PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
May 26, 2020 at 6:00 p.m.

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

BOARD MEMBERS ABSENT:
Abraham Sanchez, Member
James Bennett, Member

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

I. CALL TO ORDER (6:00)

Thomas: Good evening. This is the Planning and Zoning Commission. Today is Tuesday, May 26, 2020 and the time is 6:00 p.m. Our first order of business is call to order. We have five commissioners here, so we have a quorum.

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: The next order is conflict of interest. So we have five cases on the agenda tonight. Does anybody have a conflict of interest with any of the cases? So you shake your heads no. Okay, so we don't see any conflict of interest.

III. APPROVAL OF MINUTES

a. April 28, 2020

Thomas: The next item is approval of minutes. So I need a motion and a second to approve the minutes.

Smith: Madam Chair.

Thomas: Yes.
Smith: Motion to approve minutes.

Thomas: Is there a second?

Guerrero: I'll second it.

Thomas: It's been moved and seconded that we approve the minutes from the April 28th meeting. Any discussion? Anybody have any corrections or comments on the minutes? So all those in favor say aye?

MOTION PASSES UNANIMOUSLY.

IV. POSTPONEMENTS - NONE

Thomas: Next is postponements. We don't have any.

V. PUBLIC PARTICIPATION

Thomas: After that is public participation. We don't have that either because we’re not meeting physically.

VI. CONSENT AGENDA


2. Case 20ZO5000052: An Infill Development Proposal (IDP) application by Randy Farmer, representative, to deviate from the required number of parking stalls per Page 2 of 2 Section 38-58 of the 2001 Zoning Code for professional offices. This property encompasses 0.215 acres, is zoned ADO-2 (Alameda Depot Overlay) and is located at 570 W. Griggs Avenue. Council District 1.

Thomas: So next item is the consent agenda. So I need a motion and a second to approve the consent agenda.

Bennett: I make a motion that we approve the consent agenda.

Thomas: Is there a second?

Smith: Madam Chair. Second the motion.
Thomas: It's been moved and seconded that we approve the consent agenda. Any comments or any information from anybody else?

MOTION PASSES UNANIMOUSLY.

VII. OLD BUSINESS - NONE

Thomas: All right. The next is all business. We don't have any old business,

VIII. NEW BUSINESS

1. 20ZO0500032; A zone change application from R-4 (High Density Residential and Limited Office District) to O-2 (Professional Office with Limited Retail Service) on a property encompassing 0.15 + acres, within the South Mesquite Overlay District, and located at 308 E. Bowman Avenue. Submitted by Shane Umphress, representative. Council District 1.

Thomas: And then we're on new business. So John Moscatl we just passed yours on the consent agenda.

Moscatl: Very good. Thank you.

Thomas: It was a short meeting for you.

Moscatl: Okay. Very good. Thanks.

Thomas: Okay thanks. New business. The first case is 20ZO0500032. a zone change. I need a motion and a second to approve that case.

Smith: Motion to approve. And that's again Case 20ZO0500032.

Thomas: Is there a second?

Bennett: I'll second.

Thomas: Okay. It's been moved and seconded that we approve Case 20ZO0500032. We have a presentation.

Gonzales: We do have a presentation. So we do have a property that is requesting a zone change from R-4 which is high density residential and limited office district to O-2 professional office limited retail service. The property is as stated located within the South Mesquite Overlay District. That is why R-4 designation is high density residential and limited office district as opposed to intensities. Property is currently a vacant single-family residence. And
the structure was built in 1920 and then remodeled in 1940 which is why it has a contributing status in our registry with the State and Federal.

Here's a zoning map of the subject property. As you can see highlighted in yellow. It is zoned R-4. Surrounding this property is also R-4 and C-1 which is our commercial districts or zoning designations within South Mesquite. And to the west is also our Downtown Development Code District. Here's an aerial map of the subject property. As you can see it is basically a single-family dwelling that is located just north of the attorney's office that is on the south side. There's a single-family residence to the east, you have vacant land to the north, and then you have the Federal building which is outlined onto the west side.

So the applicant is requesting to go to O-2 which is professional office with limited service in order to provide low intensity professional office. They are looking to expand the attorney's office that is located to the south. And they purchased this property in order to redevelop it and use it for more office space for their constituents and then members of the public. With the process they will still have to meet all of the zoning, building, and fire codes, as well as the South Mesquite Overlay Design requirements in reestablishing the unit.

Currently the adjacent land uses are basically vacant, professional office, single-family financial institution, and the federal buildings. So this makes it compatible because we now see the transitional zone between our Downtown Development, commercial, and then leads us into our residential district that is towards the east.

Here's the proposed site plan of the subject property. That's the existing building. And with the development the applicant is going to go ahead and provide parking that would not be required by code. Within South Mesquite Overlay you can use on-street parking for your designation if the building has been constructed prior to 1955. However they do feel that they do need to accommodate for the constituents. So they'll provide parking, they'll provide landscaping, and just improve the property within this district.

Staff did send out review to all the relevant agencies; there was support from all staff. We also did send out for the South Mesquite Design Review Board meeting that took place on May 6th, earlier this month. The South Mesquite Review Board did recommend approval because they would like to see the building go ahead and be utilized for something. And then based on it's located on Campo, they did feel that there is that need in that transition zone as well. Notice was sent to the surrounding property owners and we have not received any public input for either hearing so far.

So with that staff is recommending approval for the findings found within your staff report that include infill development within Elevate even though it is not part of South Mesquite's Plan to have infill development anymore, we are still encouraging infill for vacant properties and vacant buildings. It does support the 2001 Zoning Code, as well as other plans and policies as far as moving development forward and creating this Downtown
Development Code and South Mesquite transition point as moving forward. So I leave you this evening with options to vote "yes" and approve, vote "no" to deny, once again if you do choose to deny please provide facts of finding that were not found within your staff report due to they were recommending approval, vote to amend, or vote to table. And I stand for any questions.

Thomas: Thank you. So comments from anybody? No comments. Okay and we don't have any public input. Nobody contacted you. Sara.

Gonzales: That is correct Madam Chair. We did not receive any public input for this case moving forward.

Thomas: Okay. So I guess we can go ahead and vote. Commissioner Gordon how do you vote?

Gordon: I vote yes. Based on their presentation.

Thomas: Commissioner Bennett.

Bennett: I vote yes based on staff recommendation. I think it's a great thing filling in a vacant building that we haven't been using.

Thomas: Commissioner Muniz.

Muniz: I vote yes because I feel it's important that we start filling old buildings and renewing them.

Thomas: Thank you. Commissioner Guerrero.

Guerrero: Yes, based on also staff recommendations. And just I like downtown and I like seeing more stuff, more business, more stuff downtown, so yes.

Thomas: Commissioner Smith.

Smith: Madam Chair. I vote yes. Serves infill, serves Elevate Las Cruces. I think it's a great privilege having the extra parking space off street that they're taking advantage of. I think it's a great plan.

Thomas: And the Chair votes yes based on staff recommendation, site visit, and the fact that the Mesquite Overlay group also accepted it. Motion passes six to zero.

MOTION PASSES UNANIMOUSLY.

2. Case 20ZO0500047: A request for approval of a zone change application by Nicholas Marketto, property owner, from R-4 (Multi-dwelling high density –
limited retail and office) to C-2 (Commercial Medium Intensity) on a lot located

Thomas: Next case is Case 20ZO0500047. So I need a motion to approve and a
second.

Gordon: All right I'd like to make a motion that we approve Case 20ZO0500047.

Thomas: Thank you. Is there a second?

Guerrero: I'll motion to second it.

Thomas: Okay so it's been moved and seconded that we approve Case No.
20ZO0500047. Is there a presentation?

Gonzales: So once again we have another proposed zone change which is going to
be from R-4 multidwelling high density, limited retail and office, to C-2 for
commercial medium intensity. The property is currently located at 1950
South Telshor Boulevard. It is zoned R-4 which currently allows for
multifamily dwelling units as well as limited retail within those spaces.
Property encompasses 0.67 acres in size. It is vacant. And the surrounding
property includes commercial office, single-family, and then multifamily as
well.

Here's a zoning map of the subject property as you can see it is
located on the northwest corner of Fairway Drive and Telshor Boulevard.
North of that property is C-2, C-3, open space/recreational. On the east
side you definitely have multifamily which is our R-3 zoning designation.
And then south you have multifamily as well as single-family.

Here's an areal of the subject property and the surrounding area. As
you can see there are definitely mixed uses within this area as far as
commercial, multifamily housing, single-family. And you can see that the
property is currently vacant.

The applicant is requesting the C-2 commercial medium intensity
zone change in order to develop a shopping center for low intensity
commercial uses; meaning that the intention would be to put in a coffee
shop or a deli, neighborhood bakery, dry cleaning, specialty stores, low
intense nature to where people can walk or bike and provide goods and
services within the area. C-2 is a recommended zone for principal arterial
roadways. And this does comply with the Zoning Code as well as Elevate
Las Cruces. And the reason we say that it complies with Elevate Las
Cruces, our Comprehensive Plan, is because in moving forward with this
project it now allows for commercial uses but it doesn't remove the
multifamily. So C-2 zoning designation still allows us to keep the multifamily
zoning district and provide apartments if they're necessary, or we can go
ahead and put in the commercial use. So we actually gain components as
opposed to eliminating them.
Staff did send out to all relevant agencies and departments which did support the zone change as well. Notice was sent to the surrounding property owners and staff did receive one phone call in support of the proposed zone change saying that there is a need for something that's going to be small. they would love to see a coffee shop or deli go into that location, so that way they could walk to those areas.

So with that staff is recommending approval. It is a vacant property in an established area that we would like to see get developed. The zone change request allows for definitely multiple commercial uses and also will allow for multifamily which is something that is currently allowed now, so it increases the uses and the potential of that property in the area. It's located on a principal arterial roadway which is a recommended commercial use, and it's supported by our Zoning Code as well as Elevate and Comprehensive Plan. With that staff is recommending approval. So your options would be to vote "yes" and approve, vote "no" to deny, if you do choose to deny please provide facts of finding that were not found within your staff report, vote to amend, or vote to table. As stated zone changes are a recommending body from P&Z to City Council. The applicant is also available to answer any questions if you would like.

Thomas: Thank you Sara. Does the applicant want to say anything or should we just move forward?

Marketto: Thank you. I'm happy just to go ahead and hear the vote. We have designed an architecturally designed a very nice

Thomas: You'd have to take the oath before you can speak. Sorry.

Marketto: Thank you.

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?

Marketto: I do.

Thomas: Okay. And state your name again.

Marketto: Thank you. My name is Nicholas Marketto. We have designed a very nice property or a nice conceptual design that will complement the neighborhood as well as doing an infill development that will be very complimentary for the neighborhood and for the area. We've come up with, it's hard to see a little bit I know through Zoom but a conceptual plan that will look nice, that will be an added feature to the neighborhood. And we strongly hope that you'll vote yes for us. Thank you.
Thomas: Thank you. Any comments or questions from Commissioners? Seeing none.

Smith: Madam Chair.

Thomas: Yes.

Smith: A curiosity and this might go to Sara or to Mark. Noticeably that that's vacant land there. Is there any history to planning or conceptual ideas in the past for that land? It is vacant and has just been there, dormant, unused, no interest in the past?

Gonzales: Madam Chair, Commissioner Smith. There have been no proposals that have moved forward to staff in developing that parcel of land if that is what your question would be. We've received nothing at this point. Being that it is zoned multifamily it has the potential of having multifamily due to the adjacent property is also multifamily but I would leave it to the applicant if you would like to respond if there was any previous proposals that they may have gone through that I'm not aware of and decided not to go through with them, or if it's always...essentially we had it listed as always owned as multifamily at this point.

Marketto: Thank you. The property in our original conceptual design was going to be multifamily. But rather than putting 17,22 more apartment dwellings into a confined space we thought it would be more supportive of the neighborhood to have a property that would be a parcel that would be more complimentary and a little bit more advantageous for the neighborhood and for the surrounding development.

Smith: To your idea Nicholas I agree. I sense that it's a great plan, has good fit, does well in that corridor which I think is in its own way sort of a desert of that kind of service. My compliments.

Marketto: Thank you.

Thomas: Thank you. Any other comments or questions?

Smith: Thank you Madam Chair. No.

Thomas: Anyone else? Okay then we'll take the vote. Commissioner Gordon.

Gordon: I'm happy to see that there's another piece of vacant property that's going to be put to good use, perhaps even provide a few jobs. Based on what the little bit discussion we've heard and staff presentation and Elevate Las Cruces, I definitely vote yes.
Thomas: Commissioner Bennett.

Bennett: I echo Harvey's sentiments. I think it's a great opportunity to infill. I think it helps the surrounding area, it definitely meets Elevate Las Cruces, based on staff recommendation and all of that good stuff I vote yes.

Thomas: Commissioner Muniz.

Muniz: I vote yes. And I look forward to seeing in District 2 some more retail on Telshor. I think we have enough high density apartments which have brought a lot of crime into the area. So I vote, that's the reason I'm voting yes, and along with staff recommendation. Thank you.

Thomas: Commissioner Smith.

Smith: Madam Chair. I vote yes. Elevate Las Cruces, onward and upward.

Thomas: And the Chair votes. I actually can walk to that property. So I'm looking forward to a coffee shop or deli. And vote yes based on staff recommendation and site visit and Elevate Las Cruces. Glad to see that we're using Elevate Las Cruces.

Guerrero: I vote yes. I think looks like a great plan and yes it'll be nice to see more business in that area. Definitely.

Thomas: Thank you. Sorry about that. The names keep jumping around. I think I'm all the way to the bottom, jumped to the top. So the vote is six to nothing, the motion to approve passes.

MOTION PASSES UNANIMOUSLY.

3. Case 20ZO5000054: An Infill Development Proposal (IDP) application by Scott Bannister, property owner, to permit twelve apartment units on a vacant property located at 2245 Turrentine Drive. The property is zoned R-1a (Single-Family Medium Density) and encompasses 0.96 + acres in size. Council District 2.

Thomas: The next case is 20ZO5000054. Can I have a motion to approve?

Gordon: I'll make a motion that we approve Case 20ZO5000054.

Thomas: Is there a second? We need a second.

Smith: Second.
Thomas: Thank you. Okay. It's been moved and seconded. Is there a presentation Sara?

Gonzales: Madam Chair. So this is a proposed Infill Development Process for 2245 Turrentine Drive. Property is zoned R-1a which is single-family medium density. It is currently a vacant lot. It encompasses 0.975 acres in size. It is within our flood zone so it will require a CLOMR to be turned into the FEMA map company in order to review and decide what measures will have to take place for the flood zone, and it's also located with our infill overlay.

Here's a zoning map with a subject property. As you can see it's a very odd shaped lot that is zoned R-1a. It is adjacent to single-family residential towards the north. Towards the west is single-family as well as restaurants and a hotel. To the south is single-family, multifamily, and then vacant land. As you can see on the aerial here to the north is the single-family residential. Then you have the University Overlay Corridor that has encompassed the IHOP that is located on the corner of Turpentine, The Plaza Suites hotel which is on the west side, you have a strip of apartments, as well as some duplexes, multifamily, and then single-family along University.

The request is for allowance of multifamily dwellings which would be 12 units. Currently on the property as an R-1a zoning designation. The 0.97 acre tract only permits one single-family home, so the applicant is requesting to deviate from one single-family home to permit 12 units on the property. In doing so the applicant is going to follow the rest of the requirements per the Zoning Code and does not request any deviations. That includes the required parking stalls for the development of 12 units, meeting the setbacks for the front, side, and rear, the maximum allowed height is 35 feet within this district. There is landscaping requirements, fire access requirements, a dumpster enclosure is required, as well as ponding to maintain the water that is coming from the site.

Here is the final plat that designates essentially the access to the property which is 35 feet for road and utility access. And then you can see there are a five foot easement that surrounds the property so the development would take place towards the center. Here's the proposed layout for the development of the 12 units. You would have an entrance for a two way driving aisle that would be 24 feet wide, meeting our two way driving standards per the Zoning Code. They're going to provide a bike lane and then a pedestrian sidewalk along the property in order to access the apartments. So we are now looking towards the future as far as providing within the site and then getting to the site, walkability as far as biking, other modes of transportation.

These are the two buildings which are proposed to be at 25 feet in height. They are set towards the sides of the property to where the access is basically this buffer between the single-family residences to the north because this will be the driving aisle. This highlighted shaded area is for fire access in order for the Fire Department to come into the property and
then be able to get out of the property if there were something to take place. The driving aisles meet, the parking stalls all meet for the required development to go in. Towards the south side of the property is the dumpster enclosure which will be required to be enclosed with an opaque fence and a gate in order for Utilities as well as Solid Waste to have access.

The applicant is proposing a two bedroom, two bath facility for these apartments to take place which is why they're initially asking for the 12 units. You have two buildings that are six units each which would accommodate the two.

Staff did send out public notice to the surrounding property owners as well as posted the sign within the property. As part of our public notice and input process we have been following the guidelines based on City Council where public input is provided via e-mail or by phone. So we do want to read into record at least those who provided public input, as well as their location if they did provide it, and then any phone calls that were taken, and then we'll go into the comments as far as the public input that was provided.

So we do have Jillian and Sam Rowan that are located at 530 College Place. Robert Hastings at 2305 Turrentine Drive. Robert Hoffman at 605 College Place. Phyllis Koesslerand and Carl Koesslerand at 540 College Place. Michael and Zitalli McGonigle at 520 College Place. Elaine Simon 600 College Place. Diane Villegas did not provide us an address. And then we received two phone calls: A property owner owns 500 and 725 College Place and then 600 College place. The concerns that were brought up to staff as well as for the proposal for the Planning and Zoning Commission's consideration was the garbage container location. It is located on the south of the property line and it will be in an enclosure. If there was going to be a landscaping buffer per our Zoning Code residential properties adjacent to residential properties do not require a landscaping buffer. However I do know that the applicant is planning on putting landscaping within the property and if there are additional questions as far as what the landscaping buffer maybe he can go ahead and address those. There is a possibility of increase in noise and traffic. As far as noise we do have a noise ordinance under Chapter 19 that is regulated by the Codes Enforcement Office, so if there is an increase in noise that can be regulated through Codes. And then I also worked with our Traffic Engineer and indicated that based on 12 units the number of vehicles per peak hour is designated at 10 because it's only the 12 unit development. There was also the concern of new tenants infringing on their safety. From this point staff does not have any evidence of any safety concerns that are provided with new tenants being developed or new developments taking place on properties. And with that we are not able to discriminate on housing types that are going to be permitted within any zoning district.

There was a concern with light pollution meeting our outdoor lighting. We do have an outdoor lighting ordinance which is Chapter 39 of our Municipal Code that does address that lighting is to be placed we know
within the parking lot, directed down, and that is inspected by our electrical
inspectors here at the time of development. There is a concern of invasion
of privacy for two story. Within the zoning designation being that the
property is zoned R-1a it does allow for 35 feet height. That is also
allowance for the neighboring properties that are also zoned R-1a. So the
houses were developed at a time that they were at single story but that does
not mean the case of if anybody wanted to add on to their property it could
be at 35 feet.

The adjacent property towards the west which is The Plaza Suites
hotel is also two stories, so there is some true story within the neighboring
properties. But we do understand that yes the 35 feet is something that is
designated per the zoning code so they could actually go up to that height
even if they were to place a single-family home on the property.

The other concern was a narrow alleyway. The property does not
have an alleyway but it does have the 35 foot access easement. And so
that is more than what is required for even commercial development
whenever we do develop apartments. Apartments are only required to be
at 24 feet wide for a two way driving aisle and have a 30 foot curb cut
entrance. So this meets that need and exceeds it based on the 35 feet
that's designated. The 18 parking stalls that are required by the
development is per our code, so in the Zoning Code it says one and a half
parking stalls per unit because that's if everybody has a vehicle and they
may have more than one vehicle. But we're also looking towards modes of
transportation that are different, so you may have a bike, you may be able
to walk, so there's different forms that we have.

As far as the waterway or drainage, as stated before it is located
within the flood zone so they will be working with the FEMA in order to create
a CLOMR for the site. They may have to elevate the pad. They may have
to change where the water is directed. And they also do have to provide on
lot ponding, which means any water coming from the site that is disturbed
has to be maintained within drainage ponds and have to meet engineering
standards and are reviewed by our engineers here from the City.

Being that the lot is zoned single-family that is why the request is
coming forward. So the property does only allow for one home. However
if the property was to be subdivided it has a potential to be subdivided into
seven single-family lots meeting the requirement. Because of the lot sizes
you are permitted eight single-family dwelling units per acre in an R-1a zone
or it could also be developed into townhouse family homes and so those
could be smaller lots but still allow for multiple units to be developed on a
property.

There was a concerned about mixed use. Within the area when staff
reviewed this we do consider this mixed use in the sense that north of the
property is single-family. The south of the property is designated with either
restaurants or a hotel, there's actually two hotels because a Marriott just
went up. You also have apartments and vacant land, and then multi use as
far as duplexes or quadplexes. In understanding that the reason why staff
still sees this as mixed use is because yes University is only about 550 feet away from this actual property. So this is a very small vicinity or area which as you know 0.1 acres away from essentially University. University has this overlay in this corridor that allows for students, it allows for restaurants, it allows for currently there is a mixed use along University of either retail, some type of service. And so seeing that, we consider this as being mixed use.

There were questions of the behavior of work crews. So as construction work starts or begins, then the area will have to follow, we have an erosion control plan to maintain the dust. And then we also have working hours in which contractors can work which is at 7:00 a.m. in the morning till 6:00 p.m. And there's also going to be as far as noise, we do have noise ordinances in place, so there are restrictions as far as work crews being able to work and then the maintenance of the property as it moves forward.

And once again I have already addressed the height restrictions of the 35 feet in height showing that there is two story within the vicinity of the property, just not to the north side of the direct access. However where the buildings are basically you have the two properties that are located to the west that are single story and then right across the street from that you have the two story hotel. And so being that 35 feet is an allotted use even for the existing residential neighborhood that's there now, the restriction for them proposing 25 feet is not an impact based on it can still be allowed by right.

There were some concerns as far as postponing the case until a public can attend the meeting. Being that City Council has established guidelines for virtual meetings, and we have permitted the public to provide input via email or by phone, we have met the requirements for a notification and therefore asking the case is not postponed due to infill cases by code are supposed to be expedited throughout the process. And so with that is it's supposed to be on the next agenda, discussed, and then move forward as we increase on these infill developments and need to get them developed.

With that staff's analysis states that there are no safety, health, or welfare issues identified being that the property proposes 12 units. The traffic review was done and impacts as 10 traffic per hour, 10 vehicles per hour on an impact hour. This is an infill area within an established area that does encourage development of these vacant parcels. We also have Elevate which encourages mixed use. It encourages increased density. And it's also encouraging of infill development to take place within these properties. We are trying to move forward to developing the current and existing properties we have as opposed to extending those boundaries that we all discussed through the future development map that was done in Elevate.

We also have the Housing Plan which encourages mixed housing types. So if we do have single-family that's located to north, now we have the apartment complex I can go in or these apartments which provide mixed
housing within a certain vicinity. We do still see that it is consistent with the area because we do have restaurants hotels single-family and multifamily.

So with that staff is recommending approval based on the findings within your staff report and everything that I have basically addressed within the analysis. So I leave you with your options to vote "yes" and approve, vote "no" to deny, provide facts of findings if you choose to deny because staff is recommending approval; vote "yes" with conditions, or vote to table. The applicant is available and I would stand for any questions.

Thomas: Does the applicant mana saying?

Bannister: Hello Commissioners. Scott Bannister.

Thomas: I need to swear you in. Okay.

Bannister: Yes ma'am.

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

Bannister: Yes ma'am.

Thomas: Go ahead.

Bannister: Okay. Just wanted to let you guys know that I am aware this is a really established neighborhood that is to the north of primarily and even though ... are you able to hear me sir?

Thomas: Yes we can hear you.

Gordon: Yes.

Bannister: Okay. So we are we are sensitive to that. And being R-1a right now having the property to the south that we'll be doing commercially, one house just didn't make a lot of sense. Felt like being consistent with the neighborhood there we would put in a multifamily complex. And given its location that's kind of secluded in the back we're going for a little bit more of an upscale apartment that'll be kind of private in the back there. We're going to be marketing this more towards the grad student or the returning professional. Our finishes will be a little more high end looking for somebody a little more mature. We're not looking to rent to the college freshmen coming in and that type of thing.

So anyway and taking all that into consideration there're two big trees that are in the roadway right now and getting out and talking to some of the neighbors that was a big concern. So what we were wanting to do with those was trim them down and then get a tree removal company to go
ahead and take those out and repurpose them because they are really nice mature trees. And then as far as the perimeter where we've got neighbors to the south and to the west we would definitely address the privacy with landscaping some type ...

Thomas: I think the neighbors are to the north and the west.

Bannister: Yes ma'am.

Thomas: Okay. Thank you.

Bannister: Yes ma'am. And address those to give, you know add to the seclusion and give a little more privacy to the tenants. Really I think this place, I've had this property for eight or nine years, 10 years, something like that. It's just had an old concrete pad out there forever. We cleaned it up. We've had homeless people living in there. And I think you know it's time the market will bear. We're in dire need of housing. So I think you know now's the time to go ahead and try and provide some. I'll be happy to take any questions.

Thomas: Okay. Questions or comments from Commissioners? Go ahead Commissioner Gordon.

Gordon: (inaudible) a matter of mathematics I think. You're going to provide 18 spaces for this complex. Well usually when people move in they usually have two cars. If that's the case that definitely will present a problem. But what happens if, an example on the weekend all the residents are there and they all have guests, where are people going to park?.

Bannister: Well to the south there it's dirt vacant lot so I mean we could have some runoff.

Nichols: Mr. Bannister. Would you identify yourself please again?

Bannister: Yes Scott Banister, applicant

Nichols: For the record. Thank you.

Bannister: Yes sir. Currently there's three acres of dirt lot that would be parking but you know we're anticipating given its proximity to the university that we're going to get some tenants that will have bicycles as a primary means or scooters or that type of thing to alleviate some of the parking.

Gordon: I can understand how you think. I'm just looking for the worst scenario if in case it doesn't work out that way, I would think that to the south it looks like there's a quite ... I actually visited the site. I walked the property. There is that large piece of property that's looped to the south of the buildings where
it sticks out, looks like an arrow almost. Why can't you just put some spaces there for off-site, a little bit off apartment parking where people can if they have guests say that's guest parking or overflow parking or something that they do. What would be the problem of putting some spaces in there?

Bannister: You know it would be fine with me if that doesn't cut into the drainage. Sara.

Gonzales: Madam Chair, Commissioner Gordon. Being that the site is already going to be in compliance. So any apartment complex that comes in or any development for multifamily it has one and a half vehicles per unit.

Nichols: Excuse me Sara. Just a minute. We have five open mics right now because a few people mute their mics. We're not getting a clear transmission with Sara. Thank you.

Gonzales: Can you hear me now?

Thomas: Yes we can hear you.

Nichols: Much better. Thank you much better.

Gonzales: No problem. Madam Chairman, Commissioner Gordon. As stated, so the Zoning Code requires one and a half parking stalls per unit. With the development if the applicant puts in the 18 parking stalls that is what our code has required. We've alleviated I believe it was two years ago having maximum to where they provided more and it was just providing those minimums. Now as developments come in that's basically our code requirements, if they can provide more then they're able to provide more however depending on the design of the lot and in this case the design of the lot is very tricky as far as where you can place parking and then still having accessibility for the fire department to get in if there's any emergencies. So if the applicant can provide more then that would be the request. However they are not required to based on our code that we've adopted.

Thomas: Any other comments or questions?

Muniz: Sir you mentioned in your statement that you want your apartments to cater to graduate students and not the young people who like to party. How can you guarantee this?

Bannister: There is no guarantee but our price point I think would be a little more prohibitive. We'll probably charge about $150 a month more than some of the older apartments around there, $150 to actually like $250 because there's a variance with some of the apartments. But we feel like our price
point is going to be a little bit higher and I feel like that would lend itself more to more mature established tenant.

Muniz: I live in District 2 and I watched some lovely homes destroyed by some of our young people that go to the college. Two would rent the place and then five and six would move in and a lot of the landlords were out of town and neighborhoods deteriorated and went through a lot of trouble. And that's one of the things that worries me because of the homes that are established there now, is noise and making sure that these are more family oriented apartment houses. You are close to the university and I just wonder how you can protect your buildings that are being built and the surrounding neighbors from extra noise and parties and cars zooming up the street because it does happen in that area.

Bannister: Yes ma'am. I agree it would definitely be a concern. I mean I feel like, I live here in town. This will be a significant investment that I will definitely want to protect. And I have a pretty extensive background check that they have to pass if you will. I credit job history or school history; you know that that type of thing to really try and ensure we get the best quality tenant. And you know protecting the investment and like I said it'll be kind of a secluded place so you know being quiet is going to be of the utmost importance.

Muniz: Okay. Thank you.

Bannister: Yes ma'am.

Thomas: I like to add that when I see new apartments that were attractive to undergraduates it's been four bedrooms but you know two bedrooms on one side with a bath and two bedrooms on the other side with a bath and then sharing the living room and kitchen in the middle. And you know I've lived in university communities for the last 50 years and so new things came in if that was that was the configuration we could be certain it was going to be undergraduates, be pretty loud. So I think the way he has apartments set up doesn't lend itself to that. And I also can say I live across the street from a huge apartment complex mostly more upscale apartments and we've been here for 17 years and we've only had one incident of noise, it was a graduation party, wasn't a big deal. So I think that the applicant is doing the right thing trying to reduce those possibilities. Anybody else, other comments? Yes. Yes Commissioner Smith.

Smith: Thank you Madam Chair. I think over time and this goes to Scott Bannister, it would be somewhat inevitable that you would rent to a freshman. But I don't think that's really the point. I think what you're presenting is a way of looking at the community in that area as an improvement with infill that I think serves the ideals of Elevate Las Cruces. And I think that because of that investment you're trying to protect you're on the right track thinking of
best practices to make it serve right. I submit that if an apartment building
or something similar to this were going in on the north end of town the
concept or discussion might be a little bit different, but since you’re near
University Avenue I think we all get it, where that would serve the university
and the traffic there. I think you’re on the right track. I think well of this.

Bannister: Thank you.

Thomas: Yes Commissioner Gordon.

Gordon: I have another question. In looking at the diagram you mentioned in your
opening comments that you would be providing landscaping I guess to be
used as a buffer, is that going to go all the way around this property?
Because a lot of this property borders on College Avenue that’s the north
side, and then runs all the way from where you get ingress into the property
along there and all the way to where the easement is at the end, and comes
all the way back around. I know there’s nothing to the west as you come
around the property back down towards the east. I’m sorry. I take that back.
To the east and then coming back to the west there’s not very many just
vacant land. But how much landscaping are you going to provide and could
you tell me possibly with type?

Bannister: Yes sir. We’ve found that, and I don’t know the exact species but it’s a pine
tree that’s really, it grows really quickly and gains vertical height very
quickly. So what the plan was along the west side where those two houses
are to cover those and then on the north side there’s two houses that would
have exposure. So we would protect those.

Gordon: So what you’re saying is that there is any adjacency to a home that say
perhaps their backyard you would be putting in landscaping.

Bannister: Yes sir. Exactly.

Gordon: Thank you.

Thomas: Thank you Mr. Gordon. That was one of my questions and I was particularly
concerned about the two houses that are on Turrentine to the west because
those seem to be the closest and actually the back of the apartments
overlook those, so thank you for that.

Then you said you were going to put in a sidewalk and a bike lane
where the alley is when you make it wider. So will the bike lane and the
sidewalk be on the south side where the single-family house is.

Gonzales: Madam Chair. I did work with traffic. And so at first it was going to be
located towards the south side of it. However we’re going to probably have
the applicant relocate it to the north only because the alignment of the
roadway that is directly on the west side. it aligns better if the bike lane and the actual sidewalk is on the north side as opposed to the south side. So we would ask that it'd be adjacent to the northern properties that are adjacent to College over there.

Thomas: So I was just asking because there was a suggestion about having a five foot strip on the south side that's adjacent to that house that's right there. So you're telling me that that's probably not possible if you're going to align in the best way with the three, right.

Gonzales: Madam Chair. That is correct. Yes, we would like to have the realignment to where the roadways actually have a better connection because we always find that anytime the roadways are aligned in a different way and you're trying to exit sometimes it can be hard for visibility. So we want to ensure the safety of those who are leaving the property and those who may be entering it.

Thomas: Okay thank you for that. This question is for you Sara. So I just want you to go over this again about you know there was some requests that we limit it to six or eight buildings because the claim was mace that's what the R-1a Zoning Code allows. So can you go over that part again about why it can be 12, just so we have that for sure on the record.

Gonzales: Sure. Madam Chairman and Commission. The property is zoned R-1a which allows for eight dwelling units per acre under the current Zoning Code. However we do have the Infill Development Process that does allow for the applicant or property owners to request deviations to either land use, anything within the Zoning Code, that could be setbacks, height restrictions, in order to develop a property. So sometimes you're limited on size or sometimes you run into a case like this where the property is almost an acre in size and apartments would be a good fit based on the jurisdiction or the area of the property. So the infill is used in order to develop vacant parcels. The applicant can go through the subdivision process which would allow them to do about based on the size since it's 0.975 is basically seven lots if they subdivided it out. So we could have the potential of seven lots or it could be the 12 apartment units. Based on the property and seeing the jurisdiction of the area located to University and services and goods, staff evaluated and the applicant had proposed it, and when they come forward with a proposal we just provide that recommendation. So this allotted of the applicant using the infill process to request up to 12 units. The Commission has final action for infill developments so there could be a request to reduce it make it more intense following Elevate. So we're using our plans and policies to actually identify these infill parcels.

Thomas: Okay. Thank you for that. Any other ...
Guerrero: I have a comment too. I just wanted to just express concern, actually quite a few concerns. But for the most part I'm really familiar with the neighborhood. I've been there before. I've done a drive by and I honestly agree with a lot of the neighbors. I mean I understand how this apartment complex can be a nuisance. So I just you know just wanted to bring that up. Parking like Mr. Gordon has said, doing the math doesn't add up. And I know that it's a great idea to have more bike lanes and have more you know more walkability but I mean being realistic most households don't bike in Las Cruces. It'd be great if they did. So I just wanted to bring that up. I mean we don't really always receive a bunch of emails for properties or anything like that. So you know I think I think it's fair to definitely listen to the people that live in that neighborhood. So anyway just wanted to throw that comment in there.

Thomas: Thank you. Let's see we haven't heard from Commissioner Bennett. Do you have a comment? No. Okay.

Bennett: No. I think most of the concerns have been addressed.

Thomas: Thank you. All right. I guess we'll go to the vote now. So Commissioner Gordon.

Gordon: Based on the staff presentation, our discussion, the concerns that I have I think have been addressed, I think it would be something that we can count on (inaudible) do a nice improvement and do some infill development. I think that when this project is done and if everything that the developer has promised especially with all the buffering, the lighting, (inaudible) turned out to be a nice project. I think that he does know what the value of his investment is and where he's not going to let it go down the drain by letting what he would think would be undesirable type of tenants that would, I don't (inaudible) trash the property that will make it very undesirable for people who want to be there. So based on that and Elevate Las Cruces, I vote yes.

Thomas: Thank you. Commissioner Muniz.

Muniz: This is a hard one for me. I'm going to say no to the project. I would like to see this postponed so that people that live in that area can come before us once this pandemic over and talk to us. Not everyone has access to computers and to me there have been a lot of concerns from residents in the surrounding area. So I would like to see this project postponed, the hearing, and have those that have their concerns come before us in person. And I think it would be easier for them to tell us their concerns and along with the developer for him to answer questions that they have. I do not live in the area so I don't have the same questions. And I feel for him losing, you know you buy something R-1 and it changes and they lose their privacy. So I'm going to say no at this time. It's not that I'm objecting to the project I
just feel that the residents should have a fair hearing in front of us. Is that a proper vote?

Thomas: Thank you. Commissioner Bennett

Bennett: I vote yes. I mean there are some hesitations. It meets the code as far as parking goes but I mean I definitely do have some concerns with that. But it meets infill, meets Elevate Las Cruces, staff recommendation, site survey, and I feel some of the concerns have been addressed with the discussions that have taken place. I vote to approve.

Thomas: Commissioner Guerrero.

Greiner: I'm going to second LaVonne and also vote no. This this was a tough one. Mostly because yes in general I would like to have more infill. I just don't feel like an apartment property in that area is the answer. Probably be better if it was subdivided. But also totally agree with LaVonne and I think you know we're missing out on an opportunity to hear from the residents in the area. I mean we did receive like I said a bunch of e-mails and staff got a few I think they said a couple phone calls. But I think you know we're kind of, this this is the kind of case that you know doing these things through Zoom is hard and I really expressed my concerns to staff earlier about that, but this is the time we're living it but yes unfortunately I'm going to say no.

Thomas: Thank you. Commissioner Smith.

Smith: Madam Chair. I vote yes. I think that staff has used Elevate and infill and the tooling that that has given us three to plan well and it gives this plan footing to stand on. And I have welcomed the input from the community. I think it's been well received and heard. So I think I vote yes.

Thomas: Thank you. And the Chair also votes yes. Based on the presentations and a site visit, and my desire to see more infill and my personal experience of living in a neighborhood (inaudible) that apartment buildings, townhouses, duplexes, single-family, huge expensive $400,000 or $500,000 single-families and we seem to all get along and tolerate each other. So the Chair also votes yes. So motion passes four to two

Bannister: May I just give a parting word?

Thomas: Sure.

Bannister: I appreciate the vote. For the two dissenting votes I want to assure you I've been in Las Cruces for 30 plus years and this is my hometown. And every project that we do I want it to be the best. I bought a property over on Milton that was slumville we put $20,000 into it, remodeled it and it's something
that we can be proud of. And I hope the people around me do the same thing. And I can just assure you once this project is completed you'll drive by it will be something that you'll be very proud of to have in your community. I just want to give you my assurance. Thank you.

Guerrero: Yes. Thank you Mr. Bannister. I appreciate those words. I just like I said my problem is not so much the property it's more just the fact that there's a lot of opposition in the neighborhood. But I mean I wish you the best. I know you're here; you're trying to beautify the City and I love Las Cruces. I've lived here pretty much half my life and I love this place. So I mean I agree with you on that.

Bannister: Thank you.

Thomas: Thank you.

MOTION PASSES FOUR TO TWO.

IX. COMMISSION COMMENTARY

Thomas: So our next item is commission commentary.

Muniz: I wanted to say something.


Muniz: I just want to explain. I'm not against the project. I just feel that neighbors are concerned. And I feel a hearing with them in person would benefit the developer. He can answer their questions. I can't answer their questions. He can reassure them and that's the reason I voted no at this time. I'd like to see a public hearing where they can come forward and talk to him in person. I'm sure he has done a good job in other developments around town. And I just want that clarified. I'm for any redevelopment but I also am concerned with the residents who've been there all these years. So I think they need a better platform to bring forth their concerns. Thank you.

Thomas: Thank you.

Thomas: Any other Commissioner comment? Commissioner Bennett.

Bennett: I just wanted to say I love all these infills. I think it's a great thing we're doing here filling in empty spaces within the City as opposed to expanding and not addressing those.

Thomas: Commissioner Smith, you wanted to make a comment?
Smith: Yes Madam Chair. Here we are in pandemic mode. Here we are in Zoom mode. Here we are in a mode of communication as best we can. I am really pleased that Larry Nichols and Sara Gonzales have worked so hard to develop that format for communication so that people do have a sense of input. I think it's done well. It's maybe not perfect but I think the world is still turning in our favor as communication goes like this.

Thomas: Thank you. Any other Commissioner comment? Yes Commissioner Gordon.

Gordon: Unfortunately, we are in a time of where we will have to hopefully not live with this much longer. At the rate things are going and the way the City is reopening it could be conceivable in the near future that we will have the time to go back and have open meetings and we'll all meet in the chambers. Until then if we don't have these type of meetings, like I said when we first started this it is possible that these cases will pile up. Like tonight there was three. Last month there were a couple more. Next month there could be four. And after a while you could be looking at having to do one evening nine or ten cases which would be literally impossible for us if we would have to start at 10 o'clock in the morning and hopefully you could be finished. So I think that our hope is that we can have not to live with this much longer. That's it. Thank you.

Thomas: Thank you. That's a good point. So I just want to say it's nice to see so many infill projects coming forward. And it's nice to see that we're using Elevate Las Cruces, I'm real happy to see that as well. I'm looking at place types. So and I second what everyone else said, you know this is why we have to communicate at this point. But we don't want to not communicate, so we're doing the best we can.

X. STAFF ANNOUNCEMENTS

Thomas: Are there any staff announcements?

Nichols: Yes Madam Chairman, Members of the Commission. Larry Nichols Community Development. I do have three items that I'd like to briefly cover with the Commission. In the (inaudible) you just mentioned briefly that you were anxious to see and appreciative of the Elevate as well as the other Commissioners this evening recognizing that we're utilizing Elevate Las Cruces in the different items that come before you. You know we spent over two years, all of you on the Commission were part of the Comprehensive Plan Advisory Committee. We spent two years of effort in developing this plan and now we're implementing it. And we had a meeting today with the City Council and we told them that we were using certain aspects of the implementation for Elevate Las Cruces. And tonight was a demonstration of that. The three cases that you heard that were on consent
did reference Elevate Las Cruces and we're going to continue to do that. You know we do have short term implementation processes and we are in that mode right now.

The next item I'd like to mention is as was discussed here at the end of the meeting was the virtual meetings, the Zoom meetings. All of us are anxious to get back to the Council chambers where we can be in that format and in that environment to hear cases, have public participation as we had before. But with the Governor's directive and with the pandemic concerns we need to continue to conduct business. The applicants, the property owners do have a right to bring their case forward in a certain period of time. We are responsible as staff and the Commission to hear those cases in the time that is in our ordinances. And I appreciate each and every one of you being patient with this and working with this. You've done an exemplary job. Yes we have to present the public comment and concerns to you in written format but that doesn't mean that they were not presented. They were as you saw tonight and we had the obligation, we have the responsibility on infill developments. We are not able to table those or postpone them. We are required to take action on them. And I do appreciate your doing that this evening on these cases.

And then my last item is we seem to have trouble keeping full staff here particularly in the Planning Program. I'm going to have to regretfully announce that Debra Fuller, one of our planners who presented to you last month, her husband has been made an offer in Alabama and so her husband and Debra their daughter are going to be going to take that position. Her last day will be June 10th. So we'll be doing another recruitment for a planner to help support the Planning and Zoning Commission for your case packets.

And that's all I have Madam Chairman. And thank you once again for your patience and endurance on the Zoom meeting format. I do have one other item I'm sorry. My last item is I believe we will have the June meeting with the Zoom format. I think after that we'll be back to our regular format but I'm anticipating that we will have the June Planning and Zoning Commission meeting by Zoom format. And that's all Madam Chairman.

Thomas: Thank you Mr. Nichols.

XI. ADJOURNMENT (7:19)

Thomas: If there's nothing else I'll entertain a motion to adjourn.

Gordon: I'd like to ask Larry a question if you can get him back for me. I watched the meeting this afternoon from City chambers and I noticed that it was said that during development I think is in the process of trying to get an outside consultant. And once you do you're going to start the process of redoing the Zoning Code. And you estimate that will take approximately a couple
of years, which I’m sure it will. How far into that process of getting (inaudible) someone in to do this do you know?

Nichols: Madam Chairman and Commissioner Gordon. Mr. Weir has been assigned that task to pursue (inaudible) and the request for proposal (inaudible) on that. And that will go to the (inaudible) Advisory Committee. We will make the selection but we’re at that stage of putting out the new request for proposals. It will take quite a bit of time. That Zoning Code has not been updated nearly 19 years or so and so it’s desperately needed. You know we struggle, the Planning and Zoning Commission struggles, the staff struggles with some of the conflicts or ambiguities in the code itself. And we need to get that straightened out and we think it’s time to do it. I’m thankful for it. We do the Elevate Comprehensive plan first and we’ve done the Active Transportation Plan. And now it’s time for the Zoning Code updates. So that’s the point what we are right now. As you mentioned Commissioner Gordon it’s going to be an extensive effort because there will be a number of public meetings for that to get public participation, but it’s something that’s very much needed.

Gordon: Should I assume that the Planning and Zoning Commission is to participate like we did in the development of Elevate Las Cruces?

Nichols: Madam Chairman and Commissioner Gordon. You’re exactly right on that, it’s going to be a very similar participation. I believe there will probably be an ad hoc committee formed for it, as well as the Planning and Zoning Commission. And of course then it will go to City Council for final adoption.

Thomas: Okay. Anything else from anybody else? Okay, then I will entertain a motion to complete the meeting.

Guerrero: I second the motion to complete the meeting or adjourn, whatever you want to call it.

Smith: Motion to adjourn.

Thomas: Motion to adjourn, second to motion to adjourn. Okay. So we’re adjourned. All those in favor say aye.

Sharon Thomas
Chairperson