



# CITY OF LAS CRUCES

## REALIZE LAS CRUCES AD HOC COMMITTEE COMMISSION

Following are the minutes from the City of Las Cruces Realize Las Cruces Ad Hoc Committee Meeting held Wednesday, August 16, 2023, at 3:00 p.m.

### **MEMBERS PRESENT:**

Daniel G. Buck (departed approximately 3:30)  
Paul Dulin  
Arturo Duran  
David G. Lynch  
John Moscato  
George Pearson  
Paul Pompeo  
Luis Rios

### **MEMBERS ABSENT:**

Christopher Brown  
Dan Carter  
Scott Kaiser  
Ken Odenheim  
Dawn Sanchez  
Sharon Thomas

### **STAFF PRESENT:**

Sara Gonzales, Senior Planner, Community Development  
David Sedillo, Director of Public Works  
Tony Trevino, Deputy Directory Public Works  
Larry Nichols, Director, Community Development  
Srijana Basnyat  
Rocio Nasir, Utilities Engineer

### **I. CALL TO ORDER:**

George Pearson was selected to chair the meeting and he called the meeting to order.

### **II. CONFLICT OF INTEREST:**

There was none.

### **III. DISCUSSION ITEMS:**

#### **1. Chapter 3. Zoning Regulations**

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Sara Gonzales began the discussion. The relevant maps and graphs were displayed. It was suggested to add wording to reference or support Elevate in the title of this section. In Section B.6. it says "regulate or restrict." There was a question if both words were needed. In Section B.8 the word "inappropriate" is ambiguous, as "inappropriate" is subjective. The words "ensure ... sensitive to natural areas" were also considered unclear. The very nature of development means that natural areas are disturbed. It was suggested to add "as applicable" at the end of that statement. It was also suggested to more clearly define "natural areas." Section B.11 is the purpose statement and seems to suggest deficiencies in existing developments and prohibit using similar designs as what was used in the past. It was suggested to strike that section. Staff mentioned that developers can point out sections of the Code that their development meets. A suggestion was made to add "encourage" to this section. Staff suggested to make the purpose statement read "New development shall meet the intent, design, quality, and character of Elevate Las Cruces." Concern was raised that in the future the City's comprehensive plan may change names, so the statement was suggested to be "New development shall meet the intent, design, quality, and character of the City's Comprehensive Plan, Elevate Las Cruces, as amended." In Section B.13 it says "ensure development proposals are sensitive to the character of existing neighborhoods." There is concern that this might allow people who object to development in general to delay or stop developments from going in. Staff plans to use the Comprehensive Plan to determine what is sensitive and what is not, for example not putting a recycling plant next to a residential area. A suggestion was made to define what "character" means. There was discussion that different housing types may not be accepted by the public as fitting into the same character as the neighborhood, for example homeowners may object to a multifamily housing unit going into the middle of a single-family housing neighborhood. A suggestion was made to broaden the purpose statement to include more reference to the sustainability and ecological aspects of Elevate.

There was discussion about how the Code applies to NMSU properties. On page 2, a suggestion was made to change the wording to "Community Development Director or Designee" and that is defined at the beginning of the document in the General Provisions section.

There is a chart on page 3. There were questions about the wording of various boxes and how many exit boxes there are. Board Members found the chart awkward and had questions about what is "public benefit." The public benefits are defined in a different section of the Code with examples. There should be a link to that section. A suggestion was also made to define what qualifies as "innovative development." Sketch plans are now required by the Subdivision Code. The site plan for construction is required to be turned in before the plat. These requirements will be revised as construction plans are not part of zoning.

1 In Zoning Districts, staff is still working on the overlay districts and how to work  
2 them into Code. The order in which they will be presented should be revised.  
3 Residential zoning designation will continue to be mostly housing.  
4 Neighborhood zoning designation will include small commercial components.  
5 Mixed use designation will include both large and small commercial  
6 components. Some questions were raised about the terminologies in reference  
7 to land use and character. Definitions are included on page 98 and land use  
8 tables are also included in the document. There are currently nine categories  
9 of development and it was suggested to reduce it to six. The extra three  
10 categories only apply to special circumstances such as the overlay areas.  
11 There are four fixed town centers but the neighborhood centers are not  
12 geographically fixed and there can be a higher number of those. The zoning  
13 map is still with the consultants but staff will send it out to Board Members as  
14 soon as possible. It is necessary to refer to the land use table when trying to  
15 understand the district definitions. Holding may have been eliminated. New  
16 annexes are zoned already now and must be reviewed by the City's Land Use  
17 Attorney. Staff will check and see if Holding is going to be permanently  
18 removed. Section A.3 refers to "uncertainty exists concerning the boundaries."  
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20 QUORUM IS LOST. FURTHER DISCUSSION WAS WORK SESSION ONLY.  
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22 Discussion is now considered a work session and anything decided here can  
23 be ratified at the next meeting when there is a quorum.  
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25 Staff does not know what "uncertainties of boundaries" means. A suggestion  
26 was made to indicate use of Chevron deference, which means that any  
27 ambiguity will be seen in the best light for the applicant and not for the  
28 government. The three categories of discrepancies in the Code are fairly  
29 standard, but it was suggested that the Land Use Attorney look over them  
30 anyway.  
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32 There is confusion that the Code is using use-based nomenclature for form-  
33 based applications. A request was made to clarify terminology and include  
34 examples and aerial photos. There are concerns regarding the neighborhood  
35 characters being backed up against each other, with low density and high  
36 density next to each other. This seems like it will cause many complaints. Staff  
37 made a distinction between density and intensity of use and indicated that the  
38 intensities will be kept separate, even if the densities are merged. Diversity of  
39 use and walkability are still the main goals of this Code. Lot sizes were  
40 discussed and exceptions are listed at the bottom of the section. Some of the  
41 infill properties have odd-sized lots and the Code provides an infill process to  
42 make development easier. It was also suggested that overlays could help with  
43 these infill properties. There is a time limit of one year for most properties that  
44 if the property is destroyed the owner can rebuild to what it was. In the South  
45 Mesquite area, the limit is two years.  
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1 There will be hyperlinks in all the sections to help the user navigate to reference  
2 resources and other things. There were questions about the setback diagrams  
3 starting on page 98. There is a table on page 99 that explains setbacks and  
4 build-to lines. Suburban and urban character lots should definitely be  
5 different. The Code also provides for accessory dwelling units on lots. There  
6 was discussion that a minimum width requirement can prevent people from  
7 buying a house due to the larger lots being more expensive. Suggested  
8 setback is seven feet each side, 15 feet in the rear, and 20 in the front. The  
9 new Code has requirements for a percentage of the impervious coverage as  
10 setbacks. With the prohibition of on-lot ponding on small lots, people have  
11 simply paved their entire lots and many people are also using astroturf in their  
12 yards as well. The new standards may change that. The drainage is designed  
13 into the subdivision infrastructure. Board Members are interested to know  
14 how to set up the impervious surface and setbacks.

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16 Some of the captions that show up for the graphics are very odd. The defaults  
17 in Adobe Acrobat may need to be reset.

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19 In the mixed use section, zero-lot-line development needed clarification. Town  
20 centers and overlays have different requirements. Developers can propose  
21 their own neighborhood centers wherever they want but there is no indication  
22 of whether zero-lot-line development will be allowed. All of the heights for  
23 commercial buildings have been increased. Now three-story buildings will be  
24 allowed. LI means Light Industrial and HI means Heavy Industrial. The 10%  
25 requirement for landscaping seems a bit low. Staff will double check to see if  
26 the required parking lot trees are included in that 10% or in addition to it.  
27 Ponding and drainage can be incorporated into the landscape design if desired.

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29 Next meeting will start looking at page 104 with the traditional zoning districts.  
30 Sara Gonzales will find the answers to the clarification questions asked today  
31 and bring them to the next meeting. She asked everyone to send her questions  
32 and comments. She will print them and bring them to the next meeting.

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34 **IV. NEXT MEETING:**

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36 September 6, 2023

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38 **VI. ADJOURNMENT**

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44 Chairperson