



City of Las Cruces[®]

Planning and Zoning Commission Agenda

The following agenda will be considered by the Planning and Zoning Commission of the City of Las Cruces, New Mexico, at a public hearing held on February 28, 2023 beginning at 6:00 p.m. in Council Chambers at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

1. Call To Order
2. Conflict Of Interest
3. Acceptance Of The Agenda
4. Elections Of Officers
5. Approval Of Minutes

Documents:

[01-24-23 PNZ MINUTES.PDF](#)

6. Postponements
 - 6.1. 1160 Encino Avenue Variance Request

A variance of \pm 19 feet to the required 25-foot secondary front yard setback required for a proposed attached carport located at 1160 Encino Avenue. The property is approximately 0.137 acres in size, zoned R-1a (Single Family Medium Density Residential) and is within Council District #1. Submitted by Mark Torres on behalf of Jo E. Sr. and Mary A.Sellers, property owners. (Case # 22VO0500159)
7. Public Participation
8. Consent Agenda
 - 8.1. Metro Square Final Site Plan

A request for approval of a Final Site Plan known as Metro Square located within the Metro Verde Planned Unit Development (PUD). The proposed subdivision encompasses 7.36 \pm acres, is zoned PUD (Planned Unit Development), and is located on the southeast corner of Red Hawk Golf Road and the future development of Prospect Lane. The Final Site Plan proposes 72 mixed-use lots, one tract of land dedicated for drainage and one tract of land dedicated for a park. Submitted by Sierra Norte Development Inc., property owners. (Case # 23ZO3000149)

8.2. White Sage At Sonoma Ranch North Phase1 Replat No. 4

A non-administrative replat known as White Sage at Sonoma Ranch North Phase1 Replat No. 4 located at 4155 White Sage Arc. The proposed subdivision encompasses 4.014 ± acres and is zoned C-3 (Commercial High Intensity). The subdivision will replat the existing commercial lot into six (6) commercial lots that vary in size from 0.509 ± to 0.947± acres in size.

Submitted by Pillar Engineering LLC., representative. (Case # 22CS0500107)

9. Old Business

10. New Business

10.1. 1602 Lohman Avenue Special Use Permit Request

A Special Use Permit (SUP) to allow a cannabis dispensary (retailer) less than the required 300-foot buffer distance from another cannabis dispensary (retailer).

The subject property is located at 1602 E Lohman Avenue and is zoned C-2 (Commercial Medium Intensity) and is 0.215 ± acres in size. Submitted by Euphora Group LLC, representative. (Case # 22ZO1000141)

10.2. 1024 S. Main Street Special Use Permit Request

A special use permit (SUP) to allow a cannabis retail establishment within the required buffer distance between said establishment and a single-family residential zoning district boundary. The subject property is ± 0.210 acres in size, located in Council District #4, zoned C-1C (Commercial Low Intensity-Conditional), and located at 1024 S. Main Street. Submitted by Victoria Bruce, Co-Owner Bryan's Green Care. (Case # 22ZO1000134)

10.3. 1024 S. Main Street Zone Change Request:

A zone change from C-1C (Commercial Low Intensity-Conditional) to C-1 (Commercial Low Intensity) for property located at 1024 S. Main Street. The property is ± 0.210 acres and is within Council District #4. Submitted by Victoria Bruce, Co-Owner Bryan's Green Care. (Case # 23ZO0500011)

11. Discussion

12. Staff Announcements

13. 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: 02/15/2023

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**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
January 24, 2023 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Scott Kaiser, Chair
Vanessa Vega, Secretary
Joaquin Acosta, Member
James Bennett, Member
Enrico Smith, Member

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Larry Nichols, Director Community Development Department, CLC
Vincent Banegas, Interim Planner
John Castillo, CLC Planner
Jocelyn Garrison, CLC Senior Assistant City Attorney
Adrian Guzman, CLC Communications
Becky Baum, Recording Secretary, RC Creations, LLC

1. CALL TO ORDER (6:10)

Kaiser: Once again thank you all for your patience. We will now call this meeting to order. It is 6:10 on January 24, 2023. Before we get started, I'd just like to wish everybody a happy new year. This is our first meeting of the year. And it looks like we're going to have some good discussion tonight.

2. CONFLICT OF INTEREST

Kaiser: So before we get started, are there any conflicts of interest from any of the Commissioners? Hearing none.

3. ACCEPTANCE OF THE AGENDA

Kaiser: We'll move down to the acceptance of the agenda. Can I get a motion to approve tonight's agenda?

Bennett: I'll make a motion to approve tonight's agenda.

Vega: Second.

Baum: Board Member Acosta.

1 Acosta: Yes.

2

3 Baum: Board Member Vega:

4

5 Vega: Yes.

6

7 Baum: Board Member Bennett.

8

9 Bennett: Yes.

10

11 Baum: Chair Kaiser.

12

13 Kaiser: Yes.

14

15 **4. ELECTION OF OFFICERS**

16

17 Kaiser: All right. Moving along down the agenda. I've been advised to hold off on
18 the election of officers this evening until we can fill the two vacant
19 positions. So we'll stand by for that.

20

21 **5. APPROVAL OF MINUTES – December 20, 2022**

22

23 Kaiser: Next, we need a motion to approve the minutes from the December 20th
24 meeting. That I do understand we have a correction to make.

25

26 Vega: Yes, so in the original packet my name is listed as president. It's been
27 corrected, so just want to make a note of that.

28

29 Kaiser: Thank you. Are there any other comments? All right, can I get a motion
30 to approve the minutes from last month?

31

32 Bennett: I make a motion to approve the minutes from last month.

33

34 Acosta: I second.

35

36 Baum: Board Member Acosta.

37

38 Acosta: Yes.

39

40 Baum: Board Member Vega.

41

42 Vega: I abstain.

43

44 Baum: Board Member Bennett.

45

46 Bennett: Yes.

1
2 Baum: Chair Kaiser.
3
4 Kaiser: Yes.
5
6 Baum: Please note for the record Board Member Smith has arrived. Thank you.
7

8 **6. POSTPONEMENTS**
9

10 Kaiser: Okay, moving on to postponements tonight. We do have one
11 postponement, item 10.3, which is a Special Use Permit for a cannabis
12 retail establishment. My understanding is that we are going to postpone
13 that indefinitely.
14

15 Banegas: Mr. Chairman. Vincent Banegas, Interim Planner. That is correct. We'll
16 postpone indefinitely. Staff will have to readvertise. We are aware of an
17 error in our zoning map and the actual ordinance that adopted the zoning
18 for the property, so we need to make sure those coincide.
19

20 Kaiser: All right. Thank you very much. All right. I'm looking for a motion to
21 postpone item 10.3 indefinitely.
22

23 Bennett: I make a motion to postpone 10.3 indefinitely.
24

25 Acosta: I second.
26

27 Baum: Board Member Acosta.
28

29 Acosta: Yes.
30

31 Baum: Board Member Vega.
32

33 Vega: Yes.
34

35 Baum: Board Member Bennett.
36

37 Bennett: Yes.
38

39 Baum: Board Member Smith.
40

41 Smith: Yes.
42

43 Baum: Chair Kaiser.
44

45 Kaiser: Yes.
46

1 Baum: Thank you.

2

3 **7. PUBLIC PARTICIPATION**

4

5 Kaiser: All right, item number seven is public participation. Looks like we
6 definitely have some folks in the audience tonight. But I'd like to open this
7 opportunity for anybody who is here and wishes to speak on an item that
8 is not on tonight's agenda. Can I get a show of hands? All right, seeing
9 none.

10

11 **8. CONSENT AGENDA**

12

13 Kaiser: We do not have any consent agenda items to meet.

14

15 **9. OLD BUSINESS**

16

17 **9.1 Mesilla Valley Community of Hope Planned Unit Development (PUD)**
18 **Major Amendment:** A request to approve a Major Amendment to a PUD
19 Concept Plan known as the Mesilla Valley Community of Hope PUD. The
20 proposed PUD currently encompasses 8.01 ± acres, is zoned PUD and
21 located at 999 W. Amador. The PUD major amendment will increase the
22 size of the PUD area to be a total of 16.59 ± acres and will also
23 incorporate the new master plan that was created for the campus.
24 Submitted by the City of Las Cruces Property owners. (Case
25 #22ZO25500106)

26

27 Kaiser: So we will move on to old business. That would be item 9.1 Mesilla Valley
28 Community of Hope Planned Unit Development major amendment. Staff,
29 it's all yours.

30

31 Castillo: Good evening, Mr. Chair, Commission. My name is John Castillo. I'm a
32 Planner with the City. Tonight we're going to be discussing the Mesilla
33 Valley Community of Hope Planned Unit concept plan amendment.

34

35 So a Planned Unit Development is a process similar that's traditional style
36 of land development. You have your master plan or what we would
37 consider a concept plan. The next step would be a preliminary plat or
38 what we would call a final site plan. And then the final step would be a
39 final plat or what we call still a final plat. A PUD complies with growth
40 management policies, affords greater design and development flexibility,
41 development promoting incentives to developer, while obtaining
42 community benefits. The key elements to a Planned Unit Development or
43 PUD is the land use residential density, intensity of uses, major
44 transportation alignments and phasing. Other elements may be included,
45 but the foundation by which a developer may write a development code for
46 a subject development.

1
2 The property is currently located at 999 West Amador Avenue and is
3 currently 8.01 acres in size. The land under consideration was originally
4 acquired by the City of Las Cruces in 1994. Underwent the transition to a
5 PUD style of development in 2013 from R-3 which is our multidwelling
6 medium density and M-1 industrial standard zoning districts. Presently the
7 Mesilla Valley Community of Hope campus development is subject to the
8 adopted concept plan and the associated conditions as outlined in
9 ordinance number 2676.

10
11 The key development strategies outlined in the MVCH campus concept
12 plan is to better serve the homeless, near homeless, and low income
13 families and individuals of the community. This includes accessibility,
14 driveways and parking, additions to the existing campus through
15 rehabilitation of buildings, camping, possible additional agencies. And
16 relocation and new construction on campus. This includes new buildings
17 and possible new agencies to be included in what's already existing.

18
19 This as you can see as an aerial image of the subject property outlined in
20 yellow. The main campus is going to be this area right here. The
21 additions are going to be these two properties and this over here as well.
22 As we can see the zoning of the surrounding area and the current PUD.
23 So today's proposal is to amend the boundary of the MVCH PUD concept
24 plan. This will incorporate newly acquired property and property that has
25 been acquired between 1994 and 2009 into the new concept plan. This
26 will also update and modify a related PUD concept plan based on the
27 newly adopted master plan.

28
29 This master plan is going to be done in two phases. The first phase will
30 prepare the campus master plan or the overall conceptual site plan. And
31 then the second phase is to assess management structure, prepare
32 comprehensive development reports. So as we can see here, this is part
33 of the master plan concept plan. As we talked about before, this is the
34 existing facility as it is, this will be new development that will occur over
35 time.

36
37 So upon staff analysis, no health, safety or welfare issues identified by
38 staff. The proposal furthers development strategies. The property is
39 within the Urban Place type, which is generally characterized by single-
40 family, multifamily, and commercial services. The proposal aligns with
41 existing Elevate Las Cruces Comprehensive Plan and other companion
42 plans. It's also consistent with Section 38-49 of the 2001 Las Cruces
43 Zoning Code.

44
45 At the time of the creation of this presentation, notice was sent out to
46 surrounding properties and properties within 500 feet. Staff did receive an
47

1 e-mail seeking general information regarding the property. It also received
2 some phone calls regarding general information as well. Tonight staff
3 recommends approval with condition based on the following findings: the
4 proposed concept plan amendment is compliant with Section 38-49 of the
5 Zoning Code. The proposed construction and use of the PUD will not be
6 detrimental to health, safety, or welfare of the community or adjacent
7 neighborhoods. The proposal will promote the infill of vacant land in the
8 center of the City. More specifically, the proposed concept plan
9 amendment follows earlier efforts to balance flexibility and development to
10 benefits with the community receives. The proposed concept plan
11 amendment addresses all relevant development related issues in both a
12 specific and conceptual manner. The proposed concept plan and
13 amendment is supported by various goals, objectives, and policies found
14 within Elevate Las Cruces Comprehensive Plan and any companion
15 planning documents. The conditions of part of this approval are to have
16 an opaque perimeter wall or fence at least five feet in height and adequate
17 landscaping and conformance with all applicable regulations that shall be
18 constructed around the external perimeter of Camp Hope. The camping
19 facilities shall be constructed to the Bureau of Reclamation's camping
20 standards or other equivalent standards as approved by the Community
21 Development Director. Permanent potable water and bathroom facilities
22 accessible 24 hours a day seven days a week shall be provided for Camp
23 Hope residents. Trash receptacles in compliance with CLC regulations
24 shall be provided for Camp Hope residents. The PUD shall comply with
25 the International Fire Code, specifically Chapter 3 general precautions
26 against fire, Chapter 9 and Chapter 24. Emergency access routes shall
27 be maintained throughout the campus and Camp Hope in accordance with
28 Section 503. The use of temporary electrical wiring, open flame, and
29 liquid gas fueled by heating appliances, generators, or smoking will be
30 strictly prohibited. And then a current list of residents names and their tent
31 locations shall be kept at the Camp to eight in emergency response. One
32 person minimum must remain on watch overnight to ensure security and
33 provide a fire watch for Camp Hope. No tent can be utilized for more than
34 10 persons at any time. It will also follow the Mesilla Valley Community of
35 Hope Master Plan and management structure recommendations. And
36 then finally, a Traffic Impact Analysis or TIA shall be submitted and
37 approved for the entire campus prior to the issuance of a Certificate of
38 Occupancy. This went before the Development Review Committee or
39 DRC on November 23, 2022, with a recommendation of approval with
40 conditions to the amendment concept plan. The condition was at a Traffic
41 Impact Analysis be submitted and approved for the entire MVCH campus
42 prior to an issuance of a Certificate of Occupancy. Today, your options
43 are to vote "yes" to approve, vote "no" to deny, vote "yes" with conditions,
44 or vote to table.

1 Kaiser: All right. Thank you very much. Are there any questions from the
2 Commission? I have some questions. Can you get back to the slide, the
3 process slide that you had? Yes, this one. Or actually go forward one
4 more. Okay, go back. I'm not sure if that's the slide I was thinking about
5 that. So can you explain a little bit what the process is for this? So if the
6 PUD amendment is approved, what are the next steps?
7

8 Castillo: So the next step, it's going to be based on your recommendation, we
9 would then have to go to City Council for a final determination.
10

11 Kaiser: Okay, but beyond that. If it gets approved at City Council, what's the next
12 step?
13

14 Castillo: The next step after that, they would submit any final site plans or final
15 plats for the area. There is an associated replat for the property to adjust
16 lot lines and incorporate the new acquired lands.
17

18 Kaiser: Okay. So I thought that there was a slide that said one of the next steps
19 would be a detailed master plan. Did I miss something?
20

21 Castillo: Yes. Mr. Chair, Commission. Provided in the packet was the approved
22 master plan for the Mesilla Valley Community of Hope.
23

24 Kaiser: Okay, so the master plan that we were given a copy of has already been
25 completed.
26

27 Castillo: Correct.
28

29 Kaiser: Okay. Thank you for that clarification. So in your staff report, you talked
30 about consistency with Elevate Las Cruces, specifically around building
31 and site design, policies, CE-5.3. That's ensure development concepts
32 provide an interconnected network of pedestrian facilities linking streets,
33 buildings, parking, and public gathering space, as well as goal CE-6,
34 context sensitive street design. Can you talk a little bit more about how
35 the master plan would accomplish that?
36

37 Castillo: I'll actually direct that question to Natalie Green, she's going to be our
38 Neighborhood Services Coordinator.
39

40 Green: Good evening, Commissioner. Natalie Green, Housing and Neighborhood
41 Services Manager for the City of Las Cruces. So I just want to clarify, so
42 the existing campus is pretty much staying the same. Our intent in this
43 rezone was to incorporate the Brewers Oil parcel which is going to be an
44 affordable housing development. As part of that development we are
45 working with transit, they've requested a bus pull out lane. And then given
46 that this housing development is for a population that's traditionally

1 pedestrian or uses bicycles, we have reduced parking and increased
2 bicycle parking and bicycle access. So that's how we're incorporating
3 those particular items. There's not an official design on the actual housing
4 development. We have done an RFQ for a developer, but we'll work
5 through that with both Community Development and the community at
6 large as we move forward in the development process.

7
8 Kaiser: Okay, and that's all really great to hear but I'm just curious because I did
9 read the master plan and there's almost zero discussion about pedestrian
10 mobility either to the site, from the site, inside the site. You know you've
11 got that existing crosswalk that goes across Amador. That is in no way,
12 shape, or form safe. You've got multiple lanes of traffic that are flying
13 through there. There's no lights, there's no traffic control devices other
14 than a little sign. And so you know I'm encouraged to hear these things,
15 but it's not coming through in the master plan and I'm just wondering how
16 we can be sure that those things are actually going to be implemented?

17
18 Green Correct, Commissioner Kaiser. So there's two things. The first is, is the
19 master plan is really like a misnomer, it's not your traditional master plan.
20 What it is, is really a facility management plan. So it's how the City is
21 going to manage growth of the campus over time. I recognize that it's
22 called a master plan. But it's not like your traditional master plan of a
23 subdivision to lay out the growth.

24
25 The other thing is the condition of the Traffic Impact Analysis. So we have
26 already done the scoping with that we anticipate getting the bid back and
27 going under contract in the next couple of weeks to have that Traffic
28 Impact Analysis. It's going to be a multimodal TIA. So it'll cover not only
29 vehicular traffic, but primarily that pedestrian and crosswalk traffic. And
30 we'll have to wait for those recommendations to come back. Staff sort of
31 preliminary estimate is that we'll likely need that cross HAWK system for
32 the pedestrian crossing. And so we do recognize that that Traffic Impact
33 Analysis will be needed. And the plan is to do that well before we get to
34 Certificate of Occupancy as the condition is outlined.

35
36 Kaiser: Okay, that's excellent. I'm really glad to hear that. And I hope that that is
37 very clearly stated in the scope of work for that Traffic Impact Analysis,
38 because I know oftentimes if you're not in a vehicle in their models, you
39 practically don't exist. And so I really hope that that is greatly emphasized
40 in this particular analysis.

41
42 Going back to the reduced parking for a minute, I did read in the master
43 plan, and let's see if I can find it real quick here. Yes, this is on page 39.
44 There was mention of the childcare center ideally should have 50
45 dedicated parking spots for a childcare center that has a maximum

1 capacity of 55 kids. I'm not sure how you came up with that number, but
2 that doesn't sound like a parking reduction to me.

3
4 Green Commissioner Kaiser. So that assessment was done by the consultant to
5 prepare that. The parking reduction that we're talking about is for the
6 Brewers Oil parcel for the actual housing development. The campus itself
7 will remain as it is, unless we move the daycare out from its current
8 location. So those facility assessments was just to notify the City about
9 the current conditions of those uses and occupants, and what their
10 projected future needs are. And so that's why you see the smaller block
11 where it becomes a potential new daycare area that could accommodate
12 those parking spaces.

13
14 The second thing is that the City has a signed purchase agreement for the
15 two parcels that are northeast to become added parking for the existing
16 campus, because the existing campus does have a current parking issue
17 primarily for staff parking, not necessarily the users of the campus.

18
19 Nichols: Excuse me. Natalie, you might use the mouse there with the cursor to
20 further identify what you're speaking about.

21
22 Green Sure. Because again the populations that traditionally use the campus
23 and their services are more pedestrian than actual vehicular traffic. So the
24 additional parking is really for the support staff that's providing case
25 management. In my years, working with the Mesilla Valley Community of
26 Hope and the different various agencies, what started as very small
27 organizations are much larger organizations as the need has grown. So
28 again, the parking reduction is really for the housing development,
29 because that population does not have a need for vehicle parking. So it
30 would just be parking for some of the case management staff or the few
31 individuals that have cars.

32
33 Kaiser: Yes, I mean I certainly can't disagree with you the need for this master
34 plan, this expansion of the services, but to your point you know the
35 clientele who's going to access these services and needs them the most,
36 they're not the ones showing up by car. And looking at the site plan I
37 mean you're basically asking them to traverse an extraordinary amount of
38 parking lot and asphalt to access these services when they're arriving by
39 some other means. And so I think that that's sort of the point that I'm
40 trying to ask about is none of that was taken into consideration in the
41 master plan. And so while you're seeing some great ideas about the bus
42 pull out, the reduced parking, increased bike parking, I just, I don't, I'm
43 having trouble seeing how that kind of all fits together in a way that best
44 protects the clientele that are arriving to and from the site, as well as you
45 know welcomes them. You've got the Camp Hope tent complex all the
46 way at the back of the property. And these are individuals who I am pretty

1 confident to say probably don't have a car and so they're going to be
2 having to traverse this entire site with all their belongings. I'm just not
3 seeing how that's being addressed. It's not discussed at all in the master
4 plan and that's kind of where I'm getting hung up.

5
6 Green I'm going to defer some of that to Nicole Martinez with the Community of
7 Hope.

8
9 Martinez: Good evening. Nicole Martinez, Director Mesilla Valley Community of
10 Hope. Thank you, Mr. Chairman, for your questions. So I'm at the
11 Community of Hope often. And, yes, when we started this master plan it
12 was really in response to how we are growing and how we wanted to grow
13 responsibly, sustainably, and because we are located on City property and
14 have a lease agreement with the City, a lot of this had to do with capital
15 outlay requests that we were making, so that we weren't just going up to
16 Santa Fe getting money and then willy nilly putting things together. So we
17 wanted to plan out the next 10 years for our agency growth. And yes you
18 know part of that is traffic, walkability, bicycling is very popular at
19 Community of Hope of course. But the main focus, I don't know, if you've
20 been to the Community of Hope, it's all very close together. The beauty of
21 the Community of Hope is that we have all of these services right within a
22 stone's throw of each other. So even though Camp Hope is located in the
23 back, it's very appropriate where it is situated. A few of the people do
24 have cars that are staying at Camp Hope and varies with the population.

25
26 The reason we are here today is because of the new property that has
27 been acquired, and what that development will look like. And so we
28 anticipate that with the movement of Casa de Peregrinos, the food pantry,
29 which is currently sharing the building with Community of Hope in number
30 three on this map, is moving up to number four. That's going to reduce a
31 ton of the traffic coming into the Community of Hope campus proper,
32 because it will just be right there in that Amador circle in their parking lot.
33 And then people at the apartment complex, they will still likely be coming
34 down into the campus, but there have always been sidewalks for the
35 clients who are walking into the property. And right now that's all under
36 construction. But we do still have one sidewalk that's there. So we
37 anticipate that we're going to have people at the new apartment complex
38 with less vehicles. And that if they do have vehicles, hopefully we will be
39 able to design it as that is all torn up right now on the entry, that it's
40 designed in such a way that people feel comfortable walking down,
41 coming to the soup kitchen, or to the Community of Hope if they need
42 services, or to Amador Health Center if they're looking for clinic
43 opportunities. So as somebody who has been going in and out of this
44 property for the last 17 years, we're really excited for this expansion.
45 We're trying to be really conscious about how we're making it walkable

1 and for people with bicycles and trying to reduce the vehicles that are
2 coming in.

3
4 Kaiser: Thank you very much. Anybody from the Commission have any other
5 questions? All right, we'll open up for public comments. Is there anybody
6 in the audience who wishes to speak on this item agenda tonight? All
7 right, I see two individuals, three individuals. So we'll go ahead and give
8 you three minutes each. So sir in the red shirt mind coming forward and
9 stating your name for the record.

10
11 Young: My name is Henry Young. I'm really ...

12
13 Kaiser: Hold on one second sir. I need to swear you in. Can I have my cheat
14 sheet please? Should have this memorized but I do not. All right. Do you
15 swear or affirm that the testimony you're about to give is the truth and
16 nothing but the truth under penalty of law?

17
18 Young: I do.

19
20 Kaiser: You have three minutes. You may begin.

21
22 Young: My name is Henry Young. I'm the Executive Director of the Las Cruces
23 Gospel Rescue Mission. Former member and Chair of the City of Las
24 Cruces Planning and Zoning Commission. I would like to see a few
25 changes here. For one thing back when I was on the Commission,
26 anything of this size would require a second avenue of ingress/egress. I
27 think that would be very beneficial to the west end of this proposed PUD.

28
29 Also, that crosswalk is in the wrong place, and I've said that for years. I
30 can sit in my office and look out, we've had several accidents with people
31 being hit, pedestrians. There either needs to be a traffic light, and that
32 crosswalk needs to be moved to the intersection where the sidewalks are
33 rather than where it is placed now, for safety. And that is something that
34 has to be addressed.

35
36 Now you've mentioned lights, as far as blinking lights, the only thing we
37 have on both ends quite a bit away from the crosswalk says reduce speed
38 to 30 miles an hour. And that is very seldom observed. We need either a
39 full traffic light there or the proper crosswalks like you have on University
40 Avenue.

41
42 Also, I would like to see, I think I saw something there on the requirements
43 for the fencing around the new tent areas. Is that Is that correct? Okay.
44 All right. So that's my basic thing as far as what we're doing here. And
45 that's for the safety of everyone involved on both sides of the street.

1 Kaiser: Thank you.
2
3 Green Commissioner Kaiser. I will address one of the concerns. A second
4 driveway access point is being added as part of the renovation of the
5 Casa de Peregrinos on the west side of that building, in between the
6 housing development and the new food bank. And there is not an option
7 at this time to go over the EBID lateral. It's just not financially feasible or
8 possible at this time.
9
10 Nichols: That was Natalie Green for the record, please.
11
12 Green Yes, thank you.
13
14 Kaiser: All right, may I have the lady. Please state your name for the record.
15
16 M. McDaniel: My name is Mary McDaniel.
17
18 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
19 and nothing but the truth under penalty of law?
20
21 M. McDaniel: Yes.
22
23 Kaiser: You have three minutes.
24
25 M. McDaniel I'm with Mesilla Valley Investment Corporation. And when I hear a five
26 foot fence, is not going to do it. We've had people climb over our fences
27 and defecate on our property. I think the homeless population in this City
28 is out growing the City. It has become uncontrolled. And I don't hear
29 anything how they're going to control them. They've already ran the
30 businesses out of business there on Amador. They've closed their doors
31 and moved because the homeless are standing there and nobody wants
32 to go into a business with a bunch of homeless people standing around. A
33 lot of businesses throughout the entire City are locking their doors
34 because they just wander in and take over the place, just do whatever
35 they feel like. They have no boundaries. So something needs to be done
36 about controlling these people before you make a bigger place and invite
37 more people in. I mean it's already doubled this year. And the tents along
38 Amador are absolutely outrageously horrible. I could not believe that it
39 was allowed. And now they're still on the ditches and now you're still
40 talking about increasing the number of people so that's going to be more
41 people wandering the streets of Las Cruces and walking up to houses and
42 whatever they do. I mean they have no control or boundaries about where
43 they go to the bathroom, the trash they leave around. And something
44 needs to be done about this. Like I said, we have at Mesilla Valley we've
45 had to raise our fence, five foot fence is not going to keep anybody in. It's
46 not going to keep anybody out. And we've raised our fence, we had to put

1 extra razor wire around it to keep them from coming over the back fence
2 there. And I'm concerned because we have renters there, and they may
3 move out, which means that means the property value is going to
4 decrease and be worth nothing. And that's my concern about having
5 more, bigger facilities for homeless people, because nobody is controlling
6 them. The police can't control them. There's too many of them. They're
7 all over the place. These people and their plans have no plan for how to
8 control them. And that's what I have to say.
9

10 Kaiser: Thank you. Please come up. Please state your name for the record.

11
12 L. McDaniel: Loren McDaniel.

13
14 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
15 and nothing but the truth under penalty of law?
16

17 L. McDaniel Yes sir.

18
19 Kaiser: You have three minutes.
20

21 L. McDaniel: I am with her. I'm the Mesilla Valley State auction, not auction. Our
22 property is right here. And where she was talking about they cross right
23 here. And we have installed when we did initially a six foot tall fence with
24 razor wire. We have gone back eight times to fix this problem. Our tenant
25 who lives in that corner, we've had replaced three different times because
26 they keep crossing that section. You talk about empty lots in the middle of
27 Las Cruces, there were businesses there that left because these people
28 were there. Horse and Hound moved away because they got tired of
29 dealing with them. Stone masters, the property you're talking about taking
30 up for the bigger lot left, because they got tired of dealing with these
31 people. There was a landscape business in that area for a while, they left
32 because they got tired of dealing with those people. Why this location?
33 You have land outside of Las Cruces that these people can be moved to
34 and then they're not a bother to anybody. All you're doing when bringing
35 in these kind of places is chasing businesses that have been there away.
36 And we're not far behind them because like she said, we've had to make
37 different compromises. We have to shut off our outside water because
38 they will take showers in the middle of the parking lot. We've had to shut
39 off all our outside power because they will sit there and plug their electrical
40 devices. I'm not the only business that had this problem. From Redwing
41 over on Main Street, he had to go shut all his outside outlets, he doesn't
42 even own the business, because he had women who would not go in
43 because these people were hanging around. Our business is off of
44 Picacho, out in Fairacres area, we had people, she was lucky the door
45 was locked because she had just gotten in that day. A drunk homeless
46 person was banging at the door trying to get in. What is being done? You

1 said safety. I don't see anything for safety. Seventeen years, you said
2 this facility has been there. In 17 years, I have seen all the businesses
3 leave and it slowly degenerate what's around there. I'm afraid for the
4 cemetery. I can't even imagine what they're dealing with as far as trash
5 and defecation on the cemetery. And then you have the houses behind
6 there. I don't think the location for this expansion is appropriate. I think it
7 needs to be moved elsewhere, besides the heart of Las Cruces.
8

9 Kaiser: Thank you. I'd like to direct a couple of those questions back to staff
10 particularly around the safety concerns for adjacent properties. I would
11 agree there's not a lot of discussion about that in the master plan. You
12 know I do believe that the investments that we're making here will certainly
13 help alleviate some of those. But has staff looked into any of these
14 particular concerns when that master plan was being developed? And are
15 there any recommendations to try to address what some of these adjacent
16 properties might be experiencing?
17

18 Green Commissioner Kaiser. I can assure you City staff daily looks into how we
19 can assist and address this very, very complex issue. I will tell you that
20 homelessness is an absolutely solvable solution. It has a solvable
21 solution. It's a condition of someone's living. And housing, especially
22 affordable housing, is that solution. So the easiest way to keep someone
23 off the street from pestering a local business is for them to have a place to
24 live and then they're not a person experiencing homelessness. And so
25 that's one of the reasons that we picked this location because we do know
26 that people experiencing homelessness also need those intensive
27 supportive services that are already being offered on this campus. And I
28 will note that the three businesses that were mentioned, came in after this
29 campus was already in existence. So while I can't speak to necessarily
30 their departure from the campus, they sold their properties to the City to
31 help solve this mission.
32

33 And then the other thing I will note is conditions one through 10 were the
34 original conditions of the PUD when it was first adopted for the purpose of
35 including Camp Hope. All of those conditions have already been met.
36 Staff noted in their report that they're just carrying it over for consistency,
37 they're not actually being applied to the rest of the campus. It's specific to
38 the Camp Hope location. Again, that has been in existence for 10-plus
39 years.
40

41 Kaiser: Great. Thank you. And just one last follow up, maybe a little bit more
42 specific. So one of the speakers commented, I don't have a mouse so I
43 can't really point, but coming off the South Compress Road, no over,
44 sorry, I wish I had a pointer.
45

46 Green Right here.

1
2 Kaiser: There you go. There was mentioned it looks like there's maybe a
3 driveway access kind of right there heading straight back to the campus.
4 Is that actually what it is or is that a private driveway?

5
6 AUDIENCE MEMBER NOT AT THE PODIUM STATED, "PRIVATE DRIVEWAY."
7

8 Castillo: Commissioner Kaiser. That would be a private driveway for the property.
9

10 Kaiser: Okay. And so my follow up question is that's a very specific instance
11 where people probably are trying to access the site in a location that they
12 shouldn't be, so how is this master plan maybe trying to facilitate again the
13 appropriate ingress and egress of clients accessing these services?
14

15 Green Commissioner Kaiser. Honestly, that's a good question since it's private
16 access, short of purchasing those properties to create the access. At this
17 time, it's not feasible. We are looking into a potential access point with our
18 partners, Families and Youth Innovations Plus. As you can see in this
19 map they have some vacant land on the backside. But that challenge is
20 working with another governmental organization who has their own
21 desires and responsibilities. And so the likelihood of short of building a
22 bridge and getting over it, that's probably the only way to be able to
23 connect and add an additional access point, either in front of FYI or behind
24 FYI.
25

26 Kaiser: Yes, and to be clear I'm not advocating for additional access, I guess my
27 question is, how can we better design the site to facilitate the correct
28 access? Where do we want people to access these services? How do
29 we want them to access these services? That's sort of the point I'm trying
30 to make.
31

32 All right. Coming back to the Commission. Are there any other
33 questions?
34

35 Smith: I don't have a question but I do have a couple of comments. I'm very
36 familiar with this area, this facility, the Community of Hope. I've lived here
37 for almost 25 years. I live within half a mile of this facility. And as a
38 former Las Cruces police officer, this was part of my area that I was
39 responsible for patrolling. And I've noticed, I mean we've all seen how
40 housing has been, come a great shortage. And then you compound that
41 with the increased homeless population, you know it does create a very
42 critical situation. We have a large homeless population in the City. It's
43 increased over the last 10 years. It's happened all over the state. The
44 solution, I know we want the Las Cruces police officers to be able to
45 handle it, but what does that mean? Do you force them to move? Do you
46 move them? Because they will come back or they will continue or just

1 stay. We have to understand that these are human beings. They do
2 deserve to be treated with dignity as much as possible. They're not rats to
3 be run out. And so the tent city that has, the tent town that existed beside
4 Horse and Hound for many, many years, this plan will help address that.
5 It's not going to be perfect. You know we have to do something. You can
6 complain about the homeless population all day long but when we have a
7 group, an organization that's trying to make a positive change and reduce
8 the homeless population, this is part of that. It's not the only solution. It's
9 not the solution, but it is a solution.

10
11 And our responsibility here on the Commission is to work through some of
12 these issues before it moves on to the City Council. But I think it's
13 important that we really take time to look at the fact that this homeless
14 population has to be addressed, number one, and number two it's not
15 going to be solved overnight. And the issues, the problems that they may
16 have with this plan will be worked through. But I think it's still important
17 that we look at it in the positive way, look at how we can help this
18 population. And we'll be able to address some of the problems that the
19 property owners surrounding it have. And that's really what we're here to
20 do and what we can possibly do to move this forward. Thank you.

21
22 Kaiser: All right, I'm going to go ahead and make a motion. I'm going to make a
23 motion to approve with the recommended conditions provided by staff.
24 But I'd also like to add a condition number 13. At the time of the Traffic
25 Impact Analysis, a pedestrian master plan shall be prepared. A
26 pedestrian master plan shall examine nonmotorized travel to and from the
27 site, as well as the circulation through the site including pedestrian and
28 cyclist safety. The master plan shall also identify how clients access
29 services at the location and recommend design standards as appropriate.

30
31 I'll need a second if anybody agrees with me.

32
33 Bennett: I'll second

34
35 Nichols: Mr. Chair. You'll need to vote on the condition that you added first and
36 then on to the case after that.

37
38 Kaiser: Understood. So make a motion to add a condition, is that ...

39
40 Nichols: The condition you mentioned.

41
42 Kaiser: Okay. So I'll start that over I guess so it's clear. I'm going to make a
43 motion to add a condition, in addition to the conditions already provided by
44 staff, I'd like to add number 13. At the time of the Traffic Impact Analysis a
45 pedestrian master plan shall be prepared. A pedestrian master plan shall
46 examine nonmotorized travel to and from the site and nonmotorized

1 circulation through the site, including pedestrian and cyclist safety. The
2 master plan shall also identify how clients access services at the location
3 and recommend design standards as appropriate.
4
5 Bennett: I'll second.
6
7 Baum: Board Member Acosta.
8
9 Acosta: I vote no.
10
11 Baum: Board Member Vega.
12
13 Vega: I vote yes.
14
15 Baum: Board Member Bennett.
16
17 Bennett: Yes.
18
19 Baum: Board Member Smith.
20
21 Smith: Yes.
22
23 Baum: Chair Kaiser.
24
25 Kaiser: Yes.
26
27 Baum: Passes four to one.
28
29 Kaiser: Okay. And now I'll make a motion to approve item 9.1 based on staff's
30 conditions and the condition we just approved.
31
32 Vega: I second.
33
34 Baum: Board Member Acosta.
35
36 Acosta: No.
37
38 Baum: Board Member Vega.
39
40 Vega: I vote yes with conditions that were previously outlined, also happy to see
41 all the potential for growth within the Community of Hope.
42
43 Baum: Board Member Bennett.
44
45 Bennett: I vote to approve based on staff recommendations with the conditions one
46 through 13. This meets Las Cruces and the criteria for a PUD.

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Baum: Board Member Smith.

Smith: I vote yes with conditions. And as I earlier stated this is just part of a solution that we have for the homeless population in the City and I think it's important that we do something to help that.

Baum: Chair Kaiser

Kaiser: Yes with conditions as already addressed based on staff recommendation and consistency with Elevate Las Cruces.

Baum: Passes four to one.

10. NEW BUSINESS

10.1 3161 N. Main Street Special Use Permit: A Special Use Permit (SUP) to allow for a cannabis retail establishment within the required buffer distance between said establishment and a single-family residential zoning district boundary. The subject property is located at 3161 N. Main Street, is 0.5 ± acres in size, and is zoned C-2 (Commercial Medium Intensity). Submitted by Gonzalo Chavez. (Case # 22ZO1000140)

Kaiser: Okay, we are moving on to new business. This is item 10.1, a Special Use Permit to allow cannabis retail establishment at 3161 North Main Street.

Castillo: Good evening, Mr. Chair and Commission. Today we're going to be talking about 3161 North Main Street. It's for a Special Use Permit to allow for a cannabis retail establishment within a single-family zoning district. The property is currently zoned C-2 which is a commercial medium intensity. It's originally developed as a small retail service center. The property is located at 3161 North Main Street near the intersection of Scanlon Drive and Main Street. And it is approximately 0.5 acres in size. The surrounding neighborhood is retail office, quasi-institutional, and single-family uses immediately north to the subject location. The supporting zoning areas include R-1a, R-2, R-3, C-2, and C-3. As we can see from the zoning map, the subject property is here highlighted in yellow. As we can see it is directly north of single-family residential zoning districts so it does not meet the condition of being 300 feet away from that.

Here's an aerial view of the property. So the applicant is proposing a Special Use Permit to sell cannabis with the development of a cannabis retail store. The buffer distance between the cannabis retail establishment and the closest single-family residential zoning district boundary is approximately 167 feet, just shy of the 300 foot requirement. All other

1 buffer distances are met which would be the distance between cannabis
2 retailers and the distance between schools and daycare properties. The
3 cannabis retail establishment will follow all City of Las Cruces and State of
4 New Mexico regulations governing cannabis related retail activity. I
5 apologize these are the incorrect pictures.
6

7 Notice was sent to the surrounding properties. Staff received one e-mail
8 in opposition to the proposed Special Use Permit at the time of the
9 presentation was created. Today staff recommends approval. Below are
10 the findings as follows, except for the distance to single-family zoning
11 district boundaries, the proposed use meets all other distance
12 requirements. The subject property has shared access with the property
13 adjacent from Scanlon Drive to Lenox Avenue or Main Street. The subject
14 property is compatible with other fronting properties along Main Street.
15 And the ingress/egress on the site has very little to no traffic impacts to the
16 residential properties located to the north. It meets the purpose and intent
17 of Section 38-2 of the Zoning Code. The requirements outlined in the
18 Zoning Code and those stipulated by the State of New Mexico will be
19 followed. It meets the intent and purpose of Elevate Las Cruces
20 Comprehensive Plan as it's located adjacent to a proposed town center
21 and mixed use corridor, and it's along the regional commercial place type.
22 Today your options are to vote "yes" to approve, vote "no" to deny, or vote
23 "yes" with conditions, or to vote to table.
24

25 Kaiser: Thank you. Are there any questions from the Commission? All right. Are
26 there anybody in the audience who wishes to speak on this item this
27 evening? I see one. Any additional? All right I will give you three
28 minutes. Please come forward. Please state your name for the record.
29

30 Josefa: My name is Rose Josefa.

31
32 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
33 and nothing but the truth under penalty of law?
34

35 Josefa: I affirm it. I just have questions.
36

37 Kaiser: Sure. Please go ahead.
38

39 Josef: No testimony. Okay. First of all I wanted to point out that I find an
40 (*inaudible*) that said City speeds permits for large projects. I don't know if
41 this is a large project or not. But I want you to take your time to consider
42 how it will impact our families in that north area on Northridge. So
43 anybody who lives in that area knows that Main and Elks, Main and Triviz
44 are extremely busy. You have to wait a long time sometimes to make a
45 left turn. You take your chance going into a left going towards Elks if
46 you're on Scanlon. The same thing, I never make a left onto Main, it's

1 impossible. So I make rights and (*inaudible*) I have to go out of my way.
2 And I'm retired. When I make appointments I try not to make them during
3 your traffic hours. So I have a few questions to ask please.
4

5 So I disagree with the egress and ingress. It's only going on into Maine.
6 I'm surprised that the hospital that's right there on that corner is not here to
7 object, because I believe they have to go through their area. If I'm wrong,
8 please correct me. Then they can go out onto Scanlon I think, but I'm not
9 positive. So I have no problems with a cannabis. I know many people
10 who benefit from it. But I think you already have a lot of businesses and
11 some of them have multiple locations. I believe if the people could tell me,
12 you have at least 30 cannabis businesses. Yes, it's a growing business
13 and that's fabulous. But I don't think it necessarily belongs in that
14 neighborhood. And I'd like to point out that you are already going against
15 some of your guidelines. So it's not 300 feet from the nearest residential
16 residence, it's much closer. And the traffic along that area from those little
17 businesses that are there and going further down into Main and across at
18 Lowe's, is very heavy. We have a Walgreens, we have a CVS, a lot of
19 congestion in that area. I think you need to look at traffic patterns. I was
20 here several years ago, because you wanted to know, I don't know if you
21 were the body at that point, there were apartments and homes that were
22 going to go up on the Elks Club area, 16 acres. I think at that time we had
23 many people come out at that point. I know I've spoken to neighbors, and
24 I probably represent at least six of the closest neighbors along Westridge
25 and Eastridge. They're not all here. We're mostly retired people there.
26 It's cold and it's late. But I beg you to really look at the facts. You are
27 denying it with a condition already. Is that not correct? What's it called?
28 An exception. That my time? With an exception.

29 Kaiser: That is.

30
31 Josefa: You need to look at that very closely.

32
33 Kaiser: Thank you very much. And I'll go back to staff to maybe answer some of
34 those questions. I think the first one was the ingress/egress on to North
35 Main Street, and I believe the ingress/egress is actually off of Scanlon
36 Drive, is that correct?
37

38 Castillo: Commissioner Kaiser. That is correct. The main point of access is a
39 shared access between the Animal Hospital and that facility, and it is
40 primary access through Scanlon. However, you can access it from North
41 Main, generally it would be a right in, into North Main but you do have the
42 option to take a left handed turn in there.
43

44 Kaiser: Okay. Thank you. Any other comments to this lady's questions? No.
45 Okay. You have additional, you'd like to speak on this topic? Please
46 come forward. Please state your name

1
2 Thulin: Maryann Thulin.
3
4 Kaiser: Do you swear or affirm that the testimony you're about to give us the truth
5 and nothing but the truth under penalty of law?
6
7 Thulin: I do.
8
9 Kaiser: You have three minutes.
10
11 Thulin: Okay. I live maybe 400 feet from their proposed parking lot there. There
12 are 10 sites. I've driven in and out. And if I was going to buy cannabis, I
13 would come out on Scanlon, take a left and go up to Lenox, and then take
14 a left and come down to Elks. Now Elks and Lenox is the most dangerous
15 intersection in the City. Look up the, whatever you call, the accident
16 reports. It's a horrible, horrible intersection. So that's, its traffic is
17 horrendous. So that's all I have to say. And defecation is a big problem
18 there too, and it's going to get worse. Thank you.
19
20 Kaiser: Thank you. All right. Is there anybody else from the audience that wishes
21 to speak on this item? All right. Seeing none. I'll come back to the
22 Commission. Any additional questions or comments? Okay. Looking for
23 a motion.
24
25 Castillo: Mr. Chair. Before we move forward, I do have a little point of clarification.
26 As it was mentioned that we were circumventing our ordinances and stuff.
27 However, cannabis is a conditional use, and as we are not meeting all the
28 conditions we are now moving forward as a Special Use, meaning that we
29 are taking a look at this property as a whole and how it affects the
30 neighborhood.
31
32 Kaiser: Thank you. Looking for a motion,
33
34 Bennett: I make a motion to approve 10.1.
35
36 Vega: I second.
37
38 Baum: Board Member Acosta.
39
40 Acosta: I vote yes based on staff recommendation and Elevate Las Cruces.
41
42 Baum: Board Member Vega.
43
44 Vega: I vote yes based on site visit and staff recommendation.
45
46 Baum: Board Member Bennett.

1
2 Bennett: I vote to approve based on staff recommendation.
3
4 Baum: Board Member Smith.
5
6 Smith: I vote yes based on staff recommendation and site visit
7
8 Baum: Board Member, excuse me Chairman Kaiser.
9
10 Kaiser: Yes based on staff recommendation and consistency with Elevate Las
11 Cruces.
12
13 Baum: Passes five/zero.
14

15 **10.2 4003 Tellbrook Road Zone Change Request:** A zone change from A-2
16 (Rural Agricultural District) to C-3C (Commercial High Intensity-
17 Conditional) for property located at 4003 Tellbrook Road. The property is ±
18 10.85 acres and located on the northeast corner of Tellbrook Road and
19 Las Alturas Drive. Submitted by Raylyn and Lezlie Wilcox, property
20 owners. (Case # 22ZO0500020)
21

22 Kaiser: Okay, we are moving on to our final item this evening. This is 10.2 a zone
23 change from A-2 to C-3C at 4003 Tellbrook. Staff, all yours.
24

25 Banegas: Mr. Chairman, members of the Commission. Vincent Banegas, Interim
26 Planner. I'll be presenting tonight's Case 22ZO00500020. It is involving
27 property located at 4003 Tellbrook Road. It is a rezoning request from the
28 current zoning of the property which is A-2, our agricultural district which is
29 defunct in the present code. We no longer have an A-2 designation. That
30 did not carry over from our 1981 Code. And they are seeking to go to a C-
31 3C designation. The C-3C is our commercial high intensity district. And
32 the C at the back end there refers to some conditions that we'd like to
33 have you consider, that is part of the request this evening.
34

35 The property itself is just shy of 11 acres in size. It's 10.85 according to
36 our assessor records. And again it was originally zoned A-2 and staff and
37 based on our research has found that it was A-2 probably as a
38 placeholder at the time of annexation. The A-2 zone back in the day was
39 used as a placeholder when the property owner wasn't quite sure what
40 they wanted to do with the land upon annexation. And so here we are,
41 this evening. Indicated it was a defunct zone currently in the 2001 Code
42 as written. In order for the property owner to develop the property they
43 have to come into compliance and find a suitable district that will meet the
44 need in terms of what they're focusing in on in terms of development
45 perspective and what the rules as written speak to. The property itself in
46 context with the Elevate Las Cruces Comprehensive Plan is within the

1 Suburban Place type. That place type as defined incorporates both low
2 and moderate density residential with intermixed areas of commercial
3 development.
4

5 The property as you'll see here in a moment is vacant. It's part of the I-
6 10/I- 25 interchange annexation that I referenced in terms of annexation
7 back in 1968. And it's part of the Las Alturas Estate Block A Subdivision.
8 At present, there's no sewer service, which is a key point to keep in mind.
9 No sewer service available to the site. So at this point in time any
10 development that takes place on site will have to receive approval, at least
11 from the wastewater perspective from New Mexico Environment
12 Department and/or their counterpart the EHB, which I believe is the
13 Environmental Health Bureau.
14

15 So here we have the zoning map showing Tellbrook Road located to the
16 south of the subject property. The subject property is outlined here in red.
17 Right along the east border is the City limit line. And it does jog out
18 incorporate other properties south of Tellbrook. And then it follows along
19 on the north side upwards towards University Avenue, etc. The areas that
20 are not shaded are in the county. And if I'm not mistaken, almost all of the
21 properties you see in this area are a DL-1 designation which is a single-
22 family, low density residential district, low and moderate I believe.
23

24 The aerial map here shows the property in question. It is vacant at
25 present. You do have some surrounding development both north, you'll
26 have some residential uses. East you'll have some additional residential
27 uses on large lots. And then further south of the subject property you'll
28 have a few apartment complexes in the area, and then it transitions over
29 to a single-family style of development. One thing I wanted to point out on
30 the zoning map is south of Tellbrook you'll see this node, at least on the
31 south side of Tellbrook, of commercial zoning, transitioning over to R-2
32 going east and then to the single-family designation going further east.
33

34 So in terms of the proposal, the original request that came forward to the
35 City from the applicant was a type of conversion request from the A-2 to
36 straight C-3. The idea being in terms of development focus to create a
37 botanical garden, engineering office to accommodate the property owners
38 office needs, and a single-family detached dwelling in terms of residential
39 use where they would reside. And then the accessory building or shed to
40 store some of the equipment to maintain the property, 11 acres, just shy of
41 that anyway, and the botanical gardens that they sought to develop. The
42 request itself in terms of the mixture of uses, etc. is consistent with the
43 Suburban Place type, as found in our Elevate Las Cruces Comprehensive
44 Plan. And then the C-3 designation accommodates the uses, and
45 particularly it accommodates the parcel size. If you recall, our zoning
46 code, at least in the commercial designation, relies on parcel size, relies

1 on uses to an extent, and other development standards to help mitigate
2 the types of uses or the intensity of uses that can occur on site. And so
3 that's what we're dealing with here.
4

5 The applicant was informed by staff back when they originally came
6 forward with their proposal to provide early notification to the surrounding
7 property owners in concert with the zoning code as written. Staff provided
8 a list of property owners that met our notice requirement. Letter was sent
9 out and dated February 27, 2022. In that letter the applicant identified
10 these uses that I've gone over as the focus of their development pattern
11 that they wanted to produce on site. And they also provided some
12 clarification as to what could occur and what could not occur, and sought
13 some recommendations on how to make it better, that kind of thing. They
14 did receive some input from what I was informed and what I was provided
15 in terms of content, it seemed like it was rather limited. But nonetheless,
16 they did go through that endeavor. They also stated that they'd be willing
17 to have a neighborhood meeting if that was indeed going to be helpful to
18 clarify the development proposal.
19

20 So staff took a look at the request, took a look at the overall acreage, their
21 surrounding area, that kind of thing, the transportation network, the zones
22 in the area. And admittedly, we had some concern over the straight C-3
23 designation. We felt that the potential for 10.83 acres of C-3 could indeed
24 overwhelm that particular location with commercial activity and so we
25 started taking a look at what we could do to lessen the potential impact.
26 One of those ideas that came to mind was to try and zone the property
27 through a metes and bounds type of approach whereby through the use of
28 a survey we can identify the exact boundaries for different uses on the
29 property, have those defined, and then seek a zoning designation that
30 pertains to the type of use that would occur within those metes and
31 bounds boundaries. A little bit convoluted, yes, a little bit expensive in
32 terms of the survey effort, absolutely. But that was one option. They
33 countered, they being the property owners, countered with the idea of
34 conditioning the C-3 district and really tying down the types of uses they
35 really sought to provide and incorporating a little possibility for future
36 growth. So that's the approach that staff went with. And we received a
37 conditional listing of permitted uses, that is in your packet, and I'll show
38 here as part of the presentation to help identify and control the impacts
39 that the C-3 zoning might have on the area.
40

41 The use list is called out as Exhibit A. And what it does is seek to remove
42 multiple service land uses that are otherwise identified in the C-3 listing of
43 permitted uses. And it also strikes majority of the retail uses that are
44 found on the existing list. And those retail uses that are identified, some of
45 those are controlled, or at least one of those is controlled by maximum
46 square footage of the use itself. And the others, there's one that pertains

1 to the botanical garden specifically as an accessory to that use. And then
2 the others kind of open it back up and are listed there. So we go from a
3 large number of retail uses down to I believe it's about five. A couple of
4 photos for this case, this is at the intersection of Tellbrook and Las Alturas.
5 Tellbrook of course being here, and Las Alturas here along, adjacent to
6 the interstate. And so we're looking northeast at this location. You can
7 see some of the residential development off in the distance here. This is
8 looking more west/northwest along the property. Looking east. And then
9 looking a little south and southeast. And this one, this is where you start
10 seeing some of the development. This is C-2 presently, and obviously
11 vacant at the present time, but you'll start seeing some of the development
12 shortly thereafter and beyond this property as well.

13
14 So in terms of analysis, staff found no health, safety, or welfare issues
15 specifically identified. We had proposed the development and conditional
16 zoning to help maintain a reasonable, or significant degree actually, of
17 compatibility for the surrounding area. Again, we're citing some of the
18 intersection of some key roadways, in this case Las Alturas being a minor
19 arterial and Tellbrook being a collector status type roadway, and some of
20 the commercial zoning just south of there.

21
22 The property is within the Suburban Place type and is consistent, at least
23 in the zoning and the proposal are consistent was said place type. And
24 the comprehensive plan supports the proposed zoning district, which
25 some of the elements that are identified in there are development of
26 vacant land, potential for housing diversity, balanced growth, integrating
27 new development with surrounding built-in natural features, and the
28 potential for job housing balance in terms of what it could become with
29 some of those uses identified.

30
31 Public notice was distributed per code. Staff received numerous, a great
32 degree of input on this particular case. We received, I think that number
33 needed to be updated by one, a late call came in. And all eight calls that
34 we received that I'm aware of were opposed to the request. We had one
35 walk-in inquiry, simply inquire in the nature, and 38 e-mails that were
36 opposed. One was an inquiry as to the case itself. So those are what we
37 collected as of the preparation or final tweaking of this presentation. And
38 as indicated, the property owner had done their due diligence trying to get
39 the early notification effort out there. And they received four e-mails, two I
40 would classify as general inquiry, and two supportive. And then they also
41 received two phone calls which were supportive in nature.

42
43 So staff's recommendation this evening is approval with the conditions,
44 and the condition being that the permitted uses are as per Exhibit A.
45 Exhibit A will be this, basically one and a half, two pages of permitted land
46 use listing. This list comes right out of the C-3 district, striking several

1 uses that would otherwise be reflected. And where you see the biggest
2 change is here under the service land uses. There are several that have
3 been struck, and the retail component, and there's a good many that have
4 also been struck. The cafe which was an idea that was originally
5 presented by the property owner, one of the initial discussions I had with
6 them would be ancillary to the botanical garden use. And a clothing store,
7 they wanted to control that and limit it to 2,500 square foot of building
8 square footage or area. And then garden supply and plant nursery but all
9 other retail uses would be eliminated.

10
11 The findings for staff's recommendation is that the property has
12 nonconforming zoning and that zoning no longer exists in the 2001 Zoning
13 Code as amended. And then prior to any development on the property an
14 appropriate zoning district designation needs to be established per code.
15 The C-3C zoning district is an appropriate zoning district given the
16 surrounding area, the lot size, and intended development. It would
17 certainly accommodate what they're proposing to do. The property is
18 within the Suburban Place type characterized by low and moderate
19 density residential uses, intermixed with areas of commercial
20 development, and several goals, policies, and actions from Elevate
21 support the request and meet the purpose and intent of the 2001 Zoning
22 Code as amended and Section 2- 382, the criteria for decisions. And also
23 the surrounding area has little commercial office and multifamily
24 residential development and thus the proposed development and zone
25 change could help achieve a mixed use node at that specific intersection
26 of those two significant roadways.

27
28 So your options this evening, Mr. Chair, Commissioners, is to vote "yes"
29 and approve, doing so would approve the condition as stipulated on that
30 list and so it would be a C-3C. You can vote "no" and deny the request.
31 Please provide any information or facts, findings of facts that are different
32 from staff's, in that staff is in support of the request. And you could
33 certainly vote "yes" and add conditions. If you feel that the conditions that
34 are established are still a little too loose, you can recommend that some
35 additional conditions be placed on the zone change. And then you can
36 vote to table. And that concludes staff's presentation Mr. Chairman. I
37 believe the applicants are in house and can maybe answer questions. I
38 don't know if they have anything specific to add. And that concludes my
39 presentation.

40
41 Kaiser: Thank you very much. Before we go to the Commission, does the
42 applicant wish to speak or say anything at this time? The applicant please
43 come forward. Please state your name for the record.

44
45 Wilcox: Raylyn Wilcox.
46

1 Kaiser: And do you swear or affirm that the testimony you're about to give is the
2 truth and nothing but the truth under penalty of law?
3
4 Wilcox: Yes, I do.
5
6 Kaiser: Go ahead.
7
8 Wilcox: All right, with all these people that have attended, it's very clear that all
9 these people love our neighborhood, as well as I do. And hopefully my
10 goal and the planner's goal is to make you feel comfortable that nobody is
11 going to do anything crazy out there. I think we've agreed to a pretty good
12 set of rules where we can't build a strip club, we can't build truck stops,
13 nothing crazy at all. I've lived here all my life. And all my life everybody
14 talks about, there's nothing to do in Las Cruces, nowhere for me take my
15 kids. And I really see a botanical garden as being something kind of nice.
16 And I'd actually like to team up with all these people and let's build
17 something really nice together where we can bring our senior citizens to
18 visit, bring your little kids, just have a really safe place. If you have any
19 questions, just let me know.
20
21 Kaiser: Thank you. All right, any questions from the Commission? All right, we'll
22 go ahead and open it for public comments. Can I get a show of hands of
23 who wishes to speak on this item? Get a quick head count here. I count
24 14. That may not be accurate, but it's a good headcount. So we we'll go
25 ahead and provide two minutes of comment for each individual tonight. I
26 do ask that you listen to speakers that may go before you, and let's try to
27 minimize the amount of similar talking points if that makes sense. We'll all
28 have a chance to speak but we understand that there's probably going to
29 be similar comments and themes of this evening, so we just keep that in
30 mind. So can I get everybody to raise their hands again and we'll figure
31 out where to start. Let's start with this gentleman over here in the front
32 row.
33
34 And given the nature of where this project is located, if you please
35 wouldn't mind stating whether or not you live within the City boundary or
36 the county before you give your comments. That would be appreciated.
37 So please state your name for the record.
38
39 Milligan: Okay. I'm Brook Milligan. I live in the county. I'm also rep ...
40
41 Kaiser: Hold on one second. I need to swear to you. Do you swear or affirm that
42 the testimony you're about to give is the truth and nothing but the truth
43 under penalty of law?
44
45 Milligan: Yes, I do.
46

1 Kaiser: You have two minutes.
2
3 Milligan: I'm also representing a number of people and I would like to request
4 several extra minutes to present our collective views so we can be more
5 efficient about this.
6
7 Nichols: Mr. Chair. If the other people that were going to speak will yield their time
8 to you, then we can give you additional time.
9
10 Kaiser: So for those individuals who may be allowing this gentleman to speak on
11 their behalf tonight, can you please raise your hand? All right. When we
12 get a head count, keep your hands up. Okay, we're going to go ahead
13 and grant you 10 minutes. Does that work?
14
15 Milligan: Okay, that's plenty of time.
16
17 Kaiser: You may begin.
18
19 Milligan: Thank you. So I wish to start by stating our joint strong objection to this
20 motion to change the zoning on this property okay. You have before you
21 a recommendation to support that zoning request. However, I point out
22 that the recommendation is fundamentally flawed in several different
23 ways. It does not reflect the nuanced understanding of the neighborhood
24 around the site, nor does it present a reasoned analysis of the situation. It
25 includes flawed logic and statements that do not follow from the
26 information presented in the report. As a result, it does not reflect the
27 principles underlying the Las Cruces Comprehensive Plan. As a
28 consequence, the recommendation should not stand as justification for the
29 proposed rezoning.
30
31 In another document I've submitted before you in advance, I presented
32 you more details on the points that I'll introduce tonight. However, to keep
33 our focus and not prolong the comments, I want to emphasize three quick
34 examples of the flawed logic and inadequate analysis. The
35 recommendation is justified in part based upon the current zoning
36 designation, which is not in current use. That is clearly a justification for
37 some change, but no justification at all for the proposed change
38 specifically, which leads to a zoning designation that's completely
39 inconsistent with the entire surrounding neighborhood. This is simply
40 flawed logic. The recommendation also concludes that this rezoning
41 action will "ensure that any future uses remain compatible with the
42 surrounding neighborhood." Nothing in the proposal or zoning restrictions
43 justifies this conclusion. A wide range of land uses are permitted under
44 the proposed zoning category as listed in the Appendix A, almost all of
45 which are inconsistent with the current land use, and perhaps more
46 importantly, the land use that has existed in the region for the last 50

1 years. Again, this is flawed logic, justifying the request by claiming that it
2 promotes future consistency is demonstrably incorrect.

3
4 Finally, the recommendations concludes that the project will have "help
5 create a commercial/service zone node at the site which will serve the
6 surrounding residential uses." This too is demonstrably false. Permitted
7 land uses under the proposed zoning designation are intended to serve
8 communities of over 15,000 people. There is no such local community to
9 serve for any commercial purpose at that location. Two specific activities
10 are mentioned, a botanical garden and an electrical engineering firm.
11 Neither will serve the local community. The botanical garden would
12 duplicate a public park one block away that has wonderful native
13 vegetation and easy access for mobility impaired visitors. Views and
14 access to the Organ Mountains are much better achieved via many easily
15 accessible points along Dripping Springs Road and along Baylor Canyon
16 Road, both of which are approximately the same distance from most Las
17 Cruceans as the proposed site, unlikely to be visited. The electrical
18 engineering firm is even less likely to serve the local community. Its
19 services are related to public works and commercial and industrial
20 projects, which include medium voltage electrical distribution systems,
21 sports lighting systems, and special telecommunication systems. No one
22 in this or any other neighborhood conceivably needs those services for
23 their residences. The proposed development will not serve the
24 surrounding neighborhood in any compelling way.

25
26 These are just a few examples of the many flaws of logic throughout the
27 recommendations to approve the rezoning project or request. It is clear
28 that a thorough and reasoned analysis of the case has not been
29 completed. This undermines the principles of the Las Cruces
30 Comprehensive Plan which has the explicit vision of "enhancing livability,
31 prosperity, and environment for the shared benefit of current and future
32 generations." Elements of that vision include reasoned development that
33 "encourages context sensitive development, promotes development that
34 compliments surrounding neighborhoods, supports efforts to preserve
35 natural open space, and enables neighborhoods to define their unique
36 identities and needs." The proposed rezoning accomplishes none of that
37 and is being justified based upon inadequate assessment and faulty
38 reasoning. The request should be rejected directly. On behalf of all of the
39 people here who raised their hands earlier and many who have are not
40 present tonight who have expressed these ideas to me separately, we all
41 urge you to reject the rezoning request for 4003 Tellbrook Road. Thank
42 you very much.

43
44 Kaiser: Okay, may I see another raise of hands for those who did not cede their
45 time to that gentleman? Okay, we'll start with this lady here in the front
46 row.

1
2 Nichols: Two minutes.
3
4 Kaiser: Two minutes. Please state your name.
5
6 McGuinn: My name is Marcie McGuinn.
7
8 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
9 and nothing but the truth under penalty of law?
10
11 McGuinn: I do have.
12
13 Kaiser: You have two minutes.
14
15 McGuinn: Thank you. I live in the county section of the Las Alturas subdivision for
16 about 22 years. And I wanted to state that we have to all remember that if
17 zoning C-3 is changed for this property, there's no going back. And any
18 kind of promises can be made before anything is built, but that site specific
19 plans cannot come in until the end of this process after the zoning has
20 changed. The proposed land use for this property is not consistent with
21 the character of the area. And while preliminary proposed plan
22 conceptually could work at this location if the zoning were changed.
23 Again, that would not be compatible with the character of the area. Some
24 of the land uses allowed under the zoning classification could be a
25 cannabis dispensary, cannabis consumption lounge, apartment, strip mall,
26 restaurant, clothing store, library, museum, health/exercise club. While we
27 welcome other single-family residence structures in the area, we don't
28 welcome the above mentioned items.
29
30 And as a last note, Mr. Wilcox the applicant, is also the owner of Lynco
31 Electric located at 1520 West Amador. That is the owner record of
32 address for this property that has been purchased in the last year. If by
33 chance Mr. Wilcox, president of Lynco Electric were to move his Lynco
34 offices from West Amador to Las Alturas, that would likely include the 15-
35 plus company electric trucks, several outbuildings, and materials and
36 supplies stored outside as shown in the Google satellite imagery and
37 pictures on the Lynco website. According to PPP records, Lynco
38 employees 23 people. This and their fleet of trucks would explain by one
39 of the drawing renderings posted or provided to the City includes plans for
40 a parking lot with at least 30 parking spaces. That's all. Thank you.
41
42 Kaiser: Thank you. All right folks I'm going to need help because I can't keep
43 track of everyone's hand raise, on this side of the room who else wishes to
44 speak but didn't cede their time. Gentleman with the (*inaudible*).
45
46 I have a very hard time hearing you.

1
2 Kaiser: Please state your name for the record.
3
4 Reser: Philip Reser.
5
6 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
7 and nothing but the truth under penalty of law?
8
9 Reser: I do have.
10
11 Kaiser: You have two minutes.
12
13 Reser: I live on Tellbrook Court. I'm going to be a neighbor to that botanical
14 garden. I would love to have a botanical garden as my neighbor. It has
15 been said that this does not fit the neighborhood, this beautiful residential
16 neighborhood. I walk my dog twice a day pass this property, that's 700
17 times in the past year. And what do I see when I walk by this property?
18 The I-25 flyover. It's kind of nice looking but it's not residential. This
19 needs to change. It's needs to be developed. They have some
20 complaints about noise from the development. A cement plant on the
21 property would not make any more noise than I got off of I-10/I-25 every
22 night. So any development there, I would appreciate. It would make the
23 area look good. And hopefully somebody would do something about that
24 rotting A-frame that I have to look at every day. Thank you.
25
26 Kaiser: Thank you. The gentleman in the tannish sweatshirt. Yes you. Please
27 state your name.
28
29 Gutschick: I am Vincent Gutschick. And I live in the county.
30
31 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
32 and nothing but the truth under penalty of law?
33
34 Gutschick: I do.
35
36 Kaiser: You have two minutes.
37
38 Gutschick: Okay, I was not privileged to see the list of approved uses under C-3C.
39 And some of them have been mentioned. The ones that were highlighted
40 earlier sounded rather benign. But I don't know that that can be affirmed.
41 I am wondering why a zoning of C-1 is not possible, which considerably
42 limits the amount of commercial activity. Now I was told outside the
43 meeting that C-1 has a limit on how much area can be covered. But I
44 went through the zoning regulations and I did not see that. In fact, it said
45 it's not applicable to state that there is an area limit. And I'd just like that

1 confirmed. So yes, if that's, can I have that confirmed somehow? And is it
2 then possible to consider C-1. Thank you.
3
4 Kaiser: Thank you. And if I may staff, we just get through everybody and we'll
5 come back and do any answers or comments. This gentleman over here.
6 Please state your name.
7
8 Allan: My name is Daniel Allan.
9
10 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
11 and nothing but the truth under penalty of law.
12
13 Allan: I do.
14
15 Kaiser: You have two minutes.
16
17 Allan: First of all, as an aside to the previous gentleman who complained about
18 the dilapidated rotten A-frame that is in the county. It needs to be
19 condemned. I've attempted to have that done but I don't think the City
20 should take the rap for that.
21
22 Now we've lived, I live in the county, just over the line there, and we've
23 lived there since 1983. And those of us who live there like it the way it is,
24 the rural atmosphere, the lack of development. There is at present no
25 commercial development in that area. It may be permissible, but there
26 isn't any that I'm aware of unless people are doing things sub-rosa.
27 Tellbrook Road is a major artery. Remington feeds into it, there's already
28 too much traffic. It's much too fast, and it's hazardous. And we don't want
29 anything to exacerbate that. One of our concerns is that despite the
30 assurances of Mr. Wilcox, at some point he or his estate will sell the
31 property. They will dispose of it and the new owners may return to the
32 City in an attempt to have it rezoned in order to build high density housing
33 or commercial whatever they want. And they'll be willing to bring the
34 utilities to the property. I have no idea what that costs, but at some point,
35 it may be feasible or have some other way of disposing of waste. And we
36 do not want to have that happen. That would impact our own property
37 values and the quality of life that we have enjoyed for these many years.
38 Thank you.
39
40 Kaiser: Thank you. Okay, is there anybody else on this side of the room that
41 wishes to speak that did not cede their time? All right, the lady in the
42 sweater, please come. Sure, yes, we'll go to the gentleman behind you
43 then.
44
45 Reynolds: Good evening.
46

1 Kaiser: Please state your name.
2
3 Reynolds: My name is Shannon Reynolds. I'm a Doña Ana County Commissioner. I
4 live in Las Cruces in the City limits.
5
6 Kaiser: Okay. Hold on. Let me swear you in real quick.
7
8 Reynolds: Sure.
9
10 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
11 and nothing but the truth under penalty of law?
12
13 Reynolds: Yes sir I do.
14
15 Kaiser: You have two minutes. Go ahead Commissioner.
16
17 Reynolds: Thank you. First, I want to say thank you guys, because this is, what
18 you're doing is difficult. And we have the same thing happens in the
19 county. Secondly, though, I'd like to say that as being representing the
20 county, and by the way my district goes through probably, two-thirds of it
21 also covers the City, that I have constituents on both sides of the line that
22 are concerned about what we do with planning and zoning. I think I've
23 received at least 60 e-mails and probably 20 phone calls over this issue in
24 the last three days, four days. So my constituents are certainly concerned
25 about what we do here. If I look at the district, there are a couple of
26 businesses south, there's a trailer park that's really in bad shape. I'm
27 trying to get that cleaned up or trying to get the guy to the burned trailers,
28 the dilapidated trailers out of there and get that fixed up. There's another
29 business also just south of that which actually deals in railroad ties, and
30 some other assorted landscaping equipment. And then about another two
31 miles down there's a trailer I think. So within about probably a mile, a mile
32 and a half some of the commercial is there. I personally believe that it
33 was there before all this development happened. And I don't think to
34 continue to put commercial businesses in this area is consistent with what
35 I believe this whole community is about. If you can go from Las Alturas
36 over to University and pretty much all the way to the mountain and not find
37 anything commercial. If you're looking for commercial we've got University
38 is opening up a whole area of commercial stuff that's going to serve this
39 neighborhood. And that is the kind of consistent plan that I see for
40 actually providing commercial development for this area. The residents
41 that I deal with, the ones I know both on the City side and the county side,
42 they're not going to be happy with this. I would recommend you consider
43 T-1, T-2. And also I agree with the risk of C-3. Once you make a C-3 it
44 doesn't go back. It's just a matter of time before somebody gets to all
45 those exceptions listed because they don't last forever. Thank you for
46 your time.

1
2 Kaiser: Thank you. Gentlemen in the very back. Please come forward. Please
3 state your name.
4
5 Fuller: Hi. My name is Roger Fuller, F-U-L-L-E-R.
6
7 Kaiser: And do you swear or affirm that the testimony you're about to give is the
8 truth and nothing but the truth under penalty of law?
9
10 Fuller: I do.
11
12 Kaiser: You have two minutes.
13
14 Fuller: And I just wanted to say that I've tried to imagine what kind of
15 development could go into this location. I live in that area. And I pass that
16 intersection many times a day. And there is nothing I can imagine that's
17 going to improve the quality of my life or my neighbor's life. But I can't
18 imagine a lot of development that's going to distract from that quality of
19 life. That's it. Somebody could have my other minute and a half.
20
21 Kaiser: Thank you. All right, moving over to my right hand side. Now can I get a
22 show of hands. Gentleman in the front right here. Please state your
23 name.
24
25 Liberman: My name is Michael Lieberman.
26
27 Kaiser: And do you swear or affirm that the testimony you're about to give is the
28 truth and nothing but the truth under penalty of law?
29
30 Lieberman: I do.
31
32 Kaiser: You have two minutes.
33
34 Lieberman: And I've lived in the county for what 35 years now. Could you go to slide
35 six?
36
37 Kaiser: I'll have to ask staff to control that.
38
39 Banegas: Slide six.
40
41 Lieberman: Okay. This is the description of what they wanted to put in, botanical
42 garden, an engineering office, single-family residence, and accessory
43 building. Well, on Tellbrook there is also one very large barn has been
44 built already, an accessory building. An engineering office can be one or
45 two rooms, or a huge complex. If you change the designation of this area,
46 instead of changing the whole thing to C-3, part of it is a single-family

1 dwelling, part of it is practically a park. And you can designate an area
2 that will be compatible with a reasonable size structure not that different
3 from a single-family home, that can handle the office. So I request that
4 you turn down the C-3C and consider breaking up the area, if it's possible,
5 to allow what they are requesting, but only that. Thank you.
6

7 Kaiser: Thank you. And let's go to the lady in the pink sweater. Please state your
8 name.
9

10 Trujillo Hello, my name is Christine Trujillo.
11

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

15 Trujillo Yes I do.
16

17 Kaiser: You have two minutes.
18

19 Trujillo I grew up in Las Cruces. However I had moved away. Most recently been
20 living in Albuquerque. I live in the county now. I just recently moved back
21 last year. And part of the reason why I moved back was where I lived in
22 Albuquerque, I just bought a house in 2018. And right in front of my house
23 across from an arroyo channel was a 10 acre plot of land. My realtor at
24 the time told me just be aware that that could be developed. There is now
25 a four story, four building apartment complex under construction that it
26 certainly is not in a rural location like the area that most of us live in here,
27 it's much more housing and commercial or hospital in that area in
28 Albuquerque. But what I'm saying is that, that area of land that is now
29 being developed as an apartment complex is pretty obtrusive, a four story
30 apartment complex surrounded by residential homes. And so while I can
31 appreciate Mr. Wilcox having these ideas for a botanical garden, which
32 sounds beautiful, but shouldn't that be something that the City should
33 continue? How can an individual maintain and have a botanical garden
34 for the rest of his life and his heirs life, his family's life? How can you
35 maintain that? Shouldn't that be something for the City? So you know we
36 run the risk of having a four story apartment complex built in the future
37 should that land eventually be sold. And that completely changes the
38 landscape of that area. So I don't feel like you know looking forward that
39 that is the right type of thing for the community in that area. Thank you.
40

41 Kaiser: Can we have another show of hands? We're going to go to this lady right
42 here in the second row. Please state your name.
43

44 Hughes: Patty Hughes.
45

1 Kaiser: And do you swear or affirm that the testimony you're about to give is the
2 truth and nothing but the truth under penalty of law?
3
4 Hughes: I do.
5
6 Kaiser: You may begin.
7
8 Hughes: I just want to reiterate about the history of Las Alturas. Over 50 years it
9 has grown in the same direction. I was a member of a planning
10 commission that applied some of the initial zoning in that area in the
11 county, it was actually in the ETZ. What we heard was people wanted to
12 maintain the nature of the area that they had built. And as I followed
13 comprehensive plans over the years, people are giving the same input to
14 planning and zoning Commission's, to county commissions, that they want
15 to maintain the character of the area that they have built. The plan seems
16 to be pretty innocuous. But does that plan need to be adhered to? Can
17 10 acres of 60 foot high apartment buildings be erected without any further
18 approval for many body? We answer that, I'd like an answer to that
19 question. Also, if high dense 10 acres of 60 foot high apartment buildings,
20 I'm not sure how many stories that is, it used to be 10 foot per story. Is
21 that a six story? I don't think so. But what sort of population does that
22 generate? And we're not talking about doing any TIAs or anything else
23 with what the potential for this zone change could be. I'd just like to
24 reiterate what other people have said that that zoning is not compatible
25 with the area and everything I know about the input that people have given
26 about what they want to see. We have an area that is somewhat unique,
27 that is consistently grown in the same direction. People are saying
28 consistently that they don't want the nature of our area to change. There's
29 a lot of open ground out there. We really as far as the neighbors are
30 concerned, I doubt that we need a botanical park. So thank you.
31
32 Kaiser: All right, moving on up. Yes, ma'am. Yes. Please state your name.
33
34 Liptak: Charlotte Liptak.
35
36 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
37 and nothing but the truth under penalty of law?
38
39 Liptak: I do have.
40
41 Kaiser: You have two minutes.
42
43 Liptak: I live in the county. This requested C-3 designation is, as people have
44 said, not in keeping with the rest of the neighborhood. It's also not
45 appropriate or necessary for the owners stated use. The requested
46 commercial high intensity designation would still allow for retail businesses

1 and the building of apartments. There are currently no apartment
2 buildings in that area. There are a few duplexes, but everything else is
3 single-family. He could build what he wants allegedly with a residential
4 designation, In my opinion, I'm not an expert on the zoning code, or
5 perhaps an O-1 designation that would account for an office
6 neighborhood. Recently, I have seen electrical boxes put in for this
7 property, which show that at least 480 volts has been installed or is being
8 installed. This is far greater than any single-family home with an office
9 would appear to need. I'm very concerned that this property could
10 eventually be used for selling or growing cannabis if the C-3 designation is
11 allowed. That should not be allowed in a residential neighborhood. Thank
12 you for letting me address my concerns.

13
14 Kaiser: Thank you. All right, gentlemen in the white hat. Please state your name.

15
16 Gibbs: Les Gibbs.

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

20
21 Gibbs: I do.

22
23 Kaiser: You have two minutes.

24
25 Gibbs: I've lived in the same area 5025 Las Alturas, which is just up the road, just
26 north of this location, for 44 years. One of the reasons I live in the City
27 and pay City taxes and all the other stuff is that we have control over the
28 area. The area that the analysis that was done says that this is
29 compatible with businesses. Those businesses are in the county not in
30 the City. The City doesn't have any businesses in that area. The other
31 thing is, when I bought into that land, Las Alturas covenant said that you
32 had to have an acre for every house, and putting a business up was not
33 going to be one per acre, it's going to be much more than that and it's not
34 going to be compatible with that covenant. So the Las Alturas covenant
35 should still be in account for that area. Also, this is a two lane road that
36 supports all the Las Alturas areas and all the area south of there, that's
37 going to bring a lot more traffic to that area and cause more people to be
38 driving that road, which is already in a fairly bad shape. Also, that's one of
39 the best bicycling roads around in town, so I see many, many bicyclists
40 going on that road all the time. Adding more traffic is just going to cause
41 more problems for that. So anyway, as a City resident for 44 years on that
42 same property, I am very much against this proposal. Thank you.

43
44 Kaiser: All right. Is there anybody else on this side that wishes to speak? Yes,
45 ma'am.

46

1 Gleason: I'm Jeanne Gleason.
2
3 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
4 and nothing but the truth under penalty of law?
5
6 Gleason: I do.
7
8 Kaiser: You have two minutes.
9
10 Gleason: Thank you, sir. I live out in the Tellbrook area and have loved living there
11 for over 25 years. The pages I have given you show shows the A-frame
12 that I think a lot of, probably everybody in this room would say, "Oh, could
13 it please go down?" The biggest concern that I would add to what has
14 already been spoken to tonight is fire. And I work for the College of
15 Agriculture. I've worked for them for 45 years as faculty member, and it is
16 a very huge danger to all the people that live there. And the house right
17 now, the A-frame I think there's probably homeless people living there. It's
18 falling apart. It's got shingles, the old shakes for shingles, and a fire could
19 come through just like that. And my property, and probably many
20 properties here represented, would be consumed by the fire. So I'm very,
21 very concerned about that. And I asked that to be taken into
22 consideration. Because what happens on that land, could well engulf all
23 of us. Thank you.
24
25 Kaiser: All right. Anybody else on this side? All right, we're going to come back to
26 this individual right here. Please state your name.
27
28 McGuffey: Hi, I'm Barbara McGuffey.
29
30 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
31 and nothing but the truth under penalty of law?
32
33 McGuffey: I do.
34
35 Kaiser: You have two minutes.
36
37 McGuffey: Thank you. So one of the things that I take issue with is the comment that
38 staff made about the agricultural district being a placeholder. I don't
39 believe that's true. I'm very new to Las Cruces. I just bought my home
40 there in May. But one of the things I was very careful about was finding
41 protective covenants because I did not want to live in an urban district.
42 I've lived in a mixed development district. I want to live in a single-family
43 zone district. There are protective covenants that I'll give you for my
44 neighborhood, for my plat, that I believe may extend further. And they all
45 stop at single-family. And some people have said that there's agricultural
46 left in there. And when we bought our house, our realtor said that there's

1 maybe one house out there that was zoned to have a horse. So on Senna
2 there was a lot that just had a similar notice. And it was changed. It was
3 requesting a change from agricultural to single-family. So I think
4 agricultural has been, I'm sorry that the City has done away with that, but I
5 think it's part of the deed restrictions that the big slurs who own that
6 property specified when they allowed development of the whole area of
7 Las Alturas Estates. And also all the land I think south of Tellbrook is
8 deed restricted for single-family.

9
10 So I take issue with the fact that the surrounding area is not really a
11 Suburban Place type. It's deed restricted single-family, and those of us
12 who bought deed restricted single-family would like to see it stay that way.
13 So I would request that you deny this. And if there are other means that
14 this gentleman can achieve, you know he bought an agricultural district
15 zoned property. No one said he would get a changeup for that. So he
16 could figure out now what else he can do. And he can meet with the
17 neighbors. He offered to meet with the neighborhood. He's not met with
18 any of the neighbors that I'm aware of. The letters were sent back in
19 February of 2022. I think he needs to be sent back to the drawing board.
20 I think you need to deny this today, ask him to come back to the
21 neighborhood. Let staff work on it, see if there's a way that we can all get
22 happy. Thank you.

23
24 Kaiser: Thank you. Mr. Banegas, back to you.

25
26 Banegas: Mr. Chairman, Commissioners, members of the public. As folks were
27 talking, I kind of wrote down key points to provide answers to and/or
28 clarify. One individual questioned whether or not we could seek a zoning
29 designation that was a lesser designation than the C-3. That kind of
30 speaks to what I stated in the presentation where staff considered
31 opportunities to rezone the property using metes and bounds description
32 whereby we could designate zoning districts that are more specific to the
33 use that was being proposed and the uses, I should say plural, that were
34 being proposed. Why we cannot just drop it down from C-3 to C-1 is
35 within our code, there would be considerable size restrictions on the C-1
36 uses in general. What is being proposed, I believe could not be
37 accommodated because there's caps on the square footage of use, and
38 there's definitely caps on the square footage of acreage. So unless the
39 individual was willing to subdivide the property in compliance or
40 conformance with the C-1 district development guidelines, that wouldn't
41 work. But the opportunity to rezone using metes and bounds could work,
42 it just is going to take substantially more effort to do.

43
44 Another individual talked about conditions, and down the road the
45 conditions going away. If I heard correctly the assumption is that at some
46 point in time if this Commission and City Council ultimately votes in favor

1 of the zone change with conditions, if the assumption is that at some point
2 in time the property gets sold and the new owners want to do away with
3 those conditions, what would they need to do? Well, the answer is they'd
4 have to rezone again. They'd have to come back to this body and seek
5 either to change the designation in its entirety or seek the elimination or
6 modification of the conditions that were placed on the property to begin
7 with. So do they go away? They can, but not without some effort to do
8 so. Not without coming forward to this body and City Council to do so.
9

10 Parking for the office uses, yes parking can include any of the service
11 vehicles within reason, we're not going to allow the storage of large
12 equipment. I'm trying to think of some of the, like backhoes or anything
13 like that associated with the engineering offices. But service vehicles or
14 other vehicles to transport persons from A to B, that's fine. But beyond
15 that, no. Any outside storage related to the use would be substantially
16 restricted. So there's a whole screening type of requirement that has to be
17 dealt with. And so that would be something that'd have to be looked at,
18 specifically if that were to come forward.
19

20 The botanical gardens, just as a matter of clarification, in speaking with
21 the property owner, the question was asked whether or not it was for
22 personal enjoyment or commercial type use. And the answer I got was
23 more of a commercial type use. So if someone wanted to rent the
24 botanical gardens for a small gathering, they didn't want to expand to large
25 weddings or anything like that, but small gatherings, they could do so. So
26 in that context, it makes it commercial.
27

28 Can apartments be erected? Yes. The C-3 designation at present allows
29 dwelling units to be constructed at a minimum density of 10 dwelling units
30 per acre and a maximum of 40. The apartments is a land use designation
31 that was on the conditional or permitted use listing, the Exhibit A that I
32 showed in the presentation. And with the C-3 designation, unless there's
33 some additional condition to restrict it, the height of any apartments could
34 be at the development standards that is identified in the table and that's 60
35 feet. So that could happen as presented with the request this evening.
36 Are there apartments in the area? Yes, there's a few properties that have
37 a little bit more than just your standard duplex or triplex, but not many.
38 This property right along Micro Road, for example. When I drove by there,
39 I believe it was this one, they may be in a duplex or triplex configurations
40 but there's multiples of them. I think some of these other properties might
41 have duplex, maybe three units, but there's not many. So just want to
42 clarify that.
43

44 In terms of covenants, covenants were raised in one of the comments.
45 And just to clarify that, the City of Las Cruces does not enforce covenants.
46 So if there's any deed restrictions that are identified in any of the deeds for

1 properties that individuals purchase, the City doesn't enforce that. We
2 enforce the zoning code and the zoning on the land. So just wanted to
3 clarify that.

4
5 And in terms of the A-2 district, I know for a fact in working a little over 30
6 years with the City and the department, A-2 was used for both ag zoning
7 where you could have crops and animals and that kind of thing, but it was
8 also used as a holding designation when the property owner was
9 uncertain as to what they wanted to do with the property. And that kind of
10 covered the laundry list that I heard. If there's anything I missed, I'd be
11 happy to share.

12
13 Kaiser: Go ahead.

14
15 Vega: Just a quick question and I don't know if you'll know it or not. But is there
16 City bus service that goes on Las Alturas?

17
18 Banegas: Mr. Chairman, Commissioner Vega. I'm not aware of any at this time. No.

19
20 Kaiser: Are there any other questions from the Commission, comment?

21
22 Smith: I don't have any questions but I do have comments. Kind of taking some
23 notes myself. I've lived there for almost 25 years and someone brought
24 up cycling. I'm a cyclist and I mostly ride mountain bike, but I used to ride
25 a lot on the road. And I used to ride up to Tellbrook because it was a nice
26 place to climb, didn't have a lot of traffic. But (*inaudible*) ago you get to
27 the top of Tellbrook and you would turn around and come back down
28 because once you got to the top you know there wasn't anything there, but
29 (*inaudible*) mountain. Now you can take a right, head down, head up, La
30 Tierras Escondida is the development there. It's continuing to grow and
31 grow and grow. Every time I ride up there. If I ride from A mountain on
32 my mountain bike, I grew up there, I see this development. So I bring that
33 point up because one of the issues and complaints was about traffic.
34 Once you make that turn on Tellbrook off Las Alturas you're going into a
35 neighborhood that is increasingly being filled with more cars, because
36 there are more homes being built so there's more traffic on Tellbrook than
37 ever before. And so you know just, I'm looking at both sides of this as far
38 as the impact that it has on your community. Here there are a lot of
39 people. I mean there was a gentleman said he lived there since 1993. It
40 looks like a lot of you have lived there for quite a long time. So you live
41 there at a time when you know there were acre lots and there wasn't a lot
42 of home density as far as how close the houses are. And I'm sure you are
43 all aware that that has changed. And so I think it's important to, unless I'm
44 wrong, I mean I could be because every, it's still one acre lots. Okay.
45 Even going back to La Tierras Escondida. Okay. All right. So I stand

1 corrected on that. But my whole point is that there's this continual growth
2 going into that neighborhood where it's increasing traffic.

3
4 MANY AUDIENCE MEMBERS SHOUTING OUT, UNINTELLIGIBLE.

5
6 Smith: Excuse me, I'm sorry, ma'am.

7
8 WOMAN IN AUDIENCE SPEAKING, NOT AT THE MICROPHONE.

9
10 Smith: Right, but there's still private land that's being developed there. And I'm
11 pretty familiar with the BLM land, because I'm actually one of the Rangers
12 on the monument. So I know the boundary. But the traffic has increased
13 because there's still development happening up to the La Tierra
14 Escondida area. And so my whole point in this, and like I say I'm trying to
15 look at both sides of this is that you know this this ...

16
17 Nichols: Excuse me Mr. Chair. If we're going to receive comments to
18 Commissioner Smith, you'll have to come to the podium and state your
19 name for the record please, not just an outburst from the crowd. Thank
20 you very much.

21
22 Smith: And this proposal, where this land is has been there for a long, long time,
23 as you're all aware, and the impact that it would have from a neighborhood
24 compatibility, because according to the requirements for this property it
25 does meet that because as you make that turn and go up Tellbrook, once
26 you pass that area you're in your neighborhood, you're heading uphill, you
27 still have your views of the mountains and that's not being blocked. The
28 gentleman that talked about walking his dog every day, you know, yes it's
29 like along Las Alturas you have, basically Las Alturas is frontage road.
30 You may not see it that way, but it's basically a frontage road. And then
31 you have the highway. So to the west, you're not losing anything as far as
32 like your community and impact in your community because you have a
33 highway and a frontage road. It's not until you start to go up into your
34 neighborhood that it could be an impact as far as your quality of life, your
35 views of the mountains. Because I see the Organ Mountains every day,
36 it's part of my job, I drive there every single day. The view never gets old.
37 So those of you who live higher up in the, up in that community, you have
38 that spectacular view.

39
40 So as we move forward to make a decision on this proposal, really think
41 about how it's really impacting your quality of life. Having a botanical
42 garden is it really going to impact your quality of life? We can create a
43 narrative of what could possibly happen and make it a reality that he's
44 going to have an electrical business move there, but you don't know that.
45 That's up to the property owner to make that application, to make that
46 decision, if he wants to expand it he still has to go through that process to

1 do that. But we can't make a decision on that now based on what he
2 could do in the future. We can only make a decision based on what he's
3 allowed and permitted to do now. So I just wanted to just make those
4 comments.

5
6 AUDIENCE MEMBER SPEAKING, NOT AT MICROPHONE.
7

8 Kaiser: Hold on one minute ma'am. Let's see if there's any additional comments
9 from Commissioner. So I do have a couple of follow ups. It seems to me
10 that the crux of the matter is the potential uses under this zone change is
11 what's really concerning to folks. But the applicant has made it clear that
12 his desire is to do a botanical garden. So my question to staff is, is there
13 no other way to arrive at this ability to allow the applicant to develop this
14 botanical garden? Is this the truly the only route available? Other, I know
15 you mentioned the metes and bounds option, but it sounds like in that
16 option you're still sort of parsing out different land uses. So my question
17 is, if a botanical garden is really what he's interested in, is there no other
18 option to get there other than what's presented before us?
19

20 Banegas: Mr. Chairman, Commissioners. Keep in mind that in talking with the
21 applicant there's basically four uses that they're really interested in,
22 botanical gardens is one of them. But there's the office, there's a single-
23 family home, and then of course some accessory building for storage of
24 equipment. Metes and bounds is definitely one of them, you still, as you
25 indicated, still have to kind of go through it and parse out the type of uses
26 that wouldn't be deemed compatible. Beyond that, I think you know if they
27 wanted to go to a C-2 designation, they're still looking to parse out some
28 of the uses that are deemed questionable. So I don't know if we gain
29 anything there. Plus they're going to have to go through the effort of
30 subdivision to go to no more than one acre in size for the parcels they
31 create to chisel that 10.85 down to one acre chunks. So nothing easy,
32 and it's based on what I'm thinking, it's a whole lot like what we're going
33 through this evening.
34

35 Kaiser: Understood. And on the botanical garden piece is there a minimum lot
36 size requirement there? Or is that come into play strictly on those I guess
37 more traditional commercial uses, the office, the other things that the
38 applicant was wishing to do.
39

40 Banegas: The botanical gardens, basically, in that we're dealing with the entire
41 parcel, there's nothing proposed to be parceled out/subdivide it out. They
42 can make it as large as they'd like to. There's no restriction on a square
43 footage.
44

45 Kaiser: And they could do the opposite. They could make it as tiny as they
46 wanted to.

1
2 Banegas: Yes.
3
4 Kaiser: And then so the C-2 designate, the parcels that are C-2 to the south,
5 what's that minimum lot size requirement?
6
7 Banegas: The C-2 has a minimum of 10,000 square feet and a maximum of one
8 acre.
9
10 Kaiser: Okay, so theoretically, a metes and bounds approach, they could carve
11 off, figure out what their botanical garden is, carve off a couple of parcels
12 to get to that minimum/maximum size and they could then do a C-2
13 designation there. Because from my perspective, folks you've got C-2
14 already there. So I mean the things that we're talking about tonight can
15 already in some respects happen at the southern corner. So to say that
16 commercial was completely inconsistent or incompatible, you know that's
17 not entirely true either. So I'm just sort of thinking out loud here of
18 potential options that might be on the table so thank you. I don't have any
19 further questions. So before we ... Commissioner Smith.
20
21 Smith: I just have one question for Mr. Banegas. You know, this proposal that
22 the owner has to be in compliance with Elevate Las Cruces
23 Comprehensive Plan. And looking at your zoning decision criteria, he did
24 meet that. And under that community environment, it says to encourage
25 efficient land use development patterns that accommodate projected
26 growth in a sustainable manner. So he's met that. And so that, I think it's
27 important that we look at he's meeting you know the criteria. And so that
28 would mean that he is going to work within the criteria that are established
29 here to develop this property, correct.
30
31 Banegas: Mr. Chairman, Commissioner Smith. That is correct. To the best of my
32 knowledge in terms of the information presented to the City, what he
33 originally came forward with was very limited, very limited. The land use
34 or the permitted land use list was an afterthought of how can we ensure
35 down the road that we're restricted. It opened up a little bit. I'm not going
36 to say it did not. But in terms of consistency with the comprehensive plan
37 and what he's achieving to do, there was a lot of alignment that staff saw
38 with the plan, with policy.
39
40 Smith: All right. Thank you.
41
42 Kaiser: All right, so it sounds like there's a couple of folks in the audience that
43 wish to come back up and speak. Can I get a show of hands? Okay, I
44 see one, two, three, four, five, six, seven, eight. I'm going to give folks 30
45 seconds for those that raised their hand. I recognize it's not a lot of time,
46 but we've heard the issues. We understand them. And we need to make

1 a decision here tonight. And I'm sure you all will appreciate, regardless of
2 what the outcome is, of not being here till 2:00 a.m. So 30 seconds. Can
3 get the show hands again. I'm going to start here with this gentleman.
4
5 Milligan: Thank you. Brook Milligan. So I'd like to make a statement about that you
6 referred to the commercial designation on the south side of Tellbrook
7 Road. That is an artifact, that's a leftover designation from 1974,
8 according to the City GIS records of these plots. So it's not representative
9 of its own of the current land use by any means. And I would also like to
10 return to my point earlier, that the goal of all of this master plan is to
11 enable neighborhoods to define their unique identities and needs. And so
12 that it's not purely about individuals here that are proposing changes. It's
13 about all of the issues that he has been faced with tonight, as well about
14 us as a neighborhood defining what those unique needs ought to be.
15 Thank you.
16
17 Kaiser: Can I get, the gentleman in the green shirt? And since this is your first
18 time, I'm going to need to swear you in. So please state your name.
19
20 Vaughn: My name is Matthew Vaughn.
21
22 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
23 and nothing but the truth under penalty of law?
24
25 Vaughn: Yes.
26
27 Kaiser: Please go ahead.
28
29 Vaughn: Okay. I think Mr. Banegas, you pointed to the property south of the parcel
30 in question and called them apartment complexes several times. But each
31 one of those properties, each one of those duplexes is on its own parcel.
32 It's not an apartment complex as a whole. So it's different than what you
33 said. And Mr. Smith, you pointed out that all the further, or there's further
34 development going on up Tellbrook Road. However, all that development
35 is residential, none of its commercial. I think you made that point that lots
36 of other folks here have been saying.
37
38 Nichols: Time, Mr. Chairman.
39
40 Kaiser: We'll come to the Commission. Gentlemen in the jacket right there, no,
41 right there. This gentleman over here. Sorry Commissioner. The brown
42 jacket.
43
44 Laskin: Ron Laskin.
45

1 Kaiser: And do you swear or affirm that the testimony you're about to give is the
2 truth and nothing but the truth under penalty of law?
3
4 Laskin: Yes.
5
6 Kaiser: You have 30 seconds.
7
8 Laskin: So we heard about a botanical garden, a clothing store, a cafe, but once
9 you open up Pandora's box and make it a C-something or other, he's
10 increased the value of his property, he'll sell to somebody else and they'll
11 do what they damn please.
12
13 Kaiser: Commissioner. I'm going to go to you and then I'll go to the lady in the
14 back.
15
16 Reynolds: Thank you. First I want to tell everybody ...
17
18 Kaiser: Please state your name.
19
20 Reynolds: My name is Shannon Reynolds, County Commissioner. Tell everyone
21 that I am trying to deal with the A-frame. It's takes it's process. Okay.
22 Secondly, we had a developer who was trying to build a subdivision next
23 to where I live, which is across the highway. They started when the ETZ
24 there and they were turned down for a certain specific purpose. Then the
25 county took it over, they applied again and they were turned down for the
26 same reason. Lastly, the City took it over, they tried to do it again and
27 they were actually going to get approved until we appealed because they
28 tried to violate the same (*inaudible*) that was established 1992. I see the
29 same thing happening here. Once they get to C-3 s they can put all this
30 stuff on there, they can take two acres and put what they want, take the
31 other five ..
32
33 Nichols: Time, Mr. Chair.
34
35 Reynolds: Acres for what they want. I don't think that we have any control over this.
36 I'm concerned.
37
38 Kaiser: Please state your name. I'm going to need to swear you in.
39
40 Thornock: Hi. Nickie Thornock and I live in the county.
41
42 Kaiser: Do you swear or affirm that the testimony you're about to get is the truth
43 and nothing but the truth under penalty of law?
44
45 Thornock: I do.
46

1 Kaiser: You have 30 seconds.
2
3 Thornock: Okay, I am in favor this. I think change is good. I think a botanical garden
4 to walk my kids to would be cool. Going to the Tellbrook Park is nice, but I
5 have kids, I have a dog, we walk the neighborhood. To have a second
6 place to stop would be really fun. Even if they put in a cafe to send my 16
7 year old out of the house, not have to drive to Pic Quick, that would be
8 nice. There is a very large subdivision going in past the trailer sales. So if
9 we're talking about traffic, maybe we should address that rather than the
10 house that's going to be on the corner that already gets tons of traffic and
11 three, four, or five cars is not going to make any bigger of a difference.
12
13 Nichols: Time, Mr. Chairman.
14
15 Thornock: Than the Airbnb's do.
16
17 Kaiser: Thank you. All right, anybody else on this side? All right, moving on to
18 the man in the hat. Please state your name for the record and you have
19 30 seconds.
20
21 Zemek: John Zemek: I live in Las Alturas.
22
23 Kaiser: He's good.
24
25 Zemek: Yes sir, I promise to tell the truth and whole truth and nothing but the truth.
26
27 Kaiser: If you've already spoken ...
28
29 Zemek: I've got two things so I'm going to take more than 30 seconds. I'm in
30 constant contact with the guy with A-frame house. If anybody wants to
31 know more a little bit about that. I'm in constant contact with the guy. I
32 can tell you just about anything you want to know about it. And so you
33 can come and see me afterward. This reminds me of a story that
34 happened up in Michigan, that someone was trying to get their place
35 rezoned. It was zoned for agriculture and they were trying to get it
36 rezoned so they could build some kind of a store. And everybody said no,
37 no, no, you can't do that, you can't do that. Everything was negative.
38
39 Nichols: Time, Mr. Chairman.
40
41 Zemek: So he said okay and he went home and he said it's zoned for agriculture.
42 So he went home, put a fence around it, and built a pig farm.
43
44 Kaiser: Yes, ma'am. Please state your name.
45
46 Heavner: My name is Nancy Heavner. .

1
2 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
3 and nothing but the truth under penalty of law?
4
5 Heavner: I do.
6
7 Kaiser: You have 30 seconds.
8
9 Heavner: I do live in the county and I live on one acre. The majority of those homes
10 that built out in the Las Alturas area are one acre or more. I have an
11 absolute passion for our state and the fact that you're going to build a
12 botanical garden. Think about water, please. Our water is being depleted
13 each and every day. We bring in another garden that needs more water.
14 We bring in more apartment complexes. Think about light pollution,
15 please. One of the things that we enjoy in the county is the ...
16
17 Nichols: Time, Mr. Chairman.
18
19 Heavner: Fact that we don't have the lights. I ask that you vote no and reject this
20 offer.
21
22 Kaiser: Thank you. Is there anybody else who wishes to speak on the side? Yes,
23 sir, with the hat. Please state your name for the record. And you have 30
24 seconds.
25
26 Gibbs: Les Gibbs. The property that's right adjacent to this, just to the north of
27 that, is about 80 acres and it's owned by Mr. And Mrs. Soules. Now Mr.
28 Soules has passed away. But they have been trying to protect that area
29 and keep it in the rural for this whole time. This is going to be a domino
30 effect. If you approve it for this little area, the next thing will be that 80
31 acres will have a motel on it. Thank you.
32
33 Kaiser: Yes ma'am. Please state your name for the record. And you have 30
34 seconds.
35
36 Liptak: Charlotte Liptak. And if the owners intention is simply single-family home
37 with an office and his botanical garden, then he should have no problem to
38 put another condition that there will be no apartment buildings allowed
39 either and no cannabis sales or growth. Thank you.
40
41 Kaiser: Thank you. All right. I am going to close public comment. And I'm going
42 to return back to the Commission. Any additional comments, questions,
43 thoughts? I'm going to just come back real quick, because there's been a
44 lot of discussion about the compatibility and just want to return to the
45 comprehensive plan, quite frankly. This area, the entire Tellbrook
46 neighborhood within the City of limits is identified as a suburban

1 neighborhood. That's the place type. According to our comprehensive
2 plans, suburban neighborhoods provide for low to moderate density
3 residential land uses, intermixed with areas of commercial development.
4 Representative land uses include single-family residential, detached or
5 attached, multifamily residential, commercial services, single-family urban
6 residential zoning districts and multifamily residential zoning districts. So
7 just from my perspective, going back to what staff's presented tonight, I
8 mean I think this is totally consistent. I think a botanical garden is not
9 wildly out of character. So those are just my parting thoughts. Looking for
10 a motion.

11
12 Bennett: I make a motion to approve 10.2 with the conditions under Exhibit A.

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14 Vega: I second.

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16 Baum: Board Member Acosta.

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18 Acosta: I vote no.

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20 Baum: Board Member Vega.

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22 Nichols: One second please. Your vote "no" needs to be supported by findings or
23 fact that was contrary to the presentation by staff.

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25 Garrison: You just need to state them for the record.

26
27 Nichols: Statement for the record.

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29 Acosta: I vote no based on community output tonight.

30
31 Baum: Board Member Vega please.

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33 Vega: First of all, thank you all for coming out. It's a late night, it's freezing. And
34 it's obvious how much everyone cares about your community. I personally
35 love the idea of a botanical garden. I'd like to see it where it's accessible
36 to everyone in the community. This is a little bit outside of, I guess we
37 have like a more dense population. But with that said, I am hopeful that
38 the owner will follow through on the plan proposed. And based on staff
39 recommendation, I vote to approve.

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41 Baum: Board Member Bennett.

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43 Bennett: I vote to approve based on staff recommendation, the thoroughfare plan,
44 as well as the purpose and intent of the code.

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46 Baum: Board Member Smith.

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Smith: Before I vote, I respect and appreciate you know the strong feelings you have for your community. That's very important within any community and especially within our City. But the City does continue to grow and this area that where you live will grow. And this is a very small attempt at someone to grow their business, grow an opportunity to bring something good to this area. And so it's just something that is not going to have a negative impact only if you decide that it is a negative impact. So I am going to approve. So yes with conditions.

Baum: Chair Keiser.

Kaiser: Before I give my vote, just a reminder that this does require approval by the City Council. So for those of you all who came out tonight, there is another opportunity to express your perspective viewpoints at City Council, regardless of the outcome tonight. So with that, I vote yes, based on staff recommendation and consistency with Elevate Las Cruces.

Baum: Passes four to zero.

AUDIENCE MEMBERS SHOUTING OUT.

Baum: Excuse me four to one.

Kaiser: It passed four to one.

10.3 1024 S. Main Street Special Use Permit Request: A Special Use Permit (SUP) to allow a cannabis retail establishment within the required buffer distance between said establishment and a single-family residential zoning district boundary. The subject property is located at 1024 S, Main Street, is ± 0.20 acres in size, and is zoned C-1 (Commercial Low Intensity). Submitted by Victoria Bruce, Co-Owner Bryan's Green Care. (Case # 22ZO1000134)

POSTPONED INDEFINITELY.

10. DISCUSSION

Kaiser: Lost my agenda here. I believe we are now going on to discussion and staff announcements. Are there any discussion, staff announcements? None.

11. STAFF ANNOUNCEMENTS

Kaiser: I guess I did hear a rumor that the Community Development Department received an award from APA in New Mexico. Is that true?

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Nichols: Thank you, Mr. Chairman, for the opportunity to talk to you about. I'll wait a moment for the noise to die.

Thank you for the opportunity Mr. Chairman, and members of board. I'm very proud to say that the City of Las Cruces Community Development Department was recognized for innovation and planning by the New Mexico American Planning Association. This award was received by Mr. David Weir, our Deputy Director. And we made a public announcement. But this is the second recognition that Community Development Department has had this year. The other one has to do with being recognized by the International Code Council for innovation and what was called the Raising the Profile Award. International Council is a membership of 64,000 people. It's international, so it was really a prestigious award for the department. But mostly as well for the City. And proud to announce those two recognitions.

Kaiser: Congratulations. It's well deserved. And it's great to see your work recognized.

12. ADJOURNMENT (6:21)

Kaiser: So with that, we need a motion in a second to adjourn.

Vega: I make a motion to adjourn. And congratulations again.

Smith: And I second.

Kaiser: All in favor.

MOTION PASSES UNANIMOUSLY.

Kaiser: Meeting's adjourned.

Chairperson