



CITY OF LAS CRUCES

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
September 24, 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
- Vanessa Porter, Member
- Kent Thurston, 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

1. CALL TO ORDER (6:00)

Kaiser: All right. Good evening. It is 6:00 p.m. I'll go ahead and call this meeting to order. Welcome to the September 24th City of Las Cruces Planning and Zoning Commission.

2. APPROVAL OF MINUTES – August 27, 2024

Kaiser: First order of business this evening is an approval of the minutes from August. Are there any comments or corrections that need be made to the minutes from August? All right. Seeing none. I will hear a motion to approve the minutes from August.

Je. Acosta: I make a motion to approve the minutes as presented

Murray: I second.

Kaiser: Who's doing roll call?

Castillo: That will be me, Mr. Chair. Commissioner Thurston.

1 Thurston: Here.
2
3 Kaiser: Looking for a "yes" or "no" on the approval of the minutes from.
4
5 Thurston: Yes I do.
6
7 Castillo: Commissioner Porter.
8
9 Porter: Abstain.
10
11 Castillo: Commissioner Acosta.
12
13 Jo. Acosta: Yes.
14
15 Castillo: Commissioner Smith.
16
17 Smith: Yes.
18
19 Castillo: Commissioner Acosta.
20
21 Je. Acosta: Yes.
22
23 Castillo: Commissioner Murray.
24
25 Murray: Yes.
26
27 Castillo: Commissioner Kaiser.,
28
29 Kaiser: Yes.
30
31 **3. CONFLICT OF INTEREST**
32
33 Kaiser: All right. Moving on to conflicts of interest. Any conflicts of interest from
34 Commission this evening?
35
36 Murray: Yes, I have a conflict of interest on 9.1 and 9.2 but I believe we're going to
37 be tabling that.
38
39 Kaiser: Very well. Thank you. So moving into then postponements.
40
41 Thurston: I also have a conflict of interest on Case 149, the first one. Sorry, 7.1.
42
43 Kaiser: On 7.1. Okay. If we pull that one, which I'm planning to do, I think will
44 address the conflict there. Just a point of order on that, will Commissioner
45 Thurston need to leave the room for that conversation or what's the
46 protocol?

1
2 Nichols: Mr. Chairman. I believe if you would just step down from the dais then that
3 will be enough.

4
5 Kaiser: Okay. All right. Thank you. We'll do that then.

6
7 **4. POSTPONEMENTS**

8
9 Kaiser: Okay moving to postponements then. I believe we have at least one
10 postponement, item 9.1 and 9.2. Is that correct?

11
12 Castillo: Mr. Chair. That is correct.

13
14 Kaiser: And what are we postponing that to?

15
16 Banegas: Mr. Chairman. We will be postponing that to the next regularly scheduled
17 P&Z Commission meeting, which is October 22nd.

18
19 Kaiser: Okay. Thank you. And I believe we need to make a motion and vote on
20 that, is that correct? Okay. So waiting for a motion to table items 9.1 and
21 9.2 to the October 22nd meeting.

22
23 Smith: I move that we table 9.1 and 9.2 to the October meeting.

24
25 Murray: I second.

26
27 Castillo: Commissioner Thurston.

28
29 Thurston: Yes.

30
31 Castillo: Commissioner Porter.

32
33 Porter: Yes.

34
35 Castillo: Commissioner Acosta.

36
37 Jo. Acosta: Yes.

38
39 Castillo: Commissioner Smith.

40
41 Smith: Yes.

42
43 Castillo: Commissioner Acosta.

44
45 Je. Acosta: Yes.

46

1 Castillo: Commissioner Murray.

2
3 Murray: Yes.

4
5 Castillo: Chair Kaiser.

6
7 Kaiser: Yes.

8

9 **5. ACCEPTANCE OF THE AGENDA**

10

11 Kaiser: All right. And then I believe we have two items to pull from the consent
12 agenda tonight, item 7.1 for discussion and I believe 7.3. But before we do
13 that, just want to confirm that there is someone in the audience who wishes
14 to hear item 7.3 which is a rezoning on Parkhill Drive. Can I get a show of
15 hands If anyone wishes to have a discussion on that? I see. Okay, one
16 individual. All right. So we will pull item 7.1 and 7.3 from the consent
17 agenda. That leaves item 7.2. And with those changes, can I get a motion
18 to approve tonight's agenda.

19

20 Je. Acosta: I make a motion to approve tonight's agenda.

21

22 Porter: I second.

23

24 Castillo: Commissioner Thurston.

25

26 Thurston: Yes.

27

28 Castillo: Commissioner Porter.

29

30 Porter: Yes.

31

32 Castillo: Commissioner Acosta.

33

34 Jo. Acosta: Yes.

35

36 Castillo: Commissioner Smith.

37

38 Smith: Yes.

39

40 Castillo: Commissioner Acosta.

41

42 Je. Acosta: Yes.

43

44 Castillo: Commissioner Murray.

45

46 Murray: Yes.

1
2 Castillo: Chair Kaiser.
3
4 Kaiser: Yes.
5
6 **6. PUBLIC PARTICIPATION**
7
8 Kaiser: Okay. Moving on to public participation. Is there anybody in the audience
9 tonight that wishes to speak on an item that is not on tonight's agenda. I
10 see one hand for something that's not on the agenda.
11
12 Williams: Item 7.2
13
14 Kaiser: For item 7.2. So that's going to be on the consent agenda and that's just
15 an up or down vote, so we're not going to have a discussion on that one.
16
17 Williams: Question to ask.
18
19 Kaiser: Okay. Sure. Come on coming up and ask your question.
20
21 Williams: Good evening, council members. I have a question. How do we ...
22
23 Kaiser: I'm sorry. Can you just state your name for the record?
24
25 Williams: Sure. Robert Williams.
26
27 Kaiser: And do you swear or affirm that the testimony you're about to give is the
28 truth and nothing but the truth under penalty of law?
29
30 Williams: Yes.
31
32 Kaiser: Okay. Go ahead and ask your question.
33
34 Williams: What do we got to do to get speed humps in a residential area? I have a
35 son with intellectual disabilities, and it is a commercial/residential area. We
36 have a house. There's maybe only two kids on the block. But the body
37 shop down the road uses it as a racetrack. I've called the police. I've called
38 codes. Nobody does nothing about it. They park in the middle of the road.
39 Construction company around across the street does the same thing. Can
40 I show you guys my picture of my son? Is that cool?
41
42 Kaiser: Yes. I'll pass it down.
43
44 Williams: So my son, he's on the autism spectrum, and we don't have a lot of area for
45 him to play, and these guys just run all the time. I get into fist fights with
46 these people to slow down. It's bad enough we have weed all around that

1 area. You know all these zoning permits getting approved for everybody
2 sell marijuana. All these guys do weed. All these guys they drink. I can't
3 do anything to stop it. I mean I know it's only one section of the road from
4 Scoggins, from a Sweet Drive to, I believe it's Sixth Street. One little
5 section. But there's nothing I can do other than getting into problems with
6 other people. I just want to throw just a couple little. The only thing I can
7 think of to slow them down is maybe just a couple speed humps. I don't
8 even know how to get it approved or who to ask, but I need some help
9 because I'm worried that my son's going to get hit.

10
11 Kaiser: Thank you for your concern. Really appreciate you coming out this evening.
12 I'll just say you're not the first person to make comments like this in front of
13 this Commission. Unfortunately, we're not necessarily in a position to
14 address that specific concern. But encourage you to reach out to staff who
15 can point you in the right direction, City manager's office, public works, and
16 kind of go from there.

17
18 Williams: Okay.

19
20 Kaiser: Appreciate you coming out today.

21
22 Williams: When do you get to speak on all these permits that are getting approved for
23 cannabis?

24
25 Kaiser: So this would be the avenue for that. You know if you wish to hear item 7.2
26 we certainly can pull it. We'll have to revote on the agenda this evening,
27 since we just went through that. But this would be the avenue.

28
29 Williams: Okay, I'll do it on the next one. I have to get on, I'm a graduate student at
30 New Mexico State University. I've got to get to class. Thank you.

31
32 Kaiser: Yes. Thank you for coming out this evening.

33
34 Williams: Thanks.

35
36 Kaiser: Anybody else in the audience who wishes to speak on an item that's not on
37 tonight's agenda? All right. Seeing none. We will close public participation.

38
39 **7. CONSENT AGENDA**

40
41 Kaiser: And we will move to the consent agenda,

42
43 **7.1 Case No. 24ZO3000149:**

44
45 **MOVED TO DISCUSSION**

1 **7.3 Case No. 24ZO0500085:**

2
3 **MOVED TO DISCUSSION**

4
5 **7.2 Case No. 24ZO1000091:** A request for approval of a Special Use Permit (SUP) to
6 allow a cannabis-based business less than the required 300-foot buffer distance
7 from another cannabis based business. The subject property is zoned M-1/M-2
8 (Industrial Standard) and is 1.01 ± acres in size. Submitted by Jonathan Valverde,
9 Momma’s Boy Organics, representative. Council District 4.

10
11 Kaiser: Which has item 7.2 remaining on it. So looking for a motion to approve
12 tonight's consent agenda.

13
14 Smith: I move that we approve tonight's consent agenda.

15
16 Je. Acosta: I'll second that, Mr. Chair.

17
18 Castillo: Commissioner Thurston.

19
20 Thurston: Yes.

21
22 Castillo: Commissioner Porter.

23
24 Porter: Yes.

25
26 Castillo: Commissioner Acosta.

27
28 Jo. Acosta: Yes.

29
30 Castillo: Commissioner Smith.

31
32 Smith: Yes.

33
34 Castillo: Commissioner Acosta.

35
36 Je. Acosta: Yes.

37
38 Castillo: Commissioner Murray.

39
40 Murray: Yes.

41
42 Castillo: Chair Kaiser.

43
44 Kaiser: Yes.

1 **DISCUSSION**

2
3 **7.1 Case No. 24ZO3000149:** A request for approval of a Final Site Plan, known as
4 Metro Square Phase 1, for a property encompassing 7.36 + acres, zoned Planned
5 Unit Development (PUD), and located within the Metro Verde PUD area on the
6 east side of Red Hawk Golf Road approximately 0.36 + miles north of its
7 intersection with Peachtree Hills Road. The Final Site Plan proposes 72 lots of
8 mixed-use development that include variable housing types and commercial land
9 use and two tracts of land that will be dedicated to the City of Las Cruces and
10 utilized for drainage and a park. Submitted by Sierra Norte Development Inc.,
11 property owners. Council District 5.

12
13 Kaiser: All right, so we'll start with item 7.1. I'll turn it to staff for a brief presentation.

14
15 Castillo: So good evening, Commission. Tonight we have a presentation over Metro
16 Square Phase 1 final site plan. The property is located at the southeast
17 corner of Red Hawk Golf Road and the future development of Prospect
18 Lane. The subject parcel is going to encompass 7.36 acres of vacant,
19 undeveloped land. It is located within the Metro Verde PUD. And it has a
20 current sub zoning districts of U4 which is the general urban, and U5a which
21 is a mixed use center. It's also located within what the PUD calls out as the
22 NMUN, or the Neighborhood Mixed Use Node to help bring in various
23 different types of uses between commercial and residential.

24
25 Here's a zoning map that kind of outlines roughly where it would be located.
26 Here's an aerial image of where the 7.3 acres is going to be. So today's
27 proposal is going to be a 72 mixed use lot development. It's going to have
28 two tracts of land that encompass 2.59 acres which are to be dedicated to
29 the City of Las Cruces and to be utilized for drainage, as well as a small
30 pocket park. Its connectivity comes from two points of entry that will provide
31 access to Red Hawk Golf Road and the future development of Prospect
32 Lane. The interior of the subdivision will be accessed through various size
33 alleyways. As we can see here this is the proposed layout. Here's some
34 proposed cross sections for the alleyways as well as the cross sections for
35 Prospect Lane and Red Hawk Golf Road.

36
37 Here's a little bit larger image of the proposed final site plan. In this corner
38 right over here we're going to have a mix of uses with commercial on the
39 first floor and residential on above floors. Then it'll move into single-family
40 housing on the south portion, as well as the eastern side next to the
41 drainage tract. And then some more over here as well. And then these are
42 going to be more of like duplexes, attached housing.

43
44 Notice was sent to all relevant agencies and departments; all supported the
45 proposed final site plan. Notice was sent to all surrounding properties within
46 500 feet. Staff did not receive any phone calls or e-mails regarding the

1 proposed development at the time that this presentation was created. The
2 development review committee did look at this back in January of 2024.
3 After some discussion regarding the final site plan, the development review
4 committee recommended an approval of the proposed subdivision. Staff's
5 recommendation is to approve the final site plan based on the following
6 facts of findings. The final site plan does conform to the Metro Verde 12
7 year consolidated update. The proposed final site plan is part of a
8 development that balances the benefits of the community with the
9 developers interests. Based on staff's analysis of the proposal, the final site
10 plan request meets the intent of Elevate Las Cruces Comprehensive Plan.
11 Looking at the future development plan and the comprehensive plan, it is
12 adjacent or near a proposed neighborhood center. With the creation of this
13 and being a neighborhood mixed use center, it is the start of creating that
14 neighborhood center that we would see both in Elevate as well as within the
15 PUD. Based on staff's analysis of the proposal, the final site plan request
16 meets the intent and fulfills the purpose of the Las Cruces Municipal Code
17 Section 2-382. And then also the DRC did provide an approval
18 recommendation to the Commission on January 25th. Today your options
19 are to vote "yes" to approve, vote "no" to deny, vote to amend, or vote to
20 table.

21
22 Kaiser: Thank you. I'll just preface, I have one question, but I'll turn to my
23 colleagues to see if they have any questions on this item. Okay, so my
24 question is, I think this is a really fantastic project. My concern is that if you
25 look at the site plan, if you back up to that slide, that one, when you look at
26 the sidewalks it just appears to me that there's really no connectivity
27 happening specifically internal to the site. Red Hawk, Prospect, all at grade,
28 you've got what I think is a trail that kind of goes around the perimeter along
29 the drainage pond, but as soon as you start looking internal you've got
30 sidewalks that appear to lead to nowhere. It's not clear how you might get
31 from one side to the next. I'm just wondering if you can speak to that or if
32 I'm just completely missing something, but just seems very disjointed to me.

33
34 Castillo: Mr. Chair. It's been a while since I've looked at this one. Bear with me.
35 Adam Ochoa was the planner who had looked at it more recently. But
36 based on previous discussions with the developer as well as developers
37 party members, it was supposed to be more of these open areas where the
38 blue are going to be, are going to be open areas that would have common
39 yards or calling them backyards, in a sense. So the connection would be
40 that everybody would end up having a kind of a shared area to play or to
41 have picnics, basically gather.

42
43 Kaiser: Yes, sure, that makes sense. I guess specifically, I mean I wish I had a
44 laser pointer or something. But if you look at I guess Cottage up at Prospect
45 you've got the sidewalk that comes along from Red Hawk onto Prospect,
46 crosses Cottage, continues down the frontage of Prospect. That's all fine.

1 But then it doesn't appear to me that there's a crosswalk on, I guess this
2 would be the western side of Cottage, but there is on the eastern side. So
3 that's a little odd. Why on one, why not the other? And then you've got this
4 internal sidewalk along the parking on Gentle Rain that just appears to
5 dump you onto Cottage with no way to get to Prospect. I guess that could
6 be fine if there's a crosswalk to the other side of Cottage, but it just seems
7 like there's just gaps. There's not a real thought out pedestrian mobility
8 process in the internal part of this. And maybe I'm missing something.
9 Maybe there's something on the plans that I'm not seeing, but that's just
10 what it looks like to me, that there's all these random sidewalks that kind of
11 lead to - no, I can point out other examples if you want, but that's just what
12 I'm seeing.

13
14 Castillo: Mr. Chair. To answer your question. With certain areas, once again, along
15 Prospect Lane coming down the road that intersects with Gentle Rain, these
16 are going to be homes. So sidewalks will be built along there as well. And
17 those would be part of the actual development of the residences that come
18 in. They will be putting sidewalks along Gentle Rain where it would be
19 applicable. We do have the alley cross sections. And I apologize that I can't
20 zoom in on these, but they do vary in width, and they do all provide some
21 sidewalk on there as well.

22
23 Kaiser: Okay. So if I hear you correctly, there will be sidewalks along every
24 frontage. But what then why is that not appear to be called out? The trail
25 system is but it doesn't appear that sidewalks are being called out.

26
27 Castillo: Mr. Chair. So this is a final site plan. It's not going to call out every exact
28 detail on here. But when the actual construction drawings come in, staff will
29 review the cross sections and ensure that they meet compliance with the
30 PUD regulations of adopted cross sections for alleys as well as the
31 roadways.

32
33 Kaiser: Okay. But the Gentle Rain is classified as an alley, and if you look at the
34 cross section there's no sidewalk element to it. If you go over to the Gentle
35 Rain where the parking lot is, it's specifically called out as a sidewalk. So
36 why are we calling out a sidewalk there, but then we're not calling it out in
37 other places? I just My concern is that if it's not marked here, how do we
38 have certainty that what you're saying is what's going to end up being built
39 there? Because if you look at the cross sections there's not a sidewalk
40 component to it, as far as I can tell, unless I'm misinterpreting it.

41
42 Castillo: Once again, Mr. Chair, this is the final site plan. Like I said once we get the
43 construction drawings you'll see a more detailed cross section of each
44 alleyway that will come in, as well as a detailed cross section that is going
45 to be shown similar to here down at the bottom. And they are, I apologize,
46 a little bit harder to read, but it does call out for sidewalks along here in

1 addition to the allotted drive width. So while it may not show it on the final
2 site plan, when we do get those construction drawings it will have them
3 there.

4
5 Kaiser: Okay. Very well. I guess we take you at your word on that one. That's all
6 I have. Any other questions from the Commission? Okay. Anyone from
7 the public who wishes to speak on this item? All right, seeing none. We'll
8 come back. And looking for a motion to approve item 7.1

9
10 Smith: I move that we approve item 7.1.

11
12 Porter: I second.

13
14 Castillo: Commissioner Porter.

15
16 Porter: Yes, based on staff findings and Elevate Las Cruces.

17
18 Castillo: Commissioner Acosta.

19
20 Jo. Acosta: Yes, based on staff findings and the DRC review and alignment with Elevate
21 Las Cruces.

22
23 Castillo: Commissioner Smith.

24
25 Smith: I vote yes based on staff recommendation, and it meets the intent of Elevate
26 Las Cruces Comprehensive Plan.

27
28 Castillo: Commissioner Acosta.

29
30 Je. Acosta: Yes, based on staff findings, DRC review, and Elevate Las Cruces.

31
32 Castillo: Commissioner Murray.

33
34 Murray: Yes, based on staff findings, and coherence with Elevate Las Cruces.

35
36 Castillo: Chair Kaiser.

37
38 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
39 Cruces.

40
41 **7.3 Case No. 24ZO0500085:** A request for approval of a proposed zone change from
42 M-1/M-2C (Industrial Standard-Conditional) to M-1/M-2 (Industrial Standard) on a
43 property encompassing 1.19 ± acres and located at 1013 Parkhill Drive. The zone
44 change request seeks to remove the conditions placed on the property to allow a
45 wider range of land uses on the property. Submitted by Borderland Engineers and
46 Surveying, property owner. Council District 5.

1
2 Kaiser: All right. Moving on to item 7.3. I'll turn it over to staff for a presentation.

3
4 Castillo: Good evening once again Commission. Today we have a zone change
5 request from M-1C to M-1/M-2 at 1013 Parkhill Drive. The property is
6 located at the intersection of Parkhill drive in Del Rey Boulevard. Its
7 physical address is 1013 Parkhill drive. As it sits right now it's a vacant,
8 undeveloped parcel of land that encompasses 1.19 acres, and has a current
9 zoning designation of M-1C which is our industrial standard. It is also
10 located within the suburban neighborhood place type, and is part of the
11 Sandhill Center Master Plan. This parcel of being a corner lot fronts a local
12 roadway and an arterial roadway.

13
14 Here's a zoning map showing the M-1C zoning district. There's other
15 conditional zonings in here that are also industrial based. You have some
16 commercial and then it moves into residential. Here's an aerial image of
17 the subject property. Surrounding are other industrial based businesses. A
18 bit further north there is a doggy daycare center.

19
20 So today's proposal is to rezone the 1.19 acres to M-1/M-2 to remove the
21 conditions that were placed on it during the approval of the master plan.
22 The applicant is proposing to develop a shipping transfer station. The
23 closest use that we would consider that is a truck terminal, which is a
24 prohibited use under the current zoning designation. The M-1/M-2 zoning
25 designation is most compatible for the subject property and neighborhood,
26 and it will once again widen the allowable uses on the land and align with
27 Elevate Las Cruces Comprehensive Plan.

28
29 Here's a survey of the property. Notice was sent to all relevant agencies
30 and departments; all supported the proposed zone change. Notice was
31 then sent to all surrounding properties within 500 feet. Staff did receive one
32 e-mail in opposition to the proposed zone change, requesting that they keep
33 all of the other remaining conditions on the property and just remove the
34 truck terminal condition only. Today staff is recommending approval based
35 on the findings below. The zone change request will allow for the attraction
36 and retention of businesses. The proposed zone change will allow for a
37 wider range of land uses on the property, and will follow all development
38 standards of the 2001 Zoning Code as amended. The subject property is
39 located along a principal arterial roadway where the zoning is
40 recommended as well. The proposed zone change request meets the
41 purpose and intent and supported by Elevate Las Cruces Comprehensive
42 Plan as it is within a suburban neighborhood place type and follows the
43 Sandhill Center Master Plan. The proposed zone change meets the
44 purpose and intent of the 2001 Zoning Code as amended and fulfills the
45 purpose of the Las Cruces Municipal Code. Today, your options are to vote
46 "yes" to approve, vote "no" to deny, vote to amend, or vote to table.

1
2 Kaiser: Thank you. Any questions from the Commission?
3
4 Je. Acosta: Mr. Chair.
5
6 Kaiser: Yes, Commissioner Acosta.
7
8 Je. Acosta: Can you help me understand what Mr. Parrish's e-mail was in regards to
9 this? What is he imposing specifically?
10
11 Castillo: Mr. Chair, Commissioner Acosta. Mr. Parrish is opposing to clear all
12 conditions off of the property. There are some other conditions that are on
13 there that deal with things such as, other issues that deal with, and I can't
14 think of those off the top of my head anymore. They had the truck terminal,
15 some of those were parks, ball fields, as it was called out in the master plan
16 before as a completely industrialized area. They did remove a lot of more
17 of the heavily industrial land uses that were also included under our under
18 land table uses.
19
20 Kaiser: So I'll just follow on to that question. So is there a table that we can see of
21 what they currently can and cannot do versus what the applicant is asking
22 for?
23
24 Castillo: I do have that table. So the prohibited uses as you can see on the screen
25 are going to be things such as microwave relay stations, railroad depots,
26 wrecking yards or services, adult bookstores, video stores, airport or
27 helipad, a stadium, amusement park, flea market, drive-in theater. Uses
28 that they would allow with conditions are going to be fabrication or
29 manufacturers, liquor sales permitted only in conjunction with accessory to
30 sales of other products, taverns, television and radio towers shall be
31 prohibited. And then additional conditions, above ground storage tanks, all
32 industrial uses shall be totally enclosed within the building. And that's the
33 list of conditions that were placed on there with the approval of the master
34 plan.
35
36 Kaiser: Okay. What about what they can do?
37
38 Castillo: That list is going to be a little bit longer, and it would be difficult to show
39
40 Kaiser: Okay. Any other questions?
41
42 Thurston: I kind of had the same one, like, what conditions are we removing? But also
43 to clarify the e-mail here, it seems more that, at least my interpretation of
44 the e-mail shows that we would approve it with the current, let me see where
45 he says it, to modify only that condition that is necessary for the current
46 proposed use. So it would be to basically say the applicant, not the

1 applicant but Parish letter shows that he was fine with that use but doesn't
2 want to remove all of the other conditions. So when you come in as a
3 developer and you put all these other conditions, because you do want to
4 have some type of an environment there for the future. Now we understand
5 this was approved in 2000 right. And so it's taken, is that correct?
6

7 Castillo: Mr. Chair, Commissioner Thurston. That is correct.
8

9 Thurston: Okay, so it was approved in 2000 now it's been 24 years later, right. It's still
10 coming along. But for that area by approving the one I could still see the
11 other uses on here that we might not want to approve some of those other
12 uses that have the conditions on there. Just seeing that, if you go back to
13 your table. You know there might be some adult entertainment that might
14 not want to be in that neighborhood or other things. But by doing this we'd
15 just be removing all conditions and it would be to the normal zoning. Is that
16 correct?
17

18 Castillo: Mr. Chair, Commissioner Thurston. That is correct.
19

20 Thurston: Okay.
21

22 Kaiser: Sorry. Could you clarify? Because in your presentation you said we're only
23 removing the truck terminal.
24

25 Castillo: Chair Kaiser. It would be to remove all conditions on the property and just
26 give it the straight and M-1/M-2 zoning designation.
27

28 Kaiser: Okay. Thank you. So for further clarification, so this is in a M-1C district,
29 and the districts that neighbor it I'm presuming are the same exact
30 prohibition on uses.
31

32 Castillo: Mr. Chair. That is correct. There are similar uses. A block over on
33 Sandcastle we have a Carniceria here that has a small restaurant where
34 they manufacture and sell food. As I said before, right a couple lots down
35 from it I believe either this one or this one is the doggy daycare. There are
36 some other directly adjacent to it are going to be some more construction
37 type, manufactured buildings, where they house equipment as well as
38 whatever they would need.
39

40 Kaiser: Okay. Thank you. And then can you I guess just describe I guess a little
41 bit more of what the applicant is wanting to do and what a truck terminal is,
42 presumably it's just the storage of semitrucks.
43

44 Castillo: Mr. Chair. I do have the applicant's representative here as well, and he can
45 shed light to exactly what they want to do.
46

1 Kaiser: Okay. That would be helpful. Before you begin can I just swear you in for
2 the record. Please state your name.
3
4 Scanlon: Ted Scanlon.
5
6 Kaiser: And do you swear or affirm that the testimony you're about to give is the
7 truth and nothing but the truth under penalty of law?
8
9 Scanlon: I do.
10
11 Kaiser: Go ahead.
12
13 Scanlon: What they're planning on doing is what's called a relay terminal, where they
14 bring in items, UPS and FedEx and so forth, and they put them in a
15 warehouse, and then they put them on trucks to deliver around town. That's
16 basically it.
17
18 Kaiser: Okay. So it's not the storage of semitrucks or it's basically ...
19
20 Scanlon: No the semitrucks ...
21
22 Kaiser: Just a transfer station.
23
24 Scanlon: They would come in, they would unload, and then they leave.
25
26 Kaiser: Got you. Okay. Thank you. Any other questions from the Commission?
27 Commissioner Thurston.
28
29 Thurston: Could we not? How do I explain my? Could we not? The applicant get the
30 same thing by just removing the one trucking terminal, that way all of the
31 other parcels that are around it still, you know if I was the one that bought it
32 next to it and I know that there's the conditions, there's a couple conditions,
33 maybe I wanted it to be in that area because of that. And now if it's just one
34 condition that we remove for the trucking, could that be a possibility to just
35 allow that conditional use and keep the rest of the conditions on there. I
36 don't know if that's, I don't know if that's even a route to take, but, just to
37 provide somewhat of the conditions that are there for the other owners that
38 currently own/
39
40 Castillo: Mr. Chair, Commissioner Thurston. One of the options today is to vote to
41 amend. So in this case you would make a motion to amend and state what
42 conditions you would like to do or what you wish to amend in your motion.
43
44 Thurston: I'm going to hold off for a second see if I'm going to want to amend anything.
45

1 Kaiser: We can go to public comment first. Is there anyone who wishes to speak
2 on this item this evening? I see no hands so that nobody wishes to make a
3 comment on this item. All right. We will come back to the Commission.
4 Sorry, I couldn't buy you more time.
5

6 Thurston: I'm going to say seeing that I don't see any hands, no one else, then no
7 one's opposing it, I'm going to leave it alone.
8

9 Kaiser: I'll just say I think I'm kind of in a similar boat. I'm not really sure, I mean
10 the conditions were obviously placed there for a reason at the time. And
11 granted that was however many years ago, things change, I understand
12 that. But it seems like this is possibly a bit of a stretch to go from conditions
13 on some uses that I think probably are, I don't know, incompatible with what
14 has developed there. Perhaps not, I don't know, but it seems like maybe
15 just pulling off that truck terminal seems like the way to go, if that is in fact
16 an option. But that's just where I'm at.
17

18 Smith: I have a question. So this isn't, I know you say you're trying to find
19 something that would fit the applicant's request. This isn't considered a
20 truck terminal, is it?
21

22 Castillo: Mr. Chair, Commissioner Smith. Based on the definitions I had read
23 regarding truck terminals, that this was the closest to a truck terminal that it
24 would be.
25

26 Smith: Okay. Thank you.
27

28 Kaiser: So along that thought, postal service, UPS, Amazon already do something
29 like this, right. Is there another example in town where this is already
30 happening under this definition and this use?
31

32 Castillo: Mr. Chair. Under this definition, no, we don't have anything in that nature,
33 Amazon and UPS or FedEx, those would be more distribution centers. We
34 do have a distribution center land use. This is more of the - closest thing
35 that we would have I guess that would be is actually the operation next to
36 it. I'm not sure as to how this one was classified when it was built, but this
37 is, I'm assuming it would still be a distribution center because it is a Frito
38 Lay warehouse, so they do hold the goods there. This is a little bit different,
39 because product is being shipped in and out from one truck to another.
40

41 Smith: Just want to make a comment. I know the Ropers oil change business. I
42 forgot the street it's on, but off Missouri, near Missouri, they're like a FedEx
43 distribution station. I've seen trucks there. I know they contract. So is that
44 similar or I mean does a semi make a delivery there? They move the
45 product to packages, to FedEx trucks and they leave. I mean that seems
46 similar and they're an existing oil change business, but somehow they've

1 gained some contract where they're working with FedEx for package
2 distribution. So, I mean I don't know if you'd call that a truck terminal, but it
3 seems to be doing a very similar type of operation.
4

5 Castillo: Mr. Chair, Commissioner Smith. I'm not sure as to where you're speaking
6 about, but if it is operating like that, that would be the closest thing to a truck
7 terminal.
8

9 Smith: I'm assuming they had to go through the City in order to get a permit and
10 license to do that. So it seems like it's already something very similar in
11 operation. And I don't know what the zoning situation is over there, but I
12 know it is very, it's industrial mixed use, commercial.
13

14 Banegas: Mr. Chairman, Commissioners. The zoning that took place that placed
15 those conditions on it, that was under the 1981 code preceding code twice
16 removed, if you consider what we're trying to go to. We're currently under
17 the 2001 code, and whether you call it a truck terminal or a distribution
18 center, both those uses are an allowed use in the M-1 zone, which we now
19 call M-1/M-2, we combined them. So I think what staff is asking for is based
20 on the applicant's request, if we can remove the truck terminal, distribution
21 center, whatever you want to call it from that prohibited use list, and make
22 it an allowed use by doing so, keeping the other ones in place. What I'm
23 hearing is they're going to be happy with that. Staff was just thinking that
24 maybe we remove all the conditions given the age of the ordinance. But
25 you know you have a choice. You could just simply remove that one
26 element, truck terminal, distribution center, whichever you want to call it,
27 whatever it's listed as, and everything will work.
28

29 Smith: Okay. Now we'll require an amendment, correct.
30

31 Banegas: You can make a motion for conditional approval and then stipulate that,
32 what was it listed as, truck terminal, that that be removed as a condition, as
33 a prohibited use rather from that list.
34

35 Smith: Okay. Because that list is pretty extensive and I'm sensitive to Mr. Parrish's
36 concerns that it would basically kind of give a blank check for any other
37 business that wants to come in, including something that may not be
38 appropriate for that area.
39

40 Banegas: Commissioner. We could also do, you could simply make a motion for
41 conditional approval citing the ordinance number which has that listing and
42 call for the removal of truck terminal from that list, it would leave all the other
43 uses intact as a prohibition and call it good. Does that makes sense?
44

45 Smith: I think that may be the best route. That's a mouthful, I don't know if I could
46 make that proposal.

1
2 Je. Acosta: Mr. Chair. Can you, Mr. Banegas, can you give us that number?
3
4 Banegas: Mr. Chairman, Commissioner Acosta. Ordinance number 1826, and it
5 would be Exhibit B or C. Exhibit C, sorry.
6
7 Kaiser: So just for a point of order. So the motion this evening would be to amend
8 ordinance 1826, Exhibit C, to remove the truck terminal use from the
9 prohibited uses list.
10
11 Banegas: You could do it that way as well. Yes, sir.
12
13 Kaiser: Everybody get that? So, I can't make this motion but, yes.
14
15 Thurston: Chair on that one, if we amended the truck terminal off of this one then it
16 would go on to all of the other properties as well.
17
18 Kaiser: That would be - no.
19
20 Thurston: Because if you're going to amend the ordinance 1826, Exhibit B, would that
21 not also amend all of the other lots that are under this?
22
23 Castillo: Mr. Chair, Commissioner Thurston. It would only pertain to this property
24 that's in question right now.
25
26 Thurston: Thank you.
27
28 Kaiser: All right. I'll repeat and then I'll turn it over for a motion. All right, go for it.
29
30 Porter: I vote to amend ordinance 1826, Exhibit C, to remove truck terminal. Right.
31
32 Kaiser: Make a motion to approve, or sorry, motion to amend.
33
34 Banegas: Mr. Chairman.
35
36 Kaiser: I heard vote.
37
38 Porter: I motion to amend.
39
40 Banegas: Mr. Chairman. Just to point of order. If that motion could also just stipulate
41 that it's for this particular parcel only.
42
43 Porter: I motion to amend for this partial only ordinance 1826, Exhibit C, to remove
44 truck terminal.
45
46 Kaiser: From the prohibited usage list.

1
2 Porter: From the prohibited uses list.
3
4 Je. Acosta: Mr. Chair. I second that.
5
6 Castillo: Commissioner Thurston.
7
8 Thurston: Yes.
9
10 Castillo: Commissioner Porter.
11
12 Thurston: I've got to say based on.
13
14 Castillo: Yes, can you please state your findings of fact.
15
16 Thurston: Yes, based on discussion and findings that we have.
17
18 Castillo: Commissioner Porter.
19
20 Porter: Yes, based on new findings.
21
22 Castillo: Commissioner Acosta.
23
24 Jo. Acosta: I vote yes based on Commission discussion and new findings.
25
26 Castillo: Commissioner Smith.
27
28 Smith: I vote yes based on the Commission discussion and motion to amend.
29
30 Castillo: Commissioner Acosta.
31
32 Je. Acosta: Yes, based on Commissioner discussion and new findings.
33
34 Castillo: Commissioner Murray.
35
36 Murray: Yes, based on neighborhood characteristics and Commission discussion.
37
38 Castillo: And Chair Kaiser.
39
40 Kaiser: Yes, based on the discussion this evening and consistency with Elevate Las
41 Cruces. All right, that concludes our pulled consent agenda items this
42 evening.
43
44 **8. OLD BUSINESS**
45
46 Kaiser: So we do not have any old business.

1
2 **9. NEW BUSINESS**
3

4 **9.1 Case 24ZO2500012:** A request for approval of the Sunrise Mesa Planned Unit
5 Development (PUD) Phase II Concept Plan. The concept plan proposes a total of
6 61 lots/tracts on 26.78 + acres, zoned PUD/R-2, and located at the northwest
7 corner of Central Avenue and Porter Drive, within Council District 6. The PUD
8 proposes land uses consisting of multi-dwelling (four-plex), commercial,
9 drainage/open space, and two pocket parks. Submitted by Sauder Miller &
10 Associates for Harlo Dynek, property owner. Council District 6.
11

12 **POSTPONED UNTIL OCTOBER 22 P&Z MEETING.**
13

14 **9.2 Case 24CS4000100:** A request for approval of road improvement waivers for Alba
15 Road and El Llano Road immediately adjacent to and associated with the
16 proposed Sunrise Mesa Planned Unit Development (PUD) Phase II Concept Plan.
17 As proposed, all required rights-of-way will be dedicated, but required
18 improvements are requested for waiver consideration. Submitted by Sauder Miller
19 & Associates for Harlo Dynek, property owner. Council District 6.
20

21 **POSTPONED UNTIL OCTOBER 22 P&Z MEETING.**
22

23 Kaiser: And the two items that we have for new businesses evening have been
24 postponed.
25

26 **10. STAFF ANNOUNCEMENTS**
27

28 Kaiser: So we will turn to staff announcements, if there are any.
29

30 Nichols: Yes, good evening again Commission. Just a very brief few
31 announcements. I know that all of you here have worked on the Realize
32 Las Cruces land development code that's currently under its affirmative
33 stages. And just a brief progress report. The final draft is being worked on,
34 and we believe it will be presentable sometime in the first few days or first
35 few weeks of October. And then from then we'll go to the rest of the
36 scheduling for presentation workshops to P&Z, to City Council, and then on
37 to hopefully the adoption. Those are all the comments, Chair.
38

39 Castillo: Mr. Chair. There is also going to be a P&Z work session on October 29th.
40

41 Kaiser: Okay. Same time, normal 6:00 p.m.
42

43 Castillo: That is correct.
44

1 Kaiser: Okay. Excellent. Well hopefully everyone can make it for two meetings
2 next month. And before we adjourn, Commissioner Thurston, you had a
3 question for staff I believe you wanted to raise.
4
5 Thurston: Chair. That's correct. And for staff I had a question from last time we were
6 here that we had a discussion about carports. And seeing that that's
7 something that comes up quite often. I'm being told that it happens quite
8 often. Have we done anything for the code to possibly put something in for
9 carports since that discussion?
10
11 Castillo: Mr. Chair, Commissioner Thurston. The new proposed code will handle the
12 carports by providing a closure setback requirement. It would be I believe
13 under the new draft, it's going to be five feet from the property line, unless
14 there is going to be a utility easement, then it will have to stay out of that
15 utility easement.
16
17 Thurston: Thank you.
18
19 Castillo: Also, in addition, it is going to look at more so the aesthetics with it being
20 attached to the house and following architectural styles.
21
22 Thurston: Thanks. I'm glad, that we don't have to do that over and over and over
23 again. So thank you.
24
25 Smith: I have one question related to that also. I know I think I made in last
26 meeting, maybe the meeting before that I brought up about possible as a
27 public PSA about that maybe just something on the City website or on the
28 codes website as far as like getting the permit, because that was one of the
29 big excuses that come up every time that they didn't know they had to have
30 a permit or the business said they had a permit. I don't know if that's
31 something, that's something maybe already been done then.
32
33 Faivre: Chair, Member Smith. So I did speak with communications after last
34 meeting, and they are looking at possibly doing some additional social
35 media outreach and some things specific on this issue. Probably that will
36 coincide obviously with the rollout of Realize and there will be a larger public
37 education process that will encompass the full Realize as well. So I guess
38 we're looking into that specifically, but Realize in general as well. Thank
39 you.
40
41 Smith: Great. Thank you. Appreciate that.
42
43 **11. ADJOURNMENT (8:25)**
44
45 Kaiser: All right. Looking for a motion to adjourn this evening.
46

1 Je. Acosta: Motion to adjourn.

2

3 Porter: I second.

4

5 Kaiser: And All in favor.

6

7 MOTION PASSES UNANIMOUSLY.

8

9 Kaiser: Thank you all for coming out this evening. We'll see you in October.

10

11

12

13

14

15 _____
Chairperson