



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 May 30, 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:

[04-25-23 PNZ MINUTES.PDF](#)

6. Public Participation
 7. Discussion
 8. Consent Agenda
- 8.1. Telshor Hills Subdivision, Replat No. 3 Non-Administrative Replat
A non-administrative replat known as Telshor Hills Subdivision, Replat No. 3 located at 2920 Fairway Drive. The proposed subdivision encompasses 0.279 ± acres, is zoned R-1a (Single-Family Medium Density). The subdivision will replat the existing residential lot into three (3) residential lots that are 0.093 acres. Submitted by Legacy Acquisitions, representative. (Case # 23CS0500037)
- 8.2. O.T.S Block 57, Replat No. 1 Non-Administrative Replat:
A non-administrative replat known as O.T.S Block 57, Replat No. 1 located at 739 N San Pedro Street. The proposed subdivision encompasses 0.19 ± acres, is zoned R-3 (Multi-Dwelling Medium Density), within the South Mesquite Overlay Zone (SMOZ). The subdivision will replat the existing residential lot into two (2) residential lots that are 0.109 ± and 0.083 ± acres. Submitted by Moy Surveying, representative. (Case # 22CS0500053)

8.3. Mesilla Valley Mall Subdivision Replat No.7 Non-Administrative Replat

A non-administrative replat known as Mesilla Valley Mall Subdivision, Replat No. 7 located at 700 S. Telshor Avenue. The proposed subdivision encompasses 36.43 ± acres, is zoned C-3C (Commercial High Intensity-Conditional). The subdivision will replat the existing commercial lot into two (2) commercial lots that are 9.668± and 26.764 ± acres. Submitted by Land-Mark Professional Surveying, representative. (Case # 23CS0500041)

9. Old Business

10. New Business

10.1. 2020 Windsor Place Variance

A variance of ± 21' to the required 25' front yard setback for a carport addition to a home located at 2020 Windsor Place. The property is approximately 0.108± acres in size, zoned R-1a (Single-Family Medium Density Residential) and is within Council District 4. (Case # 22VO0500147)

10.2. 1555 Martha Drive Variance

A variance of ± 23' to the required 25' front yard setback for a carport addition to a home located at 1555 Martha Drive. The property is approximately 0.16± acres in size, zoned R-1a (Single-Family Medium Density Residential) and is within Council District 1. (Case # 22VO0500076)

10.3. 1504 Sequoia Avenue Special Use Permit Request

A Special Use Permit (SUP) for a group childcare home not to exceed 12 children on property zoned R-1a (Single-Family Medium Density). The property is 0.33 acres in size and located in Council District 4. Submitted by Olga Grays, property owner. (Case # 23ZO1000021)

10.4. 1000 North Main Street Special Use Permit Request

A Special Use Permit (SUP) to allow a cannabis microbusiness within the required buffer distance between said establishment and a single-family residential zoning district boundary. The subject property is zoned C-2 (Commercial Medium Intensity), ± 0.33 acres in size, and located in Council District # 1. Submitted by Ericka Leon, Owner Yucca Dispensary. (Case # 23ZO1000059)

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.

1 **PLANNING AND ZONING COMMISSION**
2 **FOR THE**
3 **CITY OF LAS CRUCES**
4 **City Council Chambers**
5 **March 28, 2023 at 6:00 p.m.**
6

7 **BOARD MEMBERS PRESENT:**

8 Scott Kaiser, Chair
9 Vanessa Vega, Secretary
10 Joaquin Acosta, Member
11 James Bennett, Member
12 Enrico Smith, Member
13

14 **BOARD MEMBERS ABSENT:**

15
16 **STAFF PRESENT:**

17 Larry Nichols, Director Community Development Department, CLC
18 David Weir, Deputy Director Community Planning
19 Adam Ochoa, Senior Planner/Building Inspection Supervisor
20 Vincent Banegas, Interim Planner
21 John Castillo, CLC Planner
22 Christina Abeyta-Corella, CLC Planner
23 Tim Pitts, Deputy Director Building Development
24 Adrian Guzman, CLC Communications
25 Becky Baum, Recording Secretary, RC Creations, LLC
26

27 **1. CALL TO ORDER (6:00)**
28

29 Kaiser: Good evening, everybody. Welcome to the April 25th Planning and
30 Zoning Commission meeting here for the City of Las Cruces. We'll go
31 ahead and call this meeting to order.
32

33 **2. CONFLICT OF INTEREST**
34

35 Kaiser: Do we have any conflicts of interest tonight from any Commissioners?
36

37 Acosta: If I could call to the Commission to a vote on one, for agenda point, I think
38 it's 10.2. I guess just me as a local community pharmacist, I do, do a lot of
39 business with, I guess, pretty much a lot of members of the community
40 and in this one. I don't know if you guys want to discuss that or ask me
41 any questions, but I definitely wanted to note that I called John earlier
42 today and just asked him if I need to recuse, but he said to ask you guys
43 and it's going to be a vote.
44

45 Kaiser: I'll look to staff for guidance.
46

1 Banegas: Mr. Chairman, Commissioners. In in talking with John earlier this
2 afternoon, he had communicated to Commissioner that if he had had any
3 conversation, that he disclose that here this evening at this meeting, and
4 the nature of that discussion, and then you all could decide whether or not
5 it warrants him to recuse himself from participation on this case.
6

7 Kaiser: Understood. Thank you. And just to clarify, Commissioner Acosta, you
8 said you know this applicant well in your normal day to day work, is that
9 what you said?
10

11 Acosta: Not really. I guess not necessarily normal day to day work, but I do know
12 of the applicant for sure.
13

14 Kaiser: From my perspective, and I'll defer to other Commissioners as well, I
15 mean given a small community I think just knowing somebody doesn't
16 result in a conflict of interest, as long as you can judge the case fairly. I'm
17 okay with it.
18

19 Acosta: I am comfortable. We are technically direct competitors. However, I just,
20 being that we are in the same space and do operate in the same space, I
21 wanted to disclose that.
22

23 Kaiser: I appreciate that. And do you believe that you can judge the case fairly?
24

25 Acosta: I do.
26

27 Kaiser: Then I'm okay with that. But I'll look to other Commissioners as well.
28 Okay. All right.
29

30 **3. POSTPONEMENTS**
31

32 Kaiser: Moving down to postpones. We do have one item that we'll be postponing
33 indefinitely. That is going to be item 10.3. So I will go ahead and make a
34 motion to postpone item 10.3 indefinitely.
35

36 Bennett: I'll make a motion to postpone item 10.3 indefinitely.
37

38 Vega: I second.
39

40 Baum: Board Member Smith.
41

42 Smith: Yes.
43

44 Baum: Board Member Bennett.
45

46 Bennett: Yes.

1
2 Baum: Board Member Acosta.

3
4 Acosta: Yes.

5
6 Baum: Board Member Vega.

7
8 Vega: Yes.

9
10 Baum: Chair Kaiser.

11
12 Kaiser: Yes.

13
14 Baum: Passes.

15
16 **10.3 5150 Stern Drive:** A zone change request for the purpose of modifying
17 established conditions to allow for a subsequent master plan amendment
18 and residential development consistent with other areas in said plan. The
19 subject properties are generally located south of Silverado Loop and Stern
20 Drive, within Council District 2, and combined, are ± 21.34 acres in size.
21 Submitted by Zachary Libbin, Libbin Consulting Engineering, LLC. (Case #
22 22ZO0500153)

23
24 1. A zone change from R-1a / R-1aC (Medium Density Residential
25 / Medium Density Residential – Conditional) to R-1a / R-1aC
26 (Medium Density Residential / Medium Density Residential -
27 Conditional) for property having parcel account number
28 R1905422 (5150 Stern Drive), and containing ± 5.56 acres; and

29
30 2. A zone change from R-1aC (Medium Density Residential –
31 Conditional) to R-1aC (Medium Density Residential -
32 Conditional) for property having parcel account number
33 R0240214 (parcel not addressed), and containing ± 6.40 acres;
34 and

35
36 3. A zone change from R-1a / R-1aC (Medium Density Residential
37 / Medium Density Residential – Conditional) to R-1a / R-1aC
38 (Medium Density Residential / Medium Density Residential -
39 Conditional) for property having parcel account number
40 R1905424 (parcel not addressed), and containing ± 9.38 acres.

41
42 **4. ACCEPTANCE OF THE AGENDA**

43
44 Kaiser: Okay, can I get a motion to accept tonight's agenda?

45
46 Smith: I move that we accept tonight's agenda.

1
2 Bennett: I'll second.
3
4 Baum: Board Member Smith.
5
6 Smith: Yes.
7
8 Baum: Board Member Bennett.
9
10 Bennett: Yes.
11
12 Baum: Board Member Acosta.
13
14 Acosta: Yes.
15
16 Baum: Board Member Vega.
17
18 Vega: Yes.
19
20 Baum: Chair Kaiser.
21
22 Kaiser: Yes.
23
24 Baum: Passes.

25
26 **5. APPROVAL OF MINUTES – March 28, 2023**

27
28 Kaiser: Okay. Minutes from last month's meeting. Are there any comments on
29 the minutes? Seeing none. Looking for a motion to approve.
30
31 Bennett: I make a motion to approve the minutes from the previous meeting.
32
33 Acosta: I second.
34
35 Baum: Board Member Smith.
36
37 Smith: Yes.
38
39 Baum: Board Member Bennett.
40
41 Bennett: Yes.
42
43 Baum: Board Member Acosta.
44
45 Acosta: Yes.
46

1 Baum: Board Member Vega.

2
3 Vega: Yes.

4
5 Baum: Chair Kaiser.

6
7 Kaiser: Yes.

8
9 Baum: Passes.

10
11 **6. PUBLIC PARTICIPATION**

12
13 Kaiser: Okay, moving on to public participation. Is there anybody in the audience
14 tonight that wishes to speak on an item that is not on tonight's agenda?
15 Seeing none.

16
17 **7. DISCUSSION**

18
19 **7.1 Status Report on Realize Las Cruces, The Land Development Code**
20 **Rewrite**

21
22 Kaiser: We will move on to discussion. And I believe staff has an update for us on
23 the Realize Las Cruces Development Code rewrite.

24
25 Weir: Mr. Chairman and Commissioners. David Weir, with the Community
26 Development Department. As you're all aware, the City is working on an
27 update to the land development codes. It's called, the project's identified
28 as Realize Las Cruces. As a part of the project, there are periodic
29 updates and status reports to be provided. So this evening, Freeze and
30 Nichols, represented by Erica Craycraft and Karen Perez are here to
31 provide you a status report of the project. And so I'll turn it over to Erica.

32
33 Craycraft: All right. Good evening, members of the Commission. Again, my name is
34 Erica Craycraft with Freese and Nichols. And I am sharing with you
35 tonight and update on the development code rewrite process. Again,
36 Erica Craycraft. I'm the project manager for the code update. Also joining
37 me tonight is Karen Perez and other key members of our team who are
38 not here with us, but you can see them on the screen here. John Warrick,
39 Fred Lopez, and local attorney Dana Kyle.

40
41 Tonight, I would like to share with you a reminder of the overall code
42 update process and update of where we are currently and what is ahead.
43 Highlight some of the implementation steps that we are undergoing. So
44 specifically on the Elevate Las Cruces Comprehensive Plan, but some
45 other plans as well. Look ahead at our next steps. And then I would be
46 happy to take any questions or comments that you may have.

1
2 So first, starting with the process, here you can see the major scope items
3 that we are looking at as part of the development code update. Some of
4 the big ones are the zoning districts and the zoning map, we do expect to
5 be developing a new zoning map as part of this process. Also taking a
6 major look at the drainage provisions, roadways, landscaping, parks, and
7 screening and fencing compatibility standards in general. So it's a really
8 wide range of topics related to development throughout the City.
9

10 The code update is a three phase process that you can see outlined here.
11 We originally had been aiming for a two year process, but we're currently
12 looking at about a three year process. And the reason for that additional
13 time is to allow for additional rounds of City staff reviews and also working
14 with the Council appointed Technical Advisory Committee. So we've been
15 working with them to review different drafts and incorporate additional
16 comments. So those additional steps have extended the process a bit.
17 But looking back at phase one, that's what we call the diagnostic
18 evaluation. That was really a game plan for how we had planned to move
19 forward with the development code update. That time we looked at
20 identifying what are the major issues with the current codes that the City
21 has in place? What do the plans recommend for the future? And what do
22 we propose as potential resolutions for these issues? So that was our first
23 step that we did at the beginning of the process.
24

25 Now we are currently in phase two and getting close to the end of that
26 process, that is actually developing all of the content that goes in the code
27 document as well as in the zoning map. And then looking ahead to phase
28 three, that will be the public review and refinement and potentially the
29 future adoption of the code. We're looking to have a public review draft
30 ready around the end of the year. And then also, the adoption
31 consideration would be in early 2024.
32

33 So a closer look at the phase two process, which is where we are now
34 drafting the code. We start by preparing a draft section. So the consultant
35 team works on that, we provide it to your City staff, and various
36 departments at City staff review that draft, they provide comments back to
37 us, we make revisions. So that process repeats a couple of times until we
38 get a draft that's ready to move forward. So as I mentioned, the City
39 Council had appointed a Technical Advisory Committee or a TAC, and the
40 committee has had 12 or 14 meetings so far to date. They're meeting
41 generally twice a month. So once the City staff gives it the green light to
42 move forward, the committee is reviewing that, providing input back to us.
43 Also, City staff sometimes will have additional comments to share with
44 those based on issues that may have been raised by the TAC. So that's
45 the process that we are following for each one of those individual topics

1 that I showed at the beginning. So zoning follows this process, drainage
2 follows this process, for example.

3
4 Next, looking at some of the highlights for how we are implementing your
5 existing plans. I'd like to really emphasize that these are our draft working
6 sections. These are not set in stone for sure. City staff is still working
7 through some of them, as well as the TAC. But wanted to preview them
8 with you this evening.

9
10 The Elevate Las Cruces Comprehensive Plan provides a lot of direction
11 for how the development code will be prepared. And the Elevate plan was
12 prepared with really extensive public involvement. So based on that
13 public involvement and this plan, there are about 500 recommendations
14 that come out of that plan. And those recommendations vary. A lot of
15 them do relate to the development code, but there are others like capital
16 improvements or other plans or studies that may come out of it. But we're
17 really focusing on the ones that are related to the development code.

18
19 Here you can see an excerpt of the policy framework that these are the
20 Elevate recommendations. So we've gone through these, there are about
21 200 of those recommendations that relate to the development code. So
22 we've been very intentional about reviewing all of the recommendations
23 from the plan and taking that generally as our marching orders going
24 forward in developing the code based on the plan. In addition to looking at
25 Elevate, there are other plans developed by the City that we are also
26 reviewing like the Active Transportation Plan, the {arks Master Plan, and
27 others. In addition to the policy framework, Elevate also identifies a
28 physical framework, which is generally these maps. So the map that you
29 see here is from the Elevate Las Cruces Comprehensive Plan. And this is
30 the future development map. We are using this as general guidance for
31 how we will be developing the zoning map.

32
33 So we have been working with City staff to develop character based
34 zoning districts. And so those would be zoning districts that are calibrated
35 based on different character areas as identified by Elevate. And when I
36 say character areas that's referring to the urban, suburban, and rural
37 classifications from Elevate. And those would be calibrated by each
38 character area. They'll vary based on criteria like the density that's
39 appropriate in those areas or the setbacks or the building orientation,
40 things that focus more on the form of the building and the development. In
41 addition to those character based zoning districts, we do also intend to
42 have more of the traditional zoning districts as well for commercial, retail,
43 and industrial type development.

44
45 Elevate also identifies areas for town center overlays and mixed use
46 corridor overlays. So we are planning to incorporate those as zoning
47

1 overlay districts with the purpose of those districts to increase density in a
2 particular area and to help create more vibrant, walkable places. This
3 map also identifies neighborhood centers which are the smaller scale,
4 they're shown in the in the small blue circles. But those are more of a
5 small scale neighborhood compatible mixed use area, and we are looking
6 at possibly including them as a permitted use and that would help it be
7 allowed in more places. So you wouldn't have to get a rezoning to be able
8 to do a neighborhood center. And those could be allowed either by right
9 or by SUP in certain areas to help encourage their use.

10
11 Elevate also provides guidance related to roadway design. So here you
12 can see some examples of how the recommendations provide information
13 on the roadway design itself but also the streetscape adjacent to the
14 roadway. So we have taken the guidance provided by Elevate, also from
15 the Active Transportation Plan, and we have been working with City staff
16 to develop these roadway cross sections. Again, these are very much
17 under development, but wanted to preview with you how we're developing
18 them. So for an example here you can see there's an arterial roadway
19 type. And it varies whether it's in an urban or suburban area versus a
20 rural area. So the roadway type changes based on the context in which it
21 is located. This approach is also helping us with incorporating bicycle and
22 pedestrian infrastructure as well. And also comparing how new
23 construction looks while also accommodating infill or redevelopment or
24 rehabilitation of existing roadways. We heard a lot of input about a lot of
25 times we have limited right-of-way for new roads, and so how can we
26 accommodate that. So again, these are still a work in progress, but this is
27 the approach that we have been moving forward with to incorporate
28 bike/ped infrastructure, particularly in limited right-of-way.

29
30 Another new section is the landscaping, tree preservation, and park
31 dedication sections. We do have new requirements recommended for
32 street trees that vary based again on those character areas, the urban,
33 suburban, rural areas. Standards for parking lot landscaping, tree
34 preservation, and then also for park dedication for neighborhood parks.
35 We have been codifying some of the existing practices but also the City's
36 in the process of updating its Park Impact Fees, so we've been working in
37 coordination with another consultant that the City's retained to make sure
38 that those sections align.

39
40 We've also heard a lot that infill development is an important consideration
41 here in the City. So we have been looking at what's currently called the
42 flexible development standards, and looking to see how those can be
43 expanded to help accommodate specifically infill development. So if there
44 are common sense provisions that can be approved administratively, we
45 want to encourage that whenever possible to help streamline development
46 and encourage infill in general. So we're looking at what modifications

1 may be appropriate for approval at the director level or at the DRC
2 orDevelopment Review Committee level, but really aiming for
3 administrative approval when possible.
4

5 I mentioned the street design criteria for the constrained right-of-way,
6 that's intended to help support infill development. Also, we have
7 provisions for reduced off street parking requirements by right in infill
8 areas. Also, we are reviewing the Infill Development Overlay, which is a
9 zoning process, and the Infill Subdivision Process to look for areas that
10 could be updated, and even whether some of those provisions could be
11 expanded Citywide to help again streamline the development process.
12

13 Other major concepts that come from Elevate and the Active
14 Transportation Plan and others. I mentioned a little bit about looking at
15 the building form standards like the setbacks, the orientation, so we're
16 looking at that, really in the character areas but other areas as well,
17 supporting what's called missing middle housing variety. If anyone's not
18 familiar with that term that refers to different housing types that range
19 between traditional detached single-family homes and larger apartments.
20 So these are things like duplexes, townhomes, quadplexes, accessory
21 dwelling units, sometimes also referred to as gentle density. So where
22 would we be able to expand and allow for additional housing variety in the
23 community.
24

25 Incorporating neighborhood services uses, that would be things like retail
26 uses that would be in walking distance of a particular neighborhood,
27 largely achieved by those neighborhood centers. Expanding the TIA or
28 Traffic Impact Analysis to include multimodal considerations for bike and
29 pedestrian activity, and promoting connectivity, both vehicular and
30 pedestrian.
31

32 And the last section that is currently under development, we have not
33 drafted this to the point that we've undergone reviews, but did want to go
34 ahead and preview it, is looking at low impact development. And this was
35 very intentionally one of the last sections that we're drafting, because it
36 relates to so many of the other previous sections. So low impact
37 development relates to roadways, landscaping, drainage, zoning, so we
38 wanted to get those sections drafted. And now we're looking at the low
39 impact development component of that. So when we say low impact
40 development, that would be something like water conservation practices,
41 reducing the impervious coverage, minimizing site disturbance for a
42 particular development. And we're looking at incorporating this in the code
43 through an incentive based system. So it wouldn't be anything that would
44 be required, it would be an incentive that you would do in exchange for
45 something like a density bonus. So increased residential density, or

1 increased building height in exchange for providing that type of
2 infrastructure.

3
4 Looking ahead at our next steps and community engagement, we will
5 continue working with City staff and the Technical Advisory Committee to
6 continue developing and refining the draft code and get that ready to move
7 forward. We plan to come back to the Planning and Zoning Commission
8 and City Council around the end of the year with a complete draft code
9 document for your review and feedback and direction on that before it
10 would move forward to the public. So once we had feedback from you all
11 we would like to share that draft with the public and also ask for their input.
12 And we would like to do that through an open house event for community
13 feedback. For that open house event, we do envision that being an in
14 person event also with a virtual alternative, but either option would include
15 an educational component. So anyone who would like to participate in the
16 process has the knowledge that they need regarding what is the
17 development code, how will it affect me, so they have the knowledge that
18 they need to be able to participate in the process and provide their
19 feedback in a meaningful way.
20

21 Also, we will share highlights of the draft so what would most people want
22 to know something like a top 20 things most people would want to know
23 about the code. We'll have opportunities for feedback from the public and
24 then also hosting one-on-one discussions with anyone who would like to
25 talk further. A lot of people have questions about you know here's my
26 property, how does this affect me or what I'm doing or my business and
27 things like that. So we would plan to have those conversations as well.
28

29 For the virtual component on the realizelascruces.com website, this is
30 actually still live. This was the virtual open house that we launched at the
31 beginning of the process. And so it's live if anyone wants to share any
32 comments. We do get comments occasionally still shared here. So still
33 active. Also, in that same timeframe in January, we would like to revisit
34 with the folks that we spoke with at the beginning of the process. So
35 whenever we were starting this in phase one, doing that diagnostic
36 evaluation, we held a series of interviews with City Council members,
37 Planning and Zoning Commission members, and a number of
38 development professionals and other stakeholders throughout the
39 community. So in the January timeframe in conjunction with open house,
40 we'd like to circle back with those folks and make sure that we addressed
41 their concerns that they expressed at the beginning, didn't create any new
42 issues for them, just kind of close that feedback loop with all the code
43 users that we met with at the beginning.
44

45 Once we've heard that community input, we would like to bring that back
46 to the Commission and City Council and present that to you, along with
47

1 what revisions do we recommend to incorporate the input that we heard.
2 So we would have that at a work session or series of work sessions to
3 make sure that the draft is ready to move forward. And then once we
4 have those revisions made in March, we aim to be ready for the public
5 hearings to consider adoption of the code. So that's when the formal
6 required public hearings will be held. We like to do more of an informal
7 back and forth event like the January open house so people can come
8 and provide input before they feel like it's already kind of a done deal at
9 the public hearings. So that is our recommended process moving forward.
10 And concludes my presentation, but I'd be happy to take any questions.
11 Thank you.

12
13 Kaiser: Thank you very much. Any questions from the Commission? I just have
14 one comment on the green infrastructure, LED standards, and sort of
15 incentivizing that with you know developer incentives. I think it's a great
16 idea. I think that type of approach is a win/win for everybody. I encourage
17 you and I would actually like to see that approach also be applied in our
18 infill development areas as well. I mean I think that's an easy way to
19 encourage a developer to come into a site you know to get density
20 bonuses, expedited entitlements. I know the infill process right now allows
21 for you know pretty open ended variance requests. But I think having
22 some of those incentives at the front of the process I think would be a
23 good thing and would encourage that.

24
25 Craycraft: Thank you.

26
27 Kaiser: Thank you for that presentation. Really appreciate it.

28
29 **8. CONSENT AGENDA**

30
31 Kaiser: Okay, we are moving on to the consent agenda, which we do not have
32 any items tonight.

33
34 **9. OLD BUSINESS**

35
36 Kaiser: We do not have any items for old business.

37
38 **10. NEW BUSINESS**

39
40 **10.1 Code Amendment:** Amendment of the Las Cruces Municipal Code
41 Sections 38-53 Conditional Uses and 38-54 Special Use Permits for the
42 purpose of eliminating the 300-foot buffer requirement between individual
43 cannabis retailers/microbusinesses and eliminating the 300-foot buffer
44 between cannabis retailers/microbusinesses and single-family zoning
45 districts.
46

1 Kaiser: So we'll jump on into new business. And item 10.1, which is an
2 amendment to the Municipal Code related to the 300 foot buffer
3 requirement between cannabis retailers and single-family zoning districts.
4

5 Weir: Mr Chair and Commissioners. This case relates to amending the cannabis
6 requirements that were adopted initially. And so what I'll do is give you a
7 little bit of a background of how we got here today. If you recall, in April of
8 2021, the State of New Mexico adopted their cannabis regulations to allow
9 the sale of recreational marijuana or cannabis. In September of that year,
10 the City of Las Cruces adopted their Zoning Code requirements to
11 regulate that. And in April of 2022, the actual sale of cannabis began.
12 The State statute basically it gave local municipalities the ability to
13 regulate time, manner, and place, and the density of recreational sales in
14 the community. But what the state statute also did is did not allow any
15 restrictions on the transportation, the prohibition of the operations,
16 prohibiting the signage for those businesses, requiring relocation of
17 existing uses, or prohibiting personal use or prohibition. So those are kind
18 of the guidelines that we developed our ordinances in.
19

20 As far as where those uses are allowed within the City, the cannabis retail
21 and some of the micro business uses as defined by the ordinances are in
22 our commercial districts, C-1, C-2, and C-3. More of the manufacturing
23 and industrial type of uses were allowed in our manufacturing, specifically
24 the M-1/M-2, and M-3. And then research related to the cannabis industry
25 was in our MT, which is our manufacturing technology district. And again,
26 the M-1, M-2. There was also the micro businesses allowed in the rural
27 areas. So the E is our equestrian estates, and the REM is our rural
28 estates mobile zoning districts. And so those are allowed with a Special
29 Use Permit. Basically, the use is proposed, the Planning and Zoning
30 Commission determines if there's any conditions that need to be placed on
31 those to operate.
32

33 The other conditions that were put in the City's ordinances were that all
34 cannabis uses had to be 300 feet from a school or a daycare. And then
35 they also put in provisions in our commercial districts that they needed to
36 be 300 feet from any residential zone, and also 300 feet from other
37 cannabis retailers. There was a provision that if they were wanting to
38 locate closer, they could go through the Special Use Permit, and the
39 Planning and Zoning Commission could approve those uses at a reduced
40 buffer. There's also provision that in our C-1 which is our smallest or
41 neighborhood commercial zone, that there would be no onsite
42 consumption. Again, some of the provisions that we had in here, that they
43 could be accessory to a retail sale and the provisions that were provided.
44 And then also, as I already mentioned the Special Use Permit provisions
45 for the rural areas.
46

1 One of the reasons that we're coming forward with this amendment tonight
2 is that we have had some issues related to the buffers. There are uses
3 that you could say that are similar to cannabis that do not have any buffers
4 so that you're treating similar activities in a different fashion. To date
5 we've had numerous of these businesses open, and we had no complaints
6 in regards to it. There has been issues that providing locations for people
7 to begin their business. So there has been some issues related to that.
8 There was also brought up that residential is allowed in your commercial
9 districts. So you're treating residential uses differently. If you live in a
10 commercial zone, you can have this use close to you, if you're in a single-
11 family zone, there's a 300 foot buffer. So there's that disparity that was
12 taking place. Also, just to note, there have been at least 15 Special Use
13 Permits, I believe you have one on your agenda this evening. And all of
14 those have been approved by the Planning and Zoning Commission. And
15 like I said there are several more of those that are on the docket that if the
16 amendment is not approved, you will see.

17
18 This is just kind of showing you the areas that are zoned commercial,
19 where the buffers are and so how much of the City is buffered from those
20 uses. And they are filling up fast, I guess would be the observation. So
21 what staff has done and we were directed by the City Council to propose
22 an amendment to this. We're proposing that we eliminate the 300 foot
23 buffer from business to business, and also from the single-family zones.
24 We also are recommending to eliminate the Special Use Requirement
25 when those buffers cannot be met. So I guess in general it's keeping the
26 300 foot buffer from daycares and schools but it's eliminated it from all
27 other uses. And so we're basically treating cannabis as a retail use within
28 the City.

29
30 Just the findings that you can use if you support this amendment.
31 Basically, Las Cruces has the ability to regulate the time, place, and
32 manner of cannabis uses. The amendments are in alignment with Elevate
33 Las Cruces. To date with the uses that have opened in the City, we have
34 not seen any impacts. And if they are, they're ones that are associated
35 with other retail uses. And again, back to several of the commercial areas
36 are back to single-family residential zones and so you kind of have that
37 disparate treatment between residential areas and commercial corridors
38 and the other residential areas. For all of those reasons, staff is
39 supporting the amendment and recommends that the Planning and Zoning
40 Commission make that recommendation to City Council to amend the
41 Zoning Code. And you have your standard options here. And then I'll be
42 welcome to stand and answer any questions you may have.

43
44 Kaiser: Great. Thank you. It's only been 15, I feel like it's been 100. Any
45 comments from Commission or questions?
46

1 Acosta: I would just like to add that, yes, I'm on top of the 15 there, and the more
2 common that I think just generally going and you know driving even
3 around town and everything. As you see the cannabis businesses, I think
4 I do see the streets honestly just improving around them. And I'm seeing
5 the businesses give back and be a part of the community in all the
6 regards. I haven't seen anything but true healing so far from probably just
7 you know the first year, year and a half. And that's kind of my support on
8 top of that. Keep the positive going.
9

10 Kaiser: Commissioner Smith.

11
12 Smith: I just want to add you know it's been a year since cannabis sales have
13 been approved for sale in the City. And as Commissioner Acosta said,
14 you know we have seen very limited negative impact on communities and
15 other retailers. You know I knew we'd get to this point at some time. You
16 know it's been a year and I've always looked at it as you know having one
17 bar next to another bar or one restaurant next to another bar. And you
18 know the competitive nature of any type of retail business was going to
19 bring us to this point. So you know I knew it would get here at some point.
20 And here we are.
21

22 Kaiser: Thank you. And before we open it up to public comment, I just want to
23 kind of clarify a key point here, because I think it kind of gets lost in the
24 code jargon. But what we're talking about tonight is there's already, the
25 buffer exists, but there's an option to get approval within the buffer. And
26 those 15 applications that were referenced by staff, those were all
27 applicants that came forward requesting to establish their business within
28 the 300 foot buffer. And this Commission, except I think, with the
29 exception of one or two cases have unanimously approved that. So even
30 if we were to not approve this code amendment tonight, I don't think that
31 changes what's happening or has been happening over the last year. So I
32 just want to clarify that point that this is actually going to make it easier for
33 staff, it's going to lower the burden, it's going to lower the administrative
34 burden for applicants. And so I just wanted to clarify that and looks like,
35 do you have comments?
36

37 Nichols: Yes. Thank you, Chairman. Larry Nichols for the record, Community
38 Development Department. One might ask themselves, why would an
39 amendment like this come about? What we discovered as the cannabis
40 industry began to develop, we are now at about I think roughly 130
41 applications and they are on various stages of review. About 50 have
42 been approved. We have others that are pending, waiting additional
43 information. There have been a few that have withdrawn of that total
44 figure. But what we discovered was as the applications came in, that
45 nearly every one of these businesses are not building new structures.
46 They're occupying existing structures that were commercial structures

1 primarily and that were vacant and available for either purchase or lease
2 or rent. And so those existing structures oftentimes were adjacent to
3 residential neighborhoods, or they were adjacent, in close proximity to one
4 and another. And so that is one of the reasons that we've had as many
5 Special Use Permit requests that we've had because of them occupying
6 existing structures.
7

8 The other item is that I believe we're going to continue to see this type of
9 development. We found out that there is a successful market out there for
10 this industry. And so I think that will encourage more businesses to
11 establish themselves. But those are some of the reasonings behind the
12 reasoning for this amendment being presented this evening and why we
13 are where we are at this time. Thank you, Mr. Chair.
14

15 Kaiser: Thank you. All right, we will go ahead and open it up to public comment.

16 Acosta: Commissioner Kaiser. Sorry to interrupt. Can I add one more thing?

17 Kaiser: Please.
18

19 Aca I just wanted to add on to what you said actually. Just for the record about
20 pretty much our you know public tax dollars going into City staff and all the
21 hard work that everybody's putting into all of this. I think we have a terrific
22 case study over the last year to see some positive stuff and to free up
23 some friction in some places going forward. As far as Elevate Las Cruces
24 is concerned, I think this super helps get to those points that we want to
25 be. So thank you.
26
27
28

29 Kaiser: Thank you. Okay, we will go ahead and open it up to public comment. So
30 can I get a raise of hands if there's anybody in the audience that wishes to
31 speak on this item? I see one hand., so please come forward. And
32 please state your name for the record so I can swear you in?
33

34 Ruprect: Give me a moment here. My name is Jo Ruprect. I'm speaking as a
35 resident of Las Cruces since 1985. I have a prepared statement if I might,
36 I believe it runs under the three minutes allowed.
37

38 Kaiser: Okay. And do you swear or affirm that the testimony you're about to give
39 is the truth and nothing but the truth under penalty of law?
40

41 Ruprect: Yes, in my opinion.
42

43 Kaiser: I will give you three minutes. Please go ahead.
44

45 Ruprect: Thank you. Mr. Chair, Commissioners. As a Las Crucean since 1985, I
46 respectfully offer these comments. For a number of years I've been an
47

1 advocate for animal care and welfare. When the City's Animal Control
2 ordinance was thoroughly revised a few years ago, several of us
3 immediately identified mistakes and omissions in the revision. We were
4 told by any City official whom we approached that our concerns would
5 have to wait until the revision came up for scheduled review five years
6 after enactment. Animal advocates, caretakers, and the animals too were
7 made to wait, and five years was a long time to wait. In part we were
8 asked to wait for research into how that revised ordinance was
9 functioning.

10
11 Let's turn to a situation before you today. The recreational cannabis
12 industry has been operating in Las Cruces for a single year. City
13 ordinances regulating the industry were thoughtfully crafted to include
14 limitations on the location of cannabis sellers in relation to residences,
15 schools, etc. Little or no research on the effects of the cannabis industry
16 on Las Cruces exists, unless we categorize anecdotes from the industry
17 as research. And yet, you on Planning and Zoning are discussing a
18 significant change to the rules. You are looking at dropping the 300 foot
19 buffer between a cannabis business and a residential area. We already
20 have something on the order of 47 licenses as Mr. Nichols noted, nearly
21 50 issued to cannabis related businesses, many others are in the pipeline.
22 Most of these that are currently licensed are located near older residential
23 areas of Las Cruces. We can't stop the City from chasing the revenues
24 and jobs generated by this industry. But we can ask a minimum of respect
25 for our neighborhoods. Please do not alter or drop the 300 foot buffer
26 from the ordinance.

27
28 And I want to reply to the Commissioner on my left is that while the
29 industry is asking these favors of us, we're asking this as a matter of
30 respect from the industry. I would ask this of any industry that was
31 proliferating at this pace in this City, because this many businesses makes
32 us the Green Capital, which is not a bad thing necessarily. But it is an
33 industry that has already got predictions of collapse, where many of these
34 buildings that Mr. Nichols has mentioned as having been vacant and
35 unused, will go vacant and unused again when the industry overpopulates
36 itself. Thank you. Any questions?

37
38 Kaiser: Thank you.

39
40 Ruprect: Thank you.

41
42 Kaiser: Thank you. All right, coming back to the Commission. Before we do any
43 final comments or questions for staff, again I just want to reemphasize that
44 the ordinance as it stands now does not prohibit these businesses from
45 entering within a 300 foot buffer, it simply requires them to ask for an
46 additional permission from this body. And this body has time and time

1 again approved those. So just wanted to emphasize that. Even if the
2 buffer remains, it doesn't necessarily prohibit these businesses from going
3 in within 300 feet. So any final thoughts or questions from the
4 Commission?
5

6 Acosta: Just to address the final thought about the collapse of the market. I think
7 New Mexico's in a unique situation where we are not a limited license
8 state as far as that is concerned, where there is a free capital market in
9 the cannabis industry, and to those degrees we are a use case of a state
10 in that regard for the buildings going vacant that are getting you know
11 redesigned, renovated, and taken up another level. All those businesses
12 are putting their all and efforts into all that and I do appreciate that. As far
13 as are we continuously approving this and spending a lot of time and you
14 know City staff research overall to something where we are getting a very
15 good case (*inaudible*) on, I do believe that is the case. So that is why I am
16 in favor of this.
17

18 Kaiser: Okay, I'm looking for a motion.
19

20 Vega: Make a motion to approve item 10.1, the code amendment.
21

22 Bennett: I'll second.
23

24 Baum: Board Member Smith.
25

26 Smith: Yes, based on staff recommendation and compliance with Elevate Las
27 Cruces.
28

29 Baum: Board Member Bennett.
30

31 Bennett: I vote to approve based on staff recommendation, this meets the
32 Cannabis Regulation Act, and Elevate Las Cruces.
33

34 Baum: Board Member Acosta.
35

36 Acosta: I vote to approve, yes, based on staff recommendation and history of the
37 context of the entire request here.
38

39 Baum: Board Member Vega.
40

41 Vega: I vote yes based on staff recommendation, hope to see a reduced
42 administrative burden to staff, and the Commission.
43

44 Baum: Chair Kaiser.
45

1 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
2 Cruces.

3
4 Baum: Motion passes.

5
6 **10.2 1685 N. Main Street Special Use Permit Request:** A Special Use Permit
7 (SUP) to allow a cannabis dispensary (retailer) less than the required 300-
8 foot buffer distance from a single-family residential zoning district. The
9 subject property is located at 1685 N. Main Street and is zoned C-2C
10 (Commercial Medium Intensity-Conditional) and is 0.134 ± acres in size.
11 Submitted by Scott Krahling with High Horse Investments LLC,
12 representative (Case # 23ZO1000016)

13
14 Kaiser: Okay, moving on to item 10.2., this is a Special Use Permit for a cannabis
15 dispensary within a 300 foot buffer.

16
17 Castillo: Good evening, Mr. Chair, Commission. My name is John Castillo. I'm a
18 planner with the City of Las Cruces. Today we have before you guys a
19 Special Use Permit at 1685 North Main Street. The current conditions of
20 the property, it is zoned C-2C which is our commercial medium intensity
21 conditional. This was approved through ordinance 1581 with the
22 conditions placed on the property having only C-1 land uses, and that site
23 obscuring slats will be installed in the chain link fence to the west of the
24 property.

25
26 This was originally developed as a small auto truck repair shop. It was
27 also a former Water King, and then a tax preparation company. so it's
28 been in the retail process for quite some time. The property is located at
29 1685 North Main Street at the corner of Gallagher and Main. And it's
30 approximately 0.134 acres in size. It is along a mixed use corridor which
31 has offices and commercial uses along Main Street, as well as
32 surrounding residential homes east and west of those.

33
34 As you can see here from the zoning map, the property is highlighted. As
35 you notice the single-family residential zoning district abuts the property
36 line for both and it is a bit further away on East Gallagher. Here's an aerial
37 view of the property. While some of the buildings along Main Street do
38 appear as residential homes, they often work as commercial businesses.

39
40 So the proposal today for the SUP was to sell cannabis within a developed
41 cannabis retail store. The buffer distance between the cannabis retail
42 area and the closest single-family residential zoning district boundary is
43 approximately 14.47 feet, which is quite inside the 300 foot required
44 buffer. However, this does meet all other buffer distances such as the
45 cannabis retail to micro business distance, as well as the school and
46 daycare buffer. They will also follow all City of Las Cruces and State of

1 New Mexico regulations governing cannabis and related retail activity.
2 These are photos of the street view.
3

4 Public notice was sent out to surrounding properties within 500 feet. Staff
5 did receive one phone call that was in opposition of the proposed
6 establishment. All relevant staff reviewed the application and had no
7 comments. Today's recommendation and findings of facts are based on
8 the following, and staff recommends approval based on exception for the
9 distance to a single-family residential zoning district, proposed use meets
10 all other distance requirements. The subject property is compatible with
11 other fronting properties along Main Street. The ingress/egress for the
12 site will be off of Main and Gallagher. This has very little to no traffic
13 impacts to other surrounding commercial uses. It meets the purpose
14 intent of Section 38-2 of the Zoning Code. It will meet all requirements
15 outlined in the Zoning Code and those stipulated by the State of New
16 Mexico. It also meets the intent and purpose of Elevate Las Cruces
17 Comprehensive Plan as it's located along a mixed use corridor and within
18 the urban neighborhood place type. So today your options are to vote
19 "yes," vote "no" to deny, or vote "yes" with conditions, or vote to table.
20

21 Kaiser: Thank you very much. Any questions from the Commission? All right.
22 Seeing none. We will go to ...
23

24 Castillo: Point of - I do also have the applicant here who wishes to provide a
25 presentation as well.
26

27 Kaiser: Okay. Would the applicant wish to provide a presentation? Yes. Please
28 come forward. And before you begin I'll need you to state your name for
29 the record so I can swear you in.
30

31 Jordan: Good evening. My name is Nicole Jordan.
32

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

36 Jordan: I swear.
37

38 Kaiser: Please go ahead.
39

40 Jordan: All right. Good evening Chair and members of the Commission. My name
41 is Nicole Jordan and I am with High Horse, along with my colleague Mario
42 Jimenez. Today I will be giving a short presentation in regarding our SUP
43 for 1685 North Main. So we are High Horse Cannabis Company. We are
44 changing the narrative by educating our community about its benefits. We
45 are educating that cannabis is medicine and has positively impacted many
46 people. How are we doing that? We're engaging with leaders to reduce

1 stigmas and provide access to high quality cannabis products. We have
2 commitment to customer service and to community. High Horse is
3 cultivating a one of a kind experience based on knowledge and passion.
4 We are an award winning company. We brought home the best
5 dispensary in the southeast quadrant and best customer service.
6

7 And we come from humble roots. We opened our first store on May 28th
8 of 2002 in Chaparral. And since then we have hosted monthly block
9 parties every first Sunday of the month for the residents living in this rural
10 area. So not only has this given an opportunity for them to go out and
11 enjoy their Sunday, but this also allows for the local vendors to showcase
12 their small business. We have been in business for less than a year and
13 have expanded from 16 employees to 60 employees and are prepared to
14 hire 20 plus employees once our SUP is proved.
15

16 Here are a couple of examples of our community involvement during the
17 time that we have been open. We have the monthly block party in
18 Chaparral on the top left corner, we have the Paul McCartney tribute at
19 Jax. We sponsored the Las Cruces Fine Art flea market. We participated
20 in a kickball tournament with the rest of the dispensaries in town last
21 Sunday, and we made it to finals. We also had a little 420 celebration,
22 where our neighbors were also able to open up their doors in the
23 surrounding businesses there on South Valley and they had a successful
24 turnout as well. The Las Bonitas, the women's football team was there.
25 And then we also make cancer care packages that include blankets,
26 gloves, hand warmers, and things like that for cancer patients. And then
27 we do some work for the El Pasoans Fighting Hunger. And we also offer
28 free medical card applications. So we're all over the place. And we love
29 to be involved in the community and be able to bring back and invest in it.
30

31 Here's a picture of the grand opening of the first 24/7 cannabis drive thru
32 in the whole state. The Las Cruces Green Chamber of Commerce was
33 here to celebrate our grand opening and to cut the ribbon. And behind
34 that is a line of 40 supporters. And we just thought that was such an
35 amazing turnout. This was always the goal. Our persistence and passion
36 has displayed our mission to give patients access to medicine, no matter
37 the time of day. We were able to accomplish this and accreditation to Las
38 Cruces being the first in the whole state to allow for 24/7 sales. We strive
39 to give a professional and quality example for the rest of the state.
40

41 Our plans for 1685 North Main are to of course, focus on the patients as
42 we usually do. We're going to have a consultation room where they can
43 go and speak with the doctor and also have free medical card
44 applications. We also plan on working with neighbors. In this picture right
45 here, it was taken November of last year when we walked to the block. So
46 we went door to door in the neighborhood located next to North Main, and

1 introduced ourselves, the company, the mission, and our future plans.
2 And everything was received positively specifically by the senior folk who
3 loved the distance, the convenience of the distance, and how we are
4 prepared to help them get their medicine. And also, we are going to
5 continue to invest in the community. We have plans to renovate an
6 abandoned house in the area. And I'm sure this is going to be positive for
7 the community and the neighborhood. And this is just going to be one of
8 the first projects that we do in this community. Allowing dispensaries that
9 follow state policies for regulated cannabis eliminates the real danger,
10 which is a black market. Cannabis is medicine. It's been here for 16
11 years and it's here to stay. So why not support local? We ask you to
12 please vote in support for our plan. The legal cannabis industry will make
13 our community safer. Please support responsible cannabis policy that
14 doesn't further stigmatize people. Thank you.

15
16 Kaiser: Thank you very much. Any questions for the applicant? All right. Seeing
17 none. We'll go ahead and open it up to public comment. Is there anybody
18 in the audience who wishes to speak on this item tonight? I see one.
19 Please come forward. And please state your name for the record.

20
21 Tamez: Good evening. My name is Salma Tamez.

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

25
26 Tamez: Yes.

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

29
30 Tamez: As I said, my name is Salma. I work here at a local pharmacy here in
31 town. And I've had the pleasure of working on a professional level with
32 High Horse. And this is a company and a business that goes above and
33 beyond what they need to do. As Nicole said, they've gone and
34 canvassed the neighborhood. I'm not sure if any other SUPs that have
35 been presented to you have done that. They went and knocked on doors.
36 They're putting in the extra work. They also advocate greatly for safe use.
37 Recently, I know they've been partnering up with the UP Coalition, which
38 stands for United Prevention. And they do prescription safety, cannabis
39 safety as well. This is a business that not only puts back more money into
40 the local economy here in Las Cruces, but also Chaparral. They also go
41 and volunteer in El Paso. All of their staff is amazing. And I know they
42 focus a lot on giving back to cancer patients. And that's something very
43 helpful to the to those people, and I know they have plans to further their
44 support to that as well. But I just wanted to speak on, say some positive
45 things about them. This is a very unique business. They are also offering
46 free medical cards and making it more accessible to everyone because

1 unfortunately not everyone may have the couple, I believe \$200 it is to
2 apply for a medical cannabis card. Sometimes it's just not in someone's
3 budget. So they're trying to bridge that gap and make it accessible for
4 everyone. Because at the end of the day, cannabis is medicine. And I've
5 had people, friends that have transitioned from controlled substances such
6 as opioids, they were able to get off of them and just solely use cannabis
7 and live a much more healthier lifestyle because of it. And High Horse
8 really does a lot for the community. Thank you.
9

10 Kaiser: Thank you. Anybody else in the audience may wish to speak on this
11 item? All right. Seeing none. We'll come back to the Commission. If
12 there's no final comments or questions, I'm looking for a motion.
13

14 Vega: I'll make a motion to approve item 10.2.
15

16 Bennett: I'll second.
17

18 Baum: Board Member Smith
19

20 Smith: I vote to approve, yes, based on staff recommendation, and it's also
21 consistent with the purpose and intent of the zoning ordinance.
22

23 Baum: Board Member Bennett.
24

25 Bennett: I vote to approve based on staff recommendation and this meets Elevate
26 Las Cruces.
27

28 Baum: Board Member Acosta.
29

30 Acosta: I vote yes based on staff recommendation, the previous vote about the
31 SUPs and also their obvious outstanding community involvement and
32 leadership that they continue to push for so, yes.
33

34 Baum: Board Member Vega.
35

36 Vega: I vote yes to approve based on Elevate Las Cruces and staff
37 recommendation.
38

39 Baum: Chair Kaiser
40

41 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
42 Cruces
43

44 Baum: Motion passes.
45

46 **10.3 5150 Stern Drive: - POSTPONED.**

1
2 **10.4 3724 Sienna Avenue:** A Special Use Permit (SUP) for a group childcare
3 home not to exceed 12 children on property zoned Planned Unit
4 Development (PUD) with underlying zoning of Sub-Urban/General Urban
5 (U3/U4) and ± 0.156 acres in size. Submitted by April Aguilar, property
6 owner. (Case # 22ZO1000075)
7

8 Kaiser: Okay, moving on to item 10.4, a Special Use Permit for a group childcare
9 home not to exceed 12 children.
10

11 Banegas: Mr. Chairman, Commissioners. Vincent bananas, interim planner. Here
12 to present Case 22O1000075 involving property located at 3724 Sienna
13 Avenue. Current conditions, the property is within the Metro Verde
14 Planned Unit Development. I'm sure some of you are aware of that
15 concept plan and the Planned Unit Development and its contents, in that
16 you all addressed that earlier last year. But nonetheless the property is
17 zoned PUD. It has an underlying zoning district of U3 and U4. And just to
18 give you a little idea what that is, U3 is very much like our R-1a zoning.
19 U4 introduces not only the R-1a component or the single-family
20 component but also rental uses as well. So the property is approximately
21 0.156 acres in size and at present there's a family childcare home on the
22 site. It's been operating there for a couple of years. And there is one
23 outside the home employee that assists with the business and the current
24 operation and will continue to do so should this SUP be approved.
25

26 The surrounding property around this location is also zoned with an
27 underlying district or designation of U3/U4. And it should be noted that the
28 side of the street where these properties exist, where this one in particular
29 exists, is along a segment of Sienna Avenue that is single loaded, and that
30 is to say that one side of the street has access to their properties, to their
31 driveways, etc., and on the opposite side you have the backyards of
32 properties that abut the right-of-way. And you'll see in one of these photos
33 or a couple of the photos, a wall that is located on that side. So you only
34 have one side that actually poses any potential conflicts, transportation,
35 traffic conflicts of any measure.
36

37 So this is a zoning map showing the property in question. Sienna Avenue
38 is located here, Red Hawk Golf Road here, and Voyager along this side
39 here. These properties here are the ones that abut the backyard to Sienna
40 Avenue, so there's no access to those lots. The only lots that enjoy
41 access, at least on this block segment, are these ones here. And an
42 aerial showing the location. And you can see the wall in question there.
43

44 The house was constructed in 2017 and appears to have met all the
45 requirements of the zoning code and the Metro Verde PUD, including that
46 which was amended. The applicants have operated family childcare

1 operation for five years, two at the present location. They have been
2 licensed by the state for their current operation. And what they'd like to do
3 is increase that operation and go from the maximum of six afforded their
4 current licensure to maximum of 12. And in order to do that they have to
5 apply for group childcare home Special Use Permit, which we're doing this
6 evening, and also seek the appropriate licensure from the state.
7

8 This is three photos showing the subject property along Sienna Avenue.
9 The wall in question that limits obvious access to any of the backyard of
10 those home sites on that side, which is the north side of Sienna. And
11 another view looking westward showing more of that. So you can see the
12 roadway at least at the time this was taken about 4:00, 4:30, fairly open at
13 that point in time, fairly underutilized.
14

15 This is a site plan provided by the applicant showing areas on the property
16 where childcare activities take place, two rooms inside the home for
17 different age groups. And the reason why this is flipped is I'm trying to
18 orient the property showing north up top so bear with me. But you have
19 two rooms inside the home, you have the driveway where drop off and
20 pickup will take place, and the backyard for outdoor play.
21

22 The public was notified pursuant to code requirements and staff received
23 three phone calls. And if I had to categorize those I'd categorize them as
24 follows. One was just general nature, the individual did not understand
25 what was being requested, and once he was made aware of that he did
26 not oppose the request. Another one called, just simply felt that 12
27 children was a bit much for homecare in any home care, but particularly
28 this location. The concern was related to traffic impacts. And it was
29 stated that at present under the family childcare operation, it appeared to
30 cause some problems with traffic at times. That said, in talking with the
31 applicant, they have not implemented any staggering of drop off or pickup
32 times and that they're only carrying for five children at present. So the
33 need isn't quite there but they fully intend to do that if they get approval
34 tonight to expand up to 12 children. The way they would do that is starting
35 from 7:30 in the morning till 8:30 in 10 minute intervals, it was identified in
36 the letter that was submitted, they would assign two parents to drop off
37 their children and go through the number of children that they have until all
38 were accounted for on site. And then conversely, starting at 3:30 till about
39 5:30 pickups would occur. And again, only certain parents would pick up
40 early, such as 3:30, and the rest would come throughout the remaining
41 duration that the operation was open. So I think once they do that, any
42 problems with traffic will seemingly be handled quite readily.
43

44 The third call was just voicing concerns. It was a neighbor who apparently
45 had some of the children throwing items over the wall as kids are prone to
46 do. And the property owner was concerned that there could be damage to

1 either individuals or property or pets, their pets, and just generally felt that
2 more supervision of the outdoor activities was warranted.

3
4 So in terms of staff's recommendation and findings of fact, staff
5 recommends conditional approval upon the state granting licensure for
6 this group childcare home. The findings for conditional approval are as
7 follows; the applicant has operated a family childcare home for several
8 years, five, two of which are at the current location. And because of that
9 they're familiar with the state requirements and operational plans that are
10 required to ensure not only neighborhood compatibility, but the safety of
11 occupants in the home. The state, if approved this evening, would issue
12 their licensure and also follow up on any other pending issues that they
13 look at. And one of the key things here in terms of recommendation
14 finding is that childcare is a much needed element in our society at the
15 present, it's identified in our Elevate Comprehensive Plan, and much
16 needed in our neighborhoods.

17
18 The subject property is in the suburban place type and of course, we know
19 that low to moderate density residential uses intermixed with areas of
20 commercial is encouraged or an element of the suburban place type. And
21 the Elevate Las Cruces Comp Plan encourages small business, local
22 business, and economic opportunities to underserved populations, and
23 providing complete neighborhoods by incorporating a wide range of uses.
24 Certainly supports home employment opportunities, and increasing
25 access to childcare for single parent households. And just one point on
26 that last element there, in talking with the applicant, she believes that
27 many of the Metro Verde that residents, probably no more than five
28 minutes away, would take full use of her operation should it expand to the
29 12. So you're not looking at a big draw beyond the area neighborhoods,
30 at least that was her perception at this point in time. And finally, the
31 request meets the purpose and intent of the Zoning Code and the
32 Municipal Code. And these are your standard options this evening. And
33 I'll stand for any questions you may have. The applicant is here in
34 attendance, April Aguilar runs the current family childcare home and would
35 continue to do so if approved to the group childcare home.

36
37 Kaiser: All right. Thank you very much. Any questions or comments from the
38 Commission? Commissioner Smith.

39
40 Smith: I just have a brief comment. When I look at the zoning map and we see
41 all the homes that are in this Metro Verde complex, I just don't see you
42 know squares on a map. I see homes where many of the families that are
43 buying these homes are first time homebuyers. They're young families
44 with young children, so the availability to have childcare in close proximity
45 where they're limited, they don't have to drive as far to take their, to drop
46 their child off is a very positive thing and it does lend to the health and

1 well-being of not just having proximity but also just a better quality of life
2 for families in this community.

3
4 Kaiser: All right. Thank you. Going to the public comment now. Is there anybody
5 in the audience who wishes to speak on this item? All right. Seeing none.
6 Looking for a motion.

7
8 Bennett: I make a motion to approve with conditions stipulated in the report, 10.4.

9
10 Smith: I second.

11
12 Baum: Board Member Smith.

13
14 Smith: I vote yes based on staff recommendation.

15
16 Baum: Board Member Bennett.

17
18 Bennett: I vote to approve based on staff recommendation, this meets the Zoning
19 Code, and is providing a much needed service in the community.

20
21 Baum: Board Member Acosta.

22
23 Acosta: I do vote to approve, yes, based on staff recommendation, and for
24 community need.

25
26 Baum: Board Member Vega.

27
28 Vega: I vote to approve based on staff recommendation.

29
30 Baum: Chair Kaiser.

31
32 Kaiser: Yes, based on staff recommendation and consistency with Elevate Las
33 Cruces.

34
35 Baum: Motion passes.

36
37 **10.5 Royal Crossing Subdivision Pass Master Plan:** A request for a master
38 plan known as Royal Crossing Subdivision. The master plan proposes a
39 multi-phased mixed-use development that will align with the Apodaca
40 Blueprint. The subject properties encompass 75.09± acres and are
41 located at the corner of Solano Drive and Main Street, also known as the
42 former Country Club. Submitted by Souder Miller and Associates,
43 representatives. Council District 1 (22CS0500114)

44
45 Kaiser: Okay, moving on to item 10.5. Looking at staff, are you planning to
46 present both 10.5 and 10.6 together or separate?

1
2 Castillo: Mr. Chair,. Commission. Yes, I would like to suspend the rules of order
3 and present both together.
4
5 Kaiser: All right. I will suspend the rules of order so that we can hear items 10.5
6 and 10.6 together.
7
8 Castillo: Good evening once again. John ...
9
10 Ochoa: Point of order. Pardon me. Point of order. We will need to have a
11 motion, a second, and then a vote on that to suspend the rules sir.
12
13 Vega: I second.
14
15 Baum: Board Member Smith.
16
17 Smith: Yes.
18
19 Baum: Board Member Bennett.
20
21 Bennett: Yes.
22
23 Baum: Board Member Acosta.
24
25 Acosta: 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 Kaiser: Back to you, John.
38
39 Castillo: Good evening once again. Today we have the Royal Crossing
40 Subdivision Master Plan and Royal Crossing Subdivision Phase 1
41 Preliminary Plat. The current conditions of the property, it's located at the
42 southeast corner of Solano Drive and Main Street. It's also known as the
43 former Las Cruces Country Club. Just a little bit of history behind the
44 Country Club is it's been established in the City since 1928. In 1929, the
45 clubhouse which is an old Pueblo style home, was developed by Trost and
46 Trost and it had functioned as the country club up until 2011. It's also

1 located within Council District 1. And it encompasses 75.09 acres. It is
2 currently variable zoning districts such as R-1bC, C-3, R-2, R-4, and many
3 others. As it sits right now it is a vacant tract of land that is undeveloped.
4

5 As we can see here from the aerial image, this is the subject property all
6 highlighted in yellow. And these are the zoning designations that surround
7 and encompass this subject property. So the master plan proposal today
8 is a multi-phased mixed use development on seven planning parcels with
9 residential and nonresidential land uses. These planning parcels will
10 follow the character areas found within the Apodaca Blueprint, as well as
11 the conditional zoning designations for development. Proposed as part of
12 this master plan is a road network to provide access to Main Street,
13 Solano Drive, Desert Drive, Camino del Rex, and Madrid Avenue. In
14 addition to this, they also propose a trail pedestrian network that will link
15 these character areas, not only just within the site, but to adjacent
16 residential areas, Apodaca Park, and the regional trail network that is
17 represented by the Outfall Channel. The proposal will also follow the
18 Apodaca Blueprint as its guiding master plan to align all development
19 including but not limited to roadway design, trail and pedestrian
20 connections, land use, and building placement. This also meets all the
21 requirements of the Subdivision Code, Design Standards in the 2001
22 Zoning Code, and is also supported by Elevate Las Cruces.
23

24 As we can see here from the images, this is the proposed master plan.
25 This is essentially just a cover sheet that discusses conceptual drainage,
26 conceptual utility plans, conceptual traffic plans. It also lists all of the
27 zoning definitions as previously done through a zone change on the
28 property. From here we can see a portion of the area. This would be
29 considered part of our town center and commercial center, following
30 Samaritan and the proposed development of Heart Avenue. This right
31 here is the southern portion of the proposed town center with the
32 connection to North Solana Drive.
33

34 This area of the master plan is to be used as what we would consider a
35 flex district as well as open space and the beginning of some residential
36 neighborhoods. Along this corridor adjacent to residential areas, it's also
37 supposed to be designated as mixed use development more so in
38 residential development with open space. And this is the overall phasing
39 process of the master plan. So as we speak now, this is going to be for
40 the Royal Crossing Phase 1 preliminary plat. It's going to take five of
41 these planning parcels with nonresidential and residential components.
42 These planning parcels are also going to be known as Phases 1 through 3
43 combined into one single phase. It's going to develop 12 commercial lots
44 along Main Street and Solana Drive, and three tracts of land that will
45 utilize the alternate summary subdivision for future development. It's
46 going to provide a local roadway with connection to a collector roadway,

1 and will provide a connection to Solano Drive. As it sits through the
2 preliminary plat, it does meet all requirements of the Subdivision Code,
3 Design Standards in the 2001 Zoning Code. It is also supported by
4 Elevate Las Cruces Comprehensive Plan.

5
6 The Apodaca Blueprint will also serve as a guiding master plan, just like
7 with the master plan before. It also meets the request, that's weird, so I
8 apologize about that last part. So this is some images of the preliminary
9 plat. What we'll be discussing here is the general or the commercial
10 center with a majority of the lots facing Main Street, and then a tract of
11 land that will be developed as a mixed use development. The southern
12 portion, which provides that connection to Solano Drive will have a few
13 more lots going to it as well as completing the extension of Samaritan
14 Drive. And then some other trucks for mixed use development. And then
15 once again, coordination with the flex district as well as an area for open
16 space and the beginning of the residential development.

17
18 So reviews were sent to all relevant agencies and departments, all
19 supported the proposed master plan and phase one preliminary plat.
20 Notice was sent to surrounding properties. Staff did receive a phone call
21 and e-mails regarding questions on the development. On April 12, 2023,
22 the DRC meeting was held, which is our Development Review Committee.
23 They review subdivisions from an infrastructure, utilities, and improvement
24 standpoint. After some discussion, the DRC recommended approval with
25 conditions for the proposed master plan and phase one preliminary plat.
26 These conditions were that no building permits shall be issued until the
27 connection from Samaritan Drive to Solana Drive is completed. A full
28 development Traffic Impact Analysis shall be submitted prior to
29 subsequent phases of development. A scoping meeting between the City
30 and the developer shall be required for a new full development TIA. All
31 outstanding comments must be addressed prior to the submittal of
32 construction drawings and final plat. The developer will meet all
33 necessary City staff and outside agencies for the development of the trail
34 network that will be developed.

35
36 So for the master plan today, staff provides an approval with conditions
37 based on the review by relevant City staff. The proposed master plan
38 complies with the requirements and standards of the Las Cruces
39 Subdivision Code. The proposed master Plan complies with all
40 requirements of the Zoning Code and Design Standards. The proposed
41 subdivision is supported and meets the intent of the Apodaca Blueprint.
42 The proposed subdivision is supported and meets the intent of Elevate
43 Las Cruces Comprehensive Plan. And the Development Review
44 Committee recommended approval of the master plan during a public
45 meeting on April 12th.

1 The conditions of approval are going to be no development shall occur
2 without adherence with the Apodaca Blueprint. No building permit shall be
3 issued until the connection from Samaritan Drive to Solano is complete. A
4 full development TIA shall be submitted prior to subsequent phases of
5 development. And a scoping meeting between City and the developer
6 shall be required for an updated or new full development TIA.
7

8 As for the preliminary plat staff also provides an approval with conditions.
9 A lot of these are going to be repeated, so I'm going to skip through some
10 of these. The conditions for the preliminary plat, once again will be
11 adherence with the Apodaca Blueprint as the guiding master plan. Once
12 again, no building permits shall be issued until access from Samaritan
13 Drive to Solana Drive is provided, and the developer meet with all
14 necessary City staff and outside agencies for the development of the trail
15 network that will be developed. Today, your options are to vote "yes," to
16 vote "no," or vote "yes" with conditions, or vote to table.
17

18 Kaiser: All right. Thank you. Is the applicant here who wishes to make a
19 presentation? Okay. Please come forward. And please state your name
20 for the record.
21

22 Pompeo: Good evening, Mr. Chairman and Commissioners. My name is Paul
23 Pompeo with Souder Miller and Associates. And I'll be presenting this
24 case this evening for you as the project engineer.
25

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

29 Pompeo: Yes, I do.
30

31 Kaiser: Please go ahead.
32

33 Pompeo: Good evening Commission. I have a short presentation and then I would
34 stand for any questions that you might all have. Once again, this is a
35 request for a master plan for the entire 75.09 acres. We're also requesting
36 this first preliminary plat for approximately 52.73 acres. And this property
37 is generally located south and west of the Three Crosses Regional
38 Medical Center, which you can see on your screen. As the staff has
39 reiterated several times, this project will meet the requirements of the
40 Apodaca Blueprint. And we are bound by the previous Zoning Code
41 application that was ultimately approved by City Council for the different
42 zoning districts that are on this property as it sits today.
43

44 Development will once again follow both the Apodaca Blueprint and the
45 previous zoning case, the ordinance 2995 that was previously approved
46 by City Council. Various zoning districts do currently exist on the property

1 including open space, R-1b, R-2, R-3, R-4, O-2, C-2, and C-3 and with all
2 the conditional zoning. Once again the property will be developed in
3 multiple phases. And as reiterated by staff and in my presentation, all
4 required infrastructure will be developed with each phase. Once again the
5 preliminary plat phase one covers approximately 53 acres of the total 75
6 acre tract. Phase one that's before you tonight primarily sits along North
7 Main and Solano, encompassing the 12 lots you see before you on the
8 preliminary plat. And there are other obviously other larger tracks behind
9 those that will be in subsequent phases. Samaritan Avenue will be
10 extended and will connect to Solana as shown on the plat before you.
11 And also of note, a Traffic Impact Analysis for this phase one has been
12 submitted and reviewed by City staff.

13
14 So with that, and not to repeat the staff's presentation, that concludes my
15 presentation. Mr. Chairman, I'd be happy to answer any questions that
16 the Commission might have at this time.

17
18 Kaiser: Thank you. Any questions from the Commission?

19
20 Smith: I just have one. I know you have to complete the access with the
21 Samaritan and also Heart Road. What about the trail and pedestrian
22 access? Is that going to be completed at that time or that going to be
23 later?

24
25 Pompeo: Well the first trails that you noticed dashed in this line here that runs along
26 Main and Solano that's directly adjacent to this property. So that would
27 have to be built with phase one, as required by the Design Standards.
28 The other trail connection which goes up to Camino del Rex would be built
29 in the subsequent phases that - let me get to a better map here. The trail
30 that comes along the eastern edge of the development and then comes
31 into the backside of Apodaca Park would be built in either phase two or
32 phase three of the development at a later date.

33
34 Smith: All right. Thanks sir.

35
36 Kaiser: Any other questions? All right, I have a whole bunch of questions.

37
38 Pompeo: All right.

39
40 Kaiser: So, just to preface this, I've tried to organize my questions as best as
41 possible. So hopefully, there's some logical order here. Not all of these I
42 don't think are going to be necessarily specific to you the applicant, but I'll
43 let you guys decide who wants to tackle it. I guess my first question is
44 really about the phasing. So my understanding is super high level, this
45 master plan is essentially kind of glorified phasing plan, is that correct?
46

1 Pompeo: Well, it lays out the projected phasing of the properties along with, if you
2 read all the notes on the first page, basically outlining that the property has
3 to follow all the requirements of the Apodaca Blueprint, plus has to follow
4 all the current zoning districts that were approved by Council previous.

5
6 Kaiser: Okay. So I guess my real question is, is that we're talking about on some
7 level the phases of development here, which for starters, the fact that your
8 phase one is actually four phases according to the master plan.

9
10 Pompeo: The first phase of development is the 12 lots that front Solano and Main,
11 which I think this is what you're referring to is this phase. But the phase
12 one preliminary plat is all the way, it includes all these phases. But we're
13 going to start in this area here. These land tracts are being developed,
14 are being created now, but they're subject to future, either developed as a
15 whole or to be further subdivided using the alternative summary process.

16
17 Kaiser: Okay, that's a little bit more helpful. I appreciate that. So I guess I'm just,
18 I'm not sure why there was really no discussion about the order of phasing
19 here. You know you're asking us on some level to approve the order in
20 which you're going to develop. And yet we didn't really hear any
21 discussion as to why this order was selected. Because what I'm seeing
22 here, this is basically our general commercial zone, yet the Apodaca
23 Blueprint very clearly identifies this as a mixed use town center. And I'm
24 just not sure why this order of events is happening, or you're asking for it
25 to happen in this way. And I just didn't hear any kind of discussion about
26 why we're proposing this phase.

27
28 Pompeo: The town center area where the that more of a concept is - well let me
29 take one step back, Mr. Chairman. First, the reason why this plat is 52
30 acres is because all of the required infrastructure, that is these roadways
31 here, the roadway on Samaritan, plus all the utility extensions up through,
32 noting that this road is already constructed here. So all of this land will
33 front public roads and have utility access. So that's one of the reasons,
34 that's how that boundary got set. The property as it sits on North Main
35 and Solano, the developer sees a vision where these lots act more as like
36 one acre commercial lots, although there are much more elements to that
37 as outlined in the Apodaca Blueprint. That brings us to the next phase of
38 what were foreseeing which could be this large tract in the center. We
39 have a conceptual plan as to how this may lay out as a town center, in our
40 conductivity, things of that nature, still very much in the design stage and
41 that's why it's not presented to you here. So we have made allowances
42 for what you're speaking of, but those are in the larger tracts behind the
43 tracts that front Main Street and Solano.

44

1 Kaiser: Okay. I appreciate the explanation and I just wish we had kind of had that
2 as part of the original information provided since the phasing is part of
3 what you're proposing here.
4

5 So, on the access points, so in the staff report it was mentioned that there
6 is going to be access from a variety of different locations Madrid, North
7 Main, Solano, Desert, and other roads. Why are those not shown on the
8 proposed master plan?
9

10 Pompeo: Bear with me one second Mr. Chairman. I'm going to get back to that
11 aerial map. I'll actually use, this as a better map here. So there are
12 accesses that we know absolutely that we have today. And there are
13 other accesses that we may have in the future. It would make sense from
14 a traffic engineering planning standpoint; we obviously have Samaritan
15 connecting at Solano, we have the connection at Camino del Rex. We
16 wanted to spell out in the plan the possibility of having two others, which is
17 Desert Drive, the right-of-way was set forth by that when this subdivision
18 to the east was originally subdivided. That's for a future discussion that
19 may or may not ever happen. Also the possibility that proper planning and
20 traffic engineering, we might like to see a connection through to Madrid.
21 But yet again, that's another possibility that deals with several property
22 owners, and it may or may not happen. In order to have a complete
23 master plan, we had to put the options in there, but they may or may not
24 come, and then therefore that will, as the ball is rolling down that it will set
25 the Traffic Impact Analysis and all those other things will be evaluated at
26 that time as those become more clear.
27

28 Kaiser: And I appreciate that. Again, I think going back to having some of this
29 information included in the master plan, I mean , that's what we're doing
30 here, right, we're trying to understand the full scope and intent of what's
31 being proposed. Certainly understand that some things can still change in
32 the future but the fact that we should be thinking about it that's why we
33 have master plans.
34

35 Pompeo: Yes sir, Mr. Chairman. And if there's any deficiencies then I do apologize.
36 And I stand here before you to answer any of these questions. But I can
37 say that one of the reasons why the preliminary plat does not fall over the
38 entire 75 Acres is; one, for the reasons I just spoke about with traffic.
39 There may or may not be roadway connections over there, there's going to
40 be variations and utility connections in those areas. So we couldn't go
41 forward with the preliminary plat encompassing the entire 75 acres
42 because those questions are simply not answered and staff could not
43 have a staff approval at that time. So I think that, if it gives you any
44 comfort, we have to come back before this Commission when we get to
45 the second and/or third phase of this development and present those
46 outlines when we get to that point.

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Kaiser: And I understand that, but I also see this as the biggest redevelopment project the City has ever seen outside of downtown. And I think the level of analysis going a little bit above and beyond what the bare minimum requirements are, I think are warranted so that we can understand what is happening in here. You know, this is a multiphase development as you've proposed. And I think we should have some level of, hey, we're thinking about this, this is going to be really cool, this is going to be really great, here are the things that we want to do. I think that's warranted given the scope and scale of this project. And that's where a lot of my questions are coming from.

Going back to the access, well actually, let me stay at a higher level here and then I'll get to all my questions. So the master plan, it cites a drainage plan, a utility plan, a traffic plan, a parking plan, a solid waste plan. What is missing in my opinion is open space plan. The Zoning Code for this area and the Apodaca Blueprint does identify multiple opportunities for open space and there are requirements for open space. But yet, there's nothing here indicating in this master plan anything about open space. The same about you know active transportation or nonautomotive transportation. You have a parking plan, but you don't have a nonautomotive circulation plan. And the Apodaca Blueprint, all of these planning documents that we have very clearly identify this location as being a place for pedestrian oriented development. And so I'm just curious why you have all these other things and you're missing those two pieces.

Pompeo: Mr. Chairman. The items that you just spoke of are in my estimation, we're now starting to get into design. We're going to start dictating how, in your conductivities, walking paths, all the things that you just spoke of. And those are once again very important. And those are all clearly indicated as requirements in the Apodaca Blueprint, and in the zoning on this property. But from a perspective of having to do these plans, we stand before, we're on phase - well we had zoning as phase, we had the Apodaca Blueprint which was phase one. Then we zoned the property, phase two. Then we had to get to master planning, phase three. Preliminary planning, phase four. Yet to be continued is civil construction drawings for all these items, that's a whole phase in itself. Final plat, which is a whole phase in itself. And then the building permits for the actual properties when we get down to seeing those elements that you spoke of, clearly defined on those drawings. But in my estimation, they are requirements now, but the actual details are not going to come until several steps from now. And I know that you'd like to see that clearly in these documents, but I think that it's very premature. And to put the level of detail in it, we need to have those subsequent approvals first, before we go down that path.

1
2 Kaiser: I understand that the level of detail is you know, can seem excessive.
3 Again, this is a massive project, the biggest redevelopment in our City's
4 urban core that we've seen. I think having some level of detail is
5 warranted. I understand things could change, I get it. But being able to
6 call out, hey we're thinking about a park open space area over here. We
7 want to connect the trail from this location to that location. I think those
8 kinds of conversations and those details I think are warranted in this
9 situation. We're often told time and time again that we can't talk about the
10 details. The details will come later. I mean with all due respect if now's
11 not the time to talk about details what are we doing here? We're talking
12 about a master plan development for a major redevelopment project. I
13 think we're entitled to have some level of detail to understand what's going
14 on. So I would disagree on that point. I mean you got the Traffic Impact
15 Analysis, you've got a traffic plan, you've got a parking plan. Why can't we
16 see your plans or your ideas for open space? Why can't we see your
17 plans for the trail concept actually physically connecting to the existing
18 network? Why can't we see that information?
19

20 Ochoa: Mr. Chair. Adam Ochoa, with Community Development. I just wanted to
21 point out a couple of those items you called, the Traffic Impact Analysis,
22 the parking analysis, drainage analysis, utilities. All those things are
23 actual requirements called out by Chapter 30, which is the Subdivision
24 Code for a master plan. So that's why those were submitted at that time.
25 What you're asking for, unfortunately, is not in our master plan
26 requirements as required for submittal with a master plan.
27

28 Kaiser: I understand they're not required. But again, this is a massive, important
29 project for the City. Why can't we be talking - you reference the Apodaca
30 Blueprint time and time again. The works already been done. It's right
31 there. Why can't you take that information and bring it into the application.
32 Show us. Provide evidence that what you say is going to be true, is in fact
33 true. You just time and time again you reference the Blueprint, well show
34 us how. Provide some examples. I don't think that's asking too much
35 here.
36

37 Ochoa: Mr. Chair. Good points. I would also like to add to that, well we did put a
38 condition on the master plan that it follows that Apodaca Blueprint. The
39 Apodaca Blueprint does have the street cross sections in there that have
40 the trail systems in there, shows examples of how those trails should
41 potentially look. Additionally, and it was brought up at the DRC if anybody
42 read the DRC minutes, the trail that we're talking about along Main Street,
43 that one's going to take like a multiple group effort, not only City
44 developer, but also NMDOT because this front is NMDOT right-of-way as
45 well. So all three entities have to get together as to what it is exactly that

1 they're going to have to build out there, sir. And that's typically done
2 during the construction phase of subdivisions.

3
4 Kaiser: Yes. I mean I did really the DRC report and in fact the conversation about
5 the trail was we can't provide any details because we don't know what's
6 going to be available for a trail at the end. I mean what, you're telling me
7 that in this development that has basically screamed from the beginning
8 that we want pedestrian access, we want bike friendly infrastructure, we
9 want to be able to have this as a pedestrian oriented development, that
10 you're going to do that at the very end and see what you have left over
11 before you can make a determination about what kind of trail is going to
12 go in.

13
14 Ochoa: Mr. Chairman. We'll have to, when that development's happening that we
15 keep that in mind. Whenever the development does come in, that we
16 keep in mind the trails being built up as well. Additionally, whenever the
17 roads get built out the cross section within the Apodaca Blueprint are
18 followed as well, sir. So we believe with those conditions were kind of
19 meeting those requirements sir.

20
21 Kaiser: I mean, we're able to call out the road right-of-way widths, 85 feet for
22 Samaritan, 50 feet for the others, but we can't say for certain that we're
23 going to have an eight foot multiuse path along this development. That's
24 what you're saying.

25
26 Ochoa: Mr. Chair. Like I said, it's the Apodaca Blueprint is the guiding document
27 and it is a condition that it's going to be followed. So staff will make sure
28 that that gets followed sir.

29
30 Kaiser: Again, if it, if that is the case, why can we not pull those details into the
31 application? I'll keep going down. Let's turn to the land use now. I read
32 the current Traffic Impact Analysis that's referenced by the master plan,
33 and explicitly identifies a gas station, a carwash, and three drive-thru
34 restaurants as proposed uses for this phase one. Elevate Las Cruces
35 identifies this location as an urban neighborhood place type and a town
36 center. The urban neighborhood place type seeks to "limit drive-thru and
37 other auto oriented uses". There'll be design standards in the urban place
38 type seeks to activate roadsides for pedestrian use and encourage direct
39 pedestrian accessibility. The Town Center overlay is meant to "limit land
40 uses that are dependent on outdoor display and sales or drive-thru
41 facilities." Town Center should also "promote transit oriented and trail
42 oriented development." Finally, the commercial center land designation as
43 defined by the Apodaca Blueprint says it should promote, "high levels of
44 pedestrian access." So how is it that a gas station, carwash, and three
45 drive-thru restaurants are consistent with those policies?
46

1 Pompeo: Mr. Chairman. And I do want to come back and talk to you about the trails
2 so I can do that now or I can jump to this question you have

3
4 Kaiser: I'll get back to trails. So let's just ...

5
6 Pompeo: Okay. When you write a Traffic Impact Analysis, in commercial, those are
7 all C-3 lots, believe it or not it's a gauntlet to get that report approved. And
8 what you do not want to do as a developer is have to go back and redo
9 that report because they're very complex and there's a lot of analysis that
10 goes into those. So when you're looking at C-3 land, from a traffic
11 engineering standpoint, you pick what you believe are going to be median
12 to high, or higher than average, traffic generation rates, so that when you
13 use a fast food restaurant, and then it turns out to be an office building,
14 then you've already got the traffic covered. That's what you do from a
15 traffic engineering standpoint. And so when we work with Lee engineering
16 to come up to write the TIA, we said be sure to use land uses that are
17 never going to have to come back and reanalyze the traffic again. So
18 that's where those came from. The traffic engineering doesn't have
19 anything to do with what the final sales of the lots are, or what the
20 projected uses are. Their job was to analyze the traffic using the best
21 available information but being very conservative on the analysis. So
22 that's where those ITE land use applications came from.

23
24 Kaiser: Which is perplexing because this whole development is based on the
25 predication that we're going to reduce automobile trips by the land use and
26 development that we're doing. So why not evaluate what you're actually
27 planning to do?

28
29 Pompeo: Well, I can speak to that. Because when you take the Traffic Impact
30 Analysis to the State Highway Department, and they did do their review on
31 it, they're not reading the Apodaca Blueprint, and they're not reading
32 Elevate Las Cruces, they're only looking at what the state and federal
33 guidelines are for what we call traffic interceptors, or capture traffic. That
34 is what you speak of, which is somebody leaves their home within the
35 development goes to a commercial use, a second commercial use, goes
36 back to their home never leaves the development. By the development of
37 this, we're striving to have those percentages higher because to your
38 point, we don't want the traffic leaving the site and therefore making traffic
39 off site. But we're bound by using the factors that the State Highway
40 Department goes by for those. So we have to get to the point, we have to
41 write the Traffic Impact Analysis in almost its most conservative stance, so
42 we never have to revisit that again.

43
44 Kaiser: So why is it that - because the Traffic Impact Analysis, ultimately the
45 conclusion is build a wider intersection, add additional lanes, we have too
46 much of a delay, we need left dedicated, turn right. That is what Traffic

1 Impact Analysis, those are usually the outcomes. So I still don't
2 understand if the argument here is we're building a mixed use pedestrian
3 oriented development, why are you presenting a traffic study that says we
4 need to do these things? Would it be in your interest to say, hey, state
5 DOT we don't need to do these things because we're mitigating those
6 potential trips, because we have a multiuse path that's actually going to
7 reduce the amount of car traffic on our roadways.
8

9 Pompeo: It comes down, Mr. Chairman, to are you going to get that report approved
10 by the State Highway Department or are you not? And when you're not
11 conservative enough, and you try to bump up the site intercept and the
12 site capture rates and things of that nature, then your report is not going to
13 get approved. So remember, this is only phase one of the TIA. When it
14 comes to the subsequent phases, there's going to be new traffic counts,
15 and then when the buildings are there and we start counting traffic based
16 on what's actually there, then we're going to start using what those actual
17 numbers are. But the intersections, especially on Samaritan, I mean that
18 intersection is where it's at, the Samaritan and Solano, that's going to be
19 up to the City traffic engineering as to what the disposition of that
20 intersection is will look like in the future.
21

22 Kaiser: Thank you. Coming back around to land use. Can you just describe, so
23 as proposed if you could go back to the preliminary plat. I think it was
24 probably, yes, that's fine. So it appears that you're looking to basically
25 develop these 12-ish lots independently, piecemeal, one by one, sell them
26 off. Can you just describe kind of what the vision is here? I'm just
27 thinking, if you're going to be selling these off as one acre parcels and
28 they're left to develop it completely on their own, what kind of uses would
29 we expect to see here? I mean could a grocery store, if a grocery store
30 said, hey you know what this is a great location, I've got market capture,
31 people can walk to my grocery store. Would they be able to move into
32 one of these locations? Or is this 0 because the way I see it right now
33 there's no master plan here, this is just selling off piecemeal and it
34 becomes a free for all and you get whatever somebody decides they want
35 on their little one acre lot.
36

37 Pompeo: Well, Mr. Chairman. I would disagree with that characterization. Yes, it's
38 a one acre lot. And yes a buyer could come in and want to develop their
39 property. And they're going to come in with their site plan. But then
40 they're going to get hit with the zoning requirements and the Apodaca
41 Blueprint requirements of interconnectivity, shared access, pedestrian
42 friendly interconnection, and all those things are going to be required on
43 those site plans. And that's, I mean I understand the frustration you're
44 speaking of, but to go show all those things in the drawings as we see
45 them now before we have users that have a site plan to know how it's
46 going to interact, I think that will come. The result will be what you're

1 looking for. It's just, we don't have the detail at this preliminary stage,
2 other than to stand before you and say that those design elements are
3 going to be hit with every single person that develops this. To answer
4 your question about a small grocery store, yes, I mean this tract of land
5 right here, if somebody were to come in, I can't foresee that happening,
6 but it would be large enough for that.
7

8 Kaiser: Okay, so going back again, the Apodaca Blueprint says very clearly what
9 the development standards are. So conceptually speaking, how would
10 those standards work on 12 one-acre lots, especially as it relates to the
11 open space requirement for these zones and the shared parking
12 agreements. When everybody's doing their own little thing, are we going
13 to end up with 12 little pocket parks? I mean, that would be fantastic if
14 that's what's happening, but I'm pretty sure that's not what's going to
15 happen.
16

17 Pompeo: I can't speak directly for the independent open spaces. But I can speak to
18 the you know concurrent development, inner connectivity, inner
19 pedestrian capability, shared parking agreement, shared access
20 agreements, all those things to bring it, each of those even though they're
21 acting independent during the development stage, at the end of the day
22 they all have to, it's all going to interact in just one big unit, as required by
23 the documents that we've previously stated,
24

25 Kaiser: Which would be driven by a master plan.
26

27 Pompeo: This is a master plan and the Apodaca Blueprint, I mean, like we said, the
28 reason I'm saying that is I'm going to speak now from a civil engineering
29 standpoint. We have the roadways in here, we have collectors and local
30 streets, and we say, where does that come from? The City of Las Cruces
31 has design standards, design standards for what's not applicable to the
32 Blueprint have their cross sections in it. What is applicable into the
33 Blueprint has their cross sections in it. We don't repeat those cross
34 sections within these documents, we simply reference them otherwise
35 we'd have, you know a 40 page document here. We believe that it's clear
36 in the Blueprint what is required. And we will follow that to the letter.
37

38 Pitts: Mr. Chairman. Tim Pitts, I'm Deputy Director with the Community
39 Development. And I just want to let you know how the process will work
40 when we get to these, whatever happens here. And we've worked on
41 these sorts of projects, or at least I have in other communities in which we
42 were able to do mixed use type things with walkability and so on. We're
43 going to be asking, as Mr. Pompeo says, we'll be asking very hard
44 questions of, you know where is your connection to the trail? Where's
45 your connection? How are you fronting the road? How were you? And I

1 think the applicants have gotten a pretty hard time from us up till now on
2 this.

3
4 But we have a process and we got to sort of follow this process, because
5 this is the way our code works. But when we come here, it's going to be, I
6 mean John will give them a hard time on what does this look like, how is
7 this walkable? How does this connect? How are people coming out of
8 this building and going to the more mixed use area across the street?
9 How does that street connect? How does it work together? But I think as
10 Mr. Pompeo said, we don't at this point put down the street layout. It's in
11 the plan. We'll go back to the plan and pull that back out. And that's how
12 we're going to do that.

13
14 That's kind of what I'm anticipating as we go through. I know they're going
15 to subdivide some things. I think there's going to be probably some
16 national chains that are going to come in, and they're going to say, you
17 want us to do what? And you know we do this down on the university all
18 the time. And, and I think, Chick-fi- A said, you want us to do what? And
19 we said, yes we want you to do that. And they did it eventually after quite
20 a bit of argument and coercion and so on. So I think that's really, I think
21 you got to, we've got to put some faith in staff and some faith in your next
22 steps later on. I certainly understand everything you're asking about and
23 we'd love it if we had that level of design at this point. But I don't believe
24 that this group of developers has that much money. They're going to have
25 to do this piece by piece in order to make this thing work. They don't
26 come walking in here with \$400 million to plop down to development.
27 They're going to do this, we're going to make this work, and then we're
28 going to make this work, and we're going to make this work. Hopefully, at
29 the end, we're all going to be proud and I want us to be working towards
30 that.

31
32 Kaiser: Thank you. I appreciate that explanation. And I do have faith in staff. I
33 guess my ultimate frustration here is you say everything is going to be
34 consistent with the Apodaca Blueprint. So why can't we take the Apodaca
35 Blueprint, pull it into this discussion. It's not in the staff report. There's no
36 road cross sections. There's road cross sections in the Apodaca
37 Blueprint. Why can't we take that information and bring it in here as part
38 of the discussion? If what we're saying is that this is going to follow the
39 Apodaca Blueprint to a tee. It's already done. The work has been done
40 so why can't we have this conversation, again about an incredibly
41 important project for the City. And that's what I'm just struggling with is
42 why are we being so opaque about it?

43
44 Pitts: I think I guess what I would say is that we have already done the Apodaca
45 Blueprint plan. It's ready to be implemented. This is the process by which
46 we implement it. And if you're saying, and trust me some of the things you

1 said were some of the things we thought when we first look at this
2 ourselves. But we said you know I don't like this, this looks like a strip
3 development along the highway. Yes, no, that's what we saw. And then it
4 was, so when we come in and say you have to make this walkable. What
5 are you going to do? Are you going to walk away or you're going to be
6 mad at us? No they were willing to, they said, no that's what we expect,
7 we understand, we're going to do this. So I guess that's what I would say.
8 I don't want to see a specific cross section in here because we already, we
9 still have discussions to have with our fire department over where trees go
10 in the roadway. And we want to make sure we get to what we adopted in
11 the Apodaca Blueprint because we want those trees in the roadway. If we
12 put down a thing that fire department would sign off on right now with a
13 cross section, there would be no trees. And that is not what we want.
14 We're working on that. We're working on how do we get trees back into
15 the roadway to fulfill what the Apodaca Blueprint said. But this document
16 doesn't need it. Now when he comes back with a construction drawing,
17 we better have that ready. Because if we don't, we're not going to get
18 what we said was in there. So we were going to have to work on it. I
19 expect that to come pretty quickly. So there's going to be some pretty fast
20 dancing to make sure we can get these things to meet.

21
22 But I guess here's what I would say, if the applicant thinks he can get
23 away with putting standard drive-thru restaurants on this, they aren't going
24 to look like standard drive-thru restaurants. They're going to be walkable,
25 they're going to look like they belong on a street that people enjoy walking
26 along. And that's what we're going to be insisting on when they come to
27 the table.

28
29 Kaiser: Appreciate that. I don't necessarily agree with everything that's been said
30 here. You know you're asking us to approve the location of an 85 foot
31 right-of-way for Samaritan Boulevard, but yet we're not allowed to
32 understand what the proposed cross section is.

33
34 Pompeo: Mr. Chairman. Just to follow up on what Mr. Pitts said. In dealing with the
35 fire department, there are cross sections in the Apodaca Blueprint that
36 have trees. And they're nice watercolor pictures, and they have nice
37 dimensions on them and everything. But if you went by that strict cross
38 section on Heart Drive, the fire department is going to say no. So what's
39 the discussions with the fire department are, well let's go in there and
40 design it. Let's actually design it through there so we can get our trucks
41 through, we've got places for our outriggers, and all that. And then the
42 planning department can have their trees. So everyone will get what the
43 end result is. But that comes from a certain level of detailed design that
44 we're just not at yet, because we don't have approval to move forward on
45 that detailed design until we pass this hurdle that's before us this evening.

1 Kaiser: Understood. Thank you. All right I still have some additional questions.
2 The Apodaca Blueprint suggests incorporation of a transit hub. I don't see
3 that on the master plan. Is that still being proposed?
4

5 Pompeo: It's a requirement of the Apodaca Plan. There are other commercial,
6 mostly medical uses that are coming to this property in the future, and so
7 that will be, you know staff is going to bring that up and we're going to
8 have to decide both with - because that's another thing. I mean transit if
9 you've ever worked with them before, they want specificity. They want to
10 know exactly where. We can't tell them exactly where because we haven't
11 finished designing the roadway elements yet. So yes, if that's a
12 requirement of the Apodaca Blueprint, which it is, and we have transit's
13 blessing, which we should get, then we will put it in this, it will be on the
14 construction drawings. Yes.
15

16 Kaiser: All right. Already talked about road cross ways, or cross sections. So let's
17 go back to the trail for a minute. The master plan as proposed does not at
18 present show a physical connection with the existing Triviz Trail to the
19 north, nor does it specify how the trail will connect to Apodaca Park or the
20 adjacent neighborhood to the east. In fact, there's no context for the
21 location of the proposed multiuse trail. So I was just wondering if you've
22 done any analysis to understand how it might align with the local regional
23 network, and whether or not you will in fact connect the trail to the Triviz
24 Trail in its current location.
25

26 Pompeo: Mr. Chairman. If we could take a quick review of the Apodaca Blueprint
27 plan, which is before you in the screen. There are two very clearly
28 delineated dashed lines around this former country club property that
29 clearly indicate where those trails conceptually must be. So that's what
30 the intent is. When it comes down to detail design of phase one, which is
31 the trail number one which is out on the North Main and Solano, then we
32 have to show that trail and that set of construction drawings. The other
33 trail connection that runs from Apodaca Park, we simply don't know from
34 working with Parks and Rec and not having a detailed design at this time,
35 it's just generalized at this time. From our discussions with the City, from
36 the trailhead that stops at Camino del Rex from this development, the City
37 is going to have to take up the rest of that connection to figure out how
38 they're going to get around the - there's a knuckle cul-de-sac in that area
39 across the street, and so the trail has to work its way around and get down
40 to the Triviz Trail. The City had indicated previous that that would be their
41 responsibility to make that final connection.
42

43 So as we get to the final design of the trail and its disposition, then yes we
44 will have that and make those, we'll complete the theoretical trail design
45 from end to end. Like the City would pick up the construction of the trail
46 within the City's properties. But to go back to a point of saying, well what

1 is the trail disposition like? Well, should it be an eight foot trail or a 10 foot
2 trail or a 12 foot trail? I stand before you and I say we don't know. We
3 don't know what the loading of that trail is going to be. And so for us to
4 just say tonight, well we're going to put an eight foot trail on there, or
5 whatever it may be and then we come to find out later on that it wasn't
6 adequate, then we've taken that opportunity away. So I stand before you
7 and say we have it conceptually shown, we're going to build it, and we're
8 going to build it based on a final approval by staff.
9

10 Kaiser: But you do know the right-of-way of the roads that you're proposing.
11 Those are 50 feet and 85 feet for Samaritan.
12

13 Pompeo: As dictated by previous development - I've been working on this since
14 2015. So the right-of-ways on here have been clearly defined on the rest
15 of the project since that time and those roads sections match what was in
16 the City. So yes, those we do know what the right-of-way is. But to your
17 point, we know it's a 50 foot right-of-way on Heart, but do we know every
18 inch of that road what the roadway cross section is going to look like at
19 this time? Mr. Chairman, we don't know that because of our previous
20 conversation about trees and roadway cross sections interfacing with the
21 fire department apparatus and what their wants are. I believe we're talking
22 about the same thing, final design will get us to that. It will get the
23 developer and the Commission to the same point, the same disposition,
24 the same final product.
25

26 Kaiser: And will the trail as part of phase one physically connect to the Triviz trail?
27

28 Pompeo: On phase one it's simply the frontage that is on Main and Solano, so I do
29 not believe it will pass Samaritan up to well, actually from there the trail
30 could get on the Camino del Rex sidewalks and then go on. I mean,
31 there's other ways but I don't, that's off site away from this property so I
32 don't know. I would defer that that answer to staff as far as how it's going
33 to be constructed on areas that are away from the project area.
34

35 Kaiser: Yes, I'd like to know the answer because the way I see it we're building a
36 trail to nowhere.
37

38 Pitts: Mr. Chair. I think our next step for this board on this, if this were to be
39 approved today, our next step would be final plat. What I would
40 recommend is that we bring you what they're actually building in the
41 construction drawings at that time so you can see that those, for instance
42 at that point we will know what the trail is going to look like. At that point
43 we'll know what the roads are going to look like. And I think that it would
44 be a good exercise for us to let you review that and see that is meeting the
45 intent of Apodaca Blueprint and the Apodaca Plan. Because I think,
46 otherwise, you don't normally see the construction drawings. We approve

1 them and it's just a permit. It's a building permit is what it is. But I think in
2 this case, it would be wise of us, and sort of satisfy the concerns that the
3 actual building is along the lines of what we were expecting, and what you
4 were expecting when you adopted the plan.
5

6 Kaiser: Would certainly appreciate that. I mean again I just think this is a massive
7 project, you're asking us to change the gateway of our community, the
8 gateway of our downtown. We're about to undertake additional massive
9 redevelopment projects on El Paseo and Picacho. And I just think that it
10 warrants - I get that it's not required. I understand that this is meeting the
11 letter of the law. But I think we're entitled to some more information. If
12 you're saying that it's going to be consistent with the Apodaca Blueprint,
13 bring it into the conversation. I don't know, I don't understand why we say
14 that, but then we can't talk about it. It's just this, it's going, to trust us it's
15 going to happen over here, but we can't talk about it.
16

17 Acosta: Commissioner Kaiser. A question. Just a question for you on that one.
18 Are we or are we not working within the rules of the Apodaca Blueprint?
19 Or is his plan basically like, I feel like it has to be already vacuum sucked
20 into that rule of that Blueprint. That it's going to have to exist in there at
21 some point, and whether or not that this effectuation cycle of, do what you
22 can with what you have right now, and then get to that next part, evaluate,
23 make the best decision from there. I can see that happening. I'm just I
24 guess I'm just wondering, is in your mind do you think that there's a way
25 that they can somehow operate out of the Apodaca Blueprint if we were to
26 approve it tonight?
27

28 Kaiser: So what I would like to see, and I'm not trying to be completely
29 unreasonable here, all I'm asking for is just some information and
30 evidence to back up the claim that this is going to be consistent with the
31 Apodaca Blueprint. We already know what the zoning requires, we
32 already know the type of setbacks that they require. We already know the
33 amount of open space; you know 30% of lot coverage. Even just a simple
34 building massing, I understand that it's conceptual, but to be able to
35 visually see how this is going to interact on you know these 12 lots that
36 are as part of phase one and potentially the other tracts, that would be
37 something that I would really welcome to be able to understand how these
38 things actually relate to what they're proposing before us tonight. And so
39 that's one example of something that I would like to see. I mean, from my
40 perspective I think continuing this to next month to allow the applicant and
41 staff to gather some of this information, to address some of these
42 questions, would be my preferred outcome for tonight. Like I don't want to
43 deny this project. This project is amazing. It has so much potential. I just
44 think we need to understand what is happening. And I would like to see
45 the quality of the work get raised a little bit more for such an important
46 project. And I think that's really just my position.

1
2 Nichols: Mr. Chairman. If I may. Larry Nichols, Community Development. I have
3 a background in architecture. And similar to the engineering Mr. Pompeo
4 is. When a project is brought by a client and you're working with that and
5 they say we'll just use a residence as an example. I want a three bedroom
6 home, two bathroom, 2,000 square feet. I like to have it; my vision is to
7 have a territorial style. Would you please design that for me? And so the
8 architect says, yes. And he comes up, and he gets the square footage, he
9 gets the room sizes you want, the overall concept of the plan is there.
10 And then the next stage is, okay now we're going to choose the color of
11 appliances that you want. We're going to choose the paint colors that you
12 want. We're going to choose these other details that bring the full project
13 to your vision and what you want.
14

15 Right now we're talking about the master plan. It is a concept. What we
16 have to assure the things I think you're asking questions about tonight.
17 You heard us present tonight, the Realize Las Cruces, the land use code.
18 The zoning guidance that are going to be on these different zoning
19 designations here. We have Design Standards in the City that talk about
20 the details of City street cross sections. We have building permit
21 requirements. We have fire requirements. We have all of these items that
22 are all going to come into play that will govern that they meet the
23 expectations of the overall conceptual master plan and the preliminary
24 plat. I understand you're wanting to know a specific at this point in time.
25 The designers do not have the information in their toolbox yet to give you
26 that specific information. But they do need a palette to work from. And I
27 think that's what is being brought before you this evening. Giving it more
28 time, say well another month for you to come up with these specifics,
29 without the approval of the master plan to do that, they're probably not
30 going to invest the time until they have an assurance that the master plan
31 is accepted for them to bring forward.
32

33 Kaiser: Commissioner Vega, did you have something to say? No. I appreciate
34 that. We'll go ahead and open it up to public comment.
35

36 Pompeo: Mr. Chairman. Can I just respond to one last thing?
37

38 Kaiser: Yes.
39

40 Pompeo: I believe that the Apodaca Blueprint is an important document, that it's tied
41 and bound to this master plan. This master plan, for example, also has an
42 element under the master utility plan. And in that document that's been
43 approved by City Utilities, we state in that document that all infrastructure
44 has to meet the City of Las Cruces minimum standards for utility
45 construction. We go out and we spell what that is. We don't put those
46 utility details in the in the utility masterplan. We go by code and reference;

1 we reference that document. I'll say it again, it's just we understand how
2 important this project is. We also understand how important the elements
3 of the Apodaca Blueprint are. And I believe it's bound. I mean and also
4 understanding that a couple of the people that are involved in this project
5 had been involved with it all the way back to 2015. It was the developers
6 of this project in 2017 that approached assistant City Manager, David
7 Dollahon and said, how can we master plan this area and make sure we
8 do a good job of it? And that conversation in the manager's office grew
9 from this 110 acres to the footprint of the whole Apodaca Blueprint you
10 see now. So we are invested in this from the development standpoint,
11 and we want to make sure that all of the elements that you and the
12 Council have already put so much hard work into to come up with the final
13 version of the of the Blueprint, are adequately represented in the final
14 design of this project. And I stand here before you tonight saying it will be.
15 And we see that document bound to this. And so picking out elements
16 just to put them on, to reintroduce them onto another drawing sheet, we're
17 accomplishing virtually the same thing. That's my estimation. Thank you,
18 Mr. Chairman. Thank you for the opportunity to address the Commission.
19 I will be taking notes from the public input. And I'd like to reserve time to
20 address those comments as necessary afterwards. Thank you, Mr.
21 Chairman.

22
23 Kaiser: Thank you. All right, we'll go ahead and open it to public comment. Is
24 there anybody in the audience who wishes to speak on this item? I see
25 three individuals. So we'll give three minutes each. And we'll start with
26 the lady in the front rail on my left. Yes. Please state your name for the
27 record.

28
29 Potter: My name is Connie Potter.

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

33
34 Potter: I do. I have been involved in this project since 2011. So anybody that
35 says 2015 whatever, 2011. I've watched every bit of it from here, from
36 City Hall from City Council, and from my backyard. I have a 0.6 acre
37 home, the largest slot faces the hospital, the helicopters come right by me.
38 And what we have seen has created, since that time has created an
39 incredible lack of trust in the processes that this has gone through. Now
40 we have the Apodaca Blueprint project, which we were involved in. I was
41 president of the neighborhood association. So was Eva. We worked on
42 this and we know what's in it. This is basically bare bones. And you can
43 drive a truck through most of it. We have been basically bamboozled
44 more than once on this. We've gone through every bankruptcy hearing.
45 We got to sit in on those, talk about amazing and not very professional.
46 So I would say that another month or six weeks, or whatever time it takes

1 to get this right. This is huge. This is going to affect this City for 100
2 years. It already is 100 years old.

3
4 And our home was promised that that was going to be a golf course into
5 perpetuity. That didn't work either. A little legal twist here and there, next
6 thing you know, that deed goes to Red Hawk. So we don't have a lot of
7 trust in the process. We want to see this firmed up. What you'll see here
8 as far as green space behind my house, here's the Blueprint, see the
9 green finger. Okay, everybody see that? That green finger over here, in
10 some of these documents has R-2 homes in it. R-2 homes, not green
11 space. And 0.3 acres, that's half the size of my lot. That's the size of
12 maybe the downtown Plaza. So you know, there's a lot of responsibility
13 on your shoulders. I don't appreciate you know; I don't appreciate the
14 extra work that you're going to have to do to get this right. It should have
15 been presented to you right in the first place. There is no master TIA.
16 We've been through this before. We had a TIA that was approved in a
17 dark room and brought into City Council and approved when the engineer
18 didn't even testify. So trust here that you guys are going to look at this
19 with a fine tooth comb and make it something that we can all be proud of.
20 I don't think that these folks that have put money into this project are going
21 to be bankrupted by a month or six weeks wait. Do it right. For all of our
22 sakes. Thank you.

23
24 Kaiser: Thank you. And we'll go to the lady who was sitting next to her. Please
25 state your name for the record.

26
27 Nevarez: Hello, Eva Nevarez St. John.

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

31
32 Nevarez: I do.

33
34 Kaiser: I'll give you three minutes. Please go ahead.

35
36 Nevarez: Okay. My comments relate to the Apodaca Blueprint which I have to flinch
37 every time I emphasize how they're going to abide by the Apodaca
38 Blueprint. Five of their seven planning parcels are not consistent with the
39 character areas in Apodaca Blueprint. I provided extensive comments in
40 January of 2022 pointing out why that was the case. And this body went
41 ahead and approved all their zoning anyway, which is one reason they
42 can't just pull from the Apodaca Blueprint because the zoning they have
43 does not match it. Like Connie said, that open space district that was
44 supposed to be 100% open space is now includes R-2 multidwelling low
45 density for up to 15 dwelling units per acre. The flex district, there was
46 supposed to be professional offices and small lot single-family or

1 townhomes is R-3 multidwelling medium density, office professional, and
2 C-2 commercial medium density allowing up to 20 dwelling units per acre,
3 plus the commercial activity. The Apodaca Preserve is now zoned as
4 some open space and R-2 multidwelling, again the 15 units per acre. The
5 cottage residential was supposed to be small lot single-family and
6 townhouse development, maximum height of two stories, the zoning is R-
7 1b single-family high density and R-2 multidwelling low density up to 15
8 units per acre again. The townhouse residential was supposed to be
9 100% residential in the form of two and three story attached housing units.
10 That was zoned as R-4 multidwelling high density, C-2 office professional.
11 And the only housing that can be built in that character area is mobile
12 home parks and apartments with a minimum of 10 dwelling units per acre
13 and a maximum of four stories is allowed under that zoning.
14

15 The town center provides for mixed use residential and commercial. As
16 you can see, they're only pointing out the commercial, so perhaps that's all
17 they plan to put in there, I don't know. C-3 commercial high intensity
18 zoning is what's allowed there. And then the commercial center is
19 supposed to include commercial, retail offices, maximum building height
20 two stories, that's in the Apodaca Blueprint. And the C-3 commercial high
21 intensity zoning that they have does not reference any maximum building
22 height.
23

24 So whatever they are going to put in there, they're going to you know, it's
25 probably going to be maximum density what they can get away with.
26 Especially also with the TIA, whatever they can get away with. You know
27 right now they're proposing like you said, in and out, in and out traffic out
28 of this world, not anything that's going to stick around more than five or 10
29 minutes. And also on top of that they're planning after this phase, you
30 won't see them again, they're asking for the alternative summary
31 development process, where they just work with staff and it doesn't have
32 to go back to Planning and Zoning or Development Review or anybody
33 else. So like Connie said, we definitely don't trust that. There's no reason
34 they can't put more specific plans on paper. Everything can change at
35 some point, but at least show us your intentions. All I see what their
36 intentions is maximum, maximum return on their investment. And as far
37 as that goes, don't even get me started they got this ...
38

39 Nichols: If I may interrupt, ma'am. I didn't set the clock but I'm certain three
40 minutes has gone by.

41
42 Nevarez: They got the property ...

43
44 Nichols: If you could wrap up please.

45
46 Nevarez: At a discount by bankrupting the country club. Thank you.

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Kaiser: Thank you very much. And I think we have one final speaker. And go ahead just state your name for the record and you may begin.

Ruprect: Again, I'm Joe Ruprect. Las Cruces since 1985. And yes, I swear that I'm telling the whole truth and nothing but the truth. Mr. Chair, I want to thank you for your persistence in trying to pin down Mr. Pompeo and the developers about what this is. I agree with you that it is much more of a phasing plan than a master plan. I worked in an architect's office for three years some time ago making models, and I was well exposed to plans for subdivisions. This is not a plan. There's no vision to it. All it is, is divvying up lots to be sold and developed piecemeal.

I want to come back to the main point that the developers in this document refer to aligning with the Apodaca Blueprint. There's not a single example I could find in their verbiage that shows what that alignment is. They want us to take it for granted. Unfortunately, they don't specify. Now what I want to look at is just one example of where they're not in alignment, and that is this very first part of their first phase, those 12 Lots along Main Street. Those 12 Lots, if you look at that area on the Apodaca Blueprint has plenty of space. It has limited buildings, and there is coordination between the buildings and the traffic flow expected around the usage. In this what you've got is one acre lots, each of which has a pit for drainage, which is not navigable as far as walking. We've got those all around town already with commercial lots. And the only reason, I attended the Development Review Committee meeting on April 12th. I was one of four public members there. At that meeting, the developers didn't have the foresight or kindness to show us anything like these schematics. They had them on the table, where they could look at it and point and ask us to trust them for what was there. But they didn't have overheads. They didn't have handouts. We were supposed to just go with what they were saying. I want to compliment two City staff members who challenged some of that, one is Mark Dubbin, from the Fire Department. His standing his ground is the only reason why the condition is in here about completing roads before they're actually doing construction, for safety reasons, for health concerns, for service to the hospital. The other person is Catherine Matthews with Parks. She in looking at the phase one brought up the question about the trails, brought up the question about open space. And at first, they tried to say even with this portion along Main Street, that that comes later. We don't know what that's going to look like, we've got too many things to consider. Those two people are the reason we've actually got some conditions on this because the developers were ready to roll over the other City staff and just get strip commercial along Main Street, like every other spot up and down Main Street, like the other spot up and down other streets that we can name in town. This was supposed to be a really planned development. This was supposed to be

1 something different. And what they're trying to pull over is not different, it
2 is more of the same. Thank you.

3
4 Kaiser: Thank you, ma'am. And I'll grant the applicant opportunity to respond.

5
6 Pompeo: Thank you, Mr. Chairman. You know, the Blueprint was written, and then
7 the previous or the other members of the development team brought in
8 zoning, which was you know carefully scrutinized and then the zoning was
9 placed on this property. And I want to read from the front page of the
10 master plan, because this whole notion that this green space up here is
11 supposed to be 100% open space is just patently wrong. Because I can
12 read from the master plan where it says "residential use is limited to no
13 more than 50% of the total acres and shall be located adjacent to cottage
14 residential or contiguous to Legacy Drive and to the western boundary.
15 OSR uses are adjacent to the country club neighborhood to the east."

16
17 Okay, and I can keep reading. But these are the requirements that were
18 put in when Council zoned this property. There are limitations placed on
19 this. The zoning is true and correct and matches what's going on in this
20 zoning. A statement was also made that this area here along Main Street
21 is simply commercial. Well, let's just read what it says here under
22 planning parcel RC, right down here on the fifth line, "a minimum of 60%
23 of the acreage in this planned areas should be developed as residential,
24 with a maximum of 40% of the acreage developed as commercial." So to
25 come before you and say that it's all commercial is patently wrong.

26
27 So we stand by the application. Also, Mr. Chairman, and my final
28 comment is, the applicant has met the rules of the City of Las Cruces for
29 submission of a master plan with all required documents. The only caveat
30 to this particular development is we have to follow the conditions placed
31 by City Council as far as underlying zoning, and we have to follow the
32 Apodaca Blueprint. To waste time on delays, to bring in pictures and
33 graphs and charts and everything that already exists in a document that
34 was passed by City Council and it's intertwined with this development,
35 gets us nowhere. Four weeks from now, six weeks from now, eight weeks
36 from now. We still have to develop this phase development following that
37 Blueprint. And we will do it. Thank you, Mr. Chairman.

38
39 Kaiser: Thank you.

40
41 Pompeo: Mr. Chairman. One of the developers is here and would like to say a few
42 words. Thank you Mr. Chairman.

43
44 Kaiser: Yes. Yes, it is. Please come forward. And state your name for the
45 record.

1 McMillan: My name is Randy McMillan, and I'm one of the owners and one of the
2 developers.

3
4 Kaiser: Okay. And do you swear or affirm that the testimony you're about to give
5 is the truth and nothing but the truth under penalty of law?

6
7 McMillan: Yes, sir. I do.

8
9 Kaiser: Please go ahead.

10
11 McMillan: Thank you. And I'd just like to say that, you know we've been, I've been
12 working on this project also since 2011. And I don't want to be working on
13 this project in 2030. Please. So I would also like to say that, to
14 characterize the City staff as rolling over on this is also patently false. We
15 have been working to get to this meeting for the last 12 months. About
16 four years ago, we were asked by City staff to do a TID. They came to us
17 to ask us to do a TID. We agreed. We went through about \$300,000 in
18 putting together plans and reports to supply the City with the information
19 for this TID. And apparently everyone wasn't communicating, because
20 when it finally got finished, and before the City Council, they decided they
21 did not want to do a TID. That was three years of work. And I'm not
22 kidding you at least \$300,000 in outside reports, okay. And the same
23 three people that are here today, or at least two of them, were at all of
24 those meetings, making sure that this stopped. And they're here again.
25 But they're the only two here. They're the only two. And they've usually
26 been the only two at those meetings.

27
28 This City staff has worked absolutely professionally, they have been
29 extremely difficult in my view to get these things through. And so to
30 characterize that is just unreasonable and wrong. Lastly, I'd like to be
31 honest with you about something. I was also originally with the Apodaca
32 Blueprint planners, in their first meetings I was there. And we helped them
33 come up with these ideas. I love bike paths. I ride bikes as much as I
34 can. People say, are you a big biker? I say, well I'm kind of big and I ride
35 a bike a lot. But I want that to be here. We don't know exactly where they
36 are going to be. We don't know where the apartments are going to be.
37 We don't know where the offices are going to be. We do know where
38 commercial is going to be because it's going to be on the frontage. And I
39 don't want you to leave here thinking that we are agreeing or telling you
40 that there is not going to be any drive-thrus in this development, or that
41 there's not going to be anything that is associated with automobiles,
42 because there will be. There are going to be hundreds of people that live
43 in this development. There's going to be hundreds of people that work in
44 this development. And I hope they can drive or walk 100 yards and get
45 their car washed, I hope they can, or to the grocery store or get some gas
46 for their car. Yes, we want to be friendly to the bike riders and to the

1 pedestrians. That does not exclude automobiles. So there will be some
2 things in this development that cater to automobiles as well. And we have
3 75 acres, and if you are going to demand that we have nothing to do in
4 this development with anything that has to do with automobiles, we need
5 to shut her down now because we can't find that many users for this
6 property. So I want to be honest with you. We will come back at some
7 point and there may be a gas station, there might be a carwash, and I
8 hope it's there because the people that live here and work here, won't
9 have to drive across town to get it done. But there's also going to be a
10 bike path. And there's also going to be walkable offices and walkable
11 apartments. So thank you for allowing me to have this time.
12

13 Kaiser: Thank you. All right, any final questions or comments from the
14 Commission?
15

16 Smith: I have a comment. As I've sat here and listened you know to both sides of
17 this case, and just the issues that have come up you know I'm not a
18 developer, I'm not a City planner, I'm not an architect. You know I'm just a
19 citizen of this community. And you know I have taken time before this
20 meeting and during this meeting, to read and listen, and to try to fully
21 understand you know what this proposal means to the City, and also to
22 the people who are developing this. And you know one of the things I
23 have to rely on is the staff and the hard work that they've put into this and
24 their recommendation. And so you know for me you know being a
25 member of this Commission, I sit here and I look at the conditions, and I
26 read the conditions, and the words that trigger me you know like, no
27 development will shall occur without adherence with Apodaca Blueprint as
28 a guiding master plan, including, but not limited to roadway design, trail
29 design, pedestrian connections, land use, and building placement. No
30 building permits shall be issued until a connection from Samaritan Drive to
31 Solano is completed.
32

33 So as I read through this, I mean the staff has made it challenging for the
34 developer to get this through without meeting all the conditions of the plan.
35 And so you know as we sit here this is a project that has been going on
36 since 2011, 2015, and we want it to move forward. And I feel like we have
37 to allow the steps to be made to complete the first phase and trust that the
38 work that the staff has done and the DRC staff has done to get us to this
39 point, so that we can move forward and we can make this project move.
40 And as the developer said, we don't want to be doing this at 2030. You
41 know the City is growing, the need is here, you know we cannot continue
42 to have a NIMBY (not in my backyard) mentality about development of this
43 City. And I just think that we have to work together with the staff, with the
44 developer, as a Commission to move this project forward.
45

1 Kaiser: All right. Any other final questions or comments? Seeing none. I'm going
2 to make a motion, and we'll find out if others agree with my motion, but I'm
3 going to make a motion, or do we need this resuspend our?
4
5 Nichols: Mr. Chairman. If I may. We should, any motions or any action we take
6 should be made, we agreed to discuss these jointly or concurrently, but
7 the motion should be made on each separate issue, each separate case.
8
9 Ochoa: Yes, sir. And if I may add on to that. Apologies. We would need a motion
10 and a second to reinstate the rules of order please, that way we can go to
11 vote on them separately, please.
12
13 Kaiser: Understand. Okay, so I'll make a motion first to go back to our regular
14 rules of order so that we can take a vote on each of the respective agenda
15 items. So that's my motion.
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 Acosta.
28
29 Acosta: Yes.
30
31 Baum: Board Member Vega.
32
33 Vega: Yes.
34
35 Baum: Chair Kaiser.
36
37 Kaiser: Yes.
38
39 Baum: Motion passes.
40
41 Kaiser: All right. I'm going to make a motion on item 10.5, to continue this
42 discussion to the May meeting or whatever that date is. And my request is
43 for additional information related to the conceptual location of open space
44 per the requirements of the Apodaca Blueprint. Options for street cross
45 sections consistent with the Apodaca Blueprint. Options for connecting

1 the trail to Triviz and recommended trail cross sections. And information
2 related to the suggestion for the location of a transit hub.
3
4 Nichols: Mr Chair. I believe the motion has not received a second. It would be
5 incomplete without a second.
6
7 Smith: I second the emotion
8
9 Baum: Board Member Smith.
10
11 Smith: No.
12
13 Baum: Board Member Bennett.
14
15 Bennett: No.
16
17 Baum: Board Member Acosta.
18
19 Acosta: No.
20
21 Baum: Board Member Vega.
22
23 Vega: No.
24
25 Kaiser: Chair Kaiser.
26
27 Kaiser: Yes, based on the fact that I believe I need more information to make an
28 informed decision about the consistency with the Apodaca Blueprint.
29
30 Baum: Motion fails four to one.
31
32 Kaiser: We're looking for our next motion.
33
34 Bennett: I make a motion to approve 10.5 with conditions stipulated in the case.
35
36 Acosta: I second.
37
38 Baum: Board Member Smith.
39
40 Smith: Yes, based on staff recommendation.
41
42 Baum: Board Member Bennett.
43
44 Bennett: Yes, based on staff recommendation.
45
46 Baum: Board Member Acosta.

1
2 Acosta: Yes, based on staff recommendation and trust in staff from working with
3 them personally on having to get things done.
4
5 Baum: Board Member Vega.
6
7 Vega: Yes, based on staff recommendation.
8
9 Baum: Chair Kaiser.
10
11 Kaiser: No, based on the fact that I don't believe I have enough information to
12 determine whether this is consistent with the Apodaca Blueprint.
13
14 Baum: Motion passes four to one.
15
16 **10.6 Royal Crossing Subdivision Phase 1 Preliminary Plat:** A request for a
17 preliminary plat for a subdivision known as Royal Crossing. The proposed
18 subdivision encompasses 52.73 ± acres, is currently zoned C-3C
19 (Commercial High Intensity-Conditional), R-4C/C-2C (Multi-Dwelling High
20 Intensity-Limited Retail Service-Conditional and Commercial Medium
21 Intensity Conditional), C-2C/O-2C/R-3C (Commercial Medium Intensity-
22 Conditional/Office, Professional-Limited Retail Service-Conditional/Multi-
23 Dwelling Medium Density Conditional). The preliminary plat proposes to
24 develop two local roadways and a mix of commercial and residential land
25 use. Submitted by Souder Miller and Associates, Representatives. Council
26 District 1 (23CS0500038)
27
28 Kaiser: Okay, moving to item 10.6. Need a motion.
29
30 Acosta: I make motion to approve item 10.6.
31
32 Vega: Second.
33
34 Acosta: With conditions.
35
36 Vega: I second.
37
38 Baum: Board Member Smith.
39
40 Smith: I vote yes based on staff recommendation with conditions.
41
42 Baum: Board Member Bennett.
43
44 Bennett: Yes, based on staff recommendation with the conditions.
45
46 Baum: Board Member Acosta.

1
2 Acosta: I vote yes with conditions based on staff recommendation.
3
4 Baum: Board Member Vega.
5
6 Vega: Yes, with conditions based on staff recommendation.
7
8 Baum: Chair Kaiser.
9
10 Kaiser: No, based on the fact that I don't believe I have enough information to
11 consider this consistent with the Apodaca Blueprint.
12
13 Baum: Motion passes four to one

14
15 **11. STAFF ANNOUNCEMENTS**

16
17 Kaiser: All right. And finally we will move to staff announcements.
18
19 Nichols: Mr. Chair. We do have some staff announcement coming in from Mr.
20 Ochoa. Adam, please let us know what you're thinking here.
21
22 Ochoa: I wanted to see if you wanted to do it, but I guess you didn't read my mind.
23 My apologies there Larry. So just a quick announcement. We did have
24 two new appointees to your Commission. So we will be fully boarded
25 Commission, if you will, hopefully by the next meeting. Staff is reaching
26 out to the new Commission members to sit down to meet with them, kind
27 of how we had their little meetings with you all just to kind of give them a
28 little bit of training. And then we'll hopefully bring them along for, if not next
29 meeting, the one after that. But we will be at full board hopefully here
30 soon. So thank you so much folks for your patience and for your
31 assistance in being here because it's tough when it's only five people. So
32 staff's definitely appreciative of you all being here. Thank you.
33
34 Kaiser: Excellent. Well we look forward to meeting them hopefully next month.
35 Are there any other announcement? No announcements.

36
37 **12. ADJOURNMENT (8:45)**

38
39 Kaiser: I need a motion to adjourn tonight's meeting.
40
41 Smith: I move that we adjourn tonight's meeting.
42
43 Vega: Second.
44
45 Kaiser: All in favor.
46

1 MOTION PASSES UNANIMOUSLY.

2

3 Kaiser: Thank everybody for coming out tonight.

4

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6

7

8

9 _____
Chairperson