



City of Las Cruces[®]

Planning and Zoning Commission Agenda

The following agenda will be considered by the Planning and Zoning Commission of the City of Las Cruces, New Mexico, at a public hearing held on April 25, 2023 beginning at 6:00 p.m. in Council Chambers at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

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

Documents:

[03-28-23 PNZ MINUTES.PDF](#)

6. Public Participation
7. Discussion
- 7.1. Status Report On Realize Las Cruces, The Land Development Code Rewrite
8. Consent Agenda
9. Old Business
10. New Business
- 10.1. Code Amendment
 - Amendment of the Las Cruces Municipal Code Sections 38-53 Conditional Uses and 38-54 Special Use Permits for the purpose of eliminating the 300-foot buffer requirement between individual cannabis retailers/microbusinesses and eliminating the 300-foot buffer between cannabis retailers/microbusinesses and single-family zoning districts.
- 10.2. 1685 N Main Street Special Use Permit Request
 - A Special Use Permit (SUP) to allow a cannabis dispensary (retailer) less than the required 300-foot buffer distance from a single-family residential zoning district. The subject property is located at 1685 N Main Street and is zoned C-2C (Commercial Medium Intensity-Conditional) and is 0.134 ± acres in size. Submitted by Scott Krahling with High Horse Investments LLC, representative

(Case # 23ZO1000016)

10.3. 5150 Stern Drive

A zone change request for the purpose of modifying established conditions to allow for a subsequent master plan amendment and residential development consistent with other areas in said plan. The subject properties are generally located south of Silverado Loop and Stern Drive, within Council District 2, and combined, are ± 21.34 acres in size. Submitted by Zachary Libbin, Libbin Consulting Engineering, LLC. (Case # 22ZO0500153)

1. A zone change from R-1a / R-1aC (Medium Density Residential / Medium Density Residential – Conditional) to R-1a / R-1aC (Medium Density Residential / Medium Density Residential - Conditional) for property having parcel account number R1905422 (5150 Stern Drive), and containing ± 5.56 acres; and
2. A zone change from R-1aC (Medium Density Residential – Conditional) to R-1aC (Medium Density Residential - Conditional) for property having parcel account number R0240214 (parcel not addressed), and containing ± 6.40 acres; and
3. A zone change from R-1a / R-1aC (Medium Density Residential / Medium Density Residential – Conditional) to R-1a / R-1aC (Medium Density Residential / Medium Density Residential - Conditional) for property having parcel account number R1905424 (parcel not addressed), and containing ± 9.38 acres.

10.4. 3724 Sienna Avenue

A Special Use Permit (SUP) for a group childcare home not to exceed 12 children on property zoned Planned Unit Development (PUD) with underlying zoning of Sub-Urban/General Urban (U3/U4) and ± 0.156 acres in size. Submitted by April Aguilar, property owner. (Case # 22ZO1000075)

10.5. Royal Crossing Subdivision Pass Master Plan

A request for a master plan known as Royal Crossing Subdivision. The master plan proposes a multi-phased mixed-use development that will align with the Apodaca Blueprint. The subject properties encompass 75.09± acres and are located at the corner of Solano Drive and Main Street, also known as the former Country Club. Submitted by Souder Miller and Associates, representatives. Council District 1 (22CS0500114)

10.6. Royal Crossing Subdivision Phase 1 Preliminary Plat

A request for a preliminary plat for a subdivision known as Royal Crossing. The proposed subdivision encompasses 52.73 ± acres, is currently zoned C-3C (Commercial High Intensity-Conditional), R-4C/C-2C (Multi-Dwelling High Intensity-Limited Retail Service-Conditional and Commercial Medium Intensity-Conditional), C-2C/O-2C/R-3C (Commercial Medium Intensity-Conditional/Office, Professional-Limited Retail Service-Conditional/Multi-Dwelling Medium Density-Conditional). The preliminary plat proposes to develop two local roadways and a mix of commercial and residential land use. Submitted by Souder Miller and

Associates, Representatives. Council District 1 (23CS0500038)

11. Staff Announcements

12. Adjournment

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Posted: 04/10/2023

1 Submitted by Sierra Norte Development Inc., property owners. (Case #
2 23ZO3000149)

3
4 Kaiser: We'll go ahead and go to postponements. Staff I know we've got a couple
5 of them.

6
7 Ochoa: Yes, sir. Adam Ochoa for Community Development for the record. We do
8 have two postponements. It will be the two items under old business,
9 which is items 10.1 which is the Metro Square Final site plan, and 10.2 is
10 the variance for 1160 Encino Avenue. The applicants did give us a call
11 and they're asking to postpone those two items indefinitely. So if we can
12 vote on each one individually, please, sir.

13
14 Kaiser: Excellent. All right. So we will go ahead and do that. So I'll make a
15 motion to postpone item 10.1 indefinitely.

16
17 Bennett: I'll second.

18
19 Baum: Board Member Smith.

20
21 Smith: Yes.

22
23 Baum: Board Member Bennett.

24
25 Bennett: Yes.

26
27 Baum: Board Member Vega.

28
29 Vega: Yes.

30
31 Baum: Chair Kaiser.

32
33 Kaiser: Yes.

34
35 Baum: Passes.

36
37 **1160 Encino Avenue Variance Request:** A variance of ± 19 feet to the
38 required 25-foot secondary front yard setback required for a proposed
39 attached carport located at 1160 Encino Avenue. The property is
40 approximately 0.137 acres in size, zoned R-1a (Single Family Medium
41 Density Residential) and is within Council District #1. Submitted by Mark
42 Torres on behalf of Jo E. Sr. and Mary A. Sellers, property owners. (Case
43 # 22VO0500159)

44
45 Kaiser: And I'll go ahead and make a motion to postpone an item 10.2 indefinitely.
46

1 Bennett: I'll second.
2
3 Baum: Board Member Smith.
4
5 Smith: Yes.
6
7 Baum: Board Member Bennett.
8
9 Bennett: Yes.
10
11 Baum: Board Member Vega.
12
13 Vega; Yes.
14
15 Baum: Chair Kaiser.
16
17 Kaiser: Yes.
18
19 Baum: Passes.
20

21 **3. ACCEPTANCE OF THE AGENDA**

22
23 Kaiser: All right. So now we'll go ahead, and can I get a motion to accept tonight's
24 agenda?
25
26 Bennett: I make a motion to accept tonight's agenda.
27
28 Smith: I second.
29
30 Baum: Board Member Smith.
31
32 Smith: Yes.
33
34 Baum: Board Member Bennett.
35
36 Bennett: Yes.
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38 Baum: Board Member Vega.
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40 Vega: Yes.
41
42 Baum: Chair Kaiser.
43
44 Kaiser: Yes.
45
46 Baum: Passes.

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4. ELECTION OF OFFICERS

Ochoa: And if I could have a point of order Chairman Kaiser. The election of officers, that was a misprint. I do apologize about that. That will be removed from the next agenda item. Hopefully, when we have a full board we'll going ahead and have that election of officers for that. So you could skip item number four for now, sir.

Kaiser: All right, we will do that.

5. APPROVAL OF MINUTES – February 28, 2023

Kaiser: All right, so we've got approval of last month's minutes. Were there any comments on the draft? Seeing none. I need a motion.

Vega: I make a motion to approve last month's minutes.

Bennett: I'll second.

Baum: Board Member Smith.

Smith: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Board Member Vega.

Vega: Yes.

Baum: Chair Kaiser.

Kaiser: Yes.

Baum: Passes.

6. POSTPONEMENTS

MOVED TO BEFORE ACCEPTANCE OF THE AGENDA, AS PER CITY ATTORNEY.

7. PUBLIC PARTICIPATION

1 Kaiser: Okay, we'll go to public participation. Is there anybody in the audience
2 tonight who wishes to speak on a topic that is not on tonight's agenda? All
3 right, seeing none,
4

5 **8. CONSENT AGENDA**
6

7 **8.1 Mesilla Valley Mall Subdivision Replat No. 6 Non-Administrative**
8 **Replat:**
9

10 MOVED TO NEW BUSINESS.
11

12 **8.2 Government Heights Addition Replat No. 1 Non-Administrative**
13 **Replat:** A non-administrative replat known as Government Heights
14 Addition, Replat No. 1 located at 890 McCoy Avenue. The proposed
15 subdivision encompasses 2.15 ± acres, is zoned R-1a (Single-Family
16 Medium Density). The subdivision will replat the existing residential lot into
17 three (3) residential lots that vary in size from 0.22 ± to 1.70 ± acres in
18 size. Submitted by Underwood Engineering, representative. (Case #
19 22CS0500080)
20

21 **8.3 Yonder Lea Non-Administrative Replat:** A non-administrative replat
22 known as Yonder Lea Replat, located at 414 Soledad Avenue. The
23 proposed subdivision encompasses 0.64 ± acres, is zoned R-2 (Multi-
24 Dwelling Low Density) and within the South Mesquite Overlay Zone. The
25 subdivision will replat two (2) existing residential lots into three (3)
26 residential lots that vary in size from 0.176 ± to 0.281 ± acres in size.
27 Submitted by Vista Grande Surveys, representative. (Case #
28 22CS0500131)
29

30 Kaiser: We'll move on to the consent agenda. We have three items 8.1, 8.2, and
31 8.3. I'm actually going to pull item 8.1 for discussion. And so we're
32 looking at a motion to approve for items 8.2 and 8.3.
33

34 Bennett: I make a motion to approve 8.2 and 8.3 on the Consent Agenda.
35

36 Vega: I second.
37

38 Baum: Board Member Smith.
39

40 Smith: Yes.
41

42 Baum: Board Member Bennett.
43

44 Bennett: Yes.
45

46 Baum: Board Member Vega.

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

11
12 **9. DISCUSSION**

13
14 **10. OLD BUSINESS**

15
16 **10.1 Metro Square Final Site Plan:**

17
18 **10.2 1160 Encino Avenue Variance Request:**

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20 BOTH ITEMS MOVED TO POSTPONEMENTS INDEFINITELY.
21

22 **11. NEW BUSINESS**

23
24 **Mesilla Valley Mall Subdivision Replat No. 6 Non-Administrative**
25 **Replat:** A non-administrative replat known as Mesilla Valley Mall
26 Subdivision Replat No. 6, located at 550 S Telshor Avenue. The proposed
27 subdivision encompasses 2.15 ± acres, is zoned C-3 and C-3C
28 (Commercial High Intensity/Commercial High Intensity-Conditional). The
29 subdivision will replat the existing commercial lot into two (2) commercial
30 lots that vary in size from 0.503 ± to 0.77 ± acres in size. Submitted by
31 Land-Mark Professional Surveying Inc., representative. (Case #
32 22CS0500049)

33
34 Kaiser: And now we will move on to item 8.1 Mesilla Valley Mall Subdivision
35 Replat No. 6. Staff please take it away

36
37 Ochoa: All righty. Again, Adam Ochoa for Community Development Department
38 for the record. Commissioner Kaiser, were there any specific questions
39 you have? Would you like a full presentation for this, sir?
40

41 Kaiser: Full presentation would be nice, but you don't need to take an indefinite
42 amount of time. Thank you.
43

44 Ochoa: No worries. Yes, sir. Okay, the proposed subdivision we're looking for
45 this as a non-administrative replat known as the Mesilla Valley Mall
46 Subdivision Replat No. 6. It is located at 550 South Telshor Boulevard,

1 essentially right next to what is the mall. It encompasses roughly 1.4
2 acres in size and is zoned C-3 which is commercial high intensity, and C-
3 3C which is commercial high density conditional. Currently the property is
4 vacant but is currently under development if you will.
5

6 Shown here on the zoning map here highlighted in the yellow as you can
7 tell the kind of northern part is what's zoned the C-3, and the southern
8 portion is the C-3C. Shown here, vacant piece of property with some
9 construction items being taking place right now on the property as well.
10 Mall here shown here adjacent to Lohman Avenue to the north. Telshor
11 just to give you an idea of where it is that we're talking about. This non-
12 administrative replat is essentially subdividing one existing commercial
13 lot into two new commercial lots. Lot 3A encompasses roughly 0.737
14 acres, lot 4A encompasses just over half an acre in size. Both properties
15 do still meet all requirements of the Subdivision Code and the Design
16 Standards and all development standards of the 2001 Zoning Code as
17 well.
18

19 Shown here, that lot split showing those two lots here with the access
20 easement from the mall into lot 4A and into lot 3A as well. Public notice
21 was sent out to all property owners within 500 feet of the subject property.
22 At the time of the creation of the presentation staff received no public
23 input. All relative staff did review the non-administrative replat and nobody
24 had any comments. During staff analysis, we did see that the replat does
25 compile with all the requirements and standards of the City of Las Cruces
26 Subdivision Code. The replat complies with the all requirements of the
27 2001 Zoning Code. And the site is designed to attract kind of a vehicular
28 business from Lohman Avenue. It is compatible with other surrounding
29 commercial properties in the area. And it does meet the intent of the
30 Elevate Las Cruces Comprehensive Plan and fulfills the purposes of the
31 Las Cruces Municipal Code section 2-382, there we go, almost did it
32 without looking at it. DRC or the Development Review Committee did
33 review this subdivision on May 8, 2023. The DRC does review
34 subdivisions from an infrastructure, utility, and improvement standpoint.
35 After some very minor discussion, the DRC did go ahead and recommend
36 approval for the proposed replat to the Planning and Zoning Commission.
37

38 With that, ladies and gentlemen, your options tonight is one to vote "yes"
39 and approve the non-administrative replat as recommended by staff; two
40 to deny the proposed replat. That being said deny would require
41 identification of findings not listed by what staff has. Three to amend the
42 proposed replat or four, to table and postpone and direct staff and the
43 applicant accordingly. That is the conclusion of my presentation. I stand
44 for any questions.
45

1 Kaiser: Thank you. One of the questions I have is going back to the zoning that
2 there's appears to be two different zoning classifications for this property.
3 Can you talk a little bit about how that would work out for future
4 development with this particular lot split?

5
6 Ochoa: Chairman Kaiser. Essentially C-3 and C-3 zoning essentially is the same
7 zoning. The only difference is there's a condition on the southern portion
8 of it. That condition is just the conditions are limited, if you will, it doesn't
9 really affect the development of the property. It's really more counting
10 towards there's a time when whenever any type of zone changes happen,
11 the City Council would put these conditions like no Special Use Permit
12 would be required for a cell phone or wireless communication tower, no
13 billboards, just kind of trying to limit, underground utilities will be required,
14 just trying to limit the effect if you will of any type of development in the
15 area. But like I said, from what's being proposed on the properties right
16 now, the condition on that zoning should not affect it, sir.

17
18 Kaiser: Okay. If you go back to the zoning slide real quick. So based on what
19 you're saying, yes that one right there, that pizza wedge. That obviously if
20 you go to look at what they're proposing for their subdivide, theoretically,
21 the developer could determine you know why would I build my building in
22 the more restrictive zone so I'm going to focus everything on that
23 northeast corner of the lot. So I'm just confused at how you know if this
24 was sort of more 50/50 I could see how it would make sense, but it just
25 seems awkward to me that we'd have this more restrictive zone on a very
26 small slice of the property that doesn't seem like it'd be very effective,
27 because a developer could just decide I'm going to place everything
28 outside in the least restrictive area and give me more flexibility. So you
29 just have any comments on that?

30
31 Ochoa: Okay. Yes, sir Commissioner Kaiser. Actually, we do have currently
32 some development proposed for this property. It does not affect their
33 development of the property. Essentially, what they're doing is just
34 subdividing to have a certain development on one piece of property and
35 another development or another commercial development on the southern
36 piece of property. Again, the conditions is not affecting the development
37 of the property at all, actually, because it's an actual commercial building
38 that's being built and it's not being restricted and it's a development ability,
39 if you will.

40
41 Kaiser: Sure, but when we come down to the uses then I mean in theory you're
42 building could get weirdly split based on this line, right. It's just I'm having
43 trouble figuring out how whatever they're going to build is going to align
44 with this awkward split zone.

45

1 Ochoa: Commissioner Kaiser. Well, the condition on the property does not restrict
2 the uses on the property, like permitted commercial uses on there,
3 restaurants are still allowed, just like on the northern one, shopping center
4 is still allowed, everything associated with a shopping center, office uses
5 are still allowed. So all the uses allowed in the C-3 zoning to the north are
6 still allowed in the C-3 zoning to the south. The only restrictions, like I
7 said, were underground utilities will be required but that's already being
8 done because there's no overhead utilities in this area anyway so
9 everything is being done underground. Two, there's no proposal for a
10 wireless communication structure on the property. And three, billboards
11 are not allowed on this property either, because there's one already within
12 the 1,000 foot minimum distance requirement that's required by sign code
13 as well, sir.

14
15 Kaiser: Okay, so the conditions are only related to then utilities and billboards.

16
17 Ochoa: That is correct.

18
19 Kaiser: Got you. Okay, that makes sense. Thank you. And then I just had one
20 other comment. In the staff report and on your presentation, you talked
21 about this particular location and development, attracting automobile uses,
22 but then in the staff report you also say that this would create a vibrant
23 and walkable activity center. And I don't think that both of those things
24 can be true at the same time. So I just want to make sure that when we're
25 being presented with the findings that we're being consistent in what
26 you're asking us to approve. Because I don't think we can sit here and
27 say that it's consistent with automobile centric development, but then also
28 be a mixed use vibrant walkable community at the same time. Those two
29 things are not compatible with each other. So that's just my only
30 comment. And I'll turn to my colleagues and see if they have any
31 questions or comments.

32
33 Nichols: Mr. Chair. If I may, please. Larry Nicolas for the record. Let the record
34 reflect that Commissioner Acosta has joined the meeting, please.

35
36 Acosta: Thank you.

37
38 Kaiser: All right, so seeing no other further comments, I'll go ahead and look for a
39 motion. I'll go ahead and make a motion to approve item 8.1.

40
41 Bennett: I'll second.

42
43 Baum: Board Member Acosta.

44
45 Acosta: Yes.

46

1 Baum: I need your reasoning for this to please. Thank you.
2
3 Acosta: Sorry, based off of staff recommendation and prior context.
4
5 Baum: Thank you. Board member Smith.
6
7 Smith: Based on site recommendation, and it compels me to elevate Las Cruces
8 comprehensive plan.
9
10 Baum: Board Member Bennett.
11
12 Bennett: I vote to approve based on staff recommendation, and this meets the
13 requirements for a replat.
14
15 Baum: Board Member Vega.
16
17 Vega: I vote yes based on staff recommendation and meets Elevate Las Cruces.
18
19 Baum: Chair Kaiser.
20
21 Kaiser: Yes based on staff recommendation and consistency with Elevate Las
22 Cruces.
23
24 Baum: Motion passes.
25
26 **11.1 1221 El Paseo Sign Variance:** A variance to allow for an increase in
27 allowable attached signage for the subject property located at 1221 El
28 Paseo Road. The property is zoned C-3 (Commercial High Intensity).
29 Submitted by Carlos Garnica with Texas Illumination Lighting
30 Maintenance. (Case # 22VO0500155)
31
32 Kaiser: Okay, moving on to, let's see item 11.1 A Sign Variance on El Paseo. And
33 I'll turn it back over to staff.
34
35 Abetya-Corella: Good evening, Chairman, Commission. Christina Abetya-Corella for the
36 record. Today I will be presenting a sign variance for 1221 El Paseo
37 Road. The vicinity map shows the general location of the subject property
38 which is located within the Brazito Plaza. Here you can see the adjacent
39 streets are Utah, EL Paseo, and Idaho.
40
41 The aerial. The subject property is an existing shopping center, again
42 within the Brazito Plaza. This new business is going to be a Ross that will
43 be housed where the old Factory 2-U was previously located. And the
44 area location is actually going to be just this small little section right here.
45 Code requirement allows by right a business to have 1.5 square feet of
46 attached signage per linear foot of exterior wall.

1
2 A new business proposed for the location is Ross Dress For Less which is
3 currently zoned C-3 commercial high intensity. This is an existing
4 shopping center that fronts towards Idaho Avenue. The front wall
5 measures 117.67 which allows 176.51 of signage. The customer's
6 requesting to install a sign of 293.97 square feet, which exceeds the
7 minimum requirement by 117.46 square feet. The new sign will meet all
8 other requirements related to the City of Las Cruces sign code. The
9 applicant has provided a justification letter. Again, the new business is a
10 Ross Dress For Less. The new business is adamant about signage being
11 cohesive in appearance with their brand and other Ross stores
12 nationwide. The applicant and the owner of the plaza have stressed that
13 the signage will help promote the beautification of the storefront and the
14 sizing restrictions currently in place with the 2001 Zoning Code, prevents
15 the tenant from having adequate size signage for visibility. The visibility
16 issues of concern are the building sits pretty far back from Idaho. El
17 Paseo is closer but the storefront does not face El Paseo. The building is
18 close to a streetlight intersection on Idaho and El Paseo, but there is a
19 building that sits on that corner that could potentially impede the visibility
20 of the sign from that stoplight.

21
22 Here is this site plan with the sign schedule and what Ross would like to
23 accomplish. They would like to install the face which would be this one
24 right here. In addition too they want two wall plaques and a hanging sign
25 under the canopy, which will all be defined as attach signage. On this
26 elevation proposal, you can see where the signs are going to be attached.
27 So they have the two wall plates here, they have the face right here, and
28 then they're going to have a little hanging sign right here.

29
30 So evaluating the analysis staff did not identify any health, safety issues,
31 or welfare issues. The subject property is located in a heavily traveled
32 area. The applicant can seek adjustments to the existing freestanding
33 sign on the property. The request received does not meet the strict
34 variance criteria outlined in the 2001 Zoning Code. Staff recommends
35 denial based on the findings found in the staff report. The sign code
36 Chapter 36 section 37-47 allows 1.5 square footage of attached sign per
37 linear foot. As previously mentioned, the signage requested exceeds the
38 minimum by 117 square feet, which would result in a 294 square foot sign
39 that does not meet the criteria for decision in Article 2, Section 38-10 of
40 the 2001 Zoning Code as amended. So with that, you can choose to vote
41 "yes" to approve, yes will require the identification of findings not listed in
42 the staff report. You can vote two, "no" to deny, or you can do three, vote
43 to amend, or vote to table.

44
45 Kaiser: Thank you very much. Are there any questions from the Commission?
46 Go ahead.

1
2 Smith: The sign that's currently located at the store on Lohman, is that about the
3 same size as the one they're requesting?
4
5 Abetya-Corella: Yes.
6
7 Smith: So that store was built after 2001 so where they granted the variance at
8 that time or?
9
10 Abetya-Corella: I do not.
11
12 Ochoa: Chairman Kaiser, Commissioner Smith. I was actually the sign code
13 administrator when that one came in. Essentially that one was allowed
14 the larger sign because their frontage was actually a lot, the length of their
15 wall is actually long enough to allow for the larger sign. The issue is that
16 this building the linear feet of wall length is a lot smaller for this building
17 than compared to that building. So that's why they were allowed for the
18 other one and not for this one essentially, sir.
19
20 Smith: Thank you.
21
22 Kaiser: Commissioner Bennett. Was that your question?
23
24 Acosta: All right, just jumping in on one on. I guess just curious as far as like other
25 findings in there to note. I guess the variance criteria, if I'm correct, like I
26 would note that perhaps they would be spurring some sort of like
27 obviously job growth there. I don't know if you guys are seeing that with
28 Ross and how many jobs they maybe have at the Lohman store and stuff.
29 But that plus the I guess economic hardship of not being seen because
30 impressions and all that stuff has a dollar value on it, and I mean who else
31 is going over to El Paseo and trying to like at least like put something
32 looking good.
33
34 Ochoa: Mr. Chairman, Commissioner. And that could be your findings, if you
35 choose to potentially vote to approve this, sir.
36
37 Kaiser: So I just want to be clear, the main sign that if you go back to the photo,
38 the elevation, go back one more. Yes that one. So the Ross Dress For
39 Less, does that in addition to the other smaller signs, it's the cumulative
40 total of all those?
41
42 Abetya-Corella: Yes.
43
44 Kaiser: Okay. And then if we were to remove the smaller ones, and what does
45 that bring us to?
46

1 Abetya-Corella: Chair. It would minus eight feet, or eight square feet for each sign.
2
3 Kaiser: Okay, so a total 16 would be ...
4
5 Abetya-Corella: Yes.
6
7 Kaiser: The reduction. Okay. And then, so basically even if they just did their
8 primary sign, they are still over the amount by at least 100 square feet.
9
10 Abetya-Corella: Chair. Yes.
11
12 Kaiser: Just so we're correct. Okay. Thank you. Glad I can do math tonight.
13
14 Smith: I have one comment to make. I've lived near El Paseo for 25 years and
15 has a very heavily traffic commercial area. And that sign will not cause
16 any hardship if it's smaller. People, there's only one Ross in town. If
17 there's a second Ross, people will know. I mean, they could literally put
18 up eight and a half by 11 sheet of paper on the door and people will be
19 there. So I just wanted to make that comment.
20
21 Kaiser: All right. I will go ahead and open it up to the public. Is there anybody
22 here tonight that wishes to speak on this item? Please raise your hand. I
23 see one, was that a ... do you want to please come forward? And if you
24 could please state your name for the record. I need to swear you in.
25
26 Escobedo: Yes. Hi, my name is Irma Escobedo. And I'm doing the permit and the
27 variance for this.
28
29 Kaiser: Okay. And do you swear or affirm that the testimony you're about to give
30 is the truth and nothing but the truth under penalty of law?
31
32 Escobedo: Yes.
33
34 Kaiser: All right. I will give you three minutes. Please go ahead.
35
36 Escobedo: Well, I just wanted to say you know that we feel that by ...
37
38 Kaiser: Excuse me. Do you mind just moving the microphone down slightly?
39 There we go
40
41 Escobedo: Yes. There. I just feel that by accepting the variance this will help you
42 know impact the surrounding area, bring more new business, the
43 beautification, more employment. That's all I, you know that's what I have.
44
45 Kaiser: All right. Thank you very much.
46

1 Escobedo: Thank you.
2
3 Kaiser: Is there anybody else that wishes to speak on this item? Yes, please
4 come forward. Please state your name for the record.
5
6 Salazar: Hello, good evening. Nancy Salazar. I'm the district manager for Ross
7 Dress For Less.
8
9 Kaiser: And do you swear or affirm that the testimony you're about to give is the
10 truth and nothing but the truth under penalty of law?
11
12 Salazar: Yes.
13
14 Kaiser: Please go ahead.
15
16 Salazar: Yes, I just wanted to let you guys know that this will create about 100 new
17 jobs. And we really do believe that we would benefit more from the sign
18 that we're proposing. And then at the same time, it would bring more
19 sales, I don't have an exact number on how it would affect but it would be
20 more visible for customers and it would help to bring more jobs to the City
21 of Las Cruces. So I hope you guys can consider that. Thank you.
22
23 Kaiser: Thank you. All right, anybody else wish to speak? All right, seeing none, I
24 will come back to the Commission. Are there any additional comments or
25 questions?
26
27 Smith: I've got one more question. I know on the street there's like, I don't know
28 what you call it, but there's like a group signage where they have sign for
29 each business that's in that Plaza. Will there be a Ross sign within that?
30
31 Abetya-Corella: Chair, Commissioner. Yes, they already have a space that has been
32 allotted for Ross and they already have their sign in there.
33
34 Smith: And that could be easily seen from the road.
35
36 Abetya-Corella: Yes.
37
38 Smith: Thank you.
39
40 Kaiser: All right, looking for a motion to approve if there's no other comments.
41 And keep in mind this is a motion to approve. And if you are taking staff's
42 recommendation of denial, you'd obviously vote no. But the motion is in
43 the affirmative.
44
45 Vega: So I make a motion to approve item 11.1.
46

1 Bennett: I'll second.
2
3 Baum: Board Member Acosta.
4
5 Acosta: I vote yes to approve based off of the variance criteria of spurring 100 new
6 jobs and helping this business to do so.
7
8 Baum: Board Member Smith.
9
10 Smith: I vote no based on staff recommendation.
11
12 Baum: Board Member Bennett.
13
14 Bennett: I vote no based on staff recommendation and sight survey
15
16 Baum: Board Member Vega.
17
18 Vega: I vote no based on staff recommendation.
19
20 Baum: Chair Kaiser.
21
22 Kaiser: No based on staff recommendation.
23
24 Baum: Vote does not pass, four to one.
25
26 **11.2 5532 Century Lane Special Use Permit Request:** A Special Use Permit
27 (SUP) for a group childcare home not to exceed 12 children on property
28 zoned R-1a (Single-Family Medium Density). The property is 0.33 acres in
29 size and located in Council District 5. Submitted by Lorena Cardiel, co-
30 property owner. (Case # 22ZO1000118)
31
32 Kaiser: All right. And our final item this evening is item 11.2 A Special Use Permit
33 Request at 5532 Century Lane.
34
35 Banegas: Good evening Commissioners. Vincent Banegas, Interim Planner for the
36 record. I will be presenting the final case this evening regarding property
37 at 5532 Century Lane. It is a Special Use Permit request for a group
38 childcare home, changing it from a family childcare home. And it is case
39 22ZO1000118. Current conditions on the property are as follows, the
40 property is zoned R-1a which is our medium intensity or medium density
41 residential district. There are several other properties of like zoning
42 around the subject parcel. It is located in the Mesa Village subdivision
43 which came into place some years ago but in this case most of the
44 properties are fairly large. This one in question is about a third of an acre.
45

1 The property has been operating as a family childcare home on site for
2 approximately four years. That allows or in that capacity in terms of
3 childcare, that allows up to six children. And the wife and husband are the
4 only employees per se. The surrounding neighborhood as indicated is R-
5 1a. And direct access to the subject property is off the Century Lane. And
6 here's a zoning map showing the property in question outlined in red.
7 Century Lane is located here. You have Calico Drive here, and Village
8 Drive up top on the north side. All R-1a up in here. R-2 is a medium
9 density residential district to the south. And a little pocket of C-3 adjacent
10 to that.

11
12 Here's an aerial shot showing the property in question again outlined in
13 red. What you see is several single-family roof tops and some additional
14 vacant land on the southern side of that. So in terms of history, the house
15 was constructed in 2001 based on assessor information and it meets all
16 the development requirements at the time of construction pursuant to the
17 2001 Zoning Code as amended. The applicants as indicated have
18 operated a family childcare home. They're on the premises. And they're
19 simply looking to expand. And in this case, what they have is an
20 allowance currently for up to six children, and they're looking to bring that
21 up to 12. So because of that both state and City licensure will be required.
22 And they will be required to follow all applicable regulations that pertain. A
23 couple of photos showing the property in question. This is looking right at
24 the front of the house. And you'll see there is several parking areas, the
25 original one leading to the garage, and then some new areas that were
26 paved or concreted, I should say, as well as this location. So you do have
27 a loop in essence from the parking access onto the property and exiting
28 either way. So that's to the benefit of how they look to access the property
29 for drop off and pickup, and use something you don't typically see. Of
30 course, this is a little larger property so in this case it works to their
31 advantage.

32
33 Photo looking further north, again larger lot properties to the north,
34 residential neighborhood. And the bottom one is looking to the south. A
35 little difficult to see but nonetheless this is just showing some of the areas
36 in question that will be utilized for the group childcare facility or home, I
37 should say. They have areas designated for play pursuant to state
38 requirements. They have a rock wall that surrounds the property of
39 adequate size. We typically look for a four foot rock wall or fence that
40 surrounds a property. And we also have other areas inside the home
41 where some of the care of the children will take place.

42
43 In terms of public notice Commission, notice was sent approximately on
44 03/10/23 to the surrounding properties pursuant to code. We had two
45 general inquiries; one just wanting to know more about it and the other
46 one was a little confused as to the location for the subject property. Once

1 they were informed, they really didn't have any concerns. So in terms of
2 recommendation and findings of fact, the staff recommends conditional
3 approval and the condition simply points to the need for the request to be
4 approved by the State of New Mexico for the subject location. But the
5 findings for approval are as follows; that the applicant has operated a
6 family childcare home for several years at this current location, and as
7 such they are familiar with the processes that the state requires of them.
8 Some of the operational plans that they talked to in their letter to the City
9 will help ensure neighborhood compatibility. There's certainly no plans to
10 alter the exterior of the home to make it not look like a single-family home
11 so it will blend into the neighborhood. They've also as part of their
12 operational plans tried to ensure child safety through the staggering of
13 drop off and pickup times and so that should help, not only on the property
14 but adjacent properties as well in terms of traffic.

15
16 So the State of New Mexico Early Childhood Education Care Department
17 licensure as indicated will be required. And childcare is a much needed
18 use in and around our neighborhoods. Additionally, the property in
19 question is part of our suburban place type pursuant to our Elevate Las
20 Cruces Comprehensive Plan, whereby it talks to low and moderate density
21 residential uses intermixed with commercial. This isn't your full blown
22 commercial use, but nonetheless it has a commercial element in terms of
23 home occupation provisions. Some of the policy that speaks to supporting
24 the request talks to the creation and expansion of small local businesses,
25 providing opportunities to the underserved populations, providing
26 complete neighborhoods by incorporating a wide range of uses,
27 supporting home employment opportunities, and increasing access to
28 childcare specifically for single parent households. So there's quite a bit of
29 support from Elevate that speaks to this proposal. It also meets the
30 purpose and intent of the 2001 Zoning Code as amended, and provisions
31 of the municipal code, more specifically Section 2-382.

32
33 And your options this evening Commissioners is to vote "yes" and approve
34 the request, you can vote "no" and deny it. Please provide any findings
35 not outlined by staff's report and/or presentation if you do so. You can
36 certainly vote "yes" with the condition. Staff would advise a condition be
37 attached requiring state approval. And you can vote to table. And that
38 concludes staff's presentation. Ms. Lorena Cardiel is in attendance this
39 evening and she can answer any additional questions you may have if
40 needed. Otherwise, I stand for question.

41
42 Kaiser: Thank you. Are there any questions from the Commission?
43 Commissioner Smith.

44
45 Smith: Yes, I just have a small minor question. Within the project description, say
46 their dropout times will be staggered within a one and a half hour interval
47

1 each morning between 6:00 and 7:30. So I'm assuming that that's within
2 a one and a half hour period. And that 90 minute period between 6:00
3 and 7:30.
4

5 Banegas: Mr. Chairman, Commissioner Smith. The applicant had indicated that
6 there's some two groupings of children that will be served. And I got the
7 impression that within that timeframe there's going to be a staggering of
8 drop off times. But there's going to be additional staggering due to the
9 age differential between the very young, the infants, and the little older
10 children. So that they will stagger it appropriately to avoid any congestion
11 in the neighborhood.
12

13 Smith: Okay, yes. So it's just going to be within minutes of each other, not like an
14 hour and a half gap, something like that.
15

16 Banegas: Correct.
17

18 Kaiser: All right. Seeing no other comments or questions? We'll go ahead and
19 open it up for public comment. Is there anybody in the audience that
20 wishes to speak on this item tonight? All right, seeing none. Looking for a
21 motion to approve.
22

23 Bennett: I make a motion to approve 11.2 with conditions stipulated in the report.
24

25 Vega I second.
26

27 Baum: Board Member Acosta.
28

29 Acosta: I vote yes to approve with conditions based off of staff recommendation
30 and Elevate Las Cruces.
31

32 Baum: Board Member Smith.
33

34 Smith: I vote yes, based on staff recommendation and the need for childcare in
35 the City.
36

37 Baum: Board Member Bennett.
38

39 Bennett: I vote to approve based on staff recommendation, Elevate Las Cruces,
40 and 2001 Zoning Code.
41

42 Baum: Board Member Vega.
43

44 Vega: I vote yes on conditional approval based on the state licensure and staff
45 recommendation.
46

1 Baum: Chair Kaiser.

2

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

5

6 Baum: Motion passes.

7

8 **12. STAFF ANNOUNCEMENTS**

9

10 Kaiser: All right, and are there any staff announcements this evening?

11

12 Nichols: Yes. Good evening, Chair and Members of the Commission. Larry
13 Nichols, Community Development for the record. I have just two brief
14 announcements. One I'd like to make note that Christina, one of our
15 newest planners in our department. This was her first presentation to the
16 Commission. And I think she did a very good job, and I congratulate you
17 on that Christina. She's been a very quick study. And she has been with
18 the City for a number of years, but she was our permit technician,
19 supervisor for many years. So this is not a new game to her, but it's one
20 that she desired for her career development. So well done, Christine.

21

22 The second announcement is to give you just a very few words or a brief
23 update on the Realize Las Cruces, which is the new zoning land use
24 update. We currently, we've heard many times mentioned tonight that is
25 in compliance with the 2001 Zoning Code. We're wanting to change that
26 to say in compliance with the 2023 Zoning Code. Anytime a zoning code
27 is 20-some years old, it's time for an update. So that's been going on now
28 for a little over a year. They're making good progress. They feel that they
29 are a little bit further behind than they wanted to be for the point in time for
30 their scheduling. That was brought on because they had the technical
31 advisory board assigned to them, which was 13 or 14 members. Now,
32 they are all a wide range of individuals; they were real estate agents,
33 design professionals, developers, builders, citizens at large. But it does
34 take more input and conversation on items. But we're expecting to see
35 that be completed latter part of this year. And those were my
36 announcement Chair.

37

38 Kaiser: Thank you very much. And yes welcome, Christina. We look forward to
39 working with you on this Commission. So well done tonight. Hopefully,
40 our questions don't scare you too much and moving forward.

41

42 I actually had one follow up question. Last meeting, it was brought to our
43 attention that these meetings were no longer being broadcast. Any
44 thought or resolution on that front from staffs perspective?

45

1 Nichols: Yes, Chairman, Commissioners. That evolved, I know that they had been
2 broadcasted for years. The press information office and the manager, the
3 communication manager of that program or that department, they keep
4 tabs of how many folks are viewing these proceedings. And they came up
5 with the data that showed that the viewings were, it was difficult for them
6 to justify the expense for the staff from the press Information office to
7 monitor these meetings and provide all of the transmission for the video.
8 And they took that information to the City Manager office and it was
9 determined that they would not broadcast unless there became more
10 interest, I guess you would say for it to be broadcast. But that was the
11 thinking and the reasoning behind that decision.
12

13 Kaiser: Thank you for the explanation. I think it would be good whether it's a live
14 broadcast or I know we're being recorded for the minutes, to at a minimum
15 maybe post that recording once the minutes have been approved, and
16 those get posted. You know, I think the transparency piece is pretty
17 important. You know I don't know what the C-SPAN numbers are, but I
18 imagine there are times when those are pretty low viewership ratings and
19 yet it's an important part of being in a democracy. So I think it would be
20 great to see if we could come up with some solution if the full live
21 broadcast is not financially feasible. I think if we've already got an audio
22 recording, I think being able to post that online would be a good thing.
23

24 Nichols: And Mr. Chair and Members of the Commission. If you wish, I can ask this
25 to be revisited by the City Manager's office stating some of the items that
26 you just mentioned as being important to the proceedings. If you'd like me
27 to do that I'd be glad to do that.
28

29 Kaiser: Would appreciate that. Thank you.
30

31 Acosta: Can I just second that in the context as well that I mean I don't know what
32 it's costing you guys to do the livestream. But there's no way it should be
33 costing more than like less than \$100 a month max, like for everything that
34 you guys do. And you could do more than just YouTube. And I think it's
35 probably just more on the City to figure out how to promote the community
36 to watch the streams versus the stream.
37

38 **13. ADJOURNMENT (6:45)**
39

40 Kaiser: All right. And with that, so looking for a motion to adjourn.
41

42 Vega: I make a motion to adjourn.
43

44 Smith: I second.
45

46 Kaiser: All in favor.

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2
3
4
5
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7
8
9
10

MOTION PASSES UNANIMOUSLY.

Kaiser: We're adjourned. Thank you all very much, everyone.

Chairperson