going to be subdivided. That is where we have additional residential
37 development, I believe, multifamily development, as well as drainage
38 facilities as well. So yes, that's what, there they are, the cottage residential
39 area and the Apodaca Preserve is what they're called out as by the Apodaca
40 Blueprint.

41
42 Here is the Royal Crossing Subdivision Phase 1b showing the vicinity map
43 there, showing those areas of what is the Apodaca Blueprint area. So right
44 now what we're dealing with is the town center, commercial center, and the
45 area here to the southeast, and the remaining tract to be left untouched.
46 Here are those lots, showing that commercial center here, the town center

1 here, and the remaining lots as well going all the way down south
2 connecting to Solano Drive. And there is the tract to the northeast of the
3 property that will remain untouched for now, and the remaining area to the
4 southeast that will be remain untouched as well. When staff did the review
5 of this proposal we did not identify any life, safety, or welfare issues. The
6 preliminary plat process is established to kind of set up the site design, if
7 you will, of a subdivision. The proposed preliminary plat does follow the
8 Royal Crossing master plan and is supported by Elevate Las Cruces
9 Comprehensive Plan. On top of that, any development proposed for these
10 lots will be required to follow the conditions of the zoning, the zoning of the
11 properties, as well as the Apodaca Blueprint Policy Plan. Notice was sent
12 out to surrounding property owners. We did receive two phone calls
13 seeking general information. We did receive one more phone call in
14 opposition of the proposed preliminary plat as well. And I believe there is
15 an e-mail before you as well that's related to what is the proposed
16 preliminary plat.

17
18 On August 14, 2024, DRC did review the proposed, the preliminary plat
19 discussion did take place. It revolved around drainage and emergency
20 access for the area. At this meeting, again there was some conditions that
21 were trying to be placed on there by our Public Works department related
22 to drainage and so forth like that. That's more from a construction side
23 standpoint for the streets that are being built out there. So again, that's why
24 staff did not put a condition on this one, just to clarify for you all. So DRC
25 did vote to approve the proposed preliminary plat of the Royal Crossing
26 Phase 1b. With that staff does recommend approval for the proposal based
27 on the following findings, the preliminary plat follows the approved master
28 plan, complies with the 2001 Zoning Code, the Subdivision Code, and the
29 City of Las Cruces design standards. It complies with Elevate Las Cruces.
30 It does follow the Apodaca Blueprint Policy Plan and was recommended for
31 approval by DRC on August 14, 2024. With that your options tonight
32 Commissioners are one, to vote "yes" and approve the preliminary plat, two
33 to vote and deny, again if you do vote against and to deny you will have to
34 provide new findings of fact, three to vote to add conditions to the proposed
35 proposal, or four table or postpone and direct staff accordingly. That is the
36 conclusion of my presentation. The applicant and the owner are here for
37 questions. And I stand for questions.

38
39 Kaiser: Okay. Thank you. Does the applicant have a presentation? Go ahead and
40 state your name for the record and you may begin.

41
42 Pompeo: Thank you, Mr. Chairman. Paul Pompeo, with Souder Miller and
43 Associates. I have a brief presentation, and then I'd be happy to answer
44 any questions the Commission might have. Once again, the project area
45 the former Las Cruces Country Club on North Main and Solano Avenue.
46 This project is required to follow the Apodaca Blueprint. Here's an excerpt

1 of that document showing this property and what was contained within that
2 planning document. This master plan follows the, well I mean, this
3 subdivision follows the Royal Crossing Master Plan approved by this
4 Commission. As noted by the staff, we have zoning districts of OS/R, R-1b,
5 R-2, R-3, R-4, O-2, C-2, and C-3 all with conditions. And obviously it's being
6 developed in phases, and this is phase 2b which is the second phase of this
7 overall development.
8

9 Just for a clarification I created this map. The green area is a future tract of
10 land subject to future subdivision. So although it is contained within this
11 preliminary plat boundary, there's no development proposed on any of that
12 area at this time. As identified previously by staff, here's copies of the
13 preliminary plat. It's four pages with several lots being created. In
14 summary, this property of 57.33 acres, we are creating 13 lots and one
15 additional planning tract. The current zoning on these particular ones is C-
16 3C, C-2C, and R-4C. And once again, we believe that this application as
17 presented meets the requirements of the Apodaca Blueprint as laid out
18 previous. So with that, Mr. Chairman, I stand for perhaps any questions.
19 The owner of the property is present, if there's any questions that rise for
20 that level. And thank you very much.
21

22 Kaiser: Thank you. Any questions or comments from the Commission? I have a
23 couple. One of which is, there was talk of a 50 foot wide access easement
24 through the majority of lots to allow connectivity between lots. Could you
25 clarify what that is specifically?
26

27 Pompeo: Mr. Chairman. Are we speaking of this road here?
28

29 Kaiser: I don't know. That's the only, the information I have.
30

31 Pompeo: Okay. Okay, I'll let Adam handle that one.
32

33 Ochoa: Yes, sir. So to clarify, this is an actual dedicated right-of-way that is shown
34 right here. The actual 50 foot right-of-way, I'm sorry, 50 foot easement,
35 pardon me, is actually located right here, with basically the back portion of
36 these lots here onto the north. And there's another one down here as well,
37 sir, right here as well, which basically this easement straddles all lots
38 adjacent to it to allow for cross connectivity between the commercial lots
39 and any type of development, and to allow for additional connectivity instead
40 of just going from one lot to one lot and just closing each other off, sir. And
41 that is directly from the Apodaca Blueprint Policy Plan.
42

43 Kaiser: Understood. Thank you. I could never have found that if I tried in these
44 documents. So I appreciate that. So just for clarification, that essentially
45 would be a public right-of-way but privately maintained by the developer,
46 more or less?

1
2 Ochoa: Mr. Chair. It'll serve as a right-of-way but it'll be privately owned and
3 maintained by the owners of the lots, yes, sir.
4
5 Kaiser: But public access.
6
7 Ochoa: Yes, sir. Correct.
8
9 Kaiser: Got you. So on those veins, what about any connections to Apodaca Park
10 via, I guess this would be lot 24 and 25. I know that specifically those
11 connections are called out in the blueprint. So just wondering how that's
12 reflected here.
13
14 Pompeo: Mr. Chairman. At this time, we have not nailed down or determined where
15 those access, where they are on the master plan. They're clearly noted on
16 the master plan. We believe that will be picked up during the construction
17 or development of those lots, when actual construction of the multiuse path
18 as laid out in the master plan will be completed. So as we do not know the
19 exact location at this time, we did not identify a specific easement for that
20 at this time.
21
22 Kaiser: But going forward there would be a revision to the map to add the easement.
23
24 Pompeo: Well, once the applicant, once the developer and the public, the Parks
25 department and then they finally agree on nailing down where that
26 easement is or where the access will be, then the legal access will be
27 created. Yes.
28
29 Kaiser: Okay. Thank you. My other question is I think around the approach to
30 drainage. I noticed there was some conversation at DRC about it. And
31 looking at some of the details here you know having ponds on every lot, I
32 believe that's also true for the other lots that were subdivided previously,
33 before this body. Was there any thought or discussion about how all this
34 drainage would work in conjunction with what actually gets built? The intent
35 of having a walkable, connected town center. My concern is that we start
36 putting ponds on every single one of these lots, you know these aren't
37 necessarily going to be small ponds, and how might that actually, you know
38 affect what ultimately gets built.
39
40 Pompeo: Mr. Chairman. The majority of the lots that are located on the westerly side
41 of this development do drain to the west and out to Solano. But those flows
42 are controlled to the predevelopment rate for having individual online
43 ponding areas. Those ponding areas will be integrated into the landscape
44 features and other development features of the lots. They may even be
45 underground storage, much like you see at Rudy's barbecue or Sportsman's

1 Warehouse here in town. That's an underground storage system that may
2 be utilized. So that's the intent, right now.

3
4 Kaiser: Okay. I mean, is there? I guess it'd be nice to have seen some preference,
5 you know even preferring green infrastructure approaches that, as you say,
6 tie into the landscaping, tie into you know the public amenities. My concern
7 is that we just say, oh a pond. Well, that's the easy way out, right. I mean
8 anyone can go dig a hole. That's what we do around here, fill it with rock
9 and there you go. And I'm just concerned that that's what's going to end up
10 happening, and that's going to really diminish what we're trying to do, which
11 is really have an urban environment that's conducive to mixed use
12 walkability. I mean you're trying to navigate a bunch of random ponds that
13 have fences and they're just bare earth. It just seems like it's counter to
14 what we're, the goals and objectives of this. So any discussion around
15 green infrastructure as being a priority here?
16

17 Pompeo: Well, Mr. Chairman. I mean, we're not just going to dig a barren hole for
18 the ponds. These will be shallow landscaped features that will be
19 incorporated in the final design of the ponds. What you're not going to see
20 is trapezoidal, concrete, lined, fenced ponds. That's not part of this
21 development plan at all. So, I just want to make sure that that's clear, that
22 that's, it's an amenity feature or landscape feature being integrated into
23 each lot.
24

25 Kaiser: Okay. And for staff, I mean what's the mechanism to ensure that that's what
26 actually takes place?
27

28 Ochoa: Mr. Chair. There are a number of conditions placed on the zoning of the
29 property that talks about connectivity, that talks about buildings being
30 pushed up to the street. It's going to be really hard to put a pond in that
31 area, especially since we have to have that street, the building facing the
32 street. That's where staff has envisioned where that connectivity will
33 happen. So essentially, along the roadways if you will, let's say around
34 here, ponds would be more in the back, side areas where their landscaping
35 is, and then the connectivity will be running along right around here where
36 you can connect between each lot, sir. That's what we have vision with
37 those buildings being closer to the front and the design that the Apodaca
38 Blueprint calls out, sir.
39

40 Kaiser: Yes. I mean that makes sense to me. I guess just going - to use another
41 example, as the West Industrial or the West Mesa Industrial Park has
42 requirements for green infrastructure to be built as part of the infrastructure
43 build out, right. Correct me if I'm wrong, but those are specific conditions
44 placed. It's very clear what is required for any developer that comes in and
45 is doing construction out there. Is that not the case in that situation?
46

1 Ochoa: Mr. Chair. The West Mesa Industrial Park, that one's, I believe that's a little
2 different. Just because this one has actual, I believe the previous senior
3 planner, that is why not only did she help with what was development of the
4 actual policy plan itself, but also making sure we hold the feet to the fire with
5 the conditions, number of conditions that are placed on the zoning on there,
6 sir. So when staff reviews that, those design elements need to be on there,
7 also will not be approved. And the West Mesa, unfortunately, I get, there
8 were some guidelines in them. They're not as I would say concrete as they
9 are with the conditions, because since they're actual conditions that are
10 requiring that of developments with the zoning, sir. I think we'd be able to
11 make those requirements and hold people to them, sir.
12

13 Kaiser: Okay. But we didn't, there isn't any mention of green infrastructure in the
14 conditions and the zoning that we approved at the beginning of this process.
15 Not that I'm aware of. There were other design elements, like number of
16 stories and things of that nature, but I don't recall anything being about
17 green infrastructure.
18

19 Ochoa: Mr. Chair. There are still landscaping requirements as well. So because
20 there are landscaping requirements the minimum square footage of the
21 property that needs to be done, sir, that is something that staff will still
22 require them to do as well, sir.
23

24 Kaiser: Okay. Thank you. Those are all my questions. Any other questions,
25 comments from the Commission? All right, we'll go to public comment. Is
26 there anyone in the audience who wishes to speak on this item this
27 evening? I see two hands raised. We'll start over here. And you can just
28 state your name for the record, and then you may begin talking.
29

30 Potter: Connie Potter. My husband and I reside on Desert Drive. Our house backs
31 to this property. It's the one at the corner of Mariposa Desert Drive. It's a
32 double lot. It's fairly identifiable. I was chairman, or president of the
33 neighborhood association during this entire process. I was integrally
34 involved with the Apodaca Blueprint process. And you need to remind
35 everybody that that was not a unanimous sort of consensus building. In
36 fact, more than half of the people that participated in those three meetings
37 did not agree with the findings, but the City adopted anyway. That's enough
38 of that.
39

40 One thing I notice here is there were two flood ponds that were actually set
41 aside that were down kind of behind the children's dance studio, and those
42 were to be retention ponds for the water that pours down Desert Drive and
43 comes through our gates, that have no homes. I don't see any of that. I
44 see now retention scattered all over the place. The other is, I don't see any
45 green space. And when the proposals were coming through about these
46 plats and what this was going to be livability, the selling point was that

1 Apodaca Park was going to be a wonderful amenity for this development.
2 That park belongs to the City, belongs to the county, belongs to the people.
3 It is not this developments park. And I'm concerned, because now we're
4 talking about access points into the park. Why? They can go to the park
5 like everybody else. There's parking. They can go and do it in an orderly
6 manner. We do not need people using this as their personal pocket park.
7 So that's a few things. As the other development continues, we will have
8 more to say. But at this point, we have no objection to the multifamily, we
9 have no objection to the retail. The paths, we hope they continue with the
10 paths and the bike trails and all those amenities. But there were flood ponds
11 there, so go back and take a look at that. What happened to them? Rather
12 than having this scattered all over the development. Thank you.

13
14 Kaiser: Thank you. Anybody else on this side of the room? All right.

15
16 Shervanick: Mr. Chair. Gregory Shervanick. And I'd like to ask for one extra minute. I'll
17 try to be brief, but I believe I can get it in three minutes. So if you time me
18 I'd like an extra minute. Commissioners, what you saw on the maps today
19 is correct. Mrs. Potter is correct. However, there have been some
20 deviations over time. Please bear with me. These projects have been going
21 on for quite a while, as noted in the worksheet. What you should be
22 concerned about is that in December 2021 a group called Tetra and their
23 master plan came to City Council and had sold the property to another
24 individual group called LC Land, LLC. And on January 1st, 25 '22 (*exactly*
25 *as stated*) this body accepted a group of zoning items for that property. You
26 were not shown that when you were, saw the Apodaca Blueprint in the
27 green section, because those items are not on the zoning list that this body
28 accepted in 2022. The property with the hospital on it, and again you're not
29 being given all the information. The engineering firm does an excellent job
30 for these organizations. They also designed a heliport, which is at the very
31 back side of the hospital, which you did not see. This body gave to the
32 hospital, which is a different property owner, but still part of the
33 conglomerate that owns this 56 acre parcel, the ability to put in a heliport.
34 During that meeting, I asked for it to be stopped based on FFA regulations.
35 This body approved it. It was then appealed to the City Council as an
36 amicus, and it was appealed. It was printed in April. It was appealed in
37 November. It was printed April, 25, '23 and didn't make it to City Council
38 until June of that year. They approved it. They were all aware that the flight
39 pattern for this heliport goes directly over top of both the commercial area,
40 1A, as well as 1B, which you just saw, and is very tightly controlled. Your
41 documents can be given to you by this staff, and it is apparent that they do
42 not want to give you complete access to all the information, because
43 adjacent properties fit into this subdivision plat request as well.

44
45 I'm asking you to deny them this evening, this plat request. Table if you like
46 until the adjacent property owner can be notified that their heliport may not

1 be in compliance with the ability to build this commercial section, as well as
2 the dwellings and other items which might be built in the future. I'm laying
3 this all on the fire department. They are quite aware of it. The staff did not
4 give you during the SUP to the body, that group, the correct information. I
5 spoke with the fire engineer during the development review committee after
6 the meeting. I also attended that meeting. They are also asking for access
7 from Young Park, I mean from Apodaca Park on the backside to the hospital
8 emergency entrance as a way of getting to and from safely with emergency
9 care. So until - may I?

10
11 Kaiser: I'll give you 10 more seconds. Please finish up.

12
13 Shervanick: Until the property owner that is adjacent to this is apprised of the violations
14 of the FFA, I ask you to hold off on this plat. Thank you.

15
16 Kaiser: Thank you. Anybody else who wishes to speak on this item? All right,
17 seeing none. We'll come back to the Commission. Any Commissioner
18 questions, thoughts?

19
20 Jo. Acosta: And correct me if I missed it, in regards to the ponding I guess comment
21 earlier. So the Apodaca Blueprint were, I can't really find anywhere about
22 specifically you designating a pond versus storm area drainage space and
23 stuff. And I don't know if that even would go on this phase at all to
24 acknowledge it, but I guess at some point some sort of green street factor
25 or something is going to get factored in or. I don't know if you can elaborate
26 on that a little bit.

27
28 Pompeo: Mr. Chairman, Commission. I can add, shed a little light on this, the ponding
29 issue. Let me go back to the aerial. In the Apodaca Blueprint, and you can
30 see that there's a water course that comes down there from Desert Avenue.
31 Comes down, comes down into a pond, well what's left of a ponding area
32 inside of Apodaca Park. The developer, myself, the Public Works
33 Department, the Parks department, have been in discussions about how to
34 put a ponding area in this area of the facility to tie to and clean up this
35 ponding area here, and control this flow that's coming in, down through
36 Apodaca Park, makes its way down to Madrid Avenue. The topography of
37 the site, there's a line that runs through the site of Samaritan, everything to
38 the west has to drain out. It can't get back to this major ponding area. This
39 ponding area is meant to take the runoff. It does take the runoff from the
40 hospital site itself, and the all the areas north of here, and these four lots
41 that are in this area here. So that ponding area, you're correct that it is not
42 part of this phase, but it will definitely be part of the next phase.

43
44 Jo. Acosta: Okay. So we are accounting for it as the Apodaca Blueprint suggests, I
45 guess, is what I'm getting at then.

46

1 Pompeo: In my estimation, yes. There was a ponding park area shown. And we have
2 been in concert with the Parks department. I do want to speak to that
3 interconnectivity to Apodaca Park. One of the elements of this master plan
4 was to create a pathway that not only leaves Apodaca Park, makes its way
5 up through this development, past this roadway here, and eventually, when
6 you get to this point here, and I apologize it doesn't go off the map, but then
7 this trail system ties into the walking path that's on that Las Cruces Outfall
8 Channel. So that's another inner conductivity for park and trail
9 improvements to tie Apodaca Park as a recreational facility into the Outfall
10 Channel Trail, which is another recreational facility. So that interconnection
11 is by this development.
12
13 Jo. Acosta: Thank you.
14
15 Kaiser: All right, if there's no other comments or questions, looking for a motion to
16 approve.
17
18 Smith: I move that we approve proposals number 8.2.
19
20 Ochoa: Correct. Yes, sir.
21
22 Jo. Acosta: I second.
23
24 Ochoa: All right this is a motion to approve item 8.2. Commissioner Thurston.
25
26 Thurston: Yes, based on staff recommendations.
27
28 Ochoa: Commissioner Acosta.
29
30 Jo. Acosta: Yes, based on staff recommendation and the Apodaca Blueprint.
31
32 Ochoa: Commissioner Smith.
33
34 Smith: I vote yes based on staff recommendation.
35
36 Ochoa: Commissioner Acosta.
37
38 Je. Acosta: Yes, based on staff recommendation.
39
40 Ochoa: Commissioner Murray.
41
42 Murray: Yes, based on staff recommendation, Apodaca Blueprint.
43
44 Ochoa: And Chair Kaiser.
45

1 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
2 Cruces and Apodaca Blueprint.

3
4 Ochoa: Motion passes. Thank you, sir.

5
6 Kaiser: Thank you. And just a reminder to my fellow Commissioners, you do need
7 to state a reason other than staff recommendation for an approval. So just
8 a reminder.

9
10 **10.1 Case 2ZCA-24-01:** A request to repeal and replace Chapter 38, Article V, Section
11 38-46, Las Cruces Innovation and Industrial Overlay Zone District, of the City of
12 Las Cruces Municipal Code (LCMC). The amendments include modifications to
13 land uses, parking, sidewalks, landscaping, and signage requirements. Council
14 District 4.

15
16
17 Kaiser: All right, moving on to item 10.1. This is a request to appeal and replace
18 Chapter 38, Article V, Section 38-46 of Las Cruces Innovation and Industrial
19 Overlay Zone District in the City of Las Cruces Municipal Code. I'll turn it
20 over to staff.

21
22 Ochoa: Covered here for whatever Economic Development staff that is out,
23 unfortunately. But this is an amendment to the existing zoning code, which
24 is what the section for the Las Cruces Innovation and Industrial Park
25 Overlay, or LCIIIP, as we like to call it. Showing the area here, roughly about
26 913 acres in size, relatively large area. Essentially, what staff was looking
27 at is when we adopted the LCIIIP we saw several opportunities for new
28 development, for proposals to be going into that area, but when some of
29 those proposals came before us, it was difficult to follow some of the
30 requirements of the LCIIIP in that area. So doing that, staff did take some
31 time to see what changes we could do to this section of the code to help
32 make it work a little better for development, and still kind of follow the original
33 intent of what was the LCIIIP. With that we did look into an article of Planning
34 and Managing Suitable Industrial Park, which is published by the United
35 Nations Industrial Development Organization or UNIDO, is what I call it.
36 And they had like specific guidelines and requirements what industrial parks
37 should be. With that they did kind of a breakup different types of what is an
38 industrial park. The first one being kind of a research and development type
39 of industrial park with technology and science type of uses, maybe
40 universities, research centers in that area, multiple functioning labs, offices,
41 commercial conference rooms, that type of use in that area. Need for state
42 of the art infrastructure is definitely something that this area is typically what
43 you see in these types of industrial parks. Well-designed buildings, good
44 landscaping. Connectivity is another big thing as well, and doesn't really
45 cater to what is heavy truck traffic for that area, a little more of a light
46 industrial if you will is what we look for those areas.

1
2 The second area we look at that they described was a manufacturing
3 warehousing area. This is the more large structure, big bulk, large type of
4 development. There's adequate transportation networks, basic utilities,
5 minimum landscaping, loading bays, kind of easy circulation for large
6 semitrucks to get through your wide streets and those sidewalks, because
7 those trucks don't play well with sidewalks; they bust them all the time. And
8 then low ratio employment space, so large buildings, little number of
9 employees.

10
11 The third one is what we call the agro industrial park. This is kind of a
12 regional park used for regional farms, pardon me, used for processing,
13 storage, packaging, so on and so forth like that. They range in size from
14 small to medium sized farms. And again, large vehicle traffic is what we
15 look for in these areas. So when staff read this document we looked into
16 potential amendments that we could do to the LCIIIP to make it a little more
17 fit within what our needs, and not only our needs, but also for potential future
18 development. We looked at the existing land uses that are permitted and
19 not permitted, parking requirements, sidewalk requirements, landscaping,
20 and signage requirements as well.

21
22 So the first item we're looking at is land uses. What we're looking at doing,
23 what this amendment is essentially allowing for indoor entertainment
24 recreational venues. This is what we're looking for in what we call our
25 aerospace area. I'll have a map before you here in a minute just explaining
26 the three different land uses. We are not allowing for wholesale or outside
27 storage for commercial use in the commercial area. And we'd also like to
28 allow for RV parking and hookups in the commercial area for stalls of the
29 water, sewer, and electrical hookups. To give you a better idea of where
30 we're talking about, the first item we're looking at allowing is in the
31 aerospace area here, shown here closer to the airport on the north side of
32 what was the West Mesa Industrial Park. Commercial area here in the
33 center, that is where we're eliminating that second one of the outdoor
34 storage for commercial, and then adding the use for RV hookups makes a
35 lot of sense, especially since you're right off of the interstate here. As you
36 can see here like the Love's proposed for RV stalls here with hookups for
37 people who get off the interstate, they could stay overnight, hook up to the
38 RVs, and they're off on their journey the next day.

39
40 Additional thing we looked at is parking requirements. Currently there are
41 no parking supply minimums required. What we're looking at doing is
42 essentially just allow whatever use goes into the LCIIIP is to follow what is
43 currently adopted on our current land use table. Currently under 2001
44 Zoning Code we have a slew of land uses that are permitted, and it actually
45 gives you a guideline as to the number of parking stalls that are required for
46 that property. If a development for some reason can explain or justify if you

1 will, the need for reduced parking stalls, the amendment to the LCIP
2 essentially states that the economic development director or designee could
3 potentially wave or allow for the reduction of the number of parking stalls for
4 a particular development, that'll be on a case-by-case scenario though.
5 Third thing we're looking at here is essentially the installation of sidewalks.
6 If you go back to the two different ones, the two different scenarios of an
7 industrial Park that I spoke about before, a research development area, that
8 is what we look at potentially being what is the north side of Interstate 10.
9 That area we definitely want to keep sidewalks in there, because it asked
10 for connectivity, asked for pedestrian mobility in that area. And then
11 essentially in the southern side, which is the manufacturing warehousing
12 area where we're expecting more bulk trucks, large trucks, semitrucks, even
13 if you go out there now you'll see a number of them just lined up along
14 Crawford Drive and some of the roadways around there, that side of
15 Interstate 10, the southern side, essentially not requiring for sidewalks in
16 that area anymore.

17
18 So to better explain, here the north side closer to the airport, that is where
19 we want to keep sidewalk requirements to allow for that connectivity. And
20 the southern side here, south of Interstate 10, this will be the more
21 manufacturing warehousing area where we would not require sidewalks in
22 that area anymore. Currently, the majority of the roads out there roughly
23 anywhere between 50 to 60 feet wide in pavement with a large shoulder on
24 the side. And as I stated before, if you do head out there you could see a
25 number of trucks just pull off the freeway and use that area. And I don't
26 know if anybody's seen sidewalks where there is a number of trucks, they
27 don't work hand in hand because they get destroyed pretty easily.

28
29 The fourth item we're looking at amending is landscaping requirements.
30 Currently, the LCIP calls out for a minimum of 10% for any type of
31 development in that area. What we're looking at doing is going back to what
32 we used to have with what was our West Mesa Industrial Park Overlay, the
33 one before this one, which is kind of a scaled type of landscaping
34 requirements, where the total area of your property depends on the size of
35 your property is the percentage that you'll have to provide. So for the
36 smaller lots we still want to see that more landscape area. So if a property
37 is anywhere between one to four acres in size, we're asking about 12% of
38 the area to be landscaped. For properties four to eight acres in size, about
39 10% of the property. Eight to 12 acres in size, 8%. And then any really
40 large piece of property that's about 12 acres in size, we're looking at about
41 a 6% landscape area for that development. Those type of ones we typically
42 see large, enclosed, fenced in areas in the back and just offices in the front,
43 so we at least want to have that landscaping in that area to have some type
44 of frontage if you will, some type of appearance of landscaping in the front
45 along the streets.

1 The last item I believe that we have for amendment is the signage
2 requirements in that area. Currently, there is a maximum height
3 requirement in the entire LCIP of ... I'll start again, in the entire LCIP there
4 is a maximum sign height requirement of 12 feet right now. I believe some
5 of you all were here when a couple of developments went into that area that
6 they looked for taller signs, larger signs for the purpose of being seen off of
7 the freeway. So that is the reason for this. So what we're proposing is 80
8 foot, a maximum of 80 feet tall for lots adjacent to Interstate 10 only, and
9 then 18 feet tall for all other lots essentially bringing those signs up an
10 additional six feet is what we're looking for. Additionally, we'll be changing
11 the maximum signage requirements. Currently it is capped at 50 square
12 feet for any type of development. We're looking at going at 450 square feet
13 for lots adjacent to the interstate frontage, and maintain a 50 foot - we are
14 looking at maintaining a 50 foot square foot sign for all other lots. Let's see
15 here additionally on top of that we have the ability for directional signs.
16 Currently it is not to exceed four feet in height. We're looking to bump that
17 up to six feet, essentially for the purpose of trucks and so forth to see them
18 and not get run over essentially which is a lot of the issues that we get from
19 some developers out in that area when directorial signs are limited, and that
20 much limited in height they tend to get run over unfortunately.

21
22 So, to kind of show you here what we're talking about, this was the Love's
23 that was approved, variance was approved for the sign by the Planning and
24 Zoning Commission not too long ago. Eighty foot tall sign, this one actually
25 got a variance for even larger sign, a square footage of 1,189 square feet.
26 Additionally, there was an Allsup's sign that was also approved by you all
27 that was 80 feet in height and 340 square feet in size. So this sign would
28 actually be legal when it comes to the new requirements by the LCIPP in
29 that area. And this was kind of an excerpt from that variance if you all
30 remember, there was a study that they actually had not only the sign
31 developer but they got together with the Department of Transportation
32 explaining how a taller sign off the interstate makes it safer for people while
33 they're on the freeway to see it at a better, see it easier from a farther
34 distance to be able to exit properly and exit safely off the interstate to get to
35 their establishments. So this right here, showing this property going off of
36 I-10, you could just see that sign here, that's what that side would look like
37 at the 80 feet tall sign off of the interstate, just as an example. There it is.
38 Right over here.

39
40 Those are essentially all the amendments we're looking at doing to the
41 section of the zoning code. So your options are, one, to vote "yes" and
42 approve the proposed amendment. This will go before, that
43 recommendation will go before the City Council for their final consideration.
44 Two vote "no" and deny the proposed amendment. To vote to amend or
45 add conditions as deemed appropriate by the Planning and Zoning
46 Commission, or four to table, postpone and direct staff accordingly.

1
2 Kaiser: Thank you. Any questions from the Commission?
3
4 Thurston: I got one. Can you go to the page where it shows the agriculture area? So
5 grew up in Hatch a little and they had like the onion sheds. They had other
6 things like that. They had some chili plants that all the farmers would grab
7 everything and put in one local spot, right, like the onion sheds, where they
8 would dry the onions out. Well, those are normally like larger buildings, and
9 something like that if I looked in here at your allowable buildings, it doesn't
10 allow for like a metal building. Would that be allowed? Would metal
11 buildings be allowed in this area? Or am I just misunderstanding what I'm
12 reading? Let me see if I could get to it, it was under the architectural ...in
13 page 10, so it's in your architectural building materials. No, I guess it is. I
14 skipped over that, that would be under B right there, architectural metal, so
15 you can do that in there. Sorry. Then my comment is, I will hold off on that
16 one, because I was like, that's what we need over there is the big buildings.
17
18 Ochoa: And Mr. Chair, Commissioner Thurston. In the past we have kind of have
19 compromises with that before as well where we would allow the metal
20 buildings, but then they would just have to texture them or finish them in a
21 different way in order for them not just to be a big metal box out there, have
22 some type of definition, stucco, something, some type of exterior to kind of
23 blend in a little bit better with the area, sir.
24
25 Kaiser: Any other questions? Just out of curiosity, so prior to this, these proposed
26 changes, there was no parking minimum. There's no minimum parking
27 requirement. Why? Why do we suddenly need one?
28
29 Ochoa: So Chairman Kaiser. The way I that I discussed this with staff who wrote
30 this up essentially is you want to have some type of parking out there where
31 it's not just, I'm just going to build something and put absolutely no parking
32 in the area, and then having that issue flow onto other properties possibly
33 or the street. So now we're just looking, currently there's not, there's just a
34 minimum right now. There's no maximum, so it's just allowing people now
35 to actually have a number that they could reach. And then again, they could
36 always reduce that. Say you're building a very large warehouse where you
37 have minimal staff, with current code you were required to provide a
38 minimum of one parking space for every 500 square feet, so you'd be on
39 hook for like, say 200 parking stalls. If you could justify to the Economic
40 Development Director that, I don't have that much staff, this is my actual
41 occupancy, then that's a reduction that we could definitely look at, sir. The
42 reduction is a big one that staff is looking at doing to allow for the
43 development in the future, sir.
44
45 Kaiser: Okay. I guess I'm a little confused because the parking requirements that
46 we currently have are, it's all pseudoscience, not based on anything. We

1 don't have parking requirements in downtown. People still build parking
2 lots. I'm assuming that there's been development out here. So I guess
3 what's the rationale, I mean they're obviously building parking lots, so why
4 do we need to change course here? I mean we even acknowledge that the
5 amount of parking we need is minimal because of the uses. I guess I just
6 don't understand why we wouldn't just let the market dictate how many
7 parking spaces they feel they need to make their project financially viable.
8

9 Ochoa: Mr. Chair. Understood. And staff did discuss that further. The biggest thing
10 we do see though, this area is still largely, the only way you can really get
11 there is by automobile. So by doing some type of minimum parking stalls,
12 parking requirements, that's kind of what we're trying to take into effect to
13 have some type of parking for all the commuters that'll be going to this area,
14 because that's essentially who will be working out there are commuters, sir.
15

16 Kaiser: All right. Thank you. Going to public comment. Anybody in the audience
17 who wishes to speak on this item this evening? That's a fascinating topic.
18 All right. Coming back to the Commission. If there's no final comments or
19 questions? Yes, Commissioner.
20

21 Thurston: I agree with you on the parking because I think the market will dictate it out
22 there. Is there a way to change that to reflect a no parking as it was before,
23 and then agree to the other changes that they have?
24

25 Kaiser: Yes, I think there's probably a couple of options. But to that point just one,
26 I guess additional question, are there any prohibitions on on-street parking
27 in this area?
28

29 Ochoa: Mr. Chair. Per City standards, typically the only roads where on street
30 parking is prohibited are along collector roadways and thoroughfares if you
31 will, sir. The majority of these are all local roadways so on street parking
32 technically is permitted, sir.
33

34 Kaiser: Okay. So, on this map here that we're seeing. I'm not sure if these are
35 conceptual roads. But the roads that we're looking at right now, those would
36 be the collectors I guess, fair statement.
37

38 Ochoa: Mr. Chair. No, these are actually the roadways are located in there. The
39 only real collector I believe is Crawford, the one that runs north and south
40 between both sides. The majority of them all around here are all local
41 roadways, essentially, sir.
42

43 Kaiser: Okay. Thank you. So my thought process there being that if you can park
44 on the street and we're expecting minimal parking, seems like that's going
45 to be more than sufficient. So I think the way that we would go about striking

1 that particular change would be I think, it wouldn't be a condition, it would
2 be a motion to, yes, someone explain to us.
3

4 Ochoa: I could clarify that for you in a minute, Chair. I believe we have our
5 Economic Development Director who might actually add something for you,
6 please.
7

8 Kaiser: Okay. Yes, please go ahead. Please state your name for the record and
9 you may begin.
10

11 Teeters: Mr. Chair, Commission members. My name is Elizabeth Teeters, and I am
12 the Economic Development Director here at the City of Las Cruces. I
13 worked with Sara Gonzalez to do these changes. When it comes to parking
14 on the street out at the industrial park, we actually recently met with Saputo
15 Cheese, which is the biggest business out there, and they have concerns
16 because there are trucks that park out there off of Crawford which is the
17 main thoroughfare, and they have people coming and going at all hours of
18 the night, because they run three shifts, and it's very unsafe. So it is not
19 recommended by them at least to have any parking on the street, because
20 you have big trucks that drive in and out, you have employees that are
21 coming in all hours of the day as well.
22

23 Kaiser: Okay. I mean the way I see it is then a property owner/developer would
24 build parking. That they believe they need it, they'll build it. So I don't know
25 why we need to put you know arbitrary numbers on what they're required to
26 do. So I think if that's something that we were going to do then I think it
27 would be a motion to strike the proposed language and keep the original
28 language. So that would be how we address that, if that's something we
29 wanted to do,
30

31 Ochoa: And just for point of clarification, Chair Kaiser. Yes, so it'd be a condition to
32 vote to approve with the condition that the proposed language for parking
33 you'd strike and keep the original language when it comes to referring to
34 parking, is what we're looking at, sir.
35

36 Kaiser: Okay. Got that?
37

38 Thurston: Yes. I just didn't want to, one of the reasons for that is, if we, a lot of these
39 buildings are going to be oversized, and so when I've done anything when
40 it comes to parking requirements, we normally go the size of the building.
41 And so I can just see in the future if a large building comes in we're going
42 to have to be dealing with the reduction anyways. So we're putting, you're
43 just going to make more work for the applicant to come in and get that
44 reduction when they should be able to just come in and put the required
45 parking as the market demands for what they're going to use it for.
46

1 Kaiser: All right. So with that, looking for a motion to approve. And Commissioner
2 Thurston if you want to make the motion with the condition to keep the old
3 parking language and remove the proposed, that would be a condition, or
4 that would be the motion, and then someone second, we'll take a vote.
5
6 Thurston: I make a motion to approve 10.1 with the condition of keeping the old
7 parking requirements.
8
9 Smith: I second.
10
11 Ochoa: Sorry about that. Alrighty. Commissioner Thurston.
12
13 Thurston: Yes. I'm trying to find the reason why to say yes.
14
15 Ochoa: I'm sorry. Point of order, Chair. So instead of saying as stated before,
16 recommend, vote to approve with recommendation by staff. It's a quick
17 change is I vote to approve based on findings provided by staff. Because
18 there are facts of findings in your staff report that staff provided you. Those
19 are the findings you could definitely state are as your findings essentially,
20 or just staff's findings.
21
22 Thurston: Thank you. So yes based on the findings that staff has recommended.
23 Okay, is that, that will work. Yes, that works.
24
25 Ochoa: Commissioner Acosta.
26
27 Jo. Acosta: I vote yes to approve based off of I guess findings from the Commission
28 here.
29
30 Ochoa: Commissioner Smith.
31
32 Smith: I vote yes based on its consistency with purpose and intent of the zoning
33 ordinance.
34
35 Ochoa: Commissioner Acosta.
36
37 Je. Acosta: Yes, based on staff findings, facts and findings.
38
39 Ochoa: Thank you. Commissioner Murray, please.
40
41 Murray: Yes, based on staff findings and the proposed use of the industrial park.
42
43 Ochoa: And Chair Kaiser.
44
45 Kaiser: Yes, based on staff findings and consistency with Elevate Las Cruces.
46 Motion passes.

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Ochoa: Thank you all.

10.2 Case 24VO0500067: A request to deviate twenty-five (25) feet from the required twenty-five (25) foot front yard setback for a carport addition at a home located at 1997 Crescent Drive. The property is approximately 0.214 acres in size and zoned R-1a (Single-Family Medium Density). Submitted by Leonel Briseno, property owner. Council District 2.

Kaiser: All right. Moving on to item 10.2. This is a request to deviate 25 feet from the required 25 foot front yard setback for a carport addition located at 1997 Crescent Drive.

Castillo: Good evening, Commission. Today we have a variance request at a property located at 1997 Crescent Drive. The property is located approximately 115 feet north of the intersection of Crescent Drive and Farney Lane. It is roughly about 0.214 acres. The zoning is R-1a which is our single-family medium density zoning district. And it is a single-family residence that is on the property.

As we can see from the aerial map, the property is highlighted right here. The carport addition is going to be right here, it's kind of obstructed by the tree. Here's a zoning map showing the R-1a zoning district and other residentially zoned areas adjacent to it. So the code requirements under Chapter 38, Article 4, Section 38-31D, under the R-1a zoning district a minimum garage or carport has a front yard setback of 25 feet. As we can see from this one it is encroaching within that. So the proposal today is seeking to retain a carport addition to the existing dwelling in the front yard of the subject property. This variance would allow for the carport to be constructed in the front yard with an encroachment of six inches into public right-of-way. And they would have to apply for an encroachment agreement to be within that right-of-way if we have it stand as is. As we can see from the site plan here, it's been noted that there is approximately a one foot wide parkway, which we'll see later in some photos provided, that the carport pretty much runs into that as well. But it is going to be about 25 feet in length, 17 feet wide, essentially covering the concrete pad that's provided as a driveway. And as I said once again it is encroaching up to six inches, if not more, into the public right-of-way.

Here we go. These are some photos that were taken earlier this morning off of Crescent Drive for the subject property. We can see here the end of the sidewalk, and then we would just have to imagine a one foot parkway that sits kind of within there. It's hard to imagine that imaginary line, but there is that parkway that sits there and we can see that it is encroaching. This is a front photograph of the proposed carport that's already been erected.

1
2 The applicant's justification, they weren't aware of the codes and regulations
3 regarding the carport. It was already installed, and the purchase of that in
4 addition with the removal would cause any financial burden to them. In
5 addition to that, the carport is going to help protect the vehicles from
6 weather damage, as well as any extreme weather events.
7

8 The analysis done on this, there was no health, safety, or welfare issues
9 identified by staff. So this request is for a full variant, full 100% variance to
10 the minimum required 25 foot carport front yard setback. So it does not
11 meet the criteria for decisions as outlined in Article 2 under Section 38-10JK
12 of the zoning code. So therefore staff does provide a recommendation of
13 denial. So as you know, the carport is required to meet a 25 foot front yard
14 setback in all residential zoning districts. This one does not as we are you
15 know encroaching 100% into it, if not a little bit more into right-of-way. So
16 the carport was constructed without a building permit as well. Public input
17 was sent to the surrounding properties. Staff did receive three e-mails in
18 opposition. These came in later after the presentation and staff report were
19 created. One of them did actually come in while the staff report was being
20 created, but the other two were provided to you prior to the meeting as to
21 their concerns regarding the carport that's been constructed already.
22

23 As we all know, you do have the ability to provide an approval
24 recommendation with conditions. These conditions do require that the
25 structure remain open on both sides as to not impede on the clear sight
26 triangle of those going into the subject property and leaving the subject
27 property. The structure does need to be attached to the home to make it a
28 permanent addition to the home. They must also obtain a building permit
29 and receive all required inspections from that said building permit. In
30 addition to this, the applicant did write within his justification letter that if it
31 was given a conditional approval, they would be willing to cut back the
32 structure so that it does not encroach within the right-of-way and sit
33 approximately six inches within the applicant's property.
34

35 So today your options are to vote "yes" to approve, vote "no" to deny, vote
36 "yes" with conditions, or vote to table.
37

38 Kaiser: All right. Thank you very much. Any questions from Commission?
39

40 Smith: I don't have a question; I have a comment. This issue comes up frequently
41 before this Commission. And since the years that I've been a Commissioner
42 it has come up dozens of times. And I think the last meeting we had I
43 implored staff and City to possibly come up with some type of you know City
44 campaign to help educate the public about the required permits and to get
45 these type of structures made. And it clearly hasn't happened, because
46 we're continuing to have these type of requests come before us. And it's a

1 difficult situation for us to be in because it's a clear violation of City
2 ordinance, and it's also, it puts a burden on the public, financial burden, but
3 at the same time you know the public should be aware of what's required
4 when they do any type of building in the City, any type of addition to the
5 home. So I just feel like it's a double edged sword as far as you know people
6 saying they didn't know, but at the same time there are requirements for any
7 type of building in the City. And I just want to make that comment because
8 this is going to continue to be an issue that comes before the Commission.
9 And I just feel like we somehow need to educate the public that this has to
10 be done before you put up any type of shade structure in the City. Thank
11 you.
12

13 Je. Acosta: Mr. Chair. My question to you would be, what would be the conditions if we
14 voted yes with conditions. What would be the recommendation from staff?
15

16 Castillo: Mr. Chair, Commissioner Acosta. The conditions as you can see are stated
17 here on the slide, that one, both sides of the structure must remain open so
18 that way we don't interfere with any clear sight obstructions. The structure
19 does need to be attached to the home if it is not already attached to the
20 home. So therefore we're not creating an accessory structure within the
21 front of the home which is not permitted. The third condition being that they
22 would need to seek a building permit and obtain a building permit. Once
23 the permit gets approved and issued to them, all applicable building code
24 regulations as far as footing inspections, ensuring that the trusses and
25 everything else are inspected properly, all those do need to require, and
26 they do need to receive those as well, so they can obtain a certificate of
27 completion for the addition to the home. And the third one is stated by the
28 applicant that he would cut back his carport in order for it to be within the
29 property instead of encroaching within public right-of-way.
30

31 Kaiser: All right. Any other questions, comments?
32

33 Thurston: Mr. Chair. I, one question. Is there, on the carports, do we have anything
34 in our code that allows encroachment with a carport past the 25 feet? And
35 if so, what is the limit on those?
36

37 Castillo: Mr. Chair, Commissioner Thurston. At this time we do not have anything
38 that allows carports to encroach unless the property is within a planned unit
39 development, then under those regulations they may have some type of
40 encroachment.
41

42 Thurston: Thank you. So as of right now the way to get back in compliance is basically
43 just to remove the whole structure. Is that correct?
44

45 Castillo: Mr. Chair, Commissioner Thurston. If we choose not to, if a determination
46 of denial is given, then yes the applicant will have to remove the structure

1 in order for it to be compliant as it currently doesn't meet the 25 foot setback
2 requirement.
3

4 Thurston: So if we do a condition here that they must obtain a building permit and all
5 the required inspections, we're going to just, I'm a little fuzzy on this one of
6 trying to understand that, how would they obtain a building permit if it's
7 outside of the allowable area, if it's not within the setback? So then how
8 would they even obtain a building permit?
9

10 Kaiser: So I can clarify that. We would be giving them permission, essentially.
11

12 Thurston: So I randomly went up in the top level of our office that we have some
13 engineers up there, and he was working on carports. Just a random
14 coincidence that I went up there and he's doing that. And in El Paso they
15 end up having a carport, basically people that want to do this exact same
16 thing here, they have other requirements that allow you to encroach into the
17 setbacks down in El Paso. There's other things like it has to match the
18 home style, it has to match other things like that. But then there is a garage,
19 and then there's also then the additional carport for people to be able to use
20 those spaces. If it is their piece of land, right, and it doesn't affect anything
21 with the fire, doesn't affect with any safety or other requirements like that, I
22 think that might be something that we need to look into and put in in our
23 code that allows these, what I just, I just lost the word, that allows the
24 carports to be put in, but with some design criteria or with some way that
25 we can actually approve these without it just being a variance on every
26 single one of them.
27

28 Ochoa: If I can clarify. Mr. Chair, Commissioner Thurston. That is something that
29 Realize Las Cruces, our new zoning code that we're working on right now,
30 would essentially, it's essentially what it's allowing. Believe the minimum
31 setback for basically any structure in Elevate is 10 feet now instead of 25
32 feet. So a carport could essentially go 10 feet from the property line,
33 following the design guidelines, the design look of the home and so forth
34 like that as well. So essentially, maybe not a metal carport, but something
35 to just gussy up the carport if you will to make it look like if it's part of the
36 home and it was built when the home was built with its design and
37 architectural look. So that is something we're looking at with our current
38 codes.
39

40 Kaiser: Any other comments or questions? Commissioner Acosta.
41

42 Jo. Acosta: And just to kind of enlighten you, Commissioner Thurston and Acosta here,
43 we've been relatively consistent as Commissioner Smith was kind of
44 alluding to earlier, you know about these carports. And unfortunately, the
45 policing of these has fallen on us as a Commission and it's, you know puts
46 us in a wedge every time because there's always you know the most

1 extreme presented circumstances of health and medical requirements and
2 can't touch and see the sunlight or you'll you know melt or whatever is going
3 to happen, everybody's got something going on with these carports. And,
4 you know as much as we look at public safety and we're selling food out of
5 homes and people are doing that kind of stuff over the internet, when good
6 restaurants right are getting cut out and things like that. It's crazy to have
7 to police this, but this is just, you know in terms of the precedent it's really
8 hard to overcome anything with the way we've been voting. You know I
9 completely agree with you kind of trying to get to the root of the problem
10 and Realize Las Cruces trying to get there. Just I wanted to comment on
11 that as a whole.

12
13 Kaiser: Thank you for that. All right. Any other questions, comments? All right.
14 Did the applicant wish to say anything? Yes, sir, please move forward.
15 Please state your name for the record.

16
17 Briseno: My name is Leonel Briceno. My wife Lucille is here with me.

18
19 Kaiser: And do you swear or affirm that the testimony you're about to give is the
20 truth and nothing but the truth under penalty of law?

21
22 Briseno: Yes, sir.

23
24 Kaiser: Go ahead.

25
26 Briseno: Well, thank you first of all for letting me come and just say something. You
27 know I didn't know there was an ordinance to build something on my land.
28 And I'll be honest with you, part of that was, and I talked to some people,
29 but part of that was realizing, wow the City allows someone to put up a tent
30 on private property and they don't have to take that tent down once they put
31 it up. And I thought well if they can do that then my gosh I can build
32 something on my property that's not ugly. It goes very well with the property.
33 It's painted, maintained, put flowers on the sides. It adds to the beauty of
34 the property. A while back, you all came and they approved the senior
35 apartments, right across my backyard. I didn't come to talk. There were
36 lots of things because I didn't want to be one of those, not in my backyard.
37 We need housing. We need to use the land the best we can. And so yes,
38 they're building three story apartments that have now blocked my view of
39 the Organ Mountains, as you heard, and that's one of the reasons why we
40 bought that property. But that's okay. We need housing. And so I'm trying
41 to do the same thing. I'm not a big contractor. I'm just a simple homeowner
42 who's trying to get the most out of my land. and literally it's just six poles on
43 an already cement pad with a nice tin roof, metal painted. So I didn't see a
44 difference whether someone parked a trailer in that 25 encroachment all
45 year round or parked three, four, five cars in their parking lot. What's this
46 encroachment? Why? And I am willing to pull it back off of that right-of-

1 way, that that makes sense. I mean, they need right-of-way, well I'll pull it
2 back. But to take it all down, especially while we're relooking at this as a
3 City that somehow we're going to allow carports to have to tear it down, and
4 then wait a year, year and a half that, wow now we can do a carport, and
5 then have to go through. I have gone ahead and already submitted a
6 building permit. The staff at the City is very helpful. John helped us quite
7 a bit, and so I did put in for the variance and also for the building permit. So
8 again, it just doesn't make sense that you can't cut, especially the weather's
9 changed. Climate has changed. It's not the same anymore. The vehicles
10 aren't the same anymore. And so we do want to protect our investments.
11 First truck I bought was under \$16,000. You can't buy a truck for that
12 anymore. How are you going to protect these investments, you know? So
13 it is a hardship financially. And you saw that big tree there. Imagine how
14 many trees and what trees, what birds produce landing on that truck every
15 single day. It eats the paint. So it was you know just made sense to me to
16 protect my investment. The grandkids can play and ride their bikes there in
17 the shade. So it's not ugly. It's you know, several neighbors did stop by
18 and say that is really nice, you know where did you get that? Where can
19 we get one? Thank you.
20

21 Kaiser: Thank you, sir. All right, we'll go ahead and open it up to public comment.
22 Anybody in the audience who wishes to speak on this item, please raise
23 your hand. Seeing one gentleman in the back. Please come forward.
24 Please state your name for the record.
25

26 Prieto: Yes, sir. My name is Rodrigo Prieto. I live at 647 Creed Avenue here in
27 town.
28

29 Kaiser: And do you swear or affirm the testimony you're about to give is the truth
30 and nothing but the truth under penalty of law?
31

32 Prieto: Yes, I do.
33

34 Kaiser: Go ahead, sir.
35

36 Prieto: I totally agree what this gentleman just said. I'm in the same situation. The
37 neighborhood I live at is the country club estates up here north of Albertsons
38 on North Main. And if you drive through the neighborhood, you got some
39 neighbors that have those carports. Nobody said nothing. They're up to
40 the property line. They haven't been brought down. Got some other
41 neighbors that built one. No sooner did they build it, they were told, tear it
42 down. This is wrong. We live in a hot climate. We need to protect our
43 investments. We should be allowed to do that on our property. As long as
44 it's not looking ugly like these people that park their cars or RVs and leave
45 them there forever. We should be allowed to do that. And the City needs
46 to be more able to work with us on this.

1
2 The other thing I have is when you come to your office here to apply for a
3 permit, your employees here, the first thing they tell you is, you got to do it
4 online, like you're sitting right here, you're an employee of this department.
5 Why can't you help me? They won't do it. That's wrong. When you're trying
6 to do the right thing. And then you have people there that won't help you
7 do the right thing. You know what's the point? That's why I think some
8 people just go ahead and build a carport without asking for a permit. The
9 City needs to work with us, and they need to work on this, like you said, so
10 you don't have to be dealing with this constantly. This is ridiculous. This
11 shouldn't even be brought up to the table. This should be something that
12 should have been settled. It's common sense and people need to start you
13 know waking up and start doing the right thing around here. And that's all I
14 have to say.

15
16 Kaiser: Thank you.

17
18 Prieto: Thank you.

19
20 Kaiser: All right. Anybody else who wishes to speak on this item? All right. Seeing
21 none. I will go ahead and bring it back to the Commission. I'll just say there
22 is an opportunity to address this citywide, like was mentioned, Elevate Las
23 Cruces, and the Realize Las Cruces updates the development code.
24 Currently underway, that process. I don't know what the timeline is at this
25 point, but we're getting close to the end. Now is an opportunity to provide
26 that feedback. You know maybe there is a solution out there similar to what
27 is happening in El Paso, apparently. But there is an avenue available right
28 now. So encourage everybody to participate in that process. You can
29 comment online at www.realizelascruces.com. I believe there's also some
30 open houses that have been posted on the City's website and throughout
31 their social media. So encourage you to participate in those conversations,
32 provide that input, provide that feedback. However, that being said, it is
33 currently prohibited under our development code, and it's kind of been
34 alluded to here, but I think one of the challenges that this Commission faces
35 is you know you're correct, we shouldn't have to be adjudicating these, but
36 we are, unfortunately. But at the same time, we're also not a, I just get
37 before the Planning and Zoning Commission and they'll, you know they'll
38 just you know, I'll apologize and everything will be good. That's not what
39 we're here to do. And so you know there may be cases at times where we
40 do determine that you know we need to go ahead and allow a property
41 owner to do it, but by and large we've been consistent I think in our votes
42 up to this point. I do appreciate you gentlemen for coming up and trying to
43 work with the City to find a solution. But again I think from my perspective
44 it's not enough to just sort of do it and then ask for forgiveness down the
45 road. I do wish that we can find a solution going forward, so that we aren't
46 spending our time addressing carports and finding a solution that works for

1 everybody, but unfortunately, we're not there at this moment in time. So I'll
2 leave it at that. If there's no other comments or questions from the
3 Commission, look for a motion to approve with a second, and if you wish to
4 vote based on staff's recommendation of denial, you would vote no. But the
5 motion needs to be in the affirmative.
6

7 Thurston: So I'll just make a general comment. As everyone else and Commissioner
8 Smith, I think if we have this in our codes now that we need to promote it
9 somehow to the City to say that we can't do carports because we have seen
10 this time and time again. And I think with the new zoning Realize Las
11 Cruces, we need to reiterate what those new codes are just so that we don't
12 see this coming again and again. And if anybody doesn't have any more
13 comments on the Commission, I make a motion to approve 10.2.
14

15 Smith: I second.
16

17 Nichols: Mr. Chair. If I may please. Nichols, for the record. Vote to approve will
18 mean that you'll have to state the alternate facts of finding that it was the
19 staff recommend denial. So if you're voting to approve the carport, then
20 you'll need to state your reasonings for finding alternate facts that were not
21 presented in the staff report.
22

23 Thurston: Then to confirm yes is to deny.
24

25 Kaiser: No, if you want to vote to deny you vote no. Anything, you vote no you can
26 just state staff's recommendation.
27

28 Castillo: Point of order, Mr. Chair. So are we going to make a motion to approve
29 with the conditions that staff has or just ...
30

31 Kaiser: The motion was to approve. It's already been seconded.
32

33 Castillo: Okay.
34

35 Kaiser: We need a roll call.
36

37 Castillo: Commissioner Thurston.
38

39 Kaiser: Hold on one second. I think we have, can you turn your mic on and ask
40 your question?
41

42 Je. Acosta: Are we approving to deny or we're approving to ... I need clarification,
43 please.
44

45 Kaiser: Yes, so, this, don't worry, these are confusing. So because staff
46 recommended denial, the motion has to be in the affirmative. So the

1 emotion was to approve, and that was seconded. So if you want to follow
2 staff's recommendation, you would vote no.
3
4 Castillo: All right. Commissioner Thurston.
5
6 Thomas: I'm going to vote no based that it doesn't follow our current code, and it'll
7 turn into other items that will be bigger than this that we're going to want to
8 get approved through. So my vote is no.
9
10 Castillo: Commissioner Acosta.
11
12 Jo. Acosta: I vote no based off staff findings and the precedent we've been setting for
13 over the last couple years.
14
15 Castillo: Commissioner Smith.
16
17 Smith: If I'm doing this correctly, I'm going to vote yes with conditions as outlined
18 by staff in their presentation.
19
20 Castillo: Point of order to provide your findings.
21
22 Smith: So it can't be based on the, that on the conditions that staff laid out as far
23 as being able to submit a new permit request.
24
25 Castillo: Mr. Chair, Commissioner Smith. As the motion was set to approve based
26 on staff recommendation, and staff recommended denial, that would be the
27 vote that we're doing right now. If the Commission chose to alter that and
28 do an approval with conditions, those conditions and that motion would have
29 had to have been stated prior.
30
31 Smith: Okay. I understand. Okay, so I vote no to deny based on staff
32 recommendation.
33
34 Castillo: Commissioner Acosta.
35
36 Je. Acosta: I vote no based on staff recommendations, on neighborhood
37 characteristics, availability and Article 2, Section 38-10 of 2001 Zoning
38 Code.
39
40 Castillo: Commissioner Murray.
41
42 Murray: No, based on staff recommendation and past cases in denying
43
44 Castillo: Commissioner Kaiser.
45
46 Kaiser: No, based on staff recommendation. Motion fails.

1
2 Smith: Commissioner Kaiser. Before we go to the next case, I'd just like to make
3 a recommendation to staff. When these agendas are prepared and the list
4 of order is established, I would request that you take into consideration the
5 type of cases that are coming before us. We had these last two cases have
6 come up have involved families. I know we can't anticipate you know
7 children being here, but I think we should be a little bit more sensitive to the
8 public who come before us that are not trying to push through a large
9 development or you know changes to some plan that where we sometimes
10 get into the weeds with, because it is a school night, people have to work
11 the next day. And I just think that as we're establishing this agenda that we
12 look closely at the type of cases that are coming before us and make some
13 type of consideration as far as who may be coming before us, whether it's
14 families or whether it's just someone that you know has taken time from
15 their long workday and have to work the next day. So I just want to just
16 bring that up. Thank you.

17
18 Nichols: Mr. Chair. If I may. Commissioner Smith. What we can do there is at the
19 very beginning of the meeting, if you want to recommend a reordering of the
20 agenda to bring one of the items further forward, then we can do that at the
21 beginning of the meeting to respect what you have just said regarding the
22 audience's time with their family.

23
24 Smith: Thank you very much for the clarification.

25
26 Kaiser: All right. And to our new Commissions, thank you for your patience on that
27 one. It is confusing, the opposite of you know most motions.

28
29 **10.3 Case 24ZO1000090:** A Special Use Permit (SUP) to allow a group childcare home
30 not to exceed 12 children on a property Zoned PUD (Planned Unit development).
31 The subject property is located within the Metro Verde Planned Unit Development
32 at 4851 Villeta Ave. and encompassing 0.108 ± acres. Submitted by Ethio Care
33 LLC, business owner. Council District 5.

34
35 Kaiser: So we are moving on to our final case, 10.3, a special use permit to allow a
36 group childcare home not to exceed 12 children in Metro Verde.

37
38 Banegas: Mr. Chairman, Commissioners. Vincent Banegas, interim planner for the
39 record, presenting case involving property located at 4851 Villeta Avenue.
40 It's a special use permit for a group childcare home. Case 24ZO1000090.
41 Current conditions are as follows. The property is zoned PUD, as are
42 various other properties that surround the subject property. It has an
43 underlying zoning of U3, that is specifically classified as suburban type uses
44 in the Metro Verde PUD, planned unit development.

45

1 The property currently contains a single-family dwelling. It's part of the
2 Metro Park Village Phase 1b subdivision. It's currently 0.108 acres in size,
3 and it has direct access to Villeta Avenue. No daycare operations are
4 currently taking place at this location. You got a site plan, or, I'm sorry, a
5 location vicinity map showing Metro Park Street here. This is going to be
6 east of Sonoma Ranch and South of Peachtree Hills in terms of this vicinity
7 that we're looking at. So, the property is outlined in yellow, as shown here
8 in hatched. It is again part of the PUD of Metro Verde. Vietta Avenue is
9 located here, running east/west. An aerial view of the subject property,
10 development has taken place all around the subject property.

11
12 And a little bit of history. The house was constructed in 2018. It appears to
13 have met all the development requirements of the 2001 Zoning Code as
14 amended, as well as the Metro Verde PUD document that was approved by
15 this body and City Council some years ago. The applicants have not
16 operated a family or group childcare home before, based on information
17 received from the applicants, but they do realize the community need that
18 exists throughout Las Cruces for childcare. That was also a stipulation or
19 an element of need identified in the Elevate Las Cruces Comprehensive
20 Plan. So, the proposal they came forward with is to establish a group
21 childcare home, and just to refresh everyone's memory, it's a child group
22 home that allows greater than six children and less than or equal to 12 at
23 the subject address. They anticipate hours of operation between 6:00 a.m.
24 and 8:00 p.m. Monday through Friday. And they have indicated that if there
25 is a clientele need, an alternative schedule could also be considered again
26 Monday through Friday, but in this case they would be nighttime hours of
27 8:00 p.m. to 5:30 a.m. They have established an operational plan of drop-
28 offs and pickups at the property in five-minute intervals to ensure that there's
29 not a surge of traffic taking place in the neighborhood and at this subject
30 location. Both state and City licensure of the proposed use will be required
31 and will need to follow all applicable regulations.

32
33 Couple of photos showing the property in question. This is directly looking
34 head on to the house, the subject property in question. And this, of course,
35 looking down the street from the front of the house, looking east. And one
36 looking west. It's all developed property throughout the subdivision in the
37 neighborhood here, and it's certainly typical of your single-family residential
38 area. A site plan showing the subject property identifies a rock wall of
39 adequate height in accordance with the regulations surrounding the
40 backyard. They do have wrought iron gates on either side so it is enclosed
41 and will be part of the area used for the childcare activities. It's a two story
42 home as the photos illustrated, and the first floor would be the only floor
43 used in the conduct of operations. They are identifying a two car driveway
44 here that will be used to accommodate the pick up and drop off of children
45 as applicable.
46

1 In terms of public notice and input, notice was sent to the surrounding
2 properties in accordance with the code. We received two phone calls
3 inquiring about the subject SUP. And one call did not support the SUP, in
4 fact opposed it. They felt that the use was not in keeping with the
5 neighborhood setting, and they also felt, unfortunately, that it was a
6 preapproved issue that was being brought before you. We also received
7 another phone call, but they did not oppose it. And in fact my understanding
8 based on staff information was that they acknowledged the need for this
9 type of use. So, our recommendation and findings of facts are as follows,
10 staff is recommending conditional approval. That condition will stipulate that
11 it's contingent upon state licensure for the group childcare home and
12 adherence to the Las Cruces Fire Department stipulations. The Las Cruces
13 Fire Department stipulations, talk about operation of day care use on the
14 first floor, ensuring that any sliding glass doors that are located on that floor
15 be converted out to your typical doorway, swing out or swing in doorway, I
16 should say. They also talk about the total number of kids that are age two
17 and a half or below, and they limit that to five. And that's fairly consistent
18 with the state requirements as well. So we're putting both the state
19 mandates and licensure requirement and the Las Cruces Fire Department
20 stipulations as part of that conditional approval. And the findings for that
21 conditional approval are as follows, the applicant although they have not
22 operated such a use previously, is very much aware of the community need
23 and wishes to provide that service. They are familiar with state
24 requirements as it relates to this use, and through their operational plan
25 have tried to ensure neighborhood compatibility in terms of the level of
26 activity that is likely to be seen.

27
28 They have identified operational plans that help ensure child safety, and
29 that is through the use of the driveway on site to both load and unload the
30 children and bring them to the premises. And they are aware, or we are
31 aware that State of New Mexico Early Childhood Education and Care
32 Department requires licensure. The property is in the suburban place type,
33 as we are now well aware, as per Elevate Las Cruces Comprehensive Plan,
34 and that's to allow low to moderate density residential uses intermixed with
35 areas of commercial and certainly home occupation, if this was approved,
36 could factor into a commercial type application from the residential
37 perspective. The Elevate Las Cruces also has various goals, policies, and
38 actions that support the request. Those that are identified on this slide
39 speak to some of those, expansion of small local business, providing
40 economic opportunities to under certain populations as applicable,
41 incorporating complete neighborhoods by you know having multiple types
42 of uses in the areas and home employment opportunities and increasing
43 access to childcare throughout the City.

44
45 The request meets the purpose and intent of the 2001 Las Cruces Zoning
46 Code as amended and the municipal code as well. And your options this

1 evening as it relates to this case, Mr. Chairman, Commissioners. to vote
2 "yes" and approve the request, you can vote "no" and deny, but recognize
3 that denial will require findings of fact that were not presented in your packet
4 or in this presentation, you can vote "yes" with conditions, particularly those
5 staff would recommend that you consider those that were identified in the
6 presentation, and you can vote to table. And that concludes staff's
7 presentation. We do have the applicants in attendance this evening, and
8 should there, we could certainly offer them an opportunity to speak. But
9 they are available to answer any questions that you may have.

10
11 Kaiser: Thank you.

12
13 Banegas: That conclude staff's presentation.

14
15 Kaiser: Thank you. Does the applicant wish to speak? You're not required to, but
16 ... Okay. Excellent. Well don't go anywhere in case we have questions.
17 Any questions from the Commission?

18
19 Thurston: Chair Kaiser. I got one. Mine was the, I was just curious more on the fire
20 department side of things of the conditions that they put on here. Do we
21 need to have conditions based on what the fire department says, if the state,
22 in order to get that state license and the state license is going to put all those
23 requirements on them anyways? Is this just doubling down that we don't
24 need to do or is it necessary that we keep the fire on there? I mean it's,
25 once again I shouldn't say anything about fire because they always have
26 the final say on a lot of things. So just have that quick question.

27
28 Banegas: Mr. Chairman, Commissioner Thurston. I would keep them in place, both
29 the state licensure requirement and the Las Cruces Fire Department
30 requirements. There's certain to be some items that were listed in the
31 review of the case by the fire department that may not be necessarily
32 identified in the state mandates or the state law or rules for this type of use.
33 So I'd keep it.

34
35 Thurston: The other one is, the keeping of, I guess I just got to say that I think it's
36 commendable for people to want to help. Instead of having to send your
37 kid to a daycare, you know where you got multiple kids and other things like
38 that, I think sometimes it is better to have it in your neighborhood. You know
39 the individual, it can help. You know it eases having to take my kid all the
40 way across town to a daycare. You know I can take them right there. When
41 I get home it's easier for that. But if all of a sudden randomly we have
42 people with six, you know they're going to get six kids under two and a half,
43 it's, I would just like to base that on this, the state statute instead of having
44 to limit the individual coming up here for that. That's just, it's just easier if
45 all of a sudden you randomly get the sixth kid and you have to turn them
46 away but you have the ability to take care of them. I just think it's nice for

1 the neighborhood to be able to drop one off there. So that's kind of my
2 reasonings of saying I don't totally agree with the with fire on that one. But
3 if it is a, if there's a state statute that, why would he do it? I'm totally on
4 board with that. I just didn't want to put extra burden on them. If they're
5 willing to do this as a public service you know and they, I like it.
6

7 Banegas: Mr. Chairman, Commissioner Thurston. I believe that one item specifically
8 could be a repeat of the state mandate. There's a host of rules that they
9 adhere to and ensure that the participants in this type of use adhere to, and
10 that's, I'm certain one of those.

11

12 Kaiser: And just to clarify, when we make the motion to approve with conditions, we
13 don't need to read through all these, we can just say the conditions outlined
14 in the staff report, it's a bit easier. Any other questions from the
15 Commission? All right. I will open it up to the public. Is there anybody who
16 wishes to speak on this item this evening? Yes, ma'am.

17

18 Holloway: Good evening.

19

20 Kaiser: Please state your name for the record.

21

22 Holloway: Valeria Holloway. I'm with Best of the Southwest Daycare. And I been here
23 before. And I just wanted to share that over the years I've witnessed a
24 tremendous growth in our neighborhood, Park Hill Estates, that's where I
25 live, with an increase of housing developments. And it's clear to other
26 neighborhoods, as we found out today, that Metro Verde is growing as well.
27 It's experiencing the same expansion. Driven largely by the influx of families
28 moving in from, for affordable housing from other states that are
29 unaffordable. With this growth comes an urgent need for quality childcare
30 and pre-K services. Unfortunately, Las Cruces are struggling to meet the
31 demand, even the availability of free childcare and pre-K programs.
32 Contrary to concerns that might be raised, we didn't have any of those
33 today, you got some new stuff that I didn't think you guys would hit upon,
34 but I would love to be able to share with you about the difference between
35 the fire department, because I've been doing this for 11 years here in New
36 Mexico. I can give you what happens with me with the fire department and
37 with the state. If I can get it extra time if I run out.

38

39 Kaiser: Yes, if you can summarize it.

40

41 Holloway: I can. So we do have to get a fire inspection every year. We have to do
42 stay on the bottom floor. When we get license from the state, they give us
43 only how many children we can fit into the room. So if the room, the size of
44 the room is 35 square feet per child. So that room can only hold three
45 children that's under the age of two. Then that room was only for two. If
46 they have two year olds, then that, whatever that room size is would be the

1 35 square foot. So we will always be able to have under the five children
2 under the two years old. Thank you.
3
4 Kaiser: Great. Thank you very much. Anybody else who wishes to speak on this
5 item? All right, seeing none. We'll come back to the Commission. I'll just
6 make one final comment. I do appreciate that there will be an option for the
7 kind of the overnight childcare. I think that's something that often is
8 overlooked. And especially in a community like ours where we have a lot
9 of hospitals, medical facilities, and of course, there are folks that work the
10 night shift, so I definitely appreciate that and applaud you for having that as
11 an option for your clients. If there's no other comments or questions, we
12 will go ahead and look for a motion to approve with the conditions outlined
13 in the staff report.
14
15 Murray: I make a motion to approve 10.3 with the conditions outlined in the report.
16
17 Je. Acosta: I'll second that.
18
19 Ochoa: Alrighty. Commissioner Thurston/
20
21 Thomas: Yes, based on findings from staff.
22
23 Ochoa: Commissioner Acosta.
24
25 Jo. Acosta: I vote yes with, based off findings from staff and consistency with Elevate
26 Las Cruces Comprehensive Plan.
27
28 Ochoa: Commissioner Smith.
29
30 Smith: I vote yes with conditions based on the findings laid out by staff.
31
32 Ochoa: Commissioner Acosta.
33
34 Je. Acosta: Yes, based on the findings of staff and Elevate Las Cruces.
35
36 Ochoa: Commissioner Murray.
37
38 Murray: Yes, based off staff findings and the need for childcare in the community.
39
40 Ochoa: And Chair Kaiser.
41
42 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
43 Cruces.
44
45 Ochoa: Motion passes. Thank you.
46

1 **11. STAFF ANNOUNCEMENTS**

2
3 Kaiser: All right, any announcements from staff this evening?

4
5 Ochoa: Chair Kaiser. None tonight, other than welcoming our two new
6 Commissioners. Great to have full dais with us aboard now. And hopefully
7 maybe next time we'll have a full one when Commission Porter is here as
8 well.

9
10 Nichols: Chair Kaiser. If I may. I just wanted to touch briefly. There was a question
11 that came up during the meeting this evening about some of the, what is the
12 schedule for the adoption of the land use update, the Realize Las Cruces.
13 And very briefly I'll tell you that this update has been going on for about two
14 and a half years. We hired a consultant. We appointed an ad hoc
15 committee, a technical advisory committee. A couple of the folks seated up
16 here at the dais were participant in that. And then after that we have taken
17 it to public outreach. We have, comments are available for people to put on
18 the website regarding it. And now we're taking the draft of that to the City
19 staff, City departments, and we are having four public outreach meetings
20 that will be occurring between now, the end of September. We are hoping
21 to take the draft, the final draft for a codification, codifying. We'll have two
22 workshops. One of them will come to the P and Z, and another will go to
23 the City Council. And at the end of all of that, we believe in about February
24 or March of this coming year '25, it will be coming for the City Council for
25 adoption. So that Realize Las Cruces update is going to help us with some
26 of the cases that are brought to you and make it where we don't have as
27 many difficulties and having tough decisions based on current requirements
28 of the of the code. Thank you, Mr. Chair.

29
30 Kaiser: Thank you for those updates. And again, welcome to our new
31 Commissioners. Really excited to have you. Looking forward to working
32 with everybody, and excited to have a full dais again, it's been a while,
33 probably over a year.

34
35 **12. ADJOURNMENT (8:25)**

36
37 Kaiser: All right, looking for a motion to adjourn.

38
39 Murray: I make a motion to adjourn.

40
41 Je. Acosta: I'll second it.

42
43 Kaiser: All in favor.

44
45 MOTION PASSES UNANIMOUSLY.

46

1 Kaiser: Meetings adjourned. We'll see you all in September.

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Chairperson