The following agenda will be considered by the Planning and Zoning Commission of the City of Las Cruces, New Mexico, at a public hearing held on January 23, 2024, beginning at 6:00 p.m. on the Second Floor in Room 2007B and 2007C at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

1. Call To Order
2. Approval Of Minutes
   Documents:
   12-19-23 PNZ MINUTES.PDF
3. Conflict Of Interest
4. Postponements
5. Acceptance Of The Agenda
6. Public Participation
7. Consent Agenda
   7.1. Case No. 23VO0500092
       A variance to the square footage and number of freestanding signs for a property located 1621 Hickory Loop, encompassing 2.580 ± acres and zoned PUD (Planned Unit Development) with underlying zoning of C-2C (Commercial Medium Intensity-Conditional). Submitted by Superior Sign and Lighting, Representative. Council District 4. POSTPONED INDEFINITELY
   7.2. Case No. 23CS0500129
       A request to approve a non-administrative replat known as Santa Fe Mining Subdivision Replat No. 1. The proposed subdivision encompasses 2.15 ± acres in size, zoned M-1/M-2 (Industrial Standard) and located at 950 W. Amador Avenue. The subdivision proposes to subdivide one (1) existing lot into two (2) new lots that are 0.83 ± acres to 1.32 ± acres in size. Submitted by Harcrow Surveying LLC, Representative. Council District 4.
   7.3. Case No. 23ZO0500146
       A request to approve of an Infill Development Process (IDP) proposal for the development of two vacant parcels located at 1211 and 1243 Barker Road, zoned C-2 (Commercial Medium Intensity) and encompassing a combined acreage of 3.05 + acres. The IDP request includes deviations to the maximum lot size requirement for the C-2 zoning district and the required landscaping
8. Old Business

9. New Business

9.1. Case No. 23CS0500116
A request to approve a preliminary plat known as Tierra Del Sol Subdivision. The proposed preliminary plat encompasses 5.97 ± acres, is zoned R-1aC (Single-Family Medium Density - Conditional) and located at the northwest corner of its intersection of Central Road and Mesa Drive. The subdivision proposes to subdivide one (1) existing lot into thirty-two (32) new lots that range from 0.12 ± acres to 0.18 ± acres in size and two (2) tracts for the detention pond and mailbox cluster. Submitted by Souder, Miller & Associates, Representative. Council District 6.

9.2. Case No. 23ZO1000147
A Special Use Permit (SUP) to allow a cannabis-based business less than the required 300-foot buffer distance from a single-family residential zoning district. The subject property is located at 2110 N. Alameda Blvd., encompassing 0.25 ± acres and is zoned C-2 (Commercial Medium Intensity). Submitted by Brian & Brittany Johnston, property owners. Council District 4.

9.3. Case No. 23ZO0500143
A proposed zone change request from R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for three parcels encompassing 2.908 ± acres total. The request is to remove the condition that limited buildings to one story in the R-4 zoning district. The properties are located at 712 and 722 Hendee Place, and 725 Basha Arc. Submitted by M&M Building Solutions, Representative. Council District 4.

10. Discussion

11. Staff Announcements

12. Adjournment

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodations for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 72 hours before the meeting by calling 528-3043 (voice) or 1-800-659-8331 (TTY) if accommodations are necessary. This document can be made available in alternative formats by calling the same numbers listed above.

Posted 1/5/2024
BOARD MEMBERS PRESENT:
   Scott Kaiser, Chair
   Enrico Smith, Vice-Chair
   James Bennett, Secretary
   Connor Murray, Member
   Vanessa Porter, Member

BOARD MEMBERS ABSENT:
   Joaquin Acosta, Member

STAFF PRESENT:
   David Weir, Deputy Director Community Planning
   Sara Gonzales, Senior Planner
   John Castillo, Planner
   Brad Douglas, City Attorney
   Becky Baum, Recording Secretary, RC Creations, LLC

1. CALL TO ORDER (6:00)

Kaiser: All right. Good evening. Welcome to the December 19th City of Las Cruces Planning and Zoning Commission. We’ll go ahead and call this meeting to order.

2. CONFLICT OF INTEREST

Kaiser: Do I have any conflicts of interest from the Commission tonight? Seeing none.

3. APPROVAL OF MINUTES – November 28, 2023

Kaiser: Any comments on the minutes from the November 28th meeting? No comments. All right. Looking for a motion to approve.

Bennett: I make a motion to approve the minutes from the previous meeting.

Smith: I second.
Baum: Board Member Smith.
Smith: Yes.
Baum: Board Member Murray.
Murray: Yes.
Baum: Board Member Porter.
Porter: Abstain.
Baum: Board Member Bennett.
Bennett: Yes.
Baum: Chair Kaiser.
Kaiser: Yes.
Baum: Passes.
Kaiser: All right.

4. POSTPONEMENTS

Kaiser: Moving on, I believe there are no postponements this evening; is that correct?
Gonzales: Mr. Chair. That is correct. Your postponements are moved to old business.
Kaiser: All right.

5. ACCEPTANCE OF THE AGENDA

Kaiser: Then we will go ahead and look for a motion to approve tonight’s agenda.
Bennett: I make a motion to approve tonight’s agenda.
Murray: I second.
Baum: Board Member Smith.
Smith: Yes.
Baum: Board Member Murray.
Murray: Yes.

Baum: Board Member Porter.

Porter: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Chair Kaiser.

Kaiser: Yes.

Baum: Passes.

6. PUBLIC PARTICIPATION

Kaiser: Okay. Moving onto public participation. Is there anybody in the audience who wishes to speak on an item that is not on tonight’s agenda? Please raise your hand. Seeing none. We’ll go ahead and close public participation.

7. DISCUSSION

8. CONSENT AGENDA

8.1 Case No. 23CS0500110: A request to approve a non-administrative replat known as Darla Place Subdivision. The proposed subdivision encompasses 0.711 ± acres and is zoned R-1a (Single-Family Medium Density). The subdivision proposes to subdivide one (1) existing lot into three (3) new lots that range from 0.202 ± to 0.278 ± acres in size and located at 905 Jasmine Drive. Submitted by GEM Surveying, representative. Council District 1.

8.2 Case No. 23CS0500130: A request to approve a non-administrative replat known as Majestic Hills Subdivision Number Two Replat No. 40. The proposed subdivision encompasses 1.59 ± acres in size, zoned R-2 (Multi-Dwelling Low Density) and located at 3020 Majestic Ridge and 3025 Executive Hills Rd. The subdivision proposes to subdivide two (2) portions of Tract A into (2) new lots that are .34 ± acres to 1.25 ± acres in size. Submitted by Libbin Underwood Engineering and Surveying, representative. Council District 2.

Kaiser: And move to the consent agenda. We have two items. Looking for a motion to approve tonight’s consent agenda.
Bennett: I make a motion to approve tonight’s consent agenda.

Smith: I second.

Baum: Board Member Smith.

Smith: Yes.

Baum: Board Member Murray.

Murray: Yes.

Baum: Board Member Porter.

Porter: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Chair Kaiser.

Kaiser: Yes.

Baum: Passes.

9. OLD BUSINESS

9.1 Case No. 23ZO0500120: A proposed zone change request from R-3 (High Density Residential District from the South Mesquite Overlay) to C-1 (Neighborhood Commercial District from the South Mesquite Overlay). The subject property is encompassing 0.233 ± acres and is located at 541 S. Campo St. The zone change is to allow for the future development of a commercial business on the subject property. Submitted by Libbin Underwood Engineering and Surveying, representative. Council District 1.

Kaiser: Okay. Moving onto old business. And our first item tonight is 9.1. And I will turn it over to staff for a presentation. And while you’re pulling that up this is a proposed zone change request from R-3 to C-1 in the South Mesquite Overlay at 541 South Campo Street.

Castillo: Good evening, Commission. My name is John Castillo for the record. Tonight, we have a zone change request from R-3 to C-1 at a property located at 541 South Campo Street. The current conditions of the property is that it is located at the corner of Campo and Kansas. It’s physical address
is 541 South Campo. It’s a developed residential lot that encompassing 1.427 acres. It’s zoned R-3. It’s also located within our South Mesquite Overlay Zone District. This is one of our historical districts within the City. It is also adjacent to a mixed use corridor that acts as a buffer to various types of residential housing.

It also fronts a collector roadway and a local roadway. The collector roadway being Campo Street and the local roadway being Kansas Avenue. As you can see here on the zoning map the property is highlighted. It’s current zoning designation is R-3. And once again, it’s at the corner of South Campo and Kansas Avenue.

Here’s an aerial image of the property. It is fully developed with a residential home. These are some street views of the property looking southbound on Campo, as well as directly facing Campo the residential home.

So today’s proposal from the applicant is to rezone the property to C-1 which is our neighborhood commercial district located within the South Mesquite Historic District. They’re proposing to do a retail establishment. This will also allow the property to expand beyond the residential and limited commercial land uses that are currently occupy the R-3 into more commercial land uses that don’t allow for residential living.

It’s also to provide a nonresidential intensity transition to the residential neighborhood. So basically, what we’re saying is more of a transition from the heavy commercial located on the west side of Campo as well as the heavy commercial off of Lohman and kind of transition it before we get into the neighborhood.

This is a site plan of the proposed zone change. As we can see there is C-3 commercial, as I stated before on the west side some R-3, and further north of that is C-2, and then R-3 pretty much south and east of it as well.

So this did have to go before our Historic Preservation Commission to provide the Planning and Zoning Commission a recommendation. The Historic Preservation Commission under section 38-49.2.J.2.D of our Zoning Code as amended requires a recommendation to the Planning and Zoning Commission. Our Historic Preservation Commission specialist recommended denial as you guys were provided a copy of his staff report. He’s looking at it more from a historical aspect where Planning looks at it from a larger scale utilizing not just the historic neighborhood plans but as well as Elevate Las Cruces and overall growth for the community.

On December 6, 2023, a public hearing was conducted. The motion was made to approve and seconded the proposed zone change. The Commissioners provided a denial vote with no findings. The motion failed.
with a vote of zero to four. There was one Commissioner absent and two seats vacant. On this slide, we see the findings of facts that were provided by our Historic Preservation Specialist. His findings were the proposed zone change request; it is at variance for land use intent for residential zones as outlined in the Mesquite Historic District Neighborhood design plan.

The proposed zone change from residential to commercial entails a greater intensity of use and requires that the existing residents adhere to Commercial Building Code rather than Residential Code. As well as the proposed zone change that was requested came without accompanying plans or drawings, which show the type and extent of any potential alterations to the existing building on the site.

As we can see on this slide, this is all seven members of our Historic Preservation. As I noted before, two seats are vacant. There was one Commissioner that was sick at the time so you only had four votes.

The Planning staff recommendation is to approve the zone change based on the following findings. The zone change request will allow for the attraction or attention of businesses at a small scale and provide buffering to the residential neighborhood to the east. And the expanded uses allowed by the zone change are consistent with existing uses in proximity to the subject property. The subject property is located on a collector roadway which is recommended for commercial land uses. The proposed zone change request is supported by Elevate Las Cruces Comprehensive Plan as it's located within our urban neighborhood place type. This place type does allow for the redevelopment of our urban core as well as providing a more dense and mixed use area. It's also adjacent to a mixed use corridor. So once again, providing that transition between commercial to residential. It's also along a public transportation route and it does meet the purpose and intent of the 2001 Zoning Code.

Also, based upon staff’s analysis of the proposal, the proposed zone change meets the intent and purpose of the Mesquite Neighborhood Plan, as well as the Mesquite Historic District Design Plan. On this slide right here, we have the Mesquite Historic Neighborhood Design Plan map that outlines residential, commercial, and office zoning districts. We’ve had several zone changes over the past years where we’ve taken residential properties into commercial properties. All of these have gone before the South Mesquite Design Review Board which then became the Historic Preservation Commission.

Public notice was sent to all remaining relevant agencies and departments. All supported the proposed zone change request. A notice was sent to all surrounding properties within 500 feet. There were several phone calls and
e-mails in opposition, as was a few phone calls and e-mails with support for the zone change.

Today, your options are to vote “yes” to approve, vote “no” to deny, vote to amend, or vote to table.

Kaiser: Thank you. Any questions from the Commission?

Smith: I’ve read in a couple of, well, this particular e-mail that came in and a couple of the e-mails that the proposed business is a cannabis business; is that correct?

Castillo: Yes. At this time while the applicant has indicated that it would be a cannabis-based business, but she’s also unsure. I do have the applicant here as well if you want them to speak more about this.

Smith: I just want to confirm what type of business that they were proposing. Thank you.

Kaiser: Any other questions? I’ve got a couple of questions. Can you, I guess explain a little bit more about the Historic Preservation Commission that hearing? It was to my understanding based on the materials that were provided but I guess the staff report and then the minutes that staff, I'm not sure who that consists of, recommended denial to the Historic Preservation Commission. Can you talk a little bit more about who that is? Who made that recommendation? I’m just trying to understand that staff recommendation versus this current staff recommendation of approval.

Castillo: Mr. Chair. The Historic Preservation Specialist, his name is Troy Ainsworth. He works with the City. He also works intently with the Historic Preservation Commission. They do look at design for the South Mesquite area. As stated in this slide, when we adopted our Chapter 40, which is our Historic Preservation section of our Code, we then changed it to the Historic Preservation Commission. Before then it was the South Mesquite Design Review Board. So Mr. Ainsworth’s description or position would be to look at things coming into the South Mesquite or other historical areas and base it off of historic preservation.

Weir: Mr. Chairman. This is David Weir with Community Development Department. Just to provide a little more context to the response that you got. The Historic Preservation Program is administered by the Community Development Department and so any recommendation that comes out of that is from the Community Development Department. I don't want you to think it was embedded with other staff people. And as John also indicated, he looks at it from a standpoint of the historic districts, of the plans that are in place for that, and often times more from a design, what the actual the
buildings would look like. So it’s not uncommon for there to be slight deviations in the information that’s provided to the Historic Preservation Commission and what’s provided to the Planning Commission.

And also, the Historic Preservation is acting as your former South Mesquite Overlay Zone. So again, that was more of a design board, but they also had the authority or the mandate to provide a recommendation on zone changes. And so, when those duties were incorporated into the Historic Preservation Committee then the process for a zone change in those areas, well it goes under staff review first, then it goes to the Historic Preservation Commission and they make a recommendation, and then it comes to the Planning and Zoning Commission for a recommendation to City Council, and City Council makes the final determination.

Kaiser: Okay. Thank you. So with this particular case is it fair to say there’s two differing opinions here if some staff in Community Development are recommending denial and others are recommending approval?

Weir: Mr. Chairman. I think the way to look at that is staff made a recommendation to the Historic Preservation Commission and then they made a recommendation to you. So I would take the recommendation of the Historic Preservation Commission just as they could have disagreed with the staff recommendation and you could have got one for approval. And the Planning staff looking at the implementation of Elevate Las Cruces the Comprehensive Plan, and other neighborhood type plans may have come up with a slightly different recommendation.

But some of the information to help you with your decision making would be to take the staff report from staff to the Historic Preservation Commission, the discussion and the recommendation of the Historic Preservation Commission, the staff recommendation this evening and then any testimony or input that’s provided tonight. All of that is things that you can use to make your decision as you see the duties that you’ve been charged with as the Planning and Zoning Commission.

Kaiser: Okay. Thank you. That’s helpful. I appreciate that explanation. Going back to the comment about the transitional zone. I think you had a map up that showed something to that effect. Yes. So if I’m reading this correctly, the really tiny letters, numbers, those are signifying previous zone changes that have taken effect; is that correct?

Castillo: Mr. Chair. That is correct.

Kaiser: Okay. And they all appear to be north of Amador, we don't see any south of Lohman. So, I guess I’m trying to understand based on the comments that we received up until this point, it doesn’t sound like there’s maybe a
need for a transitional zone between the commercial and the residential
districts given the fact that the current precedent is all north of Amador. This
would be the first one south of Lohman on a completely other side of an
already existing commercial district.

So I'm just trying to understand where staff is seeing this perception that
there needs to be a buffer zone because by extension then we're saying we
should be rezoning all those other properties down South Campo in order
to create a buffer because one business isn't going to, or one you know C-
1 district is going to be a satisfactory buffer. Is that kind of what staff is
thinking here?

Castillo: Mr. Chair. So we don't indicate it on here because it wasn't a zone change
that went from a multifamily residential or any type of residential into a
commercially zone property. But on this map, this slightly differentiated
color right here, this property was zoned originally R-3 then it was rezoned
to R-4. It's currently being used as offices at the moment. It has no
residential component to it at all. And we do see it as kind of a less intense
commercial use versus having something fully, such as the school's district
or a grocery store across the street along Campo.

Kaiser: Okay. But the R-3 does allow for limited commercial retail use currently,
right?

Castillo: Mr. Chair. That is correct. The R-3 does allow for limited commercial use.
A majority of it is actually intended for institutional purposes or community
purposes.

Kaiser: Okay. Thank you. And I guess one technicality before I forget. You
mentioned in your presentation that this was a 1.4-acre parcel but in the
staff report you have 0.23. Can you clarify which is it?

Castillo: Mr. Chair. You are correct. It is a 0.23. That was an error on my portion
writing the presentation.

Kaiser: Okay. Thank you. One other thing. I think was actually, now that I have
kind of done some additional research on this today, I think the
recommendation coming out of the Historic Preservation Commission was
that this proposal didn't align with the Mesquite Neighborhood Design Plan.
It doesn't appear that map is in your presentation tonight. But I have it up.
I think it's page 21, at least in my version, it has a variety of proposed land
uses. It clearly identifies a neighborhood commercial zone, moderate
density residential office, retail residential, a retail restaurant, and
residential districts. Those are all north of Amador. It is very clear from this
map and the Historic District Plan that this property would fall strictly in the
residential zone. So I guess from my perspective it seems like I would agree
with the analysis provided by the Historic Preservation Commission that this would be inconsistent with that particular plan.

I understand that there are other objectives throughout the plan, throughout Elevate Las Cruces, that seek to identify and stimulate other ways to incorporate mixed use development, but mixed use development in my mind does not equate to open season. It doesn’t mean we get to just do whatever we want in any kind of district. And so to me it seems like R-3 which this is currently zoned is more than sufficient and would be more consistent with the existing plans than converting this to C-1.

Finally, I’ll just from my perspective, this Commission has been very, very open and receptive to cannabis businesses in town, but I believe this would be the first time that we would actually convert a residential zone into a C-1 to allow a cannabis establishment. And I think for me personally that’s kind of where I draw the line. I know that there’s no requirement for buffers and setbacks from a cannabis to a R-3 like there would be a R-1. And you know I just think there’s plenty of other opportunity across the City for these establishments.

Again, this Commission has proven time and time again that we are open to that. But I think for me this is just one step too far. It’s a loss once again of another multifamily property to a commercial property. We never see this come before us to convert a R-1 to a commercial district. It’s always the R-2s. It’s always the R-3s that get converted. And I just think that this is one of those that I just don’t see how we can make the leap based on all the evidence. So those are just my thoughts and I appreciate the explanation by staff tonight. Any other comments? Commissioner Smith.

Smith: I just wanted to just kind of weigh in on what Commissioner Kaiser had stated. He actually brought up several issues that I was going to bring up, but I figure I’d just go ahead and just say what’s on my mind. You know having lived here for 25 years, that entire time it’s been downtown. I remember looking for a home in the Mesquite District when it was very, very depressed. And I know that the Historic Preservation Commission has worked very, very hard to, number one, establish that area as a historic neighborhood.

And when I think of neighborhoods, especially that Mesquite neighborhood, I think of families, you know people living in that neighborhood. I know people have lived there for a long, long time, that’s one of the reasons why it’s been made a historic area. And I know that there have been families, there have been young people who are buying first homes and they have really worked hard to you know raise that neighborhood, bring that neighborhood back to life. And as Commissioner Kaiser said, there’s been so many cannabis businesses that we’ve been open to approving to just
you know allow commerce to happen in the City. But when it starts to impact
a neighborhood, particularly a neighborhood of this type that it is historic,
that has had you know a long history and have worked so hard to come
back to life, you know I personally too have an issue with this proposal.

I just feel that housing is difficult enough to find and as a person who has a
heart for downtown, I want it to thrive. But a neighborhood, part of a City
doesn’t thrive unless you have people residing in the neighborhood. And I
just feel that I want to see this neighborhood continue to grow. But I want
to see it grow with people living there and making that neighborhood the
important part of Las Cruces that it is. So thank you.

Kaiser: Any other questions or comments from the Commission? All right. We’ll go
ahead and open it up to public. Yes, the applicant is interested in saying a
few words or speaking you’re welcome to come forward. Thank you for
that. All right. Before you get started, can you please state your name for
the record so I can swear all three of you in? You can just go down the line
and we’ll do this.

Frugoli: Sure. Good evening. My name is Caitlin Frugoli. I work with Libbin
Underwood Engineering & Surveying here in Las Cruces.

S. Calderon: May name is Sandra Calderon. I one of the owners.

Miller: Troy Miller, the owner.

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

Frugoli: I do.

Kaiser: Go ahead.

Frugoli: Mr. Chair, Commissioners. We just wanted to say that we think that Mr.
Castillo did an excellent job in his presentation. We have nothing further to
add. We would like to say that we think that Ms. Calderon is here to present
her vision and we’ll let her have some time to do that. And then we’re here
to answer any other questions that you may have. But at this time, I will go
ahead and hand it over to Sandra.

S. Calderon: Good evening, everybody.

Kaiser: Please make sure you stand close enough so we can hear you to the mic.

S. Calderon: Yes. Okay. Can you hear me now? As I said, my name is Sandra
Calderon. I’m one of the owners. And there’s several reasons why we want
to change it from a residential to commercial. I think a lot of people are like stuck on only the cannabis. To me, it’s not only a cannabis, there’s like other businesses that we can open. As I mentioned in the last meeting, it can also be, I have an 18-year-old that’s about to graduate. He wants to also do like a barber shop. So that would be perfect for him to do a barber shop there because we’ve owned that business since 1999, I believe, the house.

So my kids have grown up there. It was my kid’s dream to open the cannabis business there. That’s my main purpose as a parent to open his dream there. He’s no longer with us, but I do have other kids. I do have other kids that have dreams of their own to open their own businesses there. It doesn’t have to necessarily be a cannabis business, but it can open it up to other businesses there. And since, we own it already, I don’t have to go out and rent another location for thousands of dollars a month when I own it already.

I can do the transition there if you guys allow me there and do what they want to do. Do their dream there. So and there were several factors last time. Parking was one of the factors. And right now as a resident, as an owner, my parking is full. My parking when my family is there, when I’m there my family is there and my friends are there parking inside my resident is full. Outside on the street is full because all my family is there, okay. So as a business with the parking that would be limited because now my family can’t come over just to visit hours and hours like they do now. As a cannabis business especially. They’re going to go in there for a few minutes and leave. I’m not going to have, I mean around the City that I’ve seen cannabis businesses, they don’t have 10 customers at a time. They have probably five customers in and out, in and out, okay. The traffic right now there, there’s a lot of traffic already. So the traffic I don’t think would change that much with any type of business there.

And then the thing is the odor, the smell of cannabis. Okay, the smell of cannabis is there already. I mean all around my house, the neighborhood, it smells like pot already. With a business, with a cannabis business that’s going to be limited. You cannot smoke in that area because it’s going to become a business. So you can’t smoke inside the business. It’s not going to be allowed. So they won’t be able to smoke inside or outside in the parking lot. So that would be limited on that section at least.

But I just wanted to say, I don't want it to just be about the cannabis because that would limit me as a business for my kids’ dreams. Now, I would have to okay it if I don't get approved my 18-year-old’s dreams, okay. Can I do a barber shop there? What else can I do for them to succeed in life without me spending thousands of dollars and going out renting another location when I have that right there? I mean we have the bank right across the
street. The Church’s Chicken was right next to us. That was already a business. There’s offices around us that they use it as offices. It’s not fully commercial but they use it as offices.

Down the street mainly it’s a few residences and then there’s nothing there. So there’s no, I don’t know if there’s room for more commercial down the street on Campo but I mean change is, to me change is a good thing. So that’s all I wanted. Thank you for giving me an opportunity.

Kaiser: Thank you. Did you wish?

Miller: This is Troy Miller. I’m her husband, the other owner. I think she hit it pretty well what we talked about last time. It seems like in the historic it was pretty much everybody got hung up on the cannabis part of it because of parking and odor.

Well, I own a cannabis store already in Silver City. So as a cannabis owner, you cannot have smokers unless you’re allowed. If they’re caught on your property smoking, you get fined as a business owner and you face thousands of dollars in fines.

Parking, it’s like the store we have over in Silver. We have maybe, I don’t know, at the most five, six customers come in at one time. They come in, you help them, they’re out in two, three minutes depending on how you run your store. So when everybody sits here and says, well, you’re going to impact us with traffic. The traffic is the exact same as what’s there right now. Especially if I’m there with my race cars and stuff. I own a 53-foot trailer that I pull in and out of that place. So it’s funny that people say traffic, but I can come through there all the time with my dually and my trailer when I’m in town racing and I don’t have a problem.

It’s like she said. Our other son, he’s graduating and he’s looking at coming over here and doing a barber. What’s the difference between a barber store and a cannabis store traffic wise? You’re actually going to have more traffic at a barber store than you do a cannabis store. So I think a lot of it got hung up because of cannabis. But there’s ways around doing stuff and things involved, you know.

S. Calderon: I actually had a question on this residential as it is right now. And I think, John, you had mentioned that without changing it to commercial, we can actually do a barber shop; is that correct?

Gonzales: Mr. Chair, Commission. This is Sara Gonzales with the Planning Department. For clarification, you can use a multifamily zoning district within the South Mesquite Overlay. However, there is a percentage that is required for a property to still maintain residential status. So you’re only
able to use a portion of the buildings.

A lot of times, zone changes that we did go through and identify within this map that were originally zoned multifamily that’s exactly what they wanted to do. Along Campo they were zoned R-3 but they wanted the tattoo parlor, they wanted barber shops, they wanted office uses. Because there was a residential component that’s why they went to a C or an office zone. So this would be something that’s very common to what we’ve seen along Campo.

Another thing to mention, the transition that staff is talking about is your transition from a downtown district to Campo which is your collector roadway that provides that buffer to where your main traffic runs, to now providing that low intensity commercial into your residential district. This allows you to have that change in transition from your high intensity commercials that are located on the west, and then you go into that neighborhood status.

We wouldn’t necessarily support something that would move forward into the middle of a residential district in say spot zoning. We’re looking at the properties along Campo because this is a collector roadway where commercial zoning designations should be permitted and that’s where we’re recommending them to go. When we went through Elevate Las Cruces we want to on collectors because that’s how you move the cars in and out when you’re getting businesses and shops coming in. They weren’t necessarily all on local streets.

So that is why staff had identified this area as a transitional zone. You’re going from west to east in order to create that transition into a neighborhood and still providing that walkability to get services that may not be provided within the interior of your neighborhood.

Sl Calderon: So again, I’m saying that if we don’t do, if you guys won’t allow us to do it commercially because of the cannabis, it’s going to be allowable to do the barber shop. So then it’s still going to be a business. So what’s the difference between commercial now and with permission then incorporating the barber shop? Whereas I see it, okay right now, if it’s a cannabis, they’re going to come and go. Come and go.

If it’s a barber shop, there’s going to be probably three barbers in there. They are going to all have customers and then they’re going to have appointments behind them waiting. So now you’re going to have, I mean three spots open maybe even four. Plus, more customers parked in there waiting for them to be helped. Thank you for listening to us.

Kaiser: Thank you. Appreciate that. I just want to clarify the statement that you just made. The residential component, you’re saying that all of these zone
changes that we're seeing on the screen and then including this one would still be required to have a residential component to it.

Gonzales:  Mr. Chair, Commission. No. A lot of these properties that went through the zone changes because they didn't want to have a residential component. So their properties were all zoned multifamily at some point in time. And they went through the process because they didn't want to use the ability of that residential component. They wanted to move towards the commercial and allow for all the office spaces to be used.

And so, that's where we see all of these properties had gone through some type of zone change that were originally this is the neighborhood design plan that was created, and through that process, they were either zoned R-3 or R-4. They have gone through the same process in which is proposed this evening. However, it is located on the south side. But we looked at it from staff's point of view. You have a mixed-use corridor that is less than 600 feet away, which is your Lohman and Amador. That's supposed to be your mixed-use corridor. You have a commercial property that's located basically one block from their property to where this is just another commercial property that would be there, but to a lower intensity. I'm not requesting them to go to the C-2 and actually bring in higher intensity uses. This just allows that residential component to now be alleviated and actually using the entire structure for commercial use.

Kaiser: Yes, but I would also differ that we are expanding the potential commercial uses here, and I think to me that's the crux of this. We've already got through the R-3 district allowable uses and by going to C-1 that list becomes far greater. And then if you look back at the proposed land uses map, this is Map 8, the Mesquite Neighborhood Design Plan, again page 21 of the document, it does show north of Amador to be, it's clearly identified as an office, retail, residential corridor. But that is not what is shown south of Lohman where this property falls. It is clearly identified as a residential. So to me I understand that there's a need for allowing mix uses and all of those things. But just because we say we want mix use doesn't mean it's everybody come on down and you know whatever you want to do go for it. There's still some thought process that goes behind it and it's very clear in my mind looking at this map that the areas that, I'm assuming this was a community process that identified these things. That north of Lohman and Amador, you have that transition zone so to speak. But very clearly to the south of that it's not identified.

So I understand the Elevate Las Cruces, I understand the urban neighborhood place type, but then what's the purpose of this if we just sort of say, well, that doesn't really matter. I mean why go through the process then? So that's just my perspective to answer kind of the question of what's the difference between a cannabis and a barber shop? Well, a barber shop
would be great. It would probably be fantastic. Those are the kinds of uses that we want to see. But when you expand it to the C-1 in my mind that's just, based on these other documents, that’s just a step too far. Any other questions for staff or the applicant? Commissioner Murray.

Murray: I too have a question for staff, I guess. So we're only looking at the zone change right now but what is like the size of the property? Like what’s its current use? How many units are there, etc.?

Castillo: Mr. Chair, Commissioner Murray. Looking at the name tag below. So currently it is serving as a single-family residence. I believe at one point it did have a duplex attached to it which would be you have one residence facing Campo, the other was going to be the remainder of the property. And that's pretty much the situation of the home as it's been.

Murray: Okay. And then say they were to approve this and we change it to commercial. Of course, they'd have to upgrade it to the commercial standards and bring it up to use. The site already has site constraints such as parking, the dumpster, etc. Is there going to be like exceptions to what they can do because of the site constraints?

Castillo: Mr. Chair, Commissioner Murray. So they will be able to go through within the South Mesquite, as far as parking goes there is allowed on-street parking. So they don’t really have to worry too much about parking within the property. They can add it if they prefer. They would only be regulated to do the one accessible stall and its access aisle. As far as a dumpster, they would have to petition to our Utilities Department as well as our Solid Waste Department to see if a full-size dumpster would be necessary or if they could continue using a rollout bin as a residential property would currently have.

Other than that, yes, they would have to follow all building code requirements. And any of those development standards required within the South Mesquite standards.

Murray: That is it for now. Thank you.

Smith: I just had a comment for the owners who spoke earlier. I applaud your desire to you know start this business. I’m a former business owner and have always you know supported and encouraged small businesses here in Las Cruces because you know people supported my small business when I had one.

So it's not about the type of business that you're wanting to start. Cannabis, barber shop, that's not the issue. For me, I keep coming back to the neighborhood preservation aspect of this where you have a community that
has been here a long, long time. You are part of that community since you know 1999 and I just fear that this will be a precedent where once it’s zoned commercial that’s one business. And then the next proposal that may come before us could be for another business in another home.

And that’s where we start to risk losing the opportunity for the Mesquite District to remain a residential neighborhood. So I just want you to know that it’s not about the cannabis business. I mean, we have a large number of them but that’s not what we think about when we sit here and look at these proposals. We’re here to make the best decision possible but we’re not hung up on cannabis. I just want you to know that. Thank you.

Kaiser: All right. We will go ahead and turn to public comment now. Can I please get a show of hands for those who wish to speak on this item so I can get a head count? I see one, two, three, four, five, six, seven. All right. I count 15, I think more or less. All right. So what we’ll do is we will go ahead and do. All right we will go ahead and do three minutes each. We’re going to start over here to my left. So if I can get, raise of hands again because I don’t have a photographic memory. I’m going to start with this gentleman here in the front row. Please come forward. State your name for the record. I’ll swear you in.

Taylor: Good evening. My comments will be very short. My name is Michael Taylor.

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

Taylor: Yes.

Kaiser: Go ahead.

Taylor: I’m a homeowner in Metro Verde. I’m concerned about this zone change because I live in a residential area and I don’t want my house next to a cannabis dispensary. And so, I’m concerned that if we change the zone here would that happen in my neighborhood? Thank you.

Kaiser: Thank you. All right. And then the lady that was sitting behind. Please state your name.

Lewis: My name is Irene Oliver Lewis.

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

Lewis: I sure do.
Kaiser: Go ahead.

Lewis: I'm Irene Oliver Lewis. I live at 336 Kansas Avenue. I oppose the zone change of 541 South Campo from R-3 to C-1. I live across the street from the proposed change and my property is lot 45 on the original Las Cruces 1849 Town Site Plat. The adobe homes, our adobe homes date to 1906, and my grandparents bought the property in 1936. There are six generations that relate to this historic site.

I want to thank you for your previous comments because everything you said is what we are thinking about in the neighborhood. The South Mesquite Overlay ordinance of 2005, the Mesquite Historic District Neighborhood Design Plan of 2007, and the Elevate Las Cruces 2020 Community Livability from CL-1 to CL-19, pages 176 to 217 all demonstrate why this zone change should be denied. I was on the Livability Subcommittee that helped draft the vision, the needs, and the concerns for Elevate on pages 176 to 117. I was a child at Urban Renewal and if you make this zone change, the people who live in the Mesquite neighborhood all think that Urban Renewal is again at our corner.

Cottage industry which is not zoned C-1 is allowed in the South Mesquite Overlay Ordinance. Cottage industry allows for small business to exist for economic development and business growth without destroying the one and only Las Cruces original townsite neighborhood. When I was a child, we used to walk to different ma and pa businesses in the neighborhood to buy our bread or milk, our bologna, our candy, and even our underwear. There was a cottage industry and it was not C-1.

I urge you to deny the zone change just like the Historic Preservation Committee did on December 6th, or at least postpone your decision when the District 1 is represented with a City Council appointed Commissioner. Thank you very much.

Kaiser: Thank you. All right. Moving - please state your name for the record.

Camunez: Pardon?

Kaiser: Please state your name for the record.

Camunez: My name is Sylvia Camunez.

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

Camunez: I do.
Kaiser: Go ahead.

Camunez: My name is Sylvia Camunez. I am a resident of the South Mesquite neighborhood. I am here today in opposition of the zone change at 541 South Campo from R-3 to C-1. I am past president of Las Esperanzas, a neighborhood association. Las Esperanzas was established by grassroot ladies in their 60s, 70s and 80s. They were tired of the City not paying attention to their neighborhood needs, pitfalls, and demolition of Urban Renewal.

As a friend of mine states, Urban Renewal is still alive and thriving in Las Cruces. During my tenure as president of Las Esperanzas, I was instrumental in collaborating with Lisa Bookin, Senior Planner and Neighborhood Liaison for Community Development, City of Las Cruces. We met with numerous residents of the north and the south Mesquite neighborhoods for approximately seven months many times weekly.

The north did not want historic preservation, the south did. Therefore, the North/South Overlay Plan was established. The Planning and Zoning Board at that time set boundaries for the South Mesquite Overlay Plan which was Old Picacho Avenue to Colorado. It was voted on by P&Z to forward to City Council. In the South Mesquite Overlay Plans some of the protections were historic preservation, architectural zoning types of businesses, what was considered residential and commercial, etc., etc.

Lisa Bookin collaborated professionally and advised Las Esperanzas what was needed to get an overlay as an ordinance. As a group, we voted on boundary zones, review board, cottage industry, not commercial, etc., etc. I asked Lisa why it should become an ordinance. She simply stated, it now becomes the law. Once ordinance was completed by Lisa and Esperanzas, it went to first read resolution, then ordinance. The ordinance was unanimously approved by City Council.

Today, you are making a decision on a comprehensive plan which is a guide, not the law. Please consider your vote as “no” on this zone change as your neighborhood might be next. Thank you.

Kaiser: Thank you. All right. I need folks to raise their hands again because, all right. We're going to go up to the lady in the pink and we will then come this way before we go onto the next row. Please state your name for the record.

Lannert: Josie Lannert.

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

Lannert: Yes.

Kaiser: Go ahead.

Lannert: My name is Josie Lannert. I live at 315 South Mesquite. I oppose this zone change request. I have lived in my house about 15 years. My home on South Mesquite is historic. I have seen how residential street can turn commercially zoned. I used to visit my grandmother 60 years ago whose house I live in now. Back then even South Mesquite was a dirt road. Mesquite Street was originally residential with just a sprinkling of small business. There was a butcher, a grocery store, and a bakery to name a few.

In 1990, about then there was businesses like Marto’s and Sunshine Grocery. Back then customers were mostly local because of the narrow streets and parking challenges. These last 15 years, I have been living in a commercially zoned street. The character of Mesquite Street has changed. These changes I do not want for my neighbors that are around the 541 South Campo property.

Here are some of the examples of the changes I have seen. When pulling into my driveway cars behind me do not let up on their pedal. They forget that I live in a neighborhood and that there’s people like children and families around. Traffic of course has increased. Mesquite is on the Camino Real and very special. Even though it is designated, car drivers do not respect Mesquite Street at all times. Cars are parked on both sides of the street making visibility difficult.

Delivery trucks also need to pass and park by. This is similar what would happen on Kansas Street. Entrance to driveways are often blocked. Prior to 15 years ago, it seemed only homes were broken into but now it’s small businesses. You’ve probably seen a trend now where wrought iron fences cover their doors. Any type of business I do not think would be appropriate on Kansas Street. The Mesquite Overlay Zone is approximately eight blocks. It’s unique and it’s historical. The Mesquite Historic area should remain intact with clear separation between residential homes and businesses. One without rezoning. Thank you.

Kaiser: Thank you. And we’re going to stay in the row that she was sitting in and come across. Please state your name for the record.

Dennis: Deborah Dennis.

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

Dennis: I do.

Kaiser: Go ahead.

Dennis: I’ve been a resident of Las Cruces for 44 years. I love the Mesilla Valley in large part because of its history and amazing decedents of pioneers who still call this place home. We live in an extraordinary locale where our first neighborhood, the Mesquite original townsite and historic district remains largely intact after 173 years.

I continue to hope that our City’s government will recognize what gems there are in our midst. Not only the original townsite, but also the historic Amador Hotel, Pioneer Women’s Park, and the Alameda Depot Historic District, and the 1910 Las Cruces Train Depot. What a rich community in which heritage tourism could thrive and be an amazing economic driver.

I often listen to the men of Community Development tell Commissioners, City Council, and the public how hard they work that their decisions must abide by the laws and regulations of the State and City. Yet, these men cherry pick which guidelines and policies to follow. After all, there are six community blueprints, 10 area planning documents including the Mesquite Neighborhood Plan. In addition, to the overarching vision of Elevate Las Cruces.

I’m here this evening to voice my anger and dismay with the Community Development for even presenting the zoning case to you. Thoughtful analysis of the Mesquite Neighborhood Plan reveals numerous arguments against zoning change and many have been identified by speakers before me.

Primarily, it is obvious that the property in question is not adjacent or transitional to a residential area, but in fact is in an area set aside for protection as residential. We all know that once a property is rezoned from residential to commercial it will never go back to being residential. So why would you vote to lose residential property when Natalie Green, who tracks affordable housing for the City, stands in front of City Council and says that Las Cruces lacks more than 1,400 properties needed for affordable housing? Why do you want to continue to degrade the integrity of the original Las Cruces townsite and Mesquite historic district, when Rochelle Miller-Hernandez of Visit Las Cruces recently reported to City Council that in 2022, $8.3 billion, with a B, dollars was generated by direct visitor spending in our State? And further that spending sustained 70,433 jobs.

It does not take a rocket scientist to understand that heritage tourism can
be the economic driver to a truly revitalized downtown Las Cruces. Instead of pinning hopes on a cannabis industry that’s already experiencing a shake-out. I urge you to deny this zone change. Thank you.

Kaiser: Thank you. And continuing across in that row. Please come down. Please state your name for the record.

Leyva: Rosemary Leyva.

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

Leyva: Yes.

Kaiser: Go ahead.

Leyva: Okay. My name is Rosemary Leyva. And I would like to share a little bit of history from my neighborhood to show why we need to keep our neighborhood intact. Everyone here knew their neighbors and in some cases were related to them either by blood or in a religious manner. Everyone helped each other in any way they could. Whether it was taking food to a sick or elderly person or watching out for the kids in the neighborhood.

Many of us attended the same school that our parents and in some cases live in the same homes our grandparents built, adding rooms when necessary as families grew. I’m the fourth generation in my family to live in this area. My great grandfather, Baldasaro Madrid, and my great grandmother, Glad a Martinez, lived here in 1876 and raised their family here. He built their home on the land where my home is now. But back then the street was called Convenance Street. Now it’s Kansas.

While Baldasaro worked as a farmer, a blacksmith, and did construction. He farmed the land that is now the Citizen’s Bank drive-through window section. When he harvested his crops, he gave food to the nuns of the Loretto Convent later known as the Loretto Academy. My grandfather, Ramon, son of Baldasaro also farmed the land and gave food from his harvest to the Franciscans that occupied the former Loretto Academy.

On the corner of Calle el Campo Santo, now called Campo Street, lived his brother. Next to him lived the Diaz Martinez family, owners of the Golden Cross Bakery. To the left of my grandfather, Ramon’s home lived John and Doña Juanita Fitch, grandparents to Irene Lewis Oliver and Sylvia Camunez.

The homes on the corner of Campo and Kansas were built on higher land
and no effort was made to level or lower the land due to the results of the
flooding of 1875 when the neighborhood and the majority of the City was
flooded and destroyed. The neighbors like the Lopez family that lived in the
house on the corner of Kansas and Campo had an open driveway that let
the Romero family, the Camunez family, and those living in the apartments
behind the Lopez house, enter to get into their homes. People could and
did take a short cut to the Contreras house by cutting across the Lopez
driveway to Lohman which was then a two-way street to get to the
Greyhound bus station or to the Golden Cross Bakery.

On the corner of Kansas and San Pedro, there was a little store run by
Tomas and Josie Aragon where we could all purchase small items needed
such as bread, milk, and of course their candy and sodas. The home where
the store was is now being renovated by Faustino Zamor whose parents
owned the store and the home attached to it. For bigger food items, we
always had Allen Acres of Lohman. On the corner of San Pedro is the home
of Eugene Van Patten, a local businessman here in the early years of Las
Cruces.

Changes to the neighborhood will soon cause all this history to be forgotten
and the close relations that we have with neighbors to unravel. I too am
strongly against the change of zoning. Thank you very much.

Kaiser: Thank you. Thank you very much. It looks like our buzzer may not be
entirely working so if we cut you off that’s why. I’m going to go down back
on this side, so the next row. We’re going to work our way across. It’s the
only way my brain can keep this all straight so bear with me. Please state
your name for the record.

Hudson: Faith Hudson.

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

Hudson: Yes. I do.

Kaiser: Go ahead.

Hudson: Thank you, Chair Kaiser and Commissioner Smith for your comments. I’m
opposed to the zone change for numerous reasons. None of which have to
do with cannabis. Staff argues that the zone change is both in character
and compatible with the Mesquite Historic District because Campo Street is
dominated by a variety of commercial, office, and retail land uses that buffer
the various types of residential housing in the area.

Staff, however, fails to state that the property is within the federal portion of
the South Mesquite Historic District. Instead, they argue that it is adjacent to a burgeoning commercial district and that commercial operations are to be welcomed. But since practical access is on Kansas Street, this proposal actually encroaches into the historic neighborhood and leapfrogs retail commercial onto a very unique residential street.

Staff states the zone change complies with Elevate Las Cruces Goal CL-15 which is to value and protect the historic and cultural properties and sites in the community. Changing the zone fails to protect the historic integrity of this because their structure was built in 1910. Furthermore, the Mesquite Historic District Neighborhood Design Plans states that the block south of Lohman Avenue which is where this property is located, are proposed for residential use with the objective of encouraging new single-family residential infill. The plan also states that this should be able to be accomplished without disrupting the historic fabric of the neighborhood.

Staff argues that one of the goals of the Mesquite Neighborhood Plan is to establish zoning regulations and development standards that take into consideration the commercial residential neighborhood and historic character of the South Mesquite area. I reiterate that 541 South Campo is within the federal portion of the Mesquite Historic District. Heritage tourism should be promoted rather than commercial rezone. Staff never refers to Chapter 40 which is the Historic Preservation ordinance. And that encourages strengthening the City’s economy through heritage tourism and real estate for the benefit of residents and tourists through promotion and use of historic buildings and cultural sites. Nor do they refer to Elevate Las Cruces Goal CL-14 which states a viable community is not only attractive to those that live there but also visitors. Therefore, efforts to promote tourism in a community is important to continue to attract visitors and generate positive economic outcomes. The Downtown Master Plan of 2016 states that there’s a significant demand for downtown housing which is crucial for economic development and that some of this support must come from adjacent neighborhoods.

According to recent data from redfin.com, 68% of Las Cruces home buyers search to stay within the Las Cruces municipal area. And across the nation 0.14% of home buyers search to move into Las Cruces from outside metros. Providing enough housing continues to be an issue and this property is already a house.

Staff states a zone change is in compliance with thoroughfare plans, however, it is not. Campo Street is designated as a collector roadway. And staff continues to argue the zone change is appropriate because the address is on Campo Street. However, the property is not accessed on Campo thoroughfare. Egress is on Kansas Street. Kansas is a two-way local street and when vehicles are parked on both sides, there’s not enough
traveled way, it is less than 14 feet. Also, clear sight triangles are obstructive by fencing and rock walls. Kansas is a local requires 30 feet. Campo is a local collector requires 40 feet. Staff fails to address these traffic issues because they refer to access and frontage on Campo Street only.

Perhaps the most compelling argument against rezoning is Objective 3 of the Mesquite District Neighborhood Plan which states, prevent Las Cruces downtown development and traffic flow imperatives from encroaching on or destroying the Mesquite neighborhood. Thank you.

Kaiser: Thank you. All right. Continuing on down. Do we have anybody? Yes, the gentleman at the very end. Come down. State your name for the record.

Lujan: For the record, my name Antonio Lujan.

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

Lujan: I do, sir.

Kaiser: Go ahead.

Lujan: Good evening, Mr. Chairman and members of the Commission. I'm here to respectfully stand in opposition to the zoning change. I had the privilege of representing this neighborhood and the downtown area for 10 years in the state legislature. And it was during that time that downtown revitalization started to come alive. And the Mesquite historic neighborhood started to regenerate itself.

And as a student of history and public policy, I know encroachment when I see it. And this is a good example of how encroachment happens in historic neighborhoods and eventually they take over. I am not opposed to microbusinesses. I am not opposed to cannabis. In the legislature I supported the medical use of cannabis and it passed at that time. I would have supported it for recreational use but I was not serving the legislature at the time.

I would just like to say that I remember the trials and tribulations of Urban Renewal and as someone said, it's very much alive and well today. And in difference to the proponents, I do believe that there is a parking problem in that area. And any kind of a business would only exacerbate that. Thank you very much, Mr. Chairman and members of the Commission. Again, respectfully stand in opposition.

Kaiser: Thank you. All right. We're going to go up to the next row. I believe there
was, yes. We're going to go to you, ma'am. Please state your name for the record.

Conrad: My name is Celeste Conrad.

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

Conrad: Yes. I do.

Kaiser: Go ahead.

Conrad: I would like to oppose the change in zoning from residential to commercial. My family has been a resident of the original townsite, the Mesquite Historical District. And all my life I have witnessed the trials and tribulations of that neighborhood, Urban Renewal, the families that left after World War II and starting now to see glimmers of my neighborhood coming back to life. And something as other speakers have mentioned, this is not a transition or buffer, it is encroachment into much needed residential neighborhoods in the Historic District. So I do oppose this change. Thank you.

Kaiser: Thank you. All right. Sticking in that row, coming across, I think there was the lady in the blue. Yes, come on down.

Aguirre: Hi.

Kaiser: Please state your name for the record.

Aguirre: Stacey Aguirre.

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

Aguirre: I do.

Kaiser: Go ahead.

Aguirre: Okay. My name is Stacey Aguirre and I'm the Vice-President of Las Esperanzas. We're a nonprofit organization and we've been in existence about 25 years. And we are comprised solely of volunteers and most of our members are residents or property owners in our neighborhoods.

One of our core missions is to facilitate the preservation, renovation, revitalization of the historic properties located in the original townsite of Mesquite Historic District along with the protection of the culture and the diverse community. And everyone has spoken so eloquently I don't think I
need to reiterate everyone’s objections. Las Esperanzas opposes the proposed zoning change at 541 South Campo Street from R-3 to C-1. It’s in direct conflict with the Mesquite Overlay Neighborhood Plan that was enacted by the City Council in 2007.

And on another note, speaking on behalf of myself. I’m a property owner in the original townsite of Las Cruces. And the original deed of my property goes back to 1888. I was born and raised in that neighborhood. My family has a rich history there.

I’m also concerned as you referred to setting a precedent. I mean, okay. So say this rezoning goes through. This cannabis business fails, then what? You know, is it going to be, are there going to be any restrictions on what type of business is going to follow that? Because there’s no going back once it’s rezoned.

So again, I just want to state on behalf of Las Esperanzas and on behalf of myself as a property owner, we respectfully oppose this. Okay. Thank you.

Kaiser: Thank you. All right. And the lady sitting in that row at the end. Did you? No. Okay. Please state your name for the record.

Ruprecht: Good evening, Commissioners and Chair. My name is Jo Ruprecht.

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

Ruprecht: Yes. I do, sir.

Kaiser: Go ahead.

Ruprecht: I want to return to the Historic Preservation Commission meeting and also call your attention to something that hasn’t been noted tonight yet. The other speakers have been quite specific and quite eloquent in talking about this as a neighborhood issue. It is something broader than that because the Historic Preservation Commission is not being represented fairly tonight to you as you might have noticed.

The Historic Preservation Specialist himself, Dr. Troy Ainsworth is not in attendance. So he cannot speak to your questions or offer information to you about why he recommended a denial on this. It also is true that the minutes for the Historic Preservation Commission meeting for December 6th are not yet generally available. I had somebody check with me just this afternoon about that. I cannot find those minutes to refer to you and say, here’s what was said. Yet, I can tell you based on my experience and my recollection of the discussion but I can’t cite you a place in the minutes.
What I can assure you of, again being truthful, is that cannabis was not a major issue. Cannabis was mentioned in terms of having some idea of what the applicant saw as the business potential of this property. But the decision was clearly made on the change from R-3 to C-1. It was not talked about as far as a conditional thing, as far as what type of business it would be. It was strictly off of the idea of changing this property to C-1.

And seeing it as a precedent as your Chair mentioned earlier, for bringing commercial zoning in a spot where in a strip way farther south on Campo. The commercial already exists on the west side of Campo. But this would be encroachment on the east side of Campo. Also, when the applicant or the staff mentions that this is on a collector street, there is no access on that collector street. There will not be access at least in an affordable way because the elevation difference between the roadway and the property itself.

At one point, an earlier homeowner had had access for some kind of deliveries to be brought off of Campo onto the property but that has been walled off for years. And the elevation difference at this point makes it unlikely that someone would afford to bring that back. Instead, all of the access for this property is off of Kansas and makes it difficult to understand how the applicants can say that they already have parking problems. So what the heck, if we increase our parking problems by bringing in a business. Because they're still talking about the other uses that they would have on that street with their property.

Kaiser: I'm sorry to cut you off but that is time.

Ruprecht: Okay. Thank you very much.

Kaiser: Thank you for your comments. All right. Going back up onto the far left-side in her row. Is there anybody else that wishes to speak now? All right, going back to the next row. Anybody? Seeing none. All right. How about, I think the second from the last row. And the last row, All right. Yes, sir. Please come on down. Please state your name for the record.

Dega: Andrew Dega.

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

Dega: Yes. I do.

Kaiser: Go ahead.
Dega: I have a property that's directly behind this property. And I just don't want what they're saying about the traffic on the road and parking on the road. It's supposed to be a two-lane road and if you park on both sides of the road, you can't get through two lanes. You have to stop back behind the parked cars and try to get through and you've got to wait for the other car. You have to vice versa. I don't see how them having a business where the access is actually going to be way up on Kansas. It's going to be way, not just near the corner, it's going to be almost the middle of the block.

And I have a property right next to it and it's going to be impacting that space. And we just don't want more impact so. We have a lot of impact with Lohman and Campo. And we happen to be in a sweet spot where it's kind of quiet because all those main roads take up most of that traffic. Though, this would change that. And they'll start accessing Kansas and South San Pedro and just because of the access to the property is on Kansas. So they should be applying for Kansas not Campo. Okay. Thank you.

Kaiser: Thank you. All right. I'm going to come to this side of the room. We're going to start in the, work our way to the back. Anyone in the second row? All right. Going into the third row? Fourth row? All right. Fifth row, in the purple, yes. Please state your name for the record.

Chavarria: Yes. My name is Judy Chavarria. I just want to make this very short.

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

Chavarria: I do.

Kaiser: Go ahead.

Chavarria: Okay. I live in the Historic District for the past 50 years and I assume all of you also live in a residential area. How would you like for your residential area to also all of a sudden be changed into a commercial one? That's how I feel. I'm against it.

Kaiser: Thank you. All right. And then going to the next row behind her. And then the last row? All right. I'm going to go ahead and close public comment and come back to the Commission. I'm sorry. Please state your name for the record.

C. Calderon: Crisanta Calderon.

Kaiser: And do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?
C. Calderon: Yes.

Kaiser: Go ahead.

C. Calderon: I'm in favor. I vote yes because I respect their worries because it's historical. But I also would think better because if they open the barber shop, it's going to be more traffic. It's going to be more traffic that's going to cover their driveway which by vice versa I own kind of a shop. We hardly have any issues with any customers. They come in and they leave like in two minutes. So I would really think about that because if this is not approved, they're going to open their barber shop and there's going to be traffic. So that's going to be an issue right there.

I can assure you there's going to be more security with the cannabis, medical cannabis. They have more cameras. The neighborhood is going to be more secure as well. So I'm in favor. Thank you.

Kaiser: Thank you. All right. Before I close public, we have one more? Come on down. Please state your name for the record.

Hussle: Sylvia Hussle.

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

Hussle: Yes, sir.

Kaiser: Go ahead.

Hussle: I don't oppose only because I do visit the neighborhood every single day. I don't see any issues with traffic, any issues with parking. And also like they had mentioned if they do open the barber shop, there is going to be traffic problems because of course there's going to be more business than if it were to be a cannabis shop.

There are people that do need cannabis for medical purposes. And I do see that there is a lot of residents there that could probably even, I'm sorry. That can - I lost it. But I do not oppose.

Kaiser: Thank you.

Hussle: Thank you.

Kaiser: All right. Anybody else that wishes to speak that has not already spoken? Yes, ma'am. While she's coming up here can I get a show of hands?
Otherwise, she’s going to be the last speaker. All right. You’re it. Please state your name for the record.

Guerrero: I’m Valerie Guerrero.

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

Guerrero: Yes.

Kaiser: Go ahead.

Guerrero: I’m here to approve of what they want to do because coming from a 23-year-old, the cannabis does help me out with a lot of stuff. And what they're trying to do is something that would help out a lot of people that do have medical issues that don’t know about cannabis that should really look into it. It really does help a lot of elderly people. It does help out a lot of cancer children that do have cancer.

Going back to the barber stuff. Like I said, I’m a 23-years-old. So a lot of teenagers have their son is 18. There’s going to be a lot of teenagers that go by that are going to be waiting to get their fresh haircuts how they say nowadays. And taking up their parking space. It is going to come around. Like I said, there are going to be a lot of teenagers. They don’t really think about the historic and the people that do live there that will be taking up the parking lot. So I do agree with them. Doing the cannabis because I am part of the owner of one.

And traffic, they’re in and out within two, three minutes. They come in, they get what they’re getting and they’re out. So they’re not going to be there waiting forever. And they won’t be smoking in that parking. They will be having security guards, if they will get one. Everything is on videotape so there will be calling cops if something happens. So everything is secure. So I do agree and I do approve. Thank you.

Kaiser: Thank you. All right. Coming back to the Commission. Any final questions? Yes, Commissioner Smith.

Smith: Forgive me for taking up so much of the air in this issue. I know that it’s been you know a lengthy discussion. And I know that staff have worked very hard you know on this proposal you know following the guidelines for decision criteria and policies. But I personally just go back to just you know historic life of this neighborhood. And I want to just quickly share a story.

I used to own a business here in town and it was a fitness business. And one of my clients was David Steinborn. May he rest in peace. And we used
to have this debate about the heart of Las Cruces, the center of town. And he used to argue that as Sonoma Ranch developed it would become the center of Las Cruces. And I would disagree and say, as long as downtown, which includes the Mesquite District, had a heartbeat that it would always be the center of Las Cruces.

And you know it was on life support as you all know. I mean the downtown commercial area you know with the plaza, where the Rio Grande Theatre was, it was hurting. But you know as the one woman stated that you know it's like this neighborhood hung in there and they came back. And so, I want to quickly share a second story.

I've lived downtown since I lived here. Move here 25 years ago. My young daughter at that time attended Central Elementary. And back in the mid- to late-90s, they were going to close Central Elementary School. And the families and the parents rallied and we you know fought back that proposal to close Central Elementary School.

The reason why I bring up these two stories is that a City is only as good as the people who live in it. And the people are composed up of the residents in the neighborhood. And the fact that the Mesquite District has this long historic history. There are still residents there that have lived there for 40, 50, 60 years. They're second, third, fourth generations have lived there, that carries a lot and it's a big part of you know the decision process that goes into this. Not just about the nuts and bolts of the criteria, it's also about the people of this City and the people of the Mesquite neighborhood, and I think that's very important.


Bennett: I make a motion to approve 9.1.

Murray: Can staff clarify how we're supposed to vote since we have an approval from and a denial over the historic?

Kaiser: So yes, the motion will be in the affirmative and then if you wish to vote "no," you just need to make findings that are different from what staff presented.

Murray: I second.

Baum: Board Member Smith.

Smith: I vote no based on the earlier vote that the Historic Preservation Commission made. I think that it's important that we really listen to the voices in the vote that they made in deciding this.
Baum: Board Member Murray.

Murray: No, based on the Historic Preservation Commission denial and it doesn’t fit the neighborhood character.

Baum: Board Member Porter.

Porter: I vote no based on Historic Preservation Commission and not able to you know change it off.

Baum: Board Member Bennett.

Bennett: I vote no based on site survey, conversation today, the Historic Preservation’s recommendation of denial and reviewing, this doesn’t meet the Mesquite Historic District’s Neighborhood Design Plan.

Baum: Chair Kaiser.

Kaiser: No, based on the Historic Preservation Commission’s recommendation of denial. And the fact that this zone change is not consistent with the Mesquite Neighborhood Zone.

Baum: Motion denied.

10. NEW BUSINESS

10.2 BP-23-001: A request to approve a neighborhood plan known as the Northrise Blueprint that will address future access and conceptual road alignments on undeveloped land located generally south of Northrise Drive. These vacant properties are situated between Northrise Drive, N. Roadrunner Parkway, Rinconada Boulevard, and the Alameda Arroyo.

Kaiser: All right. We are now moving on if I can find my agenda, to the final item this evening which is under new business. This is item 10.1, a request to approve a neighborhood plan known as the Northrise Blueprint that will address future access and conceptual road alignments. So I will turn it over to staff for a presentation.

Weir: Good evening, Commission. This is David Weir again for you. If I can, the plan before you is known as a Blueprint. It’s a planning document that’s to address a specific area of the City and specific issue. It’s use is one that can have a variety of needs. The slide goes from the resolution that adopted the Blueprint and provided the framework. And so, it’s very flexible in how it’s used.

The particular Northrise, some of the other things that it can address are on
the second slide. This particular case was something that staff initiated. The property in question was initially, we started to see a variety of people asking to come in and develop it. There was limited access to it. And so, we wanted to get a head of the proposals coming in. We wanted to propose policies that would help the Commission, the City Council and staff whenever someone wanted to develop that property to make sure that we wouldn’t create any landlocked parcels and that we could encourage its development.

So the particular property itself is located between Northrise Drive and just a little bit southeast of it. It’s east of Roadrunner Parkway. It’s, I guess, southwest of Rinconada Boulevard, and roughly north of the Alameda Arroyo. It’s the property across the Arroyo from the middle school off of Roadrunner Parkway.

It entails 62 acres. There are multiple property owners in it and it has also multiple zoning. The area is close to the Arroyo are in the A-2, which is a zoning district we no longer, it’s a legacy district. It’s not in our current Zoning Code so if development takes place, they’ll have to amend that. There’s R-4 for multifamily development and limited commercial and office. They had equestrian states which is a low density, residential type use.

This slide just kind of gives you a feel for the property itself. It’s all vacant. It’s all pretty much untouched desert, there are some utilities that run through it and that’s the only disturbance that you’ll see on that property. Again, this is a topographical map of it. If you were to go out on the property, the area along Northrise is the high point and then there’s a drop off. And in some areas a quite steep drop off down to the Arroyo.

Again, this slide reflects the zoning that the previous slide demonstrated. So you can see there are uses anticipated along Northrise but you can also see the limited access to a public street. It’s pretty much limited to in this area. This is a slide that shows the existing utilities. There is a large sewer line that runs through it, but there are other utilities are in the area so there wouldn’t be that much of an extension to allow the property to develop in that area.

So the Community Development Department hired Sites Southwest to do a blueprint for this area. Through that process, they met with City staff. They met with the State Land Office. They met with property owners. And they came up with a series of goals and actions to facilitate growth in that area. One of the primary ones was to make sure that there was access and that there was a road network to allow all those properties be developed and contribute to the City.

The second goal was that any of those transportation networks address all
modes of transportation whether that’s pedestrian, biking, transit, or again vehicle use. The third goal was that in the development of that property, all steps would be taken to make sure that the arroyo is preserved or at least was honored and any development would take place to limit or mitigate any damage to that.

And then basically, as I kind of started the presentation, was that we would make sure that there would be planned development in that area and then the City, any of the property owners would know that there was consideration on making sure that the property would have access and that there could be guidance for them.

This slide reflects the actual layout that Sites Southwest and staff are proposing for that. The heavy green line is what we would propose be constructed as development takes place. An access point to Northrise, an access point to Rinconada, and then an access point to Roadrunner. The dashed green lines are alternatives that could also be looked at. This particular property is owned by the New Mexico State University Foundation and I believe also Northern Arizona University and Arizona University. But there is an opportunity for access through that, it’s just maybe a little bit more complicated. These other ways would be a little more feasible. And then a secondary access along the arroyo to Sonoma Ranch.

And so the goals and this schematic layout of the access and road network are really the recommendations of this plan. And so what staff is asking this evening is if the Planning and Zoning Commission could recommend approval of the blueprint. With that recommendation, staff could then take it to the City Council and if they adopt it by resolution that would then become the guiding steps whenever that property came forward, we would make sure that they reviewed this and adhered to the goals of the plan as development goes forward.

Also, noted that all the property owners and the adjacent property owners were invited to participate in this plan. There was an in-person opportunity for the property owners to come in. I think we had three came to the meeting. And then there was also an opportunity for a virtual meeting. But again, the property owners could come forward. At those meetings, everyone was in support of this effort going forward. In fact, one of the property owners had had a zone change that was presented to you roughly the same time as the project started. We also reached out to the middle school principal so that they would have an opportunity to speak about it, the State Land Office which has some property, and all had an opportunity to provide input into the plan.

This is a slide that shows kind of the input that was gleaned from them. A series of questions were asked and they were provided an opportunity to
respond. This evening findings in support of our staff recommendation, staff feels that the Blueprint is complementary to Elevate Las Cruces and the suburban place type. We feel that it will assist owners as they come forward and assuring that they’ll have access and the ability to develop their property. And that also if all of the guidelines for the development and approval of a community blueprint.

Your options are your standard options. Vote “yes” and that would recommend approval to the City Council, vote “no,” that would deny, and the other one is you could vote “yes” and you can either request modifications to the plan or place any conditions, or if you felt you needed more time to review it you could also table that to a subsequent meeting. So with that I will rest and take any questions that you have. There may be some property owners in the audience that may wish to speak about the plan also.


Smith: I just wanted to commend staff on just how clear and concise this Blueprint was. I actually enjoyed reading it.

Weir: Mr. Chair and Commissioner Smith. You can attribute that all to Senior Planner Sara Gonzales and the consultant we hired. They did a really nice job on this plan.

Kaiser: So I have a couple of questions. So I’m curious, because of the arroyo that’s there and the flood plain given its significant size, one, I guess I’m curious how, what the expectation would be for those parcels that I guess are southeast of this block that are predominantly in the flood plain. And then you’ve got I guess the southeastern most parcel which is almost split evenly between the actual channel and then the flood plain on the southeast. How would development sort of progress in that area?

Weir: Mr. Chair. The plan primarily concentrated on the street network but it was also cognizant of the, I guess the restrictions and the limitations those properties would have. The City’s policy is generally to keep arroyos as natural as possible, but there is the potential they could engineer a solution to use more of those properties even though the City does not encourage that.

Again, the plan doesn’t really address this but Elevate Las Cruces does. It talks about pursuing the transfer of development rights. And so that maybe another option that they could pursue in the future. And I guess another option they could take is if they had property they could look at intensifying a use on the property that they own. Another thing is they could look at
providing open space to the City to maintain that arroyo.

Kaiser: Okay. Yes, because the proposal is to have I guess a cul-de-sac of sorts but it would be for each of these parcels should they develop they are likely going to have interior road networks into themselves, correct?

Weir: Mr. Chairman. That is correct. What we were looking at primarily was to make sure that if someone came in with a development and was going through the subdivision and we would either recommend rezoning or it will be rezoned through the Realize Las Cruces effort. But when the individual building of those parcels take place, they would have to make sure that those roads were built and access provided.

Kaiser: Okay. But then presumably, I mean maybe not every single parcel, but especially the big, I guess T block that’s kind of in the middle, it would have additional roads that would need to then connect some form or fashion to the primary proposed roadways?

Weir: Yes. I believe that the way the road was proposed and the cul-de-sac was to make sure that the plan provided a roadway that would access every one of those properties. So there maybe some of those blocks are owned by the same property owner. And so that’s why the arrangement is put forward. But if they were to sell that then they would have to provide an interior road off of this, what you see on the schematic plan.

Kaiser: Okay. I guess my only comment on sort of the proposal would be, I think there was discussion somewhere in the document about sort of reducing the number of cul-de-sacs, and yet you know we proposed two of them more or less. So it would be nice if that cul-de-sac, you can go back to the slide that you had the proposal it might be easier for me to explain.

Weir: Okay.

Kaiser: Yes. So the northern most cul-de-sac if that continued all the way across and you actually guaranteed a physical connection to you know kind of running parallel across that boundary. Does that make sense?

Weir: Yes. And I think for once a cul-de-sac might meet those intent they're providing. There’s a steep drop off in this area, and so in this instance a cul-de-sac might make sense rather than providing a loop road down, it may be difficult just the elevation change. So this would provide some access into areas. Unfortunately, these lots are pretty much built out and so there’s limited access because that would be another way you could treat it is loop a road up this way. But they weren’t really in the planning area.

Kaiser: Okay. And continuing it all the way to the east isn’t feasible because of
topography or, that was what I was kind of alluding to is why not just continue that, so you at least guarantee you’ve got one big grid.

Weir: Yes. I’m going to let Ms. Gonzales address that question.

Gonzales: Mr. Chair. To go back to the original question regarding the flood zone area. One of the things that we looked at through Public Works was to say if an engineer can channelize that that is something that could also be addressed. So if they can channelize the arroyo and make it in a way to where it can be engineered properly. There are actually co-roads at the end of Roadrunner that they can actually connect to. Those co-roads would actually go in across, underneath Roadrunner and go to an actual drainage site. So it does give the opportunity but it would cost a lot of money for the engineering of that design. And so that’s one opportunity from the flood zone.

Also, it could be whenever there is a property within the flood zone, it does have to have a LOMAR, CLOMAR and actually be brought out in order for the City to allow development to take place. That also takes funding as well as development standards as well. So there’s some very different issues with those properties because they are at the lowest point. Being that we go from the 4210 along Northrise down to 4160, there’s definitely a grade difference when we walked out there. So you can see that there’s definitely going to be a lot of dirt removal, topography issues whenever development comes in. So they may be limited too, and you know and staff is looking at this possibly that residential because there is so much commercial that is around this property that residential maybe that intent. And you may see larger lots. It maybe something that you see in Picacho area where you have a built-out area for the home but the rest stays as natural topography. Some of those are what we are looking at.

As far as the access points going up there. The property that’s located in the corner on the northeast side that’s Walmart. They have built basically a wall all the way around their property because it’s retaining. So in order to get that connection, we have to go directly to the other side in which the consultants proposed to connect. That property that is along the south side of Walmart is the next connection we’d have but it would be going through someone else’s property for that roadway.

We are trying to work with Walmart in order to get that connection to go along their property line and possibly through there because after that it then falls into a drainage channel. So there was a lot of issues or constraints that we’re working with as far as getting a roadway network.

The planning parcels to look at though is a lot of the property owners only own 2.5 to five acres. So this was primarily, yes, there’s cul-de-sacs. And
Planning staff really does not like cul-de-sacs to stop at, but this was just to say, if this parcel gets developed, you have an accessible road to get to. We were trying to just make sure that our last point of egress or ingress is coming in off of Northrise, and if we lose that basically the rest of the properties become landlocked. They don’t have any chance of development. So it’s putting this into place so that when development comes in, we can say, hey, you’ve got to work together and build this road out to where you guys all have access.

Kaiser: Thank you for that. And I definitely, I was out there and it’s not an easy site for sure. My last comment on the proposed road network. The connection down to north Roadrunner. Is that even feasible? No, the primary one. Because you’re basically, I don’t think there’s anyway you can construct a road outside of the flood plain. And then I guess there’s even a parcel that is sitting right there that you would probably be almost entirely building a roadway on it. So the two points are was there any analysis done on the impact to the arroyo? Because I’m pretty sure as you alluded to Elevate Las Cruces is saying sort of the opposite. And there is a parcel there that seems like the roadway would almost entirely eat up that parcel.

Weir: Mr. Chair. I think that parcel is about 50 feet in width and I believe it’s owned by the City of Las Cruces. And so, while this would be a secondary access point, it probably wouldn’t be built to any industrial or commercial standard. It would be like a local street within that 50-foot right-of-way. But that was analyzed and looked at and a street could be in there to City standards. It would be just like a local type of street.

But it’s only loaded on one side and actually this apartment complex is already built out, and so it may not have any access at all. So it would be something that would assist the emergency services getting into that area.

Kaiser: Yes. I mean it almost seems like at that point you’d be looking at that secondary proposed route which in my mind it seems like I would be shooting for that. That is your primary and making what’s now the primary the secondary. But I appreciate that.

The last comment I was going to make or I guess two more comments. The trail that currently exists south of the arroyo. It appears that it almost touches the southeastern corner of this block, but yet all of the proposed connections are looked at from a secondary perspective. So I’m just curious why not? Since it’s already built. It’s right there. It provides connectivity to the rest of the network. Why not make a primary recommendation that that gets connected in some form or fashion?

Weir: Mr. Chair. The only reason I can think of is that all this area out here was outside of the planning area. I think as these parcels come forward for
development, we would encourage the extension of that. I think we were just looking at logical connections from this area here that tied right into the school property.

Kaiser: Yes. And that’s what I’m referring to. So where we have the secondary connections, why not make one of those a primary because in my mind the way that you described it the primary is kind of that’s what you’re aiming for and then everything else is kind of like a Plan B. But my comment would be why not make that physical connection to access the school and that trail a Plan A.

Weir: Mr. Chair. I think it was just the difficulty of making a permanent improvement crossing the channel. I think if you come down this way, you can connect right to it and you already have an arroyo crossing that I think some of it played into the cost. I know there was one consideration of making another entrance way this way, but when we talked with the property owners and engineering department, or Public Works, it was very cost prohibitive. Just the whole length of it and then building in a flood plain. And so, my guess is that’s was primarily it. Do you recall?

Gonzales: Mr. Chair and Commission. Some of the other aspects that we had to look at especially from the trail system. We were also trying to get to where you could get onto Sonoma Ranch or Roadrunner through, there is actually a bus turnaround, that was one of the options. It became cost prohibitive because then someone would actually have to build a bridge over the arroyo to not disturb that area because that is the primary flow of water.

Some of the trail systems would have to be elevated some of them. Right now, the way the trail system works is because they’re naturally created. As you get development that are coming in some of that trail system is going to be disturbed or changed or evaluated in a different way. Some of the primaries that were given were the best opportunities from property owners or easements that we could possibly get to get road access or some kind of access points to the property.

The secondaries were given because like the property that is owned by NMSU is actually up for sale right now. And so, unless there’s someone that’s going to invest in that then we can work with them coming forward, that’s why it became a secondary. So some of the properties we’re working with on the outside border make it very different. And then the arroyo makes it very cost prohibitive for some of the options to actually take place.

Kaiser: Okay. Thank you. And then my last comment. In the document there’s reference to the development. Let me see if I can quickly find it. It was the cross section from the Development Code. I guess my only modification would be to scratch that particular figure because the Development Code is
under review and I think having the illustrative example is probably better to communicate the intent and goals rather than to have an archaic cross section that we would prefer not to have. So I don't know if that's a correction we can make tonight.

Weir: Mr. Chair. That was something that we were going to just do it at staff level. We were going to go back to the consultant and ask if they could provide a different cross section. We were going to do that between your recommendation and going to City Council so.

Kaiser: Okay. And I'm on record so, and you are too, so that does that presentation.

Gonzales: Mr. Chair. There wasn't really a great graphic. But the roadway was too large to expect property owners for these properties to actually go and put that expense into there. And so working with Fire Department, they were looking for a collector roadway that it actually attaches to your arterial roadways through this development. So finding something that's 85 feet. We had to go back to what our code currently has until we can get that new design done. And it maybe something we want to reference Realize as part of our process. However, we don't know when that time gets adopted. So we need something in place to say, this is what we expect the road to somewhat look like by providing all modes of transportation.

Kaiser: Yes. But conceptually though, I mean …

Weir: Mr. Chair. What I would recommend is that you say that we can pretty up the picture we have now. And then I would say or a future adopted cross section by the City that would still meet those needs.

Kaiser: Yes. I mean at a minimum I think this should follow whatever the current standard is. I mean this road is not getting constructed next year.

Weir: Yes. The graphic that you have is a current standard. And so, but I think I would recommend that you make that a condition that you provide the plan, the ability to, or a future cross section adopted by the City to meet those needs. And that way we can capture what we're working on with Realize Las Cruces or the update of the Land Development Codes.

Kaiser: Okay. Because I thought there was also another graphic in here from Elevate. Am I incorrect in that?

Gonzales: You are correct, Mr. Chair. There is the standard but it doesn't provide the actual dimensions or cross section. It was a picture that came out of Elevate Las Cruces showing that they were trying to create complete streets. And so it's just a guide. It doesn't actually have dimensions. This provides dimensions so that way when a builder comes in or a developer comes in,
we can say, this is what the road should have because you’re trying to meet all of these modes of transportation, that’s what we were going for. So it’s more defined as opposed to where it shows just in Elevate that’s a cross section that meets all modes but it doesn’t define it.

Kaiser: Okay. I mean I guess other blueprints didn’t define the road cross sections. Like the Apodaca one had just the conceptual. This is the vision. These are the goals. I don’t understand why we would treat this differently.

Weir: Mr. Chair. And Sara can help me on this. I think that was at the request of the Fire Department. They wanted to say at minimum you’ll do this. And it wasn’t that it precluded some other cross section. But they wanted some confidence. There was quite a discussion about how they would service this area and what type of roadways that they wanted.

Gonzales: Mr. Chair. That was correct. The Fire Department reviewed it because we did have all staff review the plan as well being that they would have to implement it and use it whenever we go forward. The major concern was that we needed some type of collector roadway to attach to and what was that going to look like.

And so, they wanted to ensure that they were going to have enough lanes if they had to go through a different site, if there was only the access points what would these roadways be used in order for them to access any of the properties. Because if you look at the roadways, if you only get the one off of Northrise and Roadrunner then you put a longer length onto the extended roadway that’s going towards the east side. So they need to make sure that there’s enough clearance in order for them to get in and then traffic can still move.

Kaiser: Okay. Well, I’ll craft my condition to propose while we work through this. I appreciate all the conversation.

Weir: Mr. Chair. If you would like to go to a more conceptual discussion or description of that, I mean that’s definitely within your authority as the P&Z of what you want to recommend to City Council.

Kaiser: Okay. Thank you. All right. Any other questions from Commission? Comments? All right. I will go to the public. Is there anybody here tonight who wishes to speak on this item? I see one gentleman here. You want to come forward. If could state your name for the record.

Lopez: Isidro Lopez.

Kaiser: And do you swear or affirm that the testimony you’re about to give is the truth and nothing but the truth under penalty of law?
Lopez: I do.

Kaiser: I'll give you three minutes. Go ahead.

Lopez: Okay. I own 2.5 acres in the middle of that conglomerate. And Dr. Lowe owns another 2.5 a little further down. He’s more into the arroyo. So I was telling him, I’m an engineer. So what I was telling him is to get some (inaudible) on the south side and the west side so that we can sort of bring it direct to the arroyo in some extent, you know. And so that was our thought that, and the other thing about it is that my idea which is a concept is to do a RV park. And it’s under you know small housing. You could say it’s whatever, R-3, R-2, you know. But it’s still not on concrete.

But and then the roads. I’m glad that we have a one to the east, one to the west and one to the north. It’s a perfect thing. And the slope, if you really look at it, you’re looking at less than a 5% grade, you know. It would probably be more like a 2.5% grade, but you have some engineering done before you know it can determine exactly what it is. You know, so my thought was is to maybe in the next couple of years just to do a study for an RV park and then do a study for the road, you know. So that’s my idea.

So you want any, I think I talked to you, didn’t I? Yes. And so, if you want any information, we can work together and maybe put something together you know and get it done, you know. But it will be including everybody that’s there, you know. I know that Mrs. Lacky has some property there. I know that me and Dr. Lowe and a couple of other guys, we have property in that area so we’re willing to work together to get it done.

So I think the best thing right now is to get a preliminary engineer study and then go from there. You know, so we can do that. What’s your name again?

Gonzales: My name is Sara.

Lopez: Sara.

Gonzales: Yes.

Lopez: Yes. Okay. And I can talk to Sara and see what we can do.

Gonzales: Works for us.

Lopez: I thank you.

Kaiser: Thank you very much. Anybody else who wishes to speak on this item this evening? All right. Seeing none. I will come back to the Commission.
right so I’m going to throw out a condition and hopefully someone agrees with me and wants to make it part of the motion. But my condition would be all roads shall be developed as complete streets consistent with the Active Transportation Plan and in accordance with the current development standards. And that would take the place of the figure on page 21.

Porter: I’ll second.

Kaiser: I need a motion first. Yes. Here I can give you my piece of paper.

Murray: I make a motion to approve what is it, 9.3 with conditions that …

Kaiser: This is 10.1.

Murray: 10.1. My bad. With conditions that the proposed plan is built with complete streets.

Kaiser: Can I just make the motion? Is that not a thing? Okay. So we will do a motion for approval and before it seconds, okay. So I need a motion to approve and we’ll do a second. And then I will amend it with my condition. Does that work for everybody?

Murray: I make a motion to approve 10.1.

Smith: I’ll second.

Kaiser: And I’ll make a motion to amend to approve item 10.1 with the condition that all roads shall be developed as complete streets consistent with the Active Transportation Plan and in accordance with the current development standards. And this would take the place of the figure on page 21.

Bennett: I’ll second.

Baum: Okay. Board Member Smith.

Smith: Yes, based on staff recommendation.

Baum: Board Member Murray.

Murray: Yes, based staff recommendation.

Baum: Board Member Porter.

Porter: Yes, based on staff recommendations, Elevate Las Cruces and also with (inaudible) in that area, I believe it’s going to be a plus to our City.
Baum: Board Member Bennett.

Bennett: Yes, based on staff recommendation.

Baum: Chair Kaiser.

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

Kaiser: All right. So now we’re voting on the original motions to approve. I'm sorry. I messed this whole thing up, all on my own, to have complete streets.

Baum: Board Member Smith.

Smith: I vote yes, based on Commissioner Kaiser’s approval.

Baum: Board Member Murray.

Murray: Yes.

Baum: Board Member Porter.

Porter: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Chair Kaiser.

Kaiser: Yes.

Baum: Both motions passed.

Kaiser: We’re ending 2023 on a very strong note. That does it for new business this evening.

11. STAFF ANNOUNCEMENTS

Kaiser: Are there any staff announcements to take us into the new year?

Gonzales: There are no additional staff announcements. We do appreciate that everybody did attend this evening just to get these cases through these processes. I understand it is December and it’s holidays so we appreciate your time.
Kaiser: All right. Sounds good. I appreciate everything that staff has done this year and glad we have new members of the Commission so that’s been exciting.

Bennett: And we’re so happy you’re back, Sara.

Kaiser: And we’re looking forward to 2024.

12. ADJOURNMENT (7:52)

Kaiser: So with that can I have a motion to adjourn?

Bennett: I make a motion to adjourn.

Smith: I second.

Kaiser: All in favor?

MOTION PASSES UNANIMOUSLY.

Kaiser: Adjourned. Thank you all. Happy holidays. Happy New Year. We’ll see you in January.

Chairperson