



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 August 22, 2023, beginning at 6:00 p.m. in Council Chambers at City Hall, 700 N. Main Street, Las Cruces, New Mexico. We ask that if you have comments/concerns/questions to please call or e-mail the Planners in advance of the meeting at 575-528-3043 or [\[email protected\]](#).

1. Call To Order
2. Conflict Of Interest
3. Approval Of Minutes

Documents:

[07-25-23 PNZ MINUTES.PDF](#)

4. Public Participation
 5. Postponements
 6. Acceptance Of The Agenda
 7. Consent Agenda
- 7.1. Case No. 23CS0500050
A request to approve a non-administrative replat known as Martinez Subdivision. The proposed subdivision encompasses 2.616 ± acres, is zoned UR (Urban Ranch from the 1981 Zoning Code) and located at 4849 Dunn Drive. The subdivision proposes to subdivide one (1) existing lot into three (3) new lots that range from 0.750± to 0.858± acres in size. Submitted by Borderland Engineers and Surveyors LLC, representative. Council District 6.
- 7.2. Case No. 23CS0500067
A request to approve a non-administrative replat known as Hadley's College Addition Replat No. 2. The proposed subdivision encompasses 0.221 ± acres, is zoned UD-TZ (University District -Transition Zone) and located at 1010 Plain Street. The subdivision proposes to subdivide one (1) existing lot into two (2) new lots that are 0.109 ± and 0.112 ± acres in size. Submitted by Borderland Engineers and Surveyors LLC, representative. Council District 2.
- 7.3. Case No. 23ZO1000068
A request for a Special Use Permit (SUP) to renew a previously approved SUP for a proposed adult amusement establishment. The property is ± .912 acres in size, zoned M-1/M-2 (Industrial Standard) and located at 2221 Westgate Court.

Submitted by Central Park LLC, property owner. Council District 4.

7.4. Case No. 23ZO1000073

A request for a Special Use Permit (SUP) to permit day care services for up to twelve (12) children within a single-family home located at 2521 Kentwood Court. The subject property is currently zoned R-1a (Single-Family Medium Density) and encompasses 0.132 +/- acres. Submitted by Marie-Josette Williams, property owner, St. Teresa Little Flower Home Daycare. Council District 6.

7.5. Case No. 23ZO1000084

A request for a Special Use Permit (SUP) to permit day care services for up to twelve (12) children within a single-family home located at 3646 Santa Marcella Avenue. The subject property is currently zoned PUD/U3 (Planned Unit Development/Sub-Urban) and encompasses 0.130 +/- acres. Submitted by Tamara Beckham – property owner, Metro Verde Daycare by Tamara. Council District 5.

8. Old Business

9. New Business

9.1. Case No. 23VO0500098

A variance request to deviate \pm 10 feet and \pm 14 feet to the required 20-foot rear yard setback for both a bathroom and porch addition for a property located at 1759 Palo Verde Avenue. The property is approximately 0.18 \pm acres and zoned R-1a (Single-Family Medium Density Residential). Submitted by Michael Fitzgerald, property owner. Council District 1.

9.2. Case No. 23VO0500100

A variance to the maximum height, size, and number of attached signs for a property located at 8993 Robert Larson Boulevard. The property encompasses \pm 19.778 acres and has two zoning designations, M-1/M-2C (Industrial Standard-Conditional) and LCIIIP (Las Cruces Innovation and Industrial Overlay zone District. Submitted by Effective Images, representative. Council District 4.

10. Discussion

11. Staff Announcements

12. Adjournment

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



CITY OF LAS CRUCES

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
July 25, 2023 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Scott Kaiser, Chair
Vanessa Vega, Secretary
Connor Murray, Member
Vanessa Porter, Member
James Bennett, Member
Enrico Smith, Member

BOARD MEMBERS ABSENT:

Joaquin Acosta, Member

STAFF PRESENT:

Larry Nichols, Director Community Development Department
Adam Ochoa, Senior Planner/Building Inspection Supervisor
Vincent Banegas, Interim Planner
John Castillo, Planner
Christina Abeyta-Corella, Planner
Jocelyn Garrison, City Attorney
Adrian Guzman, Communications
Becky Baum, Recording Secretary, RC Creations, LLC

1. CALL TO ORDER (6:00)

Kaiser: All right. Welcome to July 25th Planning and Zoning Commission for the City of Las Cruces. We will go ahead and call this meeting to order. I was informed a minute ago that we have a bit of a time - the City hall security, they leave at 9:00 p.m. tonight, so hopefully we can get through everything in the next three hours.

2. CONFLICT OF INTEREST

Kaiser: Is there any conflict of interest from anyone on the Commission tonight? All right. Seeing none.

3. APPROVAL OF MINUTES – April 25, 2023

Kaiser: We will go to the approval of last month's meeting minutes from June 27th.

1
2 Bennett: I make a motion to approve last meeting's minutes.
3
4 Smith: I second.
5
6 Kaiser: I second.
7
8 Baum: Board Member Smith.
9
10 Smith: Yes.
11
12 Baum: Board Member Vega.
13
14 Vega: I'll abstain. I wasn't here.
15
16 Baum: Board Member Porter.
17
18 Porter: Yes.
19
20 Baum: Thank you. Board Member Bennett.
21
22 Bennett: Yes.
23
24 Baum: Board Member Murray.
25
26 Murray: Yes.
27
28 Baum: Chair Kaiser.
29
30 Kaiser: Yes.
31
32 Baum: Thank you.
33
34 Kaiser: All right. We have no postponements tonight.
35

36 **4. ACCEPTANCE OF THE AGENDA**
37

38 Kaiser: So we'll go ahead and get a motion to approve tonight's agenda.
39
40 Bennett: I make a motion to approve the agenda.
41
42 Vega: Second.
43
44 Baum: Board Member Smith.
45
46

1 Smith: Yes.
2
3 Baum: Board Member Vega.
4
5 Vega: Yes.
6
7 Baum: Board Member Porter.
8
9 Porter: Yes.
10
11 Baum: Board Member Bennett.
12
13 Bennett: Yes.
14
15 Baum: Board Member Murray.
16
17 Murray: Yes.
18
19 Baum: Chair Kaiser.
20
21 Kaiser: Yes.
22

23 **5. PUBLIC PARTICIPATION**
24

25 Kaiser: Okay, moving on to public participation. Is there anybody in the audience
26 tonight who wishes to speak on an item that is not for an agenda item? Yes,
27 please come up. Please state your name for the record. And I will give you
28 three minutes after I swear you in.
29
30 Pearson: My name is George Pearson. I'm disappointed that these P&Z meetings
31 are not being broadcast on the City's TV channel or YouTube. Since this
32 committee is recommending committee to City Council, I'd like to
33 recommend that you take action at a future P&Z meeting to send a message
34 to City Council asking that they broadcast these meetings and so that
35 they're available on YouTube. This meeting has, besides City Council, this
36 committee has the most direct impact on the citizens and I think it's
37 important that these meetings be publicly available. Thank you.
38
39 Kaiser: Thank you very much. And I would just like to say for the record that this
40 committee has asked that very question to staff as to why this meeting was
41 no longer being televised. So I would just continue to pose that question
42 and see if we can't come to some sort of resolution
43
44 Ochoa: Chairman Kaiser. Staff will speak with the PIO office on that matter again
45 and see what we can do, sir.
46

1 Kaiser: Thank you. All right, anybody else that wishes to speak on an item that's
2 not on tonight's agenda. Okay. Seeing none,
3

4 **6. CONSENT AGENDA**

5
6 **7. OLD BUSINESS**

7
8 **7.1 Case # 23ZO0500072:** A zone change request from UR (Urban Ranch from
9 the 1981 Zoning Code) to EE (Equestrian Estates) for property that is 1.65
10 acres in size and located 7332 Shannon Road. Submitted by Ryan Major,
11 property owner. Council District 6.
12

13 Kaiser: We will go ahead and move on to old business, and item 7.1, which is a
14 zone change request from urban ranch to equestrian estates. And I will turn
15 it over to staff for presentation.
16

17 Banegas: Mr Chairman, Members of the Commission. Vincent Banegas, Interim
18 Planner, presenting tonight's case regarding property located at 7332
19 Shannon Drive. This should be relatively quick and easy. It involves a
20 conversion zone, zone change or rezoning of property from a defunct and
21 UR zone which was urban ranch under the '81 code to the current
22 equestrian estates version under the 2001 Code. It's Case 23ZO0500072.
23

24 Current conditions are as follows. Address again 7332 Shannon Drive. It's
25 plus or minus 1.65 acres of land. Again, under a defunct UR zone
26 designation. The UR zone back in the day allowed for one acre minimum
27 lot size and the keeping of small and large animals in the semi-rural
28 atmosphere. When the 2001 Zoning Code came into fruition, prior to its
29 adoption, there was always an attempt to try and get property owners to
30 come to the City and bring their soon to be defunct zone into compliance
31 with the 2001 proposed zoning regime. The City staff also undertook
32 significant efforts to go seek out these properties and then bring them into
33 compliance once the 2001 Code was adopted. Obviously, there were some
34 shortcomings associated with those efforts and we didn't catch all properties
35 that needed to be rezoned.
36

37 The current property sits within what Elevate Las Cruces considers to be a
38 suburban neighborhood place type. It's where you see low to moderate
39 density residential uses with some areas of commercial zoning and land
40 use. The property is currently vacant. And as shown on the attached map
41 here, you have Beyer Road on the east side of the property, you got
42 Shannon Road directly north of the subject property which is outlined in red,
43 and further to the west you have Dunn Drive. You can see that the
44 surrounding property, some of the larger tracts or parcels are EE zoning
45 currently, with exception to this one REM which is residential estates
46 mobile. So by converting this property which is UR presently to EE we will

1 be following right in line with what was intended pursuant to the 2001 Zoning
2 Code.

3
4 This is an aerial of the same property, again outlined in red showing the
5 vacant parcel amongst other several developed parcels. A lot of single-
6 family development that's shown and reflected on this aerial. The purpose
7 for the rezoning at this point in time is to facilitate the construction of a
8 proposed single-family site built home. In order to carry that out, the
9 applicant had to submit for a zone change and has done so obviously. And
10 they have also sought to start the construction of their home, in that this
11 proposal falls again right in line with what the 2001 Code calls out as EE
12 zoning and it's very much aligned with the UR zoning designation of old,
13 staff allowed the permit to proceed.

14
15 So this is a site plan of the property showing what they are proposing to do
16 on site, and that's again construction of single-family home, access to be off
17 of Shannon Road. A couple of photos showing the property again, this is
18 looking southeast. This is looking southwest, Shannon Road is right in front
19 of us here, Beyer off to the left here. When staff took a look at the proposal
20 and analyzed it there were no health, safety, or welfare related issues that
21 were of concern. The district that is proposed is definitely compatible to not
22 only what the use will be but what the neighborhood is. It falls within that
23 suburban place type in which there's a lot of consistency with the character
24 that's defined in the comprehensive plan. And the neighborhood itself as
25 shown on those maps is made up of large lots, majority of which are zoned
26 EE in the immediate area.

27
28 This case was noticed pursuant to code and as of this point in time staff had
29 not received any comment, pro or con, to the proposal. It was scheduled to
30 be heard on a previous agenda, in fact last month we had to pull it. But
31 even during that period of time there's been no input provided. So staff's
32 recommendation is to approve the case based on the findings as outlined
33 on this slide, and the next. Again, the property is nonconforming, so we
34 have a need to bring it into compliance. And certainly prior to development,
35 the property needs to be rezoned to something that is compatible to the
36 surrounding area, the EE zone being that designation. The suburban
37 neighborhood place type, again characterized by what is intended in terms
38 of development of the property and the area around it. And there are
39 several goals, policies, and actions from the comprehensive plan that
40 support the request, as well as the purpose and intent of the 2001 Las
41 Cruces Zoning Code as amended, and the municipal code. So the
42 surrounding area again, large lot, lot of consistency. And your options this
43 evening, is to vote "yes" and approve the proposal as presented, you can
44 vote "no" and deny, if you deny it then please provide findings of fact
45 contrary to those presented in this presentation or in the packet, you can
46 vote "yes" with conditions, or vote to table. We do have Mr. Major in

1 attendance this evening. He is the applicant for the proposal. And he could
2 either come up and say a few words or just stand for questions if you have
3 any of him. So at this point in time, staff stands for questions. Thank you.
4
5 Kaiser: All right. Thank you. Any questions from Commission? All right. Seeing
6 none. I'll go to the public. Is there anybody here tonight who wishes to
7 speak on this item? All right. Seeing none. We'll come back. And looking
8 for a motion to approve.
9
10 Bennett: I make a motion to approve 7.1.
11
12 Vega: I second.
13
14 Baum: Board Member Smith.
15
16 Smith: Yes, based on staff recommendations.
17
18 Baum: Board Member Vega.
19
20 Vega: Yes, based on staff recommendation and meets Elevate Las Cruces.
21
22 Baum: Board Member Porter.
23
24 Porter: Yes, based on staff recommendations.
25
26 Baum: Board Member Bennett.
27
28 Bennett: I vote to approve based on staff recommendation, this meets neighborhood
29 character, Elevate Las Cruces, and the purpose and intent of the code.
30
31 Baum: Board Member Murray.
32
33 Murray: Yes, based on staff recommendation, the need to bring it up to compliance
34 with current code.
35
36 Baum: Chair Kaiser.
37
38 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
39 Cruces.
40
41 Baum: Motion passes.

42
43 **8. NEW BUSINESS**

44
45 **8.1 Case #23CS0500012:** A request to approve a preliminary plat known as
46 Sierra Del Sol Subdivision. The subject property is located 350 feet south

1 of the intersection of Lewis Street and Spruce Avenue. The proposed
2 subdivision encompasses 4.48 ± acres, is zoned R-1a (Single-Family
3 Medium Density). The subdivision proposes 18 single-family residential
4 lots, 0.75± acres for multi-family, and a privately owned and maintained
5 park/open space/multi-use trail. Submitted by Souder Miller and
6 Associates, representative. Council District 3.

7
8 Kaiser: Okay, moving on to new business. Next item is 8.1, a request to approve a
9 preliminary plat known as Sierra Del Sol subdivision. Staff please take it
10 away.

11
12 Castillo: Good evening Commission. John Castillo for the record. Today we have
13 the Sierra Del Sol subdivision preliminary plat. The current conditions of
14 the property is that it's currently zoned R-1a. It's a vacant undeveloped
15 parcel of land that is approximately 350 feet from the corner of Spruce
16 Avenue and Lewis Street. It is approximately 4.48 acres in size and is
17 surrounded by single-family residential developments, and it's adjacent to
18 Sierra Middle School. As we can see from the zoning map here, the
19 property as highlighted. The aerial map shows the vacant property. A little
20 bit of history behind this, it was a part of the school at one point. Through
21 some land swapping and the City took ownership of that property. And we
22 decided to maintain a street for the school. These are some street views of
23 the property. So the proposal is for 18 single-family residential lots, a 0.75
24 acre lot for multifamily residential developments, three tracts of land that will
25 be privately maintained that will be used for a park and open space
26 drainage, and the development of a multiuse trail that's going to connect the
27 existing neighborhood, the proposed neighborhood, to the school. This will
28 be done through the back portion right along here. It also is going to have
29 two tracts of land that will be dedicated to the City for drainage purposes.
30 The development will also follow the Sierra Blueprint as well as the Infill
31 Development Process for all future multifamily housing development.

32
33 As we can see here, here's the cover sheet of the proposed preliminary plat.
34 This is the ultimate design for the subdivision. All City relevant staff
35 reviewed the application and had no comments regarding the proposed
36 establishment. Notice was sent to all surrounding properties within 500 feet.
37 Staff did receive two phone calls regarding this one. One of them was about
38 general questions and how it would impact their property. The other one
39 was from a neighboring property down the street from them who was
40 opposed to the development and was also informing us that there was not
41 proper notification. Staff recommends approval based on the finding
42 followings. The proposed preliminary plat known as Tierra Del Sol complies
43 with the requirements and standards of the City of Las Cruces subdivision,
44 based upon review by City relevant staff, the preliminary plat complies with
45 all requirements of the 2001 Zoning Code as amended. And then on July
46 12, 2023, the DRC reviews and recommended approval of the preliminary

1 plat, it meets the intent and purpose of Elevate Las Cruces's comprehensive
2 plan because it is located within a suburban neighborhood. And it's also
3 adjacent to an active transportation route and bus route. The development
4 review committee, or DRC, on July 12, 2023, conducted a meeting. After
5 some discussion the DRC recommended approval of the proposed
6 preliminary plat. Your options today are to vote "yes" to approve, vote "no"
7 to deny, vote to amend, or vote to table. I also have a representative of City
8 staff here as well, as well as the representative for Tierra Del Sol.

9
10 Kaiser: All right, thank you. Any questions? Commissioner Bennett.

11
12 Bennett: I already approved this at one point. We did this once, right and so it there's
13 some changes. Is there a reason why we are changing the whole plan that
14 was approved previously?

15
16 Kaiser: I will have to defer that question to Adam Ochoa.

17
18 Bennett: Thanks.

19
20 Nichols: Mr. Chair. If I may, please. John, you mentioned that there was in the
21 notice that there was one complaint or one in opposition saying there was
22 not sufficient notice. But would you clarify if notice was properly given.

23
24 Castillo: Mr. Chair, Commission, Director Nichols. Yes, notification was sent out to
25 all properties within 500 feet. We also posted the notification in the Sun
26 News, as well as placing the notification on the property as well. The
27 neighbor in question, she did live outside of the 500 foot buffer. We did
28 explain to her about the other forms of notification as well as being on the
29 City's website. She did respond to those in a manner to where she does
30 not review those other agencies that we use.

31
32 Nichols: Thank you.

33
34 Ochoa: Chairman Kaiser, Commissioner Bennett. What you saw before is what
35 was called a blueprint for this property. It was kind of like a master plan, if
36 you will, for this property is what it was. It's how, and the reason I know this
37 is because I'm the one what wrote it. That's the reason why I'm very aware
38 of it. And yes, it was kind of a way for staff to kind of guide the development
39 of this property for the way it's being developed now. And it's following
40 actually that blueprint, which is another condition, a possible finding as well
41 that it does meet what's called the Sierra Blueprint, as well. So that's
42 essentially what you've seen in the past. It did change slightly, but it's still
43 essentially single-family residential homes with a street going through it, and
44 some areas saved for a trail, kind of community gardens and multifamily as
45 well.

1 Bennett: Okay. Cool. Thank you.
2
3 Ochoa: Yes, sir.
4
5 Kaiser: All right. Any other questions from the Commission? Just a couple of
6 questions. Was this entire subdivision affordable housing units or is it just
7 a component of that?
8
9 Castillo: No, it's going to be a lot of the affordable housing, as well as the missing
10 middle.
11
12 Kaiser: Okay, so the affordable housing, it's not the entirety of the project, there's
13 some market rate in there.
14
15 Castillo: No, it'll all be affordable housing. The developer is going to be Tierra Del
16 Sol.
17
18 Kaiser: Okay. Understood. Thank you. Do we have, and maybe this is in the Sierra
19 Blueprint, and I apologize, I'm not familiar with that. That's probably before
20 my time. The apartment or the multifamily component, how many units are
21 we expecting there?
22
23 Ochoa: Chairman Kaiser. They would have to essentially any type of development
24 they do for multifamily on that property, they'd have to come before you
25 again, through an infill development process proposal, through an IDP,
26 because the property is zoned R-1a, so they will have to come before you
27 and actually show you what density, how many units, height, and so on and
28 so forth like that, sir.
29
30 Kaiser: Okay, thank you. And then I think my final question, if you can go back to
31 the aerial image. Yes, that one. So the proposed trail is going to run along
32 the western edge of the property. And I see that it connects to not Webster
33 but the intersecting street there, how would that trail design actually facilitate
34 getting access to the middle school?
35
36 Castillo: Mr. Chair, Commission. I have Paul Pompeo, with Souder Miller and
37 Associates, and he'll be able to discuss the design aspect of it.
38
39 Pompeo: Good evening Mr. Chairman, Commissioners. Paul Pompeo, with Souder
40 Miller and Associates.
41
42 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
43 and nothing but the truth under penalty of law?
44
45 Pompeo: Yes, I do.
46

1 Kaiser: All right. Please.
2
3 Pompeo: Yes, as staff has pointed out there's a remnant street, and half the right-of-
4 way got vacated by the school, and so we're going to place that trail
5 between the fencing of the school, on our property, that's going to exit out
6 into this portion of the parking lot in the school property. The reason that is,
7 is because the entrance into the school is by gates in this area down here,
8 and so that was the logical place to direct that trail into.
9
10 Kaiser: Okay, that, yes, that's great. I just wanted to make sure that we weren't just
11 pushing them out to Spruce Avenue and they're on their own. So thank
12 you. That's it for me. We'll go ahead and open it to public comment.
13
14 Pompeo: I'm sorry, Mr. Chairman. I have a short presentation and then I can stand
15 for questions.
16
17 Kaiser: Please go ahead.
18
19 Pompeo: Thank you, Mr. Chairman. Once again, Paul Pompeo with Souder Miller
20 and Associates. I have a brief presentation so as not to duplicate what staff
21 had presented, and then I'd be happy to answer any questions the
22 Commission might have. Once again we can see that this project is located
23 directly east of Sierra Middle School in the area shown here in yellow. We
24 are planning on 18 single-family residential lots in this area. We have a
25 park area here, stormwater management containment area here, and then
26 of course this is the future multifamily, which once again is not zoned for
27 that now and will be subject to a future application for that property. As you
28 can see also on the plat that the trail that's coming off the end of the existing
29 City of Las Cruces right-of-way is located here, and entering into the
30 walkway that's along the fence here for the parking lot is at Sierra Middle
31 School. We'll design that trail pursuant to the City design standards and
32 that does provide that, I guess there's a lot of students that walk out of this
33 street down here. So that's why I wanted to make sure that pathway was
34 contiguous but not necessarily taking them through the subdivision.
35
36 As you can see, it's a cul-de-sac layout, as you can see here. So no through
37 streets for this application. Also, Mr. Chairman of note, one of the delays in
38 this project was because of the topography of this, wastewater had to exit
39 out of the cul-de-sac head here. And we have secured this easement with
40 the Las Cruces Public Schools to get that line in. So that's also part of this
41 project. With that, that concludes my presentation Mr. Chairman, and I'd be
42 happy to stand for any questions you might have.
43
44 Kaiser: There's one additional question on this. With a pedestrian topic, can you
45 go back to your site plan there? Will there be pedestrian access out of that

1 cul-de-sac into the parking lot or are they going to be required to come
2 around and use the trail?
3
4 Pompeo: They would be required to use the trail only because these lots and this end
5 of the street sit about for three to four feet above the parking lot grade. So
6 they would be required to - there'll be full sidewalks in this subdivision
7 meeting City standards, but they would be required to walk around.
8
9 Kaiser: Okay. Thank you. Any questions from the Commission? All right. Thank
10 you very much.
11
12 Pompeo: Thank you, Mr. Chairman.
13
14 Kaiser: We will go ahead and now open it to public comment. Is there anybody in
15 the audience tonight who wishes to speak on this agenda item? I see one.
16 Please come forward and state your name for the record.
17
18 Lozano: My name is Chad Lozano.
19
20 Kaiser: And do you swear or affirm that the testimony you're about to give is the
21 truth and nothing but the truth under penalty of law?
22
23 Lozano: Yes.
24
25 Kaiser: All right, I'll give you three minutes. Please go ahead.
26
27 Lozano: Okay, I won't be long. I actually live in the neighborhood. You know, I got
28 the notification about this, I just wanted to come and you know show support
29 for it. But I saw there's going to be a park. So hopefully you know it's a
30 good looking park, because I most likely will be using it with my dog or
31 something like that. So I just want to make sure it's not just going to be a
32 flat thing that is going to be ugly in the neighborhood. So that's really all I
33 had. I'm sure the people that bike in there will be sad, but there's other
34 places to bike around in the dirt area. So you know I see it more as a
35 positive thing for the neighborhood. So thank you.
36
37 Kaiser: Thank you. Anybody else who wishes to speak on this item? All right.
38 Seeing none. I will come back to the Commission. Any final questions?
39 Thoughts? Looking for a motion to approve.
40
41 Vega: Make a motion to approve item 8.1.
42
43 Murray: I second.
44
45 Baum: Board Member Smith.
46

1 Smith: Yes, based on staff recommendation. And also it meets exactly what we're
2 attempting to do with Elevate Las Cruces, creating new housing within
3 established neighborhoods. I'm really hoping that as this development goes
4 forward that there will truly be affordable housing, especially with their
5 proximity to a middle school to allow for short commutes of walking for the
6 students. So I think it's important that we continue to help the City bring
7 back you know true neighborhoods where we can, there's walkability and
8 bikeability.
9

10 Baum: Board Member Vega.

11

12 Vega: I vote yes based on site visit and staff recommendation.

13

14 Baum: Board Member Porter.

15

16 Porter: I vote yes based on staff recommendations and Elevate Las Cruces. I think
17 this is a great idea and hope it's approved, further meeting.

18

19 Baum: Board Member Bennett.

20

21 Bennett: I vote to approve based on staff recommendation, this means to Elevate
22 Las Cruces and the MPO Thoroughfare Plan.

23

24 Baum: Board Member Murray.

25

26 Murray: I vote yes to approve based on in line with Elevate Las Cruces and staff
27 presentation.

28

29 Baum: Chair Kaiser.

30

31 Kaiser: Yes based on staff recommendation, consistency with Elevate Las Cruces,
32 and the great need that we have for affordable housing in this community.
33

34 Baum: Motion passes.
35

36 **8.2 Case 23VO0500089:** A variance request to deviate 15 feet from the
37 required 25-foot front yard setback for a carport addition to a home located
38 at 1308 Delano Drive. The property is approximately 0.17 + acres in size
39 and zoned R-1a (Single-Family Medium Density Residential). Submitted by
40 Manuel Morales, property owner. Council District 3.
41

42 Kaiser: Okay, moving on to item 8.2, a variance request to deviate 15 feet from the
43 required 25 foot front yard setback for a carport at 1308 Delano Drive.
44

45 Abeyta-Corella: Hello, Board and Commission. Christina for the record. Today we will
46 be looking at 1308 Delano Drive. This is a request for a variance for a

1 carport. Currently the property is located on the west side of the intersection
2 of Delano Drive and Sandigale Drive. It is approximately 0.17 acres and it
3 is zoned R-1a with single-family medium density. It is a single-family
4 residence.

5
6 Here we have the aerial photo of where it is located. On this side you can
7 see that this is primarily residential. On this side we do have commercial.
8 Again, on the zoning map you can see the residential component of it and
9 the commercial component of that. The code requirements based off of
10 what the current zoning is, the car carport is not allowed. It does have to
11 maintain a 25 foot setback that is not going to be met. The applicant is
12 seeking to construct a carport addition to the existing dwelling in the front
13 yard of the subject property. The variance would allow the addition of the
14 carport to be constructed in the front yard with a 10 foot setback. So that
15 would be a 15 foot deviation.
16

17 Here is the site plan showing where the carport is going to be and the way
18 that they'd like to construct it and showing that 10 foot setback for that. This
19 is the type of structure that is being proposed to be placed on that property
20 in the front yard. The applicant's justification is they have medical reasons.
21 There is need for mobility assistance at times. The protected area of the
22 carport provides help and supports the applicant's safety. Staffs analysis is
23 there are no health, safety, or welfare issues identified. The request for the
24 15 foot variance to the minimum required 25 foot setback does not meet the
25 criteria for the decisions outlined by the 2001 Zoning Code. So staff is
26 recommending denial. The findings, a carport is required to meet a 25 foot
27 front yard setback, and all residential zoning. The request for the 20 foot
28 variance to the minimum required carport front yard does not meet the
29 criteria for that decision. In addition too, there is an existing garage at this
30 address. I'm not sure why it has it like this, but staff did receive public
31 notification. On that we did receive five calls on here, we had only identified
32 three at the timeframe. We received five calls in support of. We received
33 one e-mail in support of. We received one e-mail opposing. And before we
34 had an additional e-mail opposing. So it's totally 10 in support and two in
35 opposition. If the Commission does do an approval, we ask that conditions
36 be applied to this, that the sides can never be enclosed, it must be attached
37 to the home, and it must meet design standards. With that being said, you
38 have the options to vote "yes" to approve, "no" to deny, you can vote "yes"
39 with conditions, or vote to table.
40

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

42
43 Smith: I have one question. The building that, the structure that they showed is a
44 prefab carport, is there a way that a smaller structure could be used that
45 would meet the criteria for the City or is it's maybe not possible.
46

1 Abeyta-Corella: Commissioner. It would not meet because the setback is 25 feet and the
2 house, the existing garage is built to that 25 foot setback.
3
4 Smith: Okay, I needed clarification. That's what I thought. Thank you.
5
6 Abeyta-Corella: You're welcome.
7
8 Kaiser: Any other questions? All right. Do we have the applicant here who wished
9 ...? Okay. And before you begin, please state your name for the record.
10
11 M. Morales: Mannie Morales, owner of this property.
12
13 Kaiser: And do you swear or affirm that the testimony you're about to give is the
14 truth and nothing but the truth under penalty of law?
15
16 M. Morales: I do.
17
18 Kaiser: Okay. Please go ahead sir.
19
20 M. Morales: Okay, I have a correction. She said 20 foot, I asked for a 15 foot carport.
21 Okay. And it's on record because I haven't missed three other rounds
22 because of the 20 foot that I wanted. But I found a place that out of state
23 Coast to Coast that'll build me a 15 footer. And it meets the criteria for that
24 safety triangle, whatever that is. So from the other three rounds that I had,
25 I decided to change it to a 15 and see if that would satisfy the City and my
26 neighbor. Yes.
27
28 Okay, I've been a resident of Las Cruces since 1961, 62 years ago. And
29 for somebody else to come in from out of state and try to tell me what to do
30 with my property is, to me this ridiculous. Anyway. And I came here for a
31 better quality of life in a bigger City. I retired from the state. I was a surveyor
32 for the State of New Mexico. And when we were building the bypass, I
33 decided to build my home there close to I-25. I liked that residential area.
34 So I had my house built in 1972 by Eddie Binns. And I also help everybody
35 that comes in, if they want to be registered to vote in our district, and I do
36 everything possible to help them. And I know most of my neighbors, most
37 of them. Yes. So our house is our biggest investment. And it's valued at,
38 right now at 10 times what I paid for it in 1972. And I will never move out of
39 there except to the columbarium at Immaculate Heart of Mary. And that's
40 with the upgrades that I did and improvements. And I'm very proud to be a
41 citizen of Las Cruces.
42
43 I have been a safety watchdog helping hand for our neighbors, especially
44 when we have new neighbors that come in. I give them all the information
45 that I can about the City, about the trash collection, water, whatever. And I
46 also had the streetlights, I was very instrumental in having streetlights put

1 in our streets, Delano and Hillrise. And I also had a friend of mine, Dan
2 Soriano was a City engineer, I had had him do a traffic study and put some
3 common devices which we call speed humps, not bumps. And I was very
4 instrumental in that for the safety of our neighborhood. Okay. Okay, those
5 speed humps, we had them from Telshor to Hillrise, Delano to Missouri.
6 Very steep grade on Hillrise, then curves on to Delano and very fast drivers,
7 especially the people that don't live there. And they run out of control going
8 into the 1304 Delano which was Dr. Rudy's house, I worked for him and I
9 fixed those. I fixed fencing. I put guardrail posts with concrete behind and
10 that saved, I think that saved a couple of lives from them not going into the
11 tree. And so I still involved with that house. I advise them not to park in the
12 street, because of those fast drivers. And the last one incident was
13 November 2022. They went into the yard; they went over the guardrail
14 posts and all that and then into the driveway and damaged the vehicle and
15 got away like some of them have done.
16

17 I had the City do a traffic study. To this date I haven't heard anything. So
18 like I said I warned all the renters not to park in the street. And on 06/28/23
19 I delivered this copy to our Councilor counselor, Becki Graham. Hopefully
20 we can get that resolved and the street paved and all that stuff. Okay. Do
21 I have a time limit? No. Okay. I would not be here today, again, if I had
22 placed a carport like all around the City. Before I went years ago, after I
23 found out that there was a no, no with this regulation, I had over 100 carports
24 list. Most of them were up to the sidewalk. And when I went to the City,
25 they told me to take it to the code officer. He assigned a young man to
26 check into those. He only did the two in my neighborhood. And another
27 one, he said the list was too long. So anyway.
28

29 There was a list of over 100. And because the City did not have good
30 records, that's why they sent me over to the codes. So then, my next best
31 ammunition to get a carport without any negative comment would be the
32 carport at 2800 Claude Dove that was installed in May 2016 with a front six
33 foot wrought iron fence, which is a no, no. I know a lot of the codes. So
34 anyway. They did have him remove it or move it to the back yard. There's
35 no way to move it to the backyard, it won't do any good. So he removed it.
36 I'm sorry that I did that to that person. And the other one was on 2708
37 Crestview. And that was installed in October 2016. I was always keeping
38 records. And he went before the board after I did and they allowed him to
39 keep it. He didn't have a permit. And the reason that he had were that like
40 everybody else did not know the City regulations, unless you get all that
41 posting and all that stuff in front of your yard. And he was not told where he
42 bought it. And it cost a lot of money. So they did allow him. That was my
43 ammunition also. I mean why should he keep it; he didn't have a permit.
44

45 I've gone through this so many times. And really for the reason I opened
46 the garage, again was for my wife's benefit because of her illness. But I do

1 need a carport from for my other vehicles. And it will be a 15 footer not a
2 20 footer. I must. One more listing. At the City Council meeting which I
3 had, after the board meeting, they allowed Mr. Blickem, which was a renter
4 or something, and Eddie Binns, the builder of our house, developer, and he
5 happened to show up, but he spoke negative against the carports. But I
6 know that at the beginning of that residential area by Missouri there's about
7 eight houses that have carports that were built not with the houses, but later.
8 So you know. And so since the letter sent out for my meeting said, stated
9 no public input will be taken at this hearing except those that testified at the
10 March 28, 2017 board hearing. There was Camacho, Mel Sales, and my
11 good neighbor Mr. Mullins. So I lost round two again. I would say that the
12 office personnel to inform the chairman before the meeting about who can
13 speak and who cannot speak you know that would have saved me some
14 time too. So the mayor had me redo another meeting because of that,
15 because those people were allowed to talk in that City Council meeting,
16 which they weren't allowed and it was all negative. So I had a reprieve and
17 the same results.

18
19 Then in November, that reprieve, Camacho said that the carport garage will
20 removed at 2708 Crestview. Okay. It was not removed. The one that was
21 removed was on Claude Dove. I wanted to make a correction but my mayor
22 said he didn't allow me to speak. And I have a picture to show that I had
23 from the City, I had a picture of that carport, garage, because it's enclosed.
24 But I was not allowed to speak. And so I lost round three. So here we are
25 with round four. And since 20 foot length carport was no, no, I found Coast
26 to Coast contractor, they will build and install a shorter one, 15 foot length
27 and the roof color close to the house color. Should be okay. Should be
28 okay about the clear sight triangle unless they come up with something else.

29
30 But already said this, it's the start of the subdivision from Missouri north,
31 some carports were built with the house and some later. I have a list for the
32 builder, developer, because he was against the carports. Okay. I guess
33 seniority doesn't count that I've been here forever. I'm the longest and
34 probably the oldest resident in that area and I'll do whatever I can for
35 everybody, most everybody now. As far as, on my life. Like I said, I'll be at
36 84 years and three weeks. I'm bad diabetic. I take shots. Arthritis from my
37 hips, knees when I went out, when I was a surveyor. And I take injections
38 on my knees every six months because I don't want replacements. Our
39 summers are very hard on me, as you can see because I worked forever in
40 the sun and I can't take the sun anymore. So it would sure help for the rest
41 of my life, my life and my wife's to get a carport that'll serve its purpose to
42 protect the vehicles and myself and ours. I do my chores in the morning, if
43 possible and in the shade. My wife, like I said, has medical issues and
44 doing therapy for respiratory hypertension, and that's our reason that I
45 opened the garage again for her vehicle, at least for hers. God bless the
46 USA, land of the free. Thank you.

1
2 Kaiser: Thank you very much. And thank you for your contributions to the
3 community and neighborhood. Are there any questions from the
4 Commission? Commissioner Smith.
5
6 Smith: Yes. And also echo Commissioner Kaiser's comment about your dedication
7 to your community and to your neighborhood. You know, you stated that
8 your requesting for, you know for medical reasons, and you did state you
9 know for a skin condition and shade. But outside of that you know as far as
10 protecting your vehicles from the sun, you know are there any other medical
11 reasons that it would, that you need to have this size of a carport, maybe
12 possibly just a shade to cover your vehicle would suffice. But this is your
13 fourth round.
14
15 M. Morales: Yes.
16
17 Smith: And I mean, you're very determined to try to get this carport built. But you
18 know we need to have a reason to issue this type of variance. I mean 15
19 feet is a lot for a variance. So once again you know are there any really
20 medical reasons that you would have to have this the size of a carport?
21
22 M. Morales: Well, like I say I can't be out in the sun. And I we would rather have 15
23 degrees less heat temperature when we get our vehicles you know
24 especially my wife with her respiratory problems. I would say that would
25 really, at least I changed it from a 20 footer to a 15 because they came up
26 with that, it was, one of the Commissioners said 20 feet is 80% of your
27 driveway. We can't have that. So this is the reason I changed it to a 15 foot
28 see what would come out of that one. And there's no problem according to
29 the City stuff that I got the last time with the safety triangles or whatever.
30 That's my point.
31
32 Smith: All right. Thank you, sir.
33
34 M. Morales: You're welcome.
35
36 Kaiser: All right, we'll go to public comment. Is there anybody in the audience who
37 wishes to speak on this item tonight? Please raise your hand. Yes, sir,
38 please come down. Please state your name for the record so I can swear
39 you in.
40
41 Camacho: Good afternoon. My name is Sebastien Camacho and I live at 1306 Delano
42 Drive, which is adjacent to Mr. Morales's home.
43
44 Kaiser: And do you swear or affirm that the testimony you're about to give is the
45 truth and nothing but the truth under penalty of law?
46

1 Camacho: Thank you for asking that question. I definitely do.
2
3 Kaiser: Okay. I'll give you three minutes.
4
5 Camacho: Three minutes. Okay. Can I see something before we start the three
6 minutes?
7
8 Kaiser: Go ahead. Your time's going.
9
10 Camcho: Okay. So I know you guys been talking about the notification and stuff. And
11 I have been to the Commission. This would be my second time. And I've
12 been with the City Council three times. And, of course, I'll just read my
13 script. But I just want to let you know that I've never gotten the notification.
14 The only reason I found out about this, because I did look at it online. And
15 I know there's different things. But for some reason, the notifications don't
16 come to my mail, whether it's registered or not. But I do know that my utility
17 bills from the City and my property taxes do come to my home. It's just it's
18 just very unusual that this doesn't come to my house.
19
20 But anyway, let me begin. I'm not really prepared because of the short
21 notice. I actually thought I was going to come to the City Council. So my
22 apologies for not being as prepared. Again, this because of the notification.
23 But good afternoon. And I just put it down as the members of the board,
24 but the Commissioners. My name is Sebastian Camacho and I live at 1306
25 Delano Drive. I am here to express my concern and opposition for approval
26 of this item. I would like to first inform the board if the board does not already
27 know that this item has been before the board on three previous times, with
28 the board denying the request on all three occasions. I am here not as a
29 bad neighbor, but out of concern for my safety, the safety of my family, and
30 those that visit me and park in my driveway. You know, I scripted this
31 discussion to facilitate my position so please bear with me. You do have
32 some slides. And if you don't mind, just look at them because what I'm
33 going to be saying it's going to be referred to them, if you'd mind just looking
34 at it them, because I think they were, I think you have them but I can.
35
36 Kaiser: We have them.
37
38
39 Camacho: Yes. Yes. I think they're like, the way I have them, and I think they're
40 backwards. But I'm not going to kind of just go through it, if you don't mind
41 just looking at it real briefly. So I'll be talking about item number two, or
42 exhibit number two, shows that Mr. Morales has a temporary mini, well
43 actually, as you can see the exhibit number two provided, I enumerate the
44 areas that I would want to touch, as honest, to which I'm asking the Board
45 to deny this request again. And item two on the exhibit showed that Mr.
46 Morales has a temporary mini carport in his driveway already. I call your

1 attention to the date of the Google image 08/22. On item two on the exhibit,
2 I believe that Mr. Morales is already in violation of this ordinance even
3 though the board rejected his variance request prior to the date. I would
4 ask that the board to ask Mr. Morales why he believes that this board was
5 in error and thus puts up this temporary carport against the ordinance of the
6 board's direction. I would also like to point out that this is an eyesore and
7 devalues the neighborhood. Now I would call attention to number two,
8 which is one of the, as you can see Mr. Morales has a garage door. But I
9 believe that he uses his garage to move, to make it into a living space. As
10 you can see his cars are outside of the driveway instead of inside the
11 garage.

12
13 Kaiser: Just one second. I think our timer got messed up. So why don't you go
14 ahead and put two minutes on and we'll start the timer from there.

15
16 Camacho: All right. Thank you. I think you appreciate that. Just let me know when
17 you're ready.

18
19 Kaiser: One second, sorry. It did beep, so I just want to, for fairness I want to give
20 you the (*inaudible*). So please go ahead.

21
22 Camacho: All right, I would like, I would ask that the board to direct Mr. Morales to
23 remove the curb stops that are there. And I put A, B, C so he can park his
24 vehicles in the garage and I think that's just a barrier for him not to be able
25 to do that, but he does have those curb stops. Now let's discuss the details
26 as to why I believe that approval of the variance would impact my safety
27 even more it already is. If I can point out to, and then A, B, and C, some of
28 those dates in the afternoon he's parking is his truck. He's kind of like in
29 the, and where the walkway, he's just parking it and I think, I mean you'll
30 probably figure out why. So one of those things is going to even give him
31 more of a difficulty in seeing. So I know that he has the right to park in the
32 driveway, but if you allow a carport it would have an added obstacle of
33 columns that must now take into account. And it does not park in his
34 driveway then he parks in the street, that makes my sight distance worse.
35 All this would become a nonissue if he opened his garage and parked
36 inside. Even if he parks his truck as close as to the house possible, I still
37 have sight distance issues due to Mr. Morales, also having tall bushes in
38 the parkway as shown in the exhibit as the number two, as previously
39 shown.

40
41 I need to look past the vehicle and the bushes to maneuver out of my
42 driveway. I didn't cause for a carport only make visibility much worse. Also
43 has the City, Mr. Morales is in violation of the clear sight triangle with these
44 bushes. Now I would like to bring your attention to the second exhibit. I
45 think I'm just; I mean would point out that the neighbor (*inaudible*) pushes.
46 But let me just finish up. In closing the last time I spoke against this Mr.

1 Malloy spoke of personal issues about me that had no relation to the
2 variance request/ I asked the board not to allow Mr. Morales to speak of
3 any of my personal life in a public forum. I would also like to thank the board
4 in advance for recognizing that the ordinance are in place for the safety of
5 the public and ask that you deny the variance request for a fourth time.
6 Please send a message to Mr. Morales that when it comes to safety,
7 especially when safety is already compromised, as in this situation, that the
8 squeaky wheel does not get the grease. I would also like to ask the board
9 to send the clear message that carports will not be approved. You know.

10
11 Kaiser: Thank you. And that's time. I think our beeper is on silent, which is not
12 useful. So thank you very much.

13
14 Camacho: I can stand for any questions. Stand for any questions if you have any.

15
16 Kaiser: All right. Thank you very much. Is there anybody else in the audience who
17 wishes to speak on this item agenda? Please raise your hand just so I can
18 get a quick headcount. We got ... this gentleman, please come forward.
19 State your name for the record.

20
21 Blickem: Ryan Blickem.

22
23 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
24 and nothing but the truth under penalty of law?

25
26 Blickem: I do.

27
28 Kaiser: I'll give you three minutes.

29
30 Blickem: All right, I'll keep it simple and sweet. I'm here just to vehemently oppose
31 this application as it does not elevate Las Cruces neighborhoods. Me
32 personally, this is my fourth go around here in front of the Commission and
33 the City Council. It's gotten to the point like Mr. Camacho said, the squeaky
34 wheel gets the grease and I'm disappointed that I have to yet again stand
35 in front of the council and waste my time. And I had yet to hear any sort of
36 proper justification as to Mr. Morales's application. Also, as Mr. Camacho
37 alluded to, he currently has a temporary structure erected as a carport that
38 doesn't meet any sort of, that doesn't adhere to any current codes. Also, I
39 didn't see any sort of proper site plan or design submittal with the
40 application. And I'm trying to think of what else I've got here, and just
41 general line of sight issues that will be presented by this carport being
42 installed. So that's all I've got. I'll keep it simple and short. And I appreciate
43 the Commission's time.

44
45 Kaiser: Great. Thank you very much.

46

1 Blickem: Thank you.
2
3 Kaiser: Is there anybody else who wishes to speak tonight? With all due respect,
4 sir, you've already had your opportunity tonight. So I'm going to come back
5 to the Commission. Are there any additional comments or questions?
6 Sorry, okay, yes, ma'am, please come forward. Please state your name for
7 the record.
8
9 B. Morales: My name is Barbara Morales.
10
11 Kaiser: And do you swear or affirm that the testimony you're about to give is the
12 truth and nothing but the truth under penalty of law?
13
14 B. Morales: Yes, I do.
15
16 Kaiser: I'll give three minutes. Please go ahead.
17
18 B. Morales: Okay. First of all, I want to say that his family, the neighbors family do not
19 live there. He said it was for their safety. They don't live there. They only
20 go there for a little while to get the mail I guess, put out the trash. Whatever
21 they do, I don't know. But the point is, if it's for their safety, again they don't
22 live there. And the second thing I want to say is the thing that he was talking
23 about is just temporary, it for a yard sale that we want to do. It's not forever.
24 It's not a permanent. Thank you.
25
26 Kes Thank you. Okay, coming back to the Commission, any questions?
27
28 Vega: Thanks, Commissioner. Just a quick clarifying question for staff on our
29 options on how to vote once we get to that point. Thanks.
30
31 Abeyta-Corella: So again, the options are vote "yes" to approve, "no" to deny, vote "yes"
32 with conditions, or vote to table. And if it's approved with conditions, these
33 were the conditions that staff recommended, is it can never be enclosed,
34 must be attached to the home, and must meet design standards.
35
36 Ochoa: I'm sorry Mr. Chair. Point of clarity. Adam Ochoa again for the record with
37 Community Development. So your options again, is one to vote "yes." If
38 you do vote, "yes," that's against what staff is recommending, so you'd have
39 to provide new findings of facts in order to approve the proposed variance
40 as is or add conditions as well. If you vote "yes," as well, it approve with
41 conditions, you place those conditions and still state your new findings of
42 fact as well, just to clarify for you.
43
44 Kaiser: Thank you. Was that, clarify? Okay. Any other ... Commissioner Smith.
45

1 Smith: I just have a quick question regarding Ms. Morales's comment that they
2 don't live there. I want to ask Mr. Blickem if he lives in the neighborhood.
3 Okay. And Mr. Camacho, do you live in a neighborhood? Okay. I just
4 wanted to confirm you are both residents.
5
6 Kaiser: All right. So looking for ...
7
8 Nichols: Mr. Chair. May I - point of order.
9
10 Kaiser: Please.
11
12 Nichols: We'll need the two individuals to come to the podium to state the question
13 that Commissioner Smith had. Not to speak from the audience.
14
15 Kaiser: I believe the question for both these gentleman is are you residents of the
16 neighborhood? And before you answer that, can you please just state your
17 name for the record, and then you may give your answer.
18
19 Blickem: Yes. My name is Ryan Blickem. I live at 1301 Delano. And yes, I do live
20 there.
21
22 Camacho: Yes, my name is Sebastian Camacho. And I am in the homeowner of 1306
23 Delano. And I do live there and I do pay my taxes. I do travel, so maybe
24 that's why I'm not there. That's just my job, I have to travel. But I'm here
25 today, right. And if I didn't live here, then where would I be?
26
27 Kaiser: Thank you. Okay, so looking for a motion, just a reminder that the motion
28 needs to be in the affirmative, so it'd be a motion to approve.
29
30 Vega: Make a motion to approve item 8.2.
31
32 Bennett: I'll second.
33
34 Baum: Board Member Smith.
35
36 Smith: No.
37
38 Baum: Board Member Vega.
39
40 Kaiser: On, based on based on.
41
42 Smith: Based on staff recommendation. My apologies.
43
44 Baum: Board Member Vega.
45

1 Vega: I just want to thank everyone from the community for coming today and
2 sharing their feedback. And unfortunately, I will have to vote no based on
3 staff recommendation and due to the potential for any sort of.
4

5 Baum: Board Member Porter.
6

7 Porter: I vote no based on staff recommendations.
8

9 Baum: Board Member Bennett.
10

11 Bennett: I vote no based on staff recommendation.
12

13 Baum: Board Member Murray.
14

15 Murray: I vote no based on staff recommendation.
16

17 Baum: Chair Kaiser.
18

19 Nichols: Mr. Chair. If I can interrupt, please. The City attorney has asked to have a
20 little clarification on the manner in which we're voting on this, what yes would
21 mean and what no would, a denial would mean.
22

23 Garrison: Just to clarify based on some of your comments. If you're voting yes to
24 approve based on staff recommendation, the recommendation was to deny
25 the request. And so if you would like to deny the request, you're voting yes
26 to approve. And if you're voting no then you would need to state the specific
27 findings.
28

29 Kaiser: Yes, the motion was to approve the item, so a no vote would be to deny.
30

31 Garrison: I just wanted to make sure just based on some of the comments that that's
32 what your intent was.
33

34 Baum: And Chair Kaiser.
35

36 Kaiser: Vote no based on staff recommendation.
37

38 Baum: The vote was denied
39

40 **8.3 Case # 23VO0500090:** A variance request to deviate 14 feet from the
41 required 25-foot front yard setback for a carport addition to a home located
42 at 1016 Cedardale Drive. The property is approximately 0.23 + acres in size
43 and zoned R-1a (Single- Family Medium Density Residential). Submitted by
44 Celia Tahuahua, property owner. Council District 1.
45

1 Kaiser: Okay, moving on to item 8.3. This is a variance request to deviate 14 feet
2 from the required 25 foot yard setback for a carport addition at 1016
3 Cedardale Drive.
4

5 Abeyta-Corella: I am going to be presenting on 1016 Cedardale. They are requesting a
6 variance request for a carport. This one is about 239 feet west of the
7 intersection of Elks Drive and is on Cedardale. It is approximately 0.23
8 acres. It is zoned R-1a and is a single-family residence.
9

10 Here we have the aerial you can see Elks Drive and Cedardale. This is the
11 location where the carport was constructed. Here in the zoning map you
12 can see that the entire area is actually R-1a. This one, like the other, does
13 not comply with the Chapter 38 of the 2001 Zoning Code. The required
14 setback is a 25 foot setback. The proposal is to obtain permission to retain
15 an unpermitted carport. The variance would allow the carport to be in the
16 front yard with an 11 foot setback. Here is the site plan that was drawn up,
17 here is the carport and there is 11 feet here. Here are pictures that I went
18 out and got from the location. So this is what the carport looks like. You
19 can see here, the footage, this looks like it's going to have to meet the 11
20 feet based off of what was asked for on that variance.
21

22 The applicant's justification is to protect the vehicle from extreme heat and
23 to watch their grandchild play. Analysis, there are no health, safety, or
24 welfare issues identified by staff. The request is for a 14 foot variance to
25 the minimum required 25 foot setback for the carport to be installed or for it
26 to remain installed. Staff's recommendation is denial as it does not align
27 with the 2001 Zoning Code. The findings, a carport is required to meet the
28 25 foot front yard setback in all zoning districts that are zoned R-1a. The
29 request for the 14 foot variance to the minimum required front setback does
30 not meet that criteria. There is an existing garage at that address.
31

32 Public notice, we did get one inquiry and then in your packet you will see
33 that we did get one e-mail in support of. Conditions if approved, can never
34 be enclosed, must be attached to the home, must meet design standards,
35 and the front structure must be meet the proposed setbacks of the 11 feet
36 in the front and then it has to maintain the five foot setback requirement.
37 Your options today for voting would be "yes" to approve, if approved it would
38 need, I forgot the word, support to say why you're doing the approval for,
39 vote "no" to deny, vote "yes" with conditions, and vote to table. Those would
40 be the options today.
41

42 Kaiser: All right. Thank you very much. Coming to the Commission, are there any
43 questions? Seeing none. Was the applicant - did you wish to make a
44 statement? Please state your name for the record.
45

46 Tahuahua: Carlos Tahuahua.

1
2 Kaiser: And do you swear or affirm that the testimony you're about to give is the
3 truth and nothing but the truth under penalty of law?
4
5 Tahuahua: Yes, I do.
6
7 Kaiser: Okay, go ahead.
8
9 Tahuahua: Good afternoon. First of all, house was built in 1963 which I don't know
10 what type of cars they drove back then but our two vehicles will not fit in our
11 double car garage. It has two garage doors. In the past we've made the
12 attempt to put at least one car in there with very little space between the
13 garage door and the back of the vehicle. And not allowing us to actually
14 walk in front of the vehicle to close our garage door. Looking at all the other
15 carports that are in the neighborhood, I thought it was okay based on what
16 I've seen. Even one right down the street from us at Devendale and
17 Cedardale, which is probably closer to the roadway than ours is, but yet that
18 one still stands. We purchased the house in 2003 and we've never really
19 been able to put our cars in the garage. As you know, the way the summers
20 are, the way the winters are, we want to protect our property. We want to
21 protect our vehicles. I strive to keep a clean front yard, there's no weeds,
22 there's no trash, unlike other houses down the street from us that you know
23 for years now there's trash in front of their house. But yet, I build a carport
24 to protect my property and I'm here to present it today.
25
26 Kaiser: Thank you very much. Any questions for the applicant? All right, seeing
27 none. I'll go ahead and open up to public comment. Is there anybody in
28 the audience here who wishes to speak tonight? Please raise your hand
29 for a moment so I can get a headcount. So let's see one, two, three, four,
30 five, six folks. So we'll go ahead and give everybody two minutes to speak.
31 We're going to start on this side. So I'll go the - raise your hands once again.
32 Sorry, I don't have a photographic memory here. We're going to start in the
33 third row, the gentleman with the blue, nope, sorry, row, yep him right there.
34 Yes, you, come on down. Price is Right. There we go.
35
36 Dolly: Evening. My name is Mark Dolly.
37
38 Kaiser: And do you swear or affirm the testimony you're about to give is the truth
39 and nothing but the truth under penalty of law?
40
41 Dolly: I do.
42
43 Kaiser: All right, two minutes. Go ahead.
44
45 Dolly: 1014 Cedardale. Bought it in '92. I'm Charlie's next door neighbor. I am
46 the closest property to that structure we're talking about; I have zero

1 problems with it. It's beautiful. I will attest to his statement about trying to
2 park their cars in the garage. Years ago, Charlie paid a lot of money to
3 have a tree removed that was between our properties. And the tree had
4 pushed his driveway pad up to the point where he couldn't pull his truck into
5 his garage. So he had a lot of work done to get that driveway back down.
6 So he really tried to use that existing garage for his automobiles. And he's
7 right, he's right. I got a carport next to his, a part of the house, and I was
8 going to close it in when I bought the house but I realized I couldn't park two
9 cars in there and open the doors and do anything in the car in the garage.
10 So I did not close that carport in. I have no problems with his carport. It's
11 beautiful. It actually provides a little bit of early morning shade to a suffering
12 tree of mine in the front yard. Charlie and Sally are impeccable neighbors.
13 Excellent citizens. And I would hope you would vote in his favor.

14
15 Kaiser: Thank you very much.

16
17 Dolly: Thanks.

18
19 Kaiser: All right, then then we'll go to the gentleman that was in the aisle, yes,
20 please. State your name.

21
22 Parker: Timothy G. Parker.

23
24 Kaiser: And do you swear or affirm that the testimony you're about to give is the
25 truth and nothing but the truth under penalty of law?

26
27 Parker: Yes.

28
29 Kaiser: Please go ahead.

30
31 Parker: Okay, I've lived in that 1013 Cedardale, across and one house down. I've
32 lived in that house since 1965, when the neighborhood was new, since I
33 was a little kid. People do have - I've been trying to count I think about six
34 different people have lived in that house. And I don't recall any of them
35 being able to get a car in there on a regular basis. It's just tight. It's one of
36 those that's divided. And it's not a good garage at all. Also, I kind of as a
37 person I think rules should make sense. They should do something proper.
38 And in this case your rules of the setback don't serve any purpose. The
39 carport is not unsafe. It's not unsightly. It's fine. In this case, I think you
40 should make a difference because, you know make a variance because it
41 makes sense. I think the laws should make sense once in a while. And you
42 guys have the right and the ability to make things make sense. So I would
43 ask you to go ahead and do the right thing so this makes sense. The carport
44 is fine, it looks good. It's sturdy. I think you allow him to keep it. Thank
45 you.

46

1 Kaiser: Thank you very much. All right, now we'll go to the gentleman in the black
2 shirt. Please state your name for the record.
3
4 Davis: My name is Robert Davis. I live at 1015 Cedardale. I live directly across
5 from Mr. Tahuahua.
6
7 Kaiser: Do you swear or affirm the testimony you're about to give is the truth and
8 nothing but the truth under penalty of law?
9
10 Davis: I do.
11
12 Kaiser: Okay. Go ahead.
13
14 Davis: I mean, pretty much when the whole carport was built, I think pretty much
15 everybody around the neighborhood was actually really pleased with the
16 way it looked. And this is even pretty much like you've guys have seen
17 pictures. This is not even a finished product yet too. I mean there's
18 definitely plans for paint that you know that they do plan. So it really will
19 serve a beautiful purpose. And I know I keep hearing about this Elevate
20 Las Cruces thing and this is actually the first time I've heard about this. I've
21 lived here for 13 years. But I know that whole thing is Elevate Las Cruces,
22 Elevate Las Cruces, but really, as a homeowner you have I mean, you have
23 to really deviate from that and understand is that we have property that we
24 need to protect as well. And the way that their house is facing you do get
25 that hot sun directly, I mean directly right at their front door to where it very
26 much does. I've lived there for six years directly across the street, look out
27 my window, it's not an eyesore. And we've had actually our carport which
28 was attached to the house, actually enclosed about two years ago and
29 made into a garage. It's costly. And even so some of these other garages
30 or so, they say it's a double car garage, you can't fit two cars in there, you
31 can barely fit one. And I mean we have scraped the back of our cars before
32 just based on the garage door just because they're not built the way garages
33 are built today. Ours are built in '65. So I mean, we kind of run into the
34 same problems. I have a beautiful, brand new truck that I cannot fit in my
35 garage. And you know, so I think Charlie had done a smart thing by making
36 something outside that he can actually use for multiple different vehicles.
37
38 Kaiser: Thank you. All right, please state your name for the record/
39
40 Little: Karen Little.
41
42 Kaiser: And do you swear or affirm that the testimony you're about to give is the
43 truth and nothing but the truth under penalty of law?
44
45 Little: Yes, I do.
46

1 Kaiser: Okay. Go ahead.
2
3 Little: So I live at 1018 Cedardale on the other side of Charlie. And he has been
4 a wonderful neighbor and his yard is immaculate. I also, my house was built
5 in '65 and have a very small garage. I have very small cars so I can actually
6 get mine in there. But it is tight. And looking at what he's done, you know
7 it's not a problem. And if I look at that compared to some of the other stuff
8 that's going on in our neighborhood that codes doesn't do anything about,
9 we have flatbeds in people's yards, we have cars in people's yards. We
10 have a neighbor who has a pile of concrete, a torn up tree and rocks.
11 Nothing gets done about that. But yet his yard is really nice looking. And
12 so I'd like to support him and say that I think that it needs to stay. Thank
13 you.
14
15 Kaiser: Thank you. All right. Do we have one other person on this side? Yes,
16 please come on down. Please state your name for the record.
17
18 Hutto: Bertha Hutto.
19
20 Kaiser: And do you swear or affirm that the testimony you're about to give is the
21 truth and nothing but the truth under penalty of law?
22
23 Hutto: Yes.
24
25 Kaiser: Please go ahead.
26
27 Hutto: Okay, I've lived on Cedardale since 1968. And he put the carport, it's very
28 nice. It doesn't detract from anything; in fact it adds to the neighborhood
29 and I hope you will let him keep it. Thank you.
30
31 Kaiser: All right. Thank you. Okay, before I go to this side of the room, last call. All
32 right. Moving over, please come on down. And go ahead and just state
33 your name for the record and you may begin.
34
35 Camacho: My name is Sebastian Camacho. So unfortunately, you know I just really
36 believe that the ordinance are in place to follow. And allowing exceptions
37 or whatever that's just going to open it up for others to do the same. I know
38 I'm part of this community. I know Avondale, I know how the Glendales and
39 yes, I know that community well. So I just think that approving it would just
40 deviate from what we just heard previously. I mean if we're going to not
41 follow the variance, then we're just going to have a handful of people coming
42 in to get the setback approved because we got one approved, got another
43 one, not everybody's going to have this carports, which to me is not a good
44 look for Las Cruces. We want Las Cruces to be beautiful. We know and I
45 don't want to like say but there's some neighborhoods in the Telshor area
46 and the Hillrise area, uptown towards the Organ Mountains, you don't see

1 those carports. You don't see those people asking for a carport. You don't
2 see those people. And I mean, I'm sorry that I'm kind of like going against
3 the people who want to do this. You know, I just going to caution people,
4 you know, (*inaudible*) in Las Cruces and across New Mexico is high, having
5 your cars outside it's just another variable to look at, to have your car stolen
6 or vandalized. So that's all I have to say, I mean. Thank you.
7

8 Kaiser: Thank you. All right, coming back to the, or I guess, for I do that. Anybody
9 else on this side? Last call. Okay. Coming back to the Commission. Any
10 questions? Commissioner Smith.

11
12 Smith: I just have two comments to make. First of all, I mean, I respect, you know,
13 the need for shade and protecting your vehicle. I've lived here for 25 years.
14 I have a home that was built in 1948. There was no garage. I would love
15 to have a shade over my two vehicles that sit in my driveway. But because
16 of when my home was built, there was just no way I could ever, ever get a
17 variance to build a shade for my cars.

18
19 And secondly, you know, we talked about the homes, they're built in '64,
20 '65. I'm a senior citizen. I remember what cars look like back in 1964. And
21 they were wide. And they were low. And so the homes that were built in
22 1964 and '65, I'm sure they were made for one vehicle, because back then
23 most people just had one vehicle. So they're not two car garages. And,
24 you know we know how vehicles look today and trucks are six feet tall. And
25 you know there's just no way you could even attempt to get them in a
26 garage. So I'm sympathetic to the need you know for shade and be able to
27 protect your vehicles. But you know, we still have to follow you know the
28 ordinance. And like the gentleman said, Mr. Camacho, once you open a
29 door for one, you open up for all. So thank you.
30

31 Kaiser: All right. Any other questions? I've just one clarifying question for staff.
32 Just going back, we heard some comments from the public tonight just
33 about existing carports in the neighborhood. Any sense or any numbers on
34 what that might be? Are there, are there not? How many?
35

36 Abeyta-Corella: Commissioner. When I went out to do the site check, there were
37 additional carports that were in the front yard within that area.
38

39 Kaiser: Okay.
40

41 Abeyta-Corella: So his is not the only one.
42

43 Bennett: Did they, had they gotten variances or?
44

45 Abeyta-Corella: I didn't research the information. I just identified that there were, I
46 counted five that had carports in the front that did not meet the required

1 setback. I don't know if codes has gone out and talk to them. We did get
2 an influx of people coming in to get variances related to carports. But I did
3 not identify which ones were in that vicinity.
4

5 Kaiser: Understood. I'll just speak for myself. I think that information would actually
6 be helpful in this case. I mean not that we're trying to you know call people
7 out if they didn't follow the rules. But I mean, if we've already got something
8 established in the neighborhood, then maybe that changes the dynamic, I
9 don't know. But that would have been useful information at least from my
10 decision making.
11

12 The other point I just want to make briefly is you know there are rules for
13 these things. And you can't just go out and build a structure like this without
14 you know at least talking to the City first. And so you know it's unfortunate
15 that we're in this position, but I think a lot of this could have been avoided,
16 you know had the applicant come forward ahead of time to seek out
17 permission. I think there could have been a more sensible solution, as
18 opposed to just this yes, no. In this particular case, you spent money you
19 potentially might had to rip it out. So that's just something I want to throw
20 out there as well.
21

22 Ochoa: Mr. Chair. Point of clarity. To answer your previous question, that area,
23 staff has had history, either people going for variances, code enforcement
24 actually taking them to court. Wo waiting for court dates and so forth like
25 that for that. Additionally, staff does have the ability to provide what's called
26 administrative variances or flex development standards. If they're a couple
27 of feet away or inside, three feet inside, we could potentially approve that
28 administratively. So there may be multiple aspects of the house, some of
29 those carports are out there either variances, still in the process of going
30 through code enforcement, or possible administrative variances, sir.
31

32 Kaiser: Okay, thank you. Yes, I just think having that information as part of this staff
33 report would have been helpful. Because, I mean, if we've got six of these
34 that are exactly the same that have been approved at some level in the past,
35 I mean that changes the perspective a little bit versus you know another
36 situation where we had one single house in the entire neighborhood seeking
37 this relief, that does make a difference.
38

39 Bennett: And if we do denied today, he can appeal to City Council. Correct.
40

41 Ochoa: Mr. Chair, Commissioner Bennett. That is correct. He can appeal to City
42 Council. That is his right.
43

44 Bennett: Cool. Thank you very much. I know that we're kind of quasi judges and so
45 we're kind of confined with what the City provides us. So I know that City
46 Council has a little bit more leeway as to what they can do on ruling. So

1 just so you're aware. So if it doesn't go your way, you can appeal and I
2 would recommend doing that.
3
4 Kaiser: Okay. Any final questions, comments? All right. Again, looking for a motion
5 in the affirmative.
6
7 Bennett: I make a motion to approve 8.3.
8
9 Smith: I second.
10
11 Baum: Board Member Smith.
12
13 Smith: No based on staff recommendation.
14
15 Baum: Board Member Vega.
16
17 Vega: I vote yes, to approve but with the conditions outlined by staff.
18
19 Kaiser: Fortunately, the motion didn't have the conditions. So it would be just
20 approve without the conditions.
21
22 Vega: Then I vote yes to approve.
23
24 Baum: Board Member Porter.
25
26 Porter: I vote no based on staff findings.
27
28 Baum: Board Member Bennett.
29
30 Bennett: I vote no based on staff recommendation.
31
32 Baum: Board Member Murray.
33
34 Murray: I vote no based on staff recommendation for denial.
35
36 Baum: Chair Kaiser.
37
38 Kaiser: No, based on staff recommendation.
39
40 Baum: Motion fails.
41
42 **8.4 Case # 22ZO1000083:** A request to approve a Special Use Permit (SUP)
43 to allow a cannabis dispensary (retailer) less than the required 300-foot
44 buffer distance from another cannabis dispensary. The subject property is
45 located at 600 S. Solano, zoned C-2 (Commercial Medium Intensity), and

1 encompasses 0.259 ± acres. Submitted by Queen Bees Collective LLC,
2 representative. Council District 3.

3
4 Kaiser: Okay, moving to item 8.4, a request to approve a Special Use Permit to
5 allow a cannabis dispensary less than the required 300 foot buffer distance
6 from another cannabis dispensary.

7
8 Castillo: Good evening Commission.

9
10 Kaiser: John, do you mind just moving the microphone a little bit closer? It's a little
11 quiet. Thank you.

12
13 Castillo: No problem. So I have a request for a Special Use Permit to allow a
14 cannabis retail establishment within the 300 foot buffer required distance
15 located at 600 South Solano. The current conditions of the property is it's
16 currently zoned C-2 which is our commercial medium intensity. It is a well-
17 developed commercial shopping center that has continually been in use
18 with various businesses going in and out of it. It's located on the corner of
19 Solano drive and Kansas Avenue. It's approximately 0.25 acres in size and
20 as being along Solano it is surrounded by retail office. And then there are
21 some single-family uses following behind that. As you can see from the
22 zoning map being along Solano, a mixed use corridor. It is primarily a
23 commercially zoned area.

24
25 From the aerial map highlighted here, the subject property is going to be
26 this more particular spot here that we're talking about in the corner near
27 Kansas and Solano. These are going to be some street views of the
28 business. As we can see right here it is located near the corner once again.
29 The other cannabis establishment is going to be in this shopping center to
30 the right of it. So the proposal is for a cannabis retail store. The distance
31 between the new cannabis retail store and the closest one that is in
32 existence is approximately 188 feet, or it's an approximate 188 foot
33 deviation. There is about 112 feet between the two businesses. The code
34 does require a minimum 300 foot buffer between cannabis retailers or
35 cannabis micro businesses. We do differ from that to apply for a Special
36 Use Permit. So all other buffer distances are met. So the distance between
37 single-family zoning districts and schools and daycares will also follow all
38 City of Las Cruces and State of New Mexico regulations governing cannabis
39 and all its related retail activity.

40
41 So here's the map showing the 112 foot distance between the two cannabis
42 establishments. At this time, all relevant City staff reviewed the application
43 and had no comments regarding the proposed establishment. And notice
44 was sent to all surrounding properties within 500 feet. Staff did receive an
45 in person comment regarding the concern of the number of cannabis
46 dispensaries that are located within the City. Also, he did point out that

1 there was a daycare. Staff looked further into that, it is outside the 300 foot
2 distance, so it is still in compliance with meeting the 300 foot required buffer
3 for the daycares.
4

5 Today staff's recommendation is based on the following findings. Staff does
6 recommend to provide a conditional approval. The business will need to
7 contact a design professional such as an architect or engineer to perform a
8 code analysis to look at life, safety, firewalls, and ingress and egress for the
9 compliance with the City of Las Cruces Municipal Code. Based on those
10 findings, the subject property meets the distance separation requirements
11 from any school, nursery, daycare, and single-family residential district. The
12 subject parcel as it exists is surrounded by commercial office uses. The
13 subject parcel is compatible with several other non-residential properties
14 with frontage along Solano Drive. The site is designed to attract vehicular
15 business primarily from Solano Drive. And it does meet the intent and
16 requirements of Section 38-2 of the 2001 Zoning Code. As stipulated before
17 it's going to meet all of the zoning code requirements and requirements of
18 the State of New Mexico. It's also located along a mixed use corridor, as
19 outlined in Elevate Las Cruces's future development map. Today your
20 options are to vote "yes" to approve, vote "no" to deny, or vote to amend, or
21 vote to table.
22

23 Kaiser: All right. Thank you very much. Any questions from the Commission? All
24 right, I will go ahead and turn to public comment. Is there anybody in the
25 audience who wishes to speak on this item? Please raise your hand.
26

27 Castillo: Mr. Chair, Commission. I also do have the applicant available as well if you
28 have questions for them.
29

30 Kaiser: Okay. Thank you. So I think one hand. Yes, please come on down. And
31 go ahead and state your name for the record.
32

33 Pearson: George Pearson.
34

35 Kaiser: And do you swear or affirm that the testimony you're about to give is the
36 truth and nothing but the truth under penalty of law?
37

38 Pearson: I do.
39

40 Kaiser: Go ahead.
41

42 Pearson: So City Council recently considered eliminating the 300 foot buffer between
43 cannabis and chose not to. So City Council is already pretty well directed
44 how this Commission should respond. The applicant then of course, could
45 appeal and the correct place I think for this to be decided is at City Council.
46 Thank you.

1
2 Kaiser: Thank you. Anybody else from the audience? Yes, please, come forward.
3 State your name for the record.
4
5 Eresco: My name is Zep Eresco.
6
7 Kaiser: And do you swear or affirm the testimony you're about to give is the truth
8 and nothing but the truth under penalty of law?
9
10 Eresco: Yes.
11
12 Kaiser: Please begin.
13
14 Eresco: I met Astrid about a year ago and I've been a medical patient of cannabis
15 for about six years now. For us cannabis patients we would prefer quality
16 over quantity. And ever since hanging out with Astrid from a personal scale,
17 I have seen her be an amazing business owner, an amazing mother. And
18 I would ultimately consider her the cannabis queen. She's very
19 knowledgeable in what she does. And if anybody deserves to have an open
20 dispensary here in town, I really strongly believe it should be her. You know,
21 we have bars that we all like to go to despite there being many multiple bars,
22 you know, we all have our preference and I think that the cannabis
23 community here really enjoys Astrid and her knowledge. And I think that I
24 would appreciate having an opportunity to decide where and who I
25 purchased my medicine from. And if anyone is more deserving, it should
26 be her. Thank you.
27
28 Kaiser: Thank you. Okay, last call. All right, coming back to the Commission. Any
29 additional questions? Commissioner Smith.
30
31 Smith: Only one quick question for staff. I know, I forget which meeting it was, but
32 we voted on the, a variance on cannabis businesses on Lohman. Do you
33 remember what the variance distance was on that one?
34
35 Castillo: Mr. Chair, Commissioner Smith. The variance was about 79 feet or 78 feet,
36 it was literally across the street.
37
38 Ochoa: And just a point of clarity about what was stated before, because I was at
39 the trenches trying to get rid of the SUP or that 300 foot buffer requirements
40 and before City Council. They did vote to deny that amendment and keep
41 the 300 foot. But on top of that, it still also keeps the Special Use Permit
42 process, which is in your all's purview to have final approval on. Just to get
43 clarity for you all.
44
45 Kaiser: Great. Thank you. On that point, I'm also a little unclear of what Council's,
46 what their goal is here, because they did have two opportunities to over or

1 to eliminate this requirement. They did not take either of those opportunities
2 to do so. Yet at the same time this body has I think in, except for not even
3 a handful of situations,. has unanimously approved these Special Use
4 Permits. So on the one hand you know we're approving them which de
5 facto means there is no buffer, and yet Council is saying no, we want the
6 buffer. So I guess if staff has any direction what Council prefers there, I'd
7 be interested to know what that answer is.
8

9 Ochoa: Mr. Chairman. From what I got from speaking to them, they wanted to keep
10 the 300 foot buffer to still keep that in in place and to have people try to find
11 somewhere that's at least 300 feet away from another retailer, micro
12 cannabis, whatever it is. That being said, they didn't want that to be the first
13 step. Second step would be if you cannot, you find a location that is within
14 the 300 feet, you have the ability to utilize the Special Use Permitting
15 processes and then give you all the power that you have per code to review
16 each item on a case by case scenario and see how it is. As a Special Use
17 Permit section reads in the code, make sure that it doesn't negatively affect
18 the neighborhood, the surrounding area, or just the City as a whole. So
19 giving you back your power essentially with the Special Use Permitting
20 process, sir.
21

22 Kaiser: Thank you for that explanation. I appreciate it.
23

24 Nichols: Mr. Chairman, if I may. One of the items that has brought about several of
25 these Special Use Permits regarding buffering or distancing is we have
26 about 132 applications for cannabis businesses currently on record. Sixty-
27 two have been issued. We have 62 retail and dispensary and pharmacy
28 cannabis businesses now. There has not been a single one that has built
29 a facility from ground up. They have found vacant buildings, vacant
30 commercial buildings. And what happens a lot of times with those vacant
31 buildings, commercial buildings, they are very close to residential
32 neighborhoods because they were built several years ago, or they are very
33 close to other vacant commercial buildings. And so this is the reasoning
34 behind the Special Use Permits coming before the Commission. I believe
35 the City Council was, one of their primary concerns on the vote that they
36 made to maintain the ordinance that we have is that their main concern was
37 residential, you know, the residential buffering and school daycare. I think
38 that's why they maintained; they voted not to amend. I guess I just wanted
39 to point out that the reason behind why we're getting so many, I think there
40 have been about 12 or 14 now. It's because the facilities they're moving to
41 are existing structures.
42

43 Kaiser: Thank you very much. All right. Any final questions? All right, seeing none.
44 Looking for a motion.
45

46 Bennett: I make a motion to approve 8.4 with conditions stipulated in the packet.

1
2 Murray: I second.
3
4 Baum: Board Member Smith.
5
6 Smith: Yes, based on staff recommendation.
7
8 Baum: Board Member Vega.
9
10 Vega: Yes, based on staff recommendation and Elevate Las Cruces.
11
12 Baum: Board Member Porter.
13
14 Porter: I vote yes based on staff recommendations and Elevate Las Cruces.
15
16 Baum: Board Member Bennett.
17
18 Bennett: I vote to approve based on staff recommendation.
19
20 Baum: Board Member Murray.
21
22 Murray: I vote yes based on staff recommendation.
23
24 Baum: Chair Kaiser.
25
26 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las Cruces.
27
28
29 Baum: Motion passes.
30
31 **8.5 Case # 23ZO5000069:** A request to approve an Infill Development Process
32 (IDP) proposal for three parcels within the Alameda Depot Overlay (ADO):
33 106 S. Miranda Street, zoned R-2, encompasses 1.85 + acres, requesting
34 additional office, commercial, and light industrial lot land uses in addition to
35 the existing permitted ADO-3 land uses; 630 W. Organ Avenue, zoned R-
36 2, encompasses 0.32 + acres, request to keep the existing parking lot; 710
37 W. Organ Avenue, zoned R-3, encompasses 0.32 + acres, request to keep
38 the existing parking lot. Submitted by 828 Productions, property owner.
39 Council District 4.
40
41 Kaiser: Okay, our final item this evening 8.5, a request to approve an infill
42 development process proposal for three parcels within the Alamea Depot
43 Overlay District.
44
45 Abeyta-Corella: Today, we're going to be discussing three different parcels of property,
46 106 Miranda, 630 West Organ, and 710 West Organ. It is an infill

1 development request. What they're looking to do is utilize a vacant building
2 that has been vacant for approximately five years, to use it in a different
3 land use per se. They also want to keep both of the parking lots that were
4 existing for the previous church. With that I'd like to say the discussion
5 tonight is only for the three properties listed below. There have not been
6 any other formal submittals by the applicant. Other concerns have been
7 brought forth and I like to make sure that we stay on direction of just talking
8 about the three parcels and what has been proposed currently.
9

10 Here's an aerial map. This is the old church that is going to be repurposed.
11 This is one of the parking lots which is literally the parking for the church.
12 In addition to, they want to use this parcel of property and this parcel of
13 property as parking, which was previously used as parking for the church.
14 Here is the zoning map. And the reason that the two parking lots do not
15 align with code is because they are zoned in the Alameda Depot Overlay 3.
16 Next to it you will see that there is Alameda Depot 6 which encompasses
17 another parking lot area, and a lot of commercial in this area.
18

19 Here we have ADO-2 a, which does allow some commercial use and then
20 the rest of it is zoned residential, which would be the ADO-3. Section 38-
21 48, the infill development does allow us to present this being that the
22 property is an underdeveloped and underutilized parcel of property. The
23 ADO-3 is a residential core with opportunities for live/work, and it does allow
24 for office commercial light industrial land uses, but here they're asking for
25 light industrial uses that are not necessarily aligned with R-2, but would be
26 permitted related to the ADO-3 land uses. The soundstage for the proposal
27 is going to be approximately 7,820 square feet, and they are going to use
28 22,394 square feet for office space. They have provided a couple of floor
29 plans to pretty much give us an idea of what the setup would be within the
30 church.
31

32 Analysis, all reviewing staff recommended approval of the case within the
33 findings that the proposed land use would not impact health, safety, or
34 welfare, and would encourage economic development in the City's core.
35 The Historic Preservation Committee has reviewed and endorsed the
36 redevelopment due to the age of the original structure and the applicant's
37 acknowledgement that the façade is to remain unchanged.
38

39 Findings for approval the existing commercial building is located within the
40 ADO and has been vacant for more than a year. The IDP facilitates mixed
41 use development that will promote partnership with educational institutions,
42 coordinate efforts to recruit businesses and industries, and generate
43 employment growth enriching opportunities for the community. The request
44 meets the intent of Elevate Las Cruces, fulfills the City's infill policy plan,
45 and meets the purpose of Las Cruces municipal code 2-382. Public notice
46 input, we did send out notification to the 500 feet surrounding the area. Staff

1 received five inquiries related to the infill. So they just wanted to know what
2 was going on. Twenty-four calls opposing the proposal. Four calls in
3 support of. We got a petition in support of that we received today, which is
4 in your binders. We did get an additional e-mail in support. And we got
5 another call in favor of. With that you do have the opportunity to vote "yes"
6 to approve the infill development, "no" to deny the infill development, "yes"
7 with conditions, or vote to table.
8

9 Kaiser: Thank you. Any questions from the Commission? I have a couple. I guess
10 right off the bat, the 24 calls in opposition. Do you have any additional
11 insight into that?
12

13 Abeyta-Corella: The biggest concern is the trucks that are using Miranda side of the
14 property, and the parking directly in front of the church. Let me just go back
15 so I can show you. So the concerns are the big trucks that are utilizing
16 Miranda right here next to the residential corridor. And the big trucks that
17 are being parked within this parking lot. Those were the largest concerns.
18 I did get one call in reference to light pollution. But a majority of them were
19 related to the vehicles.
20

21 Kaiser: And these truck traffic vehicle traffic is specifically related to this use that's
22 before us?
23

24 Abeyta-Corella: Yes.
25

26 Kaiser: Okay.
27

28 Smith: I have a comment and follow up question. My daughter used to live in a
29 house right across the street from the church, so I know on Miranda how
30 narrow it is because many of the residents park on the street. And is there
31 any way during this whole construction phase if this is approved that they
32 can basically direct the trucks to use Melendres and force back. Because
33 that's where majority of the parking is for that building. Is that a possibility?
34 That would help alleviate some of the issues that residents have about the
35 use of the large trucks on Miranda.
36

37 Abeyta-Corella: Chairperson, Commission. That is something that I have discussed with
38 the applicant. And I do have them here where they can elaborate further as
39 to how they would like to mitigate the traffic in the future. So that is
40 something that they are open to.
41

42 Kaiser: So just to clarify, t this would be sustained truck traffic. So what I mean, or
43 is it construction traffic. Just trying to understand, we say big trucks, are we
44 talking semitrucks here. I'm just not sure what exactly we're talking about.
45

1 Abeyta-Corella: Chairperson. It would be big box vehicles. It's not necessarily semis,
2 and it's to get some of their equipment related to the industry in and out of
3 the location.
4

5 Kaiser: Okay, thank you. I've got a couple of other questions specifically related to
6 parking. What are the parking requirements per code for a facility like this?
7

8 Abeyta-Corella: Chair. It would be 1.5 parking stalls per square footage that's being used
9 for office space.
10

11 Kaiser: And so how many would that equate to?
12

13 Ochoa: I'm sorry, for clarity. Chairman Kaiser. It's one parking stall for every 350
14 square feet of office space. The auditorium, that's depending upon the
15 number of seats in the actual auditorium. I believe it's one parking slot is
16 required for every five seats in the auditorium.
17

18 Kaiser: Okay, so under this proposal that equal, how many parking spaces would
19 they be required to have?
20

21 Ochoa: Commissioner Kaiser. Do you have the square footage? No. We do not
22 have the, pardon me, we do not have the square footage. But when we did
23 work with the church previously, the church was required to be essentially
24 the same amount of parking spaces as well, per its size and per the uses
25 that they're using it. And that's why they had that overflow parking across
26 the street. Thank you very much. So 22,000, let's do a little bit of math.
27

28 Murray: If I can add input. Twenty-two-thousand divided by 350 would be roughly 62
29 parking spots. Auditorium does not show seat, so I can't contest to how
30 many there would be.
31

32 Ochoa: All right. Thank you for that, sir.
33

34 Kaiser: I like that we have someone fast with math on the Commissions. This is
35 great. Okay, so 62 parking spots. And do we have a site plan that tells us
36 how many parking spots they have? Looks like a lot more than 62.
37

38 Ochoa: Yes, sir. Chairman Kaiser. It looks like they have a pretty good amount of
39 parking on the actual property itself as well as their overflow parking on the
40 other sides. When we're looking at this previously, I believe was a school,
41 Larry that was potentially looking into going into this property. School
42 requires even more parking just because it's occupancy type. And they
43 were easily going to meet the minimum number of parking stalls required
44 because of the overflow parking as well.
45

1 Kaiser: Okay. My overall concern I think is just the amount of parking that we're
2 more being presented here for this infill development adjacent to downtown
3 in a historic overlay district. It seems to me that it would have been nice to
4 know whether or not the two additional parking lots would actually be
5 required either under the requirements of the code. Because if they didn't
6 need them, honestly, I think they shouldn't even be part of this application.
7 Because wouldn't the, if we were to approve this as is tonight, we're
8 essentially sort of entrenching two additional parking lots in this
9 neighborhood which is prime redevelopment area of the City. Is that what
10 we would be doing essentially is basically saying that those parking lots are
11 going to be there for however long?
12

13 Ochoa: Chairman Kaiser. The infill development process proposal is requesting
14 that for the current business itself. In the future, if they decide to sell, then
15 they could essentially develop that for the multifamily zoning that it's zoned
16 as they can develop multifamily. So it doesn't set this in concrete, just
17 allows it for this proposal right now. In the future if they do not want a
18 proposal and they want to redevelop that for multifamily, they'd have the
19 ability by right by the zoning code to do that, sir.
20

21 Kaiser: Okay, so future applicant comes in different use, if they wanted to have
22 those additional parking spaces, they would have to go through the same
23 IDP process for the parking lots.
24

25 Ochoa: Commissioner Kaiser. No, sir. If they were following the code on those
26 current properties, which is zoning designation, those properties which are
27 R-3 and R-2, they can develop that for multifamily, single-family homes that
28 are subdivided because they're allowed that by right. So they will not have
29 to come before you for any type of infill proposal. They may, let's say if they
30 want to increase their density on the property or possibly allow for smaller
31 lots on the property, then you could potentially see it again before you as
32 an infill development process.
33

34 Kaiser: Yes, I understand that. I guess let me rephrase my question. So by us
35 approving those two parking lots, we're saying that the parking lot use is
36 allowed under the current zoning, which it currently is not, correct. So if a
37 new applicant came forward, they can argue, well it's already an allowed
38 use based on our decision here, they would have to come before this body
39 to request that use for their future project.
40

41 Ochoa: Chairman Kaiser. So those parking lots are being requested with this in the
42 field proposal. You're correct. If they wanted something else, or to keep
43 them again, or to change them up somehow, then they would have to come
44 before you for another infill development. Yes, sir.
45

1 Kaiser: Thank you. Continuing on with parking lots, would they be required to come
2 into compliance with current parking lot design standards as far as
3 landscaping and all those things?
4

5 Ochoa: Chairman Kaiser. Yes, they would have to follow all current standards when
6 it comes to number of parking stalls, number of accessible parking stalls.
7 All that will be triggered if they do any type of building improvements and so
8 forth on the property, sir.
9

10 Kaiser: Okay, so even interior improvements would trigger them to come into
11 compliance with those parking lots?
12

13 Ochoa: Chairman Kaiser. Depends on the scope of work. We do have a 2015
14 International Existing Building Code, which we will look at the occupancy,
15 the changes of the inside the building, and so forth like that, then that what
16 would tell us the level of alteration that's going on, and it's the potential that
17 they'd have to come into compliance. Yes, sir.
18

19 Kaiser: Okay. I guess just one final thought on that point. I think if parking is truly
20 necessary, they deem it as we have to have these extra lots as part of our
21 business to be operational. You know, I would like to see some evidence
22 of that first of all, but at a minimum I would like to see you know regardless
23 of what kind of improvements they make to the interior part of the building,
24 I'd like to see as part of this application, if they're going to you know basically
25 retain two additional parking lots in a primary development area, I'd like to
26 at least see them come into compliance with the design standards, you
27 know adding additional landscaping which I'm sure would be required based
28 on the three lots that I'm looking at. So that would be something that I would
29 want to add as a condition here. You know again I think, honestly, they
30 could do without those other two parking lots. I think we could just deal with
31 the church lot; it seems like they have plenty of parking there. And let's see
32 if we can actually do something better than a parking lot in our downtown.
33

34 Ochoa: Chairman Kaiser. The applicant is here and they could possibly speak to
35 some of your concerns, sir.
36

37 Kaiser: Thank you. Before we go to you, any final thoughts or questions from
38 Commission? Okay. All right, sir, please come forward. If you want to
39 respond to anything I just said, or if you have your own presentation we can
40 certainly do that as well. And please state your name for the record.,
41

42 Sepp: Yes, sir. Commission, Commissioner. My name is Jonathon Sepp.
43

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

1 Sepp: I do.
2
3 Kaiser: Okay. Go ahead
4
5 Sepp: To touch base on the parking comments that you made, based off our code
6 summary that we ran off of our proposed land uses, it would require us to
7 have a total of 163 spaces. And with the two parking lots that are part of
8 the infill development process proposal, the parking lot that is adjacent to
9 the building, and then the two parking lots across the street that are not a
10 part of this infill development proposal, that would be a total of about 217.
11 So the numbers really do lend itself well to us needing to be able to be
12 allowed to park in those lots that are part of this plan. As it states right now,
13 in the ADO-3, we are not allowed to use those for parking.
14
15 And to touch base on the vehicle traffic on Miranda, our plan is not at all to
16 use that for truck or vehicle routing traffic. In our proposal, we actually
17 included our ideal pathway that would run along Mesilla Street up Organ
18 and then down the street to the south of 106 Miranda. And so my boss,
19 Todd Lundbohm could not be here today. He had to attend to some
20 personal matters out of state. But if I could have three minutes for him to
21 give a little present note talk on his behalf.
22
23 Kaiser: Yes, please go ahead.
24
25 Sepp: Absolutely. So this is a statement from Todd Lundbohm. "Good evening,
26 Commissioners. Please accept my apologies for not being able to attend
27 in person. I'm deeply appreciative to City staff like Christina Abeyta-Corella
28 for their time and attention to this infill development process. And thank you
29 Commissioners for reviewing our application. I hope this Commission, the
30 Alameda Depot neighborhood, and the Las Cruces community continues to
31 believe in this vision as much as I do. When I rolled into town for the first
32 time to attend a table reading for a film I was producing here in Las Cruces,
33 I quickly fell in love with everything about Las Cruces. This wonderful
34 experience continued as I began developing my initiatives here. It was easy
35 to see the magic of downtown Las Cruces and buildings like this vacant
36 church shouted at me to be revitalized. Having the opportunity and ability
37 to revive something as architecturally stunning as this church and utilize it's
38 space to bring together artists of all kinds is humbling. This ecosystem of
39 incredible opportunities we are growing for creatives in Las Cruces is firmly
40 rooted in the idea that we support and enhance the community in every way.
41 Our efforts surrounding 106 South Miranda Street are just the beginning of
42 our infrastructure and job creation commitment to Las Cruces and southern
43 New Mexico. I am beyond grateful to have been so graciously welcomed
44 by this community and will continue my promise to be a thoughtful champion
45 for the growth of the film and media industry in Las Cruces, as well as a
46 good neighbor to any community members we interact with. We look

1 forward to our continued partnership with the City of Las Cruces,
2 engagement with the community, and endeavor to create a pathway for
3 filmmakers and artists to prosper in southern New Mexico. Thank you, Todd
4 Lundbohm, CEO of 828 Productions."
5

6 Kaiser: Thank you. Any additional comments or?
7

8 Sepp: Yes, sorry.
9

10 Kaiser: Go ahead.
11

12 Sepp: And some additional comments for myself. Again, Chair, Commissioners
13 and City staff. It is a pleasure to be here with you today. We are very
14 excited to have made it to this point with you all. To start off, Todd
15 Lundbohm founded 828 Productions to help artists tell their stories across
16 genres, big or small. Since 2021, he has set his sights on Las Cruces for
17 the home base of this commitment. Like myself and many of my colleagues,
18 which quite a few of them are here with us today, we have made our own
19 commitments to living and thriving in Las Cruces. Given the opportunities
20 provided by 828 Productions, we're able to do just that.
21

22 I think it is important to note in fiscal year 2023, more than \$12 million was
23 spent in Las Cruces through film and digital media productions, and \$794
24 million throughout the entire state. Las Cruces makes up only 1.5% of the
25 total market share that the industry has in this state. Here at 828
26 Productions we see this as an opportunity that will allow our business to
27 blossom in a burgeoning creative economy that is on the horizon here in
28 Las Cruces. The infill development proposal will allow us to kickstart these
29 opportunities. With our approved land uses for 106 South Miranda, 828
30 Productions will be able to expand and scale our many ventures to provide
31 services to the film industry and create jobs for the residents of Las Cruces.
32

33 Our infill development plan aims to complement the existing neighborhood
34 in many ways. We plan to preserve the building's historical structure by
35 maintaining the brick architecture that makes up the east side of the facility.
36 Neighbors can look forward to a vibrant community of artists interacting with
37 those neighbors, interacting within their neighborhood. Those taking a walk
38 to downtown or Pioneer Women's Park, will be in creative company. These
39 strolls will likely encounter the next Steven Spielberg or even the current
40 Steven Spielberg. Additionally, we aim to be compatible with the
41 neighborhood character. Our journey into relationship building with the
42 Alameda Depot neighborhood began this past Saturday with a
43 neighborhood mixer hosted by our staff. We had the opportunity to engage
44 with supporters and those in opposition of our IDP. During this mixture, we
45 received 31 neighborhood signatures in support of our proposal in front of
46 you. Our conversations and participation within this tight knit community

1 will not end there. We have made a commitment to this neighborhood to
2 be transparent, friendly, and make best efforts to be accommodating. With
3 that, I'm happy to continue to take more questions. Thank you.
4

5 Kaiser: Thank you very much. Commissioner Vega.

6
7 Vega: Thank you Chair. So I attended the mixer. Mixer, so it was kind of early to
8 be a mixer, but it was like 8:30 on Saturday morning, and it was great to see
9 so much of the community come out and you know ask questions, can get
10 real answers. I think one of the questions that came up was around, what's
11 your vision? Like what do you see your well-being in our community, right.
12 Sadly, it turned into a really sad day later that day, with a really bad accident
13 on our street that took someone's life. That has nothing to do with this. But
14 to see our community come together with so much passion that morning,
15 and then something so tragic, it kind of just speaks to how much we care
16 about each other and how much we care about the neighborhood that we
17 live in.
18

19 I agree with what you're saying about something other than parking would
20 be great. But right now it's just being used as overnight sleeping for some
21 individuals. So even if we could fill it with cars and beautification, that would
22 be really helpful too. But anyway, so I just wanted to ask a little bit more
23 about your mission, your vision statement, I think like a lot of companies will
24 come in and say, you know we're going to give back to the community, we're
25 going to hire, we're going to do this, that, and the other. And then that's all
26 we ever hear about it. So it'd be nice to get a little bit more stats behind
27 that. Not that I'm a numbers person, but thank you.
28

29 Sepp: Absolutely. And I apologize that I don't have any concrete statistics for you
30 as to how many Las Cruces residents that we have hired so far and plan to
31 hire. In the plan we did note that we will be hiring 100 New Mexican
32 residents as part of our mission with our LEDA agreement with the State of
33 New Mexico. Myself, I am a Las Cruces resident. I am from here. They
34 put a camera in my hands when I was 11 years old over at Sierra Middle
35 School, and I knew what I was going to do for the rest of my life. And if it
36 wasn't for companies like 828 Productions, I wouldn't be able to do that. I
37 was very fortunate enough to spend six years with Film Las Cruces, growing
38 this industry and getting us to a point where we are today. This is a mission
39 that is very important to the creatives that at least I've come in contact with
40 over the many years of being involved in the film and media arts economy
41 here in Las Cruces. I believe every single staff member here today with
42 828 Productions was Las Cruces residents when they were hired by 828
43 Productions. And I think there are about eight of them with us here today.
44 And my boss is also texting me at the moment. And he might be providing
45 some statistics as well. Could I read some notes of things that he's texting
46 me?

1
2 Kaiser: Yes, please go ahead.
3
4 Sepp: Okay. Sorry, not stats, just thanking me for a good job. But so 828
5 Productions I can tell you from the bottom of my heart is dedicated to hiring
6 locally, that is the first thing we do. And as long as I'm here, I will make sure
7 that that is the first thing that we do is we make sure to look at our local
8 hires. But as seen by the staff that we currently have, and we're growing
9 and scaling, and when we do have the opportunity to start putting some of
10 our staff inside of the 106 South Miranda church, we will be able to scale
11 some of these businesses like our accounting company with which we have
12 one staff here in Las Cruces, one in Albuquerque, and one in Louisiana,
13 we'll be able to scale that and hire more Las Cruces residents. We'll be
14 able to scale our postproduction company, which only has one employee
15 right now outside of the State of New Mexico. But all of the people out of
16 New Mexico are intended to bring a skill set to our locals and to train them.
17 That is the heart of our mission when we hire these top level talent that
18 aren't from New Mexico, to be able to spread that knowledge to the future
19 Las Cruces, and then Doña Ana County employees that we hire. I hope
20 that answered your question.
21
22 Kaiser: All right. Any other questions?
23
24 Smith: I don't have a question. But I have a few comments to make. I've lived very
25 close to this church for 25 years. And first of all, I want to thank you for the
26 decision to preserve the original façade of that church. Many of you may
27 not be familiar with that church, but it's one of the oldest churches if not the
28 oldest church, maybe church in Mesilla maybe older, the Catholic Church.
29 But it's a very old church. And I've actually attended that church. It wasn't
30 my regular choice but you know my kids were involved with youth and so
31 we did a lot of kind of cross youth events with that church. And I always just
32 you know just appreciate that this was a church that was in the heart of
33 downtown, the old downtown. And so I was actually pretty sad when, you
34 know the church decided to move up Highway 70 and become a mega
35 church you know with church growth. And part of my sadness was that
36 there were a lot of people who are now seniors that you know supported
37 that church for decades and kind of had the rug pulled out from under them
38 because they live in that community. So they only had a two or three mile
39 commute to you know to go to church, and now they're driving up Highway
40 70 if they want to attend this church.
41
42 So I was a little surprised that this is how the building is now being used.
43 You know, I think my having, I go down the street all the time, weekly, you
44 know, I ride past that building, and always just have thoughts about how this
45 building is going to be used, whether it's going to be used as a church or
46 whether it's going to be used as a school. I never thought it would be used

1 as a production company. But I'm pleasantly you know surprised that you
2 know the plans that you have in place to be part of that area and establish
3 yourself as a good neighbor. That you know as Vanessa said, this is you
4 know community that's close as far as that neighborhood. I love living
5 downtown. Everything that happens downtown, that's you know been
6 detrimental, where we've lost buildings and churches have moved, has
7 affected me you know personally. And so to see that things are going to,
8 you know improve, especially in that particular area because it is kind of a
9 blight, it's just open parking lots, open building. I drive by there; I see activity
10 there. I wonder what's going on. So, you know I commend you for the plan
11 that you have in place. I hope that if it's approved that you know everything
12 will come to fruition and what you have created and on paper will become
13 a you know just an opportunity for downtown to continue to you know
14 revitalize yourself. But thank you.

15
16 Kaiser: Okay, go ahead.

17
18 Porter: So I'm reading that you're trying to support local middle schools and high
19 schools. Is it kind of like almost like an internship or are you trying to give
20 them like, skilled them with skills so that they can build that? Because I
21 know that there's a lot of hungry youth right now. And unfortunately, you
22 know sometimes they invested in areas that are not the best. So giving
23 them that kind of support, and those tools that they would need would be
24 amazing. So my question is, what kind of like support would you be
25 providing for them?

26
27 Sepp: Commissioner Porter. As much as we possibly can. I know with some of
28 the zoning restrictions, we aren't able to have K through 12 consistently in
29 the building working and learning with us, but we will make sure that it is as
30 intermediate as much as possible. We are already doing things like working
31 with the Doña Ana County internship program.

32
33 Porter: Okay.

34
35 Sepp: We had an intern from there at our offices in downtown Las Cruces. We
36 are working with some people over at the Las Cruces Public Schools
37 administration to set up internship type programs. And if for some reason
38 we can't have them take place at this facility, we have a few other facilities
39 and opportunities that we'll be able to drive those students to. So we are
40 very passionate about working with LCPS, GISD, New Mexico State
41 University, Doña Ana Community College, and the charter schools as well.

42
43 Porter: Awesome. Thank you so much, and also for providing jobs that are so well
44 needed here right now. So I appreciate that. Thank you.

45

1 Sepp: Thank you, Commissioner Porter. And one last thing on the jobs, but on
2 the support of educational efforts, it would be through on the job training, as
3 long as those students are above 18, and then internships as well. So it
4 would be all of the above.
5
6 Porter: Awesome. Thank you.
7
8 Kaiser: Okay, any other questions from Commission? All right, I'm going to turn it
9 over to public comment. Can get a raise of hands of folks who want to
10 comment on this item, one, two, three, four, five, six, seven, eight nine, nine
11 individuals. So we're going to go ahead and do two minutes each. And
12 we'll start with the lady in the green t-shirt. Please state your name for the
13 record.
14
15 Grider: My name is Jane L. Grider.
16
17 Kaiser: And do you swear or affirm that the testimony you're about to give is the
18 truth and nothing but the truth under penalty of law?
19
20 Grider: I do.
21
22 Kaiser: All right, please begin.
23
24 Grider: I have lived for 38 and a half years at 305 South Miranda which is one block
25 south of the zoning request area. Overall, I would like to say that everyone
26 that I have talked to in the neighborhood is very pleased that 828, the
27 production company is coming in. We see it as an asset to our community.
28 There are two items of concern. One is and I may be mistaken, but it's my
29 understanding that there is a residence that is directly south of the church,
30 which is long Miranda and May, which is included in this infill. If that is true,
31 there is concern in our community about giving infill permission to
32 residences that have always been used for residences that are not, have
33 not been vacant for a period of years. They have been used until fairly
34 recently, my understanding for residences. The second issue very definitely
35 is the parking and the traffic. That was a very big problem when the church
36 was there. Unfortunately, it continues to be. Just the other night I was
37 driving to my house south on Miranda, and there were about seven or eight
38 cars parked in front of the church. Unfortunately, cars are wider now. I
39 have an SUV, an SUV was coming northbound, I had to pull behind the line
40 of cars to wait till the other northbound car passed so that we didn't, we had
41 enough room for both to pass because people park in front of the houses
42 across from the church. What I would like to ask if it is possible for the
43 council to consider a, well I guess a stipulation that there be no parking in
44 front of the church from Organ down to May on Miranda. I would very much,
45 and everybody I've talked to would very much like to see the two parking

1 lots included in this infill request, because that provides additional parking
2 as needed. And if the council ...
3
4 Kaiser: I hate to cut you off, but our little beeper doesn't work, so you are at time.
5
6 Grider: Sorry. Okay.
7
8 Kaiser: I'll let you finish that thought, but please.
9
10 Grider: Yes, well, I was going to finish anyhow. Just in the name if the Commission
11 thinks, in the name of traffic safety, that that stipulation would be amenable,
12 we would be very pleased. Thank you.
13
14 Kaiser: Thank you very much. Commissioner Bennett.
15
16 Bennett: Christina, did you want to answer that question about the house, the
17 residence?
18
19 Abeyta-Corella: Commission. Yes, the house is not part of the infill development. So that
20 is not one of the components that we will be discussing tonight. It literally
21 is just the parcel of property for the church and these two parking lots. Okay.
22
23 Kaiser: Okay. I need to see a hands again, but I think gentleman in the black shirt,
24 come on forward. And I'm the beeper so if I cut you off your at time. But
25 please state your name for the record.
26
27 Steinborn: Mr. Chairman. I'm Senator Jeff Steinborn. Present from Las Cruces.
28
29 Kaiser: And do you swear or affirm that the testimony you're about to give is the
30 truth and nothing but the truth under penalty of law?
31
32 Steinborn: I do.
33
34 Kaiser: Go ahead.
35
36 Steinborn: Thank you, Mr. Chair, Commission. First of all, thank you for your public
37 service. I really value this Commission. And I know the important work that
38 you do as a fellow unpaid public servant. I just want to say you know Film
39 Las Cruces, on behalf of Film Las Cruces, we certainly support this
40 proposal. We are the City and the county's economic development
41 organization for film. This is a really exciting project for Las Cruces and for
42 the growth of our film industry. And I think it very well aligns with several
43 important City priorities. Number one, I think importantly, Mr. Chair, as
44 you've talked about, it is consistent with codes. I think the codes clearly
45 allow this. Number two, it preserves the historic structure. We just lost a
46 hundred year old structure, the Trost building in the country club. We would

1 have loved to have had a user of that building. It's kind of rare to find that
2 in a way. And so we're kind of blessed that we have an entity that needs a
3 bigger space that's taking over this space. Number three, from an economic
4 development standpoint, these are very desirable jobs. Film jobs, the
5 recent report and Jon quoted it, film job wages are definitely above average
6 wages. Their company specifically will bring several sectors of film,
7 postproduction, accounting, things that don't really exist in this community
8 that we're now going to have these anchors of film production, which aren't
9 just periodical film productions come there year round.

10
11 And finally, I just want to say, knowing the film industry as I've studied it a
12 lot, I think what's important to understand about this site as I understand it
13 is it's really going to be light industrial, at best most of the time. These are
14 above the line jobs that will be potted there, that will be coming in and out
15 of projects. Films do employ a lot of people and that's why the parking lots
16 are needed. It's funny when I drive by studios and I see cars in lots to me
17 it gets my glands going because it means that you're employing a lot of
18 people. So I think those are needed for the employment scenario we're
19 looking at and so I think it's a great project. And finally, it abuts to a
20 commercial corridor on Melendres which is where these parking areas are
21 so I think that's a good thing too. Thank you.

22
23 Kaiser: Thank you. I didn't have to cut off the senator so even better. Appreciate
24 that. Gentleman, sorry we'll go to the lady in front. Yes. Just please state
25 your name for the record.

26
27 A. Morales: My name is Annette Morales.

28
29 Kaiser: And do you swear or affirm that the testimony you're about to give is the
30 truth and nothing but the truth under penalty of law?

31
32 A. Morales: Yes, I do.

33
34 Kaiser: Go ahead.

35
36 A. Morales: Thank you. I wish you would have put this agenda item at the very
37 beginning, because we had to be here all night. Anyhow, my family has
38 lived in that area for pretty much most of my entire life. My mother lives on
39 Melendres Street. And then we have property on Bowman, by Jane's
40 house. Miranda has always had cars in that area because of the church.
41 We have the railroad tracks on the other side of Melendres that the train
42 drives by and those of you that live on Melendres know that you get used
43 to living with the train. One, I'm in support and my family's in part of the film
44 industry or the studio coming in because there's lately, for the last year since
45 the church hasn't occupied it, a lot of homeless people. I have an 86 year
46 old mother that lives literally a block on the other side of Melendres. And

1 there are homeless people that we have to call the church when they owned
2 it and occupied it to get rid of the carts and the mattresses and all the
3 homeless and I am fear for my mother's safety. So I think that the addition
4 of the studio is a big plus for our community. And the traffic if we change it
5 on Miranda, it's always been trafficked. There's always been cars parking
6 there from the neighborhood, in addition to that of the church. So I am, my
7 family and I are full support of the project. Thank you.
8
9 Kaiser: Thank you. All right, then we'll go to the gentleman behind. State your
10 name for the record.
11
12 Hara: Yes. My name is Andrew Hara.
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 Hara: Yes, I do.
18
19 Kaiser: Go ahead.
20
21 Hara: Yes. My name is Andrew Hara. I work on Film Las Cruces. I'm associate
22 film liaison. And I'm also a filmmaker. And I just wanted to show again from
23 Las Cruces in full support. And I'm also personally in support of the studio
24 there. There is a need for it. The productions that are coming in needed,
25 the filmmakers here are asking for it. And I think it's helping a lot. And also
26 working with 828 studios, they are here and just talking with them they seem
27 to be a company that is willing to invest in Las Cruces. I mean they already
28 have. And so it seems like they are trying to do the best thing for Las
29 Cruces. And I think that that's very important to support and very important
30 to throw our support behind it. And I also, when I was at Film Las Cruces I
31 worked under Mr. Sepp and anything that he supports, he's been working
32 for film in Las Cruces and for the community for longer than I can remember.
33 And so I think anything that he supports, I also am support of. And so I just
34 wanted to throw that out there. Thank you.
35
36 Kaiser: Thank you. All right, staying on this side, show of hands of folks that wanted
37 to speak. We'll go kind of circular here, so the lady in the far back.
38
39 Nichols: Mr. Chairman. As she's making her way down, if you want to speak to the
40 issue, if you could make your way to the front please, it'd be helpful for our
41 time constraints here.
42
43 Espiritu: Good evening. My name is Sandra Espiritu.
44
45 Kaiser: And do you swear or affirm that the testimony you're about to give is the
46 truth and nothing but the truth under penalty of law?

1
2 Espiritu: I do.
3
4 Kaiser: Go ahead.
5
6 Espiritu: So I'm a local resident. I've been here since I was nine years old. Love the
7 Alameda area since then. I remember going to Pioneer Park. As I grew up,
8 we had children, we actually took our kids to the church for the daycare. So
9 it holds a very special place in our heart. So it's amazing that the historic
10 building is going to maintain, that's a huge thing for us and our community.
11 So it's just wonderful. I personally met Todd and his team, Jesse, Robert,
12 Chris, and Jon. And they're just amazing individuals. And when you meet
13 people like that, that really truly care about the community as much as you
14 do, it's just an amazing collaboration. And what they have plans to do with
15 the buildings and collaborate with the schools and the students and the kids
16 and everything is just super inspiring. So I don't work for 828, but I have
17 worked with 828 with some real estate acquisitions and what they're doing,
18 and their vision is just phenomenal for Las Cruces. So we're definitely in
19 support. We live about two blocks away. And it's just been sad seeing the
20 church vacant for so long. Just to bring life back to it and just do amazing
21 things for it. So we appreciate your support.
22
23 Kaiser: Thank you. Okay, I think one more person on this side of the room. Please
24 state your name for the record.
25
26 Gonzalez: Felicia Gonzalez.
27
28 Kaiser: Do you swear or affirm that the testimony you're about to give is the truth
29 and nothing but the truth under penalty of law?
30
31 Gonzalez: Yes.
32
33 Kaiser: Go ahead.
34
35 Gonzalez: So I'm a business owner, and I own Ruby Sun, which is right on the corner
36 of West Griggs and West Organ. And at any given time we have about 15
37 to 20 clients that are in pain that need ADA access. And so my concern is,
38 if this does not get approved, that might encourage people to take the
39 parking that we have, which is very limited. So I really think that the area
40 needs the parking. We are very limited over there. We have all of the
41 residents that park on the side of the street, so I think this would be very
42 beneficial. Whatever project they had about a month ago, I saw that parking
43 lot that the church has and it was completely full, so that it's not really able
44 to be used as parking when they're using it. So having access over there
45 would really benefit my business, it just keeps everybody safe. It keeps
46 clients from having to walk down the road with a cast or whatever the need

1 is. So I think that it would be super beneficial. And I hope that it gets
2 approved, because everything that they're doing has really brought a lot of
3 life and safety to the area. It's great too, we're mainly female, so to have
4 just other people in the area to know that we're not the only business and
5 we're left alone there. We're really excited about that. So I hope that they
6 get the space that they need. Thank you.
7
8 Kaiser: Thank you. Okay, moving on to my right, gentleman right here in front come
9 forward. Please state your name for the record.
10
11 Howell: Edward Howell.
12
13 Kaiser: And do you swear or affirm that the testimony you're about to give is the
14 truth and nothing but the truth under penalty of law?
15
16 Howell: I do.
17
18 Kaiser: Go ahead.
19
20 Howell: All right. My wife and I own property about two blocks south of the church
21 on Miranda Street, we've owned it about four or five years. I've gone by that
22 building many, many times and have wondered, as someone who's been
23 involved in churches in El Paso, two large churches. There are very limited
24 uses for buildings like this. And what happens is, when they're left like this
25 one is and they're deserted, they just go to ruin. And so this is a perfect
26 opportunity to use that building in a way that's very constructive for the City.
27 Everyone's been talking about employment opportunities, and their
28 commitment to maintain the exterior of the building historically is great. So
29 I would encourage you all to vote to allow this. Thank you.
30
31 Kaiser: Thank you. All right. Anybody else on the side? Yes. And just a show of
32 hands, how many more after - okay about two more. All right. Thank you.
33 State your name for the record.
34
35 Kingsley: William Kingsley.
36
37 Kaiser: And do you swear or affirm that the testimony you're about to give is the
38 truth and nothing but the truth under penalty of law?
39
40 Kingsley: Yes.
41
42 Kaiser: Go ahead.
43
44 Kingsley: My wife and I have own property at 221 South Miranda, which is about two
45 houses down and across the street from the church. Now, we've always
46 called it the church. We remember when it was the church. And when the

1 traffic blocked the entire street you know, wasn't good. So you know
2 allowing this to go through and having the parking available for the
3 production company, I think is an excellent idea. The other thing that we
4 have seen is as since the church you know has been effectively abandoned,
5 the homeless locations. It's an old neighborhood, and there's a lot of little
6 nooks and crannies that people will get into. And when of these guys came
7 in and take over a lot of that disappears. And we still have problems over
8 there, everybody knows that. But I just think that the whole thing has been
9 a real positive influence in the neighborhood. And I would really like to see
10 this pass.

11
12 Kaiser: Thank you. All right, moving on back. And just state your name for the
13 record and you can begin.

14
15 Pearson: George Pearson. Just for, the packet says this is Council District 4, well,
16 it's still Council District 1 until the first of the year. The SUP as I understand
17 goes to the owner and not to the land. So I presume that if they actually
18 were sold out, Sony came in and bought them that we would be back here
19 again have this discussion. I think one of the problems that was pointed out
20 or scared people was the term light industrial that was in the packet. And
21 it's been explained to me, and I just want to put it on the record that the only
22 real reason for that, and maybe staff can affirm that, is because of the
23 capacity of the auditorium. That there is no intent to have industry there.
24 It's just a matter of being able to allow that auditorium to be there.

25
26 And there's been discussion about the Miranda side of the building. I guess
27 my question is, is the main entrance really will still be on the west side of
28 building and that's where access will be. At the neighborhood meeting, it
29 was mentioned that they're planning at some point to maybe build another
30 building in the parking lot. I suppose that might be allowed by right. I don't
31 know if we'll come back later because of that. And we'd also have to look
32 at how the ADA parking might be affected by that, because most of their
33 parking lot seems to be ADA. We talked about trucks. Mesilla is the truck
34 route. So I hope that they hear and direct their drivers that they come in on
35 Mesilla and turn on Organ and stay off of Melendres, and especially stay off
36 of Miranda. Talked about parking, well the Baptist destroyed the
37 neighborhood for the parking. So the parking is already, the neighborhood
38 has already been seeing the bulldozers because of that. There's a talk
39 about the 24 calls that came in. I think that was a lack of communication
40 from the company before the Saturday meeting that we had. On the
41 Saturday meeting I didn't tear anything. And I want to assure you if there
42 was going to be opposition from this neighborhood, they would be here. So
43 there is no opposition to speak of. And I look forward to being a good
44 neighbor with 828 Productions.

45
46 Kaiser: Thank you. All right, I think we have one more speaker.

1
2 Leslie: So Donald Leslie.
3
4 Kaiser: And do you swear or affirm that the testimony you're about to give is the
5 truth and nothing but the truth under penalty of law?
6
7 Leslie: I do.
8
9 Kaiser: Go ahead.
10
11 Leslie: Just a take on, I understand that this is providing a huge economic benefit,
12 but it's also a challenge for people who live there. I live one block south.
13 And I can stand on the corner of Miranda and May and there are now five
14 short term rentals. Three of those were single-family. And so the film
15 community is going to continue applying pressure of a sort to change the
16 character of the neighborhood from long term rentals to movie crew and
17 people who are coming to work. And I think they have to be very careful in
18 the way they relate to the neighborhood in that you know now basically the
19 neighborhood consists of almost exclusively of transients which is not a
20 neighborhood. So I think that was my concern. You know, I mean they're
21 providing a huge benefit, but they have to be really careful about the
22 impression they make on, and the impact that they're having on, you know
23 it's financially of benefit to these people who are now converting properties
24 and several of them, or did it specifically to support they believe the movie
25 community. So now my neighbors are all transients, or a lawyer and no
26 longer people who are living there and invested in the neighborhood. So
27 thank you.
28
29 Kaiser: Thank you. Okay, that will close public comments on this item. And we'll
30 come back to the Commission. Any additional comments or questions?
31
32 Smith: I just have one quick question. As far as the rental space. I mean are there,
33 representative, are there residences that have been purchased for short
34 term rental or that just you know just something that could, that they're
35 concerned about?
36
37 Sepp: I think the majority of it is a bit speculation, except for the one house property
38 that is to the south of the building that is kind of on that same block. We do
39 utilize that to house our directors and producers that are coming to town.
40
41 Smith: And I just want to make a comment, just to address the, just the traffic on
42 Miranda. As I stated earlier, I've been living in this neighborhood for 25
43 years. My daughter used to live right across the street from the church. I
44 walk my dog, when it's not 100 plus degrees, you know to Pioneer Park on
45 a regular basis. So I've seen that street on Sunday you know, at 11:00 a.m.
46 when the residents, the street does get choked out. And there are many

1 long term residents that have lived there. And I know that parking has
2 always been a concern on the street when the church was, you know it was
3 a living, breathing church. And, and so I hope that you know as you go
4 forward, that your company in conjunction with the City will address their
5 concerns about traffic. There could be some calming measures that can be
6 used, signage, certain hours, maybe that you know that if there are going
7 to be people associated with the production company that they would park
8 there at a certain time. So just the possibility of measures that could help
9 alleviate their concerns about traffic on Miranda. Thank you.

10
11 Sepp: Commissioner Smith. If I could add on to that, we would absolutely be
12 amenable to you know additional provisions along that Miranda Street. And
13 I think some of the concerns are some of the concerns that we have in our
14 even vehicles from our activities, especially as of recently we've had maybe
15 one or two cars going in and checking on that building that do park on the
16 west side parking lot. In addition to that, like the house that we own on that
17 block, we struggle with parking there as well and rarely can park ourselves
18 in that area. So that I think this is a concern that we share with the
19 community about access to that roadway.

20
21 Smith: Thank you.

22
23 Kaiser: I have one final question for staff. Bicycle parking, what would the
24 requirements be under current code for this project?

25
26 Abeyta-Corella: Give us just a minute, Adam will have to help me with that one.

27
28 Kaiser: Okay, let me just, will it be required, whatever the requirement is, will it be
29 required?

30
31 Ochoa: Mr. Chair. That is kind of a loaded question because essentially, in order
32 to come into compliance with any type of bicycle parking, sir, they'd have to
33 do something structurally to the building, an addition or alteration, a
34 structural alteration to the building that's more than 15% of what the existing
35 gross floor area is, then they would have to come into compliance with
36 bicycle parking. I believe they do have the numbers, I believe they're
37 proposing 10 bicycle parking stalls, which should get them right around
38 there. But again, if they're not really doing anything to the building, adding
39 or structurally modifying it, then essentially would not be required. But I
40 believe they are looking at putting those bicycle stalls in, sir.

41
42 Kaiser: Okay, I appreciate that. I mean, I raise it because you know I think maybe
43 part of my comments have been maybe taken in a different direction. And,
44 and really all I'm trying to say is that parking doesn't generate anything for
45 a City. It's a drain on resources. You've got two additional parking lots that
46 could be developed for a single-family home, multifamily home, that could

1 house 828 employees, that could then walk to work that wouldn't require a
2 car. So my point is, there's other ways to get around. There's other forms
3 of transportation. And I think it would be sort of a disservice to this
4 neighborhood to have this amazing project come in, and don't get me wrong
5 I think this is fantastic, but to then still kind of remain with sort of this
6 hollowed out you know area in our downtown that could really truly be
7 reimaged into being this amazing, beautiful urban neighborhood campus
8 that supports your operations and the rest of the City and the rest of the
9 neighborhood. And so that's really all I'm kind of getting at is I think there's
10 other ways to kind of think about this. You know, one option that I was
11 thinking about is you know perhaps floating a condition here to require you
12 know, to come into compliance with the existing design standards for
13 parking lots. I recognize there's a cost to that. And you know to be honest,
14 maybe it's not fair, maybe it's too high of a burden, but I can't really say that
15 because you said you were going to be at 217 spaces, which is about, if I
16 did my math correct, about 54 over what the code requires. You know, I
17 don't think it'd be fair to say hey, you need to go do you know landscaping
18 in all three of these parking lots, but it's hard to say what parking lots would
19 make sense.
20

21 So honestly, I think I would compromise and say I would like to see a
22 condition for 20 bicycle parking spots. As a form, you know to compensate
23 for these additional parking spots that you're going to be requiring allow,
24 you know your employees to have that opportunity for people who are
25 visiting your site. So you know I would like to you know float that as a
26 potential condition, which I think is certainly cheaper than having to
27 landscape a bunch of parking lots. So that would be something that I don't
28 know if just a nod of heads if people would be supportive of that. But that
29 you know, I think this is a great project. Again, I just would like to see you
30 know it's great that you're doing all this on the inside of the building, but
31 recognizing that you're going to be a long term tenant and resident of this
32 neighborhood, I think you should also consider you know at least on the
33 parking lot that's directly attached to the church, over time trying to beautify
34 that a little bit, adding some shade, street trees, that, you things of that
35 nature. So that's it for me/ I'll stand down. But I would like to I guess maybe
36 well I'll just do this; I'll make a motion to approve item 8.5 with the condition
37 that 20 bicycle parking spots are provided on the site.
38

39 Nichols: Mr. Chair. If I may please, a point of order. Normally, the Chair does not
40 make a motion. Maybe you could have one of your constituents make the
41 motion for you.
42

43 Kaiser: Even if I'm adding my own condition? I don't know if they agree with me or
44 not.
45

1 Nichols: Mr. Chair. I'll check the points of Robert's Rules of Order, but that's my
2 understanding. Was brought to my attention by City Clerk.
3

4 Kaiser: Fair enough. I'll wait for a motion.
5

6 Murray: Per code though isn't it say offices one space per 6,000 square feet more
7 or less, so they would only be required to have?
8

9 Ochoa: Mr. Chair, Commissioner Murray. Correct. I believe the numbers
10 calculation that they have, they're required to have 10 bicycle stalls. So
11 essentially five racks. So they would be meeting code with what they're
12 proposing. But if that was a condition it'd just be an additional five racks
13 that they have to add in order to do 20 stalls. That would increase the
14 bikeability I guess for the property is what we're looking at.
15

16 Kaiser: I guess just to clarify, but you said that if they don't make any exterior
17 alterations of the building, they wouldn't be required to provide bicycle
18 parking that, if it's not already existing, correct.
19

20 Ochoa: Mr. Chairman. That is correct. But they are actually proposing to provide
21 that themselves. They do want the stalls themselves, sir.
22

23 Kaiser: Okay. And I just I think you know to compensate for you know additional
24 parking lots, I think adding more bike parking would be I think a fair
25 compromise.
26

27 Ochoa: And the applicant is open to that condition actually. Just want to clarify that.
28

29 Smith: I have one more question concerning it. So at this stage, the way the plan
30 is being proposed, they are meeting the 10 parking stall condition, bike
31 stalls.
32

33 Ochoa: Mr. Chair, Commissioner Smith. That is correct, with the with the 10 stalls,
34 a.k.a., five racks that they're proposing. Yes, sir.
35

36 Smith: And then the applicant, they're saying that they would provide more bike
37 parking.
38

39 Ochoa: The applicant is open to the condition of Chairman Kaiser, yes, sir.
40

41 Smith: So as a Commissioner, I mean, we can vote to approve this proposal. But
42 I mean can abstain from requiring 20? Because if they're meeting the
43 requirement for 10, and they've already stated that they would provide
44 more, I mean is it necessary for us to even go through this process?
45

1 Ochoa: Mr. Chairman, Commissioner Smith. So the question was asked to add that
2 condition on there. They are proposing to provide the minimum required
3 number of bicycle parking stalls, but they're also amenable to adding that
4 condition for additional bicycle parking stalls as well. So that's kind of left
5 up to the Commission how you'd like to make a motion to just approve it if
6 you feel what they're proposing, the minimum is fine, or with that condition
7 to add the additional parking stalls.
8
9 Smith: Thank you.
10
11 Murray: So can I make a motion to approve action Item 8.5.
12
13 Vega: Second.
14
15 Ochoa: Okay, no condition.
16
17 Baum: Board Member Smith.
18
19 Smith: Yes, based on staff making recommendation and meeting the goals of
20 Elevate Las Cruces.
21
22 Baum: Board Member Vega.
23
24 Vega: Yes, based on site visit and staff recommendation.
25
26 Baum: Board Member Porter.
27
28 Porter: I vote yes based on staff recommendations and Elevate Las Cruces.
29
30 Baum: Board Member Bennett.
31
32 Bennett: I vote to approve based on staff recommendation, this complies with infill
33 development, Elevate Las Cruces and this is going to be just a huge, huge
34 spurring economic growth for our community.
35
36 Baum: Board Member Murray.
37
38 Murray: I vote yes to approve based on staff recommendations and Elevate Las
39 Cruces.
40
41 Baum: Chair Kaiser.
42
43 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
44 Cruces
45
46 Baum: :Motion passes.

1
2 **9. ELECTION OF OFFICERS**
3

4 Kaiser: All right, moving on. So it's the first day of school today so we're voting on
5 officers. I guess we will start with chair. Is that normally what we start with?
6 So we'll start with chair. Need a motion for someone to be chair.
7

8 Ochoa: Yes for point of clarity. Pardon me Mr. Chair. We do need a nomination and
9 then a second. And that would be a vote on that on that appointment.
10

11 Kaiser: On the nomination.
12

13 Bennett: I'll nominate Kaiser for a chair.
14

15 Smith: I second.
16

17 Baum: Board Member Smith.
18

19 Smith: Yes.
20

21 Baum: Board Member Vega.
22

23 Vega: Yes.
24

25 Baum: Board Member Porter.
26

27 Porter: Yes.
28

29 Baum: Board Member Bennett.
30

31 Bennett: Yes.
32

33 Baum: Board Member Murray.
34

35 Baum: Chair Kaiser.
36

37 Kaiser: Yes. All right, moving on to Vice-Chair. Need a nomination.
38

39 Bennett: I nominate Commissioner Smith.
40

41 Vega: I second.
42

43 Baum: Board Member Smith.
44

45 Smith: Yes.
46

1 Baum: Board Member Vega.
2
3 Vega: Yes.
4
5 Baum: Board Member Porter.
6
7 Porter: Yes.
8
9 Baum: Board Member Bennett.
10
11 Bennett: Yes.
12
13 Baum: Board Member Murray.
14
15 Murray: Yes.
16
17 Baum: Chair Kaiser.
18
19 Kaiser: Yes.
20
21 Baum: Passes.
22
23 Kaiser: All right. You can get paid back now; we're looking for Secretary.
24
25 Smith: I nominate Commissioner Bennett for Secretary.
26
27 Murray: I second.
28
29 Baum: Board Member Smith.
30
31 Smith: Yes.
32
33 Baum: Board Member Vega.
34
35 Vega: Yes.
36
37 Baum: Board Member Porter.
38
39 Porter: Yes.
40
41 Baum: Board Member Bennett.
42
43 Bennett: Yes.
44
45 Baum: Board Member Murray.
46

1 Murray: Yes.
2
3 Baum: Chair Kaiser.
4
5 Kaiser: Yes.
6
7 Baum: Passes.
8
9 Kaiser: All right

10
11 **10. STAFF ANNOUNCEMENTS**

12
13 Kaiser: And finally, staff announcements and discussion.

14
15 Nichols: Mr. Chairman. No staff announcements this evening.

16
17 Ochoa: I'm sorry. Point of order. My apologies Chair. Just wanted to give one
18 quick announcement. Staff, we're almost fully staffed now, now that I do
19 have almost a full staff of planners. What I'm trying to do is update all your
20 all codes. And I'm going to be hopefully making thumb drives and getting
21 you all updated codes, digital versions of Elevate Las Cruces, as many as
22 we can of our Blueprints on and so forth, that way you have all those codes
23 in the thumb drive for you. I promise this to our new Commissioners. But
24 when I was going through the documents that we had in there, some of
25 them were from the '70s, so I don't know how, there's people (*inaudible*) on
26 these things. So I definitely didn't want to do that. So just letting you know
27 staff is working on that, we'll hopefully get that to you all sooner than later.
28 Thank you.

29
30 Kaiser: Thank you. We look forward to the reading material.

31
32 **11. DISCUSSION**

33
34 **12. ADJOURNMENT (8:45)**

35
36 Kaiser: All right. Looking for a motion to adjourn.

37
38 Vega: Make a motion to adjourn.

39
40 Smith: I second.

41
42 Kaiser: All in favor.

43
44 MOTION PASSES UNANIMOUSLY.

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46 Kaiser: We'll see you all next month. Thank you

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Chairperson