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Gordon: Now we'd like to address the minutes. I'm looking for an approval of the minutes. Are there any Commissioners present at the time of these minutes that feel they have any corrections? If so please make your corrections. Seeing none, can I have a motion to accept the minutes please?

Stowe: So moved.

Gordon: Mr. Stowe.

Ferrary: I'll second.

Gordon: Ms. Ferrary. The minutes are approved. All in favor say "aye."

MOTION PASSES UNANIMOUSLY.

Gordon: Opposed? Then motion is passed four to zero.

IV. POSTPONEMENTS - NONE

Gordon: Okay. I assume that there are no postponements this evening. Katherine? All right.

V. WITHDRAWALS - NONE

Gordon: I'm sure there are no withdrawals.

VI. CONSENT AGENDA - NONE

Gordon: There is no Consent Agenda.

VII. OLD BUSINESS - NONE

Gordon: So there is no Old Business.

VIII. NEW BUSINESS

1. **Case 66694 - Las Cruces Center 2 Annexation:** An application by NMSU for an annexation of 7.165 acres located se of Turrentine Drive, south and adjacent to University Avenue, and west of the Las Cruces Convention Center. Parcel #03-07122; Proposed use: Hotel; Proposed Council District 2 (Smith).

1 Gordon: So we will move on to New Business. I have a question of Katherine
2 Rogers before we start. We are treating both of these cases as one item
3 on the agenda?
4

5 H-Rogers: Correct. We'd like to present them together but they will have to be
6 separate votes.
7

8 Gordon: Okay. That's fine. Everybody on the Commissioner understand? Okay.
9 Go ahead. Thank you.
10

11 H-Rogers: Tonight we're going to be discussing the Las Cruces Center 2 annexation,
12 initial zoning, and also along with that an amendment to, to the 2001
13 Zoning Code which is Section 38-44 D which is Figure 1 of the University
14 District Overlay. Ultimately an amendment to that would just change the
15 boundaries of that overlay and show what type of zoning it now has.

16 The project location is right here. It's just south of Turrentine Drive.
17 It's adjacent and south of East University Avenue and of course if you're
18 familiar with where the Convention Center is it is, it is adjacent and west of
19 that. It's approximately 7.165 acres. There are four parcels that were
20 created recently, did not have to go through any subdivision process
21 because of course it is owned by NMSU, the State of New Mexico, part of
22 the university. It is currently agricultural. There are some agricultural
23 buildings on-site. Those ultimately will either be demolished or converted.
24 And here's an aerial map so that you can clearly see there's an EBID
25 lateral that runs right here, it's a, one that is utilized to bring water to the
26 fields and of course you can see the agricultural field here and some ag
27 buildings here, and then the Convention Center of course to the east.

28 NMSU submitted a petition to annex this particular parcel into the
29 City as well as request initial zoning of University District CZ which is the
30 Convention Zone. Again this would include an amendment to that Figure
31 1 in the Zoning Code to reflect those changes. And the purpose of this is,
32 is for the expansion of the Convention Center in the future as well as
33 some additional parking and the development of a multistory hotel at that
34 location.

35 Here's the plat associated with the annexation. There have been
36 some slight modifications to the plat. I did receive some new ones today
37 that will be of course reviewed for compliance before it goes to City
38 Council, but here's the general idea. You can see this line right here that
39 I'm pointing to would be the new City limit line and it would encompass all
40 of this, and you can see the existing City limits running along University
41 and then of course around the Convention Center.

42 The University District Overlay is one that was created in order to
43 establish really a corridor and support that University District with
44 businesses, trying to create a, a mixed-use pedestrian-oriented area, and
45 ultimately this hotel would, would try to fit in with that and support the
46 university, the Convention Center, and of course area businesses as well.

1 The site design when the hotel and any other improvements do
2 come in will be subject to review and approval by the University District
3 Design Review Board. Hotels and convention centers and other similar
4 uses are allowed uses in the Convention Zone. So the types of uses that
5 are being proposed are within keeping of that particular zone. This is also
6 shown to be very consistent with the University District Plan as well as the
7 Comprehensive Plan that we currently have in place. Should be noted
8 that normally when annexations do come into the City they're also subject
9 to a Master Plan approval, however this use at this location was
10 contemplated by the 2010 University District Plan and so no Master Plan
11 was required as part of the process. Again they've gone, in looking at this
12 staff did see that it was in compliance with both the Subdivision and
13 Zoning Codes in terms of process and what was being proposed. Some
14 things to note, of course as this is adjacent to the City, ultimately City
15 services are already available at that site so there aren't going to be any
16 new extensions of infrastructure needed to accommodate any
17 development at that location. And again because the corridor, University
18 Avenue is a, a, one of high traffic, it's on an arterial, it is an arterial rather,
19 and it has a mix of uses everywhere, everything from multifamily to single-
20 family to commercial, financial institutions, hotels, this particular type of
21 use would be compatible at this location.

22 One thing that was of interest when staff was going through the
23 codes, there aren't any true design standards for a hotel use in the
24 University, University District Overlay. It only outlines standards for the
25 convention center type of use as well as historic buildings. And so staff is
26 recommending as, as did the UD-CDRC that a condition be considered to
27 address the lack of standards, specifically that the development meet the
28 Design Standards of the UD-AZ which is the Avenue Zone. There are
29 some really specific standards in terms of, of, of massing different types
30 of, of glazing of the windows, things of that nature that we think would be
31 appropriate. One thing to note if there are any waivers that are required
32 because this is a hotel use, maybe some of these things don't fit, those
33 can be obtained from the Design Review Board. So there is a little
34 leniency there with that condition.

35 We did have some public input in terms of the annexation and the
36 initial zoning. I did distribute an e-mail that all of you should've gotten
37 before the meeting started, and that was in opposition. I also received a
38 telephone call from somebody who was in support of the annexation and
39 the type of use that was being proposed, stating that it would fit in well
40 with the University District and the university in general. The e-mail in
41 opposition felt as though there might be a better use for the land at that
42 location other than a hotel.

43 And with that, the UD-CDRC as I'd mentioned before did
44 recommend conditional approval of this particular project, requesting that
45 future development follow the Design Standards of the University Avenue
46 Zone. There was a brief discussion during the meeting just regarding the

1 hotel proposal, how it might be laid out on the site, but again that's not in
2 the purview of this particular Commission this evening. Staff is also
3 recommending approval of the annexation, initial zoning, and Code
4 amendment with the zoning condition that the development shall follow the
5 design standards of the UAZ, again the University Avenue Zone. And of
6 course your options tonight are: To approve both the zoning and the
7 amendment that goes along with that to the Zoning Code as well as the
8 annexation; to add modifications, conditions, other stipulations to that;
9 deny the development; or table or postpone and ask staff or the applicant
10 for additional information. And of course I'd be glad to answer any
11 questions you may have at this time. We do have representatives from
12 NMSU to answer any questions of course from their end if you may have
13 them.

14
15 Gordon: All right. Thank you Katherine. I think what we'll do before we entertain
16 questions from the Commission, is there anything from the petitioner that
17 they'd like to say, and also is there anyone here from, who'll represent the
18 hotel?

19
20 H-Rogers: Sir, Mr. Chair, Members of the Commission. As the hotel is not actually
21 the applicant in this particular case, no hotel representative is here. But
22 the NMSU's been working closely with them, so they should be able to
23 answer any questions you might have in regard to the hotel development.

24
25 Gordon: All right. Thank you. Is there anything that they wish to say? Please
26 come forward and before you speak just say your name and I'd like to
27 swear you in please.

28
29 Eschenbrenner: I'm Scott Eschenbrenner, President of Aggie Development ...

30
31 Gordon: All right.

32
33 Eschenbrenner: Incorporated.

34
35 Gordon: Please raise your right hand. Do you swear or affirm that the testimony
36 you are about to give is the truth and nothing but the truth under penalty of
37 law?

38
39 Eschenbrenner: Yes sir.

40
41 Gordon: Thank you.

42
43 Eschenbrenner: Well I'm here today before y'all finally delivering on a promise that New
44 Mexico State had set aside back in 2008 when the, the Convention Center
45 was first talked about. We had promised to try and bring a hotel to the
46 area. We have had one attempt back in 2008 but with the change of the

1 market we lost the opportunity to continue forward with that developer.
2 And through diligent efforts over the years we finally feel like we've got the
3 right partner. We feel very confident in, in product that they're going to be
4 bringing to the market. This developer is one that's, specifically develops
5 in New Mexico with eight hotel properties and we're also excited about the
6 fact that they're going to be willing to work with our university through our
7 HRTM Program, Hotel, Restaurant, Tourism Management Program by
8 employing some students and working with the faculty and staff as well.
9 So we're excited to finally be here at this point and hope that we can move
10 this forward and, and have a wonderful hotel developed in that area. And
11 with that I'll stand for questions.

12
13 Gordon: All right. Thank you. Is there any questions from ... Mr. Hedrick.

14
15 Hedrick: As I understand it the university's the owner of the property?

16
17 Eschenbrenner: Yes Mr. Hedrick.

18
19 Gordon: Ms. Ferrary.

20
21 Ferrary: How many stories is the hotel planning to have?

22
23 Eschenbrenner: I believe it's four stories but they're, they're working on the plans right
24 now. It's a, it's a typical prototype of a Courtyard by Marriott and I believe
25 it's a four-story hotel.

26
27 Gordon: Well if there are no other questions from the Commission I have several
28 questions I'd like to ask. But first I would just like to ask, well let me get
29 my, let me get my thinking straight here first and let me just direct my
30 questions to you. We know that NMSU will own the land. That's fine. The
31 hotel I guess is going to be built by private funding from the developer of
32 the hotel?

33
34 Eschenbrenner: Commissioner Gordon. The hotel will be ground-leased, they will
35 ground-lease the land from us and then they will own the improvements,
36 the developer will. University will have no investment in the
37 improvements.

38
39 Gordon: Do you know how long the lease is going to be for?

40
41 Eschenbrenner: Sixty-five years with, that would include all the options to renew.

42
43 Gordon: Okay. Oh, I know what my question was, Katherine. Let me just interject
44 for a second. How does the, how does the placement of this hotel affect
45 the future anticipated expansion of the Development Center since they
46 can't go west?

1 H-Rogers: Let me see if I, if I understand your question correctly. How, how does it
2 affect the development centers going west?
3

4 Gordon: No. What, what, I, I was always under the assumption that there was
5 plans in the making for the Convention Center to be expanded at some
6 time in the future. If this property is taken over and a hotel is built, where
7 will the Convention Center be able to expand?
8

9 H-Rogers: Sure. I, I can answer that question. Commissioner Gordon, Members of
10 the P&Z. Basically the Convention Center can expand towards the south
11 and they are planning on actually doing overflow parking directly south of
12 where the hotel site would be. So there is room, there is area to expand.
13 It would just be a reconfiguration of the existing parking and then there
14 would be parking to the south and the west.
15

16 Gordon: They would have to go into their existing parking lot.
17

18 H-Rogers: Correct.
19

20 Gordon: Okay. That's fine. I was just curious as to how that was possible happen.
21 Do we know how big the hotel's going to be, sir? How many rooms?
22 What, what do they estimate?
23

24 Eschenbrenner: A hundred and twenty rooms.
25

26 Gordon: Is there going to be banquet facilities?
27

28 Eschenbrenner: Commissioner Gordon, Members of the Board. They will have food
29 service and they will also have two breakout meeting rooms as well.
30

31 Gordon: Will there be a, a, a restaurant open to the public?
32

33 Eschenbrenner: Yes. They will have a, if you're familiar with the Courtyard by Marriott
34 brand, it's kind of more of a grill situation. But I understand it's available to
35 the public as well if they like.
36

37 Gordon: How does the hotel in its desire, perhaps like you say to have meeting
38 rooms, would that be in conflict with the Convention Center?
39

40 Eschenbrenner: Commissioner Gordon, Members of the Board. It's my understanding
41 that the Convention Center and the, are, are fully aware of it and find that
42 that will be a benefit to them, actually. That's one of the problems that
43 they feel like they're having with the Convention Center is that they don't
44 have the adequate breakout rooms there.
45

1 Gordon: It's not that I'm, I'm, I'm objecting to this property. I just like to get this
2 information in my own mind. Another question, basically because of
3 financial background. What's going to happen in say X number of years
4 from now if the hotel finds that it's not become a viable financial success
5 and they decide, "Well we're going to leave, Marriott could just up and go."
6 Who's going to be able to take over? Wait a minute.
7

8 Eschenbrenner: Commissioner Gordon, Members of the Board. That's something that
9 we've considered as, as the university is the land holders. If at some point
10 in time they decide that this isn't a viable option for them they, that
11 improvement will revert back to the university in ownership either at the
12 end of the term or if they decide to pull out at some point in time. The
13 other thing to consider is that will, there will be financing in place so if, if
14 the finance, if there's still financing in place obviously that would revert
15 back to the, to the mortgagor.
16

17 Gordon: Okay. And just one other question. Katherine perhaps you can answer
18 this for me. Do you know how many hotel rooms there are now in Las
19 Cruces and what the average occupancy rate is of all the hotels and
20 motels?
21

22 H-Rogers: Sure. We have around, Las Cruces has around 3,200 rooms and I, I, I
23 want to state that it's not just rooms. It includes RV spaces that count,
24 actually includes RV spaces, bed and breakfasts, things of that nature. So
25 it's not just strictly hotel rooms. But that's how the counts come in. So it's
26 around 3,200 and if you have any other questions I'm happy to answer
27 those.
28

29 Gordon: I was just wondering if you happen to know what the average occupancy
30 rate is in total.
31

32 H-Rogers: Sure. From what I understand from our Convention and Visitors Bureau,
33 the average occupancy rate of 2015 was 59.7%. That was for the year.
34 And in 2016, year to date, it's 61.6% occupancy and something to note is
35 that occupancy rate has increased year to year since 2010.
36

37 Gordon: Okay. Thank you. Well, those are my questions. Is there anybody from,
38 now from the Commission who wants to add anything in addition to that?
39 All right. If that's the case, is there anyone from the public who wishes to
40 speak on this? All right. Seeing no one, I guess then we're ready to vote.
41 Katherine if you could please read our options and, again so that we'll
42 know, are, we vote, we, we're voting on, on these items separately,
43 correct?
44

45 H-Rogers: Correct. We would like you to vote on the annexation as, as one and then
46 once the annexation vote is complete we would suggest that you vote on

1 the initial zoning which also includes the amendment to the Zoning Code
2 to change the boundaries within that, that map. And your options are of
3 course to recommend approval of the proposed development; recommend
4 approval with conditions or modifications; deny; or table and postpone.
5
6 Gordon: All right. Thank you. Do I have a motion? Ms. Ferrary.
7
8 Ferrary: I move that we approve Case Number 66694 for the Las Cruces Center 2
9 Annexation without conditions.
10
11 Gordon: Is there a second?
12
13 Stowe: Second.
14
15 Gordon: Mr. Stowe seconds. I'm sorry.
16
17 H-Rogers: A point, excuse me, a point of clarification, I apologize. Commissioner
18 Ferrary indicated no conditions. Do you mean to exclude the
19 recommended condition from both staff and the University District or
20 include that in your motion?
21
22 Ferrary: To include it in the District. It's the second part that would have the
23 conditions, correct?
24
25 H-Rogers: Oh. Correct. I'm sorry, I apologize. That was for the zoning. You were
26 ...
27
28 Ferrary: Yes.
29
30 H-Rogers: Completely on, on, on par. I apologize for that. Go ahead.
31
32 Ferrary: That's all right.
33
34 Gordon: All right. So we do have a, a, a motion and a second. So can I have a
35 vote starting with Mr. Hedrick.
36
37 Hedrick: I, I vote yes based upon the findings for approval in the staff report, site
38 visit, and discussion this evening.
39
40 Gordon: Ms. Muniz.
41
42 Muniz: I approve and I did visit the site and I have, I also approve, I, my
43 approval's on the findings of staff.
44
45 Gordon: Ms. Ferrary.
46

1 Ferrary: I approve according to staff findings and discussion.
2
3 Gordon: Mr. Stowe.
4
5 Stowe: I vote yea based on site visit, discussion this evening, and finding by staff.
6
7 Gordon: And I vote yes based on site visit, discussion, and staff presentation.
8
9 MOTION PASSES UNANIMOUSLY.
10
11 2. **Case 67662 - Las Cruces Center 2 Initial Zoning and Amendment to the**
12 **2001 Zoning Code, Section 38-44 D, Figure 1, University District**
13 **Overlay:** An application by NMSU for the initial zoning of a property
14 consisting of 7.165 acres located southeast of Turrentine Drive, south and
15 adjacent to University Avenue, and west of the Las Cruces Convention
16 Center. The applicant is requesting a zoning designation of UD-CZ
17 (Convention Zone). An amendment to the University District Overlay Zones
18 and boundaries is also included in this request. Parcel #03-07122; Proposed
19 use: Hotel; Proposed Council District 2 (Smith).
20
21 Gordon: All right. Now we move on to Case Number 67662. Do I have a motion
22 on the floor? Someone?
23
24 Stowe: I, I, I ...
25
26 Gordon: Mr. Stowe.
27
28 Stowe: I vote that we approve the proposed development application with
29 stipulated modifications and conditions. Am I correct, is that the part that
30 we're voting is, is ...
31
32 Gordon: Okay. Is there a second?
33
34 Ferrary: I'll second.
35
36 Gordon: Ms. Ferrary second. All right then. I'd like to have a vote and we start
37 again with Mr. Hedrick.
38
39 Hedrick: I vote yes based upon the staff report's findings for approval, the site visit,
40 and discussions this evening.
41
42 Gordon: Ms. Muniz.
43
44 Muniz: I approve based upon a site visit and tonight's discussions.
45
46 Gordon: Ms. Ferrary.

1
2 Ferrary: I vote yes on Case Number 67662 because of staff findings and
3 discussion, and also the conditions that they approved.
4
5 Gordon: Mr. Stowe.
6
7 Stowe: I vote yes based on site visit, discussions this evening, and findings.
8
9 Gordon: And I vote yes based on site visits, presentation, discussion, and looking
10 forward to having this built quickly.
11
12 MOTION PASSES UNANIMOUSLY.
13
14 Gordon: The case, both items have been passed.
15
16 **IX. OTHER BUSINESS**
17
18 Gordon: Since there is no Other Business.
19
20 **X. PUBLIC PARTICIPATION**
21
22 **XI. STAFF ANNOUNCEMENTS**
23
24 Gordon: Is there anything Katherine you have to discuss, any staff
25 announcements?
26
27 H-Rogers: Commissioner Gordon, Members of the Commission. I do want to give an
28 update on terms of, in terms of previous action items that have gone to
29 City Council. We had quite a few. On August 1st a decision was made on
30 the Bell Road waiver, if you all recall that. Ultimately what City Council did
31 is they approved the waiver with modifications. What they requested is
32 that the applicant be responsible for essentially a chip seal or the cost of a
33 chip seal either with a fee or lieu, a fee in lieu or with a special payment
34 agreement, which is what she's decided to execute and I believe that that
35 is almost wrapped up. Our legal, our Legal Department was telling me
36 this evening that they're essentially finished with that agreement. We also
37 had on August 15th ...
38
39 Gordon: Can I interrupt you just for a second to ask you a question about ...
40
41 H-Rogers: Yes, absolutely.
42
43 Gordon: That? The, the City Council decide that on a case basis.
44
45 H-Rogers: Correct.
46

1 Gordon: They have not entered into a discussion as to how they're going to treat
2 would these matters come before us again, cause we're going to wind up
3 in the same place that we were with that one and previous cases. Do you
4 have any information as to what their plans are on trying to resolve this
5 matter?
6

7 H-Rogers: Commissioner Gordon, Members of the Commission. Staff has presented
8 Administration with several options in terms of how we could handle these
9 in the future, Code amendments, things of that nature. We have not
10 received any formal direction in terms of how they want to proceed. Staff
11 did recommend to Management that perhaps we hold a work session to
12 discuss these options and ultimately the impacts of those options. But
13 again staff hasn't been notified in terms of how to move forward.
14

15 Gordon: Is there any way that we can force the issue? Because I think if it comes
16 before us again, you know we're basically back to square one.
17 Suggestions?
18

19 H-Rogers: Commissioner Gordon, Members of the Commission. At this point in time
20 I would suggest that you communicate your concerns with your appoint,
21 appointed, appointees rather, your, your Council Members, the Mayor.
22 Voice those concerns to see if, if they bring it to a higher level and instruct
23 staff to move forward. One thing I do want to inform you of is we are
24 actively looking for information regarding various firms that can assist our
25 department in the development and the, the revisions of our Design
26 Standards. If that does occur and we're able to secure the monies and,
27 and also secure a contract with any design firm these concerns would be
28 addressed during the development of those at, at that time. So that may
29 alleviate some of your concerns. We're actively looking for information
30 right now.
31

32 Gordon: All right. Well let's try to keep the ball moving.
33

34 H-Rogers: We will try our best. We also heard the Miller Tracts waiver on the August
35 15th Council meeting. That was approved. If you recall I believe that one
36 was on Cortez. It actually had three frontages and that one, excuse me,
37 was approved by Council I believe unanimously. And also on August 15th
38 there was the name change of Tashiro to Jim Bradley. That was denied
39 by City Council. They expressed some concerns for the loss of some
40 historic value with that name ultimately. And we do have several cases
41 up, on the upcoming September 6th and mid-September meetings. There
42 will be a final decision on an SUP for the cell tower that you heard recently
43 and then we have two zone changes and a PUD that will be on the first
44 read for that agenda, and we'll have final decision later in, in September.
45 And we will keep you updated on those. And that, that's all staff has this
46 evening unless I have, unless you have any questions for me. I'd be glad

1 to answer those.
2
3 Gordon: Mr. Hedrick.
4
5 Hedrick: Concerning the, the, a workshop as, as I recall City Council deferred
6 action on a case before them so, until they take some kind of action. So is
7 that case just in limbo now or a, a, what's the status?
8
9 H-Rogers: Members of the Commission, Commissioner Hedrick. I believe that you
10 are referring to the, the Bell Road waiver. They deferred action on that
11 and then on August 1st they did bring it back. And that was the one where
12 they, they essentially approved it with modifications. They decided that a,
13 a chip seal or payment in lieu of that chip seal was the appropriate action
14 and, and that number came out to \$2,800.
15
16 Gordon: Okay Mr. Hedrick? That's fine? All right, thank you. That's it, Katherine?
17
18 **XII. ADJOURNMENT (6:30 p.m.)**
19
20 Gordon: All right, and that's the case. Do I get a motion to adjourn?
21
22 Stowe: So moved.
23
24 Gordon: Mr. Stowe.
25
26 Ferrary: I'll second.
27
28 Gordon: Ms. Ferrary. We are adjourned at exactly 6:30. I'm sorry. I need to get in
29 a, a vote on the, on the motion. Mr. Hedrick.
30
31 Hedrick: I vote yes.
32
33 Gordon: Okay.
34
35 Muniz: Yes.
36
37 Gordon: Ms. Muniz, Ms. Ferrary.
38
39 Ferrary: Yes.
40
41 Gordon: Mr. Stowe.
42
43 Stowe: I vote yes.
44
45 Gordon: And I vote yes. Again, we're adjourned at 6:30. Thank you.
46

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Chairperson