PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
March 22, 2016 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Harvey Gordon, Member
Charles Beard, Secretary
Kirk Clifton, Member

BOARD MEMBERS ABSENT:

Joanne Ferrary, Member
Ruben Alvarado, Member

STAFF PRESENT:

Adam Ochoa, Senior Planner, CLC
Sara Gonzales, Planner, CLC
Pete Connelly, CLC Deputy City Attorney
Thomas Limon, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00 p.m.)

Clifton: Good evening everyone. I'd like to welcome you to the March 22nd, 2016 Las Cruces Planning and Zoning Commission for the City of Las Cruces. And at this time I'd like to welcome my fellow Commissioners. On my far right is Commissioner Crane from Council District 4; Commissioner Gordon at-large appointment, Mayoral appointment; Commissioner Stowe, District 1; and Commissioner Beard, District 2. And momentarily I would like to take this opportunity to mention that Commissioner Crane has, Beard I'm sorry, Crane, trying to reappoint you already. Commissioner Crane has received a, a replacement so I believe this'll be your last meeting with us and we can have our farewells at the end of the meeting but thank you. And with that said, I am the Chairman of the Planning and Zoning Commission, Kirk Clifton of City Council District 6.

II. CONFLICT OF INTEREST

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

Clifton: And at this moment I'd like to ask are there any conflicts of interest that the Commissioners would share to, feel to share with the Commission, the staff, or others? Seeing none.

III. APPROVAL OF MINUTES

1. February 23, 2015 - Regular Meeting

Clifton: We'll move right on to the Approval of Minutes. Did everybody get a chance to review the minutes from February 23rd? Commissioner Crane.

Crane: I have one point to bring up, page 24 line 33 it says, "possibly goes back earlier where Spitz of I assume publicly, blah, blah, blah." And I'm not sure what I said, probably "bits." But I'll go for "bits," B-I-T-S, okay. That's all I have. Thank you.

Clifton: Thank you. Any additional comments? Seeing none, could I have a motion to approve the minutes?

Gordon: I make a motion we approve the minutes as corrected.

Clifton: Do I have a second?

Stowe: Second.

Crane: Seconded.

Clifton: We have a motion by Commissioner Gordon, a second by Commissioner Stowe. All in favor?

MOTION PASSES.

Clifton: And I abstain as I was not present. Thank you.

IV. POSTPONEMENTS

Clifton: Okay moving right along we'll go to Postponements. Staff do you have a postponement for us?

Ochoa: Yes Mr. Chairman. We do have a postponement which is item number two under the Consent Agenda which is Case ZCA-16-02. I believe you'd have, you did receive a letter in your staff, your case packets excuse me, requesting for that case to be postponed to the next meeting which would be the April 26th Planning and Zoning Commission meeting for your entertainment.

Clifton: Thank you Adam. Okay, with that said could I have a motion to postpone Case M-15-076 to the April 26th, 2016 Planning and Zoning Commission meeting?

Ochoa: Mr. Chairman. Just correction it's Case ZCA-16-02.

Clifton: So noted for the record. Thank you.

Crane: So moved.

Clifton: Second?

Stowe: Second.

Clifton: We have a motion and a second. All in favor?

MOTION PASSES UNANIMOUSLY.

Clifton: Okay. Postponed till April 26, 2016.

V. WITHDRAWALS - NONE

- SEE PAGE 5, BEGINNING OF NEW BUSINESS.

VI. CONSENT AGENDA

1. **Case UAP-16-01:** A request to recommend approval of the proposed Las Cruces Urban Agriculture and Food Policy Plan. The city-wide planning area consists of all Council Districts.

2. **Case ZCA-16-02:** A request to recommend approval of the proposed Downtown Development Code. If approved, this proposed Code would replace the existing Central Business District and Main Street Overlay. The code area consists of parts of Council Districts 1 (Councilor Gandara) and 4 (Councilor Eakman).

- POSTPONED UNTIL APRIL 26, 2016 P&Z MEETING.

3. **Case 62718:** An application of Mark Stuve, property owner, requesting a zone change from C-1 (Commercial Low Intensity) to C-1/R-2 (Commercial Low Intensity/Multi-Dwelling Low Density) for an underdeveloped 0.29 +/- acre parcel located on the southwest corner of Nemesh Drive and Edgewood Avenue, 230 +/- feet east of Elks Drive; a.k.a. 3899 Nemesh Drive; Parcel ID # 02-25398. Proposed use: A potential residential multi-family development. Council District 5 (Councilor Sorg).

Clifton: Next we can move on down to the Consent Agenda. There are three cases on the Consent Agenda this evening. The case numbers are as follows: Case UAP-16-01, Case ZCA-16-02, and ...

Ochoa: Which has been postponed.

Clifton: Yes, correct. And Case 62718. So we have two postponements. Do I have any members of the public that would like to hear either of those cases?

Ochoa: Sorry, point of correction again.

Clifton: Yes.

Ochoa: Mr. Chairman. It's, we have two cases on the Consent Agenda.

Clifton: Yes. Two. Okay, any member of the public that would like to discuss these cases? Seeing none, any Members of the Commission? Seeing none, can I get a motion to approve the Consent Agenda?

Stowe: So moved.

Clifton: Can I get a second?

Gordon: Second.

Clifton: Okay. Motion by Commissioner Crane, Stowe. Thank you. By Commissioner Stowe, second by Commissioner Gordon. All in favor?

MOTION PASSES UNANIMOUSLY.

Clifton: Okay. Consent Agenda approved.

VII. OLD BUSINESS - NONE

VIII. NEW BUSINESS

1. **Case 62561:** An Infill Development Process (IDP) application by Sunrunner Inc., property owner, for a commercial parking lot located at 825 N. Alameda Blvd. and zoned ADO-1 (Alameda Depot Neighborhood Overlay). The IDP proposes the allowed use of a new commercial parking lot on the subject property in the ADO-1 where a commercial parking lot is not permitted. The 0.57 acre property is located at the northwest intersection of Van Patten Ave. and Alameda Blvd. and is further identified by Parcel ID # 02-04206. Proposed use: Commercial Parking Lot. Council District 1 (Councilor Gandara).

Clifton: Okay. Let's move on into New Business. Case 62561. Staff.

Ochoa: Mr. Chairman. Just a point of clarification. We did miss Number V on the agenda which is Withdrawals. We actually do have one withdrawal as well tonight. Gentlemen, it's Case, it's the second case under New Business, Case 62647, an infill development process application. The applicant has requested the actual withdrawal of this case from the agenda.

Clifton: Thank you Adam. Do you, would you like us to motion and second or is, it's just ...

Ochoa: Yes please sir.

Clifton: Taken off automatically?

Ochoa: Yes please, for the record please sir.

Clifton: Okay. Okay, can I get a motion on the withdrawal Case 62647?

Crane: So moved.

Clifton: And second?

Gordon: Second.

Clifton: Okay. We have a motion and a second to remove Case 62647. All in favor? Chair votes aye.

MOTION PASSES UNANIMOUSLY.

Clifton: Withdrawn.

Ochoa: Thank you Mr. Chairman. With that I'll hand it over to Sara Gonzales, our Planner for Case 62561.

S. Gonzales: Good evening. This is for Case 62561. This is for an infill development proposal or process for a commercial parking lot located at 825 North Alameda. This is a vicinity and zoning map of the property. As you can see it is highlighted in white due to it is in the Alameda Depot Overlay District. It is located on Alameda at the southwest, or the northwest corner of Van Patten Avenue as well. Across the street to the west side is going to be residential. On the east side you will see District Court. The property is currently 0.57 acres and it is zoned Alameda Depot Neighborhood Overlay which is why we're here this evening, because it is

a vacant undeveloped lot turning it into a commercial parking lot which is not allowed in the Alameda Depot.

As you can see in this, in the aerial photo there are cars already parking on the parking lot itself. It's not developed. It is just dirt. Below that is Bite of Belgium which is to the south and also a shopping center. Most of the traffic is coming from those locations of those businesses. The proposal from the applicant is to use a compacted gravel which would meet the City Design Standards, provide bicycle parking, ADA parking, and then landscaping throughout the entire lot. So essentially it would just become a developed commercial parking lot which people are already using now.

This is a sketch of a conceptual site plan. It does show a dumpster enclosure on the south side towards the east on the very bottom corner. It also shows that they will be maintaining ponds so that way the property is not flooded. The trees will be placed within the parking lot as well as the surrounding areas. These are a couple pictures from Bite of Belgium, you can see there are people using the parking lot. This is at 2:30 in the afternoon. Unfortunately I did not go over the weekend. I'm sure the parking lot is a lot fuller on Saturdays and Sundays when most of their business is taking place. Their parking lot is very limited within the shopping center and Bite of Belgium which is why people are parking across the street or they have the on-street parking which is within the roads.

Based on the analysis we decided as staff that it would be great to develop properties cause we do encourage development within the city's core. It also may increase the value of the existing buildings or lands in the surrounding areas, plus it will reduce the amount of traffic within the streets and create better traffic flow throughout Van Patten or even on Alameda. It is supported by the Comprehensive Plan, our Purposes and Intent Statements, and the Planning and Zoning Commission's decision criteria. The reviews were sent out to all relevant agencies and the staff departments and all supported the IDP process. We also did send out notifications to the surrounding neighbors. I did receive phone calls as far as what was going to take place and all of them supported the use of that commercial parking lot.

Staff does recommend approval based on the findings within your staff report and P&Z does have the final authority on the IDP case. These are the recommendations for findings and your approval. They are in your staff report so at this time you can vote "yes," that would approve the Infill Development Proposal recommended by staff; you can vote "no," this would recommend denial of the Infill Development Proposal; you can vote to amend and have such as adding conditions deemed by necessary from the P&Z Commission; or you can vote to table the project as far as letting P&Z have any questions and I can do further information and get back to you. Here is the site as well. That is not the correct site, we won't go

there. Sorry about that. But we'll use the aerial. I do stand for any questions and the applicant is here as well.

Clifton: Okay. Thank you Sara. Can we go ahead and have the applicant just dive into the presentation for us? If there is a presentation.

S. Gonzales: There may not be a presentation but information.

Heck: You have to excuse me, I don't hear real well. My name is Mark Heck and I'm a member of the Sunrunner, forget how you have it listed here.

Clifton: Before we begin Mr. Heck could I go ahead and have you, before we begin could I go ahead and have you swear in?

Heck: Yes.

Clifton: Okay. Please raise your right hand. Do you swear or affirm that the testimony you are about to give us is the truth and nothing but the truth under penalty of law?

Heck: Yes sir.

Clifton: Thank you. And for the record state your name and address please.

Heck: Mark Heck. Our mailing address is 101 North Alameda Boulevard.

Clifton: Thank you.

Heck: Las Cruces. As a owner and runner of the Sunrunner Incorporated we bought this property approximately ten years ago with the intent of putting some office space on there. At that point in time it was not the Alameda Depot Overlay area, it was just zoned R-3 or R-4, not sure which now. And we went in and got a Special Use Permit to convert that into a low-intensity commercial for office space use. But the economy turned bad and we no longer needed to use it for office space so it's just been sitting there and been utilized by the City and when they did the Alameda Street Overlay Program they dumped all their stuff in there and used it which was fine. We didn't have any problem with that. But it's not just dirt anymore. It has a lot of gravel embedded with it anyway but we intend to add more of course to bring it up to City of Las Cruces standards. And I really don't know if you have any questions that may be bothering you but bring it on.

Clifton: Okay. Thank you Mr. Heck. Commission, do you have any questions? Commissioner Beard.

Beard: I see where it says a, I think that's concrete drive. It, what is the surface for the entire parking lot?

Heck: Right now it's just loose gravel and compacted dirt.

Beard: Will, will it be changed to, to ...

Heck: It'll be more gravel put in there and compacted to the City standards, whatever they require. And the entrance to it right now is City property which is a sidewalk with already curb, has curb cuts in it for access.

Beard: I, I thought the, the City Code was for parking lot had to be hard surface. Is that true or false?

Clifton: Asphalt.

Beard: Asphalt, yes.

S. Gonzales: Commissioner. Based on, you can have a compacted gravel as long as it is still slip resistant and it is maintained. So there has to be a certain way that they provide that the compactor gravel will be maintained and it will be an allowed use. We do have other properties that are using it at this time. If asphalt is not applicable since it is just going to be the commercial parking lot and there's not actually a business going within it, they can propose a compacted gravel but they do have to show no one will fall within the property. The ADA parkings will have to be up to, those will have to be asphalted due to they are, they may or not be slip resistant so those have to meet the code but as for the parking lot itself, their, when we sent it to our Traffic Department they listed off that it can be, as long as it was slip resistant then it would be okay to be used.

Beard: I see. Thank you.

Clifton: Commissioner Stowe.

Stowe: Just a point of information. What is the difference between a commercial parking lot and some other category or class, classification?

Heck: I couldn't tell you that. I don't know what the City's classification of that is.

Stowe: Is there a residential classification?

Ochoa: Mr. Chairman, Commissioner Stowe. A, a commercial parking lot is, is simply just an improved parking lot if you will with designated driving aisles, parking spaces, landscaping, and so on and so forth like that and the 2001 Zoning Code actually has that as an, a use that it could be

permitted in different zoning districts if you will. In contrary like a residential parking area's just, you know if it was for a single-family home it's just a driveway if you will or a pad where they'd be parking, but this will actually be used for commercial purposes for people to utilize for commercial businesses around the area. That is why it is a commercial parking lot sir.

Stowe: Thank you.

Clifton: Commissioner Crane.

Crane: I have a, a few questions. I'm looking at the sketch of your landscaping, the last page of, almost the last page of our handout. It's a small thing and I'm sure it doesn't mean much. For a start has a lot of crosshatching over this picture as long, indicating perhaps somebody got real mad and decided they don't want to go through with that. I assume that's not the case. See those lines, diagonal lines?

York: Well what that, just in case you're wondering who I am, I am the owner and operator of A Bite of Belgium restaurant.

Clifton: Sir. Real quick before you testify …

York: Yes.

Clifton: Could I have you swear you in?

York: Okay.

Clifton: Thank you. Please raise your right hand. Do you swear or affirm that the testimony you are about to give is under, is the truth and nothing but the truth under penalty of law?

York: I do.

Clifton: And please state your name and address for the record.

York: James York, 4736 Sun Canyon Road.

Clifton: Thank you.

Crane: So you've, you've …

York: What those lines represent is those were water flow marks that directs the water off of the lot into those ponds.

Crane: Okay. Second point, you're showing your laned parking slot divisions here, how are those going to be maintained on that crushed rock you have in there right now and gravel? I mean in a few weeks of use aren't they going to be obliterated?

York: Well I, what we were going to do is put the, the parking roll-up-to bumpers, the concrete curbs, and I believe that will be enough for people to understand how they need to park. If, if you were to drive by there on the weekend, like Saturday or Sunday there's about 50, 60 cars parked in there as it is and, and, and believe it or not those people do a great job of figuring out how to park their cars in there without damaging their cars or themselves so.

Crane: And is there going to be a charge for parking?

York: Nope.

Crane: And finally, this is a very impressive layout here to me, I mean it's going to make that bare lot look really nice. It's absolutely positively going to happen that way?

York: Well the, the intention is, is, is right now we, the, the City of Las Cruces has issued a building permit to Mr. Heck where we are substantially renovating and adding on to a section of the building where the restaurant is so we can expand the restaurant. I didn't bring the artist sketch of the front of the building but it's, it's quite impressive and this is just a continuation of what you'll see in the front.

Crane: Thank you.

Clifton: Thank you. Any other questions from the Commission? I, I guess I have just one quick question directed at staff. On the, on the plan submittal did they indicate how they would stripe the parking lot and maintain that striping?

S. Gonzales: Commissioner. As far as we know for the striping we just require that it will be done whenever they actually do submit their construction drawings. At this time it was more of a conceptual drawing as to what they want to propose to do. When they actually submit their construction drawings it will be a requirement as far as if the bump-outs will be striped or how they're actually going to design the parking lot.

Clifton: Thank you, and then is there, where else in the city is this allowed or has this been allowed or is this non-paved parking surface primarily allowed in the infill areas?

S. Gonzales: It is not allowed in just the infill areas. It just depends on what the property is proposing, the use for the property, and then they still have to maintain that property. And so we'll have Codes that will be going by on a regular basis to make sure that property is there. It is something that can be requested but it will still have to meet the Design Standards so they will still have to meet some of the standards based on the code that's required for when they actually design if the concrete is, or if the gravel is compacted enough. If it's not it'll have to be redone. It may have to be done several times a year but that would be part of the agreement.

Clifton: Okay. Thank you. Any additional questions? Seeing none, do we have any questions or input from the public? Yes ma'am.

Rindge: SPEAKING, NOT AT THE MICROPHONE.

Clifton: Can you please approach the podium and I can swear you in when you get there. Thank you. Okay. Please raise your right hand. Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Rindge: Yes.

Clifton: Okay. Please state your name and address.

Rindge: Debora Rindge, 226 West Picacho.

Clifton: Thank you.

Rindge: So I live north of here. My property is not adjacent to the property in question but where I live we also have an empty lot behind us on Alameda Boulevard so my questions concern treatments of empty lots and this in particular is an example. So I just wondered on the west side in the sketch that we're looking at right now, is that a wall that would be added between the parking lot and the house to the west?

Clifton: Staff?

S. Gonzales: Commissioner. There is already I believe a fence there. This, right next to the silver car it goes actually across, you'll see the trees. Unfortunately I don't have a picture of that. There is already something that is blocking that neighbor's property on that residential side to the west. They do have to provide of course a buffer, right there. They will have to provide a buffer which can be either trees or a wall being it is residential areas if that does.

Rindge: Thank you. I was aware of a, a rock wall on the north of the property. I wasn't sure about a wall to the west. And then my second question if we go back to the sketch, the location of the dumpster on the west side, the lower corner. It's right next to the house. Is, is there any zoning that would affect the placement of a dumpster because it's so close to the house? Could it be placed elsewhere or, that's my question.

S. Gonzales: Commissioners. Based on the dumpster enclosure we did find that Utilities had a few comments where it is located due to actually backing in and actually using the dumpster. The dumpster will have, it'll have to be relocated on the property for access of the Utilities Department. However there is not a zoning requirement as far as where it would have to be located from a residential or commercial property as long as it's maintained within the property and Utilities has access.

Rindge: Thank you.

Clifton: Thank you. Is there any more questions from the public? Comments? Seeing none, I'll close it to the public and open it up for Commission discussion. Mr. Beard.

Beard: That trash can location to me looks like it could be in a, a better location, further away from the residential area and maybe we should make a condition that that be moved to, from the residential area as much as possible.

York: Can you bring up that, that drawing again? Okay. First of all the extreme north which is the top of this drawing you're looking at, that is a rock wall. Adjacent to that is a, is a house, a white house that, that corners Alameda and Picacho okay. So to the west which is, is my left there's a fence there. It's not a rock wall, it's a fence. It's a wrought-iron fence and that fence is about six feet tall. Now the dumpster ...

Beard: Is that, you're on Van Patten right now?

York: Okay, Van Patten is down, to the south. That would be south and then where Alameda is is east so across the street would be District Court, okay. And so the, the, the dumpster can't be located there. What we're going to do is where you see the, if you look where it says Van Patten we scribbled some directional arrow, arrows there. So what we're going to do is we're going to pour concrete from that driveway up to those first parking spaces and locate the dumpster there. City Utilities will not allow that dumpster to be picked up where it's at. The truck has to pull onto the property and clear the, the public right-of-way. So what we'll do is we'll set an enclosure which, which will be done out of rock or, or concrete block

and plaster to contain a dumpster and a recycle dumpster and allow for a truck to, to be able to properly enter, dump, and get out safely.

Beard: Okay. I would like to make his recommend, or his comments on the location of that be part of the ...

Clifton: Condition.

Beard: Conditions to approval of this.

York: Well it, the, this drawing was a kind of a quick scribble by my architect and with the intention of using this as a, as a discussion piece and we can put this in final form and present it back to Planning and Zoning for final approval.

Ochoa: Mr. Chairman. If I, I might, if I may just interject here, if the applicant is okay with it as Mr. Beard was stating, if we make it a condition just simply that you would be placing the new dumpster enclosure actually with a direct access basically, essentially I guess located here around where these two parking stalls are directly in front of the driveway, making that a condition, that way you don't have to come back to the Planning and Zoning Commission and that way you could just, when you submit that to staff for our review we'll make sure that the condition is met and we will go ahead and give you a permit for that so you wouldn't have to come back to public hearing.

York: Yes. Yeah, because we assume that we'll have to pull a permit to pour the concrete and build the enclosure anyway.

Ochoa: You need to get closer.

York: I'm sorry. We'll, we assume that we'll have to pull a permit with the City in order to pour the concrete driveway and build the dumpster enclosure so what, you, we would submit a plan to these folks for that purpose.

Clifton: Commissioner Gordon.

Gordon: Just so I understand exactly what we're saying here, the dumpster then would be basically directly opposite the ingress to the property, approximately I don't know 20, 30 feet ahead?

York: Approximately yes.

Gordon: All right. So that the, the, your customers would either have to park behind it or adjacent to it on one side only.

York: Correct. But we would provide a, a, an enclosure with gates so that it wasn't an eyesore.

Gordon: I understand. That's fine.

York: Yeah.

Clifton: Any additional questions or comments by the Commission? Commissioner Beard.

Beard: I'd like to make a motion.

Clifton: You go right ahead.

Beard: I move to accept Case 62561 with the conditions as we have discussed on the relocation of the dumpster.

Clifton: Can I have a second please?

Gordon: I, I second.

Clifton: Thank you. Commissioner Gordon seconded. Okay. Commissioner Crane.

Crane: Aye based on findings, discussion, and site visit.

Clifton: Commissioner Gordon.

Gordon: Based on discussion, site visit, and staff recommendation with condition I vote yes.

Clifton: Commissioner Stowe.

Stowe: Yes based on site visit, discussions, and findings.

Clifton: Commissioner Beard.

Beard: I vote yes based on conditions, discussions, and site visit.

Clifton: Chair votes aye based on presentation, conditions made during the meeting, and the analysis submitted by staff.

MOTION PASSES UNANIMOUSLY.

Clifton: Okay. Case 62561 has been approved as conditioned. Thank you.

2. **Case 62647:** An Infill Development Process (IDP) application of Wright & Dalbin Architects, Inc. on behalf of La Clinica de Familia, Inc., property owner, for the variance requests for a property encompassing 3.26 +/- acres, zoned and located in the Central Business District (CBD) and located at the southeast corner Alameda Blvd. and Lohan Ave.; a.k.a. 575 S. Alameda Blvd.; Parcel ID # 02-05964. The applicant is seeking to redevelop the vacant commercial property for a new facility for La Clinica de Familia. The variance requests are from the required 19-foot parking stall length to an 18-foot parking stall length, from the required 27-foot two-way driving aisle width to a 23-foot two-way driving aisle width and from the required landscaping standards of the City Design Standards and the CBD. Council District 4 (Councilor Eakman).

- WITHDRAWN.

3. **Case 62714:** A variance application of Dynamic Signs & Lighting, LLC on behalf of Brazito Capital Venture I, LLC, property owner, to allow 84 additional square feet of attached signage for a new business to be located on the subject property that is currently zoned C-3 (Commercial High Intensity), encompasses 6.4 +/- acres and located on the northeast corner of El Paseo Road and Idaho Avenue; a.k.a. 1253 El Paseo Road; Parcel ID # 02-26260. The new business is limited to 210 square feet of attached signage on its western suite wall that faces El Paseo Road and the applicant is seeking to have 294 square feet of attached signage for this wall. Council District 4 (Councilor Eakman).

Clifton: Okay. Moving right along, what is now the second case under New Business, Case 62714: A variance application of Dynamic Signs & Lighting, LLC on behalf of Brazito Capital Ventures, LLC.

Ochoa: Thank you gentlemen. Adam Ochoa Acting, Acting Senior Planner for the record. Last case we have tonight gentlemen is Case 62714. It is a variance request from the, from the maximum permitted amount of attached signage for a new business to be located at 253 El Paseo Road. Subject property shown here in the, the City/Zoning Map just to give you an idea; here's El Paseo running north to south, Idaho Avenue running east to west, property located right up here in the northeast corner which is the Brazito Plaza. As you can see it's zoned commercial, C-3, commercial high-intensity and essentially just in a sea of nothing but commercial zoning and uses. The section of the code we are looking tonight that the variance is based, is, is from if you will would be the Las Cruces Sign Code which is under Section 38-47 which states that every business in a business center in all various zoning districts is allowed one and a half square feet of attached signage for each linear foot of exterior, of exterior wall. So that is essentially the variance we are looking at tonight.

Just a little bit of specifics on what's going on here is the applicant is seeking to put a new business in that existing shopping center, the Brazito Shopping Center. I'm sure you all know it's adjacent to the Albertson's, there's a Factory 2-U there, Victoria's Burritos is there, and a Village Inn is on that property as well. The applicant is seeking to redevelop an existing suite with the front of that suite actually facing west towards El Paseo Road. That new front wall of that new suite will measure approximately about 140 feet in length. That limits the maximum amount of attached signage for that wall to 210 square feet of attached signage. The applicant would like to install 294 square feet of attached signage which is about 84 square feet more than what is permitted by the Code. The proposed sign would be, will be a, illuminated and would follow all other requirements of the City of Las Cruces Sign Code. Shown here in the aerial map, this is essentially the suite. I believe this a, International Delight here. The suite area there right next to that, that is what it will be redeveloped for the new business.

The applicant has stated as his justifications that the proposed new business will be located kind of in the back corner as you can see, the back corner of this existing shopping center, making visibility you know difficult if you will from a, for a, for passing motorists. They believe that the less, that the proposed larger sign would make it a lot easier for the public to locate the business and therefore make the business essentially more economically viable. On top of that the applicant has stated that the additional square footage of attached signage will increase the business visibility and potentially increase customer traffic, and therefore increase gross receipt tax revenues for the City as a whole, and also potentially create new jobs in the city as well.

Shown here kind of rough sketch of what that new suite would look like. This is the wall we are talking about, that 140-foot western facing, I'm, yes I guess western facing wall here, facing El Paseo where that new sign is proposed to be. This was a picture taken by staff essentially taken right here, right at the entry off of El Paseo into that shopping center. You could see where that suite will be. Of course, the suite will not look as it looks there. This is what it will look like essentially and increasing the height of kind of a parapet to, for the wall, for the business, I'm sorry for the sign to be attached. As you can see it is a dd's Discount store. There is roughly what that store would look like with the sign and the rough dimensions of those signs, totaling about 294 square feet in signage.

When staff did their analysis we did, we didn't really see any health, safety, or welfare issues with the proposed variance but staff did see that there are options that exist for the applicant to get that visibility that he's looking for and then still meet our Sign Code requirements. That option, one option being is working with the property owner of Brazito Plaza and the existing businesses there to kind of move around the, some of the space on the existing freestanding signs along El Paseo to make room for them for them to put up a cabinet on that existing freestanding sign of

Brazito Plaza for their advertisements, so that's just one aspect where, where staff feels that they can do that instead of asking for the variance. On top of that staff does not feel that, that the proposed variance meets the variance criteria as outlined in the 2001 Zoning Code and with that staff is, does recommend denial for the proposed variance based on the findings found in your staff report.

Here are those two findings, which again like I said are found in your staff report. And with that gentlemen your options are: 1) to vote "yes" and approve Case 62714; 2) to vote "yes" and approve Case 62714 with conditions deemed appropriate by the P&Z; 3) to vote "no" and deny Case 62714 as recommended by staff; or 4) table and postpone and direct staff and the applicant accordingly. The P&Z does have final authority on all variances unless appealed to City Council. Staff only received two phone calls from the public about the proposed variance. One had no issues, the other one had no comments. Other than that the applicant is here to answer any questions. There's no, he does not have a formal presentation but is here to answer any questions or clarify anything that I might have not clear, cleared up for you and I stand for questions as well gentlemen.

Clifton: Okay. Thank you Adam. Commissioner Gordon.

Gordon: Adam. I, I, I have, I have several questions I would like to ask but first I would like to preface all my comments by saying I'm very happy to see that we will get a new business in the city. I'm sure that we could use businesses to afford employment for some of our people and bring in some tax revenue so I don't think my comments are going to adversely affect their being here. But I do have a question for you in, as, for Community Development. I'm, I'm looking at the diagram and I don't know if you have it on your presentation where it shows the signage on the building. Yes, thank you. It is my understanding that they're looking to get the additional footage, I guess it would be to the left so that they could make the sign as big as they want it in size of the letters, is that correct?

Ochoa: Mr. Chairman, Commissioner Gordon. That is correct.

Gordon: Okay.

Ochoa: What ...

Gordon: If that's the case is there a limit to how high this arch of the building can be?

Ochoa: Mr. Chairman, Commissioner Gordon. There is a maximum building height in the C-3 Zoning District.

Gordon: Has this, has this reached that height?

Ochoa: Mr. Chairman, Commissioner Gordon. No it has not.

Gordon: By how many feet?

Ochoa: Pardon me. Let's see here. It appears that the arch as shown is roughly about 35 feet in height is what they're proposing. The C-3 Zoning District actually allows building, maximum building heights to 60 feet in height.

Gordon: Well in that case it would seem to me, well first of all let me ask you another question just to hold this in abeyance for a second. I, is the applicant planning on using any of the space on the monument sign that's at the front of this piece of property?

Ochoa: Mr. Chairman, Commissioner Gordon. I'll let him answer that.

Gordon: Okay. Well I'll hold that then for an answer. From the picture that I've, I can see and when I went down and looked at the property, they're going to have to build this, this structure with, with the signage right, with the arch and everything they're going to have to put that on the front of the building?

Ochoa: That is correct sir.

Gordon: Okay. So it would seem to me that, that they would be well to build it just a little higher and even make the sign bigger. The sign is the letters. It could even be bigger because if they go up they don't, they don't wind up with the same amount of problem do they?

Ochoa: Mr. Chairman, Commissioner Gordon. Yes they do. What they're allowed for attached signage, in other words the size of the letters and the sign is by wall length. So since the wall is, the entire wall including the arch and then the remainder part of that suite is only 100, 140 feet long they're capped, maximum of 210 square feet in signage.

Gordon: So in other words it would start with the letter L for "Ladies" and end with the letter E for "Home" and go up as high as the two Ds with the apostrophe, is that what determines the amount of square footage?

Ochoa: Mr. Chairman, Commissioner Gordon. The way it's determined is, from the staff perspective is they give us the square footage of each sign that they're putting on there so they gave, as you can see they gave the square footage for the "dd's" and then the square footage for the "Discounts" and then square footage for "Ladies - Kids - Men - Shoes and Home." Each one has their own square footage in size. Total combined

is about 294 square feet that they're looking for so they can, they would not be allowed to do a larger sign by just increasing the height of that arch.

Gordon: Okay. Then to get the 84 square feet that they're looking for the, the, the way, the way it's, it's, it's shown here, this is not in compliance with the amount of signage that they would be allowed. Is that correct?

Ochoa: That is correct sir. It is over by ...

Gordon: All right. So to ...

Ochoa: 84.

Gordon: Get, to get back to the required amount of signage how, how much would each letter have to be reduced in order to reach the 84 square feet on each line? It wouldn't be that much.

Ochoa: Mr. Chairman, Commissioner Gordon. It really would be up to the applicant as to what letters they would be shrinking or what cabinets they would be shrinking, but correct. They, it'd be whatever they would want to do in order to meet the cap of 210 square feet of attached signage.

Gordon: Okay. So then we, but if we decided that we would allow this variance they could do this.

Ochoa: That is correct sir.

Gordon: All right. I'd like to just get an answer to my other question about the monument sign.

Clifton: Okay. Commissioner Stowe.

Stowe: Oh, yes. Thank you. I have similar questions. You, you can, you cannot go higher on the sign? That, that ...

Ochoa: Mr. Chairman. It doesn't solve our problem. Mr. Chairman, Commissioner Stowe. Technically they can go higher. Again since the maximum building height in the C-3 is higher than what they're proposing for the height of that arch but of course you got to remember the higher a parapet wall the more stringent building code requirements are and so forth like that, that are out of, out of our purview and ... I'm sorry, go ahead.

Stowe: Who is looking at the sign, sort of a generic question. It, it's, it's not the sign designer, it's the customer looking for the store and in this area which is now the rear of the shopping center they've placed, in the picture here we see on the drawing a door far to the left and a little, a little shadow of a

man. That's the only way to get in and out now. I didn't see any other doors. That's not a, that, that doesn't exist yet.

Ochoa: Mr. Chairman, Commissioner Stowe. This is just a conceptual look of what that suite will look like.

Stowe: Yeah.

Ochoa: That door you're talk, speaking about to the, to the left, that's an emergency door.

Stowe: Oh.

Ochoa: And then the persons, people are typically put there kind of like for scale if you will.

Stowe: Right.

Ochoa: But their actual main entrance will be under the arch that, the arch that says ...

Stowe: I ...

Ochoa: dd's Discount. There are some glass doors. That is the main entrance.

Stowe: I get that. I get that. It, it seemed when I was there for about 20 minutes maybe one car passed through that area. It's a deserted area parking lot where you can see nothing of the shopping center whatever. I'm trying to figure out how we can comply with the ordinance, the regulations and yet get the store approved. I think it's important. It, it turns around all the, all the potential customers know about the front end of the shopping center. Nobody knows about the rear, what's there, its, cars parking in spaces. There's no signage whatever that I remember, I may be, but ...

Ochoa: Yes sir Mr. Stowe. That, that is one of their justifications for the variance.

Stowe: Okay. That's all I can think of now. Thank you.

Clifton: Thank you Commissioner Stowe. Any additional questions for Adam? Yes Commissioner Crane.

Crane: I didn't notice when I was there today, I should've looked, to see how many freestanding signs for Brazito Plaza there are. Do you happen to know?

Ochoa: Mr. Chairman, Commissioner Crane. There are essentially three

freestanding signs for Brazito Plaza but not really if you will. There's three freestanding signs existing on the property. One has been utilized by Victoria's Burritos, what used to be old Jack in the Box freestanding sign. Another one's being used by the Village Inn, the most northern part of that property closer to the intersection of Utah. That is just being used by Village Inn. And then there's one centralized one right in the middle, you can kind of see the shadow of it here. That is the Brazito Plaza freestanding sign and if you drove by it, or you could see basically all the cabinets, all the square footage for that freestanding sign are being utilized by existing businesses in the shopping center.

Crane: And that covers Albertson's and everybody else in that Brazito Plaza.

Ochoa: Essentially, yes sir.

Crane: Yes. Okay, so as a leaser or owner in Brazito Plaza, dd's would get to have its name up on that sign, correct? One would assume.

Ochoa: Mr. Chairman, Commissioner Crane. That would essentially be up to the owner of dd's working with the property owner of Brazito Plaza to allow them to adjust that existing freestanding sign. Like I said it's all used up now. Not all, not all of the businesses in Brazito Plaza are advertising on that freestanding sign because just like, just like with attached signage they're capped at the maximum size of a freestanding sign as well so they would have to work with the property owner and the existing people on that sign to potentially shrink some of those cabinets and some of those people up there so they could put their sign on there sir.

Crane: So somebody's got to give up something in order that dd's would have a bigger sign on that.

Ochoa: Or, or a space on the freestanding sign sir.

Crane: Yeah. Well I don't think that solves dd's problem at all. I personally never look at those signs unless I'm in, I'm searching for a particular business at one of those locations and then I have to hunt for it which is okay. But it's not going to capture what you call drop-in, impulsive traffic. My sympathies are very much with the applicant here. You cannot see the building worth a darn from El Paseo and even given that nice archway extended facade and the signage that the applicant wants which is as I understand it what's shown on the plan is what the applicant wants or what the applicant can have at present. This is what he wants?

Ochoa: That is what he wants, yes sir.

Crane: Yeah. Well it's as big as, bout as big as you can get it and I still think if it

was my place I'd, I'd have somebody with a, wearing a Statue of Liberty dress out there on El Paseo saying "dd's Discounts." But it's not my money. I think this is an instance which the Planning and Zoning should extend a little generosity. I realize the City's reasons are perfectly cogent but the municipalities don't stand or fall on a difference between 210 and 200 what?

Ochoa: Two-hundred and ninety-four sir.

Crane: So thank you.

Clifton: Thank you. Commissioner Beard.

Beard: I just did the calculation on that square footage and that, I, I see how you get it. If he was putting up a sign then you would be measuring it from top to bottom and edge-to-edge right, and figuring out the square footage?

Ochoa: That is correct.

Beard: Here we're just, we're figuring out the square footage by the lettering that's in, in this sign.

Ochoa: Mr. Chairman, Commissioner Beard. That is correct. That is something that we do allow them to do since there is blank space between each cabinet, they're allowed to essentially draw a box around each group of letters if you will and consider that their, their, their square footage of signage.

Beard: Okay. I, fine. Thank you.

Clifton: The, that, you do bring up a good point. So essentially what your, what your point was is they're taking a rectangle around the letters and calculating the square footage of the rectangle versus the actual letter itself.

Beard: Yes. That's correct.

Clifton: And so these are canned letters, right? Canned letters?

Ochoa: Mr. Chairman. I believe I'll let the applicant answer that question ...

Clifton: Okay.

Ochoa: As well sir.

Clifton: Let's go ahead and let the applicant present then we can unload our

questions for both staff and the applicant, thank you. And sir if I could have you swear in for the record. Do you swear or affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

M. Gonzales: I do.

Clifton: Thank you. Please state your name and address for the record.

M. Gonzales: Martin Gonzales, 1861 Ralph Janes, El Paso, Texas. Dynamic Signs and Lighting.

Clifton: Thank you very much.

M. Gonzales: Thank you for, thank you for allowing us to be here this afternoon and, and to help us explain the situation on, on the new business coming into town. The, if, if we can go back please to the aerial photo please so we can, go, go back a couple of steps. Council the, the, the distance between where the subject property is to the entrance of the parking lot where the staff took a picture earlier and was shown where the building was very, very in, in the way back is a distance of, of over 570 feet in, in length, in distance, that, that picture. So being the case that the front of the suite that's being redeveloped for dd's Discount is facing El Paseo and not facing Idaho so they're, that basically the people driving up and down on Idaho would not be aware of the, that, that the new store is in the corner back lot property of the, of the existing shopping center which is, is, are part of the revitalization of the property and increasing the traffic to the, to the area that is a little bit aged, that, that will bring a little bit more freshness.

Now the, the distance between that, that point to the Idaho is 410 feet. The distance from that point to the corner where the streets intersect is 527. So that's really the only basic, base visible plan of, of view is basically El Paseo and that's where the longest stretch is from the, where the new door will be bail, built facing the El Paseo area. Now if we go back to the proposed drawing of, of where the arch on top, please Mr. Ochoa. That one. The, half of the, the, the left side of the property that, that is in the new frontage is basically behind the International Cafe and the fountain area that is there. So basically the, the, only the right half is what's visible from, from the street, not, not the left side because that's going to be blocked by the cafe and the fountain area. Coming back to the size of the, of the, on, on, on proportion of the design of the, of the sign that is being used nationwide the dd's Discount is a sister company of Ross Dress for Less companies that are all over the United States so they're pushing this, this type of stores also and this is a new market for them. So, so the proportion as, as a formula as the proportion size of "d" to "Discounts" on the pink box in the bottom is in, in accordance to all the

stores that they have in different areas of the United States so they can be uniform and have the same presentation in different markets of the United States. Now if we, it's not feasible to just drop the size of the top "dd's" and leave the rest the same because it will, it's, it's a, being a trademark they have to, like to maintain a certain configuration of the sign for recognition purposes. Also that's at the, by going by additional 84 feet that they're requesting it is, is a 40%, this is the, the, this drawing represents already the, the desired size that they would, they, they would respectfully ask for your approval. By reducing it by 84 square feet based on the conditions of the back lot and the corner and the distance from the street we would have to reduce it by 40% to be able to maintain and reach the level of the two, 210 square feet. The, the fabrication of the letters of course being in compliance with national electrical codes and being made out of aluminum channel letters in, in, is visually mounted in, internally illuminated with LEDs, high efficiency and mounted on the, on the wall that is going to be part of the new development of, of the, of the building. On the bottom box, the pink box that says, "Ladies - Kids - Men's - Shoes and Home" that is a, a, a rectangle canister box type also with the same type of illumination but is, it's like being a big, big letter with the graphics in the front.

Clifton: Okay. Thank you sir.

M. Gonzales: Thank you.

Gordon: Mr. Chair.

Clifton: Yes sir.

Gordon: Adam. Could you please come back to the podium and put up another slide for me please?

Ochoa: Which?

Gordon: Could you put up the slide that shows the aerial before, but not the aerial yet, this one right here is, this one is fine. I, it looks, on this diagram you're also going to have a sign on the north wall of this building. That's not germane to this question, or a problem. Correct?

Ochoa: Mr. Chairman, Commissioner Gordon. No, that sign does meet Sign Code maximum size requirement so that will be just fine.

Gordon: Okay. Then my next question is this, this, this addition that you're adding to the height of the building is just a facade. Correct? It's just a, a wall, it's a freestanding wall I assume, or whatever you want to call it.

Redfearn: So I'm going to have to swear myself in here.

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

Redfearn: Yes, I do.

Clifton: Okay. Please state your name and address for the record.

Redfearn: My name is Jake Redfearn. I live at 8945 Wind Dancer Trail here in Las Cruces, New Mexico. Commissioner Gordon that is correct. It's a parapet wall that's similar to what you see over at Ross and the Marshall's here in town, Laguna Seca, that plaza where the facades are quite a bit taller than the actual roof deck itself.

Gordon: Okay. Thank you. And this, this facade is going to be approximately ten foot tall to the top of the dome.

Redfearn: The, are, you're asking about the top of the facade?

Gordon: No. The, the, from where, from where it is from the top of the roofline it looks like on the right side of the drawing to the top of the, the right side of the dome is approximately ten feet.

Redfearn: That is correct. Not to the top of the arch but to the bottom of that archway, correct?

Gordon: Yes.

Redfearn: Yes sir.

Gordon: Right. Now does, does this ten feet if you extend it out, that goes down towards Albertson's?

Redfearn: Correct. As you're looking at the facade to the, to your right …

Gordon: Right.

Redfearn: Will go down towards …

Gordon: Okay.

Redfearn: Albertson's, that's correct.

Gordon: And does this ten feet extend above the top of the roofline of Albertson's?

Redfearn: I'm going to, I, I do not believe so. So, so the, as it sits now that drops down, there's a Dollar Tree that sits between the proposed dd's and Albertson's that has a, if you will a, a lower roofline there. And this would not extend out over that Dollar Tree if that's the question. There would be a gap between the dd's and the Albertson's. The Albertson's is not owned by the Brazito Plaza owner. It's a separate entity and they're, we're not part of their, their deal.

Gordon: Okay. And just one last question is, is the dd's Discounts and the Ladies etc. etc., is that going to be illuminated?

Redfearn: Yes. That is my understanding.

Clifton: Thank you Commissioner Gordon. Any additional, yes Adam.

Ochoa: Just a point of clarification Mr. Chairman. To answer your question Mr. Gordon, staff did try to research exactly what the height of that Albertson's was. Unfortunately that's a really old set of building plans and sign permits that we're looking at for it, but from what we found it is going to be roughly around the same height. If not, Albertson's is a little bit taller than what that arch would be sir.

Clifton: Thank you Adam.

Gordon: Reason I asked, I was just going to offer a suggestion about where you've shown an additional sign on one side of the building, you might want to pick up something on the side of that facade so people can see it from Idaho.

Ochoa: And again, point of clarification Mr. Chairman, Mr. Gordon. So you're essentially stating putting a dd's sign on the wall for Albertson's. That actually would not be permitted by the Sign Code either. Essentially if you're in a shopping center you're only allowed to place signage on what is your suite.

Gordon: Actually, actually what I meant was on the side of that facade that they're putting up on the top of their building.

Ochoa: Oh, okay.

Gordon: But that's just a suggestion.

Ochoa: Yes sir.

Clifton: Okay. Commissioner Stowe.

Stowe: Gentlemen, is there an entrance and exit on, that faces Utah Avenue to the, to the, to the north?

Redfearn: To the, yes sir there is and that would ...

Stowe: Oh?

Redfearn: Off of Utah, correct.

Stowe: Customers come in and out that side?

Redfearn: Yes sir. It's largely used today by folks for International Delights.

Stowe: Yeah.

Redfearn: Other than that it's kind of slightly used and, and to, to, to color that in a little bit this, this part of the center that's existing, there's, we have three vacant suites over there, two of which have been unoccupied for five or six years and one that has never been occupied actually at the very end towards International Delights. So it's been a problematic area of our center for, since I can remember and working on it so it's, this is an opportunity for both us as you know developers and then also on El Paseo working in that corridor and the other properties that we represent whether it be Pro's Ranch or the former K-Mart. To have a, have a win on El Paseo finally would be a, nice to see and bring someone new to the area.

Stowe: Yeah. And entrance and exit of, of the store is also from the west, that looks like.

Redfearn: Correct. That would be the front entrance.

Stowe: Is that the principal exit and entrance?

Redfearn: Yes sir.

Stowe: What's new is parking in the back and coming in the back, what formerly was the back.

Redfearn: No, we're not adding, you know to the, we're actually building, this, this, what, what's actually being proposed here is we're tearing down a good portion of that area right there and rebuilding the new store but the, where it, it indicates the north wall sign location, that parking lot exists today and wouldn't, wouldn't be changed. It would still exist then, or after we're done with the project.

Stowe: And to the north, is there any exit/entrance to the north?

Redfearn: That is the one that I think you were referencing, or I was referencing off of Utah. There is a ingress/egress point there off Utah.

Stowe: So, right, Utah.

Redfearn: Yeah.

Stowe: And north wall. To the east, is there any entrance to the east?

Redfearn: No. To the east behind us is, is basically the truck loading and unloading stations for both Albertson's and this proposed dd's deal.

Stowe: All right.

Redfearn: And the back side of Dollar Tree as well.

Stowe: And one little door for emergencies.

Redfearn: Correct.

Stowe: Any … Okay thank you.

Clifton: Thank you Commissioner Stowe. Any more questions? Okay. Seeing none I'll open up to the public. There is no public here. So with that we will now close it and open for Commission discussion. Commissioners. Commissioner Stowe.

Stowe: I'm looking for a way to make this work. I think most of us here are looking for a way not to have another five years or more of vacancies. We haven't found it yet to comply with the regulations and yet, question for, perhaps for Adam. The signage is one and a half feet for every one foot of linear width?

Ochoa: Of exterior wall length, that is correct.

Stowe: Length, all right. Length. But it really, that's the main criterion …

Ochoa: Mr. Chairman.

Stowe: Cause I'm looking for the height of the sign other than if you're looking at a, a rectangle that's height and width.

Ochoa: Mr. Chairman, Commissioner Stowe. That is correct. It's, it's the size of the sign …

Stowe: Yeah.

Ochoa: Not the height that'll be at, it's essentially the total size of that attached sign on that wall essentially. That's what the variance is for.

Stowe: When you come out of that north door entrance/exit and look to the right, looking east you see a, a dirt mound. There's a difference in levels, the level of the parking lot and then there's natural land that's been there forever, it's about a 20 to 30 foot height.

Ochoa: Mr. Chairman, Commissioner Stowe. I don't know exactly how tall it is but there is somewhat of a grade difference if you will ...

Stowe: Yeah, there is.

Ochoa: To the east side over here, that is correct.

Stowe: Steep driveways to get into the, what is residential entrance to several homes there. That, that's probably going to need, need some work to make it look a little better. But, oh, that's not, that's not on the, the land. Never mind. Can't think of anything else. Turn it over to my compatriots. Help us find a way.

Clifton: If I, if I could offer a real quick suggestion, and this, I don't know if staff looked at this but the intersection of Idaho and El Paseo Road is, is a non-typical, non-complying design standard intersection. I mean typically intersections intersect at the crossroads of approximately 90 degrees. There is some deviation from that based on the Chief Engineer's approval but this is a very old intersection and, and I can see that this does in fact have some topographic constraints and limitations in that the site distances is obscured because of this site distance and this odd angle of El Paseo. If you're traveling northbound on El Paseo you're going to have a challenging time seeing this business; 1) you've got an existing burrito facility in the way; 2) the road's going in the opposite direction of the business. And then also coming east, westbound on Idaho it's going to be virtually impossible to see this business. And then too, my guess is if you were to measure the canned letters by themselves you could probably shave off 50 or 60 square feet, so I think there probably is a miscalculation here that's not to the applicant's favor. So I, is there an administrative function like a, a 10% variance that you guys typically grant in-house?

Ochoa: Mr. Chairman. Unfortunately we do call those flex development standards but the Sign Code is pretty clear. Any variance to the Sign Code requirements does require a full variance approval or I guess entertainment by the Planning and Zoning Commission sir.

Clifton: But essentially had you, had the applicant calculated the actual canned letter itself instead of a rectangle it probably would be significantly less if each letter was actually calculated.

Ochoa: Mr. Chairman. That is possible. That sign, the sign would probably get smaller. I don't know if they'd get their 84 square feet but they probably would still have to go for a variance because 84 square feet, that is, 84 square feet is relatively large and I don't think that would, by, by measuring each cabinet by itself would, would help them out unfortunately.

Clifton: Thank you Adam. I just wanted to throw that out for the benefit of ...

Ochoa: Sure.

Clifton: The Commission to discuss, especially the angle of the roads at the intersection and the lack of visibility the property has. Thank you. Commissioner Gordon.

Gordon: Expressing my opinion on this request for a variance: 1) I think that the, the pluses of having this business here far exceed the minuses of not granting this variance and that's one way to get a round of, get a, get around the request for the 84 square feet. I mean we have in the past granted variances to put up signs that normally have asked for 70 feet and only allow 50 feet and we allow 60 feet. I challenge anybody to stand 100 feet away from this sign and tell you that it's 294, 294 square feet and should only be 210. I think we're talking about in, in terms of the size of this particular shopping center and, and what it means I, I think that, that we, we, it would be injust not to grant them this variance then. But that's my opinion.

Clifton: Thank you Commissioner Gordon. Commissioner Crane.

Crane: I think Mr. Chairman our, our group angst on this matter would be relieved by simply voting on the case and while recognizing that the Community Planning recommends denial actually approving the applicant's request. In which case I think we all get what we want and I'm sure it's secretly Community Planning will be happy too. Poor fellows, they're just hogtied by their regulations. So I move that ...

Ochoa: Mr. ...

Crane: We approve Case 62714.

Ochoa: I'm sorry.

Clifton: Yes Adam.

Ochoa: Point of interjection gentlemen. Just to let you know, when you're, when you do vote tonight whether yes or no, if you do vote no you're voting with what staff recommended so you're, you could use our findings as one of your justifications for your vote. But if you're voting yes you would have to come up with your own findings essentially.

Clifton: That would be yes to approve, no to deny.

Ochoa: The, that is correct.

Clifton: But the motion since there is a recommendation of denial the motion should be writ, worded in the positive?

Ochoa: It should always be in the positive, yes sir.

Clifton: Okay. Thank you Adam.

Clifton: Okay. Please proceed Commissioner Crane.

Crane: So I will move.

Gordon: Based on my site visits and our discussion here this evening I vote move also.

Crane: Point of order, Mr. Chairman. Do we need a second?

Clifton: Yes. Can I have a second rather than a duplicate motion?

Gordon: I'm sorry. I'll second it.

Clifton: Thank you. Motion by Commissioner Crane, second by Commissioner Gordon. Let's go ahead and take the roll. Commissioner Crane.

Crane: Vote aye based on discussion and site visit.

Clifton: Commissioner Gordon.

Gordon: I vote yes based on site visit and discussion.

Clifton: Commissioner Stowe.

Stowe: I vote yes based on discussions and site visit.

Clifton: Commissioner Beard.

Beard: I vote yes based on site visit, discussions, and.

Clifton: Thank you. And Chair votes aye based on staff and applicant presentations and seeing what I believe to be a topographic constraint for this particular variance. Thank you.

MOTION PASSES UNANIMOUSLY.

Clifton: Case 62714 is approved. Thank you very much gentlemen. Welcome to Las Cruces. Thank you.

M. Gonzales: Thanks for your time.

IX. OTHER BUSINESS

Clifton: Okay. Moving right along. Is there any other business?

Ochoa: Apologize that it says none on there Mr. Chairman. Just a FYI, we'll be having a, a meeting next month. It does look like it may be a little light so maybe get out of here a little early next month but just please make plans to be here for the April 26th Planning and Zoning Commission meeting. We do have that one case that was postponed and it looks like about anywhere between one and two other cases for that night. And just want to let you all know yesterday City Council did appoint a new Planning and Zoning Commissioner for District 4 so this will be Dr. Crane's last meeting. And just speaking on behalf of staff, Mr. Crane was our Chair for a while and just having you here on the Board Mr., Dr. Crane was, was an absolute pleasure and we loved having you here and really enjoyed your, your views on things and your ability to I guess guide us down the right track sir.

Crane: Thank you.

Clifton: How many years did you spend on this Commission Commissioner Crane?

Crane: I'm sorry, I couldn't hear that.

Clifton: How many years were you on the Commission?

Crane: My, my, oh how many years was I on?

Clifton: Yes.

Crane: I thought I, I heard "back on the Commission." Eight years.

Clifton: Eight years.

Crane: Yeah. Come March, which it's March. Yeah. I believe four as Chair. It's been an education. I knew zero, maybe negative about, about community, community planning. I heard of zoning, that's about it. And it's very intricate, very important, occasionally a tad dull, not always.

Clifton: Well thank you Commissioner and I, I certainly remember being on the other side presenting cases to you and I thank you for the time that you walked us through those as well. Okay. Any other business, Adam?

Ochoa: No sir. Nothing else.

X. PUBLIC PARTICIPATION

Clifton: Okay. Seeing, is there any public participation even though there is no public? Thought I should ask.

XI. STAFF ANNOUNCEMENTS

Clifton: Staff announcements?

Ochoa: No sir. Nothing else.

Clifton: In terms of announce, yes Commissioner Gordon.

Gordon: I think we ought to congratulate Mr. Ochoa on his promotion.

Clifton: Yes. Congratulations Adam. Please, do tell.

Ochoa: Oh, just to let you know, I don't know if you noticed but Katherine Harrison-Rogers is not here anymore. They've essentially kind of handed the reins over to me. I am the Acting Senior Planner now. So even though you see me every month anyway I will be here more. Even when I don't have cases more likely I'll be here as well so, well thank you though sir.

Clifton: Long overdue. Thank, congratulations Adam.

Ochoa: Thank you.

Clifton: Okay. With that I'd, I would like to bring up something I noticed different on the agenda and I think it popped up last month is the, the numbering of cases has dramatically changed from what it once was and it, you know looking at it I've, for the last 20 years or so used a case with the, the letter

indicating whether it's zoning, special use permit, variance. What's, can you explain what the change may have been after this time?

Ochoa: Mr. Chairman. The reason we went away from the letters in front of case numbers was basically kind of a software issue. The software the City uses now, or that we use currently requires, or it works a lot better or it's easier to maintain when it's numerical so now everything whether if it's a zone change, a PUD, special use permit, variance, you name it, it's just going to be a number. And so we will, as staff we will be tasked with giving you your case number and then explaining what exactly the application is before you even know what, what the case is if you will sir. But that's essentially it's because of a software issue, sir.

Clifton: Okay. Thank you. It, it would be nice to go back to the, the previous method if at all possible, just a little easier to read in the postings, but.

Ochoa: I'll definitely bring that up to the higher-ups sir. Thank you.

Clifton: Thank you. I know it's small but it's, it's little victories that get us ahead Adam.

Clifton: Okay.

XII. ADJOURNMENT (7:18 p.m.)

Clifton: If there are no other comments. Can I get a motion to adjourn?

Gordon: I make a motion we adjourn.

Clifton: Second?

Beard: Second it.

Clifton: Motioned and seconded. All in favor to adjourn? Aye.

MOTION PASSES UNANIMOUSLY.

Clifton: We're adjourned.

Ochoa: Thank you gentlemen.

Henry Gordon

Chairperson