



1 Ochoa: Mr. Chairman.  
2  
3 Crane: Oh I beg your pardon, Mr. Gordon.  
4  
5 Gordon: Yeah, um, Case number S-15-017 and Case S-15-016, I'd just like to bring  
6 to the Board's attention that I am familiar with the principals who are  
7 bringing this petition. I have sat on a homeowner's board with them. I live  
8 in a community that they were, that they had built, but I certainly feel that I  
9 can render an impartial decision in, in these two items. I just want to make  
10 the Board a, a, aware of it. If it's necessary I will recuse myself.  
11  
12 Crane: Thank you Mr. Gordon. Commissioners, does anyone feels that Mr.  
13 Gordon should recuse himself? And the applicants? No. All right. Thank  
14 you Mr. Gordon we'll continue with you.  
15

### 16 III. APPROVAL OF MINUTES

#### 17 1. December 22, 2015 - Regular Meeting

18  
19  
20 Crane: Next we have approval of the minutes of the last meeting which was  
21 remarkably brief; eight minutes in fact. Does any Commissioner who was  
22 present last time have any adjustments to make to the minutes of the last  
23 meeting, that was December 22nd? No one so indicates, so I'll enter,  
24 entertain a motion that the minutes be accepted as they were provided.  
25

26 Stowe: Move to accept.

27  
28 Crane: Moved by Mr. Stowe.

29  
30 Ferrary: I will second it.

31  
32 Crane: Seconded by Ms. Ferrary. All in favor "aye."  
33

34 MOTION PASSES.

35  
36 Crane: Opposed "nay." And abstaining. Mr. Beard abstains. This passes  
37 six/zero/one. Thank you.  
38

### 39 IV. POSTPONEMENTS

40  
41 Crane: Are there any postponements Mr. Ochoa?

42  
43 Ochoa: No sir, none tonight.

44  
45 Crane: Thank you.  
46

1 V. CONSENT AGENDA - NONE

- 2
- 3 1. **Case S-15-017:** Application of Area 51, LLC for a preliminary plat known as
- 4 Sonoma Ranch East 2, Phase 11 on 31.612 +/- acre tract located generally
- 5 north of the termination of Silver Hawk Avenue, north of Azure Hills Road and
- 6 the Alameda Arroyo and within the Sonoma Ranch East 2 master planned
- 7 area: Parcel ID# 02-42593. Proposed Use: 87 single-family residential lots.
- 8 Council District 6 (Levatino).
- 9
- 10 2. **Case S-15-016:** Application of Sonoma Ranch North, LLC for a preliminary
- 11 plat known as Sonoma Ranch North, Phase 1 on a 5.742 +/- acre tract
- 12 located within the Sonoma Ranch North master planned area on the south
- 13 side of Northrise Boulevard, directly south of its intersection with Purple Sage
- 14 Drive: Parcel ID# 02-42111. Proposed Use: 21 single-family residential lots.
- 15 Council District 6 (Levatino)
- 16
- 17 3. **Case Z2892:** An application of Michael Johnson on behalf of the property
- 18 owner, Aguirre Land Holdings, LLC, for consideration of a zone change from
- 19 O-1 (Neighborhood Office) and R-4 (High Density Residential and Limited
- 20 Office) to C-1 (Commercial Low Intensity) on two properties located at 114 N.
- 21 Campo and 315 E. Griggs: Parcel ID#'s 02-06152 and 02-6166. Proposed
- 22 use: various neighborhood commercial uses. Council District 1 (Gandara).
- 23
- 24 4. **Case Z2894:** An application of Edward G. Kruis and Diane J. Kruis, property
- 25 owners, for consideration of a zone change from R-3 (High Density
- 26 Residential) to O-1 (Neighborhood Office) on a property located at 520 N.
- 27 Campo: Parcel ID# 02-06093. Proposed use: Counseling, legal services,
- 28 accounting services or similar uses. Council District 1 (Gandara)
- 29

30 Crane: Next we come to the Consent Agenda. For those who may not know, this

31 is a group in this instance of four cases, they're on your agenda; S-15-017,

32 S-15-016, Z2892, and Z2894. These've been put on the Consent Agenda

33 because Community Development believes that they're probably non-

34 controversial and may not require any discussion. However, if any

35 Commissioner or any members of the public would like to see any of these

36 four matters discussed, now's the time to say so and we will take it off the

37 Consent Agenda, it or them, and put them into New Business. Does

38 anybody want to see anything removed from the Consent Agenda? Okay,

39 I should've said that if, that we normally take a vote on everything in the

40 Consent Agenda in one chunk, so nobody is, has indicated that anything's

41 to be removed from the Consent Agenda so I'll entertain a motion that the

42 Consent Agenda be passed as is.

43

44 Beard: I move ...

45

46 Crane: Moved by Mr. Beard.

1  
2 Beard: I move to approve the Consent Agenda including Case S-15-017, Case S-  
3 15-016, Case Z2892, and Case Z2894.  
4

5 Crane: Do I have a second for that?  
6

7 Clifton: Second.  
8

9 Crane: Seconded by Commissioner Clifton. All in favor "aye."  
10

11 MOTION PASSES UNANIMOUSLY.  
12

13 Crane: Opposed "nay." Abstaining. The measure passes seven/nothing. Thank  
14 you.  
15

16 **VI. OLD BUSINESS - NONE**  
17

18 Crane: Any Old Business Mr. Ochoa?  
19

20 Ochoa: No sir, none tonight.  
21

22 Crane: Okay.  
23

24 **VII. NEW BUSINESS**  
25

- 26 1. Adoption of Statement of Reasonable Notice as required by Section 10-15-  
27 1(B) of the Open Meetings Act, Section 10-15-1 to 10-15-4, New Mexico  
28 Statutes Annotated (1978), as amended.  
29

30 Crane: And then we'll proceed to New Business. We have two items, one is  
31 something we do regularly every year which is to read into the record the  
32 Statement of Reasonable Notice which is in Commissioner's packets. To  
33 keep this from wearing out the Chairman's voice or anybody else's for that  
34 matter, as many of you know we simply take turns in reading a section.  
35 We'll go, start with me and just go through until we come to nine, pardon  
36 me, until we come to Mr. Clifton and if there's still something after to read  
37 it'll come back to me. Let me read the first two paragraphs on the first  
38 page and send over to Mr. Beard for the two other "whereas's" and the  
39 "therefore," and Mr. Beard can then pass on to Mr. Alvarado for Roman  
40 Numeral I and so on.

41 So, City of Las Cruces Planning and Zoning Commission  
42 Statement of Reasonable Notice for Meetings. The Planning and Zoning  
43 Commission is informed that:

44 Whereas, the Planning and Zoning Commissioner of the City of Las  
45 Cruces meet in a public hearing at 6:00 p.m. on January 26, 2016 and.

46 Whereas, Section 10-15-1 (D) of the Open Meetings Act, Section

1 10-15-1 to 10-15-4, New Mexico Statutes Annotated (1978), as amended,  
2 states that, except as may be otherwise provided in the Constitution or the  
3 provision of the Open Meetings Act, all meetings of a quorum of members  
4 of any board, council, commission, administrative adjudicatory body or  
5 other policy making body of a local public agency held for the purpose of  
6 formulating public policy, discussing public business or for the purpose of  
7 taking any action within the authority of or the delegated authority of such  
8 body, are declared to be public meetings open to the public at all times;  
9 and.

10  
11 **Beard:** Whereas, any meetings subject to the Open Meetings Act at which the  
12 discussion or adoption of any proposed resolution, rule, regulation or  
13 formal action occurs shall be held only after reasonable notice to the  
14 public; and

15       Whereas, section 15-, section 10-15-1(D) of the Open Meetings  
16 Act, as amended, requires the Planning and Zoning Commission of the  
17 City of Las Cruces to determine annually what constitutes reasonable  
18 notice of its public meetings.

19       Now there, therefore, the public, the Planning and Zoning  
20 Commission of the City Las Cruces of New Mexico states:

21  
22 **Alvarado:** Section one, that for regular public hearings and special meetings, the  
23 Planning and Zoning Commission of the City of Las Cruces generally  
24 meets the fourth Tuesday of, of every month at 6:00 p.m. for the regular  
25 public hearing, and the issuance of an agenda in accordance with that,  
26 this statement shall be issued and circulated to the press, radio, and other  
27 public information media and posted on bulletin boards of the City of Las  
28 Cruces City Hall.

29  
30 **Ferrary:** Section two, that a public hearing is required for requests for Zoning Code  
31 amendments, Sign Code amendments, road waivers associated with  
32 subdivisions, zone changes, annexations, initial zonings, Planned Unit  
33 Developments, and subdivision code amendments. Notice of public  
34 hearing shall be sent by regular mail to all property owners, as shown by  
35 the records of the County Assessor, within at least five hundred (500) feet  
36 of the proposed case. Notice shall be mailed at least fifteen (15) days  
37 prior to the required hearing. Notice of the time and place of the public  
38 hearing shall be published at least fifteen (15) days prior to the hearing in  
39 a newspaper of general circulation in the City.

40  
41 **Stowe:** Section three. That a public hearing is required for requests for Infill  
42 Development proposal, Special Use Permits, variances, PUD final site  
43 plans, master plans, preliminary plats, and non-administrative final plats.  
44 Notice of the public hearing shall be sent by certified first class mail to all  
45 property owners, as shown by the records of the County Assessor, within  
46 at least one hundred (100) feet of the subject property of the proposed

1 request excluding streets, alleys, channels, canals, railroads and all other  
2 public rights-of-way. Therefore, thereafter, regular, non-certified, first  
3 class mail shall be sent to those properties that fall within a distance  
4 greater than one hundred (100) feet and no less than five hundred (500)  
5 feet of the subject property. The secondary distance of more or less 100  
6 feet to more or less 500 feet) may include streets, alleys, channels,  
7 canals, railroads, and all other rights-of-way, public rights-of-way. When  
8 an area larger than one city block is under consideration, regular non-  
9 certified, first class mail shall be used for all mailed notification and is not  
10 subject to right-of-way provisions as outlined above. Regular, non-  
11 certified, first class mail shall also be sent to all recognized neighborhood  
12 groups within five hundred (500) feet of the subject property. Notice shall  
13 be mailed at least fifteen (15) days prior to the required hearing. Notice of  
14 the time and place of the public hearing shall be published at least fifteen  
15 (15) days prior to the hearing in a newspaper of general circulation in the  
16 City.

17  
18  
19 Crane: Thank you Mr. ...

20  
21 Gordon: Four.

22  
23 Crane: Gordon. Number four.

24  
25 Gordon: That a public hearing is required for all appeals to the Zoning Code,  
26 Design Standards interpretations, and Subdivision Code interpretations.  
27 Notice of the time and place of the meeting shall be published at least  
28 fifteen (15) days prior to the hearing in a newspaper of general circulation  
29 in the City.

30  
31 Crane: Thank you. Mr. Clifton.

32  
33 Clifton: Five. That the Planning and Zoning Commission determines that,  
34 reasonable notice shall include the issuance and posting of an agenda for  
35 regular meetings at least fifteen (15) days prior to the required hearing.  
36 That reasonable notice for special meetings shall require the issuance and  
37 posting of an agenda within 24 hours of the time of the special meeting.  
38 All other meetings which may be called for informational purposes at  
39 which no action is to be taken shall be held only after written notice issued  
40 to the news media no later than 12:00 noon of the day of such meeting, or  
41 four (4) hours before such meeting, whichever is greater.

42  
43 Crane: Thank you. I'll do six. That in an emergency, wherein it is necessary for  
44 the public peace, health, safety, and welfare, a meeting may be called with  
45 as much notice as may be possible under the conditions. Mr. Beard.  
46

1 Beard: Number seven. That substantial compliance with any other, any one of  
2 the appropriate foregoing methods of giving notice shall constitute  
3 compliance with this statement and Section 10-15-1 to 10-15-4, N.M.S.A.  
4 (1978), as amended. Nothing herein shall prevent the use of additional  
5 means or methods of giving notice of regular or special meetings. Nothing  
6 herein shall require new notice of any public meeting for which notice has  
7 been given and which is recessed or adjourned. However, in recessing or  
8 meeting, the presiding officer shall announce the meeting, the time and  
9 place of the meeting shall resume.

10  
11 Crane: Thank you. Ms., Mr. Alvarado.

12  
13  
14 Alvarado: Section eight. That all such meetings are and shall be open to the public  
15 as set forth in Section 10-15-1 to 10-15-4, N.M.S.A. (1978), as amended.

16  
17 Crane: Thank you. And finally Ms. Ferrary.

18  
19 Ferrary: Section Nine. That if any section, paragraph, clause, or provision of this  
20 statement shall be for any reason held to be invalid or unenforceable, the  
21 invalidity or unenforceability of such section, paragraph or clause or  
22 provision shall not affect any of the remaining provisions of this statement  
23 or its application to other situations.

24  
25 Crane: Thank you. And I have signed this and Mr. Beard is signing it.

26  
27 2. Election of Officers.

28  
29 Crane: We next proceed to the Election of Officers and I'd like to ask Ms.  
30 Harrison-Rogers if there's any, two questions actually, is there any  
31 specification as to what sequence the officers should be voted on?

32  
33 H-Rogers: I would say no. It, it's, it's to your discretion.

34  
35 Crane: And is the Chairman, does the Chairman remain the Chairman for this  
36 meeting or does he hand over the gavel to his successor? A neat point in  
37 law right.

38  
39 H-Rogers: Good, good, good question. I think you actually hand it over to your  
40 successor to, to finalize the meeting today.

41  
42 Gordon: That was funny, did you hear that?

43  
44 Crane: I'm sorry.

45  
46 H-Rogers: I believe that you hand the gavel over to whomever gets voted as the off,

1 as the, as the, as the Chairman today to finish the meeting.  
2  
3 Crane: Yeah. Thank you. Well let's take it from the top. We are to elect officers  
4 and I'll ask for nominations for Chairman first. Mr. Gordon.  
5  
6 Gordon: I nominate as, for Chairman of the Planning and Zoning Commission Mr.  
7 Kirk Clifton.  
8  
9 Crane: Commissioner Clifton's nominated. Is there a second for Mr. Clifton?  
10  
11 Beard: I second that.  
12  
13 Crane: Seconded by Mr. Beard. Are there any other nominations for Chairman?  
14 Seeing none. I will ask for a, think we'll have a, do, do we, can we just  
15 have a voice vote Ms. Harrison-Rogers? Yes. Okay. All in favor of Mr.  
16 Clifton as Chairman "aye."  
17  
18 MOTION PASSES UNANIMOUSLY.  
19  
20 Crane: Opposed. And abstaining. Mr. Clifton is elected seven/zero/zero. Thank  
21 you. In that case my term of office is over and Mr. Clifton will approach. I  
22 will hand him the ceremonial gavel. I'd hand you a gown and a chain of  
23 office but we seem to have lost it. And while he's making his way up here,  
24 it has been a pleasure to be Chairman of this highly competent and  
25 professional Commission and it's made my job ...  
26  
27 Clifton: You can stay there I'll just finish ...  
28  
29 Crane: No, no, no, no, come on. She said I have to move. Enjoy.  
30  
31 Clifton: Thank you Past Chairman Crane. I appreciate all your hard work over the  
32 years in keeping things under control when they got otherwise hairy for the  
33 Commission, staff, and the public. Thank you. Okay, with that said do we  
34 have a nomination for Vice Chair?  
35  
36 Stowe: I nominate Commissioner Gordon as Vice Chair.  
37  
38 Clifton: Do we have a second?  
39  
40 Ferrary: I'll second.  
41  
42 Clifton: Any additional nominations? Seeing none. We'll go ahead and take a  
43 vote. Verbal once again, Katherine? Okay. All in favor of Commissioner  
44 Gordon as Vice Chair signify by saying "aye."  
45  
46 MOTION PASSES UNANIMOUSLY.

1  
2 Clifton: Chair votes aye. Commissioner Gordon welcome to the show. Okay,  
3 moving right along to Secretary. Can I get nominations for Secretary?  
4  
5 Stowe: I nominate Charles Beard as Secretary.  
6  
7 Gordon: And I second.  
8  
9 Clifton: Any additional nominations? You can run but you can't hide. Okay, let's  
10 take a vote. All in favor of Commissioner Beard returning as Secretary  
11 say "aye."  
12

13 **MOTION PASSES UNANIMOUSLY.**

14  
15 Clifton: Okay. Congratulations Commissioner Beard, Secretary.  
16  
17 Beard: Thank you.  
18  
19 Clifton: Okay with that said I believe that closes out our elections for 2016.  
20

21 **VIII. OTHER BUSINESS**

22  
23 Clifton: Is there any other business staff?  
24  
25 Crane: If, if I may Mr. Chairman. Just to, like to say officially this one occasion,  
26 Mr. Gordon reminds me, my term of office is over the end of March. I  
27 have not heard from Mr. Eakman, my Councilor, whether he wants me to  
28 continue or not but I've decided after eight years I'm gonna reshuffle my  
29 volunteer commitments a little, so February and March will be my last two  
30 meetings. It's been again a pleasure. I've learned a great deal,  
31 particularly from Community Development, a highly professional group of  
32 people. No city could be better served than what we have had here.  
33 Thank you.  
34  
35 Clifton: Thank you very much Commissioner Crane.  
36  
37 Ochoa: Um, no other business tonight. No sir.  
38  
39 Clifton: Okay. Thank you Adam.  
40  
41 Ferrary: Oh wait.  
42  
43 Ochoa: But I believe Commissioner Ferrary did have a comment.  
44  
45 Clifton: Yes Commissioner Ferrary.  
46

1 Ferrary: As we just approved two new developments in District 37 in the Sonoma  
2 Ranch area, I have spoken to a lot of people in the past few years that are  
3 concerned about why sidewalks aren't completed. And it's really  
4 noticeable that kids are having to go in and out of the street as sidewalks  
5 are completed when homes are built, and I would just like to bring this to  
6 the attention of the design standards and as the codes are being re-  
7 thought, or re-issued or written that the requirement for sidewalks to be  
8 completed instead of when the house is built, I think it's important that we  
9 require, even though sometimes they might have to be rebuilt or brought  
10 up if a home is not located exactly when, where the curb cut is or now with  
11 the rolling curbs that wouldn't make a difference, but I think for safety  
12 reasons and also ADA compliance that it would be important to have this  
13 changed as soon as possible.

14  
15 Clifton: Yes Commissioner.

16  
17 Beard: The only thing I can think of that reason why they don't put a sidewalk in  
18 there is that when, if, when the cement trucks come in to pour concrete for  
19 the next house that's not there and the sidewalk is there, they, what they  
20 do is they crack the sidewalks and then they have to replace them. That's  
21 the only thing I can think of why they don't do that. And I don't know  
22 whether, whether they would be libel or not, cause those cement trucks  
23 will break the sidewalks.

24  
25 Gordon: Maybe I could offer something too, is that when they build a new  
26 development I've known from personal experience that the developer will  
27 come in and do the infrastructure and put in the streets, then they put in  
28 curbing, but they don't put in sidewalks. And when the house is  
29 completed, what they do, they come in and they cut the curbing down so  
30 that they could then pour the driveway and at the same time that they pour  
31 the driveway they pour the section that that house occupies of the lot, the  
32 sidewalk and they continue to do that as the development is completed.  
33 But I think you're right, I think otherwise it would be just a horrendous thing  
34 to just put in a sidewalk and have to rip them up because they gotta put in  
35 the driveway. It's very difficult for them to cut.

36  
37 Beard: I, I do know that, that in my neighborhood they, they put in the sidewalks  
38 before the houses went in. So I do know that they do that. They also  
39 cracked my sidewalk and they had to replace it so. I think the sidewalk  
40 should go through. I mean if you're gonna have a sidewalk it, and you got  
41 half of the housing in there, then I think you should have all of the  
42 sidewalks in there.

43  
44 Ferrary: I'm glad you agree. Even though it is a risk, it might be something that is  
45 worthwhile.  
46

1 Clifton: Thank you Commissioners. I think it's a conversation that's been had for  
2 several years and typically with residential construction in neighborhoods  
3 the sidewalks are built at time of construction of the home so it's tied to the  
4 permit inspection process. Sidewalks are built for arterials and collectors  
5 though, correct?  
6  
7 Ochoa: Mr. Chairman that is correct.  
8  
9 Clifton: Yes. So that's something staff could certainly look at as, in terms of  
10 design standard requirements, perhaps a twist also is ADA, I mean there  
11 are some ADA issues if the sidewalk's not constructed.  
12  
13 Ochoa: Mr. Chairman that is definitely something staff could take into  
14 consideration.  
15  
16 Clifton: Any other Commissioners?  
17  
18 Beard: Uh we still have drawings to be signed and I think Commissioner Crane ...  
19  
20 Crane: I've lost the touch.  
21  
22 Beard: So I guess we have drawings here that you'll have to sign.  
23  
24 Clifton: I, I did notice that, yes.  
25  
26 Beard: Okay.  
27  
28 Clifton: Yes. Commissioner Gordon is, is eligible to sign as well too. So, we've,  
29 we've got three people that can sign on the Commission. I'll stick around  
30 gladly.  
31

## 32 IX. PUBLIC PARTICIPATION

33  
34 Clifton: Are there any, is there any public participation? Mr. Johnson, you look  
35 very perplexed out there.  
36

## 37 X. STAFF ANNOUNCEMENTS

38  
39 Clifton: Adam any staff announcements?  
40

41 Ochoa: I believe Katherine has something.  
42

43 Clifton: Yes Katherine.  
44

45 H-Rogers: Mr. Chair, Members of the Commission. I know that during your work  
46 session you, you had a bit of a training that was offered by staff. We were

1 just looking for some feedback in regard to how you thought that went,  
2 what other items you might want to see. Staff's been discussing a training  
3 program in regard to this Commission as well as some of the other Boards  
4 and Commissioners that we have just to provide you with maybe some  
5 educational information as well as some of that standard you know  
6 reminder that we all need once in a while about process and what have  
7 you. But if you have any feedback we would love to take that.  
8

9 Clifton: Yes Commissioner.

10  
11 Crane: Regarding the work session. I do apologize for not making it. I did try.  
12 We were coming back from California and I got to town 15 minutes after  
13 six and I didn't think I'd be popular if I walked in and took the Chair away  
14 from whoever had it. So I apologize. It's not my way of doing things when  
15 I can avoid it.  
16

17 Clifton: Thank you Commissioner. Commissioner Ferrary.

18  
19 Ferrary: I think the presentation was very well organized and very appreciated, you  
20 know to learn more about you know some of the things that we can look  
21 for, especially for the Downtown area. I think one of our suggestions, I'm  
22 not sure if it got back to you was that if we have a short meeting planned,  
23 such the last one and this one's not too long, that we might possibly add  
24 on another module or part of the planning, comprehensive plan.  
25

26 Clifton: Any more comments for staff? Seeing none.  
27

28 **XI. ADJOURNMENT (6:28 p.m.)**

29  
30 Clifton: Can I get a motion to adjourn?

31  
32 Gordon: I make a motion was adjourn.

33  
34 Clifton: Second.

35  
36 Ferrary: I'll second.

37  
38 Clifton: Commissioner Ferrary. All in favor.  
39

40 MOTION PASSES UNANIMOUSLY.

41  
42 Clifton: Meeting adjourned.  
43

44  
45   
46 \_\_\_\_\_  
Chairperson