

1 **REALIZE LAS CRUCES AD HOC COMMITTEE COMMISSION**

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3 Following are the minutes from the City of Las Cruces Realize Las Cruces Ad Hoc  
4 Committee Meeting held Wednesday, January 18, 2023, at 3:00 p.m.

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6 **MEMBERS PRESENT:**

- 7 Daniel G. Buck
- 8 Paul Dulin
- 9 Arturo Duran
- 10 Sara Gonzales
- 11 Scott Kaiser
- 12 John Moscato
- 13 Ken Odenheim
- 14 George Pearson
- 15 Paul Pompeo
- 16 Abraham Sanchez
- 17 Dawn Sanchez
- 18 Sharon Thomas

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20 **MEMBERS ABSENT:**

- 21 Christopher Brown
- 22 Dan Carter
- 23 David G. Lynch

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25 **STAFF PRESENT:**

- 26 Katherine Harrison-Rogers, Senior Planner
- 27 David Sedillo, Director of Public Works
- 28 David Weir, Deputy Director Community Planning

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30 **1. CALL TO ORDER:**

31 The meeting was called to order.

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34 **2. APPROVAL OF MINUTES -**

- 35 • **November 16, 2022:**
- 36 • **December 7, 2022:**

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38 It was moved and seconded to approve minutes as presented. Motion passed  
39 unanimously.

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41 **3. POSTPONEMENTS:**

42 There were none.

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45 **4. DISCUSSION ITEMS:**

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2 **4.1 Chapter 3 - Zoning**  
3 • **Section 3-4 Zoning Procedures**  
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5 Katherine Harrison-Rogers provided a handout with everyone's comments  
6 that were given to her. She explained zoning map amendments. The  
7 question was raised regarding increasing the amount of information  
8 needed to do map amendments, as the public frequently asks about  
9 specifics regarding how the amendment will affect traffic and other things.  
10 It is difficult to make a good decision without more information. Katherine  
11 Harrison-Rogers mentioned that other communities require complete site  
12 plans before changing zoning, but it makes keeping track of things very  
13 difficult. Las Cruces City Staff compensates by analyzing applications as  
14 if the change is going to be generating the most difficulties as well as  
15 referring to the Future Development Map before making  
16 recommendations. Chapter 3 lists criteria for decisions that are verbatim  
17 from the Boards and Commissions Section of the Municipal Code. None  
18 of it can be deleted but the Board can add extra criteria. It was mentioned  
19 that giving too much information can cause applications to be denied due  
20 to community input. Board Members would like a rough sketch of  
21 proposed use to be presented with zone change requests. Katherine  
22 Harrison-Rogers made a note to ask the consultant for a way to get more  
23 information in the requests while remaining flexible for the developer. The  
24 new Code should help reduce the number of rezoning requests coming in  
25 because it changes the lot size requirements within the different zoning  
26 designations. Restricting uses for certain properties can be considered  
27 contract zoning and is not acceptable. Development agreements can help  
28 avoid this problem. There are provisions in the Code that allow the Zoning  
29 Committee to request more information and have the developer return at  
30 another meeting with the information requested. The suggestion was  
31 made to make the provision more specific as to when extra studies and  
32 information are to be requested to help prevent waste of time and money.  
33 Staff makes judgment calls as to when the extra information is needed  
34 and much of this is discussed at pre-application meetings with staff from  
35 various involved departments. A suggestion was made to add "if  
36 applicable" into the provision and leave it at that.

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38 Katherine Harrison-Rogers moved on from applications procedures and  
39 requirements to criteria for decisions. There were many comments on  
40 property values. The criteria are currently verbatim from Municipal Code  
41 and have not been modified yet. It is possible to add more conditions if  
42 needed. Some of New Mexico Case Law is applicable and may be useful  
43 to add. A question was raised about spot zoning. Anything different from  
44 what is already there can be considered spot zoning, per State Statute.  
45 Using the infill process is more appropriate. Katherine Harrison-Rogers  
46 would like to see more definitive criteria included in the new Code.

1 According to staff "unreasonable increase in traffic" means that the traffic  
2 system will no longer function from an engineering standpoint. The  
3 exceptions for zone changes are verbatim out of State Statute.  
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5 The majority of questions and comments received beforehand were about  
6 site plans. Currently the site plan review is incorporated into the building  
7 permit process. The new Code will allow for a "pre-approval" before the  
8 builder tries to apply for permits by turning the site plan review into a  
9 formal step in the process prior to permitting. A comment was made that  
10 the draft currently requires such a detailed site plan that it might as well be  
11 a construction plan. The concern is that if the site plan is not approved,  
12 the builder has spent a huge amount on getting the plan designed and  
13 then has to go have it redesigned. The suggestion was made to have a  
14 concept plan required instead. Another suggestion was made to make  
15 site plans and subdivision plans the same. The difficulty with doing that is  
16 site plans for subdivisions are considered in the public realm and small  
17 private plots are considered in the private realm. Details for what the lists  
18 of submittal requirements mean are in the City Design Standards. A  
19 suggestion was made to remove "where applicable" as everyone is  
20 required to submit site plans anyway. The suggestion was made to  
21 require the location of easements to be indicated on site plans prior to  
22 permitting. Page 2009 section B6b seems to be the same as section 7  
23 and a suggestion was made to combine them or include a reference to  
24 section 7. One section says that the City cannot force changes to a plan  
25 after approving it. The other section says that the City can agree to  
26 changes proposed by the builder without having to submit the changes to  
27 a full review. The wording may be changed slightly to clarify the  
28 paragraphs. SUPs and infill development proposals go to public hearing  
29 for site plan approval rather than staff. For site plans that have already  
30 been approved by P&Z, any amendment has to be approved by P&Z.  
31 Minor conditions can be approved by staff. Staff can require changes to  
32 be brought before P&Z if they feel it should not be approved  
33 administratively. Chapter 3 does not list the order of events, only the  
34 requirements involved in each step. The sequence of events is listed in  
35 the Chapter 1, along with graphics.  
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37 Comments on PUDs include a request for defining terms like "public  
38 benefit" and "economic benefit" more clearly. Staff hopes that the new  
39 Code will help eliminate some of the need for PUDs. Page 213 under  
40 Concept Plan Amendment, section IIX should read " ... proposed change  
41 should be reviewed by the Planning and Zoning Commission and the City  
42 Council." This means that the changes are analyzed by staff, then go to  
43 public hearing before going to the Commission or Council. A suggestion  
44 was made to require re-approval in Sections C and D if there is 15% or  
45 more change in residential density or non-residential square footage. On  
46 page 213 under 9b, the document refers to base districts. The Board

1 would like to have the term "base district" clarified and make it easier for  
2 people to find out which base district is being discussed. Board Members  
3 agree that the document should have hyperlinks for all the confusing  
4 terms and to link to maps. On page 214 the very first item refers to  
5 association bylaws but not every PUD will have an association. In section  
6 F7 it refers to building area boundaries but in a PUD the Board does not  
7 know the building area boundaries ahead of time, unless this refers to  
8 setbacks. "As applicable" or something similar should be added for those  
9 situations. Page 214 section F12 says "proposed alignment of roadways"  
10 and then "additional traffic volumes associated for each road," at concept  
11 plan that would not all be known so it should be "proposed alignment of  
12 major roadways" and in F13 it refers to "proposed location, length/width of  
13 all roadways, bikeways, trails, walkways," is much too detailed for a  
14 concept plan. A suggestion was made to use development standards at  
15 this stage to simplify the concept plan. Staff hopes to include  
16 development triggers in the Code as well. In F17 it refers to land uses for  
17 each lot, parcel, or tract. The question was asked about how to know  
18 what is allowed. The developer will be dictating the allowed uses. Section  
19 XIV also refers to location and sizes of existing and proposed utilities,  
20 which refers to a master utility plan for the PUD. In 17E, total acreage for  
21 open space, private and public facilities, again there is no way of knowing  
22 exactly what that is until later. It is acceptable to present an estimate with  
23 room for 15% change up or down. Section G needs to require wording  
24 such as "based on clear and compelling evidence" so that additional  
25 studies cannot be arbitrarily demanded by committee members. Current  
26 variances allow P&Z and City Council to use economic development as a  
27 reason for approval. The new draft does not seem to have that provision.  
28 The request was made to add in this provision with some language about  
29 specific data.

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31 Having the comments beforehand and being able to discuss the submitted  
32 comments at the meeting seems to work well. A concern was raised  
33 about the Committee possibly doing editing rather than discussing larger  
34 concerns about the document. Katherine Harrison-Rogers hopes to  
35 improve the spreadsheet for the Committee Members to submit  
36 comments. A request was made for staff to begin meetings with an  
37 update on what the Committee is supposed to be doing and how much  
38 progress towards the goal has been made.

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40 **5. UPCOMING MEETING DISCUSSION ITEMS:**

41 To be determined.

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43 **6. PUBLIC PARTICIPATION**

44 There was none.  
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**7. ADJOURNMENT (5:05)**

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Chairperson