

SPECIAL CITY COUNCIL MEETING AGENDA

Monday, July 13, 2020

immediately following the Work Session

Remotely via Zoom



CITY HALL
P.O. BOX 20000
LAS CRUCES, NM 88004

700 N. Main St.
PHONE (575) 541-2067

Mayor
Ken Miyagishima

Mayor Pro-Tem
Kasandra Gandara

Councilors
Tessa Abeyta-Stuve
Gabriel Vasquez
Johana Bencomo
Gill Sorg
Yvonne Flores

Individuals may view meetings live at
lascruces.civicweb.net

The health, safety and well-being of our residents and businesses are a top priority for City Council and the leadership in Las Cruces. As such, and consistent with and in support of the direction from Gov. Michelle Lujan Grisham and the New Department of Health public health order the Special Council Meeting will be held via video conference. In an effort to seek public input we ask that if you have comments/concerns/questions please e-mail your Councilor as follows:

District 1 – kgandara@las-cruces.org
District 2 – tstuve@las-cruces.org
District 3 – gvasquez@las-cruces.org
District 4 – jbencomo@las-cruces.org
District 5 – gsorg@las-cruces.org
District 6 – yflores@las-cruces.org
Mayor – mayor@las-cruces.org

If you need an accommodation for a disability to enable you to fully participate in this event please contact us 72 hours before this event at [541-2115/V](tel:541-2115).

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1. **CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27 (E)(2)**
2. **RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

- 2.1. **RESOLUTION NO. 21-009: A RESOLUTION APPEALING THE APPROVAL BY THE PLANNING AND ZONING COMMISSION ON MAY 26, 2020 FOR AN INFILL DEVELOPMENT PROCESS APPLICATION PROPOSING 12 DWELLING UNITS ON A VACANT PARCEL LOCATED AT 2245 TURRENTINE DRIVE. THE SUBJECT PROPERTY ENCOMPASSES 0.975 + ACRES AND IS ZONED R-1A (SINGLE FAMILY MEDIUM DENSITY). SUBMITTED BY PHYLLIS KOESSLER AND KARL KOESSLER-STREIKER, APPELLANTS (20ZO5000054A).**

[Resolution No. 21-009 - Pdf](#)

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3. **ADJOURNMENT**

**21-009****Type of Action:**☒ **Resolution**☐ **Ordinance**☐ **TIDD Resolution**

Council Action and Executive Summary

District:	☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6
1st Reading:	July 13, 2020
Drafter:	Sara Gonzales
Program:	Community Planning
Adopted:	July 13, 2020
Department:	Community Development
Line of Business:	Community Planning

Title: A RESOLUTION APPEALING THE APPROVAL BY THE PLANNING AND ZONING COMMISSION ON MAY 26, 2020 FOR AN INFILL DEVELOPMENT PROCESS APPLICATION PROPOSING 12 DWELLING UNITS ON A VACANT PARCEL LOCATED AT 2245 TURRENTINE DRIVE. THE SUBJECT PROPERTY ENCOMPASSES 0.975 + ACRES AND IS ZONED R-1A (SINGLE FAMILY MEDIUM DENSITY). SUBMITTED BY PHYLLIS KOESSLER AND KARL KOESSLER-STREIKER, APPELLANTS (20ZO500054A).

TYPE OF ACTION: ☐ Administrative ☐ Legislative ☒ Quasi-Judicial

PURPOSE(S) OF ACTION:

Appeal of a Planning and Zoning Commission Infill Development Process approval.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On May 26, 2020, the Planning & Zoning Commission (P&Z) reviewed an Infill Development Process (IDP) for development of twelve (12) multi-family dwelling units located at 2245 Turrentine Drive. The subject property is located within the infill area, undeveloped, and zoned R-1a (Single Family Medium Density). The applicant is seeking the proposed deviation to the allowed one (1) single-family dwelling to provide a variety of housing options to the community. If approved, the vacant parcel will be permitted twelve (12) dwelling units. The IDP proposes two (2) multi-family apartment building each containing six (6) dwelling units.

The purpose of the Infill Development Overlay District is to implement land use and development policies as established in the Infill Policy Plan. Specifically, the purpose of this overlay zone is to provide a streamlined review process for the development of vacant and underutilized parcels or those parcels ready for redevelopment within the urban core area of Las Cruces regardless of the property's zoning. The goal is to develop active uses that are compatible with surrounding land uses while promoting economic development in the central part of City, in accordance with Elevate Las Cruces, the City's Comprehensive Plan.

As part of staff's review, several of the adopted plans by City Council were determined to be in alignment with the proposed development including: Housing Plan, Elevate Las Cruces, and the Infill Development Overlay. Please see Attachment "C" for a more detailed summary of the outlined plans and policies.

The P&Z was held via video conference, in accordance with New Mexico Attorney General guidance and following all procedures set forth by the City of Las Cruces during the current public health emergency. The P&Z approved the proposed infill development request by a vote of 4-2-0 (one Commissioner absent). Prior to the P&Z meeting, staff received several emails and phone calls from neighboring property owners requesting the public hearing be postponed until such time as an in-person meeting could be held. The neighborhood requested to voice their concerns in an in-person public setting regarding the current zoning, drainage, parking stalls, narrow alleyway, invasion of privacy with two story structure, work crew behavior, light pollution,

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increase in noise, increase in traffic, location of dumpsters, landscaping buffer, area is not mixed-use, “new” tenants infringing on their safety, and the overall characteristics of the existing neighborhood.

Prior to the meeting, each P&Z member was provided copies of all correspondence. Further, the P&Z chair asked staff to discuss the list of neighborhood concerns expressed in the correspondence, outlined above, as part of their presentation rather than reading each individual email. Please see Attachment “B” for a more detailed summary of the discussion that took place at the P&Z meeting.

On June 8, 2020, the surrounding neighborhood officially submitted an appeal of the P&Z decision for the proposed Infill Development Process to City Council. The surrounding neighborhood is appealing the decision by the P&Z Commission questioning if the P&Z Commissioners properly granted permission to build a 12-unit, two-story apartment complex located at 2245 Turrentine Drive and whether the Commission followed proper procedure by failing to allow all concerned parties to appear at the hearing in person. Staff received the appeal letter and began the process for City Council consideration and action regarding the appeal. Staff also provided the proper public notification to the neighboring properties in regard to the appeal. Please see Exhibit “B” for the applicant's appeal and supporting documents.

City Council is required to review and take final action on appeals of decisions of the Planning and Zoning Commission per Section 38-10(M) and 38-13(A) of the 2001 Zoning Code. A City Council majority vote may reverse, affirm, or make any change to the matter being appealed based on the approval of P&Z and shall decide whether the requested infill development process is appropriate at this location. If deemed unsuitable based upon the evidence presented, the City Council shall overturn the final determination on the request; however, new evidence and facts (a.k.a. findings) must be articulated if the City Council reverses the P&Z decision. It is possible for the City Council to modify the approval by removing or adding conditions. Furthermore, the City Council can deny the appeal and leave the P&Z's approval of the infill development application in place.

SUPPORT INFORMATION:

[Exhibit A- Site Plan](#)

[Exhibit B- Appeal and Supporting Documents](#)

[Attachment A- P&Z Staff Report](#)

[Attachment B - P&Z Minutes May 26, 2020](#)

[Attachment C- Findings](#)

PLAN(S):

Comprehensive Plan, Other

COMMITTEE/BOARD REVIEW:

P&Z

ANNUAL BUDGET APPROVAL:

☐ Yes

☐ No

☒ N/A

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT:

AVAILABLE AMOUNT:

EXPENDITURE AMOUNT:

Additional Budgetary Information:

Funding Source(s):

Does this action amend the Capital Improvement Plan (CIP)?

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- ☐ Yes
- ☐ No
- ☒ N/A

OPTIONS / ALTERNATIVES:

1. Vote “Yes”; approve the Resolution and deny the P&Z approval of the infill development application for the subject property located at 2245 Turrentine Drive thus not allowing the development of 12 dwelling units. The current property will be able to develop one dwelling unit. Denial of the appeal will require new information or finding of facts not identified or presented during staff review or the P&Z meeting.
2. Vote “No”; this will not approve the Resolution and will leave in place the P&Z approval of the infill development application for 12 dwelling units on the subject property at 2245 Turrentine Drive.
3. Vote to “Amend”; this could allow the City Council to modify the Resolution by adding conditions as determined appropriate.
4. Vote to “Table”; this could allow the City Council to table/postpone the Resolution and direct staff accordingly.

REFERENCE INFORMATION:

The Resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

RESOLUTION 21-009

A RESOLUTION APPEALING THE APPROVAL BY THE PLANNING AND ZONING COMMISSION ON MAY 26, 2020 FOR AN INFILL DEVELOPMENT PROCESS APPLICATION PROPOSING 12 DWELLING UNITS ON A VACANT PARCEL LOCATED AT 2245 TURRENTINE DRIVE. THE SUBJECT PROPERTY ENCOMPASSES 0.975 + ACRES AND IS ZONED R-1A (SINGLE FAMILY MEDIUM DENSITY). SUBMITTED BY PHYLLIS KOESSLER AND KARL KOESSLER-STREIKER, APPELLANTS (20ZO5000054A).

The City Council is informed that:

WHEREAS, the Planning and Zoning Commission (P&Z), after conducting a public hearing on May 26, 2020, approved the Infill Development Process by a vote of 4-2-0 (one Commissioner absent), for a property located at 2245 Turrentine Drive as reflected in Exhibit "A"; and

WHEREAS, Phyllis Koessler and Karl Koessler-Streiker, appellants, submitted an appeal of the approval decision of the P&Z on June 6, 2020 based on the supporting documents outlined in Exhibit "B".

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the approval decision of the P&Z on May 26, 2020 is hereby overturned/denied.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS



Appeal Date: June 8, 2020

Appeal application fee: 200.00 submitted

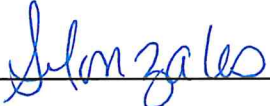
Appeal notification fees: 177.24

Facts of findings for appeal: submitted

Number of members appealing decision: 10 sign pages

Number of pages submitted: 7

Appellant signature: 

Planner signature: 

Issues

At issue is whether the Planning and Zoning Commission (Commission) properly granted permission to Scott Bannister to build a 12-unit, two-story apartment complex on his lot at 2245 Turrentine Avenue when:

- 1) the parcel is vacant and has never had a building on it;
- 2) the parcel is zoned R-1a and the proposed apartment complex violates R-1a zoning;
- 3) the parcel lies within the Crescent Park area, a suburban, not urban, area;
- 4) the project is inconsistent with many portions of the Elevate Las Cruces (ELC) Comprehensive Plan that promote integration into and with existing neighborhood character; and
- 5) the project does little to improve the Housing Plan contained in the ELC plan.

A second issue is whether the Commission followed procedure by failing to allow all concerned parties to appear at the hearing.

Procedural History

Scott Bannister owns the parcel at 2245 Turrentine Avenue. Rather than build within the parcel's designated R-1a zoning, he applied to the City to build a two-story, 12-unit apartment complex on the site as an Infill Development Proposal (IDP). Affected homeowners were notified, and a Planning and Zoning Commission hearing was held May 26, 2020, during which the Commissioners heard oral testimony only from Mr. Bannister and Sara Gonzales, a planner in the Las Cruces Community Development/Building and Development Services department. The Commission approved the project 4–2 and submitted its findings that we, the most affected property owners, now appeal.

The Hearing

Prior to the hearing, affected property owners were notified of Mr. Bannister's proposed project and Sara Gonzales, case manager for the project, made herself available to answer questions. Due to COVID restrictions, the public was told they could not attend—yet Mr. Bannister and the City, represented by Ms. Gonzales, were in fact, able to attend and give oral input. While multiple affected property owners submitted their concerns in writing, they were not read into the record as requested; rather, they were merely bullet-pointed in the City's presentation, which supported Mr. Bannister's project. The real voices of affected property owners were rendered silent.

The Commission vote was 4-2 in favor of Mr. Bannister's proposal. Commissioners Guerrero and Muñoz voted no, with Commissioner Guerrero stating the need to, "listen to the people in

the neighborhood . . . the math doesn't add up." Commissioner Bennett voted yes "with hesitations." Commissioner Muñoz said the hearing should have been postponed post-COVID because of the significant concern from neighborhood residents.

Character of the Neighborhood

Mr. Bannister's lot at 2245 Turrentine Avenue is a vacant, highly irregularly shaped, .97-acre parcel. It is zoned R-1a and lies within an existing larger residential neighborhood called Crescent Park, which is deemed *suburban*, not urban. Volume 1: Elevate Las Cruces, p. 27 indicates that the focus of infill development is for urban areas and the following clearly describes Crescent Park as a *suburban* area with *suburban* qualities: <https://lasruces.maps.arcgis.com/apps/webappviewer/index.html?id=02a7969ff3244f148359756288f712a9>).

Seven homes share a property line with the Bannister parcel. All seven are single-family, single-story, owner-occupied houses. Indeed, the entirety of the proximate neighborhood consists of nothing but single-story, single-family dwellings. Crescent Park "consists of single-family homes built in the 1940's, 50's, 60's and newer town houses and single-family homes. The homes in this area of Las Cruces are generally 1,000 to 2,500 square feet and between 2 to 4 bedrooms and 1 to 2 bathrooms. <https://activerain.com/blogsviw/3793341/homes-for-sale-in-the-crescent-park-area-of-las-cruces-nm>). According to the Southern New Mexico MLS Community Report, 60 percent of residents own their homes in this area of Las Cruces"

There are townhouses and apartments farther north and west off of Farney Avenue behind the strip mall on Main Street, out of the Crescent Park neighborhood. There are also apartment complexes to the east, along University Avenue, which lies some 600' away from the Bannister parcel. Like the apartments on Farney and Main behind the strip mall, University Avenue is not part of the proximate Crescent Park neighborhood.

South of the Bannister parcel is a substantially larger empty lot current used for excavation debris and not owned by Mr. Bannister. On the corner of Turrentine and University are three small multi-family dwellings, all one story, built about the same time as the Crescent Park subdivision. These properties do not touch the Bannister property but are within its visual range.

Sole access to the Bannister parcel is from Turrentine via a narrow-mouthed, long alley that includes mature shade trees that also provide wildlife habitat. Mature trees and other flora dot much of the older Crescent Park neighborhood, another of its suburban characteristics. The northern side of this alley proceeds along the backyards of four single-story homes on College Place. The backyards of two other single-story dwellings on College Place abut the small panhandle of Bannister parcel. A single-story dwelling on Turrentine, just to the west, also shares

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a property line with Bannister. Thus, a total of seven homes abut the Bannister parcel, all of which will be directly and chronically impacted by the proposed apartment complex. All the properties of suburban Crescent Park, including the Bannister parcel, are zoned R-1a. That zoning favors single-family houses, whether they are site built, manufactured, patio homes, or townhouses. The maximum permissible density is eight (8) dwelling units per acre. R-1a dwellings are generally owner occupied, creating a more stable, less transient neighborhood, with residents having a strongly vested interest in the long-term well-being of the area, unlike apartment dwellers.

Bannister's parcel is the last to be developed in the Crescent Park subdivision. It has never been built on. It contains nothing other than a concrete slab and weeds (see Zillow, aerial view). A previous owner who intended to park and store his construction vehicles on the property poured that slab. According to a College Place resident who has lived there for 46 years, the slab was poured in the 1990s. Barbara Caywood (deceased), the previous owner of 540 College Place (an affected property owner), complained to the City of a code violation because of the dust and noise that would have resulted from a construction lot behind her, just like the instant case. The City halted that project, no building was erected, and the owner was not allowed to store his equipment on the lot which has since remained vacant. Recently, Mr. Bannister removed the slab.

Another feature of Crescent Park is that all the lots abut each other, backyard to backyard. There are no alleys behind the houses. Houses face the street, and all traffic flows in front of the houses. Bannister's complex would radically alter this characteristic with his proposed 35' wide accessway that would pass directly and closely behind five houses into a parking lot, thus significantly increasing traffic flow from not only the tenants, but their guests, and any service vehicles. This traffic will become a noise and light nuisance and add localized pollution, in addition to compromising the backyard privacy that currently exists. This type nuisance is not found in any other area of Crescent Park.

Additionally, there are flood zone concerns. The proposed complex and adjacent homes lie in an AE flood zone. In the event of a flood, water will need to drain, either into the soil or directed toward storm drains or other water-directing conduits. The yards of the immediate homes are not surfaced over and thus allow drainage into the soil. Mr. Bannister would create a 35' long surfaced access along the alley plus and a surfaced parking lot for only 18 cars when 12 two bedroom apartments would more likely indicate 24 cars, leaving tenants and their guests to park on the street, the fire lane, or elsewhere. These numbers don't add up. His treatment of the rest of the parcel other than the building footprint is unknown, but "the rest" is a very small portion of the parcel. This massive amount of surfacing (almost .97 acres) potentially alters water drainage in a way that could be harmful to adjacent properties.

Finally, there are collapsible soil issues not uncommon in New Mexico that already affect College Place and Crescent Park neighborhood houses. One adjacent property owner recently put an addition on to their house, and in addition to large interior cracks assumed to be caused by soil

collapse, a significant portion of the foundation had to be replaced because of cracks and a drop in the foundation of several inches (photos and testimony available on request). In general, soil collapse has “caused millions of dollars of damage to public facilities such as schools, highway maintenance buildings, jail facilities, water tanks, roads, and other infrastructure. Housing developments from Velarde to Las Cruces and from Alamogordo to Socorro have been subject to collapsible soils. Collapsible soils are likely to continue to plague unsuspecting homeowners.”
<https://geoinfo.nmt.edu/hazards/collapsiblesoils/home.html>

Appellants’ Arguments

The Hearing Process

Appellants argue that there was no public hearing on this case, as required by law. COVID restrictions did not apply to Mr. Bannister and the City representative, but they were applied to the affected property owners. Ms. Gonzales represented the City which endorsed the Bannister project at the expense of the proximate neighborhood. While multiple affected property owners submitted their concerns in writing, they were not read into the record as requested; rather, they were merely bullet-pointed in the City’s presentation that supported Mr. Bannister’s project. There was no true hearing—only a monologue.

It is easy to look at lines on a map, zoning codes, and words on paper when deciding whether a proposed complex will fit into a neighborhood. That is a sterile process, a desktop decision. A hearing allows the applicant and City to listen carefully to the voices of those who will be affected by the results of those lines and grids and codes coming together. After the construction dust has settled, the transient and uninterested tenants move in and out, the builder collects his rents, and the City collects its fees and taxes, it is the proximate neighbors, the appellants, who daily remain most affected by the decision. Yet, appellants’ voices were wrongly silenced and the goal of notice and hearing was *not* met. Were the hearing fair, either the appellants would have been allowed to speak or the process should have been limited to a document review of all submissions, culminating in a decision that had clear, well grounded, explicitly articulated fact-based findings. That failure constitutes sound basis for overturning the Commission’s decision.

Appellants who were wrongly denied the chance to appear and be heard now appeal for a decision that works for the ELC plan, the zoning code, Mr. Bannister, and for the neighbors who make Crescent Park a great place to live because of their strongly vested interests in their homes and neighborhood. That may take a bit more time, but not that much more. The decision of the Commission should be reversed, and a true hearing held. In the alternative, the decision of the Commission should be reversed, and the Council require Mr. Bannister to resubmit his application in conformance with R-1a requirements and mitigations (below), which is legally and simply sufficient.

The Proposed Apartment Complex, Zoning Code, Crescent Park,
and the Elevate Las Cruces Comprehensive Plan

Appellants recognize that Mr. Bannister may develop his parcel in a manner consistent with current R-1a zoning and in keeping with long-existing Crescent Park neighborhood characteristics. Had he applied to build eight dwelling units consisting of two parallel rows of four townhouses one story high, appellants would have little to say, other than eight exceeds the permissible number by one, as his parcel is just shy of an acre.

Townhouses fit within the enumerated building styles allowed by R-1a, and seven units meet the maximum allowance (though appellants prefer fewer). Such development fits squarely within the ELC and its Housing Plans, all without straining the fabric of the neighborhood, the Plans, or the zoning code. Such a straightforward application achieves the same goal as an IDP; that is, it builds on vacant land (Finding 2). One need not overreach with an IDP and disregard the characteristics of the neighborhood to achieve this goal when a standard application does the same.

For unknown reasons, the City encouraged Mr. Bannister to apply for an IDP and attempt to shoehorn 12 units onto a parcel of land meant to maximally hold seven, and to make the complex a story taller than existing proximate structures. To do this, the Commission “found” that a vacant building was on his property (although none has ever existed) and qualified Mr. Bannister’s project under Section 38-48 IDO of the Las Cruces building code. Mr. Bannister can now disregard the R-1a zoning code, as allowed by 38-48, and bypass the variance process that requires demonstration of a hardship, an effort that would have most likely been doomed to failure, since this is in no way a case of hardship for Mr. Bannister (<https://www.las-cruces.org/DocumentCenter/View/976/Variations-PDF?bidId=>).

The lengthy ELC plan describes the direction the City would like to see growth occur. The overall impression is that City administrators want Las Cruces to grow in a manner that will enhance city life, bring in new residents, and integrate new growth with old. One goal is to fill in vacant lots and increase population density in the *urban* areas. However, Crescent Park is a *suburban* island in the middle of an urban area, which gives it a truly unique and wonderful character. Appellants point out that “integrate” does not mean impose upon or disregard what already exists, which is what the Commission’s decision does, in disrespect of both the ELC plan and the proximate neighborhood.

While the Commission finds that the subject property complies with the ELC plan (Finding 3), it fails to clarify the particulars of how it complies, and thus the finding fails for vagueness. The ELC plan is huge, so most any proposed project will comport with some of its elements. But, the ELC plan repeatedly and strongly states that when integrating new development into existing neighborhoods, “consideration *must* be given to the compatibility of a proposed development with *pre-existing and proximate land uses in terms of scale, form, aesthetics, site design, trip*

generation, and environmental/operational impacts (i.e. light, noise, odors, hours of operation, etc.). Las Cruces' elected and appointed officials may therefore consider mitigation measures to increase a development proposal's compatibility with pre-existing development and surrounding conditions when considering an application's consistency with the Future Development Map (emphasis added; Volume I: Elevate Las Cruces | 31). This statement, when taken together with Section 38-48 ("additional redevelopment may occur without significantly altering neighborhood character") reinforces Appellants' argument that the Commission erred in allowing the Bannister complex to be built as proposed, since it does not comport with the ELC plan or the Code, and therefore its decision must be overturned.

Woven throughout Volume 1 of ELC is the mandate to integrate new into old, not force old to be subservient to new, just for the sake of growth. "Our existing neighborhoods reflect our community's diversity, and a range of *historic building periods* and architectural styles. We conserve and invigorate our neighborhoods through infrastructure and public service investments, policies, and programs that encourage a mix of residential and non-residential infill development, *promote identifiable neighborhood character and form*, and improve aesthetics and safety (emphasis added; Volume I: Elevate Las Cruces | 19). Likewise, "Parcel Remnants. Small portions of a parcel that encroach into an adjacent place type *should develop according to the characteristics of the predominant place type*, unless adherence to the characteristics of the secondary area are needed to promote the overall policies of this Plan" (Volume I: Elevate Las Cruces | 29).

Volume 1 is liberally sprinkled with such recommendations, and those recommendations do not say build more just for the sake of building more. It says build well, build with a thought to what is around, and build with an eye to the historic beauty around you. A plan is not a code, and as such, it carries no legal power. However, a plan can influence the code so it is carried out to implement the plan's vision. A plan can also be ignored, selectively read, or selectively implemented without regard to actual needs or neighborhood characteristics, which is what the Commission has done.

Finding 4 also fails for vagueness, as any additional dwelling units will comply with the Housing Plan simply by adding dwelling units to the City's current inventory. However, in this case, Mr. Bannister does not help the demographic most in need of housing in Las Cruces—the low-income population—based on the City's own analysis of housing gaps by income groups. Mr. Bannister admits he is marketing his high-end apartments to students, maybe faculty, whose housing needs are already being met. Appellants argue that the Bannister complex should not be allowed to proceed because this finding fails in meeting the Housing Plan and is vague.

The environmental impact on existing drainage (noted earlier) in the AE flood plain was not addressed. Mr. Bannister's blueprint shows an almost complete and imperviously surfaced .97 acre. Yet, the ELC plan addresses this issue: "GREEN STREETS: In many communities, roads and other impervious surfaces make up two-thirds of total land coverage. Therefore, roads represent a huge opportunity to implement more sustainable practices for managing stormwater.

There are a variety of techniques that can be implemented to retrofit or reconstruct existing streets to better manage stormwater in a sustainable manner. *Green stormwater infrastructure features include permeable pavement for sidewalks, bikeways, and parking lanes, as well as bioretention planters or swales*” (Volume I: Elevate Las Cruces | 73). Further, it was stated in the hearing that the mature shade trees at the access point would be “repurposed.” In all neighborhoods, shade is precious, and the thought that perhaps repurposing means “turning into mulch” is tragic, adversely affecting not only the shaded comfort of the proximate homes but also habitat for birds and other wildlife, crucial in this harshly hot climate.

Conclusion

The Commission has failed the City, the Crescent Park neighborhood, and the Elevate Las Cruces plan by granting approval for Mr. Bannister’s project. Crescent Park is a *suburban* area that lies within an *urban* area, its own unique island. There was no building, and thus Finding 1 is spurious. Most any approved building plan that falls within the R-1a zoning code will allow for the development of dwelling units, so the instant case does not require an IDP, nor should it be granted that status given the *suburban* designation of Crescent Park. The IDP designation simply allows structures to be built in an *urban* area to add more rental units. Here, that designation is contrived and misplaced. There is already a good supply of student housing (attested to by the constant posting of “vacancy” signs and “move-in specials”), both on campus and in more easterly urban areas that truly are in walking distance from university classrooms, not the growing fields and animal pastures more closely found at this end of University.

The Commission’s Finding 3 suggests an incomplete understanding of the lengthy Elevate Las Cruces plan. Their application of the ELC plan seems in this case appears to be build now, build more, and build fast, with limited consideration for the characteristics of a long-established neighborhood, let alone the actual needs of the entire Las Cruces population. Finding 4 meets virtually no housing needs for transient students or residents, as there are already sufficient dwelling units for the socioeconomic market these units are intended to serve. They are overserved while the truly needy remain underserved and overlooked.

Because Findings 1 through 4 fail, the Commission’s conclusion in Finding 5 should be overturned and Mr. Bannister be required to submit a building plan consistent with the character of the Crescent Park neighborhood and R-1a provisions; requiring him to use mitigating measures such as a single-story structure, a permeable surface for his roadway, a privacy berm and trees along the northern property line; and to maintain existing trees on the parcel.

Respectfully submitted this day, June 8, 2020

Phyllis Koessler and Karl Koessler-Streiker, owners

540 College Place, Las Cruces, NM 88005

Appeal for case #20ZO5000054

Printed Name Jillian Rowan

Address. 530 College Pl

Signature 

Printed Name Sam Rowan

Address. 530 College Pl

Signature 

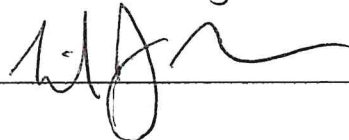
Printed Name Tzithali McHonigle

Address. 520 College Pl

Signature 

Printed Name Michael McHonigle

Address. 520 College Pl

Signature 

Printed Name Karl Koessler

Address. 540 College pl

Signature 

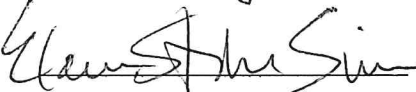
Printed Name ~~Rob~~ Rob Doerger

Address. 540 College Pl

Signature 

Printed Name Elaine Stachera Simon

Address. 600 College Pl

Signature 

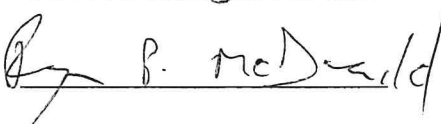
Printed Name Dominic Simon

Address. 600 College Place

Signature 

Printed Name Ryan McDonald

Address. 610 College Pl

Signature 

Printed Name Cerice Harrison

Address. 610 College Pl

Signature 

Appeal for case #20ZO5000054

Printed Name GERRY WILEY

Address. 620 COLLEGE PLACE

Signature Gerry Wiley

Printed Name Cyrus Byher

Address. 735 College Pl

Signature Cyrus Byher

Printed Name MARK WILSON

Address. 630 College Place

Signature Mark Wilson

Printed Name RAY BAIRD

Address. 725 COLLEGE PLACE

Signature Ray Baird

Printed Name Mary Fahrenbruck

Address. 700 College Pl

Signature M Fahrenbruck

Printed Name Martha Baird

Address. 725 College Pl

Signature Martha Baird

Printed Name Marcus Armstrong

Address. 730 College Pl

Signature M Armstrong

Printed Name Craig Reddell

Address. 645 College Pl

Signature Craig Reddell

Printed Name Cindy Solis

Address. 735 College Pl

Signature Cindy Solis

Printed Name Chris Wood

Address. 635 College Pl

Signature Chris Wood

Appeal for case #20ZO5000054

Printed Name MARVIN WEINRICK

Address. 605 College Pl

Signature 

Printed Name MIRIAM WEINRICK

Address. 615 College Pl

Signature Miriam R. Weinrick

Printed Name GEORGE NORRIS

Address. 625 College Pl

Signature Georg Norris

Printed Name Robert Hoffman

Address. 605 College Pl

Signature Robert V. Hoffman

Printed Name Rosemary Hoffman

Address. 605 College Place

Signature Rosemary Hoffman

Printed Name Abraham Hernandez

Address. 505 College Place

Signature 

Printed Name SUSAN BURNS

Address. 500 College Place

Signature 

Printed Name Eryn Baird

Address. 500 College Place

Signature Eryn Baird

Printed Name Robert M. Hastings

Address. 2305 Turrentine, LG, NM 88005

Signature Robert M. Hastings

Printed Name Nancy Hastings

Address. 2305 Turrentine Dr.

Signature Nancy Hastings

Appeal for case #20ZO5000054

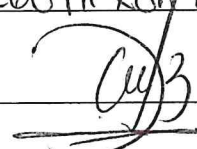
Printed Name Keighley Hastings

Address. 2305 Turrentine dr.

Signature Keighley Hastings

Printed Name Dante Rojas

Address. 2260 Hixon Dr.

Signature 

Printed Name Donald Bedale

Address. 2235 Turrentine Dr

Signature Donald Bedale

Printed Name Elena M. Harison

Address. 2240 Hixon Dr

Signature Elena M. Harison

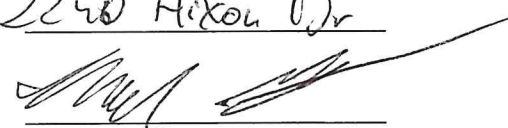
Printed Name Mona Chavira Bedale

Address. 2235 Turrentine Dr

Signature Mona Chavira Bedale

Printed Name Robert Gonzalez

Address. 2240 Hixon Dr

Signature 

Printed Name Johnny Limon

Address. 2200 Turrentine Dr.

Signature 

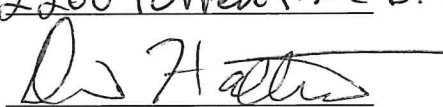
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Address. 2235 Hixon Drive

Signature Rosemary Marquez

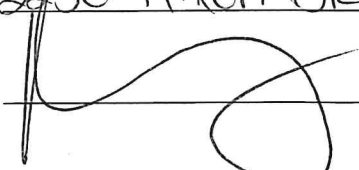
Printed Name David Halliberton

Address. 2200 Turrentine Dr.

Signature 

Printed Name Fierra Martinez

Address. 2230 Hixon Dr.

Signature 

Appeal for case #20ZO5000054

Printed Name Nanci Telles

Address. 2210 Hixon Dr.

Signature Nanci Telles

Printed Name Betty L. Watson

Address. 535 Monte Vista

Signature Betty L. Watson

Printed Name Emilia E. Vasquez

Address. 2210 Hixon Dr

Signature Emilia E. Vasquez

Printed Name Elizabeth Garay

Address. 545 Monte Vista Ave

Signature Elizabeth Garay

Printed Name Huin Banez

Address. 2225 Hixon Dr

Signature [Signature]

Printed Name Salvador Garay

Address. 545 Monte Vista Ave

Signature Salvador Garay Jr.

Printed Name Priscilo Lopez

Address. 400 Monte Vista

Signature [Signature]

Printed Name Hilario Ibarra

Address. 355 Monte Vista

Signature [Signature]

Printed Name Albert T. Scholey

Address. 2170 Turrentine Dr.

Signature [Signature]

Printed Name David Dora

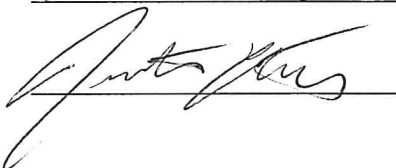
Address. 600 Monteluz Rd

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Appeal for case #20ZO5000054

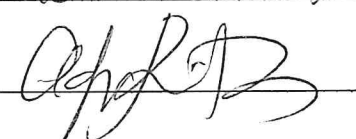
Printed Name Justin Krynitz

Address. 610 Monte Vista ave

Signature 

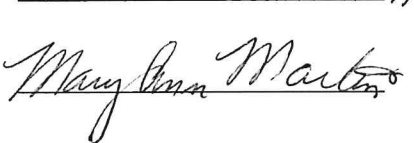
Printed Name Adriana Krynitz

Address. 610 Monte Vista Ave

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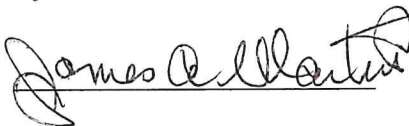
Printed Name MARY Ann Martin

Address. 625 Monte Vista ave

Signature 

Printed Name James A Martin

Address. 625 Monte Vista

Signature 

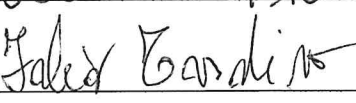
Printed Name STRAHNA TRECANEV

Address. 630 MONTE VISTA

Signature 

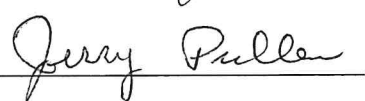
Printed Name FABIO TARDIVO

Address. 630 Monte Vista

Signature 

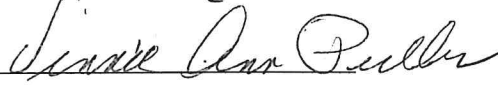
Printed Name Jerry Pullen

Address. 715 Monte Vista

Signature 

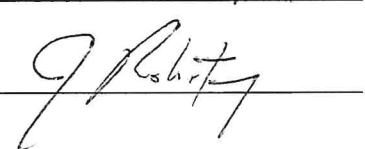
Printed Name Vannie Pullen

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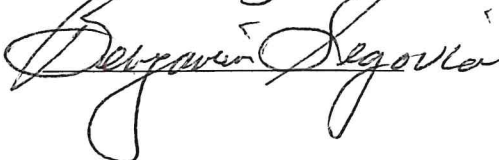
Printed Name J Roberts

Address. 725 Montevista

Signature 

Printed Name Benjamin Segovia

Address. 710 College Place

Signature 

Appeal for case #20ZO5000054

Printed Name David Rachal

Address. 640 college Pl

Signature 

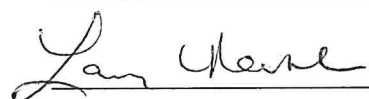
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Address. 2015 Turrentine Dr.

Signature 

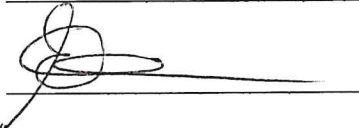
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Address. 640 College Pl.

Signature 

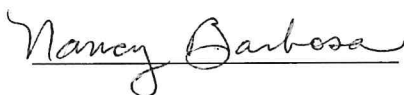
Printed Name Shiella Merriman-Pan

Address. 2155 Turrentine Dr.

Signature 

Printed Name Nancy Barbosa

Address. 2225 Turrentine

Signature 

Printed Name Frank & Elia Drellano

Address. 2165 Turrentine Dr

Signature 

Printed Name Felix Cordoba

Address. 2210 Turrentine

Signature 

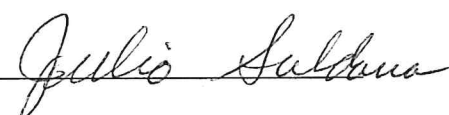
Printed Name Kevin Ross

Address. 515 Monte Vista

Signature 

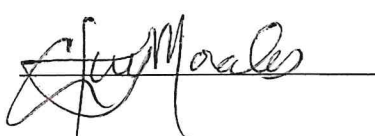
Printed Name Julio Saldaña

Address. 2210 TURRENTINE

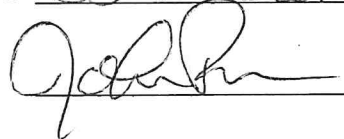
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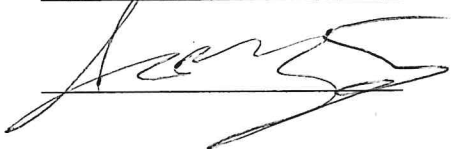
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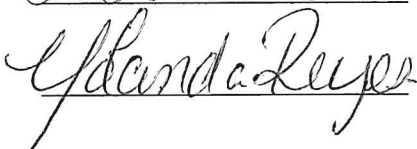
Address. 525 Monte Vista

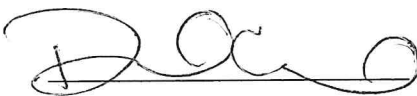
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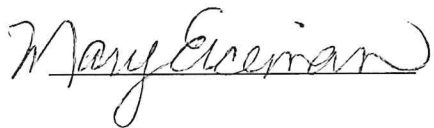
Appeal for case #20ZO5000054

Printed Name John Parr
Address. 2155 Turrentine
Signature 

Printed Name Jose Montiel
Address. 2056 Turrentine
Signature 

Printed Name Yolanda Reyes
Address. 2035 Turrentine
Signature 

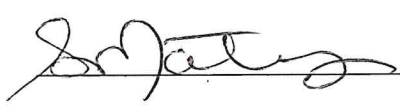
Printed Name Delaine Charles
Address. 425 Monte Vista
Signature 

Printed Name Mary Eicman
Address. 2028 Turrentine
Signature 

Printed Name Angel Yanez
Address. 2230 Turrentine
Signature 

Printed Name Emily C Martinez
Address. 2044 Turrentine Dr
Signature 

Printed Name Jesus Marquez
Address. 2230 Turrentine
Signature 

Printed Name Shauna Martinez
Address. 2050 Turrentine
Signature 

Printed Name IRMA SMITH
Address. 2170 TURRENTINE DR
Signature 

Appeal for case #20ZO5000054

Printed Name VIJAY BHALLA

Address. 2025 Hixon Dr

Signature Vijay Bhalla

Printed Name Christine Farias

Address. 2060 Hixon Dr

Signature Christine Farias

Printed Name Summer Flores

Address. 2040 Hixon Dr

Signature Summer Flores

Printed Name Tony Gibson

Address. 2060 Hixon Dr

Signature Tony Gibson

Printed Name Sterling Hill

Address. 2045 Hixon Dr

Signature Sterling Hill

Printed Name Celia Canchola

Address. 2075 Hixon Dr

Signature Celia Canchola

Printed Name Natalia Martinez

Address. 2055 Hixon Dr

Signature N. Martinez

Printed Name Carolann Hoban

Address. 2065 Hixon Dr

Signature Carolann Hoban

Printed Name Jacqueline Cormier

Address. 2050 Hixon Dr

Signature Jacqueline Cormier

Printed Name Mary V. Schottler

Address. 2080 Hixon Drive

Signature Mary V. Schottler

Appeal for case #20ZO5000054

Printed Name Christopher Yee

Address. 2030 Turrentine Dr.

Signature Christopher Yee

Printed Name Abigail Oliver

Address. 1990 Crescent Dr.

Signature Abigail Oliver

Printed Name Naomi Yee

Address. 2030 Turrentine Dr

Signature Naomi Yee

Printed Name Michael D. Johnson

Address. 1940 Hixon

Signature Michael D. Johnson

Printed Name Edward J. Oliver

Address. 1990 Crescent Drive

Signature Edward J. Oliver

Printed Name Teri Root

Address. 1930 Hixon

Signature Teri Root

Printed Name LUKE OLIVER

Address. 635 Motteville

Signature Luke Oliver

Printed Name Larry Chase

Address. 2000 Hixon Dr

Signature Larry Chase

Printed Name Denise Oliver

Address. 1990 Crescent Dr.

Signature Denise Oliver

Printed Name Patricia Waggoner

Address. 2000 Hixon Dr.

Signature Patricia Waggoner

Agenda Item #2.1.

This letter will serve to appeal the decision made by the Planning and Zoning Commission meeting on May 26 concerning case #20ZO5000054. There are several reasons why I believe this decision was made in haste and without allowing those most affected to present their views on the project and have them discussed in an open meeting. In the first place the announcement of the meeting said it was to be a public meeting but due to virus restrictions no public was allowed into meeting- except for Mr. Bannister the petitioner. Why was he given privilege that was denied the rest of us public? This makes for a completely one-sided and unfair hearing of the case.

Secondly, the announcement also said that public input would be channeled through a Ms. Gonzales who was serving as case manager. In reading the minutes of the meeting not one of the points of objection I and my neighbors raised to Ms. Gonzales by phone and email was ever brought out for debate in the meeting. This would indicate that Ms. Gonzales was managing the case for Mr. Bannister and not presenting comments from the rest of us public who raised significant and real objections to the nature of the project. This is completely antithetical to a public hearing of the issues. It smacks of using the virus issue to railroad through a plan without an actual public hearing!

Thirdly in looking at the committee decision document, Point 1 states that "The subject property has a vacant building on a property within the IDO making it eligible for the Infill Development Process...". This is completely untrue. There is not now, nor was there ever, a building on this parcel. An earlier property owner, a Mr. Graham, was a contractor (Soledad Canyon Earth Builders, I believe) who wished to build a building to store construction materials. He poured a slab for the building but the City denied him a building permit and he thus abandoned the project. The slab remains but there never was a building on the parcel. Thus the eligibility issue is incorrect.

Finally as I have mentioned previously, I have lived in this neighborhood for 46 years and in all that time there has never been any plan for that parcel. I fail to see why this decision cannot be put off for a few months until the state is fully open so that a meeting can be held where all concerned parties can have a voice and participate in open debate, not just one person apparently favored by the case manager.

For these reasons I wish to appeal this decision, Thank you for your consideration.

Robert Hoffman

605 College Pl

Elaine Stachera Simon &
Dominic Simon
600 College Place
Las Cruces, NM 88005
June 7, 2020

Re: 2245 Turrentine Drive, Planning and Zoning Case # 20ZO5000054

Dear Mayor Miyagishima and Members of the Las Cruces City Council:

We are writing to respectfully request that (1) any construction on the referenced parcel be required to conform to current zoning, and that (2) the Planning and Zoning Commission's decision to allow nonconformity due to the Elevate Las Cruces plan for infill development be overturned.

Mr. Bannister is a sophisticated businessman, and this is not the first time he has had to address concerns of residents in neighborhoods in which he wants to build. The *Las Cruces Sun-News* (February 17, 18, 2020) reported on his large-scale project at Stern and Boutz that was unanimously approved by the Planning and Zoning Commission and later adjusted by the City Council. As that was pre-COVID, concerned residents were able to appear in person with their request that Mr. Bannister adjust his development plan. One article stated that Mayor Miyagishima noted, "residents didn't expect the land would be developed when they moved nearby." Although in that case the land was zoned agricultural, the broader point is the same in this case (please see the second bullet point, below).

Many concerns are addressed in our appeal re: Case # 20ZO5000054, but there are others.

- Mr. Bannister was able to participate in the hearing, but affected property owners were not. Our not-insubstantial comments were reduced to bullet points in the presentation of Sara Gonzales on behalf of City staff in support of Mr. Bannister's project. To try to have our concerns heard, we now must spend time and money to appeal.
- This proposed project is an "investment" for Mr. Bannister, but these are our family homes that are affected. He may have the best of intentions, but he is trying to change rules that don't affect his own family and home, but do affect those of others—the owners of the immediately adjacent properties. We can't speak for others, but before purchasing this house we checked the zoning for undeveloped land in the area.

If home buyers can have no confidence that adjacent properties will remain zoned as they are at the time they purchase a house—a reasonable determination to make prior to making what is for most their single largest financial investment—it will have a chilling effect on buyers' willingness to purchase homes in Las Cruces.

- In the hearing, it was stated that the mature trees and vegetation at the access point were going to be "repurposed" but no definition of this was given (and since we couldn't

Agenda Item #2.1.

participate, we couldn't ask). Regardless, removal of these trees would take away significant shade, ambiance, and habitat. None of this is positive, especially in a desert environment.

- When concerns were raised in the Planning and Zoning hearing on May 26 about the possible need for additional parking spaces for residents and guests of the proposed building, one idea discussed was that overspill parking could simply use the adjacent lot directly to the south. This solution is predicated on the continued status of that lot as empty; however, there is no reason to expect that status to continue indefinitely. Thus, it is not a long-term solution to what would be likely a long-term problem.
- Mr. Bannister indicated that he intended to set a price point to appeal to a more professional demographic, and/or graduate, rather than undergraduate, students. However, if he were unable to fill his proposed building with such clientele he may have no option than to offer open units to undergraduate students, with the attendant activities (parties, noise) that are not in keeping with the single-family neighborhood.
- As the final vote, Chair Sharon Thomas noted that the layout of apartments in this proposed complex would not be the type to draw undergraduates, yet this seemed to be driven by opinion rather than any data.

Chair Thomas also used her own neighborhood as an example of how an apartment complex does not alter the character of a neighborhood. We are familiar with that neighborhood, as Elaine lived there before moving to College Place. That is a long-established neighborhood with no new construction. The apartment complexes she references were there long before Chair Thomas was. She had no surprises.

- As stated, our objection is not to the development of the property per se, but we are asking Mr. Bannister to compromise and build according to the *existing* designated zoning category. He would still be contributing to housing availability in Las Cruces using existing zoning and the character of our long-established neighborhood would be maintained.

Thank you for your attention to this matter that directly affects our family homes and our neighborhood, and for your consideration of our concerns.

Respectfully,



Elaine Stachera Simon



Dominic Simon

City Council
Las Cruces, New Mexico

RE: Variance for Case 20ZO51000054

Dear Members of the City Council,

As a homeowner residing at 700 College Place, I was disappointed to learn that the Planning and Zoning Commission failed to uphold Goal CL-1 of *Elevate Las Cruces* when they granted a Variance that allows for the construction of a 12-unit apartment complex at 2245 Turrentine. The Commission's decision appears to ignore Policy CL-1.1 as it shifts the power "to define [neighborhood's] distinct identities and needs" from our residents to property owner and developer, Scott Bannister (City of Las Cruces, 2020, p. 183). Overcrowding a 12-unit complex onto a small parcel of land fails to foster our "distinctive, attractive community with a strong sense of identity" as a safe, friendly neighborhood comprised of single-family homes (p. 11). I respectfully oppose the Variance and request that the council retract their decision to grant the Variance.

Best,

Mary L. Fahrenbruck
700 College Pl
Las Cruces, NM 88005

I hereby grant permission for my email letter to be submitted to the Las Cruces City Council.

Reference

City of Las Cruces (2020). *Elevate Las Cruces Comprehensive Plan, Vol 1*. City of Las Cruces.

City Council
Las Cruces, NM

RE: Variance for case 20ZO51000054

Dear Members of the Council,

We are home owners at 530 College Pl, and the proposed project, as planned, would impact our quality of life significantly. In addition, we do not believe the the proposed project meets the standards that are set forth in "Elevate Las Cruces."

The proposed project as planned would have a road and fire lane backing directly up to our fence line. The orientation of the parking lot would leave us with oncoming traffic, including private, commercial, and service vehicles, pointing directly at our yard. This leaves us with concerns about not only safety, but also noise and light trespass.

The variance that was granted to allow this project also creates an over-crowding issue. It was cited numerous times during the hearing that this lot is .97 acres, and so it can accommodate the proposed complex. This, however, is a distortion of material fact. The portion of the property that set to contain both buildings and the parking lot, is only about half an acre. The rest of the space is composed of the access road, and two oddly shaped necks that protrude from the lot (and are far too narrow to build anything on). This leaves us with two story buildings, built with minimum clearance from our property, looking directly down into our house and back yard. This is a severe invasion of privacy.

In addition, because this lot is overcrowded, Mr. Bannister has proposed the minimum number of parking spaces required by the code. He stated in the hearing that overflow parking can park in the vacant lot next door; however, he does not own the vacant lot next door, and therefor has no right to include said property in his formal plan.

The R-1a zoning is there to protect us as home owners from the overcrowding that Mr. Bannister is proposing. Please help us protect the character of our neighborhood and our property values.

Thank you,
Sam and Jillian Rowan
530 College Pl

Agenda Item #2.1.

We live at 520 College Place and are appealing the Las Cruces Planning and Zoning Commission's approval for the infill development at 2245 Turrentine – Case #20ZO5000054.

The use of this space for 12 apartments raises many concerns among our family and the College Place Neighborhood. We have attempted to voice our concerns at the initial meeting on May 26th via Zoom through email as per Sara Gonzales, case manager. Our concerns were not addressed in their entirety nor in a non-biased form.

The Commission approved the case based on "Staff Recommendation" which did not hear or represent our concerns. We understand the need for meetings to be held and cases to be heard in a timely manner, however there should have been a community representative allowed to speak on behalf of our neighborhood. There were numerous emails sent and phone calls sharing the common plea – do not approve the variance for 12 units, yet they were all summarized to a one slide bullet point summary on Ms. Gonzales's PowerPoint presentation, which did not cover all areas of concern.

We understand it would be cumbersome and inconvenient to have every homeowner who wishes to speak be addressed during the virtual meeting as it is in normal in-person meetings, however it is our right to have our voices heard and our questions answered. Having one selected representative for the neighborhood should have been allowed as a compromise to the new way of things (virtual meetings). Mr. Bannister was able to make his statement and was made available for questions, however no one from our community who is directly affected by this change was able to ask questions or raise concerns during the meeting.

To further support our appeal, the findings on the decision notice for this case are inaccurate. Finding #1 is completely false – The subject property has a vacant building on a property located within the Infill Development Overlay (IDO) making it eligible for the Infill Development Process (IDP). (section 38-48A, 2001 Zoning Code). There is absolutely no vacant building on the property nor has there ever been.

Therefore, it is not eligible for the IDP and the decision to allow a 12 unit variance should be overturned. We are not asking Mr. Bannister to not develop the land he rightfully owns – we are simply asking him not to cram 12 units and 18 parking spaces into a small parcel of land and we are asking the city to not permit him to do so.

Please take into consideration the concerns of all the homeowners in this neighborhood as we are the ones who are directly affected by this decision and have to live with the decision every day.

Sincerely,
Michael and Tzitlali McGonigle
520 College Place

Attached – Original Email to Ms. Gonzales for May 26, 2020 P&Z meeting



Tzittali Ramirez <tzittali@gmail.com>

2245 Turrentine

2 messages

Tzittali Ramirez <tzittali@gmail.com>
To: sgonzales@las-cruces.org

Fri, May 22, 2020 at 12:30 PM

Good afternoon Ms. Gonzales,

We live at 520 College Place and are writing to you regarding the proposed infill development to allow for 12 units on the vacant lot behind our property. The use of this space for apartments raises many concerns among our family and the College Place Neighborhood. Please see the list below:

1. Safety - We are concerned about the safety of our neighborhood having so many new tenants coming and going right behind our property. We are familiar with our neighbors and can easily recognize any suspicious behavior. Having apartments means multiple families/renters moving in and out as leases expire or evictions occur.

Not even one year ago there was a shooting on the corner of university and Turrentine. That event made us very uneasy and we were thankful to have not been closer to University Ave. We are concerned about having so many unknown people immediately behind our property versus one family.

Furthermore, in the event of an emergency, how will all those tenants safely and effectively evacuate the property through the only narrow alley available?

2. Noise - Putting aside the noise from construction alone, having so many cars driving behind our house in the alleyway is a huge issue. It is not a main road nor will it be a main road even if it is paved. The traffic of 12 units will cause a disruption to our home. Assuming one car per unit (which is more likely 2 cars or more per unit) means 12 cars coming and going in the small alley behind our house at any given time of day.

The use of the small alleyway as the only entrance and exit to the proposed apartments also raises the concern of car accidents. If a vehicle were to veer off and crash into our wall bordering the alley puts our family at risk. We have very small children who play in our backyard an accident like that could be fatal. This all ties back to safety again.

3. Privacy - There are no two story buildings in our neighborhood or the immediate surrounding area. Having a second floor of apartments means our backyard and property will no longer be private.

Having a family of our own we feel this 12 unit apartment is infringing upon our safe, beautiful, and quiet neighborhood. We will not be able to even enjoy the safety and privacy of our own backyard. Please take into consideration the concerns of all the homeowners in the College Place Neighborhood.

Sincerely,
Michael and Tzittali McGonigle
520 College Place

Sara Gonzales <sgonzales@las-cruces.org>
To: Tzittali Ramirez <tzittali@gmail.com>

Fri, May 22, 2020 at 4:08 PM

Good afternoon,
Thank you for providing input, comments, and concerns regarding the proposed 12 unit development. I will be forwarding this email to the planning and zoning commission for consideration.
Thank you and have a safe weekend.
Sara Gonzales

From: Tzittali Ramirez <tzittali@gmail.com>
Sent: Friday, May 22, 2020 12:30 PM
To: Sara Gonzales <sgonzales@las-cruces.org>
Subject: 2245 Turrentine

To: Las Cruces City Council

We are writing this letter to express our concern regarding the proposed development at 2245 Turrentine Dr., approved on May 26, 2020.

Although, we are always in favor of progress and growth in our city this specific project still does not have our support. This opposition is echoed by neighbors most impacted by the project as reflected by the opposition petition of this development accompanying this letter.

Secondly, the virtual meeting was very disappointing mainly because this case was not tabled to allow our neighborhood to be present and voice our complaints. We are well aware of the fact that the COVID-19 Pandemic prevented us from doing so, however, we do not understand why time is of the essence now. Mr. Bannister, during his presentation, said he has owned the property for eight years and in that time frame, we have not seen any attempt to maintain or clean the property, at least that we are aware of. So, it leaves one wondering why a few days before the notice went up, he had equipment cleaning the property. Please do not leave us feeling that the meeting was just a formality to inform us it was being passed instead of engaging us and allowing us to voice our concerns in person.

Below we have listed our most compelling reasons for opposing this approval and asking for you consider our petition to be heard.

- Increased Traffic, for us specifically the easement runs adjacent to our home
- Noise
- Previous owner requested permit for 6 units and was approved for 4. The request is for 12 single family units on .97 acres, this doesn't seem to fit single family home neighborhood
- Parking situation, again 12 units on a lot of this size. Mr. Bannister will not be able to provide additional parking as he mentioned because the property which he would need to do so has a different owner.
- Once rezoned what other changes will the developer be able to make

Overall, we feel this change is not in the best interest of our neighborhood. We strongly urge you to reconsider. Thank you in advance, for your consideration.

Sincerely,

Don and Mona Bedale

2235 Turrentine Dr.

Las Cruces, NM 88005

575.524.3342/575.642.3245 Cell

bedalex2@msn.com

To the Las Cruces City Council,

We have owned our home at 2020 Turrentine Drive for 40 years. We oppose the variance granted to Scott Bannister for a multi-unit development at 2245 Turrentine Drive.

First, it would deface the property along Turrentine Drive by removing trees which provide shade and beauty to adjoining properties and residents who walk along the quiet street to and from home.

Second, it would increase traffic on Turrentine Drive, possibly endangering residents driving or walking along the street because visibility from the driveway at 2245 onto the street is limited.

Third, a multi-unit dwelling would greatly decrease property values of those houses directly bordering on the apartment property and indeed for the whole community. The building plan provides very little space between structure and the adjoining properties.

Neighborhood input was severely hindered by COVID-19 restrictions. We do not want to lose the value and livability of this neighborhood. Please hear our appeal. We are asking the Las Cruces City Council to vote to repeal the variance granted to Mr. Bannister.

Sincerely,
Gary and Mary Eiceman
2020 Turrentine Drive
Las Cruces, NM 88005

2305 Turrentine Drive
Las Cruces, NM 88005
June 7, 2020

City Council
City of Las Cruces
700 N. Main, P.O. Box 20000
Las Cruces, NM 88004

Dear Members of the Las Cruces City Council:

Thank you for inviting us to share our concerns with you concerning the Infill Development Proposal application by Mr. Scott Bannister that would allow him to build twelve apartment units on a property at 2245 Turrentine Drive [Case 20ZO5000054]

I have been a resident of Las Cruces for 35 years and have lived at 2305 Turrentine Drive for 24 of those years. During that time my husband and I have consistently maintained our half of the alley, which included pruning the two trees, clearing trash, raking leaves, and watering the trees so they would develop into beautiful mature trees that provide much-needed shade during a heat wave.

Our historic home is the original Hixon farmhouse, built mostly of stone in 1920. This year our home will be 100 years old. Our lot was part of the Hixon cotton farm when cotton was introduced to the Mesilla Valley in 1919 as a commercial crop. The neighborhood is characterized by single-family houses, one-level, and a great many mature mulberry trees and pines that cool the community as well as clean the air. We are very proud of our neighborhood, and thankful for the many friendly neighbors we are blessed to have. It can be said that folks tend to live in their backyards in this area. We raise 100% organic apricots, herbs, and assorted vegetables on our half acre of land so we can eat healthy. We try to be good stewards of the land.

We strongly encourage the City Council to help us preserve the historic integrity of our property by ensuring that any new development conform to the single-family dwelling style. We would hope that the access road to the south would be built so that the two trees in the alley could be saved.

Agenda Item #2.1.

Hixon Street deadends into Turrentine. The Hixon sidewalk on the north side of the street could be easily extended into the proposed development. However, it is not a perfect intersection. Hixon Street does not align with the intended driveway for the Bannister development.

In addition, we have some very real concerns about the 32% increase in crime in the first quarter of 2020 according the City of Las Cruces Police Department, as was mentioned in the Sun News and also on KFOX14/CBS4. According to an article by Erika Esquivel on May 8, 2020, “property crimes increased approximately 32 percent in the first quarter from January through March of 2020 compared to 2019. Property crimes include residential burglary, non-residential burglary, breaking and entering, auto burglary, and motor vehicle theft and arson.”

Some reports indicate that Las Cruces crime rates are 53% higher than the national average (areavibes.com). New Mexico also has the second highest violent crime rate in the country—8.6 vs. 3.7 nationwide according to Safewise.com

I bring these figures to your attention because my family has experienced, first hand, the disquieting significance of these numbers. In May 2020, one of our vehicles was stolen from our driveway on Turrentine. According to a police report that was filed, our vehicle was implicated in a murder investigation that is ongoing. The murder suspect was in possession of our vehicle at the time of his arrest.

We fear that the incidence of violent crimes and property theft crimes will continue to escalate as secluded apartments complexes offer convenient hiding places for miscreants to escape notice of officers on patrol. We feel strongly that single-family dwellings would be a much safer option for this vacant lot at this time.

Due to the Governor’s advisement on social distancing, it has been a real challenge to speak with others in our neighborhood.

Please grant us additional time to voice our concerns to members of the city council.

My thanks in advance for your consideration and for the work you do to enhance the beauty of Las Cruces and its unique residential areas.

Sincerely,

Nancy Hastings

RNHastings@zianet.com

Sara Gonzales

From: Phyllis Koessler <plk0221@gmail.com>
Sent: Tuesday, June 09, 2020 4:47 PM
To: Sara Gonzales; Jillian Rowan
Subject: Re: dates and protocol for appeal of 2245 Turrentine
Attachments: appeal letter 2245 turrentine proposed apt complex.docx

good afternoon, ms Gonzales,

i wish to first thank you for contacting me yesterday when you thought i was not included in the documents ms rowan hand delivered to you. i was touched by your thoughtfulness which i found went well beyond the usual courtesies in matters such as these.

i am now attaching my letter in support of having the Commission's decision reversed and revised. this letter is in addition to the formal appeal i drafted which is in your possession. please affirm that you have received my letter and are including it with the rest of the appeal submission for the City Council's consideration.

Jillian, please be sure to add my letter to your appeals folder. i hadn't thought to draft a letter in addition to the formal appeal, but it was delightful to be able to speak more freely from the heart more than the brain!

kindest regards,
Phyllis Koessler

On Mon, Jun 8, 2020 at 10:36 AM Sara Gonzales <sgonzales@las-cruces.org> wrote:

Good morning,

I have received an appeal for the address above from a neighboring property owner. If you would like to provide any comments to add to the appeal please provide them via email by June 10 so I can add it to the formal submittal.

Thank you

Sara Gonzales, CZO

Planner/Community Development/ Building & Development Services

Direct: 575-528-3085 Main: 575-528-3043, sgonzales@las-cruces.org



Agenda Item #2.1.

From: Sara Gonzales
Sent: Friday, June 05, 2020 9:33 AM
To: Phyllis Koessler <plk0221@gmail.com>
Subject: RE: dates and protocol for appeal of 2245 Turrentine

Good morning,

The hearing was on May 26th. The date to start counting is May 27th so the 15th day is June 10th by 5pm for the appeal. I hope the dates below confirm the 15 days.

May 27, 28, 29, 30, 31

June 1,2,3,4,5,6,7,8,9,10

Process is below:

1. The appeal fee is \$200.00 and the notification fees are \$177.24. There additional notification fees required for certified and regular mail sent to surrounding property owners within 500 feet of the subject property and for the sign to be placed at the subject property. The cost breakdown for the notification fees include: (sign \$24.44, regular mail 47 letters x \$0.90= \$42.30, and certified mail 17 letters x \$6.50 = 110.50).
2. Forms of payment accepted are cash, check, or cashier's check made payable to the City of Las Cruces.
3. The format for the appeal is that the appellant must provide a detailed, written statement explaining the grounds of his/her appeal, including findings, which pertain specifically to the Commission's decision and findings (see attached Decision Notice for findings).

Note: The grounds and findings of an appeal shall state all issues to be considered by City Council as only those issues shall be considered by City Council.

4. More than one name may be listed on the appeal provided that the name, address, and signatures of all property owners who are participating are included.
5. Statements may be provided from the neighbors who have concerns and want their voices heard. The statements are required to be part of the appeal packet when it is submitted to the Community Development for processing. The information is then provided to City Council for consideration.
6. The appeal packet may be emailed, mailed, or dropped off at the City Hall security guard desk (information counter).
 - a. If emailed, reply to this email, and the payment may be mailed or dropped off at the City Hall security guard desk (information counter).
 - b. If mailed, please send to City of Las Cruces, Attention Community Development, Sara Gonzales, 700 N Main Street, Las Cruces, NM 88001

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- c. If dropped off at the City Hall security guard desk (information counter), address - Attention Community Development, Sara Gonzales

An appeal to the Planning and Zoning Commission's decision to City Council must be submitted within 15 calendar days of the decision provided. Please provide the appeal packet by June 10, 2020.

Thank you

Sara Gonzales, CZO

Planner/Community Development/ Building & Development Services

Direct: 575-528-3085 Main: 575-528-3043, sgonzales@las-cruces.org



From: Phyllis Koessler <plk0221@gmail.com>
Sent: Friday, June 05, 2020 9:19 AM
To: Sara Gonzales <sgonzales@las-cruces.org>
Subject: dates and protocol for appeal of 2245 turrentine

good morning, ms Gonzalez,

I count 15 days form the date of the commission's decision to be june 11. please affirm that I have counted correctly and that any appeal must be in to the community development director by 5pm on that date.

also, please detail the submission process, \$200 payment in any form or only one form, and all other relevant information.

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thanks so much,

Phyllis koessler

Dear Mayor Miyagishima and Members of the Las Cruces City Council:

I write this letter, in addition to authoring the Appeal, to express my heartfelt concerns as to why the proposed apartment complex at 2245 Turrentine (Case #20ZO5000054) does not work for the neighborhood and the Commission's decision be reversed and reissued with the below recommendations. My son and I co-own the property located at 540 College Place, one of several properties sharing a common property line with the proposed apartment complex. I bought this house in March, 2017, after he was accepted to Burrell College of Osteopathic Medicine. It serves as his primary residence, and my sometime snowbird home. Perhaps he will become one the City's physicians!

As a several time home buyer in many parts of the country, there were features I looked for in selecting this house, more than just proximity to NMSU and Burrell. Other factors included an older residential area (non-HMO) with a well-kept street not cluttered with cars. Mature trees were a definite plus. All that simply says character in my book, stability, a nod to the past, caring, appreciation for the environment. I also prefer distance between houses, large lots and open areas. 540 College Place met those wishes.

I also sensed a strong neighborhood unity while I considered my purchase. That sense was affirmed the day we drove the Penske moving truck into our driveway. Neighbors offered fresh baked cookies and hands to help unload. That is a rare and wonderful neighborhood characteristic. That banding together to help, part of the charm and character of College Place, manifested itself again when we recently learned of the proposed apartment complex that was to go in behind several of our homes. Neighbors joined to express their many legitimate concerns, which should be an excellent indicator to you, the City Council, of the strength of a good neighborhood with residents who truly care about their City.

I moved to the Portland, OR, area in 1972 from New York City. Portland was then about the size LC is now, and I loved its beauty, ease of getting around, its friendly nature. Over the decades, that has changed. My former 25 minute drive to Portland now often takes over an hour, even using tripcheck to find the best route. Parking is sparse. Commuters spend hours on congested freeways and surface streets. Every summer, we are plagued with an inversion layer that increases pollution to unsafe levels. Outdoorsy and bike friendly as we are, cars dominate to cause congestion and pollution, light rail and busses notwithstanding. And yet, our growth was supposedly planned.

Things not evident in the "visit Portland, visit Oregon" tourism ads are the homelessness, the tent cities under the freeways, bridges, along exit ramps, on open lots, etc. Nor do we talk about the expense and time the City daily spends on cleaning up human waste from

downtown streets. <https://www.bizpacreview.com/2019/05/10/portland-is-having-major-issues-dealing-with-its-rampant-homeless-and-poop-problem-753409> In addition to that problem are the exorbitant rents tenants pay, as homes become out of reach for many buyers. People co-rent overcrowded, tiny apartments, just to afford to live here. That is simply what happens with growth, even when planned, and it starts with seemingly benign infill projects, just as the one Mr. Bannister proposes and the Council approves.

Infill and denser housing are not an answer, as any larger City should caution you. It simply fills in lots, maybe brings in more revenue, but also increases traffic, pollution, grey outs and black outs, crime, homelessness, accidents, water shortages, loss of greenspace, overcrowded dwellings, waste, use of public facilities such as schools and clinics, and all the other realities Plans don't discuss. In this COVID era, people are again looking away from crowded city living toward houses with backyards for gardens, so they may work and study from a more spacious home. Mr. Bannister is building in the wrong direction and the Commission wrongly supports him.

A two-story complex, proximate as it is to several backyards, brings with it an invasion of our privacy. Our houses are all one story, we see each other at eye level, not as unseen voyeurs looking down and into. We live on good sized lots to give each other space as needed. We are not crowded, as 24 tenants would be. Our houses have driveways to park cars in, they do not litter the streets. The complex will have overflow cars from tenants, guests and service vehicles that won't fit into the allotted parking lot of 18 slots. And those excess cars will park along the firelane, and in the local streets. Those cars will also routinely drive directly behind our backyards, shine their lights into our houses as they come and go, which will be often, unlike the traffic that currently flows in front of our homes. We know each other's cars because we live here, we won't know the cars of transient tenants, so watching out for each other becomes more difficult. Fewer dwelling units, limited to one level, means fewer cars and will better mesh with our neighborhood.

Initially, I favored the project as it would eliminate the existing weedlot. It might obscure somewhat the unsightly construction dump site just south of it. It might hopefully eliminate some of that invasive light trespass from the Marriott sign that now relentlessly plagues us every night. But the more I learned of the project, the more I realized it will not fit as proposed. It will not be in character with the proximate neighborhood, nor the very neighborly feel to its seven adjoining properties on College Place and Turrentine Avenue. While it may be permissible to build a taller structure, that second story will create an invasion of privacy for the adjacent homeowners, which, when added to the denser population of the proposed complex, adds light, noise, traffic, and visual trespass, all of which will become a unwarranted and unnecessary burden on the long standing adjacent houses.

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I am not adverse to Mr Bannister building on his vacant weedlot even though the type of dwelling units he intends to build does nothing to fill the City's true housing need. The City should reverse the Commission's decision and require Mr. Bannister to build in accordance with R-1a zoning, which would limit the number of units to 7 (preferably 6) as he does not have a full acre. Doing so will reduce the number of occupants and cars, allowing cars to park in the proposed parking lot and not overflow into the adjacent streets. In keeping with the long existing character of the neighborhood, the units (townhouses, per the code), should be kept to one story.

In addition, Mr. Bannister should be minimally required to mitigate the impact of this more dense housing by:

1. Retaining the proposed current orientation of the two buildings towards each other and reducing views into adjacent houses (eg, a bedroom rather than a living room facing the existing properties);
2. Keeping (not removing) any established mature trees and shrubs on the parcel;
3. Reducing the proposed 35' wide access road to 25' and building a 10' deep berm along the north property line to diminish invasive noise, light and views;
4. Landscaping and maintaining the berm with native evergreen trees and shrubs to promote privacy between the transient housing and the established neighborhood;
5. Covering the access road and parking area with permeable surfacing materials that will promote drainage in this AE flood zone;
6. Keeping the dumpster out of sight of the adjacent properties; and,
7. Posting signs and enforcing no parking along the entire access road;

Thank you for taking the time to read through my concerns about and modified support of the proposed apartment complex.

Kindest regards,

Phyllis Koessler and Karl Koessler-Streiker

540 College Place

June 9, 2020



City of Las Cruces
MOUNTAINS OF OPPORTUNITY

Planning & Zoning Commission 05/26/2020 **CASE 20ZO5000054: INFILL DEVELOPMENT PROCESS**

STAFF CONTACT:	Sara Gonzales, (575) 528-3085, sgonzales@las-cruces.org
OWNER:	William S & Theresa L Bannister
REPRESENTATIVE:	William S & Theresa L Bannister
DISTRICT:	District #2
SITE ADDRESS:	2245 Turrentine Drive
EXISTING ZONING:	R-1a (Single-Family Medium Density)
REQUEST:	Infill Development Proposal to allow twelve apartment units on the vacant property
RELATED APPLICATIONS:	N/A
RECOMMENDATION:	Approval

SUMMARY OF REQUEST CASE 20ZO5000054: The applicant is requesting approval of an Infill Development Process (IDP) to allow for development of a 12-unit multi-family complex in an R-1a zone which currently allows for one single-family residence. The property is zoned R-1a (Single-Family Medium Density), encompasses 0.975 ± acres and is located on the east side of Turrentine Drive and 587 feet north of University Avenue; a.k.a. 2245 Turrentine Drive.

SUMMARY OF RECOMMENDATION: Staff is recommending **APPROVAL** based on the findings listed below:

- The vacant property is located within the Infill Development Overlay (IDO) making it eligible for the IDP. (Section 38-48A, 2001 Zoning Code)
- The proposed IDP encourages the use of alternative housing types, styles, and living arrangements in an established area of the City. (Elevate Las Cruces Comprehensive Plan)
- The proposed IDP follows the recommendation that encourages denser housing options within urban neighborhoods. (Elevate Las Cruces Comprehensive Plan)
- Based upon staff's analysis of the proposed IDP, the request meets the intent of Elevate Las Cruces Comprehensive Plan; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; fulfills the City's Infill Policy Plan; and meets the purpose of the Las Cruces Municipal Code Section 2-382.

PROPOSAL AND LAND USE HISTORY

PROJECT DESCRIPTION:

The applicant is seeking an IDP proposal in order to develop the vacant property into a multi-family development. The R1-a zoning district allows only one primary dwelling unit per property. The approval of the IDP would allow for the proposed twelve units on the property. With the exception of the number of units allowed, the proposed multi-family development will follow all development standards of the R-1a zoning district and all other development standards of the 2001 Zoning Code, as amended.

LAND USE HISTORY:

The property is vacant/ undeveloped.

ZONING DECISION CRITERIA AND POLICIES

POLICY	DOES IT COMPLY?
<u>Neighborhood Character and Compatibility</u>	Yes
<u>Elevate Las Cruces Comprehensive Plan</u>	Yes
<u>Mesilla Valley Metropolitan Planning Organization (MPO) Thoroughfare Plan</u>	Yes
<u>Compliance with Infill Development: Section 36-48</u>	Yes
<u>Criteria for Decisions: Article 2, Section 38-10 (K) of the 2001 Zoning Code</u>	Yes

NEIGHBORHOOD CHARACTER AND COMPATIBILITY:

The surrounding neighborhood has a mix of both multi-family, single-family, and commercial uses and zoning districts including single family and the University Overlay District. The proposed multi-family use is consistent with the characteristics of the surrounding uses in the area that includes a restaurant, hotel, apartments, and single-family residential.

COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:

The following goals, policies, and actions from Elevate Las Cruces are relevant to the proposed Zone Change:

➤ COMMUNITY PROSPERITY:

- Goal CP-9: Housing Diversity– Provide a diverse range of housing options to accommodate residents at all stages in life.
 - Policy CP-9.1: Encourage the use of alternate housing types, styles, and living arrangements as a means to provide additional housing opportunities.
 - Action CP-9.1.3: Partner with NMSU to provide additional off-campus student, staff, and faculty housing options near the University.
 - Action CP-9.1.4: Promote, facilitate, and encourage alternate housing options for seniors, students, and single-person households such as co-housing options.

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- Policy CP-9.2: Promote denser housing options in the urban neighborhood, downtown, town centers, neighborhood centers, and mixed-use corridors identified in the future development map.
 - Action CP-9.2.1: Review and enhance infill policies to encourage more development activity in the infill area.
- **COMMUNITY LIVABILITY:**
 - Goal CL-2: Neighborhood Conservation – Strengthen neighborhood condition through improvements to the build-environment.
 - Policy CL-2.2: Encourage redevelopment of vacant properties within neighborhoods.

The proposed IDP is consistent with many of elements of Elevate Las Cruces including the Future Development Map and several Goals, Policies, and Actions. The IDP will maintain the character of the surrounding area and provide additional housing opportunities meeting the needs of the city. The property is within the Suburban Neighborhood Place Type and surrounded by the Urban Neighborhood Place Type on the Future Development Map. The IDP request aligns with the Suburban Neighborhood Place Type as described: "Distribute areas of multi-family development to promote mixed-residential neighborhoods." It outlines the development intensity to be single-family 4-12 dwelling units per acre and multi-family to be 15-30 dwelling units per acre. The proposed IDP allows for 14 units based on the 0.975 acres, the applicant is proposing 12 units which meets the intent multi-family development outlined within Elevate Las Cruces.

COMPLIANCE WITH MPO THOROUGHFARE PLAN:

There are no thoroughfares as classified by the MPO that are adjacent to the proposed Infill Development Proposal. Turrentine Drive is identified as a 'local' roadway and the required improvements will be to install sidewalk adjacent to the property boundaries.

COMPLIANCE WITH INFILL DEVELOPMENT OVERLAY:

The purpose of the IDO is to implement land use and development policies as established in the infill policy plan. Specifically, the purpose of this overlay zone is to provide a streamlined review process for the development of vacant and underutilized parcels or those parcels ready for redevelopment within the urban core area of Las Cruces regardless of the property's zoning. The goal is to develop active uses that are compatible with surrounding land uses while promoting economic development in the central part of [the] city, in accordance with the comprehensive plan.

The IDP can be used for the following types of requests: Variances, Special Use Permits, Planned Unit Developments, Subdivisions, Building Permits, Sign Permits and Business registrations.

The Planning and Zoning Commission shall consider an IDP proposal based on the criteria and authority granted it by section 38-10. In addition, the Goals, Objectives, Policies, and Design Matrices within the Elements of the city's comprehensive plan shall be used to guide decisions. IDP proposals may contain various applications, but

shall be considered as a unified proposal, and, as such, the Planning and Zoning Commission should evaluate whether the project advances the purposes of the Zoning Code. The Planning and Zoning Commission may approve, approve with conditions, or deny any IDP proposal brought before it. The Planning and Zoning Commission shall not postpone an IDP proposal unless agreed upon by the applicant.

The subject property meets the requirements for an Infill Development Proposal and meets the goals and intents encouraging development of vacant parcels within the City's core. The proposed use is compatible with the adjacent neighborhood and will provide additional housing options in the area.

CRITERIA FOR DECISIONS:

- Impairment of adequate supply of light and air to adjacent property;
- Unreasonable increase in potential traffic;
- Increase the danger of fire or endanger the public safety;
- Determent of orderly and phased growth;
- Impairment of the public health, safety or general welfare of the city;
- Establishment of a spot zone; or the
- Contradiction of the purpose and intent of the zoning code, sign code, design standards and other companion codes.

City Staff did not identify any issues associated with the proposed IDP based on analysis of the City's Zoning Purpose and Intent Statement because the proposed development will not contradict the purpose and intent of the Zoning Code nor impair public health, safety or general welfare of the City.

DEVELOPMENT STANDARDS

SITE COMPLIANCE FOR CURRENT USE:

The subject property is vacant, zoned R-1a, encompasses 0.975 ± acres and is accessed from Turrentine Drive. The property under its current zoning could be developed with one single family dwelling in accordance with the zoning code.

SITE COMPLIANCE FOR PROPOSED USE:

The property is 42,471 square feet (.975 acres) which exceeds the minimum lot size requirement for of the R-1a zoning district of 5,000 square feet. No changes to the property boundaries will occur as part of the IDP. The height of the buildings is proposed at 25 feet, below the maximum height permitted of 35 feet. The minimum setbacks for the proposed new lots shall be as follows: a 15-foot front and secondary yard setback; a 20-foot rear yard setback; and a 5-foot side yard setback and are being followed. All applicable building permits and inspections will be required prior to occupancy as a multi-dwelling structure. The applicant will be required to provide adequate parking for the use and is required to follow all driveway, driving aisle, and parking configuration regulations in the code. The property has adequate land to fulfill these requirements.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

City water, gas and sewer serve are available and have the capacity to serve additional units being proposed meeting all city utility standards. Turrentine Drive is a platted local roadway that meets the City's Design Standards with a 50-foot wide

cross section including pavement, curb, gutter, and lighting. The applicant will be required to install the sidewalk along the property boundaries at the time of development.

FLOOD PLAIN: The subject property is in the flood zone and will have to comply with any applicable FEMA regulations at redevelopment.

STAFF AND PUBLIC COMMENTS

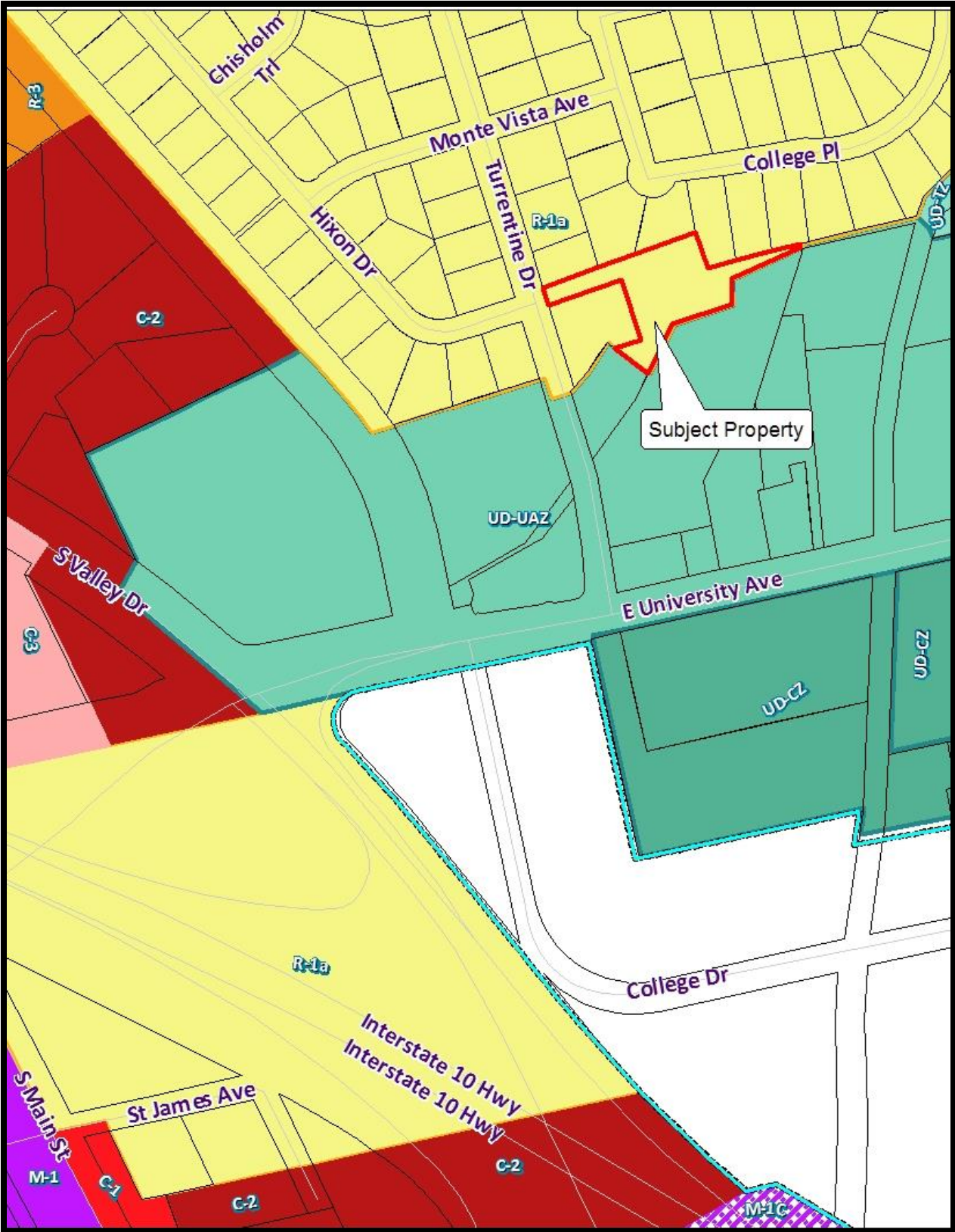
PUBLIC NOTIFICATION AND INPUT:

Notice of a Public Hearing was mailed to all property owners within 500 feet of the subject property on May 8, 2020. Staff has received several emails and phone calls with concerns regarding additional traffic, questioned the consistency with the neighborhood, and noise generated by the proposed apartments. We have received one phone call in support of the development. Public Input is referenced in Attachment 4.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Applicant's Documents (Conceptual Site Plan)
4. Public Input

ATTACHMENT 1
Zoning Map

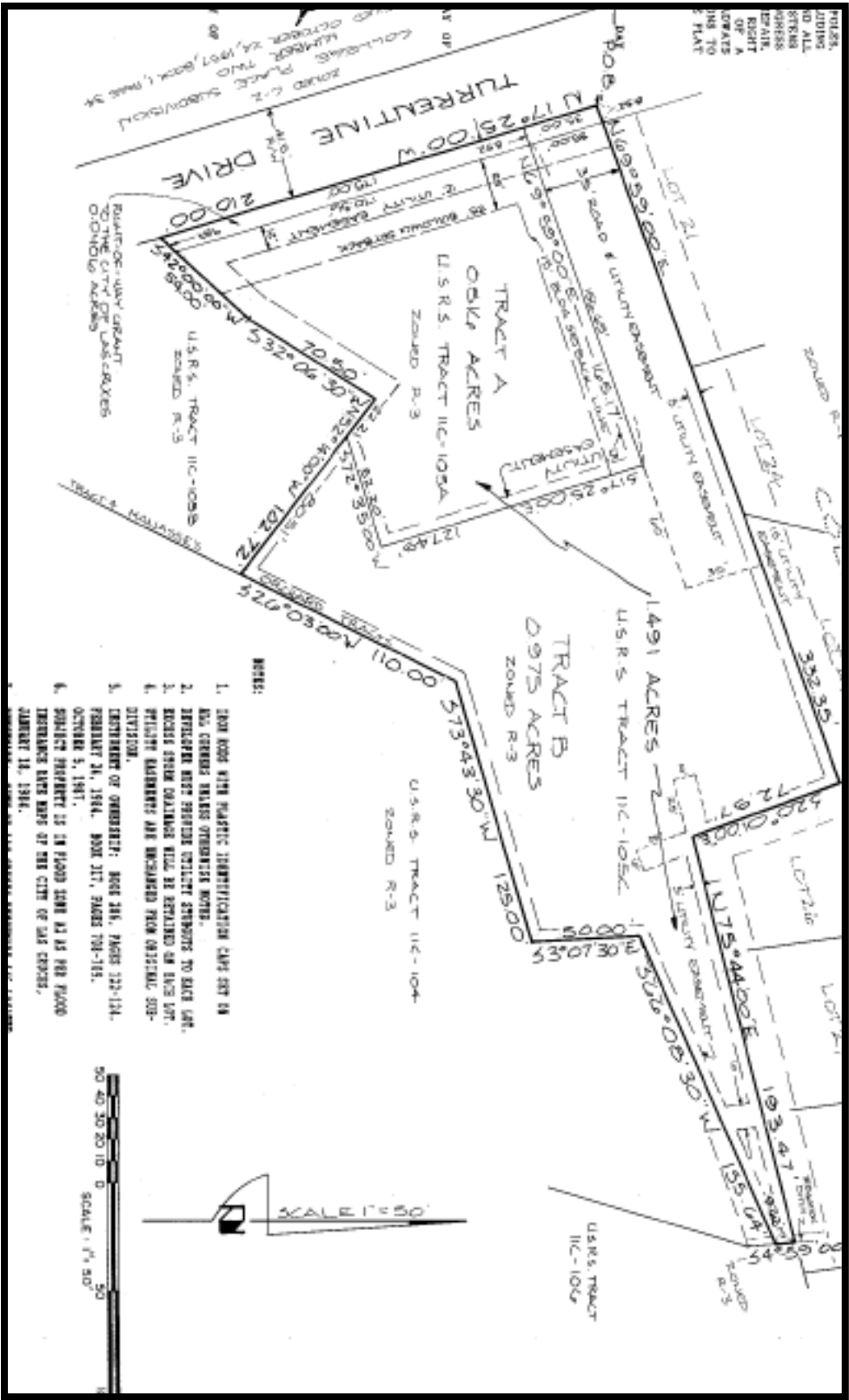


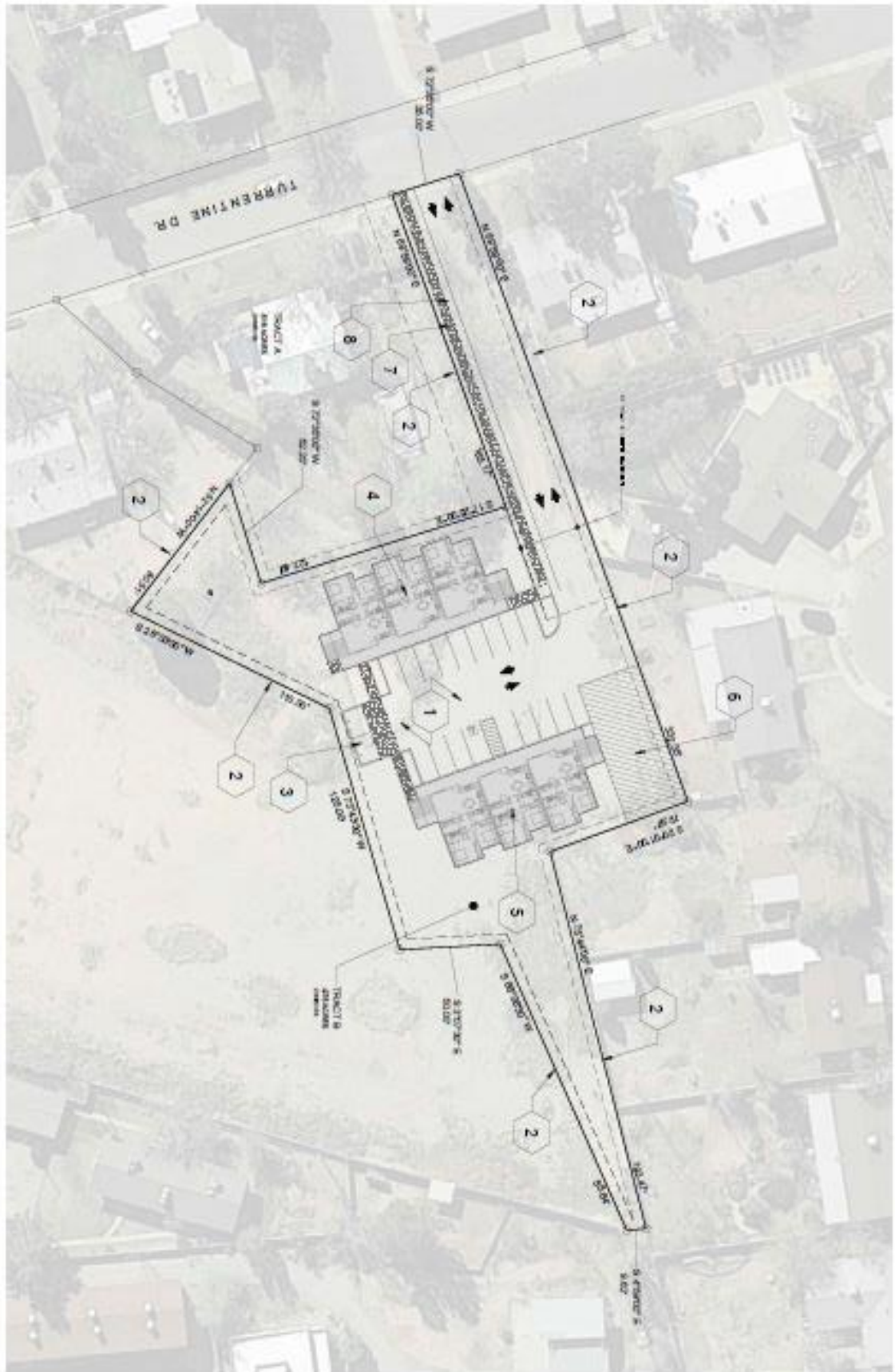
ATTACHMENT 2
Aerial Map

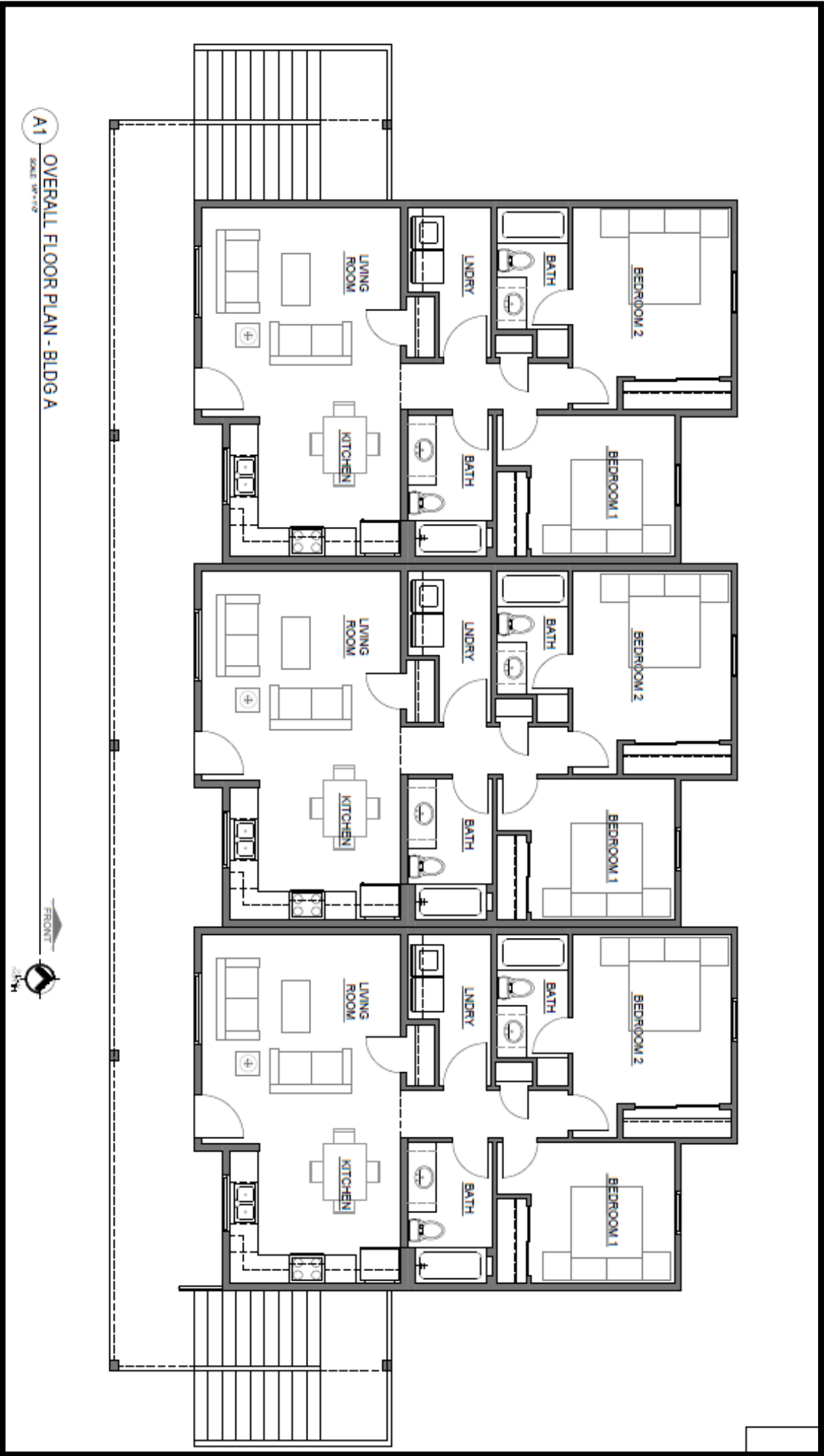


ATTACHMENT 3

Applicant's Documents- Conceptual







ATTACHMENT 4

Public Input

Phone Calls:

540 College Place is not fond of the development but wants to ensure that there is landscaping as a buffer to adjacent properties.

500 and 725 College Place opposed to development and should remain single-family.

600 College Place opposed to development.

Sara Gonzales

From: Sara Gonzales
Sent: Friday, May 15, 2020 7:47 AM
To: Elaine Stachera
Subject: Re: 2245 Turrentine
Attachments: 2245 Turrentine Infill Packet.pdf; Hearing Guidelines.pdf

Good morning Ms. Stachera Simon,

I have addressed the comments and concerns below, as well as added the layout and the hearing guidelines. Please let me know if you have any additional questions or if you would like me to forward the email below with the concerns to the Planning and Zoning Commission.

Thank you and have a nice weekend.

Sara Gonzales, CZO

Planner/Community Development/ Building & Development Services
Direct: 575-528-3085 Main: 575-528-3043, sgonzales@las-cruces.org



From: Elaine Stachera <elaine.stachera@yahoo.com>
Sent: Thursday, May 14, 2020 4:33 PM
To: Sara Gonzales <sgonzales@las-cruces.org>
Subject: Re: 2245 Turrentine

Hello Ms. Gonzales:

Thank you for reaching out. I have several questions and initial concerns about the proposed project.

Re the proposal and hearing:

1) Is there an actual written proposal beyond what I received in the mail (the single page notice that says there is a proposal)?

The 12 unit apartments on the notice is the proposal. The site is zoned R1-a and allows for one dwelling. The infill development proposal process allows the property owner to request uses and deviations to the Land Use Development Code. In this case the property owner is requesting to do multi-family, see attached plan.

2) The notice of public hearing says that we may "view" the meeting, but the sign says "all persons have a right to appear at this hearing," which I interpret as being able to ask questions or comment. Will questions and/or comments be permitted at the hearing (which I realize is remote)?

Due to the current circumstances public meetings are following the same provisions outlined for City Council hearings. We are receiving emails and phone calls and they are then provided to the Planning and Zoning Commission for consideration. Under recent practices, the public hearing was in

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the City Council Chamber and members of the public came to express concerns. With the current circumstances we are doing virtual zoom meetings and have asked that the public provide any comments by email and phone. I as the project manager will read the concerns and questions into the record during the hearing, see attached Hearing Guidelines adopted by City Council.

Contact number is 575-528-3043 or email at Development_Services@las-cruces.org

3) What is the purpose/goal of the hearing with regard to the project? Approval to move forward, or something else? What happens after the hearing?

The hearing is required in order to develop the property with 12 units. The applicant meets all setbacks, parking requirements, and if the infill application is approved by the Planning and Zoning Commission then the applicant may submit for building permits to develop the land.

Concerns re the project itself:

4) A 12-unit building is inconsistent with the character of the neighborhood. It would be busy, urban University Avenue creeping over the edge of our quiet subdivision.

The reason staff recommends approval for this development is due to the surrounding area consisting of single-family, multi-family, and commercial. The University is within walking distance as well as other eateries and retail stores.

5) I am concerned about parking lot lights that would be put in. What does the proposal say about mitigating the unwelcome lighting that would be shining into yards and homes on College Place?

The City has adopted the Outdoor Lighting Ordinance, Chapter 39 of the Las Cruces Municipal Code, which is required to be followed at the time of development. The parking lot is located in the center of the two building which will buffer the light.

6) The only ingress/egress is a small alleyway — would they expand that? If so, would they be bringing down trees? Our neighborhood trees are mature, and provide welcome shade and bird habitat.

The applicant has a platted 35 foot utility and road easement designated on their lot which exceeds the minimum required two way driving aisle requirement of 24 feet per section 38-58 of the 2001 Zoning Code.

7) A single-family home would be one thing, and perhaps even a duplex. But more than two would be out of character for the neighborhood, diminish the quality of life for those of us adjacent because of parking lot lights and the addition of (if it were 12 units) up to two dozen or so more cars going through our quiet neighborhood.

The surrounding neighborhood is mixed with uses including commercial, apartments, and single family. The location of the property is also near the University which encourages walkability, bicycle, and vehicle accessibility. The recent adoption of Elevate Las Cruces Comprehensive Plan encourages increased density within the infill area and encourages development of a variety of housing opportunities for the community.

Thank you for your considerations of my questions and concerns.

Agenda Item #2.1.

Regards,
Elaine Stachera Simon
600 College Place

On Wednesday, May 13, 2020, 03:53:33 PM MDT, Sara Gonzales <sgonzales@las-cruces.org> wrote:

Good afternoon,

My name is Sara Gonzales and I am the project planner for the proposed development at 2245 Turrentine. I was provided your email address from our communications office in order to reach out and answer any questions you may have about the proposal. I am in the office from 7am to 4pm and would be happy to assist you. Feel free to contact me either by phone or email.

Thank you and have a great day.

Sara Gonzales, CZO

Planner/Community Development/ Building & Development Services

Direct: 575-528-3085 Main: 575-528-3043, sgonzales@las-cruces.org



Sara Gonzales

From: Sara Gonzales
Sent: Monday, May 18, 2020 3:39 PM
To: Phyllis Koessler
Subject: RE: proposed 12 unit apt complex, 2245 turrentine
Attachments: 2245 Turrentine Infill Packet.pdf

Ms. Koessler,

I have responded to the additional questions below. Please let me know if there is anything additional needed for clarification and I will provide a copy of this email to the Planning and Zoning Commission for consideration.

Thank you

Sara Gonzales, CZO

Planner/Community Development/ Building & Development Services

Direct: 575-528-3085 Main: 575-528-3043, sgonzales@las-cruces.org



From: Phyllis Koessler <plk0221@gmail.com>
Sent: Monday, May 18, 2020 9:41 AM
To: Sara Gonzales <sgonzales@las-cruces.org>
Subject: proposed 12 unit apt complex, 2245 turrentine

dear Ms Gonzales,

i am the owner of the property at 540 college place, which abuts the proposed development along my east and south property lines. my neighbor, elaine stachera, shared a copy of your email communication with her addressing her concerns about the proposed use of this empty lot. i am adding to her questions with my own.

1. Landscaping: it appears from your response to her question 3 that since mr bannister has met the criteria for building his apt complex, approval is almost a forgone conclusion. to that end, and in reviewing his building plans, i notice a distinct absence of any landscaping and or screening that will promote privacy between the existing single home property owners and the proposed apt complex.

The proposed request for development of 12 units has not been approved based on the density requirements for R-1a. If the Planning and Zoning Commission approves the development then the application will be required to submit building plans, that will include landscaping. The landscaping plans have not been provided since they are not asking for a deviation to the required landscaping requirements. The Planning and Zoning Commission can condition the property with your recommendation below as part of the decision process.

given the number of units and their associated cars going in and out of the 35' wide proposed "roadway", let alone service and garbage vehicles, i strongly request that mr bannister be required to screen off his lot from our adjacent homes with a living hedge that he will be required to maintain. not only will a living hedge enhance the beauty of the proposed development, it will add shade and habitat for birds, both of which enhance the quality of urban life.

2. Traffic: as alluded to above, the complex will add to the traffic burden of this quiet residential area. the vehicles of the residents, the garbage pick up trucks, repair trucks and visitors will now become part of our collective backyards. in addition, while i predict the majority of traffic will be university to turrentine, there will certainly be el paseo-monte vista-turrentine traffic that will increase as apt residents access their homes.

Agenda Item #2.1.

in anticipation of this traffic, i request that mr bannister be required to:

- a) limit the driveway speed to 10 mph;
- b) create a no parking zone along the entire common east property line;
- c) add speed bumps on monte vista, turrntine and college place

while you suggest that walking and bike riding will be alternative modes of transportation for these residents, i need to point out to you that people rarely walk, and there are a distinct lack of bike lanes/shelters not only in the proposed plan, but in the city generally. thus, cars will dominate and need to be addressed in the planning stages.

Regarding the increase in traffic to this area, staff has looked at the proposed entrance that meets the minimum code requirements of 24 feet and the trip generation is at about 10 trips during the peak hours. We do understand that automobiles will still be used but staff is looking at new developments and their proximity to goods and services and encouraging walkability and bicycling on local streets as part of the Active Transportation Plan and Elevate Las Cruces Comprehensive Plan. The Public Works Department would address comments a-c. You may contact Public Works at 541-2505.

3. the odd panhandle and proposed garbage containers: i see no specific plan for the odd panhandle of land behind ms stachera's property, nor the intended location of dumpsters, which i predict will be tucked along the 35' wide roadway, and no doubt right in the southeast corner of my lot where it joins the rowans property on the south.

The location of the dumpster enclosure is on the south side of the property which is shown on the first sheet of the attached document labeled 3. The panhandle has no specific plan at this time. If the applicant is approved then the applicant will provide construction drawings outlining the use of the entire property.

please indicate how mr bannister will be required to treat these areas: will they be landscaped as part of my proposed living hedge, will a wooden or concrete structure surround the dumpsters on three sides so we do not have to view them? will the structure be built to a code that requires both use and aesthetics (color, height, materials used, covering, etc).

Mr. Bannister may use the portion of the property that is not designated for buildings or driving aisle or landscaping and ponding. The dumpster is required per the 2001 Zoning Code, to be screened with an opaque fence with a gate that is accessible for Utilities.

4. flood plain: i imagine this lot is part of the flood plain. how will mr bannister be required to enhance drainage away from all of our lots (his and the adjacent homes) so that should a flood occur, our properties will not suffer any further damage from a bad on non-existent drainage plan.

Mr. Bannister will be required to submit a CLMR to FEMA for development to of this property since it is in the flood zone. Mr. Bannister is aware that the property is located within the Flood Zone and has been notified of the processes needed for construction.

5. lighting: the existence of the Marriott has already created a light trespass onto all of our properties. why the city planners did not anticipate this trespass when they allowed the Marriott to place their west facing neon sign where and as they did, i would trust the planners are now alerted to the fact that while lighting is necessary, it needn't be as obtrusive as that sign is (which still could be cured). i would trust that parking lot lights will be low and ground facing so as to minimize a trespass of light, and that any westward facing lighting will be downward facing (like an outdoor sconce) and motion activated so that existing property owners are not subjected to lighting all night long.

The Marriott is on NMSU property and was not permitted through the City of Las Cruces for development. The plans went through the State Construction Industry Division for review and construction. The City of Las Cruces has adopted Chapter 39 of the Las Cruces Municipal Code - Outdoor Lighting to ensure that lighting on buildings and parking lots are not intrusive to the neighboring properties.

while i am not in the least fond of the proposed usage, i do believe that the complex can be made to fit in with the current low impact use of the residential area generally. to that end, landscaping to increase privacy and enhance beauty, traffic control, adequate drainage away from our properties, and non-intrusive lighting, are unaddressed areas.

Agenda Item #2.1.

thank you in advance for your professional courtesies in answering my questions and bringing them up at the public meeting.

kindest regards,
Phyllis Koessler and Karl Koessler-Streiker
540 College Place

Sara Gonzales

From: Elyn Clarke <dsrtmntgirl@hotmail.com>
Sent: Tuesday, May 12, 2020 10:58 AM
To: Sara Gonzales
Subject: 2245 Turrentine Drive

Hi Sara,

I would like to share my thoughts about the proposed development of this property.

I do live in this neighborhood, i do drive Turrentine quite frequently.

We have a quiet neighborhood. My Concern is how this complex will generate more traffic onto Turrentine. is there a way to have the traffic coming in/out closer to University, rather than between the houses on Turrentine? Turrentine and Farney both gets lots of traffic of people passing through, its a fact, there is no changing that. It just would be nice to have less, or at least not more.

Also, is there a way to have visual & sound break for the housed that butt up against this development? I know that if it was my back yard, i would not be happy with the traffic, noise, and eyes immediately off my back fence, especially eyes that are not looking into the backyards of homes that have had privacy.

Thankyou,
Elyn Clarke

Sara Gonzales

From: rnhastings@zianet.com
Sent: Thursday, May 21, 2020 2:45 PM
To: Sara Gonzales
Subject: Apartment Development at 2245 Turrentine Drive

Dear Ms. Gonzales,

I am a homeowner whose property is perhaps most directly impacted by the proposed development of a 12-unit apartment complex by Scott Bannister, with the address of 2245 Turrentine Drive. My own address is 2305 Turrentine Drive, which is the 100-yr old home directly west of this development. One 6-unit apartment building will, according to the plat, abut directly east of my back fence, with an absolute minimum of clearance. I have several concerns about what is proposed in Mr. Bannister's plan.

1. Landscaping and Barriers: Will Mr. Bannister be putting up any kind of wall, or living fence of bushes or trees, between these apartments and my property line? A set of two-storey buildings so close behind our back fence could be intrusive and lends itself to privacy concerns. I see no provisions for landscaping or walls in the proposed development.
2. Flooding: Currently the vacant lot absorbs rainwater. Covered with asphalt and buildings, as the proposed development indicates - where will that water go? It is unclear to me what ponding provisions are in Mr. Bannister's plan. Will flood water be channeled west into my property, creating flooding problems?
3. Increased Noise and Traffic: The only access to the proposed development is on a narrow alleyway adjacent to the north boundary of my property. How will greatly increased traffic on this roadway impact the quiet of the current neighborhood?
4. Lighting: What are the plans for outdoor/security lighting in this development? Will any lights be illuminating the area between the buildings and my property? We treasure the dark skies that currently exist in our backyard. Any outdoor lights in this development should illuminate only the areas between the buildings, where vehicles are parked and people walk. The lighting sources should be placed no higher than the building roofs, and their illumination directed downward only.
5. If construction of this development actually is allowed by the city, will dust and noise abatement procedures be in place?

These are the concerns I have at present. Please let me know your thoughts on them. Thank you for your time and expertise on this matter.

Respectfully Yours,
Robert M. Hastings
575-541-5744

Sara Gonzales

From: rnrhoffman@cybermesa.com
Sent: Friday, May 22, 2020 10:43 PM
To: Sara Gonzales
Subject: Zoning change

Dear. Ms Gonzales,

I recently received a notice of a zoning hearing concerning the construction of 12 apartment units at 2245 Turpentine (case 20ZO5000054).

I have lived at 605 College Pl for 46 years and I and my neighbors will be adversely affected by the proposed change in zoning requested. The land is currently zoned R1a and you wish to allow 12 apartments to be built on this plot. I wish to protest this in the strongest possible terms. Zoning is meant to protect the character and property values of existing neighborhoods. This project will destroy a quiet, congenial and wonderful neighborhood. The proposed project will place a two story building within feet of existing backyards allowing direct views into backyards and houses- would you like someone to be looking down into your house and yard at all hours? The plan includes 18 parking spaces. This is ludicrous! I owned apartments and virtually every rental had two cars associated with it. How can you accommodate 24 cars with 18 spaces. The access is a right of way which goes between two existing houses. Can you imagine living in a house where 18+ cars are coming and going just outside your bedroom window at all hours? We are also concerned about neighborhood security. There was a drug related murder at an apartment on University Avenue just last summer and packing in even more people in this area is no way to protect the citizens who already live and raise there children there.

Besides the obvious deficiencies in the proposed zoning change, I strongly object to having a "public" meeting to which the public can't attend to provide their input in person. Why can't the meeting be postponed for a few months until public meetings are possible. That plot has been vacant for the 46 years I've lived here and I fail to see how a few more months would make a whit of difference. If I was a total cynic I would say that the petitioner is taking advantage of the virus to push through a project when neighbors can't come to shed light on the issue. I hope this is not the case. Will the petitioner be allowed to attend the meeting?

In sum I believe that this zoning change is completely unacceptable, misguided, invasive, and will ruin what is currently a wonderful neighborhood to live in. Thank you.

Robert Hoffman
605 College Pl
Las Cruces, NM 88005
575-642-1032

Sara Gonzales

From: Phyllis Koessler <plk0221@gmail.com>
Sent: Friday, May 22, 2020 8:35 AM
To: Sara Gonzales
Subject: Re: proposed 12 unit apt complex, 2245 turrentine

thank you, sara,

it will take me a bit of time to read and respond to the links and codes you provided. i notice you keep referencing university ave and the mixed use along long established commercial streets, almost to the point that it feels the staff has overlooked the far closer college place, ie, 568' vs 35', and its surrounding residential streets, all of which are, as you very well know, single family, one level houses. the entrance to the proposed complex is not coming off university but turrentine where the closest mixed use business, i hop, is located, which is again, not visually a part of college place. the apt complexes you reference to the southeast i believe are the ones well down university nearer to the college entrances, strip malls, and freeways. all of those multi-use buildings you reference are considerably further away from the single family one level houses directly impacted by the proposed apt structure. yet, you don't consider us in your writings, other than to say, the code allows for 35' buildings and we can do that to if we want to remodel. that is simply not even relevant to the conversation.

having moved from New York City to the Portland Oregon area decades ago, i loved Portland for its then small size, which was about that which LC is now. over the ensuing decades, with far more discussion about green zones, bike lanes, public transportation, growth limitations, growth boundaries, environmental impact (which i don't even see discussed in all of this), landscaping features (we do that very well), the quality of life in the greater portland area has decreased. i live 16 miles south of the city. it used to take 25 minutes to drive to Portland and find a parking space close to whatever i wanted to do. now, on a good day, it takes more than 25 minutes to get to the city (i have to use map app to determine the best route), maybe 25 minutes to find a parking place, and more likely than not, a bit of time to wait in a line to do whatever. commutes to Vancouver, wa, just across the columbia river, are miles of cars on the freeways (I5 and I205), not minutes to cross the river. public transportation goes minimally used, as nice as it is (the western mindset majority is about cars, NOT bikes and public transportation and walking, that is the minority. NMSU is not UC Davis when it comes to bikes, don't fool yourself.) portland is tearing down one story buildings and replacing them with many leveled apt buildings, most of which are not affordable. it is virtually impossible to find parking in some areas, even for the locals. the many homeless sleep on the streets, set up tent cities next to the freeways, defecate and urinate on public city streets at considerable expense to the city to clean up every day, because they can't afford housing, even with all the new building. we are NOT *portlandia*. all the infill comes at the cost of quality of life, for every resident, from the homeless to the wealthy.

i have no doubt you will blow off my above statements. while you tell me that mr bannister proposal meets the legal requirements, i can tell you that by not considering the truly local impact, ie, on college place, looking instead to the more distant multi-uses along university, you are not on a path to elevate las cruces, but rather, to send it down a highway to every other city in the country that has become over populated with all the unintended sequelae. my parents moved from Brooklyn, NY to the close-by NJ suburbs in 1950 and it was lovely and quiet (and there were apt complexes across the street from my single family home). initially, my mother could walk home from the bus stop at 1AM after a night at the metropolitan opera back to her NJ home. then, as the population increased, it was unsafe. i could walk anywhere anytime in Portland when i moved here in the 70's. there were no murders, which was amazing given that i had lived in Washington heights in NYC and the city was dangerous. i would see bloody footprints on the sidewalk some mornings on my walk to work at Columbia Presbyterian hospital, a mere three blocks away. and the air quality, o my, a whole other story. in both NJ and Portland, we have gone from blue skies to unsafe breathing days in the summer (and sometimes the winter), with the sky often being an odd shade of blue in the summer due to the inversion layer, much like phoenix. and now, covid19, rich where the population density is greatest. and it will happen

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in LC. i understand in-fill, need for affordable housing, quality of life, bike lanes, mixed use, etc/. i have been down all those lip-service roads and lived through the changes and unintended (?intentionally overlooked) consequences, which are prompted more by profit than people. i don't see it as an elevation of LC, much as you believe it will be. people don't change, history does not teach, city planners rarely listen.

i am not opposed to mr bannisters proposed apt building in that space but not as described, given its lack of consideration for its immediate college place neighbors. i was correct in my initial impression that this is a done deal, notice to the adjacent landowners being a technical courtesy. nonetheless, i will review the codes you sent, and write my letter for the Tuesday meeting, which i request you will submit to them for their consideration and for being read into the record that i will be listening to.

thank you again,
Phyllis koessler
karl koessler-streiker

On Thu, May 21, 2020 at 11:01 AM Sara Gonzales <sgonzales@las-cruces.org> wrote:

Good morning,

Please see the responses below and I have attached links and code information as a reference.

Thank you

Sara Gonzales, CZO

Planner/Community Development/ Building & Development Services

Direct: 575-528-3085 Main: 575-528-3043, sgonzales@las-cruces.org



From: Phyllis Koessler <plk0221@gmail.com>
Sent: Thursday, May 21, 2020 8:20 AM
To: Sara Gonzales <sgonzales@las-cruces.org>
Subject: Re: proposed 12 unit apt complex, 2245 turrentine

ms Gonzales,

Agenda Item #2.1.

thank you again for your timely answers. in reviewing them, along with volume 2 of the recent community code, and in discussing this issue with my neighbors, i have some further questions.

The proposed request for development of 12 units has not been approved based on the density requirements for R-1a.

Please explain those density requirements, R-1a, and how mr bannisters proposed complex will deviate from those requirements. In your explanation, please allude to the conditions/code mr bannister must meet in order for the city to grant him a deviation from the existing density/use code.

R-1a zoning designation allows 1 dwelling unit per lot, parcel, or tract of land. If the land is subdivided then R-1a allows for 8 dwelling units per acre. The applicant is requesting 12 dwelling units on one parcel of land, therefore the request is to deviate from 1 to 12 units. (Section 38-31D Table of the 2001 Zoning Code, see attachment page 19)

As part of the approval, staff reviews the proposal and compares the request to the adopted plans and policies adopted by City Council. Staff provides a recommendation to the Planning and Zoning Commission for consideration in the decision making process. In this case, staff looks at the Housing Plan, Elevate Las Cruces Comprehensive Plan, and the 2001 Zoning Code. Staff is recommending approval based on the surrounding neighborhood consists of single-family homes, a hotel, restaurant, apartments to the southeast, and is considered mixed-use. Listed below are the policies that will support this development that are outlined within Elevate Las Cruces that was adopted on February 18, 2020, Affordable Housing Plan (page 37) adopted on February 21, 2017 (R17-155 attached), and Infill Overlay (Section 38-48 of 2001 Zoning Code).

<http://www.las-cruces.org/2086/Citywide-Plans>

➤ COMMUNITY PROSPERITY:

- Goal CP-9: Housing Diversity– Provide a diverse range of housing options to accommodate residents at all stages in life.
 - Policy CP-9.1: Encourage the use of alternate housing types, styles, and living arrangements as a means to provide additional housing opportunities.
 - Action CP-9.1.3: Partner with NMSU to provide additional off-campus student, staff, and faculty housing options near the University.
 - Action CP-9.1.4: Promote, facilitate, and encourage alternate housing options for seniors, students, and single-person households such as co-housing options.
 - Policy CP-9.2: Promote denser housing options in the urban neighborhood, downtown, town centers, neighborhood centers, and mixed-use corridors identified in the future development map.

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- Action CP-9.2.1: Review and enhance infill policies to encourage more development activity in the infill area.

➤ COMMUNITY LIVABILITY:

- Goal CL-2: Neighborhood Conservation – Strengthen neighborhood condition through improvements to the build-environment.
 - Policy CL-2.2: Encourage redevelopment of vacant properties within neighborhoods.

The proposed IDP is consistent with many of elements of Elevate Las Cruces including the Future Development Map and several Goals, Policies, and Actions. The IDP will maintain the character of the surrounding area and provide additional housing opportunities meeting the needs of the city. The property is within the Suburban Neighborhood Place Type and surrounded by the Urban Neighborhood Place Type on the Future Development Map. The IDP request aligns with the Suburban Neighborhood Place Type as described: “Distribute areas of multi-family development to promote mixed-residential neighborhoods.” It outlines the development intensity to be single-family 4-12 dwelling units per acre and multi-family to be 15-30 dwelling units per acre.

Table 38: Rental Housing Gaps Analysis

	Renter Households	Income Limit	Affordable Rent	Units Available
0-30%	5,228	\$13,560	\$243	633
31-50%	3,407	\$22,600	\$469	3,053
51-60%	1,710	\$27,120	\$582	4,624
61-80%	2,012	\$36,160	\$808	5,244
81-100%	1,269	\$45,200	\$1,034	3,322
101-120%	808	\$54,240	\$1,260	2,212
120% and over	3,176	> \$54,240	\$1,260	296
Total	17,611			

Source: CSI

all the houses abutting the property are single family dwellings that are one story high. each house is occupied by small families, ranging in size from 2-5. lot sizes range from 1/8th of an acre to slightly over 1/4th of an acre. a 12 unit, 2 story apt complex with each unit having 2 bedrooms would allow for 12 families on less than one acre. assuming at least 2 and potentially 4+ persons per unit, but using 3 as an average, that places 36 people on less than one acre, well

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beyond the current density for the area. These facts do not seem to reconcile with the language of the vision of growth for the town.

In reviewing the zoning code, the determination is based on dwelling units per acre and lot, parcel, or tract. The zoning code does not outline the number of people within a household to define density. ([Section 38-31D Table of the 2001 Zoning Code, see attachment page 19](#))

the community code, p51, emphasizes " For Las Cruces to meet the housing goals and objectives that it has established in this Plan, it must also define the preferred attributes of surrounding neighborhoods that are essential to create or maintain quality residential areas. This section therefore not only reviews the type, mix, and condition of existing housing stock; household characteristics; affordability factors; and anticipated future housing demand; but it also considers neighborhood interconnectivity, and nuisance and property maintenance codes."

This proposed apt complex does not appear to reconcile with the city's vision and the our existing neighborhood which is older thus well established in terms of landscaping, one level, stable (non-transient) single family dwellings. apts, by their nature, draw transient residents. when located so close to the university, one must assume the draw will be towards students, whose focus will be their studies (we hope!) not their surroundings, in which they have no vested interest. a two story complex is out of character for the entire area and will create a significant invasion of privacy for the existing residents who abut the proposed complex, since 2 of the 4 apts facing college will be able to look down into our yards.

The zoning designation for the surrounding residential properties is R-1a. R-1a allows for the primary structure to be developed at 35 feet in height. The surrounding properties have the same option to build at 35 feet. The applicant is proposing to build at 25 feet which is below the permitted maximum height for an R-1a property, therefore does not require approval for the height from the Planning and Zoning Commission because it is allowed by right. ([Section 38-31D Table of the 2001 Zoning Code, see attachment page 19](#))

When staff did the review we did look at the existing housing stock (need for apartments to help with the rental gap), future housing demand (both single-family and multi-family), and the surrounding area that is mixed in uses. University Avenue has several different land uses and this property is approximately 586 feet from University Avenue. This property is vacant and the City is encouraging development of vacant parcels within the infill area.

again, my question is what factors will the council consider as grounds for approval given the significant deviation of mr bannister's proposed apt complex from the existing area, as detailed above. it is not that i am saying no apt complex would work, but a 2 story, 12 unit complex is quite the leap from the existing neighborhood and thus is at odds with the Las Cruces vision/code quoted above as i read it. a 4 unit, single story complex would not be as inconsistent, thus allowing mr bannister to go ahead with his project in a manner more consistent with the city's plan. in providing your answers, please reference specific code sections (eg, i read the lighting code in your earlier answer which was an excellent link) as to density, building height, and any other germane code provisions.

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thank you again for your time,

Phyllis koessler

On Mon, May 18, 2020 at 2:38 PM Sara Gonzales <sgonzales@las-cruces.org> wrote:

Ms. Koessler,

I have responded to the additional questions below. Please let me know if there is anything additional needed for clarification and I will provide a copy of this email to the Planning and Zoning Commission for consideration.

Thank you

Sara Gonzales, CZO

Planner/Community Development/ Building & Development Services

Direct: 575-528-3085 Main: 575-528-3043, sgonzales@las-cruces.org



From: Phyllis Koessler <plk0221@gmail.com>

Sent: Monday, May 18, 2020 9:41 AM

To: Sara Gonzales <sgonzales@las-cruces.org>

Subject: proposed 12 unit apt complex, 2245 turrentine

dear Ms Gonzales,

i am the owner of the property at 540 college place, which abuts the proposed development along my east and south property lines. my neighbor, elaine stachera, shared a copy of your email communication with her addressing her concerns about the proposed use of this empty lot. i am adding to her questions with my own.

1. Landscaping: it appears from your response to her question 3 that since mr bannister has met the criteria for building his apt complex, approval is almost a forgone conclusion. to that end, and in reviewing his building plans, i

Agenda Item #2.1.

notice a distinct absence of any landscaping and or screening that will promote privacy between the existing single home property owners and the proposed apt complex.

The proposed request for development of 12 units has not been approved based on the density requirements for R-1a. If the Planning and Zoning Commission approves the development then the application will be required to submit building plans, that will include landscaping. The landscaping plans have not been provided since they are not asking for a deviation to the required landscaping requirements. The Planning and Zoning Commission can condition the property with your recommendation below as part of the decision process.

given the number of units and their associated cars going in and out of the 35' wide proposed "roadway", let alone service and garbage vehicles, i strongly request that mr bannister be required to screen off his lot from our adjacent homes with a living hedge that he will be required to maintain. not only will a living hedge enhance the beauty of the proposed development, it will add shade and habitat for birds, both of which enhance the quality of urban life.

2. Traffic: as alluded to above, the complex will add to the traffic burden of this quiet residential area. the vehicles of the residents, the garbage pick up trucks, repair trucks and visitors will now become part of our collective backyards. in addition, while i predict the majority of traffic will be university to turrentine, there will certainly be el paseo-monte vista-turrentine traffic that will increase as apt residents access their homes.

in anticipation of this traffic, i request that mr bannister be required to:

- a) limit the driveway speed to 10 mph;
- b) create a no parking zone along the entire common east property line;
- c) add speed bumps on monte vista, turrentine and college place

while you suggest that walking and bike riding will be alternative modes of transportation for these residents, i need to point out to you that people rarely walk, and there are a distinct lack of bike lanes/shelters not only in the proposed plan, but in the city generally. thus, cars will dominate and need to be addressed in the planning stages.

Regarding the increase in traffic to this area, staff has looked at the proposed entrance that meets the minimum code requirements of 24 feet and the trip generation is at about 10 trips during the peak hours. We do understand that automobiles will still be used but staff is looking at new developments and their proximity to goods and services and encouraging walkability and bicycling on local streets as part of the Active Transportation Plan and Elevate Las Cruces Comprehensive Plan. The Public Works Department would address comments a-c. You may contact Public Works at 541-2505.

3. the odd panhandle and proposed garbage containers: i see no specific plan for the odd panhandle of land behind ms stachera's property, nor the intended location of dumpsters, which i predict will be tucked along the 35' wide roadway, and no doubt right in the southeast corner of my lot where it joins the rowans property on the south.

Agenda Item #2.1.

The location of the dumpster enclosure is on the south side of the property which is shown on the first sheet of the attached document labeled 3. The panhandle has no specific plan at this time. If the applicant is approved then the applicant will provide construction drawings outlining the use of the entire property.

please indicate how mr bannister will be required to treat these areas: will they be landscaped as part of my proposed living hedge, will a wooden or concrete structure surround the dumpsters on three sides so we do not have to view them? will the structure be built to a code that requires both use and aesthetics (color, height, materials used, covering, etc).

Mr. Bannister may use the portion of the property that is not designated for buildings or driving aisle or landscaping and ponding. The dumpster is required per the 2001 Zoning Code, to be screened with an opaque fence with a gate that is accessible for Utilities.

4. flood plain: i imagine this lot is part of the flood plain. how will mr bannister be required to enhance drainage away from all of our lots (his and the adjacent homes) so that should a flood occur, our properties will not suffer any further damage from a bad on non-existent drainage plan.

Mr. Bannister will be required to submit a CLMR to FEMA for development to of this property since it is in the flood zone. Mr. Bannister is aware that the property is located within the Flood Zone and has been notified of the processes needed for construction.

5. lighting: the existence of the Marriott has already created a light trespass onto all of our properties. why the city planners did not anticipate this trespass when they allowed the Marriott to place their west facing neon sign where and as they did, i would trust the planners are now alerted to the fact that while lighting is necessary, it needn't be as obtrusive as that sign is (which still could be cured). i would trust that parking lot lights will be low and ground facing so as to minimize a trespass of light, and that any westward facing lighting will be downward facing (like an outdoor sconce) and motion activated so that existing property owners are not subjected to lighting all night long.

The Marriott is on NMSU property and was not permitted through the City of Las Cruces for development. The plans went through the State Construction Industry Division for review and construction. The City of Las Cruces has adopted Chapter 39 of the Las Cruces Municipal Code - Outdoor Lighting to ensure that lighting on buildings and parking lots are not intrusive to the neighboring properties.

while i am not in the least fond of the proposed usage, i do believe that the complex can be made to fit in with the current low impact use of the residential area generally. to that end, landscaping to increase privacy and enhance beauty, traffic control, adequate drainage away from our properties, and non-intrusive lighting, are unaddressed areas.

thank you in advance for your professional courtesies in answering my questions and bringing them up at the public meeting.

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kindest regards,

Phyllis Koessler and Karl Koessler-Streiker

540 College Place

Agenda Item #2.1.

Dear Ms Gonzalez and Members of the Planning and Zoning Commission,

I am the co-owner with my son of the property located at 540 College Place (it is his primary residence), one of several properties directly adjacent to and sharing a common property line with the proposed apartment complex at 2245 Turrentine Drive, Case #20ZO5000054. I am very appreciative to Ms Gonzales for sharing her time, patience and knowledge about the project, pertinent codes, and overall growth plan for the City, parts of which I include.

Since I spent the entirety of my adulthood in the Portland, Oregon area, I am painfully and gratefully aware of the impact of growth, whether planned or unplanned. My own Oregon property was subject to design reviews as we remodeled, and it has been impacted as the area around our property grew from acres of blackberries to a residential neighborhood, a few blocks from a very mixed use area, and close to an Interstate, much like our Las Cruces property. I provide this background merely to indicate that the process is not new to me, the concept of growth and change is not new to me, and the impact of that growth is not new to me. I am also a landlord of several properties, and thus recognize and appreciate the economics of the landlord-tenant situation, as well as the tax base more building provides to a city.

First and foremost, I am not against the City allowing this property to be developed, since it is currently little more than a weed lot. Nor am I against Mr Bannister building an apartment complex on his property, which is slightly less than one acre. What I am opposed to is that the proposed structure is two stories tall as opposed to one story (the height of all the surrounding houses), and that 12 units adds too much traffic to this immediate area. The area is zoned as R-1a, single family medium density. Your code defines this as follows:

SINGLE-FAMILY MEDIUM DENSITY MOBILE: The single-family medium density mobile district is intended to accommodate single-family mobile homes and site built/manufactured homes, including patio homes and townhouses, to maintain and enhance a medium density residential character of development. This district is also intended to serve as a transition between the single-family high and single-family low density residential development. The maximum density of this district is eight (8) dwelling units per acre.

Mr Bannister is proposing a 2 building apartment complex with 12, 2 bedroom units, each building housing 6 units, 3 ground level, 3 second story. Such a complex does not fall within the types of buildings included in R-1a which could include: [Detached](#), [Site Built](#), [Single Family Dwelling Unit](#); [Manufactured Dwelling Unit](#); [Mobile Home](#); [Mobile Home Subdivision](#); [Townhouse \(Attached Single Family Dwelling Unit\)](#). Even if the proposed apartment complex is considered a townhouse unit, the maximum number of units for R-1a is 8, not 12. He is asking for two separate structures, not one. Thus, it exceeds the number of permissible units, especially since the property is less than one acre.

The two-story proposed complex, in addition to the number of units, is out of character with the immediate area, which consists of long established, one-story homes. Even the few nearby multi-family dwellings on University near Turrentine are one story. While it may be permissible to build a taller structure, that second story will create an invasion of privacy for the adjacent homeowners, which,

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when added to the denser population of the proposed complex, adds light, noise, traffic, and visual trespass, all of which will become a unwarranted and unnecessary burden on the adjacent houses.

Those buildings that exceed one story are distant from this area, well to the east and west on University Avenue (which itself is 586' away while the existing adjacent houses are 35' away), so to consider those far removed, taller buildings as part of this/our "neighborhood" is simply not factually accurate. The Marriott on University is already invasive enough with its neon sign glaring nightly into our neighborhood. More light, noise, traffic, visual trespass from a very close two-story apartment building does little to make our part of Las Cruces a more "elevated" livable area.

The City asserts that this is a mixed use area, but that mixed use does not occur until one is on University, and far to either the east or west of Turrentine, so that assertion is not germane to this proposal. The description of an R-1a requires you to consider the [residential character of development](#), not the mixed commercial and residential character of a distant area. In essence, Ra-1 requires you to focus on the closer (35' away) impact on residential College Place and Turrentine Avenue, not the more distant University Avenue (586') with its many mixed uses. We, the homeowners and residents of the very quiet College Place, are the ones most impacted, not University Avenue.

The community prosperity goals (CP-9) for elevating Las Cruces includes more housing of a diverse nature, to: **Encourage the use of alternate housing types, styles, and living arrangements as a means to provide additional housing opportunities; Partner with NMSU to provide additional off-campus student, staff, and faculty housing options near the University; Promote, facilitate, and encourage alternate housing options for seniors, students, and single-person households such as co-housing options; Promote denser housing options in the urban neighborhood, downtown, town centers, neighborhood centers, and mixed-use corridors identified in the future development map. and enhance infill policies to encourage more development activity in the infill area.**

In terms of community livability, the prosperity goals seek to: **Strengthen neighborhood condition through improvements to the build-environment and Encourage redevelopment of vacant properties within neighborhoods.**

As I stated at the beginning, I am not adverse to Mr Bannister building on this vacant weedlot. I am very unclear, however, how a two story apartment complex, with potentially 24-48 residents (each apartment is 2 bedroom, 12 apartments) and their vehicles, and the ancillary commercial vehicles, will "strengthen the existing neighborhood condition." The City has failed to demonstrate this point, and simply saying it will is merely a hopeful assertion, ungrounded by facts.

College Place, Turrentine, and all the other streets in our long-established neighborhood are hardly an eyesore, a hub of crime, or any other adverse situation. So, how does the proposed complex strengthen our neighborhood? Frankly, it doesn't, other than to eliminate the weedlot. A park would do the same, and even better, as it would allow local families to gather, students to have a non-campus retreat, and Marriott guests to see a visual delight. But we all know a park/greenspace is not going to happen, as the concept of greenspace is not even mentioned in the Elevate Las Cruces goals, even though it is well demonstrated greenspaces belong in cities and strengthen existing neighborhoods, no matter where one lives. <http://www.fao.org/3/XII/0347-B5.htm>. Central Park in New York City clearly demonstrates that point and it has never been developed to promote infill.

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The proposed apartment complex does increase dwelling units, and thus the immediate population density and infrastructure use, along with providing more revenue to the City. And that is okay to a point (though a greenspace is far better in my opinion), something I think we homeowners can live with. The proposed apartment complex, however, will not meet the gap in Las Cruces' housing situation, given that "As of April 2020, average rent for an apartment in Las Cruces, NM is \$824 which is a 11.04% increase from last year when the average rent was \$733, and a 0.73% increase from last month when the average rent was \$818. One bedroom apartments in Las Cruces rent for \$722 a month on average (a 13.3% increase from last year) and two bedroom apartment rents average \$788 (a 4.82% increase from last year). <https://www.rentjungle.com/average-rent-in-las-cruces-rent-trends/>

The housing gap in Las Cruces, and most everywhere, and demonstrated by the City's own analysis, Table 38, Rental Housing Gap Analysis, is in the low-income population group. Mr Bannister's proposal does nothing for that population, but merely adds to an already adequate housing supply for the students and faculty of NMSU, his clearly targeted market of renters (Table 38). Thus, that is not a compelling point for the City to rely on in its support of Mr Bannister's proposed building.

To conclude: I support the permitting of this apartment complex, but with the following conditions:

1. That it be limited to one story.
2. That it be limited to no more than 6, maybe 8, units.
3. That the two proposed buildings (if 2 are permitted) retain their current orientation towards each other and away from the adjacent houses.
4. That the dumpster be out of the sight of the adjacent houses.
5. That there be no removal of established trees or shrubs.
6. That the proposed 35' wide driveway access be reduced to 30' with a 5' strip between the adjacent lots and proposed building that will be landscaped with native trees or shrubs to create a living fence between the properties, promoting privacy and baffling noise.
7. And that the landscaping that enhances natural wildlife and plants and thus the overall quality of the entire neighborhood which Mr Bannister wishes to join.

Thank you for taking the time to read through my concerns about and modified support of the proposed apartment complex.

Kindest regards,

Phyllis Koessler and Karl Koessler-Streiker
540 College Place

Sara Gonzales

From: Tzitali Ramirez <tzitali@gmail.com>
Sent: Friday, May 22, 2020 12:30 PM
To: Sara Gonzales
Subject: 2245 Turrentine

Good afternoon Ms. Gonzales,

We live at 520 College Place and are writing to you regarding the proposed infill development to allow for 12 units on the vacant lot behind our property. The use of this space for apartments raises many concerns among our family and the College Place Neighborhood. Please see the list below:

1. Safety - We are concerned about the safety of our neighborhood having so many new tenants coming and going right behind our property. We are familiar with our neighbors and can easily recognize any suspicious behavior. Having apartments means multiple families/renters moving in and out as leases expire or evictions occur.

Not even one year ago there was a shooting on the corner of university and Turrentine. That event made us very uneasy and we were thankful to have not been closer to University Ave. We are concerned about having so many unknown people immediately behind our property versus one family.

Furthermore, in the event of an emergency, how will all those tenants safely and effectively evacuate the property through the only narrow alley available?

2. Noise - Putting aside the noise from construction alone, having so many cars driving behind our house in the alleyway is a huge issue. It is not a main road nor will it be a main road even if it is paved. The traffic of 12 units will cause a disruption to our home. Assuming one car per unit (which is more likely 2 cars or more per unit) means 12 cars coming and going in the small alley behind our house at any given time of day.

The use of the small alleyway as the only entrance and exit to the proposed apartments also raises the concern of car accidents. If a vehicle were to veer off and crash into our wall bordering the alley puts our family at risk. We have very small children who play in our backyard an accident like that could be fatal. This all ties back to safety again.

3. Privacy - There are no two story buildings in our neighborhood or the immediate surrounding area. Having a second floor of apartments means our backyard and property will no longer be private.

Having a family of our own we feel this 12 unit apartment is infringing upon our safe, beautiful, and quiet neighborhood. We will not be able to even enjoy the safety and privacy of our own backyard. Please take into consideration the concerns of all the homeowners in the College Place Neighborhood.

Sincerely,
Michael and Tzitali McGonigle
520 College Place

Sara Gonzales

From: Jillian Rowan <jillianrowan86@gmail.com>
Sent: Friday, May 22, 2020 12:15 AM
To: Sara Gonzales
Subject: case 20ZO500054

Ms. Gonzales,

I am writing in regards to the proposed zoning change for 2245 Turrentine. I live at 530 College Pl which backs directly up to this vacant lot on the north side. I have several concerns about the proposed 12 unit apartment complex.

1. My top concern is drainage. The back yards of the houses on the north side of the lot are designed to drain towards the south. There is natural water flow that goes from the east end of 2245 Turrentine across to the west side. The property owner at 2305 Turrentine still maintains water rights for this waterway. Several years ago Mr. Bannister dumped some construction fill dirt in the lot which caused our yards to flood every time it rained. The city required him to remove the dirt and fix the waterway. If the building is constructed as proposed pavement for the fire lane would extend right up to our property line and again cause flooding in our yards.
2. This lot is not "mixed use" as suggested. It is bordered by 8 single family residences and one vacant lot. This proposed development would add a minimum of 24 new residents on less than an acre (when looking at useable space due to lot shape it is much closer to .5 acre) almost entirely surrounded by single family home owners. It would be out of character for the neighborhood.
3. The proposed unit has 18 parking spots for 12 two bedroom units (24 minimum residents). This will require that the rest of the residents find parking along the street regularly.
4. Finally, I ask that this planning meeting be postponed until a time that the citizens can attend and publicly voice our concerns that was stated on the posted sign as our right. If Mr. Bannister can be in attendance concerned citizens should be as well.

I appreciate your time and consideration,

Sincerely,
Jillian Rowan

Sara Gonzales

From: Sam Rowan <slrowan1986@gmail.com>
Sent: Friday, May 22, 2020 10:30 AM
To: Sara Gonzales; Tessa Stuve
Subject: 2245 Turrentine Development

Hello Ms. Gonzales,

I wanted to give some input in regards to the hearing that is set for May 26 for the building project at 2245 Turrentine. I do have some concerns that the requirement for public input is not being met as the sign indicates that there will be a public hearing and all are welcome; but, we now know that is not the case. Anyone who wants their input to be heard must email planning and zoning in advance.

So far, the concerns that I have about the project include but are not limited to the following.:

1) Zoning: This parcel of land is zoned for a single family dwelling. I believe that it is zoned as such, because that is what it is best suited for, and other than another vacant lot, that is what it is surrounded by. While the lot is just under an acre, it is oddly shaped, access is restricted, and there is a waterway running through the property.

2) Space: While that lot is almost an acre in size, it is a very irregular shape, and as mentioned previously, there is a waterway running through the property. After having received an outline of what is being proposed, I see that at least one building and part of the parking lot will sit directly on top of this waterway. This creates an undue flooding hazard for the adjacent properties, and restricts the water rights of some of the residents. Previously, the owner of this property has placed fill dirt in this same water way which caused my property to flood. Making that same mistake with permanent structures would cause ongoing property damage.

It also appears from the proposal that this project would include 12 units, each 2 bedroom, but there are only 18 proposed parking spaces being proposed. Is there a reason that the city would consider deviating from the minimum requirement of 2 spaces per unit? There are no grocery stores or convenience stores within walking distance, so we have to assume that all of the residents are going to own cars.

3) Access: This parcel of land only has one access point, which is a narrow alley sandwiched between two single family residential properties. The current pathway is only approximately 15 feet wide. Widening that pathway further would require the removal of large mature shade trees, which are a valuable asset to both the quality of life and the character of this neighborhood. This would also present a disturbance to our animal habitat, which is known to include hawks, bats, foxes, and once there was even a ring tailed cat spotted. Is any consideration being made for the local wildlife? Also, one of the trees that would have to be removed sits on the neighbors property. Is any consideration being made for how this would affect his property?

4) Invasion of privacy: The two apartment buildings that are proposed are two stories. The second story would look down into the back yards and houses of the neighboring properties. This is an intrusion upon the quiet privacy that this neighborhood enjoys; and, would negatively impact the property values of the adjacent homes. Are any remedies for these issues being considered?

5) Performance of the contractor: So far, there has been a crew onsite demolishing the existing concrete pad, utilities, and other remnants of an older development. During this project, there was no safety signage, barricades, or flags put in place for the safety of the neighborhood. No one on the work crews were wearing the required PPE (hard hats, gloves, eye protection, respirators, etc.). There was no signage on the property, vehicles, or clothing to indicate what company these people were working for. Will any action be taken for the safety of the neighborhood? Accidents that take place

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on construction sites are typically severe and often fatal. When the crews do not follow the laws that are set in place for their safety, and the safety of others, the risk of someone getting hurt or killed is increased exponentially.

6) Light pollution: The College Park Neighborhood is currently dealing with a light pollution issue because of the new Courtyard Inn that was built on University, with an extremely bright sign. Will there be any steps taken to ensure that this problem is not worsened by a new development?

It is not that his lot shouldn't be developed, but 12 apartment units is too much. This space is not suitable for such a development. If larger multi family developments are desired, we should consider using parcels such as 4-008-137-114-110.

Thanks,

Sam Rowan
575-636-5641

Sara Gonzales

From: Elaine Stachera <elaine.stachera@yahoo.com>
Sent: Monday, May 25, 2020 3:12 PM
To: Sara Gonzales
Subject: Comments for Planning & Zoning re 2245 Turrentine

Hello Ms. Gonzales:

Please pass along my comments to the Planning and Zoning Commission.

I am not opposed to Mr. Bannister building on his plot. However, I am opposed to granting a significant deviation from the zoning in place.

It is simply not true that this is a "mixed use" area. "Mixed use" is University Avenue — not our quiet, stable (i.e., non-transient), mid-50s/post-WW II older neighborhood full of single-family, single-story homes. Our proximity to University Avenue does not mean that we are part of the University Avenue complex. This apartment complex would not be on University, it would be in our neighborhood, with the ingress/egress on Turrentine.

Twelve units on that small piece of land would mean possibly up to 48 more people (assuming two-bedroom units) in that one complex, not to mention the attendant traffic. That is not in character for our neighborhood—students (assumed as the target market because of all the university references) are transient and don't share the same concerns as families and residents close by (nor should they, it's just the nature of college students).

I am not the only one with concerns, as I know my neighbors have similar concerns. A small, one-building, one-story apartment complex would be one thing (as long as lighting and dumpster issues were addressed). Trying to fit as many bodies as possible onto that small piece of land is another.

With regard to previous answers you have provided (easier to add my thoughts in green to keep the context):

4) A 12-unit building is inconsistent with the character of the neighborhood. It would be busy, urban University Avenue creeping over the edge of our quiet subdivision.

The reason staff recommends approval for this development is due to the surrounding area consisting of single-family, multi-family, and commercial. The University is within walking distance as well as other eateries and retail stores.

The "surrounding area" is the immediate **neighborhood**, which consists of single-family homes. It's really not true that NMSU and eateries and retail stores (what retail stores?) are in walking distance, other than IHOP and the Marriott. Some of the NMSU Ag buildings are on this side of Espina, but everything else on campus is a mile or more away.

Additionally, University Avenue is a nightmare to ride a bike on (I speak from personal experience—I am a confident cyclist and I completely avoid it). There are no bike lanes, only a couple-blocks-long multi-use path off the street.

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6) The only ingress/egress is a small alleyway — would they expand that? If so, would they be bringing down trees? Our neighborhood trees are mature, and provide welcome shade and bird habitat.

The applicant has a platted 35 foot utility and road easement designated on their lot which exceeds the minimum required two way driving aisle requirement of 24 feet per section 38-58 of the 2001 Zoning Code.

My question about **bringing down trees** was not answered.

7) A single-family home would be one thing, and perhaps even a duplex. But more than two would be out of character for the neighborhood, diminish the quality of life for those of us adjacent because of parking lot lights and the addition of (if it were 12 units) up to two dozen or so more cars going through our quiet neighborhood.

The surrounding neighborhood is mixed with uses including commercial, apartments, and single family. The location of the property is also near the University which encourages walkability, bicycle, and vehicle accessibility. The recent adoption of Elevate Las Cruces Comprehensive Plan encourages increased density within the infill area and encourages development of a variety of housing opportunities for the community.

Again, it is not true that because we are in the same general area as the university that this "encourages" walkability or cycling. As I noted earlier, we are a mile or more away from most of the university campus and you are taking your life into your hands riding a bike on University because of the lack of cycling infrastructure.

Our neighborhood is simply not "mixed use." And this is not, as you note, a housing opportunity for "the community." Assuming it is being marketed as appropriate for students (again, since there have been several references to the university), this is a sub-segment of residents that may not even become a permanent part of the community.

Thank you to the Planning and Zoning Commission for consideration of my comments and thank you for your quick response to my questions.

Regards,

Elaine Stachera Simon

600 College Place

On Wednesday, May 13, 2020, 03:53:33 PM MDT, Sara Gonzales <sgonzales@las-cruces.org> wrote:

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Good afternoon,

My name is Sara Gonzales and I am the project planner for the proposed development at 2245 Turrentine. I was provided your email address from our communications office in order to reach out and answer any questions you may have about the proposal. I am in the office from 7am to 4pm and would be happy to assist you. Feel free to contact me either by phone or email.

Thank you and have a great day.

Sara Gonzales, CZO

Planner/Community Development/ Building & Development Services

Direct: 575-528-3085 Main: 575-528-3043, sgonzales@las-cruces.org



Sara Gonzales

From: Diane Venegas <dmvtaltos@msn.com>
Sent: Monday, May 25, 2020 8:08 PM
To: Sara Gonzales
Subject: Case# 20ZO5000054

I am writing in reference to the proposed twelve apartment units. When we bought our home to start our family this was a relatively quiet neighborhood. I disliked the fact that the Convention Center was being built so close, but I understood the reason for the location. I was scared having a new restaurant so close would bring unwanted traffic. It did and it also brought trash. I really hated the commotion from the Marriott Courtyard. I hate being in my backyard and seeing it in the distance. I truly wanted to look for a new home, but I love the life we built here. I was hoping that was the end. Now comes a proposal for apartments. It is basically in the yard of some of our neighbors. I hate to see the traffic level increase even more and the noise go up. The apartments are going to end up being occupied by students because of the proximity to the University. What happens to our home value? Why in a neighborhood where there are just homes? Why so close to those homes? Most with just families.

Venegas family

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

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Abraham Sanchez, Member
James Bennett, Member

STAFF PRESENT:

Larry Nichols, Director Community Development Department, CLC
Sara Gonzales, Planner, CLC

I. CALL TO ORDER (6:00)

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

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

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

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

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

Smith: Second.

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

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

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

17 The request is for allowance of multifamily dwellings which would be
18 12 units. Currently on the property as an R-1a zoning designation. The
19 0.97 acre tract only permits one single-family home, so the applicant is
20 requesting to deviate from one single-family home to permit 12 units on the
21 property. In doing so the applicant is going to follow the rest of the
22 requirements per the Zoning Code and does not request any deviations.
23 That includes the required parking stalls for the development of 12 units,
24 meeting the setbacks for the front, side, and rear, the maximum allowed
25 height is 35 feet within this district. There is landscaping requirements, fire
26 access requirements, a dumpster enclosure is required, as well as ponding
27 to maintain the water that is coming from the site.

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

39 These are the two buildings which are proposed to be at 25 feet in
40 height. They are set towards the sides of the property to where the access
41 is basically this buffer between the single-family residences to the north
42 because this will be the driving aisle. This highlighted shaded area is for
43 fire access in order for the Fire Department to come into the property and
44 then be able to get out of the property if there were something to take place.
45 The driving aisles meet, the parking stalls all meet for the required
46 development to go in. Towards the south side of the property is the

1 dumpster enclosure which will be required to be enclosed with an opaque
2 fence and a gate in order for Utilities as well as Solid Waste to have access.

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

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

15 So we do have Jillian and Sam Rowan that are located at 530
16 College Place. Robert Hastings at 2305 Turrentine Drive. Robert Hoffman
17 at 605 College Place. Phyllis Koessler and Carl Koessler at 540
18 College Place. Michael and Zitalli McGonigle at 520 College Place. Elaine
19 Simon 600 College Place. Diane Villegas did not provide us an address.
20 And then we received two phone calls: A property owner owns 500 and
21 725 College Place and then 600 College place. The concerns that were
22 brought up to staff as well as for the proposal for the Planning and Zoning
23 Commission's consideration was the garbage container location. It is
24 located on the south of the property line and it will be in an enclosure. If
25 there was going to be a landscaping buffer per our Zoning Code residential
26 properties adjacent to residential properties do not require a landscaping
27 buffer. However I do know that the applicant is planning on putting
28 landscaping within the property and if there are additional questions as far
29 as what the landscaping buffer maybe he can go ahead and address those.
30 There is a possibility of increase in noise and traffic. As far as noise we do
31 have a noise ordinance under Chapter 19 that is regulated by the Codes
32 Enforcement Office, so if there is an increase in noise that can be regulated
33 through Codes. And then I also worked with our Traffic Engineer and
34 indicated that based on 12 units the number of vehicles per peak hour is
35 designated at 10 because it's only the 12 unit development. There was also
36 the concern of new tenants infringing on their safety. From this point staff
37 does not have any evidence of any safety concerns that are provided with
38 new tenants being developed or new developments taking place on
39 properties. And with that we are not able to discriminate on housing types
40 that are going to be permitted within any zoning district.

41 There was a concern with light pollution meeting our outdoor lighting.
42 We do have an outdoor lighting ordinance which is Chapter 39 of our
43 Municipal Code that does address that lighting is to be placed we know
44 within the parking lot, directed down, and that is inspected by our electrical
45 inspectors here at the time of development. There is a concern of invasion
46 of privacy for two story. Within the zoning designation being that the

1 property is zoned R-1a it does allow for 35 feet height. That is also
2 allowance for the neighboring properties that are also zoned R-1a. So the
3 houses were developed at a time that they were at single story but that does
4 not mean the case of if anybody wanted to add on to their property it could
5 be at 35 feet.

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

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

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

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

38 There was a concerned about mixed use. Within the area when staff
39 reviewed this we do consider this mixed use in the sense that north of the
40 property is single-family. The south of the property is designated with either
41 restaurants or a hotel, there's actually two hotels because a Marriott just
42 went up. You also have apartments and vacant land, and then multi use as
43 far as duplexes or quadplexes. In understanding that the reason why staff
44 still sees this as mixed use is because yes University is only about 550 feet
45 away from this actual property. So this is a very small vicinity or area which
46 as you know 0.1 acres away from essentially University. University has this

1 overlay in this corridor that allows for students, it allows for restaurants, it
2 allows for currently there is a mixed use along University of either retail,
3 some type of service. And so seeing that, we consider this as being mixed
4 use.

5 There were questions of the behavior of work crews. So as
6 construction work starts or begins, then the area will have to follow, we have
7 an erosion control plan to maintain the dust. And then we also have working
8 hours in which contractors can work which is at 7:00 a.m. in the morning till
9 6:00 p.m. And there's also going to be as far as noise, we do have noise
10 ordinances in place, so there are restrictions as far as work crews being
11 able to work and then the maintenance of the property as it moves forward.

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

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

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

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

45 So with that staff is recommending approval based on the findings
46 within your staff report and everything that I have basically addressed within

1 the analysis. So I leave you with your options to vote "yes" and approve,
2 vote "no" to deny, provide facts of findings if you choose to deny because
3 staff is recommending approval, vote "yes" with conditions, or vote to table.
4 The applicant is available and I would stand for any questions.
5

6 Thomas: Does the applicant mana saying?
7

8 Bannister: Hello Commissioners. Scott Bannister.
9

10 Thomas: I need to swear you in. Okay.
11

12 Bannister: Yes ma'am.
13

14 Thomas: Do you swear and affirm that the testimony you are about to give is the truth
15 and nothing but the truth under penalty of law?
16

17 Bannister: Yes ma'am.
18

19 Thomas: Go ahead.
20

21 Bannister: Okay. Just wanted to let you guys know that I am aware this is a really
22 established neighborhood that is to the north of primarily and even though
23 ... are you able to hear me sir?
24

25 Thomas: Yes we can hear you.
26

27 Gordon: Yes.
28

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

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

1
2 Thomas: I think the neighbors are to the north and the west.
3
4 Bannister: Yes ma'am.
5
6 Thomas: Okay. Thank you.
7
8 Bannister: Yes ma'am. And address those to give, you know add to the seclusion and
9 give a little more privacy to the tenants. Really I think this place, I've had
10 this property for eight or nine years, 10 years, something like that. It's just
11 had an old concrete pad out there forever. We cleaned it up. We've had
12 homeless people living in there. And I think you know it's time the market
13 will bear. We're in dire need of housing. So I think you know now's the time
14 to go ahead and try and provide some. I'll be happy to take any questions.
15
16 Thomas: Okay. Questions or comments from Commissioners? Go ahead
17 Commissioner Gordon.
18
19 Gordon: (*inaudible*) a matter of mathematics I think. You're going to provide 18
20 spaces for this complex. Well usually when people move in they usually
21 have two cars. If that's the case that definitely will present a problem. But
22 what happens if, an example on the weekend all the residents are there and
23 they all have guests, where are people going to park?.
24
25 Bannister: Well to the south there it's dirt vacant lot so I mean we could have some
26 runoff.
27
28 Nichols: Mr. Bannister. Would you identify yourself please again?
29
30 Bannister: Yes Scott Banister, applicant
31
32 Nichols: For the record. Thank you.
33
34 Bannister: Yes sir. Currently there's three acres of dirt lot that would be parking but
35 you know we're anticipating given its proximity to the university that we're
36 going to get some tenants that will have bicycles as a primary means or
37 scooters or that type of thing to alleviate some of the parking.
38
39 Gordon: I can understand how you think. I'm just looking for the worst scenario if in
40 case it doesn't work out that way, I would think that to the south it looks like
41 there's a quite ... I actually visited the site. I walked the property. There is
42 that large piece of property that's looped to the south of the buildings where
43 it sticks out, looks like an arrow almost. Why can't you just put some spaces
44 there for off-site, a little bit off apartment parking where people can if they
45 have guests say that's guest parking or overflow parking or something that
46 they do. What would be the problem of putting some spaces in there?

1
2 Bannister: You know it would be fine with me if that doesn't cut into the drainage. Sara.
3
4 Gonzales: Madam Chair, Commissioner Gordon. Being that the site is already going
5 to be in compliance. So any apartment complex that comes in or any
6 development for multifamily it has one and a half vehicles per unit.
7
8 Nichols: Excuse me Sara. Just a minute. We have five open mics right now because
9 a few people mute their mics. We're not getting a clear transmission with
10 Sara. Thank you.
11
12 Gonzales: Can you hear me now?
13
14 Thomas: Yes we can hear you.
15
16 Nichols: Much better. Thank you much better.
17
18 Gonzales: No problem. Madam Chairman, Commissioner Gordon. As stated, so the
19 Zoning Code requires one and a half parking stalls per unit. With the
20 development if the applicant puts in the 18 parking stalls that is what our
21 code has required. We've alleviated I believe it was two years ago having
22 maximum to where they provided more and it was just providing those
23 minimums. Now as developments come in that's basically our code
24 requirements, if they can provide more then they're able to provide more
25 however depending on the design of the lot and in this case the design of
26 the lot is very tricky as far as where you can place parking and then still
27 having accessibility for the fire department to get in if there's any
28 emergencies. So if the applicant can provide more then that would be the
29 request. However they are not required to based on our code that we've
30 adopted.
31
32 Thomas: Any other comments or questions?
33
34 Muniz: Sir you mentioned in your statement that you want your apartments to cater
35 to graduate students and not the young people who like to party. How can
36 you guarantee this?
37
38 Bannister: There is no guarantee but our price point I think would be a little more
39 prohibitive. We'll probably charge about \$150 a month more than some of
40 the older apartments around there, \$150 to actually like \$250 because
41 there's a variance with some of the apartments. But we feel like our price
42 point is going to be a little bit higher and I feel like that would lend itself more
43 to more mature established tenant.
44
45 Muniz: I live in District 2 and I watched some lovely homes destroyed by some of
46 our young people that go to the college. Two would rent the place and then

1 five and six would move in and a lot of the landlords were out of town and
2 neighborhoods deteriorated and went through a lot of trouble. And that's
3 one of the things that worries me because of the homes that are established
4 there now, is noise and making sure that these are more family oriented
5 apartment houses. You are close to the university and I just wonder how
6 you can protect your buildings that are being built and the surrounding
7 neighbors from extra noise and parties and cars zooming up the street
8 because it does happen in that area.
9

10 Bannister: Yes ma'am. I agree it would definitely be a concern. I mean I feel like, I live
11 here in town. This will be a significant investment that I will definitely want
12 to protect. And I have a pretty extensive background check that they have
13 to pass if you will. I credit job history or school history; you know that that
14 type of thing to really try and ensure we get the best quality tenant. And
15 you know protecting the investment and like I said it'll be kind of a secluded
16 place so you know being quiet is going to be of the utmost importance.
17

18 Muniz: Okay. Thank you.
19

20 Bannister: Yes ma'am.
21

22 Thomas: I like to add that when I see new apartments that were attractive to
23 undergraduates it's been four bedrooms but you know two bedrooms on
24 one side with a bath and two bedrooms on the other side with a bath and
25 then sharing the living room and kitchen in the middle. And you know I've
26 lived in university communities for the last 50 years and so new things came
27 in if that was that was the configuration we could be certain it was going to
28 be undergraduates, be pretty loud. So I think the way he has apartments
29 set up doesn't lend itself to that. And I also can say I live across the street
30 from a huge apartment complex mostly more upscale apartments and we've
31 been here for 17 years and we've only had one incident of noise, it was a
32 graduation party, wasn't a big deal. So I think that the applicant is doing the
33 right thing trying to reduce those possibilities. Anybody else, other
34 comments? Yes. Yes Commissioner Smith.
35

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

1
2 Bannister: Thank you.

3
4 Thomas: Yes Commissioner Gordon.

5
6 Gordon: I have another question. In looking at the diagram you mentioned in your
7 opening comments that you would be providing landscaping I guess to be
8 used as a buffer, is that going to go all the way around this property?
9 Because a lot of this property borders on College Avenue that's the north
10 side, and then runs all the way from where you get ingress into the property
11 along there and all the way to where the easement is at the end, and comes
12 all the way back around. I know there's nothing to the west as you come
13 around the property back down towards the east. I'm sorry. I take that back.
14 To the east and then coming back to the west there's not very many just
15 vacant land. But how much landscaping are you going to provide and could
16 you tell me possibly with type?

17
18 Bannister: Yes sir. We've found that, and I don't know the exact species but it's a pine
19 tree that's really, it grows really quickly and gains vertical height very
20 quickly. So what the plan was along the west side where those two houses
21 are to cover those and then on the north side there's two houses that would
22 have exposure. So we would protect those.

23
24 Gordon: So what you're saying is that there is any adjacency to a home that say
25 perhaps their backyard you would be putting in landscaping.

26
27 Bannister: Yes sir. Exactly.

28
29 Gordon: Thank you.

30
31 Thomas: Thank you Mr. Gordon. That was one of my questions and I was particularly
32 concerned about the two houses that are on Turrentine to the west because
33 those seem to be the closest and actually the back of the apartments
34 overlook those, so thank you for that.

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

38
39 Gonzales: Madam Chair. I did work with traffic. And so at first it was going to be
40 located towards the south side of it. However we're going to probably have
41 the applicant relocate it to the north only because the alignment of the
42 roadway that is directly on the west side. it aligns better if the bike lane and
43 the actual sidewalk is on the north side as opposed to the south side. So
44 we would ask that it'd be adjacent to the northern properties that are
45 adjacent to College over there.

- 1 Thomas: So I was just asking because there was a suggestion about having a five
2 foot strip on the south side that's adjacent to that house that's right there.
3 So you're telling me that that's probably not possible if you're going to align
4 in the best way with the three, right.
5
- 6 Gonzales: Madam Chair. That is correct. Yes, we would like to have the realignment
7 to where the roadways actually have a better connection because we
8 always find that anytime the roadways are aligned in a different way and
9 you're trying to exit sometimes it can be hard for visibility. So we want to
10 ensure the safety of those who are leaving the property and those who may
11 be entering it.
12
- 13 Thomas: Okay thank you for that. This question is for you Sara. So I just want you
14 to go over this again about you know there was some requests that we limit
15 it to six or eight buildings because the claim was made that's what the R-1a
16 Zoning Code allows. So can you go over that part again about why it can
17 be 12, just so we have that for sure on the record.
18
- 19 Gonzales: Sure. Madam Chairman and Commission. The property is zoned R-1a
20 which allows for eight dwelling units per acre under the current Zoning
21 Code. However we do have the Infill Development Process that does allow
22 for the applicant or property owners to request deviations to either land use,
23 anything within the Zoning Code, that could be setbacks, height restrictions,
24 in order to develop a property. So sometimes you're limited on size or
25 sometimes you run into a case like this where the property is almost an acre
26 in size and apartments would be a good fit based on the jurisdiction or the
27 area of the property. So the infill is used in order to develop vacant parcels.
28 The applicant can go through the subdivision process which would allow
29 them to do about based on the size since it's 0.975 is basically seven lots if
30 they subdivided it out. So we could have the potential of seven lots or it
31 could be the 12 apartment units. Based on the property and seeing the
32 jurisdiction of the area located to University and services and goods, staff
33 evaluated and the applicant had proposed it, and when they come forward
34 with a proposal we just provide that recommendation. So this allotted of the
35 applicant using the infill process to request up to 12 units. The Commission
36 has final action for infill developments so there could be a request to reduce
37 it make it more intense following Elevate. So we're using our plans and
38 policies to actually identify these infill parcels.
39
- 40 Thomas: Okay. Thank you for that. Any other ...
41
- 42 Guerrero: I have a comment too. I just wanted to just express concern, actually quite
43 a few concerns. But for the most part I'm really familiar with the
44 neighborhood. I've been there before. I've done a drive by and I honestly
45 agree with a lot of the neighbors. I mean I understand how this apartment
46 complex can be a nuisance. So I just you know just wanted to bring that

up. Parking like Mr. Gordon has said, doing the math doesn't add up. And I know that it's a great idea to have more bike lanes and have more you know more walkability but I mean being realistic most households don't bike in Las Cruces. It'd be great if they did. So I just wanted to bring that up. I mean we don't really always receive a bunch of emails for properties or anything like that. So you know I think I think it's fair to definitely listen to the people that live in that neighborhood. So anyway just wanted to throw that comment in there.

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

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

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

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

Thomas: Thank you. Commissioner Muniz.

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

Thomas: Thank you. Commissioner Bennett

Agenda Item #2.1.

1 Bennett: I vote yes. I mean there are some hesitations. It meets the code as far as
2 parking goes but I mean I definitely do have some concerns with that. But
3 it meets infill, meets Elevate Las Cruces, staff recommendation, site survey,
4 and I feel some of the concerns have been addressed with the discussions
5 that have taken place. I vote to approve.
6

7 Thomas: Commissioner Guerrero.
8

9 Greiner: I'm going to second LaVonne and also vote no. This this was a tough one.
10 Mostly because yes in general I would like to have more infill. I just don't
11 feel like an apartment property in that area is the answer. Probably be better
12 if it was subdivided. But also totally agree with LaVonne and I think you
13 know we're missing out on an opportunity to hear from the residents in the
14 area. I mean we did receive like I said a bunch of e-mails and staff got a
15 few I think they said a couple phone calls. But I think you know we're kind
16 of, this this is the kind of case that you know doing these things through
17 Zoom is hard and I really expressed my concerns to staff earlier about that,
18 but this is the time we're living it but yes unfortunately I'm going to say no.
19

20 Thomas: Thank you. Commissioner Smith.
21

22 Smith: Madam Chair. I vote yes. I think that staff has used Elevate and infill and
23 the tooling that that has given us three to plan well and it gives this plan
24 footing to stand on. And I have welcomed the input from the community. I
25 think it's been well received and heard. So I think I vote yes.
26

27 Thomas: Thank you. And the Chair also votes yes. Based on the presentations and
28 a site visit, and my desire to see more infill and my personal experience of
29 living in a neighborhood (*inaudible*) that apartment buildings, townhouses,
30 duplexes, single-family, huge expensive \$400,000 or \$500,000 single-
31 families and we seem to all get along and tolerate each other. So the Chair
32 also votes yes. So motion passes four to two
33

34 Bannister: May I just give a parting word?
35

36 Thomas: Sure.
37

38 Bannister: I appreciate the vote. For the two dissenting votes I want to assure you I've
39 been in Las Cruces for 30 plus years and this is my hometown. And every
40 project that we do I want it to be the best. I bought a property over on Milton
41 that was slumville we put \$20,000 into it, remodeled it and it's something
42 that we can be proud of. And I hope the people around me do the same
43 thing. And I can just assure you once this project is completed you'll drive
44 by it will be something that you'll be very proud of to have in your community.
45 I just want to give you my assurance. Thank you.
46

Agenda Item #2.1.

- 1 Guerrero: Yes. Thank you Mr. Bannister. I appreciate those words. I just like I said
- 2 my problem is not so much the property it's more just the fact that there's a
- 3 lot of opposition in the neighborhood. But I mean I wish you the best. I
- 4 know you're here; you're trying to beautify the City and I love Las Cruces.
- 5 I've lived here pretty much half my life and I love this place. So I mean I
- 6 agree with you on that.
- 7
- 8 Bannister: Thank you.
- 9
- 10 Thomas: Thank you.
- 11
- 12 MOTION PASSES FOUR TO TWO.

FINDINGS

Infill Policy:

The Infill Development Overlay District and Process was established on June 15, 1998 under Ordinance #1678. The purpose of the Infill Development Overlay District is to implement land use and development policies as established in the Infill Policy Plan. Specifically, the purpose of this overlay zone is to provide a streamlined review process for the development of vacant and underutilized parcels or those parcels ready for redevelopment within the urban core area of Las Cruces regardless of the property's zoning. The goal is to develop active uses that are compatible with surrounding land uses while promoting economic development in the central part of City, in accordance with the Comprehensive Plan.

This specific case meets the intent of the Infill Development Process because the property has never been developed. A concrete slab permit was issued in 2002, however no other permits have been applied for this site. The neighborhood consists of single-family, multi-family, restaurant, and hotel leading to the proposal of multi-family being compatible with the existing area. The IDP is compatible with the existing land use mix, thus meeting the stated goal of the Infill Overlay Zone.

Affordable Housing Plan:

The Affordable Housing Plan was adopted by City Council on February 21, 2017 by Resolution 17-155. The purpose of the Affordable Housing Plan is to facilitate the expansion of affordable housing options for the low- and moderate-income residents in the City of Las Cruces. This plan will provide a framework for the City to identify priority needs, possible actions, potential implementers and resources which could be utilized in affordable housing projects and programs.

This specific case meets the intent of the Affordable Housing Plan by providing multiple housing types by using the zoning code allowance of infill to create a denser land use and giving opportunities for different housing costs that will be appropriate for the community's income levels, see Goal 5 below.

Goal 5: Create Innovative Partnerships Between Government and the Private Sector by Creating Ordinances, Plans and Policies that Expand Housing Opportunities and Support Economic Diversity.

The City of Las Cruces will use a combination of targeted incentives and set-aside requirements to ensure new development accommodates all sectors of housing demand -- not just those with substantial equity. Those incentives will include cash and non-cash items. In existing neighborhoods, denser land use may be achieved by using zoning codes to allow smaller lot configurations and permitting the construction of accessory units on existing legacy lots. When there is public investment, subsidies or incentives, to lower housing costs, enforcement mechanisms will be in place to ensure that public purposes are met.

The IDP increases both the number of housing units for the community and housing choice (MFR in addition to SFR) for the community.

Elevate Las Cruces Comprehensive Plan:

Elevate Las Cruces Comprehensive Plan was adopted by City Council on February 18, 2020 by Resolution 20-106. The proposed IDP is consistent with many aspects of Elevate Las Cruces including the Future Development Map and several Goals, Policies, and Actions. The IDP will maintain the character of the surrounding area and provide additional housing opportunities meeting the needs of the city. The property is within the Suburban Neighborhood Place Type and surrounded by the Urban Neighborhood Place Type on the Future Development Map. The IDP request aligns with the Suburban Neighborhood Place Type as described: “Distribute areas of multi-family development to promote mixed-residential neighborhoods.” It outlines the development intensity to be single-family 4-12 dwelling units per acre and multi-family to be 15-30 dwelling units per acre. The proposed IDP allows for 14 units based on the 0.975 acres, the applicant is proposing 12 units which meets the intent multi-family development outlined within Elevate Las Cruces, see Elevate Strategies, Policies, and Actions below.

Subject property is located in the Suburban Neighborhood Place Type and adjacent to the Urban Neighborhood Place Type:

The Suburban Strategies are as follows:

Provide a diversity of residential building types, lot sizes, ***density ranges***, and architectural styles.

Provide transitions between developments with residential lots and buildings of ***varying size, heights***, and scale

Distribute areas of multi-family development to promote mixed-residential neighborhoods.

Locate multi-family development near ***employment***, activity ***centers***, ***transit***, and trail corridors.

Site Features: Provide pedestrian facility connectivity between the street, parking areas, public gathering spaces, and buildings within multi-building and multi-unit developments.

Building Design: Design new structures in a manner that complement the height, scale, and massing of adjacent development and that provide appropriate transitions between different development types.

Mixed-Use Corridor: The property is near a mixed-use corridor along University Avenue which the representative land uses include single and multi-family residential, commercial services, and professional offices.

Actions and Policies:

- COMMUNITY PROSPERITY:
 - Goal CP-7: Attainable Housing– Provide affordable, clean, and safe housing options for all residents regardless of income.
 - Goal CP-9: Housing Diversity– Provide a diverse range of housing options to accommodate residents at all stages in life.
 - Policy CP-9.1: Encourage the use of alternate housing types, styles, and living arrangements as a means to provide additional housing opportunities.

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- Action CP-9.1.3: Partner with NMSU to provide additional off-campus student, staff, and faculty housing options near the University.
 - Action CP-9.1.4: Promote, facilitate, and encourage alternate housing options for seniors, students, and single-person households such as co-housing options.
 - Policy CP-9.2: Promote denser housing options in the urban neighborhood, downtown, town centers, neighborhood centers, and **mixed-use corridors** identified in the future development map.
 - Action CP-9.2.1: Review and enhance infill policies to encourage more development activity in the infill area.
- COMMUNITY LIVABILITY:
 - Goal CL-2: Neighborhood Conservation – Strengthen neighborhood condition through improvements to the build-environment.
 - Policy CL-2.2: Encourage redevelopment of vacant properties within neighborhoods.
 - Goal CL-8: Multi-Modal System – Develop an equitable, multi-modal transportation system that presents feasible travel options for residents.
 - Policy CL-8.3: Coordinate transit system access with location of job centers and residential areas.
- COMMUNITY ENVIRONMENT:
 - Goal CE-1: Balanced Growth– Encourage efficient land use development patterns that accommodate projected growth in a sustainable manner.
 - Policy CE-1.2: Promote investment within older areas of the City through redevelopment.
 - Action CE- 1.2.3: Partner with property owners of vacant land for infill opportunities.
 - Goal CE-5: Building and Site Design– Establish standards to integrate new development with surrounding built and natural features while mitigating long-term natural resource and climate impacts.
 - Policy CE-5.1: Promote building form and scale that complements surrounding neighborhoods and creates strong linkages between the development site, the street, and other public grounds.
 - Action CE- 5.1.2: Provide gradual transitions between developments with residential lots of varying size and building heights.
 - Policy CE-5.3: Ensure that development concepts provide an interconnected network of pedestrian facilities linking streets, buildings, parking, and public gathering spaces.
 - Action CE- 5.3.1: In multi-unit and multi-building developments, provide designated pedestrian pathways from the public street and parking areas to all buildings and public gathering areas.
 - Policy CE-5.4: Provide motor vehicle access and parking options that preserve thoroughfare function and comfort of pedestrians and bicyclists.
 - Action CE- 5.4.5: Explore parking management strategies that will reduce the demand for additional parking supply such as shared parking, on-street parking, and parking maximums.