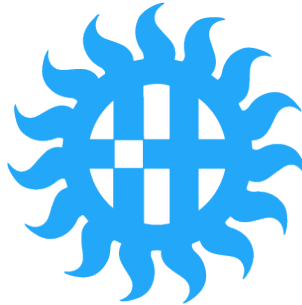


Planning & Zoning AGENDA

Tuesday, April 28, 2026 at 6:00 PM

Commissioners
Scott Kaiser
Joaquin Acosta
Janet Acosta
Enrico Smith
Crystal McCaslin
Connor Murray
Kent Thurston



CITY OF LAS CRUCES

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CONSENT AGENDA

Minutes and Items on the Consent Agenda Are Considered Routine Items and Will Be Voted on with One Motion Unless a Commissioner Requests That a Specific Item Be Removed. There Will Be No Discussion.

In an effort to seek public input, we ask that if you have comments/concerns/questions to please call or e-mail the Planners in advance of the meeting at 575-528-3043 or Development_Services@lascruces.gov.

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**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
February 24, 2026 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

- Kent Thurston, Chair
- Scott Kaiser, Vice-Chair
- Enrico Smith, Member
- Janet Acosta, Member
- Joaquin Acosta, Member
- Crystal McCaslin, Member
- Connor Murray, Member (arrived late)

BOARD MEMBERS ABSENT:

STAFF PRESENT:

- David Weir, Deputy Director Community Planning
- Adam Ochoa, Senior Urban Planner
- John Castillo, Planner

1. CALL TO ORDER (6:00)

Thurston: Good evening. I'll now call to order the February 24, 2026, Planning and Zoning Commission. It's six o'clock. And I am Chair Kent Thurston.

2. CONFLICT OF INTEREST

Thurston: First on the agenda, is there any conflict of interest? All right. Seeing none.

3. PUBLIC PARTICIPATION

Thurston: We'll move on to public participation. If someone has anything to say that's not really on the agenda here today, go ahead and come on up and we'll allow you to have some time to speak since it's just public participation. Also if you, we do have one item on here on the consent agenda. So if anybody would like to hear that from the audience, you can kind of come up and also say something on that one. So we're going to go in. Does any participation from the public tonight? Go ahead, come on up to the mic. I don't have to swear him in on this one, right, because it's just public participation. Go ahead. State your name and we'll give you three minutes.

1 Beverly: Good afternoon, ladies and gentlemen. My name's Terrence Beverly. I'm
2 here because of the proposal to change zoning for a cannabis operation on
3 the corner of Three Crosses and Alameda, I believe. Is that tonight?
4

5 Thurston: Okay. That one will be on the agenda tonight. So we're going to get to that
6 one later.
7

8 Beverly: So I can speak at that time?
9

10 Thurston: Yes.
11

12 Beverly: Thank you.
13

14 Thurston: Thank you. Is there anybody else? Public participation? Okay.
15

16 **4. ACCEPTANCE OF THE AGENDA**
17

18 Thurston: All right, so we need the acceptance of the agenda. This includes the
19 minutes and the items on the consent. If any item on the consent needs to
20 be removed for discussion, now would be the time to do so. Anybody have
21 any?
22

23 Kaiser: I'll make a motion to accept, to approve and accept tonight's agenda.
24

25 Ja. Acosta: Mr. Chair. I'll second that motion.
26

27 Weir: Commissioner Acosta.
28

29 Jo. Acosta: Yes.
30

31 Weir: Commissioner Smith.
32

33 Smith: Yes.
34

35 Weir: Commissioner Acosta.
36

37 Ja. Acosta: Yes.
38

39 Weir: Commissioner McCaslin.
40

41 McCaslin: Yes.
42

43 Weir: Commissioner Murray is absent. Commissioner Kaiser.
44

45 Kaiser: Yes.
46

1 Weir: And Chair.

2
3 Thurston: Yes.

4
5 Weir: Your agenda has been accepted and consent agenda item approved.

6
7 **5. PLANNING AND ZONING MINUTES – December 16, 2025**

8
9 APPROVED UNANIMOUSLY.

10
11 **6. CONSENT AGENDA**

12
13 **6.1 Case No. PZ 2026-038:** A request for approval of a preliminary plat known as
14 Venus - 70 subdivision. The proposed subdivision is zoned NH-3.S
15 (neighborhood-3. suburban), encompasses approximately 2.209 acres in size, and
16 is located on the northwest corner of Bataan Memorial West and Venus Street.
17 The subdivision proposes to subdivide two existing tracts into seven non-
18 residential lots that will work as one development with the proposed new lots
19 utilizing shared parking, access, drainage, and landscaping. Submitted by
20 Borderland Engineers and Surveyors, LLC., on behalf of Talley Investments, LLC.,
21 property owners.

22
23 APPROVED UNANIMOUSLY.

24
25 **7. NEW BUSINESS**

26
27 **7.1 Case PZ 2026-037:** A request for approval of a special use permit (SUP) to allow
28 a cannabis-based business less than the required 200-foot distance from a single-
29 family residential zoning district. The subject property is located at 2110 N.
30 Alameda Boulevard, encompasses approximately 0.25 acres in size, and is zoned
31 C-2 (commercial medium intensity under the previous 2001 Zoning Code).
32 Submitted by Plante Zaza, LLC., on behalf of Murshed Alkolany, property owner.

33
34 Thurston: All right. So moving on to new business. First, we have item 7.1. Can I
35 have a motion to approve 7.1?

36
37 Kaiser: A motion to approve item 7.1.

38
39 Smith: I second.

40
41 Thurston: All right. Now we'll turn it over to staff for the presentation.

42
43 Ochoa: Thank you, Chair. Adam Ochoa, Community Development, for the record.
44 Before you we have a proposed special use permit for a cannabis
45 dispensary located at 2110 N. Alameda Boulevard. If that address sounds

familiar, a cannabis dispensary was permitted, a special use permit was approved for cannabis dispensary there about two years ago in 2024. \

Current conditions, located in the southeast corner of Alameda Boulevard and Three Crosses Avenue. Property encompasses roughly about a quarter of an acre in size and is currently a developed commercial property, but that is currently kind of being redeveloped out of its vacant phase. This proposes following the 2001 Zoning Code. This application was submitted right barely before the end of the year before they could try to get this special use permit because technically under the current new development code, that use is no longer allowed on the property, which is why they pushed this to get it in under the grace period for the old code. So under that, the property under the 2001 Zoning Code is zone C2. SUP application submitted during grace period, they're allowed to come here, which is again why we're reviewing it now.

So showing the zoning map here, this is again under the 2001 Zoning Code. The property here is zone C2, surrounded by C2, the east, north, and west, and multifamily zoning as well. Of course, though south past the lateral here which is the Las Cruces Lateral, that is where we have single-family. Again, showing the property here, we all might know it as Eagle Mart and Laundromat, which was one of the previous businesses that were on that property.

So this is a proposed new cannabis dispensary. Under 2001 Zoning Code, it requires a cannabis related business to obtain basically a special use permit when located within 300 feet of a single-family zoning district. This property is roughly or approximately 155 feet from an R-1a single-family medium density zoning district to the south, which I just showed on the map. This will allow all, this will, the proposal will follow all City of Las Cruces standards and requirements, as well as all state of New Mexico regulations governing cannabis related retail activities. Once after the analysis, we really saw no life, safety, welfare issues identified by this proposal. The business will function like any other business within the city. Like if it was a bar, a convenience store, it basically would service the same, if you will. It meets the buffer district requirements from the school of daycare and other cannabis related establishments. The Elevate Las Cruces Comprehensive Plan has numerous goals and policies and actions that support the proposed SUP, which includes encouraging the redevelopment or reuse of properties or commercial properties that are vacant in the core of the city. Proposed site appears to meet all standards and requirements of code. Staff will assure that before a business license is issued for the proposed cannabis dispensary. Approval of the SUP will allow the continued use of a developed commercial property, like I said before, in the core of the city.

1 Public notice was sent out following all standards and requirements of our
2 zoning code. All surrounding properties received notice. It says here staff
3 received no comments, but literally about an hour ago we received about
4 three phone calls. One, just asking questions about it, general questions
5 about the dispensary. And two, who were basically church goers or church
6 people who go to a couple of churches that are close by there that were
7 against the proposed cannabis dispensary, but that was essentially it.

8
9 So with that tonight staff does recommend approval for the proposed special
10 use permit based on the following findings. Subject property does meet the
11 distance separation required from a school or daycare and other cannabis
12 related establishments. In terms of the proposed use of the business, it will
13 function again like any other business within the city. And the proposed
14 SUP meets the purpose and intent requirements of section 38-2 of the 2001
15 Zoning Code as amended. Well, no longer amended, but just 2001 Zoning
16 Code, no longer in effect. Additionally, all applicable requirements as
17 outlined in 2000 Zoning Code, and those stipulated by the state of New
18 Mexico, must be adhered to in subsequent operation of the proposed
19 business. The SUP meets the purpose and intent of Elevate Las Cruces
20 through the promotion of higher development intensities and incorporation
21 into small commercial uses along major thoroughfares, which Alameda is
22 considered a collector roadway, as well as Three Crosses Avenue as well.
23 With that tonight, commission, your option is one, to vote "yes" and approve
24 the proposed special use permit as recommended by staff. Two, vote "no,"
25 denying the proposed special use permit. Just remember, a denial requires
26 new information or facts not identified or presented during staff review since
27 we are recommending approval. Three, to vote to amend adding conditions
28 deemed appropriate by the commission tonight. Or four, to table, postpone,
29 and direct staff accordingly. That is the conclusion of my presentation. The
30 applicant's representative is here if you have a question for them. But I
31 stand for questions.

32
33 Thurston: Does the applicant have, wish to have a presentation?

34
35 Ochoa: Not at this time, sir.

36
37 Thurston: All right. Is there, we're going to move on to public participation then. And
38 I'm going to go here on the left. And I believe I have to swear him in on this.
39 Is that right? All right. So come on up. Do you have, is there a, do I have
40 to swear him in? Yes. All right, can I get your name?

41
42 Beverly: Yes, my name is Terrence Joel Beverly.

43
44 Thurston: All right. Do you swear or affirm that the testimony you're about to give is
45 the truth and nothing but the truth under a penalty of law?
46

1 Beverly: I do.
2
3 Thurston: Go ahead.
4
5 Beverly: Okay. Good evening again. I'm a long time member of this community. My
6 first house was on this property we're at today. My second house is maybe
7 three blocks away on the corner of San Pedro and Mountain. I went to
8 Alameda, to Lucero Elementary where the library's at now. I went to
9 Washington Elementary, went to Alameda Junior High, went to Court Junior
10 High, and I graduated from Mayfield High School. After graduating I went
11 to the military. Then I went to school in Phoenix, Arizona. When I came
12 back, this has been and will always be my home. This cannabis shop is in
13 the lucky, used to be formerly Lucky Eagle Mart on that corner. You walk
14 in the doors, and there's a big glass counter, and they have 50 or 60 glass
15 bongs and pipes right there. Right next to the candy section, practically,
16 where the kids go and buy their fountain drinks, their candy. Everything's
17 right there out in the open. These are little children that can go in there and
18 buy ice cream cones. I got a problem with that, you know. I used marijuana
19 growing up. I don't recommend it to nobody. It's an excuse. There's
20 hundreds of kids that live in that area. There is a school bus that parks on
21 the property of one of the churches there, which is a minute walk across the
22 street, too. There's a school bus stop there with elementary kids going in
23 and out of there, morning and evening. Besides my religious opposition to
24 this, there's also a health factor involved. If you're promoting a smoking of
25 any kind, it's going to be wrong. That's about all I got to say. I just hope it
26 doesn't pass, because that community, that neighborhood is in desperate
27 need of help anyways. It's really poor. I replaced at least seven or eight
28 windows in the past year at my church from people breaking in. We've had
29 break-ins at that church all the time. Meanwhile, the church is out there
30 doing food bank, and we have our doors open any time during the week.
31 You can go by there, and if you're hungry we'll send you home with a box
32 of food. Thanks a lot for your guys' time. Have a blessed week.
33
34 Thurston: Thank you. All right, we're going to keep going on the left. Is there anyone
35 on the left? Go ahead, come on up. And can you please state your name,
36 and then I'll swear you in.
37
38 Wetzel: Sure, my name is Margaret Wetzel.
39
40 Thurston: All right, do you swear or affirm that the testimony you're about to give is
41 the truth and nothing but the truth under a penalty of law?
42
43 Wetzel: I do.
44
45 Thurston: Thank you. Go ahead. I'll give you three minutes.
46

1 Wetzel: I am the property manager for the Texaco Conference, and we own one of
2 the church properties there on Three Crosses. I have a statement tonight
3 from one of our members that was unable to attend, and he would like me
4 to read it for you. This issue tonight is personal to me. My family roots are
5 in this neighborhood. We originally sold the store property. Before it was a
6 berry field, among other things, but children are more important than profits.
7 Adding more things to trip kids up is inexcusable. Legal or not, cannabis
8 products are harmful, especially for kids. There are more than enough
9 outlets for THC. Please do not add this one to the list. And this is from
10 Lloyd Lindbeck. And I also have you know some of the same concerns.
11 We have children that go in and out of this facility, and we already have
12 issues with break-ins in the property. And I just feel like this adds to the
13 issue. There's been several times where there's been homeless people that
14 have to be you know asked to leave. It's just not a good situation in that
15 neighborhood. That's it. Thank you.

16
17 Thurston: Thank you. Staying on the left, anybody else? Come on up. And once
18 again, once you get up there, if you'll state your name I'll swear you in.

19
20 Tofsted: My name is David Tofsted.

21
22 Thurston: Do you swear or affirm that the testimony you're about to give is the truth
23 and nothing but the truth under penalty of law?

24
25 Tofsted: I do.

26
27 Thurston: Thank you.

28
29 Tofsted: I am - the lady and the gentleman who spoke with I guess the Seventh-day
30 Adventist Church. I go to the church on the other side of the road, the
31 Mountain View Christian Church. So we know you know that THC has
32 problems. We're finding out more and more about what those problems
33 are. So there's reports of paranoia and schizophrenia. And so this drug,
34 we're basically putting this magnet for drug use in our community, we're less
35 than a block away from this store. So we've had a break-in a couple years
36 ago where they stole our sound system. We had, we installed two mini-
37 splits on the same side towards the store. They came in and they cut the
38 copper lines. It probably gained them about \$20, but it cost us several
39 thousand dollars to replace the equipment that was both the mini-splits that
40 repair the copper lines and then put enclosed barbed wire fences to keep
41 anybody out. We've also had people behind our (*inaudible*) who are
42 obviously smoking, just kind of hanging out there. That's within like two
43 businesses, well the one building and then us of that store. So we also had
44 a couple last year who decided to roll a log against the back wall of our
45 building and light a fire under it. And then we had a rock thrown into one of
46 our windows and it cost us several hundred dollars to replace. So this store

1 is going to be a problem in our community. And we just really need to think
2 about what we're doing. You say the man who is promoting this said this is
3 in line with Elevate Las Cruces. I don't see how this is elevating Las Cruces
4 to bring yet another of these businesses in here because there's already
5 one within a mile down off of Main Street. So, and there's probably 15
6 others in the city. You don't need to have all these stores. And some of
7 them are already going out of business. So I just feel that you should deny
8 this request. Thank you.

9
10 Thurston: Thank you. Anybody else on the left? All right, well I guess my left. You
11 guys are all probably wondering, he keeps saying left, I'm backwards.
12 Okay, over here on the right. Go ahead and come on up. And if you'll state
13 your name for the record, then I can swear you in.

14
15 Rawers: Karen Rawers, R-A-W-E-R-S.

16
17 Thurston: Do you swear or affirm that the testimony you're about to give is the truth
18 and nothing but the truth under penalty of law?

19
20 Rawers: Yes.

21
22 Thurston: Go ahead.

23
24 Rawers: I can stand. Fine. Marijuana is legal. It's legal in New Mexico. We can't.
25 It is what it is. It'll be here. Not against it. You want to smoke up, smoke
26 up. But what I want to talk about is where is the actual intersection it's at. I
27 live one block down from this place. And just since January of this year,
28 I've seen 42 fender benders for people cutting across towns in place, not
29 stopping on Hoagland onto Alameda. People cutting across as fast as they
30 can across Alameda into the gas station. Now we have people who will be
31 wanting their pot shop and they'll be crossing over the street. I saw that
32 they said it has no impact to the safety. That's not true. I'm already
33 watching. I'm already watching accidents. I've watched five or six major
34 accidents with multiple ambulances happen in that intersection. I live there.
35 I'm the one who sees most of them. I'm the one who calls them into the
36 police. So I believe that adding more traffic by having a marijuana shop
37 there can endanger the safety of the neighborhood, will cause more
38 accidents. That is one of the only thoroughfares in and out of that section.
39 If there is a major accident due to someone needing to get their fix or they've
40 run out of their gummies and they pull in there and they're already high and
41 they cut across the intersection because the light's going to change and it's
42 a major accident, you've closed down Mayfield High getting through. You've
43 closed down people's access to Main Street and Albertsons. You've closed
44 down people trying to go down to Dalrymple using Doña Ana Avenue.
45 Traffic and the problems that can come from the traffic of people trying to
46 get in and out of that shop could be a major issue for that neighborhood. I

1 watch it every day. I watch the high schoolers speed to get in and get out.
2 I want to talk about, there are, I agree with people that there are enough pot
3 shops in this town. Cannabis shops, pot shops, THC businesses. There's
4 enough in this town. You can't throw a stone down Picacho without finding
5 one. You drive down Valley and there's three or four drive-throughs. We
6 have enough. If people can't drive that mile and a half to go get their fix,
7 then maybe they should plan ahead better, to plan ahead to get milk. Maybe
8 they should be planning ahead to go get their edibles or their smokables.
9

10 I also want to talk about the fact that we have increasing homelessness
11 because of the canal back there, because of the parks. I have a wall in front
12 of my house and I see people smoke on that wall daily. I don't need more
13 people smoking on my wall. That is my homeowner's liability if they were
14 to fall off of my wall into the street. That is my liability if they just randomly
15 fall the other way into my property. We are just asking - the homeowners
16 in that area to assume more liability for other people's actions. Thank you.
17

18 Thurston: Thank you. Is there anybody else on the right that would like to speak? All
19 right. I think we're going to close for public participation and go to the
20 counselors, or yeah, counselors, right. Commissioners. Man, I'm terrible
21 at that. All right. Go ahead, Kaiser.
22

23 Kaiser: I've got a question about the 2024 special use permit that was approved at
24 this location. Can you talk more about the relationship with this application?
25 Did it expire? Like what's the deal with that?
26

27 Ochoa: Mr. Chair, Commissioner Kaiser. That unfortunately, business didn't come
28 into fruition. They're actually looking at doing a complete addition onto that
29 building to the south side of, you can kind of see it on your site plan that's
30 in your packet. They're doing an addition to the south side. Let me just pull
31 it up. How about that, right? They're trying to do an addition here to the
32 south side and that's where they're going to be doing all their cannabis-
33 related business and just keep the convenience store here. But,
34 unfortunately, this is in a very bad floodplain area. So that addition would
35 have just taken forever with flood studies, all that fun stuff, FEMA
36 requirements, so on and so forth like that. So, unfortunately, that one just
37 fell through, unfortunately. So now this is a new business that's trying to go
38 in there. Since it's a new business, the new business is required to submit
39 for a new special use permit.
40

41 Kaiser: Okay. And then, putting it on the inside of the building then, is the city
42 confident that they can meet all the state requirements around the security
43 protocols for getting in and access to the products?
44

45 Ochoa: Mr. Chair, Commissioner Kaiser. The state has been working with the city
46 tremendously with actually having agents if you will, to make sure before

1 anything gets issued by them, they go out there and inspect and make sure
2 what they have in place meets requirements per state statute. As well as
3 we go out there and make sure they're meeting requirements from fire code
4 standpoint, building code standpoint, and planning as well, sir. So there's
5 about four different set of eyes on any type of a new proposal, including
6 cannabis, sir.
7

8 Kaiser: Okay. So, presumably, the applicant's confident they can meet those
9 requirements, otherwise they wouldn't be here. Is that correct?
10

11 Ochoa: Mr. Chairman, Commissioner Kaiser. That is correct. The applicant's
12 representative has actually helped numerous cannabis businesses in the
13 City of Las Cruces open up and make sure that they're following state
14 statute and city requirements, sir.
15

16 Kaiser: Okay. Thank you for that clarification. A question, I guess for staff. I know
17 you know it's been probably a minute since we've seen one of these
18 applications come through. I honestly don't even remember the last one
19 we've seen. But I know, you know we get a lot of concern from residents
20 and the neighbors to these businesses about you know potential increase
21 in crime and attracting you know whatever it may be. I know in the past the
22 city has not been able to produce any evidence that that has been a reality
23 that comes to bear as a result of these businesses. Have there, is the city
24 aware of any incidences where these businesses have produced an
25 increase in crime in the vicinity?
26

27 Ochoa: Mr. Chair, Commissioner Kaiser. No. The only time we really see any
28 issues is when they go above and beyond what they're allowed to do with
29 the cannabis-related business. They'll open up a lounge that's not
30 permitted. They'll have like a block party that's not permitted or something
31 like that. That's what we see typically. All the other stuff is an enforcement
32 issue, so we keep an eye out for that. If we do see an issue with our code
33 enforcement or police department, we do contact the state and of course
34 the state troopers as well because they're the ones who are enforcing all
35 that, as well as the agents for the state of New Mexico, the Bureau for
36 Cannabis, sir.
37

38 Kaiser: Thank you. And then I guess my final comment just generally on this
39 particular intersection, definitely understand the safety concerns there. You
40 know it's, whether or not this goes in, it's approved tonight or not, those
41 conditions still exist. I mean this is not far from another part of town,
42 McClure Road, that we have heard from a lot of residents. And I know this
43 commission has expressed our desire for the city to address some of those
44 via other mechanisms. But this, unfortunately, the special use permit
45 doesn't allow us to address those issues. Those issues are going to be
46 there regardless of whether or not this goes through tonight. I will say you

1 know it is a gas station. It's a prime location. There's apartment complexes
2 going in nearby. You've got a trail, the trail on the lateral there. It's a prime
3 location. I really wish you know there was an opportunity to reimagine what
4 this corner could be from an economic development perspective. I think a
5 gas station there is not ideal from just a highest and best use of that
6 particular lot. But unfortunately, that's not before us this evening. So that's
7 just what I had to say about that.
8

9 Thurston: Any other commissioners?

10
11 Ja. Acosta: Mr. Chair. If I may. And these are just out of curiosity questions, staff. This
12 interstation can get congested. We all understand that. But did we consider
13 the impact of the factors related to traffic as a concern?
14

15 Ochoa: Mr. Chair, Commissioner Acosta. Our traffic section did take a look at this.
16 Since it's not an additional use, it's just ancillary use with what's existing on
17 the property, there's no issues with the additional - the increase in intensity
18 was not that that required any type of special traffic impact analysis or any
19 type of study for traffic in that area. Unfortunately, as Commissioner Kaiser
20 brought up, this area is, the roadways are rather antiquated if you will in
21 their design and their widths and so on and so forth. Again, these are
22 thoroughfares. But as you can see they're restricted thoroughfares,
23 unfortunately. So it's just going to take a real big bond that the city I guess
24 will have to basically pony up and get those two roadways redone in order
25 for them to be wide enough to be more safe and so forth like that. But again,
26 like Commissioner Kaiser said, we see this unfortunately, in this part of town
27 a lot, ma'am.
28

29 Ja. Acosta: And so this would not impact the SUP whatsoever?
30

31 Ochoa: Like I said our traffic section did approve this, ma'am. They saw no issues
32 with the proposal.
33

34 Ja. Acosta: I have one additional question. Can you update me? Is there any standards
35 for the distance being close to a church? Because I mentioned there was
36 two individuals that spoke that their churches are close to this
37 establishment.
38

39 Ochoa: Mr. Chair, Commissioner Acosta. There is not a distance requirement from
40 religious institutions per our ordinance, ma'am.
41

42 Ja. Acosta: Thank you.
43

44 Thurston: Mr. Acosta.
45

1 Jo. Acosta: I've just got a quick question for staff. Considering since April 2022, Las
2 Cruces is the third leading revenue driver of the cities for New Mexico at
3 \$141 million, just a little north of that. You know looking at GRT, that would
4 be you know assuming around almost \$3.9 million. Do we know how much
5 of that we've received and/or what it's used for?
6

7 Ochoa: Mr. Chair, Commissioner Acosta. I unfortunately do not know that. I do
8 know our finance department and our city management was working on
9 those things, but we have no idea what's happening with those monies, sir.
10

11 Jo. Acosta: So to Commissioner Kaiser's point, you know I do see two separate issues.
12 You know one that continues to not go away. I don't know if there's any
13 way that you know cannabis businesses, for instance, going in and
14 redeveloping a property or whatever that may be, you know hopefully
15 adding some security presence with that. Because the security presence
16 that the law requires in that aspect, you know I think it would be good to see
17 the city also follow up with the fact that they're going in and investing on
18 properties to make sure you know things around the area, but around the
19 city are safer and you know more comfortable for residents around, you
20 know around here. So that's I suppose, my comment leading off of
21 Commissioner Kaiser.
22

23 Thurston: Commissioner Smith.
24

25 Smith: I wrote down several notes on things. First of all, I want to address your
26 concern about traffic. It's been a long time, but over 20 years ago I was a
27 Las Cruces police officer. And I used to deal with traffic in that area,
28 especially after Mayfield students got out of school because they didn't
29 really follow traffic laws very well as far as stop signs and yield signs. So
30 you know that was over 20 years ago, and traffic has always been a problem
31 there and probably until something happens with that road always will be.
32 And so I share your concern there and it's always been there. And in saying
33 that, I don't think that you know the, having a cannabis business there is
34 going to have you know a more negative impact on traffic because there's
35 been a gas station, you know convenience store there for decades selling
36 alcohol and alcohol is 10 times more available to young people than
37 cannabis is. And you know, and so it's not easy to purchase cannabis
38 compared to purchasing alcohol because that's just sitting out on shelves.
39 And so I'm just giving you now, just some points to you know people's
40 concerns because we've had cannabis businesses here, we're going on
41 what, six years now. And yes, they're businesses. They're no different than
42 opening up a you know a restaurant. And they're either going to survive or
43 they're going to you know, or die based on their ability to provide a service
44 that people will want to purchase and have a business that people will you
45 know will help maintain it. And so with the number of you know cannabis
46 businesses in this town, it's tough competition. And so they're going to

1 manage their business in the best way possible, in the strictest way possible
2 to you know to be successful. So you know there's this idea that you know
3 having a cannabis business here as opposed to a liquor store is going to
4 cause you know an increase in drug use. Well, there's already high use of
5 alcohol and very accessible to homeless people, to students. And so you
6 know we have to be realistic about paranoia concerning a cannabis
7 business. Because there are very difficult restrictions as far as you know
8 how the operator, how the business owner provides a service and how the
9 customer is able to purchase it. A student can walk into a store and buy a
10 plastic bottle of Fireball you know easily, but they won't be able to go behind
11 the counter and purchase you know cannabis products. So I feel that you
12 know that's a concern that we have to operate from a basis of reality as far
13 as how accessible these cannabis products are to kids or students because
14 it's going to be very, very difficult for that to happen.

15
16 You know I want to make one more point on this. Years ago we had a,
17 someone come before the commission to get approval to have a cannabis
18 business on El Paseo, which shared a parking lot with a large church there.
19 And that building used to be, I think it was an Asian restaurant, Japanese
20 restaurant. Well right beside that is a, the Wienerschnitzel. And at that time
21 I remember making a point. I would argue that the food or the food product
22 that they sell at that Wienerschnitzel is a lot more dangerous to a child than
23 trying to purchase cannabis from a cannabis store with the heavy
24 restrictions that they have there. Because any child, any person could walk
25 up there and buy some hot dog with ingredients, chemicals with a list this
26 long that would provide, would have more harm, way more harm than the
27 almost impossible chance of them getting a cannabis product. So I'm sorry
28 I operate in reality. I like to be a common sense person. I don't like to have,
29 you know create a narrative that becomes your reality that you can, that
30 people freak out about. And so I like, once again I would say that the danger
31 of having that cannabis there and the negative impact that it would have on
32 that community is not going to be as you know bad as people would think.
33 So I know I took a lot of time, but it's just something I just wanted to share.
34 Thank you.

35
36 Thurston: Commissioner McCaslin.

37
38 McCaslin: Thank you. So I just wanted to talk about this from the commercial real
39 estate standpoint. So in this city, the fire department has told us that the
40 number one concern of loss of life is vacant commercial buildings. I realize
41 this one's not vacant, but the presence of any operating business with
42 increased security and lighting is a huge benefit to any property owner here.
43 So I just hope that you guys understand that the more business awareness
44 that we have, then hopefully the safer our city and our neighborhoods can
45 be.
46

- 1 Thurston: Any other one? I just have one question, and that's the 300-foot rule. How
2 did that come about? Who set the 300-foot rule, and what was the
3 jurisdiction, or how did you come up with 300 feet when that was approved?
4
- 5 Ochoa: Mr. Chair. Basically that was done by the city themselves when cannabis
6 was legalized by the state of New Mexico. Where the state of New Mexico
7 said you have to allow this, you could put some type of restrictions and
8 standards on it, but you have to allow it. So the city just looked, what we
9 looked at was what's out there that requires a 300-foot, it would require
10 some type of separation. The number one thing was liquor licenses, of
11 course. Liquor licenses require a minimum 300-foot separation from any
12 school, church, that's where a church religious institution comes into play,
13 and any military institution or installation, and my apologies. And that one
14 as well, if it's less than 300 feet, City Council basically votes on that as well
15 to waive the required 300 feet. The avenue we have to do it with you all
16 was with a special use permit that was less than 300 feet in order for we
17 could allow for that use to move forward, sir. That way it was case-specific
18 for that case and doesn't run with the property, if you will. It's just for each
19 particular business that goes into that property that's trying to do that
20 business. So that's a quick history of how we came up with all that.
21
- 22 Thurston: So if the city is the one saying 300 feet, and in this case then the city is the
23 one saying it's okay to be within the 300 feet?
24
- 25 Ochoa: Mr. Chair. That is correct. We looked at all life, safety, welfare issues, sent
26 it out to all reviewing parties, fire department, traffic engineering section as
27 well to see if they saw any issues with the potential use of the property.
28 Everybody had no issues with the proposal and with the additional use on
29 the property.
30
- 31 Thurston: And that 300 feet just, we have to be outside of the single-family residential?
32
- 33 Ochoa: Mr. Chair. The way it reads is a cannabis-related business has to be a
34 minimum of 300 feet from a single-family zone district. If it's less than that,
35 then a special use permit can be requested for.
36
- 37 Thurston: Okay. I think that's really my, that's really just my only sticking point, just I
38 don't know if it's fair to - I'm mixed because it's like you're going to run your
39 business and people want to run a business and it's good to put a business
40 in all of these commercial areas. We don't want them vacant. You do want
41 the GRT tax. My only issue though is that we, the city itself puts a parameter
42 on it in which we are wanting to go away from it. That's really my only issue
43 with it is just that we have a 300 foot that we would like to - someone set it
44 up for good reason, in my opinion, keeping it away from houses. But that's
45 really all I have. I don't have anything else. So I guess we're now at the
46 point for a vote.

1
2 Weir: Mr. Chair and commissioners. Could you repeat who the motion and
3 second was for this case before I take the vote?
4

5 Kaiser: I think Commissioner Kaiser was the motion.
6

7 Weir: Okay.
8

9 Ochoa: And it was a tie for a second between Commissioner Acosta and I believe
10 Commissioner Smith, was it? I heard two voices. Sorry.
11

12 Thurston: I think you just put Acosta.
13

14 Weir: Okay.
15

16 Ochoa: Yeah, it was a tie between Commissioner Smith and Commissioner Acosta.
17

18 Weir: Okay. Thank you. Well, I'll go ahead and call the roll now.
19

20 Smith: I did have one more question for staff. And I think Commissioner Kaiser
21 may have kind of voiced a similar question. I know we've had variances in
22 the past for cannabis businesses that we've approved. Is there any
23 information or data as far as like any problems with those places where
24 we've approved variances that were close to homes or to a school or to a
25 church? Has the city collected any data that says this has been a problem
26 or has not been a problem?
27

28 Ochoa: Mr. Chair, Commissioner Smith. From the time I've been doing special use
29 permits, we have not had any issues based on how the business is being
30 run or any issues with the neighborhood and so on and so forth. Like I said
31 before, the issue we've had is how they've been conducting business. For
32 instance there is one that, funny enough you say close to a single-family
33 zoning district. There is one off, I forget where it's off, but it was within 300
34 feet of a single-family zoning district. Basically, that business would say,
35 come on in, buy a t-shirt, and you got yourself a free gram of some things.
36 Buy a \$100 t-shirt, you get yourself some free cannabis. So that was shut
37 down because the state told us about that that was happening. So the
38 business registration was completely closed. That's the only one that I'm
39 aware of that we had potential issues with, sir. But this was years ago when
40 cannabis was still in its infancy and people were trying to see what they can
41 and cannot do. But like I said before, the state of New Mexico's cannabis
42 division has grown exponentially from when it first started. So they are
43 definitely keeping a better eye on everything out there, sir.
44

45 Smith: Thank you.
46

1 Kaiser: And sorry if I just may elaborate on that. And the operating protocol, if you
2 will, is pretty robust for cannabis. So let's say there is some you know issues
3 that are perceived by the neighborhood. It's a code enforcement issue. You
4 can request that to be investigated, inspected. And if they find that they're
5 out of compliance, there's, there's, you know they have to be held
6 responsible for that. So I just want to make it very clear that there are very
7 robust operating protocols for these facilities.
8
9 Weir: Mr. Chairman, Commissioners. I just wanted to add one other thing. The
10 petition or the application before you tonight is a special use permit. It's not
11 a waiver or variance. And this is kind of a zoning distinction. But typically,
12 variances have to be based on some specific condition or hardship with a
13 property. This is a special use permit. So certain cannabis, they meet
14 all these distance requirements. They're allowed a permit to operate
15 without having to come before you. The special use permit is just a process.
16 It's not a prohibition of this use, it's just a condition in which we want
17 additional review to have it go forward, to have an opportunity for the
18 neighborhood or adjacent properties to express that. So it's a procedural
19 type of item that's going forward. And so there's a little bit of different criteria
20 that you have to review that.
21
22 Thurston: All right. We're ready for a vote.
23
24 Weir: Commissioner Acosta.
25
26 Jo. Acosta: Yes.
27
28 Weir: Commissioner Smith.
29
30 Smith: Yes.
31
32 Weir: Commissioner McCaslin.
33
34 McCaslin: Yes.
35
36 Weir: Commissioner Murray.
37
38 Murray: Yes.
39
40 Weir: And Commissioner Acosta.
41
42 Ja. Acosta: Yes.
43
44 Weir: And Chair Thurston. Oh, excuse me. Commissioner Kaiser.
45
46 Kaiser: Yes.

1
2 Weir: And Chair.

3
4 Thurston: No.

5
6 Weir: Mr. Chair. The special use permit was approved.

7
8 **7.2 Case PZ 2026-039:** A request for approval of a master plan known as Soaring
9 Eagle Heights. The proposed subdivision encompasses approximately 23.83
10 acres, is zoned NH-1.S (neighborhood-1 suburban) and located at the northwest
11 corner of Elks Drive and Moreno Road. The master plan proposes the
12 development of both single-family and multi-family residential lots to be developed
13 in four phases. The subdivision will dedicate two tracts of land for the expansion
14 of Elks Drive and Moreno Road. Submitted by Cross Town Construction, on behalf
15 of Rocky M. Nevarez.

16
17 Thurston: All right. Moving on to the next one. Can I have a motion to approve item
18 7.2?

19
20 Ja. Acosta: Mr. Chair. I move to approve.

21
22 Thurston: And can I get a second?

23
24 Murray: I second.

25
26 Thurston: All right. Next, we need a motion to, a motion and, and a second to suspend
27 the rules to hear items 7.2 and 7.3 together.

28
29 Kaiser: I make a motion to suspend the rules to hear items 7.2 and 7.3 together.

30
31 Murray: I second.

32
33 Thurston: All right. Now we're going to turn it over to staff for a presentation.

34
35 Castillo: Good evening, everyone. John Castillo for the record. Today we have
36 Soaring Eagle Heights subdivision master plan and preliminary plat. The
37 current conditions of the property, it's located at the northwest corner of Elks
38 Drive and Moreno Road. The lot currently encompasses approximately
39 23.83 acres. It's an undeveloped vacant parcel of land. The current zoning
40 on the property is NH-1.S, which is our neighborhood 1 suburban. And it's
41 also located within the suburban neighborhood place type, predominantly
42 surrounded by single-family residential development.

43
44 We can see here is a zoning map of the property that's highlighted. And
45 some of the zoning around it. Here's an aerial view of the vacant property.
46 So the master plan proposes a single-family and multi-family residential

1 development on a parcel of land. This will be done in four phases. Three
2 of those phases for single-family lots and one phase for a multi-family lot.
3 There will be a tract for drainage, which will be maintained and owned by
4 the developer. And then there's three other tracts for the development of
5 roadways and to provide a pedestrian access to the adjacent school that is
6 near the property.

7
8 Here's an image of the master plan. The next proposal for the preliminary
9 plat once again is a single-family and multi-family residential development.
10 Phases one through three are approximately 16.296 acres. This will have
11 71 residential lots, six internal roadways that will provide access to Moreno
12 and Elks, with a pedestrian access to the adjacent school. The
13 improvements and dedication also proposed for Moreno and Elks. Phase
14 four, which is approximately 7.196 acres, will be used for multi-family
15 residential housing.

16
17 And here's an image of the preliminary plat. As you can see, phase one is
18 kind of at the top corner. Then phases two and three facing more towards
19 Moreno Road. And then phase four is a larger tract of land that is at the
20 corner of Moreno and Elks.

21
22 The analysis showed no life, safety, or welfare issues identified. The
23 proposed master plan complies with the requirements and standards of the
24 City of Las Cruces. The proposed preliminary plat also complies with the
25 requirements of the City of Las Cruces and the subdivision code. The new
26 lots that are being created by the subdivision comply with all requirements
27 of the 2025 Development Code. And then potential for providing attainable
28 housing in the area, as well as provide a range of housing in the area per
29 Elevate Las Cruces Comprehensive Plan.

30
31 At the time of this presentation was created, notice was sent to all
32 surrounding properties within 500 feet. Staff received no e-mails or phone
33 calls related to the proposal. This did have to go before our Development
34 Review Committee, or DRC, who reviews subdivisions from an
35 infrastructure, utilities, and improvement standpoint. On January 26th, the
36 meeting for the master plan was provided an unanimously recommended
37 approval with conditions. This condition was that we utilize the alternate
38 cross section for the development of Elks Drive and Moreno Road, which
39 was approved by our DRC.

40
41 The preliminary plat also had to go after minor discussion, the DRC
42 recommended approval for the preliminary plat. Staff recommends
43 approval with conditions for the master plan. Based on relevant city staff,
44 the proposed master plan complies with the requirements and standards of
45 the City of Las Cruces Subdivision Code. The new lots that are being
46 created by the master plan comply with all requirements of the 2025

Development Code. And then following the goals and actions outlined in Elevate Las Cruces, the proposed subdivision will allow for the development of alternative housing types. As well as the DRC recommending approval with condition on January 21st. Staff recommends approval for the preliminary plat based on the following findings. Once again, city staff showed that the preliminary plat complies with requirements and standards of the City of Las Cruces Subdivision Code. All the lots being created by the preliminary plat comply with all requirements of the 2025 Land Development Code. And the following, also as well following the goals and actions outlined in Elevate Las Cruces, the proposed subdivision will offer housing options that vary in intensity. And as well, the development review committee approved on January 21st as well. So today your options are to vote "yes" to approve, vote "no" to deny, vote to amend, or vote to table.

Thurston: Does the applicant have a presentation they'd like to give?

Castillo: No, not at this time.

Thurston: Okay. Is there any public participation? Come on up. And if you will state your name and then I will swear you in. And we'll give you three minutes.

Ortega: Eugenia (Gina) Montoya Ortega.

Thurston: All right. Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Ortega: I so do.

Thurston: Go ahead.

Ortega: Commissioners, Chair. My name is Gina Eugenia Montoya Ortega, and I am the sister of Teresa Moreno who owns half of Moreno Road. So from my understanding is the City of Las Cruces owns half of Moreno, and my sister owns the west half of Moreno Road all the way down. She has a mobile home down there and some rentals, which are multifamily little apartments, and I believe an extra mobile home. Her concern is, unfortunately she couldn't be here. She goes to bed when the chickens do. So her concern is the traffic. The traffic, as it is they already have trouble trying to exit with the school there, and now you're creating additional traffic with the additional building of these homes.

The next thing that is her concern is right through that area where they would like to do the building, there's an arroyo that runs through there. And this last rain that they had, so what happens is the water runs right through that where they're going to create the subdivision, runs through across the road, and then the actual where the water does gather is just south of

1 Moreno Road, right along the road. So this actually, I believe my sister
2 actually has video showing that it turned into like a river. So now that you
3 are going to concrete and pave all this 23 acres, I know that there is
4 drainage, but that drainage probably is just to account for the property that
5 they are looking to develop. Our concern is, so now the city will maintain
6 you know obviously their half of the road, so what happens on the private
7 side? So when that water is diverted onto the road, which Moreno Road
8 basically turned into a river itself, now whose problem is this? Is this going
9 to be my sister's problem? What we actually anticipate in talking with her
10 is, is this going to be the next Columbia Elementary school flood that you
11 know is going to leave her in a bind. She doesn't have millions of dollars.
12 She's not a developer. You know, she's just a widowed woman that her
13 husband has had this property early, in the early 2000s. and that's her
14 concern, and that's my concern as well. I do not want the problem now to
15 become her problem. As it is whenever that road does kind of wash out, it's
16 her responsibility to maintain it. So if the water now that you know this
17 housing unit will have its drainage, but what if that water overflows the
18 drainage? My husband and I were small business owners on Valley Drive.
19 We see that big pond right next to their flood over really well, and so if this
20 drainage is not big enough, once again the concern is, is this going to be
21 my sister's problem? So we just, for the record, want to know that when
22 this, if you all do approve this, which is great, we know that people need
23 housing, I just don't want it to be her problem. And I want it to be on the
24 record. Thank you.

25
26 Thurston: Thank you for your concerns. Anybody on the left? Okay, anybody on the
27 right that would like to come up? Can you get up there? If you'll state your
28 name, I'll swear you in.

29
30 Garcia: My name is Jimmy Garcia.

31
32 Thurston: Do you swear or affirm that the testimony you're about to give is the truth
33 and nothing but the truth under a penalty of law?

34
35 Garcia: Yes.

36
37 Thurston: Go ahead.

38
39 Garcia: I just got a few questions. When they do this development, we got notice
40 that they would take part of our road from it. We just want to know how
41 much would it be? And do they just take it? We don't get compensated for
42 it? That's the only question I have and concerns. And now that she brought
43 it up, if they do divert the water, would it run over to any other place like
44 towards Kennedy Road? Would that be a problem? And that's it.

1 Thurston: We'll ask those questions. Thank you. Anybody else? Go ahead and come
2 on up. State your name, and then I'll swear you in.
3
4 Moore: My name is Brad Moore.
5
6 Thurston: Do you swear or affirm that the testimony you're about to give is the truth
7 and nothing but the truth under a penalty of law?
8
9 Moore: Yes, I do.
10
11 Thurston: Go ahead.
12
13 Moore: I just have the same concerns. I live in one of Ms. Moreno's rental properties
14 back there. And I have been back there for about 10 years. And the
15 concerns that I have are equal to what she has already brought at the table
16 here. I would like to see some drawings or some grading and drainage
17 details, if at all possible. I am not an engineer in that fact, but I have been
18 in the construction industry my entire life, so I do understand what drawings
19 are. And I was wondering if it is possible to take a look at these draining
20 and grading issues that are definitely a big concern for that area. Thank
21 you.
22
23 Thurston: Thank you for your concerns. All right, seeing that there's no more public
24 comment, let's open it up to the commissioners. Any commissioners? Go
25 ahead, Commissioner Smith.
26
27 Smith: I just have a question for staff. Clearly drainage is a, seems to be the
28 biggest concern. Has that issue been addressed as far as how water will
29 be diverted in case of heavy rains, which we've been getting more
30 frequently? So is that, is here going to be a new drainage system put in, or
31 is it just going to be a diversion type of situation?
32
33 Castillo: Mr. Chair, Commissioner Smith. The master planning process does, as well
34 as the preliminary plat process, does require that we submit a drainage
35 study, which has been done and has been reviewed by our engineering
36 staff. And they've seen no issue with it as far as the diversion goes. The
37 subdivision is required to maintain any new post-development runoff on site.
38 And any historical flows would be released out into how it would normally
39 flow. As far as a lot of the concerns that were brought up regarding how it's
40 going to flow really get discussed more through the construction phase at
41 this time along with further defining the road sections. As per our
42 development code, more so in the subdivision section of our code, Moreno
43 Road being a local roadway, they are required to build out a full cross
44 section for that area, so they would be building an entire cross section,
45 which includes asphalt, sidewalk, curb, and gutter. So that will also help.

1 And that goes to the end of their property, from the beginning of their
2 property to the end of their property.
3
4 Smith: So it's the developer's responsibility to make sure that any water runoff is
5 contained within their development?
6
7 Castillo: Mr. Chair, Commissioner Smith. That is correct.
8
9 Thurston: Just a point of clarification on that. It is also the historic flow. So when
10 water does come into a development, and the natural, the historic flow that
11 goes out will still come out of that subdivision. So they're not allowed to
12 generate more, but water will still leave their subdivision as it did before that
13 land was there, when it was vacant land. So a lot of the times you'll have
14 people say, hey, well you were supposed to take all of the ponding. Well,
15 that's not necessarily true. The rules as I understand it is you can't increase
16 the discharge. That's correct, right?
17
18 Castillo: Mr. Chair. That is correct.
19
20 Thurston: Okay. I have, I - go ahead. Kaiser, go ahead.
21
22 Kaiser: Yeah, I just want to follow up on that point. So looking at the proposal here,
23 though, if I'm understanding this correctly, I think it's tract A is there at the
24 southwest corner of the property. That would be the drainage retention
25 pond. Is that correct?
26
27 Castillo: Yes, Mr. Chair, Commissioner Kaiser. That is correct. It is the drainage
28 pond to catch what wouldn't be caught from the lots themselves. But like
29 Chair Thurston said, it's to catch that post-development that will still allow
30 the historic flow to go through.
31
32 Kaiser: Okay. So I guess that's my question, is that's sitting right in the middle of
33 what appears to be the existing arroyo. So how is that going to work?
34 You're going to have this increased flow filling a pond that's already
35 receiving water from upstream. And this is not a tiny little arroyo. I mean
36 whatever's flowing through here is going to be cooking pretty good. So I'm
37 having a really hard time understanding how this is an acceptable solution.
38
39 Castillo: Mr. Chair, Commissioner Kaiser. I can speak to it a little bit. But I will also
40 defer to the applicant's representative who's here. But they are required to
41 provide a FEMA flood study to show the exact runoff that would be produced
42 from that. And if FEMA has deemed it to be insignificant, then the pond will
43 hold. If not, they do have to accommodate the pond to fit.
44
45 Kaiser: And has that work been completed?
46

1 Castillo: That work is still in progress.

2

3 Kaiser: So how do we know by approving this that it's going to work?

4

5 Castillo: Mr. Chair, Commissioner Kaiser. During many multiple staff meetings with
6 the applicant and property owner and their representative and staff, we did
7 also put a note on the master plan that says that if FEMA does not approve
8 the study, we will alter the way the pond works to accommodate.

9

10 Thurston: So in this case, if the drainage doesn't work, tract A is going to have to
11 increase, is basically how that would. And then they would end up as a
12 development that you would probably end up losing lots if drainage is not
13 sufficient. But that is all up to the engineers of the project.

14

15 Molina: Good evening. My name is Rene Molina. I represent, I am the engineer for
16 this project. And if I need to raise my, if I need to be sworn in.

17

18 Thurston: All right. You ready? Do you swear or affirm that the testimony you're about
19 to give is the truth and nothing but the truth under penalty of law?

20

21 Molina: I sure do.

22

23 Thurston: Go ahead.

24

25 Molina: So in regards to drainage, there is an arroyo that traverses through the
26 property. And the bulk of the arroyo is actually on phase four. What we're
27 intending on doing on this development is just like any other development
28 that has come through this board and through City Council for multiple
29 years, our intent is to retain the post-development drainage that we create.
30 And that's what tract A will be used for. Pre-development flows, the water
31 that comes through that arroyo currently now, is allowed to be in its current
32 state and discharge at the current location. We are not, we can't increase
33 any flow onto that arroyo. And we are not intending to. The intent is to
34 retain the water that is being developed by the home roofs, the impervious
35 areas of the roadways, sidewalks, and so on. Historical flows will remain.
36 We are not allowed to drop more water into that arroyo. It shall remain as
37 is currently.

38

39 In regards to building in that arroyo, there is no intent to build in that arroyo.
40 We are developing what's referred to, or known as a CLOMR, a conditional
41 letter of map revision that will change the drainage mapping for that area
42 because there is an error that was done previously, and we're going through
43 the process with FEMA to correct that error. That process is ongoing, but
44 will be part of the project as we come to the next phase, which is the
45 construction drawing phase.

46

1 Kaiser: Yeah, I appreciate the explanation. I guess I'm just - that's going to be a
2 deep hole no?, tract A. I mean because you're going to have to capture all
3 this additional runoff that you're legally obligated to capture in the same
4 location that you're having all these upstream flows converging. It's going
5 to have to be a deep hole.
6
7 Molina: Commissioners. In all actuality, that tract will not take flow from the arroyo.
8 The flow that will go into tract A, the pond, the retention pond, will be only
9 from the roadways and the rooftops that will be developed. The arroyo
10 that's from, areas that are upstream from this development will flow through.
11 Tract A is not going to be in the path of the arroyo.
12
13 Kaiser: Do we have an aerial image in the PowerPoint presentation? Because
14 that's not what I'm seeing. It needs, arroyo flows directly into tract A.
15
16 Molina: Do you have contours? No.
17
18 Kaiser: Do you have this one right here?
19
20 Molina: May I approach?
21
22 Kaiser: Yeah, please. It's part of the staff report.
23
24 Castillo: Mr. Chair, Commissioner Kaiser. That is part of the staff report, but it wasn't
25 placed in the presentation.
26
27 Kaiser: Yeah, sorry. You're going to have to get an extra mic, too.
28
29 Thurston: `Yeah, any discussion has to go through a mic. Sorry. It has to be recorded.
30
31 Molina: I apologize. So I will kind of map the arroyo. So tract A sits over here on
32 this corner. The arroyo is actually coming into Moreno right here, and it
33 stays on Moreno Road. Tract A is over on this corner. Moreno, where the
34 arroyo comes into Moreno, is in this area right here. And it will be in close
35 proximity to where Phase 2 roadway ties into Moreno. I lost the map, sorry.
36 It's right here. It's in this area, if you could see where I'm pointing. Tract A,
37 the retention pond, is over in this location.
38
39 Kaiser: I understand what you're saying, but that's not what I'm seeing. I'm seeing
40 tract A come all the way to the new White Tail Eagle Road. So are you
41 saying that you're going to disconnect that very end, the very tail of the
42 arroyo, and push it entirely onto the road?
43
44 Molina: The arroyo currently comes into Moreno Road at that location. That stretch,
45 let's call tract A a flag lot. The pole portion of the flag lot is not going to be
46 the pond location. It works out as to how we wanted to develop the lots,

1 and that's the area that's available. But the intent of tract A is a retention
2 pond for the development, not to curb any flows from the arroyo to come
3 into tract A, because we would need a very large pond to attenuate that
4 peak, and we can't do that. We're not going to bring that arroyo into tract
5 A.

6
7 Kaiser: Okay. So ...

8
9 Molina: Grades will reflect that.

10
11 Kaiser: So when you build out that White Tail Eagle Road, you're going to, what are
12 you going to do with the arroyo? You're going to put it in a pipe and send it
13 into the road that you're about to build on Moreno?

14
15 Molina: No, sir, we will not put a pipe. The drainage will continue as it has been
16 currently. It will be overland flow that would come over the roadway, how it
17 does now, and merge onto Moreno. We don't want to deviate or change
18 that flow path, because at that point we would be changing historical flow
19 paths, and we can't do that.

20
21 Kaiser: Okay. Yeah, I understand what you're saying. Thank you for the
22 clarification.

23
24 Molina: Sure.

25
26 Kaiser: My question to staff now, that can't be the answer. No way can that be the
27 answer, that we're just going to say we're going to put this road down in a
28 subdivision and just let the arroyo wash over it? That cannot be the answer.

29
30 Molina: If I may? The design standards exist to safeguard from multiple things. The
31 design standards allow for water to go over roadways and stay on roadways
32 to a certain criteria. That will be held and met. If we were to put pipes in
33 this system and do something like that, you would have to take a pipe
34 network that would be very cumbersome to maintain all the way down past
35 this property, all the way down to the western side, probably around a
36 quarter mile or longer, and you would still have the issue of someone being
37 able to try to maintain a pipe network system that would be silted up.
38 Someone brought up Columbia. Columbia Middle School had two 60-inch
39 pipes that took flows from an arroyo. Multiple times those pipes were full
40 with sediment and water would overtop. It's best to allow the water to
41 continue as it historically has and maintain the design parameters that are
42 set forth within the design standards.

43
44 Kaiser: Yeah. I appreciate the explanation and I don't disagree with you 100%. I
45 think my concern is that with all that being said, this is the wrong site design
46 for this location. That just essentially damming with this new road at the

1 end of the arroyo and saying we're just going to let that road, the arroyo
2 overtake that road and send it on down its way, it's only going to pick up
3 more velocity as it is now flowing over concrete and asphalt with no friction,
4 or way less friction than a sandy arroyo, and going to cause massive issues
5 downstream. That's my concern. I don't disagree with everything that you
6 just said. I think my concern here with this conversation is that this site plan
7 is the wrong site plan for this location.
8

9 Thurston: Any other comments from the commissioners? Any other questions?

10
11 Smith: I just want to go back to my original question that, about, so the natural flow
12 will continue, which is historically just what happens when it gets rain there.
13 And with the new development plan with tract A capturing any water that's
14 going to flow from the homes, the rooftop, and from just the street, it will not
15 add to the historic flow. It's basically going to be contained or going to be
16 diverted to the new roadway. It will not be. Is that correct?
17

18 Molina: Commissioners. Yes, that's correct. The intent of this development is to
19 take impervious area flow, rooftops, streets, sidewalks, curb, and gutter,
20 manage it through the roadway system, let it drain onto tract A and be
21 retained, thereby not increasing historical flows. And historical flows will
22 remain as is.
23

24 Smith: All right. Thank you for that clarification.
25

26 Thurston: Any other questions? All right. I got a couple. This is for staff. On the DRC
27 review, what does the alternate cross section turn out to be?
28

29 Castillo: Mr. Chair. Which cross section are you speaking about?
30

31 Thurston: Elks.
32

33 Castillo: The alternate cross section ultimately they're dedicating about a 10-foot-
34 wide tract of land. From there they're going to take the existing alignment
35 to the south of theirs, as you can see right here, right at the intersection.
36 They're going to align it to keep it going this way. And then it's going to
37 eventually taper into a two-lane roadway back as we reach the city limits.
38

39 Thurston: Okay. So it's, okay. What, so on Moreno, that a local, that one's a local,
40 right?
41

42 Castillo: Mr. Chair. That is correct. It is a local roadway.
43

44 Thurston: So according to development codes, are they going to be paving the entire
45 distance of Moreno all the way to the end of tract A to the end of their
46 property?

1
2 Castillo: That is correct, Mr. Chair.
3
4 Thurston: Okay. And then the other one, because we get stuck up on that sometimes,
5 is the entrance going into the school. Is there any improvements being put
6 on that? Or have those been waived by staff?
7
8 Castillo: There are no improvements to that. That tract of land actually belongs to
9 the school.
10
11 Thurston: Okay. Okay, so that's. And then you do have a spot where the pedestrians,
12 kids can walk to school. It looks like you have that in tract B. Is that right?
13 That's what tract B is for?
14
15 Castillo: Mr. Chair. That is correct. Tract B is that. It's located between lots 9 and
16 10.
17
18 Thurston: Okay. My, the other one, the ponding, it says it's going to be owned by the
19 HOA. Is that, or it's going to be owned by the developer until an HOA is
20 formed?
21
22 Castillo: That is correct.
23
24 Thurston: Okay. On the issue of drainage, is there any requirement for like a desilting?
25 Because when the water comes in its, because if it's going to go back onto
26 the Moreno Road, is there going to be like a desilting? Or what's your policy
27 on dumping the water back onto the road? Because I know it happens
28 throughout the whole city. I mean it's a good way sometimes to convey
29 water. But do you have to desilt the water? Or is that going to just turn into
30 a mud road?
31
32 Ochoa: Mr. Chair. Adam Ochoa for the record again. Essentially, yes, there are
33 design standards in our code that requires whatever post development or
34 I'm sorry, historic flows be dumped off from property onto a road. Some
35 type of design needs to be taking care of that issue, sir. That's taken care
36 during the actual design and construction drawings with our Public Works
37 department. Public Works department, actually the director, deputy director
38 were present for the DRC and they did approve this subdivision seeing that
39 the flood, there's no real flood issues or drainage issues with the area, sir.
40
41 Thurston: Okay. That's, I get the historic and pre, you know like water's going to come
42 through there. That's not a question, right? I was just wondering on is it
43 going to now have a, is Moreno just going to be covered in dirt when the
44 first rain comes? That was more of my, that's more of my issue on that.
45

1 And then my very last one, I don't see any parks in here. Because according
2 to this wonderful new Realize Las Cruces, he needs a three acre park.

3
4 Castillo: Mr. Chair. The discussion of parks was brought up during the DRC for just
5 a moment. But as the project started back in 2022 and we have been
6 ongoing with this through other discussions with management and different
7 departments, or not different departments, but our Parks and Recreation
8 department, they were not required to do a park as we've been ongoing with
9 this project.

10
11 Thurston: So you're telling me that my projects that I've talked to you about, I can now
12 not put parks in those.

13
14 Castillo: Mr. Chair. That - or go ahead, David.

15
16 Weir: Mr. Chair. This was actually submitted prior to, during that interim period.
17 And since it was close to coming to the Planning and Zoning Commission,
18 it was deemed to fall under that transition period. And so it beat the time
19 clock.

20
21 Thurston: I'm going to disagree on that a little bit because I thought we had our last,
22 our last meeting we said that there were no more that we're going to be
23 coming through except that, that we're going to be coming through the old.
24 It was all going to be coming through the new Realize Las Cruces. That
25 was my, that was at least my recollection. But if I am wrong, then help me
26 understand what other projects are also not following that.

27
28 Castillo: Mr. Chair. This should be the last residential subdivision that comes
29 through in that manner. Everything else now has either been submitted
30 during the transitional period or has now been submitted in the new Land
31 Development Code. As I said before, this project started back in 2022. We
32 did see some stoppage and then it was reapplied for again in 2024 and
33 continued further discussion about road cross sections as well as the flood
34 zone.

35
36 Thurston: And we a, the last one we had is the city came in and they were trying to
37 hurry up and get a subdivision approved so that they wouldn't have to pay
38 park fees. And that was my understanding that that was going to be the last
39 of them. And now this one coming in. What, can you go back to your
40 presentation? Does it show under the Realize code or is it showing it under
41 the old code in your presentation?

42
43 Castillo: Mr. Chair. It does show under Realize. However, we've discussed with our
44 director as well, this is something that has come in prior before any of the
45 new code was even thought of or as it was being developed.

- 1 Thurston: So I'm going to see I'm, I see that more of a how do you, what's, what's the
2 right word, martial law where it is, we can make whatever rule we want for
3 the time being. I'm sorry, but that, I, I get stuck and slapped with park all
4 the time. And anybody, any applicant that comes in here is going to get hit
5 with a fee in lieu, which I still don't understand where the fee in lieu funds
6 are going and if they're even going to parks. But I do, that's, that's, the rest
7 of, the rest of this stuff, I like that they were able to, that the pedestrians
8 are in there. I think you know you we'll deal with the flooding that's going to
9 happen because that has to, there's no way we're going to, it's not going to
10 get approved through the city without, without that being taken care of. But
11 I do think there's a little bit of a parks issue that is being waived on this one.
12 That's a serious disadvantage to other developers in this town that are doing
13 it. That's close to, because you're, you're having to pay a park impact,
14 you're paying two impact fees. Now you're paying a regional and a
15 neighborhood park. And the regional is \$2,600. And then you have to pay
16 the fee in lieu when sometimes the park impact fee is also larger depending
17 on the size of the home that you're building. And so that can be somewhere
18 in the neighborhood of a close to a \$10,000 per lot savings that we're, that
19 they don't have to live by. That's my, that's my only issue with this. And I'm
20 going to leave it at that.
21
- 22 Smith: I have a question. You stated that they applied in 2022 and there was a
23 stop. And in 2024, there was a restart. Is that considered a reapplication?
24
- 25 Castillo: Mr. Chair, Commissioner Smith. That is considered a reapplication. So the
26 way that we've processed our subdivision applications, if we have no activity
27 within a certain period of time, we expire the application and they are
28 notified to resubmit.
29
- 30 Smith: But wouldn't that fall, at this, at that, in 2024 that would fall under the new
31 regulations, correct?
32
- 33 Ochoa: Mr. Chair. May I interject, please? Mr. Chair, Commissioner Smith. No,
34 sir. It'd be a 2025 when Realize went into effect, sir. So even with the 2024,
35 they're still under the old code. Additionally, on top of that, the biggest
36 reason why in 2022 that original application kind of stopped is because of
37 the drainage issues and the studies that needed to happen for the arroyo
38 and so on and so, and alternate cross sections for Moreno and Elks. So a
39 lot of hurdles were in the way that they needed to work out from an
40 engineering, traffic, drainage, flood control standpoint that our Parks and
41 Recreation Department, that's why they deemed it fine for this to move
42 forward under the old code. Sir. Just to clarify,
43
- 44 Thurston: I got one point on that one, though. The other applicants that were put in
45 here, there were multiple of them that said that the park impact, the fee in
46 lieu would be waived if it was approved before the end of the year. That

1 was on multiple applications. This one is not approved before the end of
2 the year.

3
4 Castillo: Mr. Chair. To give a little bit more clarification, whilst all of staff did
5 recommend approval by the middle of December, some staff was out of
6 office and could not meet the required dates as well as the applicant
7 meeting the required dates to go to DRC by the end of 2025. So we had to
8 approve them.

9
10 Thurston: That happens all the time. We have, we have stuff that doesn't get done on
11 time. I don't know. I am, my opinion is I would put an amendment on this
12 that there is a fee in lieu. That we would pass it with a fee and amending it
13 that the parks get the fee in lieu. Just that's, that's the rules that have been
14 put forward. If not, then it's just doing a favor for, a favor for one. But then
15 all the other developers that come in, we're not going to do a favor for. I
16 don't find that being fair as a code based finding. That's my, that's my only
17 issue with it. Do I agree with the actual park fee? No, I don't. But that it's
18 in the code. We got to live with it.

19
20 Weir: Mr. Chairman, Commissioner. Just a point of order. First thing I want to
21 say is the approval of subdivision is a four step process. You start with a
22 master plan, which you have this evening, which is kind of a conceptual.
23 This is how the street network you want to connect. This is how on a higher
24 level you want the drainage to work. This is the layout, preliminary layout,
25 mix of uses of a property. Then you go to the preliminary plat where you
26 actually get more detailed. You get more studies on how the drainage is to
27 be handled, how the street network if there's any need for cross sections.
28 After that point, you go to the actual construction drawings where you
29 actually have to approve how the entire subdivision will be graded, how
30 drainage will take place, the size of the streets, where they're connected to
31 the network, how utilities are extended, etc. And so that's a whole other
32 process outside of the Planning and Zoning Commission. And if any of
33 those standards are not met, the city will not approve those plans, will not
34 issue permits. And if there's something that the applicant cannot do, then
35 he may have to go back and redesign his subdivision. And then after that
36 stage or concurrently is the final plat where the actual legal document is
37 drawn up where the lots are created and actually filed, and they can be sold.
38 Tracts are provided, right-of-ways are dedicated, etc. So tonight you're at
39 that conceptual and also that intermediary step where can these concepts
40 potentially work. It's before the actual final details go forward. So in your
41 role as Planning and Zoning Commission, those are two items that you
42 approve, and the applicant or the property owner can't go forward with the
43 subdivision preparing the construction drawings or the final plat until he
44 passes this level or she passes this level of approval. So at this stage, you
45 can place conditions on both the master plan and the preliminary plat if
46 there's something that, you know before you have construction drawings, if

1 there's additional drainage reviews that you would like to see take place,
2 you can place that type of condition. I don't think it's out of your purview to
3 also address the park fees that you feel this needs to be under. But to the
4 applicant, I think before they go to the final plat stage, they could ask either
5 one that that condition be removed and that, what staff would probably do
6 would bring the final plat to you with that request. Or there could be a
7 determination that from a legal standpoint the city erred by not getting this
8 in a timely manner and they need to fall under the 2001 Zoning Code and
9 1989 subdivision code or 1992 subdivision code. So just want to provide
10 that as information as you go forward. The other option that you have is
11 that you feel that they, the intent is for them to fall under the previous land
12 development codes that they've met all their requirements and then you
13 could motion to approve that. You know your series of options that you
14 have. The other one is you can recommend approval with conditions or you
15 can feel that the requirements for this master plan and the preliminary plat
16 have not been met and you can deny these applications. And then it puts
17 it back to the applicant on how they choose to go forward with this proposal.
18

19 Thurston: Kaiser.

20
21 Kaiser: So I have a few more questions. This is related to really the pedestrian
22 elements of this subdivision. First, I don't disagree with what's been
23 proposed. I'm just curious to see if, if we can take this to a more intentional
24 level when it comes to specifically pedestrian and cyclist access. Because
25 we're immediately adjacent to the middle school and then just on the other
26 side of the middle school is an elementary school. So I think this is a perfect
27 opportunity to not just do the afterthought of oh we got to we got to slide this
28 in somewhere but actually have some intentionality behind it that makes it
29 an inviting space to actually encourage. I think there's a huge marketing
30 potential here with this development to say if you come and live here
31 whether it's buy a single-family or move into the future multifamily complex
32 that you don't, you can skip the drop off and pick up line. Your children can
33 walk right across the neighborhood to the school. So on that point the first
34 question I have is, did staff have any conversations with the school district
35 specifically the Safe Routes to School program around how to make these
36 connections?
37

38 Castillo: Mr. Chair, Commissioner Kaiser. No staff did not speak with Safe Routes
39 to School.
40

41 Kaiser: Is there a reason for that?
42

43 Ochoa: Point of correction. Actually staff was associated with a Safe Routes to
44 School a Safe I guess it was like a get together if you will with the Las
45 Cruces Public Schools, the county, so on and so forth like that a couple
46 weeks ago where they were showing the connectivity of the new trails out

1 there in the county. We did show them the routes that are being proposed
2 by Elks with the alternate cross section, as well as a pedestrian connectivity
3 through the subdivision which will allow people to walk through the
4 subdivision and keep them off of Elks, as well as the bicycling as well with
5 the bike lanes in Elks. They were excited to see that the city was doing
6 something, or a development was coming in in that area that would do some
7 type of improvement to the area right there that's pretty in need of additional
8 development for pedestrian connectivity.
9

10 Kaiser: Okay. Thank you for that clarification. So on that, on that point the trail that
11 was recently built I think it was by the county or maybe it was a collaboration
12 with the school district I'm not sure, that, that trail, that multi-use path was
13 constructed at eight feet wide. What's being shown on the alternative cross
14 section for Elks with this proposal, smaller than that. And I'd like to see a
15 way that we can match so that when you have, going from this development,
16 this proposal into the county, because isn't, I believe the county/city line is
17 like right at the edge of this subdivision, that there's a seamless transition.
18 That they're of equal quality. they're of equal standard, and there isn't - you
19 know six feet is barely enough room for two cyclists to go past each other.
20 And I would just like to see us be able to match what the county recently
21 did. Because my understanding is they're interested in bringing that same
22 eight foot trail all the way down in that gap that currently would exist between
23 the edge of this property and where it currently is on Elks.
24

25 Ochoa: Mr. Chair, Commissioner Kaiser. There is no talks of any type of extension
26 of that trail there. What's there is there. So it'd be a gap between what is
27 the county and what is ours. The only time that potential puts, and I believe
28 the trail is on the east side along the freeway and this is on the west side
29 that meanders. My apologies it runs adjacent to the schools you're correct.
30 So no, sir, there's no discussions on that. But that was their standards, our
31 standards just require six foot pedestrian walkway sir.
32

33 Kaiser: Okay. So I guess the question is right in front of the school we have a 14
34 foot automobile turn lane. and children presumably using that to access the
35 school get six feet. That seems very out of balance to me. We have an
36 opportunity here to really change how we've done things in the past. And I
37 think we can certainly find room within, what is this a total right-of-way of 50
38 feet to give children at least eight feet. So I would like to, and I'm not asking
39 to do this right at this moment, but I would like to propose a condition of
40 approval that that sidewalk/multi-use path on the west side of Elks be eight
41 feet to match the multi-use path that we've seen the county recently build.
42

43 The other point I want to make is, I guess two points. The pedestrian cut
44 through, my understanding reading the staff report that's proposed to be 10
45 feet pure concrete. My understanding is parks based on the DRC
46 comments that parks had asked for 12 but they got 10. Again I feel like we

1 can be a little bit more intentional here about making something more, more
2 inviting of a space. You know 10 feet of asphalt with rock wall on either side
3 of you is not exactly an inviting place to be. I've had conversations with
4 other people in the community, different points and have mentioned that
5 these cut throughs are, they wouldn't let their children walk through them
6 because they are a little sketchy. And so I think here's an opportunity again
7 to have that direct access to the school to basically say, hey we want you
8 to use this. We want you to use this space. We want you to walk with your
9 kids or even send your kids alone to walk to middle school or down the
10 street to elementary school. And I think we can just be a little bit more
11 intentional there rather than just throwing the scraps, doing the bare
12 minimum.

13
14 The other point I want to point out is when you exit that, exit the subdivision
15 there is no sidewalk between that location and the entrance to the school.
16 You have to cut across a massive parking lot. I recognize that that's outside
17 the ownership of this applicant but I'm just wondering if there's a way that
18 we can come to some sort of resolution here working with the school district
19 perhaps, coming up with a development agreement or something that at
20 least gets you a sidewalk on the north side of this property so that not only
21 if you're taking Elks because you're going to have this phase for multifamily
22 development but you also have all the development to the south, to the east
23 that would potentially be using that trail. They make that right hand turn by
24 car. I'd like to see us have, come to some solution, resolution where we
25 can extend at least a trail sidewalk all the way into wherever the nearest
26 sidewalk is currently in the middle school.

27
28 Thurston: I got one thing on the point of that that I just wanted. I'd like to see what is
29 Elks classification?

30
31 Castillo: Mr. Chair. Elks is classified as an arterial.

32
33 Thurston: Can you pull up the cross section of the Realize for us on the screen there?
34 I'm curious to see what the Realize cross section of that and the trail system
35 is. Because I think to your, I think to your point is that it is a wide, I think it
36 is a wider trail system on the current. But I'm not, I'm not positive.

37
38 Kaiser: Yeah, I think, I think actually the, if you go by the Realize the cross section
39 would actually be a lot wider. But I think given the context here at the end
40 of Elks they're asking for an alternative. So I think because they're asking
41 for an alternative we should. we should be a little bit more innovative here.

42
43 Thurston: So my, my question then is if DRC has already approved this cross section
44 and if it is the desire of the commissioners to change or to have DRC relook
45 at that path, that path section, what would the best way of doing that be so
46 that we're not necessarily denying a preliminary plat or a master plat but

1 that it is asking to go back and possibly add those trail systems to match
2 kind of more in line with what Elevate Las Cruces is wanting. And to be
3 able to, because I think, I think what Kaiser is saying is more in line with
4 what Elevate Las Cruces is, is having those pathways and those
5 connectivities and those larger, because we're looking right here and this is
6 a 10 foot. And on the other you got a 10 foot, a six foot, and two other. So
7 I just think that might be, if that is the desire of the commission up here to
8 have them go back. If not you'll have to teach me on how that happens. If,
9 to add a required or add an additional layer of approval we would probably
10 have to vote on that. Is that correct?

11
12 Weir: Mr. Chairman, Commission members. That is correct. But I think you need
13 to also include the applicant in this discussion also. One, they may want to
14 go forward with the recommendation that the DRC made, or they may say
15 yes we're willing to look at that again and come back at a future meeting.
16 So, but I think that's a discussion staff can't answer for the applicant.

17
18 Thurston: Okay. But I guess it's more of a consensus of the commissioners right now
19 if, if that is something that we even were wanting to push towards and then
20 ask of the applicant. So I guess I'm going to ask the question.

21
22 Kaiser: Yeah. I mean I guess the question open it up to the applicant. I mean is
23 the applicant receptive to working with the commission to find an alternative
24 to what is already an alternative street section that accommodates, that truly
25 accommodates pedestrians and cyclists, specifically children accessing the
26 school that's literally adjacent to this project.

27
28 Molina: I appreciate the opportunity to have an open discussion and I appreciate
29 the concern that you have for the adjacent school. I would say that we've
30 been a long time coming through on this project and we'd like to move
31 forward to construction drawing development as soon as possible. That
32 being said Elks Road the alternative was, this is the alternative that we had
33 with staff, technical staff on Public Works and Traffic. It was their
34 recommendation to come to this cross section to develop a left turn bay so
35 that the buses aren't just hanging up on a through street and be able to be
36 much more safer on a left turn bay. The school buses that carry all the kids
37 to the school. They're the ones that came up with that width of 14 feet. Are
38 we willing to work with DRC staff, or staff, let's just say Public Works staff
39 and Transportation or Traffic staff to maybe massage the cross section on
40 Elks such that we could incorporate an eight foot wide trail adjacent to a
41 curb and gutter but reduce the left turn bay? Yes. I think we would be
42 willing to have that discussion. If there was a reduction to that left turn bay.
43 In regards to the adjacent access point to the school and the school's
44 property, I will let you know that I worked for Doña Ana County. I was there
45 for 21 years. I actually am part of that group that developed that trail. And
46 I will tell you the reason it was eight feet is because that's all we could fit.

1 That was it. And I'm going to tell you that as you go further south from that
2 trail you're going to have a difficult time trying to find eight feet to fit a trail.
3 You're probably not going to find that space. Because more of a concern
4 will be a vertical constraint by adding curb and gutter so that you have that
5 separation and give a safer buffer to the kids that would walk.
6

7 In regards to access to the school, the middle school, I was very active in
8 my role with Doña Ana County and working with Safe Routes to School.
9 And let me tell you that Safe Routes to School is very successful in getting
10 funding to implement Safe Routes to School. The pedestrian access that's
11 being proposed, although the recommendation from parks was 12, they
12 were receptive of the 10 foot. And it was something that has been done
13 and implemented and works. I'm in a neighborhood that has 10 foot access
14 points like that. I'm very close to a middle school. And let me tell you that
15 it is used every day by kids. My kids don't use it because they went to a
16 different school and I wasn't going to allow them to walk eight miles. That's,
17 I drove them. But I guess the point I'm trying to make on the adjacent school
18 and access and maybe a multi-use path is Safe, excuse me, Safe Routes
19 to Schools has access to funding that's provided by NMDOT for exactly that.
20 And I know that they are working on another school off of Lopez Road. And
21 this is a matter of something that maybe they will work on. When I was with
22 the county, I worked with a school to actually name the road because it
23 wasn't named. It was part of a civic project with the school, with the kids.
24 And we had discussions about the possibility of a trail. And they were made
25 well aware that there's funding available for that type of stuff. I firmly believe
26 that the developer is willing to work with Public Works and Transportation
27 to look at that cross section on Elks and try to fit in an eight-foot sidewalk or
28 trail. But the tradeoff will be that left turn bay will be narrower.
29

30 Kaiser: And I think that's a tradeoff that I personally am willing to live with. I mean
31 right now, that left turn bay is more than twice the space that we're giving
32 our children to be able to walk and ride their bike to school. I hear you on,
33 you've been you know, you've through the ringer probably on this project.
34 But that's not an excuse in my mind to say, well, we can't do the things that
35 need to be done to allow our kids the ability to walk safely to school. We're
36 always told that the reason that we have gaps in our sidewalks, the reason
37 that we don't have bike lanes on our roads, is because that all has to come
38 when the developer comes with their project. Well, here we are. You're
39 standing before us. We have an opportunity to do what really needs to be
40 done to get the outcomes that we want. I appreciate your willingness to
41 want to work with staff to find a solution there. I just want to make sure that
42 we have some guarantees. I think an eight foot to match what the county
43 just built by subtracting two feet from the left turn bay, fantastic. But if we
44 don't, if we don't put that as a condition of approval, my concern is that
45 you're going to walk out this door, you're going to have a conversation and
46 say, oh, well, we had a conversation, and we ended up right back where we

1 are. So, thank you for your willingness there. I still want to have some
2 guarantees that we're going to get there, particularly on Elks. I understand
3 the complexities of the school district issue on the northern boundary, but I,
4 again, here's an opportunity to find a solution where everyone's coming to
5 the table. You're, by doing a sidewalk that wraps all the way around in
6 combination with the school district, that is a huge marketing opportunity for
7 this development going forward because very few schools in the city have
8 what you could potentially build. Most schools in the city are not walkable
9 or hardly walkable. And here's an opportunity to really flip the script.

10
11 The final point I'll make on this topic is whether or not any other traffic
12 calming on Elks Road will be part of this, particularly because that stretch
13 that's I guess within a future block of the entrance to the middle school. Is
14 there any other requirements that they're going to have to put in crosswalks,
15 potentially speed bumps, to make sure that traffic does actually slow down
16 through that corridor?

17
18 Castillo: Mr. Chair, Commissioner Kaiser. At this time, that would be discussions
19 that would be done further as far as providing it in the cross section, as they
20 are only required to build out half of Elks. They're only going to get a portion
21 of it. We won't know what further traffic calming aspects we would need for
22 the other half of Elks until that gets developed.

23
24 Kaiser: So what you're saying is because we don't know what's going to happen on
25 the other side, we can't at least put something on this side?

26
27 Castillo: Mr. Chair, Commissioner Kaiser. We can. It would be part of that
28 discussion as far as the alternative cross section.

29
30 Thurston: Commissioner McCaslin.

31
32 McCaslin: I love the passion that this group has for future projects in the city. But I do
33 feel like it is our position that if you have checked all the boxes that we
34 currently have in our rules, that our job is to look at that. And if we want to
35 further improve our city, we should go back to our rules and make sure that
36 our rules are stipulating what we need in this city. So I don't feel like it's the
37 developer's position to accommodate things that aren't currently being
38 required.

39
40 Thurston: Okay. Any other commissioners? Or do we get a motion?

41
42 Kaiser: I'd like to make a motion to add a condition of approval that the multi-use
43 path on the west side.

44
45 Ochoa: Point of order. I'm sorry. Point of order.

- 1 Kaiser: Yes.
2
- 3 Ochoa: Chair. Under Realize Las Cruces, I'm sorry, the new development code,
4 the alternate cross section of the design of roadways are at DRC. So DRC
5 is who would have to vote on that. That condition, a design condition,
6 cannot be placed by the Planning and Zoning Commission. So it basically
7 would have to be kicked back to DRC to see if that's something they would
8 have to do, if I'm not mistaken, David?
9
- 10 Weir: Mr. Chair and Commissioners. I just wanted to make the same - the
11 approval authority for alternative cross sections is now under the jurisdiction
12 of the Development Review Committee. So I think the level of input you
13 have is that you would approve this preliminary plan with the knowledge that
14 an alternative cross sections would be allowed as it goes forward. So you're
15 aware of what's taking place. But the technical expertise and the
16 engineering of that is done by the applicant and reviewed by the staff. And
17 then it's actually approved by the Development Review Committee.
18
- 19 Thurston: So for this case and for future cases, if commissioners do not agree with
20 what is presented, we would basically either table the item or tell me how
21 that would be. So if we didn't like something, and I'm not saying we don't
22 like this one, I'm just saying if. If you don't like something, then we would,
23 what's the next process?
24
- 25 Weir: Mr. Chairman, Commissioners. If you felt that a proposal was not meeting
26 the standards, you could vote no. But if, and if the applicant felt that they
27 were meeting all the conditions, they could appeal that to the next level.
28
- 29 Thurston: But if they wanted to kick it back to DRC, how would they go about that? If
30 there's some design flaw or something like that that we believe that in the
31 Realize Las Cruces is not being met, and we don't agree with the intent of
32 it that, say, staff would agree with, how does the commission go about not
33 necessarily like saying, no, we don't like it, but how do you get certain things
34 revisited? I'm not, I'm, this is more on a knowledge basis for cases moving
35 forward.
36
- 37 Weir: I think the way that you would go forward is that you would approach the
38 applicant and say, are you willing to postpone this and go back forward with
39 that? And then it's a decision they make. But I think by the same token,
40 the applicant has an opportunity for a decision. If he feels that he's met all
41 the requirements and that he has made the compromise or made the best
42 design, that you should hear that and take a vote on that. And then in your
43 mind what's been presented, the information that's been provided, do you
44 feel that a standard of the city has not been met? And if that's the case,
45 then you can vote no to deny a proposal.
46

Agenda Item #5.1.

1 Thurston: And then after the vote no, then it can still go to City Council and then get
2 approved. That's, right?
3
4 Weir: It, upon appeal.
5
6 Thurston: Thank you. All right. With that, can we get a motion? Oh, let me, let me
7 first clarify the, we suspended the rules and to hear both items. And now
8 we need to reinstate the rules. Or do we just, no, we just go for a vote?
9
10 Ochoa: Yes, sir, that is correct. Since you're, you just have to be voting on them
11 separately. You already did a motion and a second for approval of a, of a
12 7.2. So you just need to call the roll for that one. And then for 7.3, you need
13 to ask for a motion and a second and then call for the vote on that one, sir.
14
15 Thurston: Okay. So right now we need to have a vote. We need to get a, basically a
16 motion on 7.2.
17
18 Ochoa: A vote on the approval for 7.2.
19
20 Thurston: A vote on the approval. Okay.
21
22 Weir: Mr. Chairman. You already have a motion on that. And so that's for the
23 master plan. And the master plan as it was presented to staff was
24 recommendation for approval with approval of an alternative cross section
25 for the streets of the development. And if you're ready, I can take the role.
26
27 Thurston: Yes, we're ready.
28
29 Weir: Commissioner Acosta.
30
31 Jo. Acosta: Yes.
32
33 Weir: Commissioner Smith.
34
35 Smith: Yes.
36
37 Weir: Commissioner McCaslin.
38
39 McCaslin: Yes.
40
41 Weir: Commissioner Acosta.
42
43 Ja. Acosta: Yes.
44
45 Weir: Commissioner Murray.
46

1 Murray: Yes.
2
3 Weir: Commissioner Kaiser.
4
5 Kaiser: Before I give my vote, I'm just going to say I'm not opposed to the concept
6 of the residential development here, but I do feel like we fell short in our
7 aspirations. So I'm voting no.
8
9 Weir: Chair Thurston.
10
11 Thurston: Rare moment for me, but I'm going to vote no because only the park issue.
12
13 Weir: Mr. Chair. The master plan was approved. Yes, it was approved by the
14 Planning and Zoning Commission.
15
16 **7.3 Case PZ 2026-040:** A request for approval of a preliminary plat known as Soaring
17 Eagle Heights. The proposed preliminary plat encompasses approximately 23.826
18 acres, is zoned NH-1.S (neighborhood-1 suburban) and located at the northwest
19 corner of Elks Drive and Moreno road. The subdivision proposed seventy-one
20 single-family lots, one multi-family lot, and one tract of land approximately 0.924
21 acres utilized for drainage, which will be maintained and owned by the developer.
22 The subdivision will dedicate two tracts of land that are approximately 0.88 acres
23 in size total for the development of Elks Drive and Moreno Road. Submitted by
24 Cross Town Construction, on behalf of Rocky M. Nevarez.
25
26 Thurston: All right. Next, we need a motion. Now can I have a motion to approve item
27 7.3?
28
29 Ja. Acosta: I'd like to move to approve item 7.3.
30
31 Smith: I second.
32
33 Thurston: All right. Now call for, can we get a call for the vote?
34
35 Weir: Commissioner Acosta.
36
37 Jo. Acosta: Yes.
38
39 Weir: Commissioner Smith.
40
41 Smith: Yes.
42
43 Weir: Commissioner McCaslin.
44
45 McCaslin: Yes.
46

1 Weir: Commissioner Murray.

2
3 Murray: Yes.

4
5 Weir: Commissioner Acosta.

6
7 Ja. Acosta: Yes.

8
9 Weir: Commissioner Kaiser.

10
11 Kaiser: No.

12
13 Weir: Chair Thurston.

14
15 Thurston: No. Only because of the park.

16
17 Weir: The preliminary plan for the subdivision was approved.

18
19 **8. DISCUSSION**

20
21 Thurston: All right now, next item on the agenda is discussion items. I have; I have
22 two items that I don't know necessarily are for discussion as of tonight.

23
24 Smith: Check.

25
26 Thurston: Hello. Okay. It works again. I guess it was meant that I'm not supposed to
27 say anything else. All right. For discussion items, we don't have anything
28 on here other than there's two items that I wanted to bring up. One would
29 be a downtown update to what's going on with the downtown update. Just
30 kind of wanted to hear some feedback as to the process of that and when
31 we might hear something about that.

32
33 Ochoa: Definitely, sir. I believe David Weir is kind of spearheading that.

34
35 Weir: Mr. Chair and commissioners. I can give you the latest. The consultants
36 have finished their initial draft. There's been one review by the Community
37 Development Department. And the next step is to get our comments
38 addressed by the consultant and then do an internal peer review. And then
39 after that is done, the plans are to open it up for public comment. And after
40 the public comment is concluded, we'll put it in the process for adoption of
41 the updated master plan for the downtown.

42
43 Thurston: Thank you.

44
45 Kaiser: And is there an opportunity for this body to weigh in?

46

- 1 Weir: Mr. Chair. I believe that we will bring that to you as a discussion item. But
2 it's actually the plan for the MRA and the T.I.D., and so they will be the
3 recommending body for that. And then City Council will be the ultimate
4 adopter of it. My recommendation would be that you can comment on it as
5 individuals when that public comment period is open. And then, of course,
6 after the discussion, we'll take any comments that the Planning and Zoning
7 Commission has on the plan.
8
- 9 Kaiser: Thank you.
- 10
- 11 Thurston: My other one that I have on points of discussion, as long as everyone's okay
12 with that so far. The last one was just Realize Las Cruces updates of certain
13 issues. Is there any issues with what we've kind of rolled out there? Are
14 there, the reasoning in that is if there's any issues that staff is currently
15 seeing with either development code or it be construction issues or other
16 things like that that you guys are seeing that may trickle down to us that
17 we're going to be having to make discussions of anyways. It just would be
18 nice if you can give us an update as to any issues with Realize so that we
19 can be basically understanding what's going to be coming to us for future
20 preliminary plats, future items.
21
- 22 Ochoa: Sure thing, Mr. Chair. Staff is keeping a log of kind of shortcomings, if you
23 will, a little bit, or things that aren't fitting in well with our current or with our
24 new development code. So we could definitely kind of provide you an
25 update of what we have on our list just so you're not blindsided with a book
26 of changes when we come in for another amendment. Because staff is still
27 working on kind of a time frame every six months and then every year to do
28 some type of amendment to code, sir.
29
- 30 Thurston: Okay. Now, there was going to be a, Realize was supposed to come, I think
31 it already did once with the couple of changes that staff already found were
32 messed up a little bit or just overlooked. Is there going to be another one
33 of those?
34
- 35 Ochoa: Mr. Chair. That is correct. Any type of amendment to Realize or to the new
36 development code will have to come before the Planning and Zoning
37 Commission before it goes on to City Council, sir.
38
- 39 Thurston: Okay. Do you guys have any dates or anything like that yet?
40
- 41 Ochoa: As of now, not, sir. Just because, like I said, we have a six-month time
42 frame. So we need to see what we have this next few months. If we do
43 have something ready to go, we'll definitely move it forward, sir.
44
- 45 Thurston: Okay. If you'll just do us a favor that if an applicant has a bunch of changes
46 on it, if you'll give us an update prior to that one so we know all of the

1 updates, so we're not having to go through the whole thing with the
2 applicant. Instead, we could be doing that with you guys.

3
4 Ochoa: Sure thing. And just to let you know, we are working on updating or
5 providing the newly updated amended development code. It is still available
6 on realizelascruces.com on our website. That is the latest and greatest one
7 right there. Then, right now it doesn't really make sense to make paper
8 copies just because we have to replace them every six months or a year
9 kind of thing until it gets some weight to it, then hopefully we'll be able to get
10 actual physical copies for everybody if need be.

11
12 Thurston: Thank you. With that, does anybody have anything else? All right.

13
14 **9. STAFF ANNOUNCEMENTS**

15
16 **10. ADJOURNMENT (8:00)**

17
18 Thurston: Can we just vote to adjourn?

19
20 Ja. Acosta: Mr. Chair. I vote to adjourn.

21
22 Thurston: Do I get a second?

23
24 McCaslin: Second.

25
26 Thurston: All in favor?

27
28 MOTION PASSES UNANIMOUSLY.
29
30
31
32
33

34 _____
Chairperson