PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
April 28, 2020 at 6:00 p.m.

BOARD MEMBERS PRESENT:
Sharon Thomas, Chair
Harvey Gordon, Vice-Chair
James Bennett, Member
Luis Armando Guerrero, Member
LaVonne Muniz, Member
Abraham Sanchez, Member
Russ Smith, Member

BOARD MEMBERS ABSENT:

STAFF PRESENT:
Larry Nichols, Director Community Development Department, CLC
Sara Gonzales, Planner, CLC
Debra Fuller, Planner

I. CALL TO ORDER (6:00)

Thomas: Okay, this is the planning and zoning commission. It's Tuesday, April 28, 2020. And it is 6:00 p.m.

II. CONFLICT OF INTEREST
At the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda.

Thomas: First order of business is, is there any conflict of interest from anybody for any of the cases that we have on the agenda tonight? Seeing none. You'll raise your hand right if you have a conflict?

III. APPROVAL OF MINUTES

a. February 25, 2020

Thomas: Okay, second item is approval of the minutes. I need a motion to approve and second to approve the minutes.

Gordon: I make a motion that we approve the minutes.
Smith: I'll second it.

Thomas: Okay, we have a motion in a second to approve the minutes. Any discussion? Okay, then roll call, we're going to have to do roll call aren't we? Okay. Commissioner Muniz.

Muniz: I thought I'd put my hand, I lowered my hand.

Thomas: Just say yes.

Muniz: Yes.

Thomas: We're doing roll call. Commissioner Sanchez.

Sanchez: Yes.

Thomas: Commissioner Bennett.

Bentley: Yes.

Thomas: Commissioner Guerrero.

Guerrero: Yes.

Thomas: Commissioner Smith.

Smith: Yes.

Thomas: Who else? Commissioner Gordon?

Gordon: Yes.

Thomas: Did I get everybody?

Gonzales: You did. The minutes are approved.

Thomas: Okay, minutes are approved,

IV. POSTPONEMENTS - NONE

Thomas: Postponements. We don't have any.

V. PUBLIC PARTICIPATION

Thomas: Public participation. We're not doing, right.
Gonzales: That is correct. We are following Council protocol.

VI. CONSENT AGENDA

1. **Case 20ZO1000020**: A Special Use Permit (SUP) application by 7 Diamond LLC, applicant's representative, to establish a waste transfer station associated with a dewatering facility located at 1690 Pioneer Court. The Property is zoned PUD (Planned Unit Development) and encompassed 5.50+ acres in size. Council District 4.

2. **Case 20ZO0500045**: A request for approval of a zone change application by City of Las Cruces, property owner, from A-2 (Agricultural District from the 1981 Zoning Code) and C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on a lot located at 3511 Bataan Memorial West. Council District 5.

Thomas: Next is the consent agenda. So I need a motion in a second to approve the consent agenda.

Nichols: Madam Chairman. If I may? This is Larry.

Thomas: Yes. Mr. Nichols.

Nichols: Madam Chair. I'd like to request that we have a slight change in the order of the agenda. I would like to make a few staff comments here at the beginning of the meeting.


Nichols: Thank you Madam Chairman and Members of the Commission. First of all welcome everyone with our first Zoom meeting for the P&Z Commission. And I basically would like to go over a little bit about that about the protocol of using the Zoom meeting. We all have our online here now and we have across your screen at the bottom you'll see that you have a couple of items there. One of them is participants chat, then there's a couple of others, one of them is for the share provision to allow us and when Sara will be using that later on. But if you're not speaking, if you could mute your microphone that helps keep from having interference.

Then in general, we're conducting this meeting by Zoom. It is a public meeting but it's being broadcast. So we have the applicants available to address any questions you may have with the cases that are coming forward. And then if we have to we will continue this like I said, again possibly for the May meeting. But this has enabled us to have a Planning and Zoning Commission meeting without our cases having to be moved back. And that was very advantageous to the development and the applicants, the development community and the applicants as well as to the
Commission. So I want to thank you and recognize technically skilled we all are now. And with that I'll be yielding the floor back to the Chairman. Thank you very much, Madam Chairman.

Thomas: Thank you, Mr. Nichols. Okay we'll resume then with the consent agenda. I need a motion to accept the consent agenda and a second.

Smith: Madam Chair. I make a motion to accept the consent agenda with Case 20ZO1000020, and Case No. 20ZO0500045.

Thomas: Thank you. Is there a second?

Sanchez: I second.

Thomas: Thank you. So it's been moved and seconded that we accept the consent agenda. So let me call the names. Commissioner Gordon.

Gordon: Yes.

Thomas: Commissioner Sanchez.

Sanchez: Yes.

Thomas: Commissioner Bennett.

Barrett: Yes.

Thomas: Commissioner Muniz.

Muniz: Yes.

Thomas: Commissioner Guerrero.

Guerrero: Yes.

Thomas: Commissioner Smith.

Smith: Yes.

Thomas: And Chair, well, it's yes as well. So we've accepted the consent agenda.

VII. OLD BUSINESS - NONE

Thomas: We don't have any old business.

VIII. NEW BUSINESS
Case 20ZO1000009; A Special Use Permit (SUP) application by Claudia Contreras, property owner, to permit day care services for up to 12 children within a single-family home located at 1560 S. Esperanza Street. The property is zoned R-1a (Single-Family Medium Density). Council District 3.

Thomas: So we're moving on to new business. The first case is 20ZO1000009. I need a motion to approve and a second.

Smith: Madam Chair. Motion to approve Special Use Permit request 20ZO1000009

Thomas: Is there a second?

Sanchez: I'll second.

Thomas: Do we have a presentation?

Fuller: Madam Chair, Commissioners. Debra Fuller, Community Development for the record. I'll be requesting to share my screen now. So just one moment.

Alright, Commissioners the first case before you is a Special Use Permit at 1560 South Esperanza street. So what you have before you is the aerial map, you'll notice that the property itself is on the southern portion of South Esperanza, approximately 350 feet south of Montana Avenue. And just below the property you see that the street dead ends and does not have a connection to East Boutz Road. The Zoning Map is the next slide that shows that the area and the property itself is zoned R-1a which is single-family medium density.

So current conditions on the property, again located on the west side of South Esperanza Street just south of Montana Avenue. And then again the street ends just south of the applicant's property allowing no through traffic to East Boutz. Property is zoned R-1a, which is single-family medium density. The applicant has operated a family childcare home since 2016. Family childcare home will allow up to six children. She is licensed with the State of New Mexico Children Youth and Families Department, and has maintained a current business license since her home occupation's beginning.

The proposal before you tonight is for the applicant to expand her home occupation to operate a group childcare home, which will permit her to care for up to 12 children. The day hours of operations will occur Monday through Friday from 6:00 a.m. to 6:00 p.m. To avoid any traffic congestion or parking issues her drop off and pickup times are staggered over a one to two hour period. Parents dropping off anywhere between 6:00 a.m. to 8:00 a.m. and pickup times occurring between 4:00 p.m. to 6:00 p.m. dependent on parent's schedules. She will maintain the primary use of the property as
a single-family residence and there will be no change to the home's exterior appearance.

Here’s the Floor Plan of her house and the property. So she did list a fire escape plan and one of which opens into an open air carport. And then she does have a fenced in rear yard which is one of the requirements through the State. This is a picture of the exterior of her home. You see it's going to maintain its residential appearance. And pictures of the interior showing the area in which her children will have their naps and play areas and then accommodations for a baby or infant and toddler.

As far as staff and public input is concerned, we had to send out two public notices: The first being in early March and then the notice of the rescheduled meeting on April 13th. The Commissioners have been notified about statements of opposition that were received from surrounding property owners expressing various concerns to include increased traffic, parking issues, potential noise levels, being a nuisance, and then possible safety issues that would occur with the increase in the number of children. In regards to staff input we've had no opposition or negative feedback from those reviewing departments. And then I verified with Codes Enforcement that there have been no complaints received pertaining to this home occupation since its creation in 2016.

So staff recommendation tonight is approval based on the following findings: The property provides adequate parking without eliminating any necessary off-street parking for the residence itself as required by our Zoning Code. It's also supported by Elevate Las Cruces Comprehensive Plan which encourages home employment opportunities and increasing access to affordable childcare. And it complies with provisions of home occupation business registration and Special Use Permit both of our 2001 Zoning Code. So Commissioners I close tonight with the options before you. And just to note, as I know you all are aware a denial will require new information or facts that are not identified or presented during the staff review. And I will mute myself and go to you guys and let you go from there.

Thomas: Okay, before we do that, Debra, are there any other presentations or is the applicant doing anything or we ready for discussion?

Fuller: Madam Chair. The applicant is here with us following along and available for any questions that you may have and provide additional input that I may have missed.

Thomas: And does she want to say anything before we start the discussion?

Fuller: Claudia. If you want to add anything in addition to, perhaps give an explanation of why you're asking for the increase to care for up to 12 children. I know you discussed this with me but I didn't disclose it in your file. And just if you want to unmute yourself and address the Commissioners with any of the information that you've provided to me.
Contreras: You hear me? Hi, my name is Claudia Contreras.

Thomas: So I need to I need to swear you in when you speak.

Contreras: I tried to speak with you.

Thomas: Claudia.

Contreras: I put my application for (inaudible) and for my

Fuller: Claudia. Hold on for just a moment.

Thomas: Claudia. Can you hear me Claudia?

Contreras: I have to (inaudible) I want to extend my childcare for my ...

Gordon: She can't hear.

Thomas: I don't think she can hear.

Contreras: I've (inaudible) faithfully.

Thomas: Claudia. Can you hear me?

Contreras: Do you hear me?

Thomas: Can you hear me Claudia? Can you hear me?

Contreras: Can you hear me?

Thomas: Okay can you hear me?

Contreras: Yes.

Thomas: Okay so I, when you speak to this Commission I have to swear you in. So can you say your name again and hold your right hand up.

Contreras: So my name is Claudia Contreras.

Thomas: Okay. Do you swear and affirm the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Contreras: Yes.
Thomas: Okay. Now can you repeat what you said earlier a little louder because I couldn't quite hear.

Contreras: Okay when I put in the application I have my license for six kids. Now I have my license for six kids now but I want to give more child but I don't for ... okay I have somebody to meet with me because my English is not too perfect. So it's okay if he translates for me, translated for me.

Nichols: Yes. Madam Chair. As a point of order that would be fine that we can use a translator to have her provide the information.

Thomas: Do we need to swear in the translator as well?

Nichols: That's probably a good idea. Yes.

Contreras: Yes. Thank you.

Thomas: Okay. Is she there?

Contreras: She is there.

Hello.

Thomas: Okay. Can you say your name please?

Ramirez: My name is Geraldo Ramirez.

Thomas: Do you swear and affirm the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Ramirez: Yes. Okay, so the reason she's applying for more children, she currently only to take care of six children. And the reason she wants to expand is that she currently pays childcare for her own son but she wants to expand so that she can have that additional child, her child, included on the current This way, you won't have to pay any additional childcare for her current (inaudible) of children. This way she won't have to pay any additional childcare for her own child.

Thomas: So she's not looking for actually for 12, she's just looking to add one or two more.

Ramirez: Yes.

Contreras: Yes, since I try to extend for 12, but especially for my son, thinking about my son first.
Thomas: And how old is your son?

Contreras: Five.

Thomas: He's five. Yes. Okay.

Contreras: Five years old.

Thomas: Okay, thank you. So Commissioners are there other questions or comments or do you want to ask more questions? Commissioner Muniz.

Okay I see three hands here and I'm calling on Commissioner Muniz.

LaVonne

Fuller: Madam Chair. Commissioner Muniz.

Muniz: Okay, now can you hear me?

Thomas: Yes, now I can.

Muniz: Okay. In the pictures that were shown of the property where she wants to do the childcare, I felt the area was very small. And she just said that she doesn't intend to have 12 children. But how are we going to know that in the future she does try to have 12 children on the property? And I didn't see the backyard. Does she have the equipment, you know the toys the play area for the children because I felt the front yard wasn't kept up. I'd like to see the backyard for the safety of the children she'll be taken care of.

Thomas: Thank you. So Debra, do we know anything about the backyard?

Fuller: So as far as state regulations are concerned, they will physically inspect the property and they actually license them for a specific number based on the square footage that they can provide for the children. Based on those regulations that I sent you all last night with their physical inspection and they also checked one of the other regulations for capacity of home regarding the area for activity in the fenced in rear yard area. And also when you range between the seven and 12 children you have to have two areas of activity for that increase. So they're actually going to physically inspect the property and verify all of that. We as far as zoning is concerned in the Planning and Zoning Commission we just authorize the ability for the group care home. But the further restrictions for that number will be based on the survey that she must provide and the inspection by the licensing authority with the state.

Thomas: So I'm the City, if we approve this, it still is subject to the state regulations for childcare facilities, correct.
Fuller: Madam Chair. That is correct. They will authorize an official number which will be stated on the applicant's license and they will have to consider all children within her care to include those children that are hers. And she must stay within that number listed on her license.

Thomas: Okay but the license is, it's not a specific number, it's either up to six or up to 12, right?

Fuller: For our approval person portion it's a group childcare home that allows up to 12 children. The number will not exceed 12 based on the licensing authority with the State. However if she is unable to override the square footage for nine children, it would be it would be capped at nine.


Guerrero: Yes. Hi. My question was actually pretty similar to the one that was just asked. But my question for the applicant, where are you in the process? Because I mean I don't know like if we approve this if what if it ends up not, you end up not qualifying for the 12 and you have to stay at six. So my question is just more out of curiosity than anything else. Just want to know where you are in the process and how likely do you think this is going to pass?

Ramirez: What exactly as you mean in the progress so I can.

Thomas: I can't hear can you get closer to the microphone?

Ramirez: Yes. As far as progress goes, what progress?

Guerrero: Yes, because, sorry. It was my understanding as she was speaking that, or at least it sounded like you're still applying. So I just wanted to know like if you've completed the application just kind of where you guys are and what the likeliness you think is of getting approved?

Ramirez: So she says that, yes the application was already submitted. I guess we're just waiting on Zoning approval and then so the inspectors from the State I guess can go and inspect the property. As far as ... eating, so that the backyard is actually suitable for kids that she has a playground set up and toys and everything. Okay that everything else has been approved from the State. I guess they're still going to go and inspect when the zoning has been approved.

Guerrero: Okay all right.

Ramirez: Okay, now she says that the State already went and checked. She is just waiting on Zoning. She changed her license (inaudible).
Guerrero: Okay. All right. Thank you so much. I was just curious. Thank you.

Ramirez: No, no problem. Thank you.

Thomas: Okay. Commissioner Gordon.

Gandara: She does this, I'm sure she doesn't do this by yourself. Does she have assistance? Could you ask her please? How many people help her during the day with the children?

Ramirez: She has two people. Both of them are registered with the State. One of them is her daughter and then the other one is a friend. They're both registered.

Gordon: I would assume that her assistants are bilingual, probably some of the children may only speak Spanish and some of you speak English.

Ramirez: Yes. They're both bilingual

Gordon: Alright, so it's apparent that from what she said she has, she wants to have six children so that she doesn't have to put her son in daycare that would give her seven. So that would mean if she could get approval which she apparently has from up to 12, she could take in an additional five if she wanted to, is that correct?

Ramirez: Yes. I mean, it's open to and she's able to pick up another child that'd be great. She just wants to have that capacity of least taking 12 and not have parents waiting, and (inaudible) in the house because we don't have the capacity for the (inaudible).

Gordon: Is a childcare operation going on now? Is she taking care of children now?

Ramirez: Yes, she's taking care of kids.

Gandara: Okay, what is she doing to assure that there is no possible contamination because of the coronavirus?

Contreras: I disinfect every day, the toys, something with hand (inaudible) 20 minute, every 20 minutes.

Ramirez: Okay so she's basically (inaudible), making sure the house is clean every day. Once the children leave she does her cleaning of the house. Also (inaudible) and she's also using hand sanitizer for the kids. And then she's checking the temperature for all the kids that come in. from her house.
Gordon: All right. I know that this is a very difficult situation to be in. I’m sure that she’s trying to do as much as possible to protect having children or the parents of children or herself or her staff being contaminated. So all right that answered my questions. Thank you.

Ramirez: Thank you.

Contreras: Thank you.

Thomas: Commissioner Bennett.

Barrett: So I just have concerns. It seems like the pictures that were provided there’s not much room for more like mats for kids to lay down on. There’s five here that I can count, the five maps in all the pictures. So I don’t even see six here and you’re trying to have more. I just have concerns about space really inside of the place. The rooms are being used at all for any of the kids or anything like that, bedroom.

Ramirez: Okay, so she is trying to expand. She’s just waiting to see if she gets approved or not. But her plan is to expand her home so she’s able to accommodate for more children.

Barrett: Okay, thank you very much.

Thomas: Well when she says expand does she mean more rooms or?

Ramirez: Yes, I think she said ... okay, so either one of her rooms in the house, make it a little bigger or just convert her current garage, close it down and make it into a whole new room. It will be a lot bigger than the current room that she uses.

Thomas: So it says in the state regulations that we saw that for 12 children, I think it says no more than two rooms will be measured. But am I understanding that the State has already come and looked at it at her facility for the possibility of this other license, they’ve already approved it.

Ramirez: That she’s telling me that yes the state went and then she qualified for up to the 12 if she (inaudible) or expands.

Thomas: We’re up to 12. Okay, so any other questions or comments or discussion?

Sanchez: I just have a comment. Chairwoman Thomas

Sanchez: So I did a site visit today and from what I can tell, I don’t know that this body necessarily has anything else to do other than to approve this just because this is part of the process. It looks like the state is going to be the one to
follow up with this with their inspection. The only thing that I did want to let
the applicant know Ms. Contreras is just when I passed by I did see why
your neighbors are concerned about this because you live on a dead end
and it could be difficult for cars to get in and out through there. And so one
of the things that was just concerning to me and I did just want to know is
that I did notice in the front driveway of the home you have an aboveground
swimming pool that is set up there. And so that to me seems on the one
hand particularly dangerous actually given that the State requirement is that
you have a fenced in area for the children to be in. That above ground pool
is not in the fenced in area, in fact it's much closer to the street. And so just
as I don't have control over what you have to do with that or not but I would
strongly encourage you to remove that just because if I were an inspector
from the State I would definitely not approve this based on the fact that it
looks like children have access to the front into the street.

And in addition to that if I were one of your neighbors who is
collected about traffic on the street you also are not able to park cars in
your own driveway because of the above ground pool. And so I would also
strongly encourage you just in good maintenance of your relationships with
your neighbors that you would also think about that, that way you can utilize
your driveway for cars rather than the swimming pool. But other than that,
like I say I can't see any reason to deny this. I will vote to approve this. I
did just want to let you know those things because I did notice that. And I
wanted to wish you well in this as you move forward.

Ramirez: Okay she's telling me she already has removed the pool. And that she just
put it in the weekend for her staff but she's already taken it down since she
has three children coming in tomorrow.

Thomas: And is it possible when people are dropping children off that they can pull
into the driveway or not?

Ramirez: Yes it's possible. They go into the driveway where they drop the children
and then they can turn.

Thomas: So I did a site visit as well and I had to turn around at the end of the street
which I found a little difficult. And there was a child playing in the driveway
at the house at the end of the street. So that was a little concerning. So as
Commissioner Sanchez said we have no control most of this, it's up to the
State because it's a State license. Our only concern here has to do with the
traffic I think. And I don't know, we do traffic studies all the time but it has
more to do with traffic count, and I mean, I don't know, Debra or Sara if the
City would do any kind of, I guess they've already looked at it as far as we
can tell and they are not finding any problems with the traffic there. Is that
true from the city staff's standpoint?
Fuller: That's correct. We verified that traffic is not an issue in that area as far as congestion is concerned, as far as traffic count is concerned. And we also verified that as far as essential workers who are providing a service during this public health crisis, childcare facilities is on the list for those who provide to our first responders and essential workers. And we did also verify that the area does lack this type service within I believe I checked within the radius of all properties within 500 feet. So she is providing a needed service to something that is lacking in the area as well.

Thomas: Okay thank you for that information. All right if there are no more comments or questions I think we'll take the vote. So I don't see any more blue hands. So let me call the roll. Commissioner Gordon.

Gordon: Let's see, according to our discussion and staff recommendations and agreement with our new Comprehensive Plan Elevate Las Cruces, I vote yes.

Thomas: Commissioner Sanchez.

Sanchez: I vote yes based on staff recommendation and it is supported by the Elevate Las Cruces Comprehensive Plan.

Thomas: Commissioner Bennett.

Barrett: I vote yes as well based on staff recommendation, meeting Elevate Las Cruces, the Comprehensive Plan, and I mean we've all echoed concerns over the stipulations or that it's going to be approved based on the State's licensing authority. So based on all of that I vote yes.

Thomas: Commissioner Muniz.

Muniz: I'm voting yes. And I'm going by staff recommendations and some of the concerns that we have, or I had as the Commissioner out of my hands, it's with the State of New Mexico. So I hope they lock upon some of the concerns that were brought up.

Thomas: Commissioner Guerrero.

Guerrero: Sorry, I vote yes as well based on pretty much the same as all my colleagues have said. I wish you guys luck and yes, but I vote to approve it.

Thomas: Commissioner Smith.

Smith: I vote yes, supported by staff recommendations and the service to the Comprehensive Plan.
Thomas: And the Chair votes yes based on staff recommendations and the need for that kind of service in that area and the answers that the applicant gave to some of our concerns. Well it passes seven to zero.


Thomas: Okay next is Case No. 20ZO500012. Need a motion to approve and a second.

Gordon: Well I'll make a motion that we approve Case No. 20ZO500012, a rezoning.

Sanchez: I'll second.

Barrett: I will second it.

Thomas: Okay. We have a motion and a second. And we have a presentation.

Fuller: Madam Chair, Commissioners. Just another moment and I'll share my screen again. All right, Commissioners what you have before was you ...

Nichols: Would you please identify yourself for the record, please?

Fuller: Of course. Debra Fuller, again Community Development for the record. So what you have before you is a zone change for three lots on South Espina. The zone change request is from O-1 to R-4. You'll see that these properties are in close proximity to the previous case that you just heard, just south of Montana Avenue again and just north of the intersection of Missouri and South Espina Street.

The zoning map for you shows that the three lots are zoned O-1, and then the surrounding area is predominantly residential zoning. Current conditions would be that these are three vacant lots on South Espina Street located on the west side of South Espina just north of the South Espina Street and Missouri Avenue intersection. O-1 zoning is office neighborhood and limited retail services. Prior to its O-1 zoning it was originally zoned R-3 three. In 1985 there was a request and approval for a zone change to the O-1. The proposal was to build an office complex however we found no record of developments in our research. The surrounding area is predominantly zoned single-family and multifamily residential, not to include the one parcel to the south on the west side of South Espina and then directly across the street. These three lots are also located in the Infill Development Overlay District.
So the proposal before you tonight is the zone change to R-4 which is multifamily high density, limited retail and office to allow the construction of duplexes. It qualifies for the Infill Development Proposal however due to residential zoning, financing requirements the applicant decided to pursue the zone change request. This aligns with Elevate Las Cruces Comprehensive Plan. And one thing to note is the applicant did originally request a rezoning for R-2 which is multidwelling low density, specifically because he knew that he wanted to construct or develop duplexes on each of these lots. However the application was modified due to staff recommendation of R-4 with a conditional max of 30 dwelling units per acre to meet the need for higher density as we have stated in our newly adopted Comprehensive Plan. This is also supported by the El Paseo Corridor Community Blueprint.

So as far as staff and public input is concerned, notification was sent out of the original meeting in early March and then also on April 13, 2020. And staff has received, at the time of this presentation two letters from surrounding property owners and then you have received additional feedback since stating opposition just based on Increased police activity and traffic congestion with that development of multifamily dwellings. As far as staff input is concerned, no it no opposition or negative feedback has been received.

Your recommendation tonight from staff is approval based on the following; the zone change would promote the development of vacant property in an established area and it meets our purposes and intent of the 2001 Zoning Code. Those vacant lots would qualify as infill parcels in the Infill Development Overlay Districts. And this aligns with Elevate Las Cruces Comprehensive Plan with a note that staff does recommend an R-4 rezoning with a maximum of 30 dwelling units per acre. This is also supported by our El Paseo Corridor Community Blueprint. So Commissioners with that information we leave you with the options. And again a denial requires new information or facts not identified or presented during staff review. Thank you very much. And I will mute myself.

Thomas: Okay. Thank you Debra. Is the applicant here or anyone else want to speak about this before we go to the Commissioner comments?

Fuller: So this will be a case where we're going to be dialing in with the applicant, and he'll be on speakerphone and Sara is making that contact right now. So you're more than welcome to go ahead and then I'll have him available shortly.

Thomas: Okay, thank you.

Gordon: It's usually the other way around. I'm sorry. We have to hear from him first so we'll know what questions to ask.
Nichols: Madam Chairman. This is Larry. If you want to wait a few moments until we get him on the speakerphone. We can do that. I might also mention that I did check with Legal Department and the swearing in over the, with the phone will be acceptable means of identifying himself for the comments.

Sanchez: I just want some clarification. Because I'm kind of confused. We got a bunch of different e-mails regarding different cases. But just to reiterate, there was no negative feedback on this particular case from the public.

Fuller: Commissioners. I'm sorry. We actually did receive e-mails and letters of opposition in regards to this case, specifically stating concerns with traffic congestion and the increase of development is possibly going to cause increased police activity. Those were the concerns addressed by the surrounding property owners. And I do have the applicant on speakerphone now. So Jaime is available to address any questions or concerns that you may have or provide any additional feedback. And Jaime before you speak, just to let you know Madam Chair is going to swear you in.

Thomas: Okay, Jaime, can you hear me?

Gardea: Yes ma'am. Go ahead.

Thomas: Okay, so do you swear and affirm the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Gardea: I swear.

Thomas: And would you state your name again Jaime? What's the last name?

Gardea: Gardea.

Thomas: What? I didn't ... what'd you say?

Gardea: Jamie Gardea.


Smith: Madam Chair. I wonder if through discussions with Debra has the applicant come to the point of creating an architectural plans? Do we have elevations that have been brought to bear?

Fuller: Commissioner Smith. Yes sir. He has presented architectural drawings proposing a single duplex on each of the three lots. And again these are conceptual but based on what we've previously reviewed they have been compliant with our Land Development Code. So they're not officially
submitted but those have been previously submitted and approved or preliminary approved by our office.

Smith: A brief curiosity as to the infill benefit. Are these plans going vertical or is it single story? Do you have any sense of that?

Fuller: Jaime. If you would like to answer Commissioner Smith’s question just to confirm on record the intent.

Gardea: Yes clear, they’re single story sir.

Smith: Madam Chair. Thank you.

Thomas: Any other comments or questions?

Sanchez: Chairwoman Thomas. Just a couple of comments I guess not necessarily any questions, but actually one question now that I think about. I did notice in the feedback and Commissioner Bennett in some of that negative feedback that there was for this, one of them in particular was from George Pearson who has worked very hard on the Active Transportation Plan for the City of Las Cruces, and looks like his concern is that if there are curb breaks and then that makes it more difficult for bike riders and things like that. So I just wanted to confirm because I did notice in the long range planning review comments that that was addressed there and says that the Active Transportation Plan recommends buffered bike lanes on Espina Street. So just can you confirm that that is part of the Active Transportation Planning that that’s what would happen because it seems to me then that would address Mr. Pearson’s concern, is that correct? I’m not sure if I should direct that question to anyone in particular but I was just curious.

Fuller: Apologize Commissioner. I was just confirming with Sara. So we would have to verify with Public Works Department or Public Works Services to make sure that the project’s going to be done on South Espina Street. We don’t have that information. But the intent is to comply with the ATP.

Thomas: When you’re saying a project could be, (inaudible) you mean the bike lanes, that’s a proposed, they’re proposed on South Espina, they’re not there yet?

Gonzales: Madam Chair. This is Sara Gonzalez for the record. One of the concerns that were brought up were the bike lanes located along Espina and unless there’s some kind of Public Works Project for a reconfiguration or a new design that will go through Public Works, it would not be up to the property owner of Espina Street to create that development. So with that, it’s going to have to be kind of reconstructed as a whole project through the City, so maybe becomes CIP project or something additional that would have to happen. So as part of this project, it was just one of those recommendations
that in looking at this going forward and these developments coming in and these infill projects coming in, how do we redesign streets? How do we look at all of the plans and policies that are in place? So I think Mr. Pearson was trying to lead to you know as these developments increase how do we start working through the plans and policies we have adopted? Since this is already a dedicated street that’s going to be more up to the City to actually accommodate.

Thomas: Mr. Nichols. Did you want to comment?

Nichols: Yes, Madam Chairman. Thank you. Larry Nichols for the record. Just as Sara mentioned, the Public Works Department has undertaking a number of a CIP projects that involve the bike lanes on streets and sidewalks and curb cuts and driveways. And so as this one would go from its conceptual plan stage into a formal construction document, it would be reviewed by Public Works and they would have comment on addressing those concerns in the letter.

Thomas: Okay. Thank you for that information.

Sanchez: Yes. Thank you all for that. I just wanted to make sure that we just noted that and that Mr. Pearson's concern was addressed, and I think it is. And then one last thing I will just make just a comment on this. But I think this is something that's important as a body for the Planning and Zoning Commission to be thinking about and identifying when you see these things because I don't necessarily believe it's appropriate or helpful. But I did notice in one of the input documents that we received I just saw that, and I'll read this statement I don't necessarily have to name whose it was but I want to make sure that I note this. They said, "I believe this is due to allowing businesses that are not neighbor friendly to exist and housing that attracts people who don’t value the neighborhood/community. For these reasons, I oppose the zone changes above." I just want to make sure that we're really mindful and careful of the language that we use about people. These are people who would live there. I don't see that there's any reason to say that, that this type of housing or any other housing attracts people who don't value the neighborhood or community. I just wanted to note that because I really didn't like reading that. It's a very cringy statement when I think about this City that I've lived in my whole life and the people who live here. So other than that, that's all I have.

Thomas: Thank you, Commissioner. Yes I agree and I live in a duplex. So I noticed those things as well. I live in a neighborhood that's a mixture of duplexes and single-family and apartments and big houses and small houses and as I'm continually saying I like those kinds of neighborhoods. I think it's wonderful to have different, people who are in different stages of their lives in the same communities. Any other comments or questions about this
case? Okay then I think we'll do a roll call. If I can find that page, just a
minute. Commissioner Gordon. Commissioner Gordon we're taking a roll
call. Do you vote yes or no? Did you unmute your microphone?

Gordon: Now can you hear me?

Thomas: Now I can, yes. Okay.

Gordon: I'm sorry. I thought I had it unmuted. Since this case, complies with the
Infill Development Overlay and it does give us an opportunity perhaps in the
future to have some affordable housing. I also like the discussion we had
this evening, staff recommendation, it complies with our new Elevate Las
Cruces Comprehensive Plan, so therefore I do vote yes.

Thomas: Commissioner Sanchez.

Sanchez: I vote yes based on staff's recommendation and that it supports infill
development in Las Cruces.

Thomas: Commissioner Bennett.

Barrett: I will echo the infill development. Site survey aligns with Elevate Las Cruces
and the El Paseo blueprint. Meets staff recommendation and then also is
in line with in the Mesilla Valley MPO Thoroughfare Plan. So I vote yes.

Thomas: Thank you. Commissioner Muniz.

Muniz: I vote yes. And upon the recommendations of staff and I think it'll be a great
improvement.

Thomas: Commissioner Guerrero.

Guerrero: I vote yes as well based on staff recommendations and infill development.
And just I'm very familiar with that area, I've live in that area for quite a few
years, so I like the idea of there being mixed use for that specific area. So
I vote yes.

Thomas: Commissioner Smith.

Smith: Madam Chair. I vote yes. Staff recommendations and I think it serves well
with infill, might have some lack of precision with bike and curb issues but I
think that can be cared about and remedied through infield review.

Thomas: And the Chair also votes yes based on staff recommendations and site visit
and the fact that this contributes to the El Paseo Corridor Project. So case
passes seven to zero.
3. **Case 20ZO0500043:** A request for approval of a zone change and associated variance application by Kary Bulsterbaum, representative, from R-4 (Multi-Dwelling High Density - Limited Retail and Office) to C-3 (Commercial High Intensity) and variance from the required arterial cross section width of 100 feet on a lot located at 2755 Idaho Avenue. Council District 3.

   Thomas: The last case is Case No. 20ZO0500043. I need a motion to approve and a second.

   Gordon: All right, I'll make a motion that we approve Case 20ZO0500043.

   Sanchez: I'll second.

   Thomas: Okay, it's been moved and seconded that we approve this case. Is there a presentation?

   Nichols: Madam Chairman. This is Larry. I think it's just taking a moment to get the microphone active.

   Fuller: Yes.

   Gonzales: Okay, we're gonna try this again. Sara Gonzalez for the record. This is a proposal zone change from R-4 multidwelling high density, limited retail and office to C-3 commercial high intensity. And there's an associated variance with it due to a condition that's placed within the zoning code.

   Property is currently located on 2735 Idaho Avenue. This property is zoned R-4 which is currently in the multidwelling high density which allows for apartment dwelling units up to 40 dwelling units per acre. It does encompass 5.22 acres in size. And we are considering this an underutilized parcel and I will show you that based on the aerial map that will be seen in the fourth slide because the property is primarily vacant land. There are a couple of buildings on the property but it is still very underutilized. Currently the Knights of Columbus have been using the structure since 2005 but are looking to sell the property to the trade school that is proposing to be moving in. Currently the surrounding area includes commercial office and multifamily.

   Here's a zoning map of the subject property. As you can see this is just south of basically Telshor mall, which is located on the north side around Mall Drive. And this is in between Don Roser Drive and Telshor, so it has two arterial roadways that are surrounding the property. And then as you can see the surrounding area is primarily either used for office or commercial, and then you have your multifamily and single-family located to the south.

   Here's an aerial map of the subject property. As I was indicating earlier, as you can see all of this area has not been utilized for any buildings,
parking, or structures. They are currently just utilizing this one building. I do believe they still hold bingo hall night at the facility but that is currently just the use that Knights of Columbus are having. Around this you have Buffalo Wild Wings, you have the shopping centers, you have the mall to the north. We have different office or commercial uses which is dentist's office and professional services, some duplexes. Single family homes are located to the south on Idaho Avenue.

What the applicant is proposing is a zone change to C-3 which is commercial high intensity. One of the reasons the applicant is moving forward with the C-3 zoning designation is because the property is at five acres in size. So this would not follow our C-2 zoning which has a one acre limitation. They are going for the commercial high intensity. A this point they want to redevelop the existing building for the cosmetology trade school and then provide additional buildings which will allow them to encompass more classrooms, create a beauty salon, a retail shop, and then parking. This is going to help provide education to their students in the surrounding area, those who would like to attend. And then eventually create jobs so that way you don’t have to leave maybe the neighborhood in which you’re living in. This is where we are trying to move forward with our walkability to our existing goods and our services.

The condition comes into play because as part of a trade school there is a conditional use placed on a trade school but not for the C-3 zoning. So the trade school is conditioned upon it being located on an arterial or higher classification. Currently Idaho Avenue is classified as a collector. And so with that we are looking at a variance for the existing right-of-way. Currently the way the road is designed it is 60 feet in width. It does have sidewalk. It does have lighting and pavement, and it’s a two way street. The variance would come into play as saying that they would need a variance of 40 feet because they do not meet the hundred feet that's required for a trade school. In doing some of the research around that surrounding property in the area, we did look at the traffic trips that are generated through Idaho Avenue on a daily basis, and that is currently at 1,033. The reason I bring that up is because when you're looking at Elevate, which we had just adopted, based on the suburban area that we’re looking at or the urban design or I guess place types is what we have classified them as, it says that our urban place type should have up to 6,000 trips. This proposed property has the concern of too much traffic being within the area. We’re really not close to that as far as this development moving in or moving forward with the high intensity of a trade school.

Notice was sent out to all the relevant agencies, there were no concerns provided from any of the staff or departments and so the zone change was supported. We did send out surrounding property owners the notice of the property going forward with the zone change and we did get the one e-mail from Mr. Pearson. That was forwarded to everyone this afternoon in regards to is if it fits within the actual area or if it fits within the neighborhood, and kind of how the road classification works. Regarding
that, I'm looking at several of the properties we have a lot of designated areas that are already fully developed. And we have these two parcels that we tend to find are in between somewhere. And with that we have to look at the surrounding area and say, "Okay if this is an urban area or urban place type, how do we start getting our transition zones? And how do we start getting our town centers that we proposed?" And so with that staff is recommending approval based on the zone change helps to promote a lot of our policies now outlined within Elevate. Our code is going through the code amendments or the changes in order to start accommodating some of the policies and the new plans that we've adopted. So we looked at this and said, "Okay, how do we create basically this town center." This is an area that can provide to the existing community, now you can get education, you can basically live in a work area. You can also be able to go and shop and walk and work and not depend any more on a vehicle. You don't have to have that automobile to get around and get the amenities that you now need. So in moving forward and looking at the areas that we find is how do we accommodate the plans and policies we want to see and give people more opportunities to the existing services that are there.

So with that, I do provide you your options to vote "yes" and approve based on staff's recommendation, vote "no" and deny, and once again if you do vote to deny please provide additional facts or finding that were not provided within your staff report. You can vote to amend or you can vote to table. As a reminder you are recommending Board to City Council moving forward. If you have any additional questions, I'm here to answer them. And then we also do have the applicants and their representative available for any questions.

Thomas: Well thank you Sara. Does the applicant want to say anything or should we go on to Commissioners?

O. Luevano: Oscar Luevano for the record. We can go to the Commissioners and answer questions that you would like.

Thomas: Okay so I'm going to swear you in then so that you can answer right. Okay, so, one at a time. Who's going first?

O. Luevano: I'll go first. Oscar Luevano.

Thomas: Okay. Do you swear and affirm the testimony you're about to give is the truth and nothing but the truth under penalty of law?

O. Luevano: Yes, I do.

Thomas: Okay. Next.

M. Luevano: Here I am.
Thomas: Mary what's your last name?

M. Luevano: Same last name, Luevano.

Thomas: Luevano. Do you swear and affirm the testimony you're about to give is the truth and nothing but the truth under penalty of law?

M. Luevano: Yes.

Thomas: We've met you before, right?

M. Luevano: Yes.

O. Luevano: Definitely have.

Thomas: Okay, so let's go to Commissioners. Commissioner Gordon, you want to start?

Gordon: Thank you. Sara, can you hear me?

Gonzales: Yes I can. I can hear you Harvey.

Gordon: Okay.

Gonzales: Commissioner Gordon.

Thomas: We lost him.

Gonzales: Commissioner Gordon.

Thomas: Did we lose him?

Gonzales: You may want to go to another Commissioner.

Thomas: And come back.

Gonzales: And then we can go back to Harvey Gordon.

Thomas: Okay. Commissioner Guerrero.

Guerrero: All right, so it's not really pertaining to the case. I do think that this particular need is huge in this town. Trade schools are very important. I think we do have issues with that. I'm in the cosmetology industry and I find it challenging to fill my staff sometimes. So I definitely think that this is much needed. Now we have seen you here recently under a different case in a
different proposal in a smaller location. Were you still going to do that as well and then go into this other business or additional trade schools or I’m just curious. And that’s it.

O. Luevano: Oscar Luevano for the record. So we recently went through the infill process for our original location at 2460 Missouri Avenue, current locations. 2460 Missouri Avenue and 1744 Triviz Avenue which they’re side by side. And we also purchased a lot that’s right next door to that. We intended to build a little bit on that and also use it as parking. However we found after we went through that is that there’s just not enough parking for the whole property combined. We actually need, the way we figured it out, close two acres just for the parking throughout the day off and on, and where we are we just don’t have enough of that. So we’re actually under contract to sell those three properties so we can move forward with this property at Knights of Columbus.

Guerrero: Awesome. Thank you very much. I appreciate it.

Thomas: Okay, Commissioner Smith.

Smith: Madam Chair. I would maybe merge this question to Sara and to Luevano. Applicants, in that the street is a collector and has limitations with traffic flow or capacity, does this create, with approval, a moment of immediate activity for the City to deal with something as an improvement or a modifier?

Gonzales: Commissioner Smith. In responding to that, we don’t really see that right now there is currently an issue with the traffic that’s being located there, because with the way our code was written at the time in 2001 we based them on classifications. If you actually look at a C-3 zoning designation within the regular Zoning Code that doesn’t have a condition for a trade school, it only says that arterial roadways are recommended. And actually a collector is recommended for a C-3 zone. In this case it was just because the actual trade school has a condition that we have to go through this portion of having a variance associated with a zone change. Because if it was just a C-3 zone and we didn’t know it was a trade school, then they would not require that variance, we could actually approve that moving forward without that variance. And so the way the road worked and because there is so many multifamily dwelling units, and I can actually share my screen again, I had actually seen some of the photos from 2018, 2019, and 2020 which is a map. And with that map if you can see, can you guys see my screen right now?

Thomas: No, not yet.

Smith: Not yet Sara.
Gonzales: So let me share my screen again. I had gone ahead and went back to look at the existing street and how it's kind of transformed over the past couple years. Can you see them now?

Thomas: Yes, now we can see it.

Gonzales: See them? There's maybe, its cars parked along Idaho Avenue. This was in 2018. There's another six cars in 2019. And now we're up to February of this year. So in doing some of the research there's not too much concern of that actual traffic. And I think moving forward some of the ideas that we need to look at for the traffic standpoint is if we're providing education and businesses and allowing these zoning designations to come in at adjacent to residential, we now have the opportunity to provide, hey maybe it's a shared bike lane instead of thinking we need more road for traffic or a vehicle or it's walkability. Can we walk to school, go to school, and then walk to our services? So I think this becomes one of our project sites that shows how do we get these town centers that we talked about in Elevate? How do we start improving the areas that are already built out and provide additional services as well as education to those who may want to go and attend? Not everybody has access to vehicles and can go to NMSU or the county or maybe they just want to do the trade that's going to be what's available for them and this is their passion. So if we can provide these areas and taking a local trade school that has done very well within the community, giving them basically a bigger site to work with, we now increase those who are starting to go to school and wanting to get a different career. So that's kind of how we would justify that traffic within the area. There is not that much of a concern. If this street can hold up to 6,000 and we're at 1,000 right now, we have a lot of room.

Smith: Sara. As I look at the map, and thank you for putting that back up again, you don't have to do it again but looking down at what is viewed as sort of this left behind oasis of space developed clear around, north end is the plaza and shopping center and commercial on one side, residential on one side and here this little, clean little unused, underdeveloped slate that looks like something that could be wonderfully used. I think that's my view as I see it. Is that we're community developing is?

Gonzales: Madam Chair and Commissioner Smith. That is the direction we are trying to move forward. One of the opportunities we had was when we were going through Elevate was seeing that how the mall was going to be able to be transformed. What could some of the possibilities for all of that extra parking space be? Here's another opportunity, someone's willing to do that with the property, they're trying to bring in business, they're trying to bring in education. This is where I think we need to start looking at these pilot projects and see how we can try and help the rest of the community (inaudible). So yes, I think Community Development is more on that
positive side. How do we start taking these properties and change what
that dynamic may be and as people come in and want to redevelop them?

Smith: And finally to the Luevano applicants, I have a sense that you've had this
idea in your heart and mind for some time now.

O. Luevano: Yes, that is correct. We actually when we outgrew our current property we
had the option to just kind of split it in two and go open a little bit closer to
Texas because we do recruit a lot of people that come to us from Texas.
Because we recruit people from [inaudible]. That's mostly because our
school has a different teaching system than most other schools do. We do
believe that we prepare our students and graduates more and better in a
better way for their career than most other schools do. And that the word
is getting out so we are getting students from a lot of other places. So when
we started looking at properties this one came up. One of the things that
seems the most attractive to us is the fact that there's a lot of apartments in
that area so those students that come in from out of town will be able to
move into those apartment complexes and then just walk to school every
day, which will help also with our with our parking situation.

M. Luevano: And also I'd like to add, of course on the female perspective of this, as you
know it's a really big area, it's five acres. I'm a dreamer but because of him
he makes my dreams come true. And our plan is to make it into a really
beautiful campus. It's all pretty much dirt right now. I don't know if you know
there's a baseball field on there. So the plan is to make it into a beautiful
campus. And even around Christmas time, one of my dreams is for
Christmas, there's nowhere for these kids to go anywhere. I want to make
it like a Santa's Village and just line those kids up, come in. I mean I'm
talking ice skating rink, bring in just whatever we can afford to do. I just
want to make it a beautiful, beautiful campus and just go big around
Christmas time because I love Christmas and I just want to see us do
something for all these kids here, these little kids you know. So those are
my thoughts sorry.

Smith: I enjoy your emotions.

M. Luevano: Yes.

Smith: The that my wife is always telling me that I make her dreams come true.
Chair. Thank you.

Thomas: Thank you commission Smith. Did we get Commissioner Gordon back?

Gordon: Can you hear me?

Thomas: Yes. Now we can hear you.
Gordon: I don't know what happened before. But basically my question was just a fact of these people have come to us before with the property that they have on Lohman and I was just wondering what was happening to it. When they're planning on moving to this new facility. It seems very nice that they do have a possible buyer for it. And that they would be able to take that money and go over and develop this other property. In which case I think that if they're able to provide a school to give jobs and training and hopefully these people will stay in Las Cruces and contribute to our community, I think this is very favorable project, and I would approve it. Thank you.

Thomas: Any other comments or questions?

Sanchez: Chairwoman Thomas.

Thomas: Yes. Commissioner Sanchez.

Sanchez: I was curious when we started. I recognized you all's faces but I was trying to remember from where, and so I'm glad to see you all again. I just wanted to compliment your ambition and your vision in what you're doing. And then also to wish you well (inaudible) any one who's seeing me on here you've seen that my hair is a little different than it normally is. I have tried cutting my own hair the last couple of weeks. And the good thing is it's short enough that if I mess up well I can try again next week. And so no, I definitely appreciate the work that you all do. I hope that sooner rather than later we can be moving forward especially for folks in your field because I understand what this is for folks right now. So I just want to wish you well in that and thank you for the work that you do.

Thomas: Thank you. Commissioner Muniz.

Muniz: Yes, I remember the young couple and they shared their dream with us at the previous meeting. And I thought the property they were presently on was too small. And now I see they are ready to expand and continue what they dream. And I congratulate them for holding on to a wonderful idea. And I'm looking forward to voting yes to your project this time.

M. Luevano: Thank you.

Thomas: Yes, I remember you as well. And also I go to physical therapy just a little further down the street there so I've gone by this property many, many times and wondered why there was this huge empty space in the middle of that area where everything else is developed. So I think it's a great project and it'll very much contribute to that neighborhood and that area. So thank you very much for continuing and for deciding to expand within Las Cruces instead of moving elsewhere. We appreciate that.
O. Luevano: Thank you.

Thomas: Okay so we'll vote now.

Gonzales: Madam Chair.

Thomas: Yes.

Gonzales: I don't have a right hand. If possible would you guys please, or would I have the Commission please vote on the variance portion of it first because that is something that's final action by our Commission, even though there's not a second case number. We would just like to move this forward to City Council as a C-3 zoning because variances are through P&Z. So if we could do a vote for the variance of the right-of-way, and then do the vote for a recommendation to City Council on the zone change, I would prefer that.

Thomas: So should we do a separate motion for the variance then on the right-of-way?

Gonzales: Madam Chair. Yes, please do that first. So we would do a motion for the approval of the variance for the 40 foot right-of-way width and then approval for the zone change going forward to City Council.

Nichols: And Madam Chairman. This is Larry for the record. That's exactly right and that way we'll have it prepared for City Council action once it goes to that stage.

Thomas: Okay, so I need a motion from someone to approve the variance for the 40 foot right-of-way.

Guerrero: I'll go ahead and approve the motion for the variance for the right-of-way.

Thomas: Okay. Is the second?

Gordon: I second.


Gordon: Based on discussion, staff recommendations, comply with the hopes of our new Comprehensive Plan, I think that this is going to be a wonderful project. I really give them a lot of credit for doing this, and it's a big thing and I hope them, I wish them all the success in the world. And I therefore definitely vote yes.

Thomas: So we're just voting on the variance for the roadway right now.
Gordon: I'm sorry. Yes, I do vote yes.

Thomas: For that. Okay. All right.

Gordon: Yes. Thank you.

Thomas: Commissioner Sanchez.

Sanchez: On the variance I vote yes based on staff's recommendation. And I wish them the best of luck.

Thomas: Commissioner Bennett.

Barrett: I vote yes based on staff recommendation, traffic engineer approval. Yes.

Thomas: Commissioner Muniz.

Muniz: I vote yes based on staff recommendation.

Thomas: Commissioner Guerrero.

Guerrero: I vote yes as well, the variance based on staff recommendation.

Thomas: And Chair votes yes as well based on staff recommendation for variance. Okay, now we're gonna go back to the original motion. Commissioner Gordon.

Gordon: Well not to repeat myself but basically what I just said. I definitely vote yes and wish them all the luck in the world.

Thomas: Thank you. Commissioner Sanchez.

Sanchez: I vote yes. The Elevate Las Cruces Comprehensive Plan supports this. V It's also in line with complete neighborhoods that will be consistent with other land uses, and it encourages infill development.

Thomas: Thank you. Commissioner Bennett.

Barrett: I vote yes. Meets staff recommendation, based on site survey, I think it's a need that that is, students are much needed. This school's going to help a lot, the expansion. I think there's definitely space for this and I think it's going to help the City tremendously.

Thomas: Commissioner Muniz.
Muniz: I vote yes and I feel that they will definitely help to elevate Las Cruces with this project. And I wish best of luck.

Thomas: Commissioner Guerrero.

Guerrero: I vote yes as well just because last (inaudible) we were in the meetings for the Comprehensive Plan. This is exactly what we were discussing and wanting so yes I vote yes because of the Comprehensive Plan.

Thomas: Commissioner Smith.

Smith: Madam Chair. I vote yes. I think it serves community development. It does well with infill. And I think I echo everybody’s enthusiasm for their energies and their creativity for education and for livability.

Thomas: And the Chair also votes yes based on staff recommendations and (inaudible) the idea that this zone change will promote what we’re trying to do with Elevate Las Cruces, and maybe this area will gradually develop into a town center and that would be a wonderful addition to that neighborhood. So that motion passes seven to zero. That’s the end of our items.

IX. COMMISSION COMMENTARY


Smith: Madam Chair. I wanted to voice an appreciation to Larry and Sara and staff, Debra for your efforts putting this meeting together under these conditions with a creative tech side. As much as you have ambition to serve your applicants, I think the Commission has ambition to be there for that need as well. So you’ve put it all together very nicely.

Thomas: Thank you. Commissioner Bennett.

Barrett: I just want to echo Russ’s words. So there we go.

Thomas: Mr. Guerrero.

Guerrero: Yes. Sorry. Abraham, you want to go first go ahead.

Sanchez: Go ahead Luis.

Guerrero: All right. No, I just want to also echo Russ’s words. I think it’s awesome that the City staff was able to put this together because I mean it is true we can’t just be sitting on cases and not doing anything about it. And on top of that I think that way the City is also promoting Commissions and Boards of
stuff practicing safe social distancing. So thank you so much. And hope everybody continues to stay safe and healthy.

Thomas: Commissioner Sanchez.

Sanchez: Yes, briefly I will say amen to all of that everyone just said. And then I do just want to remind folks and I think in this time it's very evident that there is not a thing in our lives that is not affected by elections and local leadership. And so I want to strongly encourage everyone, coming up next month we have a primary election for the State of New Mexico. I want to strongly encourage everyone as much as I can to exercise your right to vote and do it in a safe and healthy way. So please visit nmvote.org, you can apply for an absentee ballot there, have it sent to your home, and you can vote from home just like we've all done this meeting from home in a safe way. So I just want to make sure folks know that. nmvote.org, get on there and be safe and make sure you vote.

Thomas: Thank you. We need that reminder. Commissioner Muniz.

Muniz: I agree with everything that was said. You all took the words out of my mouth. And all of us stay safe.

Thomas: Thank you. Commissioner Gordon.

Gordon: There's not much that I could add to what has been said already. But I think it's very important that everybody exercise being safe, take as best care of yourselves that you can, exercise good distance amongst other people. And we look forward to having this, hopefully would be nice if we could get back to regular meetings at some time in the future, but until then this effort to me has been unbelievable that we were able to do this because I just think that to let these cases pile up would be unfair to the petitioners. I know we would be willing to do the work at a time it would take to go over as many cases that we would have to do, but this way at least a lot of them will be taken care of. So in the meantime we want to thank Community Development and the City for putting this together. And again everyone stay safe.

Thomas: Thank you. And I just want to say everything that everybody else said. Yes I'm so happy to see us using technology in this manner. And again stay safe, take care of yourselves, follow all the directions. And as Commissioner Sanchez says don't forget to vote.

X. STAFF ANNOUNCEMENTS

Thomas: So now we're moving to staff announcement. Mr. Nichols, you want to do that?
Nichols: Sorry, I was muted there for a moment. I just wanted to thank the Commission for having such an open mind as to be able to bring this type of venue to hold a public meeting that required not only your participation through the electronics, through the Zoom electronics, but also being able to have the participants and the applicants be able to give comment to you so that it was truly a public meeting that was following the protocol to conduct business. I congratulate each and every one of you for the professionalism and the way you handled the media, it was superb. I do have to highlight Mr. Smith’s background. I don’t know how you achieve that but it was quite interesting to me how you got the P&Z Commission advertisement there behind you. I thought that was very clever. With that Madam Chairman I again, staff thanks you for your participation and willingness to conduct a meeting with this protocol. And with that I’ll yield back to the Chairman.

Thomas: Okay. I just want to end by saying okay we did it. We learned how to use the technology and we managed to actually do the meeting.

XI. ADJOURNMENT (7:33)

Thomas: So is there a motion to adjourn?

Gordon: I make a motion.

Smith: Motion. Madam Chair. To Larry’s comments about the technology, this is all within Zoom, this P&Z behind me. So it can be done. But do we still have coffee on the dais when we come back real? I think I’ll miss this part.

Thomas: Okay.

Nichols: Madam Chairman. This is Larry. We’ll not only have coffee or tea, whatever your preference is, but we’ll throw in a few cookies to go with it.

Thomas: Okay thanks. We’ll look forward to that. Okay so everybody in favor just wave. (ALL PARTICIPANTS WAVING) Okay. The meeting is adjourned and the time is 7:33 p.m. Thanks to everybody.

Chairperson