

City of Las Cruces®

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Council Action and Executive Summary

Item # 12 Ordinance/Resolution# 13-031

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 4, 2012
(Adoption Date)

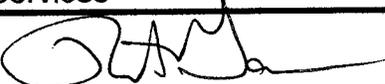
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING A SUBDIVISION KNOWN AS SIERRA TRACTS ON A 2.384 ± ACRE TRACT LOCATED ON THE SOUTHEAST CORNER OF JEFFERSON LANE AND WILT AVENUE. SUBMITTED BY SIERRA GLYMPH AND CHARLES H. GLYMPH, PROPERTY OWNERS. (S-11-028)

PURPOSE(S) OF ACTION:

Subdivision approval.

COUNCIL DISTRICT: 6		
<u>Drafter/Staff Contact:</u> Adam Ochoa	<u>Department/Section:</u> Community Development / Building & Development Services	<u>Phone:</u> 528-3204
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed subdivision known as Sierra Tracts is for a tract of land located at 4640 Wilt Avenue and in the REM (Residential Estate Mobile) zoning district. The proposed subdivision will split one (1) existing 2.384 ± acre single-family residential tract into two (2) new single-family lots. The proposed subdivision will be required to meet all requirements of the 2001 Zoning Code, the Subdivision Code and the City of Las Cruces Design Standards. The applicants have submitted a waiver request to the required road improvements for the proposed subdivision, which is the reason this subdivision is being forwarded to City Council for consideration in conjunction with the waiver.

On July 24, 2012, the Planning and Zoning Commission (P&Z) recommended conditional approval for the proposed subdivision by a vote of 6-0-0, (one Commissioner absent). The condition placed on the proposed subdivision was that the applicants shall finalize all outstanding comments and conditions stipulated by the reviewing departments for the proposed subdivision. During the meeting much discussion took place on the issue of the waiver request that resulted in a recommendation for approval of the waiver for no road improvements and minor discussion about the actual subdivision itself. A member of the public expressed their support for the proposed subdivision at the meeting. Please see Attachment "B" for a more detailed summary of the discussion that took place at the Planning and Zoning Commission meeting. Staff did not

receive any public comment or inquiries for further information about the proposed subdivision prior to the meeting.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Proposed Subdivision.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case S-11-028 & S-11-028W.
5. Attachment "B", Draft minutes from the July 24, 2012 Planning and Zoning Commission meeting.
6. Attachment "C", Vicinity Map.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
			<input type="checkbox"/> Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for conditional approval for the proposed subdivision. The proposed subdivision known as Sierra Tracts will be approved.

2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The subject property shall remain in its present state.
3. Vote to "Amend"; this could allow Council to modify the Resolution by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Resolution and direct staff accordingly.

REFERENCE INFORMATION:

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

1. N/A

RESOLUTION NO. 13-031

A RESOLUTION APPROVING A SUBDIVISION KNOWN AS SIERRA TRACTS ON A 2.384 ± ACRE TRACT LOCATED ON THE SOUTHEAST CORNER OF JEFFERSON LANE AND WILT AVENUE. SUBMITTED BY SIERRA GLYMPH AND CHARLES H. GLYMPH, PROPERTY OWNERS. (S-11-028)

The City Council is informed that:

WHEREAS, Sierra Glymph and Charles H. Glymph, the property owners, have submitted a request for a subdivision known as Sierra Tracts that will create two (2) new residential lots from one (1) existing residential tract; and

WHEREAS, the proposed subdivision known as Sierra Tracts meets all development standards of the 2001 Zoning Code, as amended; and

WHEREAS, the Development Review Committee unanimously recommended approval for the proposed subdivision known as Sierra Tracts; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on July 24, 2012, recommended that said subdivision be approved conditionally by a vote of 6-0-0 (one Commissioner absent); and

WHEREAS, approval of the subdivision is dependent on disposition of the road improvement waiver.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces that:

(I)

THAT the subdivision known as Sierra Tracts be approved.

(II)

THAT the conditions be stipulated as follows:

- The applicants shall finalize all outstanding comments and conditions

stipulated by the reviewing departments for the proposed alternate summary subdivision.

(III)

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

DONE AND APPROVED this _____ day of _____ 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

Ray Aldus Lamney
City Attorney

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

Findings

1. The proposed alternate summary subdivision is proposing to subdivide one (1) existing 2.384 ± acre tract zoned REM (Single-Family Residential Estate Mobile) into two (2) new single-family residential lots and meets all development standards of the REM zoning district. (2001 Zoning Code Article 4, Section 38-31D)
2. The proposal is consistent with the requirements of the City of Las Cruces Subdivision code for an Alternate Summary Subdivision.



**Planning & Zoning
Commission
Staff Report**

Meeting Date: July 24, 2012
Drafted by: Adam Ochoa, Planner *AO*

CASE # S-11-028 and S-11-028W **PROJECT NAME:** Sierra Tracts Alternate Summary Subdivision and Waiver Request

APPLICANT/ REPRESENTATIVE: Sierra Glymph and Charles H. Glymph **PROPERTY OWNER:** Sierra Glymph and Charles H. Glymph

LOCATION: Located at the southeast corner of Jefferson Lane and Wilt Avenue **COUNCIL DISTRICT:** 6

SIZE: 2.384 ± acres **EXISTING ZONING/ OVERLAY:** REM (Single-Family Residential Estate Mobile)

REQUEST/ APPLICATION TYPE: Request for approval of a subdivision known as the Sierra Tracts Subdivision and a request for a waiver from the corresponding road improvements

EXISTING USE: One (1) single-family residential tract

PROPOSED USE: Two (2) single-family residential lots

DRC RECOMMENDATION: Approval of the subdivision based on findings for case S-11-028
Denial of the waiver based on findings for case S-11-028W

TABLE 1: CASE CHRONOLOGY

Date	Action
April 30, 2012	Application submitted to Development Services
May 7, 2012	Case sent out for review to all reviewing departments
June 26, 2012	All comments returned by all reviewing departments
July 8, 2012	Newspaper advertisement.
July 11, 2012	DRC reviews and recommends approval for the proposed subdivision and denial for the proposed waiver request.
July 12, 2012	Public notice letter mailed to neighboring property owners
July 13, 2012	Sign posted on property
July 24, 2012	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The proposed alternate summary subdivision known as Sierra Tracts will split one (1) existing 2.384 ± acre single-family residential tract into two (2) new single-family lots and is located at the southeast corner of the intersection of Jefferson Lane and Wilt Avenue. The City of Las Cruces Subdivision Code and Design Standards require the dedication of right-of-way and the construction of road improvements along applicable roadways as part of the subdivision process. The applicants are required to dedicate and construct half of the street cross-section for Wilt Avenue, designated as a Collector roadway by the Metropolitan Planning Organization (MPO), for the entire 316.47 ± feet of frontage along the western boundary line of the proposed subdivision: no improvements or right-of-way dedication is required Jefferson Lane. The applicants are proposing to dedicate the required additional right-of-way for Wilt Avenue, but are requesting to waive 100% of the required road improvements. No alternative, including a fee-in-lieu of improvements, is proposed.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Zoning Code Req.
Max # of DU/parcel	1	1	1
Max Density (DU/ac.)	0.42	0.84	2
Lot Area	2.384 ± acres	Lot 1: 1.011 ± acres Lot 2: 0.996 ± acres	0.5 acres minimum
Lot Width	316.47 ± feet	Lot 1: 143.83 ± feet Lot 2: 137.33 ± feet	100 feet minimum
Lot Depth	328.32 ± feet	Lot 1: 261.56 ± feet Lot 2: 286.71 ± feet	100 feet minimum
Structure Height	13 ± feet	Lot 1: 13 ± feet Lot 2: N/A	35 feet maximum
Setbacks			
Front	161 ± feet	Lot 1: 161 ± feet Lot 2: N/A	25 feet minimum
Side	126 ± feet	Lot 1: 126 ± feet Lot 2: N/A	15 feet minimum
Side	142 ± feet	Lot 1: 15 ± feet Lot 2: N/A	15 feet minimum
Rear	102 ± feet	Lot 1: 102 ± feet Lot 2: N/A	15 feet minimum
Accessory Structure	2 structures totaling 710 ± square feet	unknown	5% of the total land area of the property
Parking			
Vehicular	2	unknown	2 auto parking stalls per dwelling unit min.
Bicycle	N/A	N/A	N/A
ROW Dedication	N/A	42.5 feet dedicated for Wilt Avenue	42.5 feet for Wilt Avenue
Landscaping			
% of property (less building pad & screened storage)	N/A	N/A	N/A
Total sq. ft. of landscaping	N/A	N/A	NA
Buffering			

Bufferyard	N/A	N/A	N/A
Screen Type	N/A	N/A	N/A
Open Space, Trails, Parks, Recreation			
Acreage	N/A	N/A	N/A
Type	N/A	N/A	N/A
Other	N/A		

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	
Medians/ Parkways Landscaping	No	
Other	N/A	

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Single-Family Residence	N/A	REM (Single-Family Residential Estate Mobile)
North	Single-Family Residence	N/A	REM (Single-Family Residential Estate Mobile)
South	Single-Family Residence	N/A	REM (Single-Family Residential Estate Mobile)
East	Single-Family Residence	N/A	REM (Single-Family Residential Estate Mobile)
West	Single-Family Residence	N/A	REM (Single-Family Residential Estate Mobile)

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance	N/A
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Case S-11-028 (Alternate Summary Sub.) - For specific comments and/or conditions for, see attached.

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	Yes
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	Yes
CLC Traffic	Yes	No
CLC Land Management	No	No
CLC Surveyor	No	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	Yes
CLC Parks	Yes	No

Case S-11-028W (Waiver Request) - For specific comments and/or conditions for see attached.

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	No	No
Metropolitan Planning Organization (MPO)	No	No
CLC CD Engineering Services	No	No
CLC Traffic	No	No
CLC Fire & Emergency Services	Deferred	N/A
CLC Utilities	Deferred	N/A
CLC Parks	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Conclusion:

The subdivision of one (1) existing 2.384 ± acre single-family residential tract zoned REM (Single-Family Residential Estate Mobile) into two (2) new single-family residential lots meets all development standards of the REM zoning district. The City of Las Cruces Subdivision Code and Design Standards require all subdividers to provide the necessary amount of right-of-way dedication and road improvements to all streets adjacent to the proposed subdivision. The proposed subdivision is adjacent to Jefferson Lane and Wilt Avenue, a Collector roadway as classified by the Metropolitan Planning Organization (MPO).

Wilt Avenue is currently paved, but not completely improved to city standards. The applicants are responsible for providing the required additional right-of-way dedication and for the construction of the road improvements along Wilt Avenue. This includes dedicating the 42.5 foot wide segment required for the build-out of Wilt Avenue and constructing one-half (1/2) of the required 85 foot wide street cross-section of Wilt Avenue containing sidewalk, curb, and gutter along the entire 316.47 ± foot long the western boundary line of the subdivision.

The applicants are proposing to dedicate the required additional right-of-way for Wilt Avenue, but are requesting to waive 100% of the required road improvements. Jefferson Lane was recently built-out by the City of Las Cruces and no additional dedication or improvements are required or requested for this street. The applicant's stated rationale for the request is that they perceive the proposed subdivision will have no impact on the traffic along Wilt Avenue, therefore, road improvements are not needed since all entrances for the subdivision are proposed along Jefferson Lane and not Wilt Avenue. The applicants have also indicated the cost for constructing the required road improvements are too extreme for the purpose of only splitting one existing tract into two new residential lots.

The hardships expressed by the applicants and listed above do not demonstrate a substantial hardship for approval of a waiver request as outlined in Article 6, Section 37-332 of the City of Las Cruces Subdivision Code; specifically, the hardship must be "due to exceptional topographic, soil, or other surface or sub-surface conditions or that such conditions would result in inhibiting the objectives of the code." Furthermore, as areas throughout the City have been developed and waivers to road improvements granted, the proliferation of obsolete roads has created access issues that have the potential for safety hazards as well as a monetary burden to the City and Citizens of Las Cruces for the future improvement to these roadways to rectify their inadequacies. Article I, Section 38-2 of the 2001 Zoning Code, as amended, specifically states the intent of the Code is "to promote the health, safety, and general welfare of the community," to "secure safety..." and is to "facilitate adequate provision for transportation..." Based on the intent of the code, the waiver request is not justified.

DRC RECOMMENDATION

On July 11, 2012 the Development Review Committee (DRC) reviewed the proposed alternate summary subdivision and waiver request. The DRC reviews subdivisions from an infrastructure, utilities and improvement standpoint. After some discussion the DRC recommended approval for the proposed subdivision and denial for the proposed waiver request. Please refer to Attachment #5 for more details about the discussions that took place at the DRC meeting.

STAFF RECOMMENDATION

Staff recommends **DENIAL** for the proposed waiver to road improvements and **CONDITIONAL APPROVAL** for the proposed alternate summary subdivision based on the following findings:

FINDINGS FOR DENIAL OF CASE S-11-028W (WAIVER)

1. Construction of all subdivisions (public and private improvements) within the corporate limits of the city shall conform to all applicable sections of the City Design Standards. (Subdivision Code Article 12, Section 37-360)
2. Access to lots within a residential subdivision shall be from a dedicated and accepted improved public right-of-way. (Design Standards Article 2, Section 32-36)
3. A subdivider is responsible for providing road improvements for one-half (1/2) of an adjacent Collector roadway including sidewalk, curb and gutter. (Design Standards Article 2, Section 32-36)
4. The applicant or their representative has not demonstrated the need for the waiver due to a substantial hardship due to exceptional topographic, soil, or other surface or sub-surface conditions or that such conditions would result in inhibiting the objectives of the code. (Subdivision Code Article XI, Sec. 37-332)

FINDINGS FOR APPROVAL OF CASE S-11-028 (SUBDIVISION)

1. The proposed alternate summary subdivision is proposing to subdivide one (1) existing 2.384 ± acre tract zoned REM (Single-Family Residential Estate Mobile) into two (2) new single-family residential lots and meets all development standards of the REM zoning district. (2001 Zoning Code Article 4, Section 38-31D)
2. The proposal is consistent with the requirements of the City of Las Cruces Subdivision code for an Alternate Summary Subdivision.

CONDITIONS FOR CASE S-11-028 (SUBDIVISION)

1. The applicants shall finalize all outstanding comments and conditions stipulated by the reviewing departments for the proposed alternate summary subdivision.

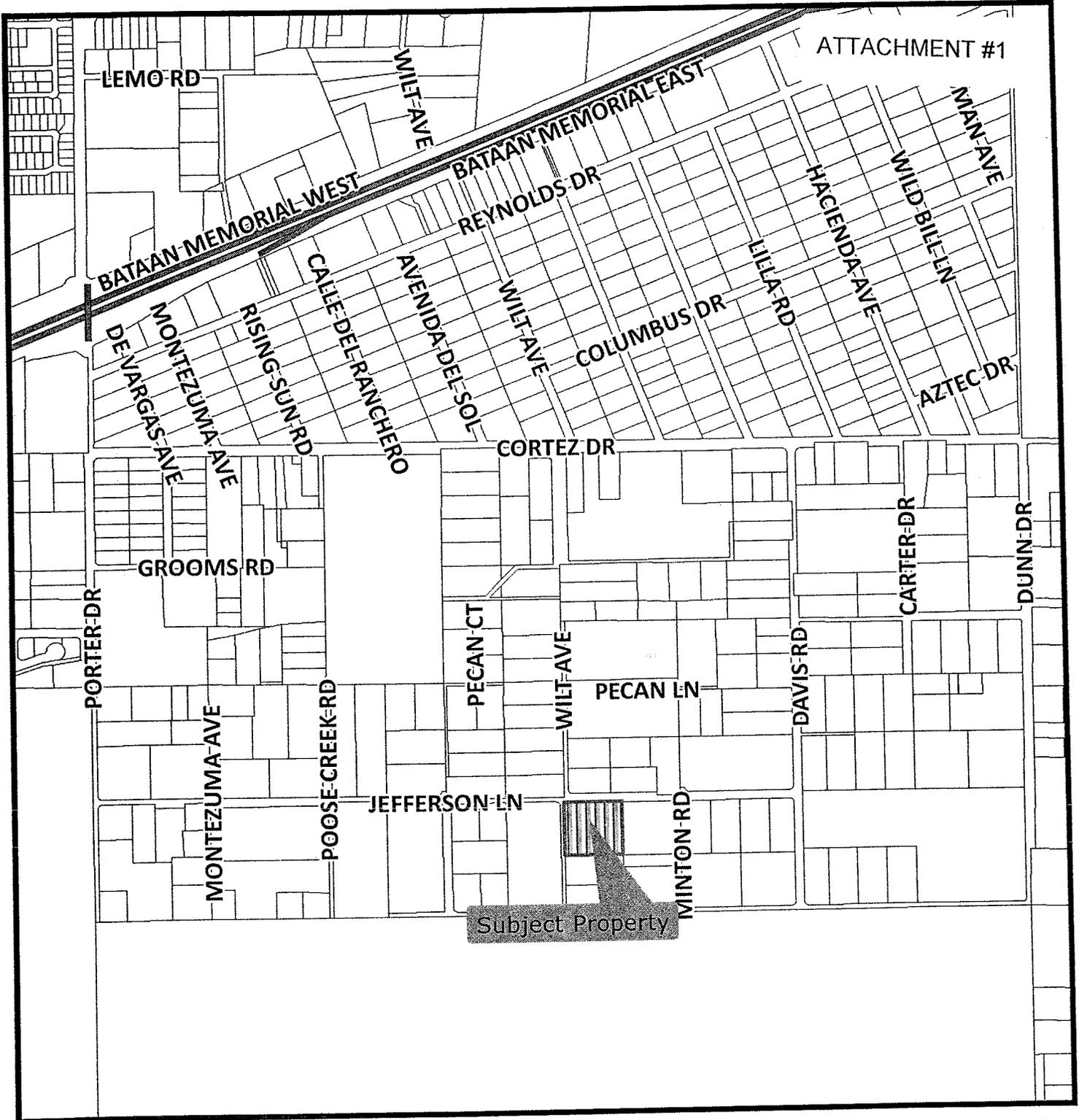
ATTACHMENTS

1. Vicinity Map
2. Aerial Map
3. Development Statement
4. Proposed Subdivision
5. Location Survey
6. Applicant's Waiver Request
7. DRC Minutes dated July 11, 2012
8. Reviewing Department/Agency Comments and/or Conditions

Location Vicinity Map

ZONING: REM
OWNER: CHARLES H & SIERRA GLYPH

PARCEL: 02-19301
DATE: 07/10/2012



ATTACHMENT #1

Subject Property



Legend

Interstates_Highway
 EBID Water System
 Railroad

Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

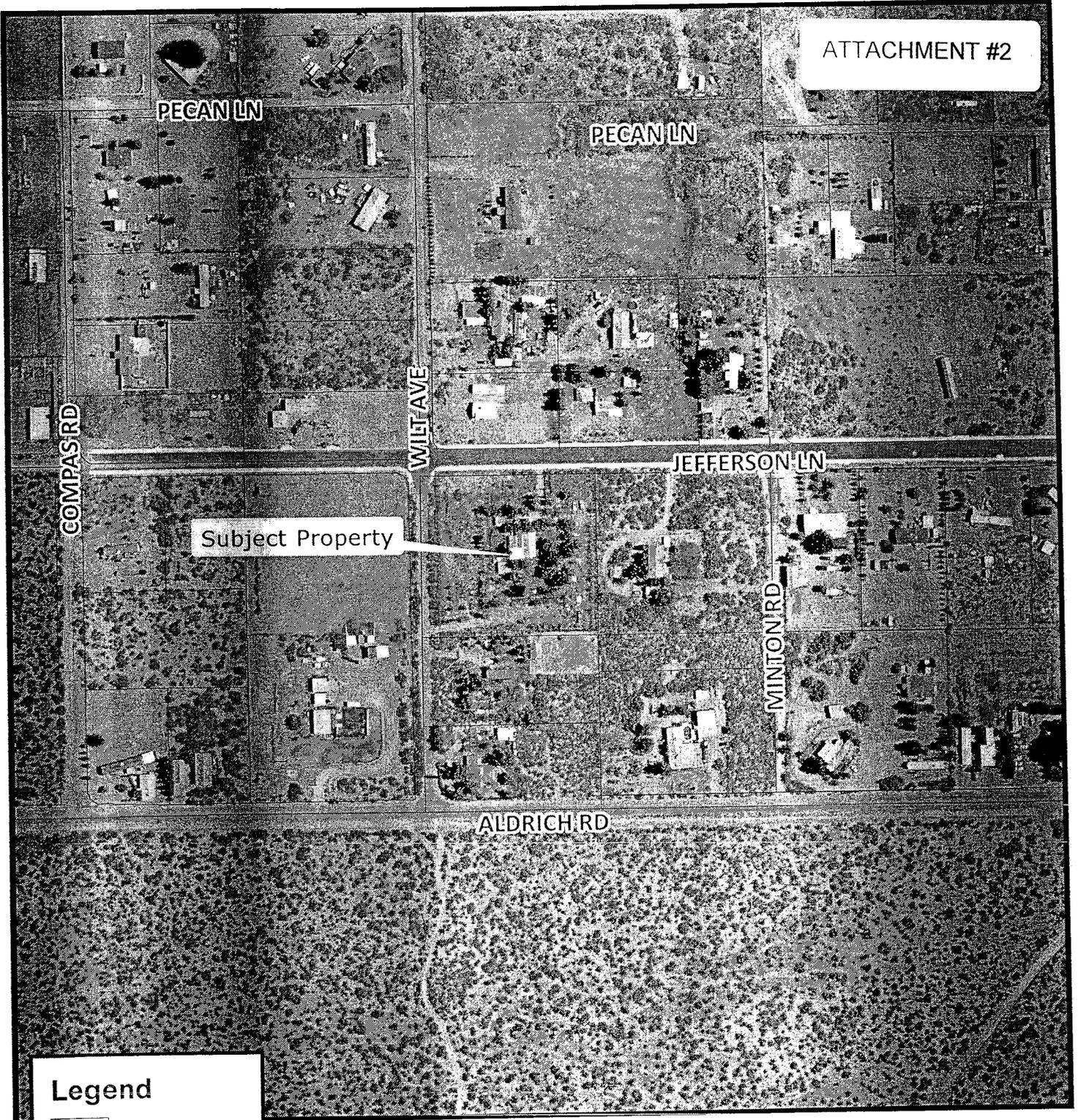
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

ZONING: REM
OWNER: CHARLES H & SIERRA GLYPH

298
Aerial View

PARCEL: 02-19301
DATE: 07/10/2012

ATTACHMENT #2



Legend

 City Parcel

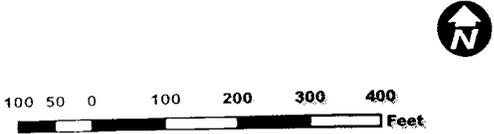
DAC_2010.ecw

RGB

 Red: Band_1

 Green: Band_2

 Blue: Band_3



Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

DEVELOPMENT STATEMENT for City Subdivision Applications

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: _____

Contact Person: Aaron Glymp

Contact Phone Number: (575) 202-0108

Contact e-mail Address: _____

Web site address (if applicable): _____

Proposal Information

Name of Proposal: SIERRA TRACTS SUBDIVISION

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Single family Residential Estate Mobile

Location of Subject Property _____

(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Acreage of Subject Property: 2.384 Acres

Zoning of Subject Property: RE-M

Proposed number of lots One to two, to be developed in One (1) phase (s).

Proposed square footage range of homes to be built _____ to _____

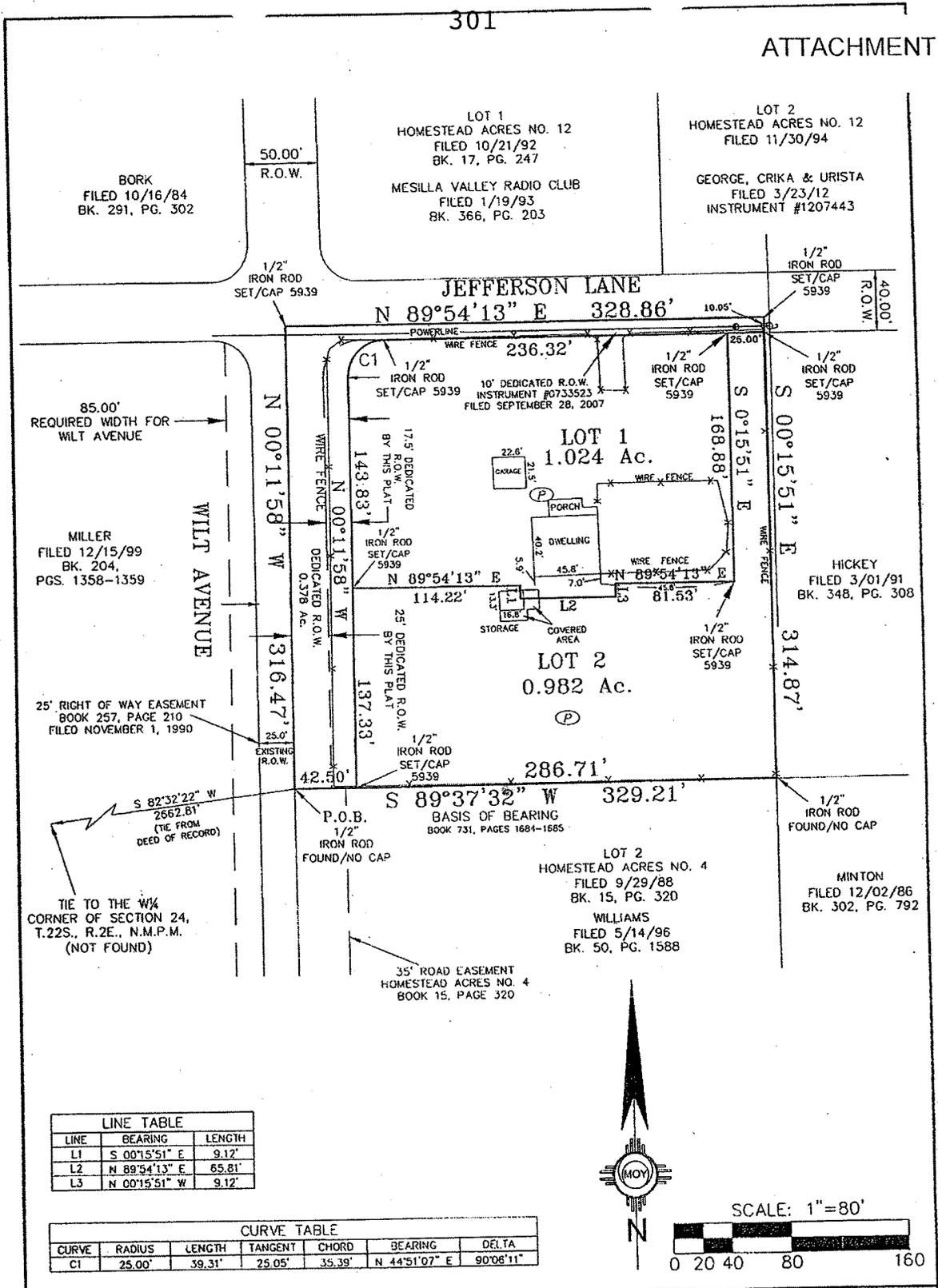
Anticipated traffic generation _____ trips per day.

Anticipated development schedule: work will commence on or about _____ and will take _____ to complete.

How will storm water be retained on site (detention facility, on-lot ponding, etc.)?

on-lot ponding

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional). _____



85.00' REQUIRED WIDTH FOR WILT AVENUE

MILLER FILED 12/15/99 BK. 204, PGS. 1358-1359

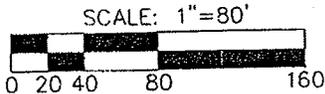
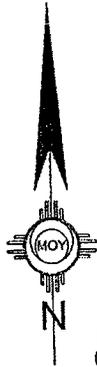
25' RIGHT OF WAY EASEMENT BOOK 257, PAGE 210 FILED NOVEMBER 1, 1990

TIE TO THE W/4 CORNER OF SECTION 24, T.22S., R.2E., N.M.P.M. (NOT FOUND)

35' ROAD EASEMENT HOMESTEAD ACRES NO. 4 BOOK 15, PAGE 320

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 00°15'51" E	9.12'
L2	N 89°54'13" E	65.81'
L3	N 00°15'51" W	9.12'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	25.00'	39.31'	25.05'	35.39'	N 44°51'07" E	90°08'11"



JORGE MOY, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

MOY SURVEYING INC.
 414 N. DOWNTOWN MALL
 LAS CRUCES, NEW MEXICO
 88001
 PHONE: (505) 525-9683
 FAX: (505) 524-3238

JOB NO. 11-0494C
 DRAWN BY JUAN GARCIA
 FIELD BY PETE/MIGUEL
 DATE 8/17/11 SCALE: 1"=80'

Sierra Glymph and Charles Glymph
4640 Wilt Ave.
Las Cruces, New Mexico 88011

April 4, 2012

Re: Waiver of Road Improvements
Property Tax ID # 4-012-130-277-213
Parcel ID # 02-19301

In regards to this proposed subdivision, we would appreciate the consideration of the city to waive any and all fees and costs associated with the cities plan to expand Wilt Ave. on the west side of this property.

Please take into consideration that we have previously ceded our land to the city for the now completed road improvements to Jefferson Ln. (10 ft in depth along the entire north side of the property) as well as the originally proposed improvements to Wilt Ave. (25 ft along the entire west side of the property). Our proposed subdivision will have no impact upon traffic on the Wilt Ave. side of the property since the second property's entrance will be on the north east corner of the lot, on Jefferson Ln.

We are willing to cede the additional 17.5 ft, totaling 42.5 ft as requested by the city along the entire west side of the property. With the stipulation that there be no fees, charges or improvement costs associated with this section of property to be ceded.

Thank you for your consideration,

If there are any questions, comments or concerns regarding this request please contact me. My direct line is (575)202-0108 for Aaron Glymph

Sincerely,

Sierra, Charles, and Aaron Glymph

Signature(s): Sierra Glymph Date: 11 April, 2012
 Signature(s): H.C. Glymph Date: April 11, 2012
 Signature(s): Aaron Glymph Date: 4/11/12



City of Las Cruces

DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the minutes from the Development Review Committee meeting held on Wednesday, July 11, 2012 at 9:00 a.m. at the City Hall, Room 1158, 700 North Main Street, Las Cruces, New Mexico.

DRC Present: Robert Kyle, Community Development
 Mark Dubbin, Fire Department
 Meei Montoya, Utilities
 Mark Johnston, Parks and Recreation
 Tom Murphy, MPO
 Rocio Dominguez, Community Dev., Technical & Engineering
 acting for Loretta Reyes, Public Works

Staff Present: Katherine Harrison-Rogers, Community Development
 Todd Taylor, Community Development
 Susana Montana, Community Development
 Michael Q. Hernandez, Public Works, Land Management
 Dianne Wax, Recording Secretary, Community Development

Others Present: Jorge Moy, Moy Surveying
 Sandra L. Valdez, Moy surveying
 Aaron Glymph, Property owner

I. CALL TO ORDER

Kyle: All right, let's go ahead and call this meeting of the DRC to order. It is approximately 9:00 am on July the 11th

II. APPROVAL OF MINUTES - May, 2, 2012

Kyle: The first item is approval of the minutes from the June 20, 2012 DRC meeting. Were there any corrections to the minutes? Utilities had some. Meei, do you want read those into the record?

Montoya: On page 4, line 30 I believe John Reid had a correction and I believe the correction has already been reflected on the minutes.

Kyle: All right. Any other corrections? If not can I have a motion to approve the minutes?

1
2 Johnston: So moved. Mark Johnston.

3
4 Kyle: Second?

5
6 Montoya: Second. Meei Montoya.

7
8 Kyle: All those in favor say aye.

9
10 All: Aye.

11
12 Kyle: Opposed? Seeing none the minutes are approved.

13
14 **III. OLD BUSINESS – None**

15
16 Kyle: We have no Old Business.

17
18 **I. NEW BUSINESS**

19
20 **1. S-11-028 – Sierra Tracts Subdivision, Alternate Summary**

- 21 • A request for approval of an alternate summary subdivision known as
- 22 Sierra Tracts.
- 23 • The alternate summary proposes two (2) new single-family residential lots
- 24 from one (1) existing tract of land.
- 25 • The subject property encompasses 2.384 ± acres, is zoned REM (Single-
- 26 Family Residential Estate Mobile) and is located on the southeast corner
- 27 of Jefferson Lane and Wilt Avenue.
- 28 • Submitted by Sierra Glymph & Charles H. Glymph, property owners.

29
30 **2. S-11-028W – Sierra Tracts Subdivision, Waiver Request**

- 31 • A request for approval to waive 100% of road improvements for an
- 32 alternate summary subdivision known as Sierra Tracts.
- 33 • The proposed subdivision requires the applicant to dedicate the additional
- 34 right-of-way and improve half of the required cross-section of Wilt Avenue,
- 35 a designated Collector roadway per the Metropolitan Planning
- 36 Organization (MPO), for the entire 316.47 ± feet of frontage along the
- 37 western property line of the subject property.
- 38 • Right-of-way dedication is proposed and is not part of the waiver request.
- 39 • The subject property encompasses 2.384 ± acres, is zoned REM (Single-
- 40 Family Residential Estate Mobile) and is located on the southeast corner
- 41 of Jefferson Lane and Wilt Avenue.
- 42 • Submitted by Sierra Glymph & Charles H. Glymph, property owners.

43
44 Kyle: New Business: we have two items of new business. They relating to the
45 same proposal; however, they would like for us to discuss them kind of as
46 one item then we can vote on the individual items separately. The first

1 item is S-11-028. It's a Sierra Tracts Subdivision and the second item is
 2 S-11-028W, which is a waiver request associated with the Sierra Tracts
 3 Subdivision. Staff, can you kind of give us a briefing of the items before
 4 us?

5
 6 Harrison-Rogers: Absolutely! The Sierra Tract Subdivision is an alternate summary
 7 subdivision, meaning that it was not previously subdivided and it's only
 8 going to be split into two lots. Currently there's a single-family residence
 9 on the property. It encompasses about 2.384 acres. It is zoned REM. It
 10 is currently meeting the requirements of that particular zoning district. It is
 11 also located on the corner of Jefferson Lane and Wilt Avenue. The only
 12 issue thus far is that we haven't received numbers regarding certain
 13 setbacks from particular structures. That's the only thing that is still in
 14 question for this particular subdivision.

15 The waiver request, which is S-11-028W, is to waive 100% of the
 16 road requirements along Wilt Avenue. Jefferson is already built out. The
 17 City received funds to build that out so it is up to Standards. The applicant
 18 is proposing to dedicate the right-of-way for Wilt; however, just not the
 19 improvements. It is roughly 316.47 feet of frontage that we're talking
 20 about. It would include half of the required cross-section, which is curb,
 21 gutter, sidewalk and the applicant is not proposing an alternative to those
 22 improvements. If there are any other questions perhaps we can elaborate
 23 but that's the basics.

24
 25 Kyle: Okay. Does the applicant or their representative...Mr. Moy, do you have
 26 anything to add to what's already been stated or related to in the request?

27
 28 Moy: Jorge Moy. I got what she's missing. We submitted the location of the
 29 improvements which you mentioned. I'm trying to find an extra copy
 30 here...but we submitted that. That's the only thing that was missing.
 31 Here's the location of improvements that exist right now.

32
 33 Harrison-Rogers: Were the actual measurements from the...I know it's to scale, but
 34 were the actual measurements included on here as well?

35
 36 Moy: I believe so.

37
 38 Harrison-Rogers: Okay.

39
 40 Moy: I don't know if you are going to need anything extra. Anything missing I'll
 41 be glad to furnish it to you.

42
 43 Kyle: Mr. Moy, what's the justification for the road waiver? Or what's the
 44 applicant's justification for the road waiver?

45
 46 Moy: Well, it's a very simple deal. He granted right-of-way on Jefferson Lane.

1 He granted on Wilt Avenue. He granted what he was asked before, 17 ½
2 feet and now you are increasing another 25 feet on that thing, so he's, in
3 realty. The other thing: granting almost 22 ½ feet of right-of-way plus
4 whatever is on Jefferson Lane and the cost of doing that is very high. I
5 understand you don't approve that but we are taking our chances to ask
6 for the variance on that Lane because I consider this unjust after giving
7 half, almost one-third of his minimum there for roads. He still has to
8 provide the improvements. It's only two lots. He's not developing for any
9 profit or anything like that. It's just between him and his sister that are
10 trying to divide their property and I don't see any commercial purpose in
11 this or anything that is going to affect it if he doesn't do this. These roads
12 are in the process to be worked out by the City so take it from there and
13 see that it is too harsh a deal to take for almost the cost of one of the lots
14 is what it is going to cost him to develop that road.

15
16 Kyle: The property owners were reimbursed for the property acquired on
17 Jefferson Lane, via HUD requirements; so they were reimbursed. It
18 wasn't dedicated. It was purchased. That project also was built into the
19 street so the property is, in a sense, received the benefit of already having
20 infrastructure and dedication and right-of-way provided that ordinarily
21 they'd be required to do as part of the subdivision process, I want that
22 noted for the record.

23 On the second issue: Mr. Moy, thank you for providing the
24 improvement survey. It looks like, at least in the current layout proposed,
25 that some variances will have to be included with this request. It looks like
26 there is about a 5.9 foot setback from the dwelling to the proposed
27 property line on the south. The required setback would be 15 feet. Is
28 there a way that the property could either be platted to not require a
29 variance to those setbacks or...

30
31 Moy: What's your assessment of the setbacks? You say it's 5.9 and 17 on the
32 other side...

33
34 Kyle: According to the (*inaudible*), Mr. Moy.

35
36 Moy: Okay, how much is it that you need?

37
38 Kyle: Well, 15 feet is the requirement.

39
40 Moy: There's no way. The reason that it turned out that way is because this
41 house was first facing the other way, was singled out. It was facing Wilt
42 Avenue. When they decided to take additional right-of-way, the incentive
43 it was going to be also on Wilt Avenue. So then they turned us around to
44 go through Jefferson Lane to provide all of those things; and in order to
45 that we can, I guess, adjust the line but I prefer not to because that gives
46 only the amount of land that should be there. So this is something that

- 1 existed there before your setbacks were put in there.
- 2
- 3 Harrison-Rogers: Well, you're creating the setbacks... this is Katherine Harrison-
- 4 Rogers for staff...with the subdivision of this parcel. Essentially, you're
- 5 creating a non-conforming setback that would require a variance. There
- 6 are alternatives: moving that lot line, narrowing that lot, making a jog
- 7 around that or applying for a variance.
- 8
- 9 Moy: Okay, I'll have to discuss that with the owner on that because...*(to owner)*
- 10 Do you understand what they're talking about?
- 11
- 12 Glymph: Yeah.
- 13
- 14 Moy: That they want it close to the house *(inaudible three people speaking)*
- 15
- 16 Glymph: The house is too close to this line there.
- 17
- 18 Kyle: Right. If this line were moved 10 feet it would take away the need for a
- 19 variance in relation to that setback.
- 20
- 21 Glymph: Okay.
- 22
- 23 Moy: Actually, it is 9 feet, she says...
- 24
- 25 Kyle: 9.1
- 26
- 27 Moy: ...that we can make the jog like this and just make it and leave a jog and
- 28 make this line like this or we can move the whole line.
- 29
- 30 Glymph: Yeah. For the purposes of where the lines are, for my sister and I it
- 31 doesn't matter. Whatever is required to get the releasing the approval for
- 32 the division of the property, where the actual lines are does not matter to
- 33 us.
- 34
- 35 Harrison-Rogers: I would advise that, being this is a self-imposed need for a variance,
- 36 that the likelihood that staff would be supportive of a variance isn't very
- 37 high. I would recommend that if you have any alternative of moving that
- 38 line that that be the approach that you take just simply because it's
- 39 simpler, it'll save you money and time in the end, at least from our
- 40 standpoint.
- 41
- 42 Glymph: And from the issue, I believe, is the amount. It has to be three-quarters of
- 43 an acre of the lot so taking a section out of that back portion would reduce
- 44 the property size below the required amount for the zoning.
- 45
- 46 Harrison-Rogers: There are a number of alternatives, I mean, you could some

- 1 interesting lines...
- 2
- 3 Moy: ...this one is where...
- 4
- 5 Kyle: Why aren't...I mean, in relation to that particular trade-off, you're showing
6 that access out to Jefferson Lane. Why are we doing that when the lot
7 has the front edge...other than the fact that that's...
- 8
- 9 Glymph: That was suggested to *(inaudible)*.
- 10
- 11 Kyle: Well, it's a Collector so you're right. We don't want properties to do that.
- 12
- 13 Glymph: And if the other possibility would be: on that east side if, as long as the
14 zoning...I wouldn't care about the fact that the yard fence is there. We
15 can make the driveway be additional space and move the south line back
16 away from the house as long as they don't care about the fence line being
17 there for the gated yard for my sister's section of the property, that
18 wouldn't matter. Where the space goes doesn't really apply as long as it
19 fits to the standards that you guys need for design.
- 20
- 21 Kyle: Yeah, it has to be addressed one way or another: either variance or we
22 make the....
- 23
- 24 Glymph: If there's no issue with the yard then the 25 feet can be extended to 35 or
25 whatever needed to be to meet the requirement.
- 26
- 27 Kyle: You guys don't mind having a fence run across your property? That's a
28 civil matter between the two property owners. We just don't want
29 structures crossing the line.
- 30
- 31 Glymph: Yeah, as long as the fence line isn't an issue with the lines and that would
32 give significant...that would give plenty of space on both east and the
33 south side.
- 34
- 35 Kyle: How do you wish to proceed if you choose to go the variance route that
36 decision needs to be made now because the claim and dedication would
37 have to act on that as part of it.
- 38
- 39 Moy: We have already decided that we're going to move the line so for the
40 granting setback there's no problem. We can do that pretty easily. No
41 problem on that issue.
- 42
- 43 Kyle: All right. With that particular issue resolved, let's go around the room.
44 Utilities, do you have any issues?
- 45
- 46 Montoya: We don't have any issues.

- 1
2 Kyle: Rocio?
3
4 Dominguez: Rocio Dominguez, Community Development/Public Works. As far as the
5 subdivision itself we don't have an issue after those things have been
6 resolved and I know we're taking a different view to see the waivers; so
7 the subdivision itself, not a problem.
8
9 Kyle: Fire?
10
11 Dubbin: Mark Dubbin, Las Cruces Fire Department. We have no issues.
12
13 Kyle: Land Management?
14
15 Hernandez: Michael Hernandez, Land Management. I have no issues as long as
16 those comments are addressed that have been (*inaudible*)
17
18 Kyle: MPO?
19
20 Murphy: Tom Murphy, MPO. No issues on the subdivision.
21
22 Johnston: Mark Johnston, Parks and Recreation. No issues.
23
24 Kyle: All right. With that in mind, can I have a motion regarding the subdivision,
25 S-11-028, just the Sierra Tracts Subdivision? May I have a motion to
26 recommend approval of the subdivision with that setback issue being
27 resolved?
28
29 Dominguez: Rocio Dominguez, so moved.
30
31 Dubbin: Second. Mark Dubbin.
32
33 Kyle: All those in favor please signify by saying aye.
34
35 All: Aye.
36
37 Kyle: Any opposed? Very well. Then the next item: S-11-028W, the waiver for
38 the required road improvements for that approximate 319-foot stretch of
39 Wilt Avenue. Essentially pursuant to the City's Design Standards they
40 would be required to build the equivalent of a mile of Local road, just for
41 the record, curb, gutter, hot mix asphalt, etc. on a compacted base course;
42 and the waiver is to not provide those particular improvements. They are
43 dedicating the necessary right-of-way to comply with the MPO
44 Thoroughfare Plan. So in regards to the waiver for the road
45 improvements, Planning: discussion or comments?
46

- 1 Harrison-Rogers: No comment or discussion. We will defer to the Engineering side of
2 things but at this point in time we are not supportive of the waiver.
3
- 4 Kyle: Utilities?
- 5
6 Montoya: We will defer the decision to either Public Works or Transportation
7 Department. We will support their decision.
8
- 9 Kyle: Rocio?
- 10
11 Dominguez: Rocio Dominguez, Public Works representative, we're not supporting that
12 and that is based on the Design Standards, Section 32-36 and that reads:
13 "The subdivider shall provide the following street improvements or pay for
14 the cost of these improvements to the City." This is a Collectors so half a
15 section, including sidewalk, curb and gutter," and then from there to the
16 Subdivision Regulations, which is Article 11, Waiver Regulations and it's
17 Section 37-332, Waivers, and it says: "A substantial hardship to the
18 subdivider because of exceptional topographic, soil or other surface or
19 sub-surface conditions or that such condition will be self-inhibiting the
20 objectives of this Code." So, basically, we're not in support of that waiver.
21
- 22 Kyle: Okay. Fire?
- 23
24 Dubbin: Mark Dubbin, Las Cruces Fire Department. We don't support the waiver
25 either and in a site visit out there Wilt Avenue is not in compliance with the
26 International Fire Code.
27
- 28 Kyle: Land Management?
- 29
30 Hernandez: No issues.
- 31
32 Kyle: No issues. MPO?
- 33
34 Murphy: Tom Murphy, MPO. Again, we can't support the waivers for the same
35 reasons. It is a requirement of the Code to do those improvements,
36 although we realize that on this scale it is a difficult thing to do, but that's
37 why we're in that situation is because in the past things have been done,
38 you know, on a small scale, they've been waived bit by bit and it's created
39 the conditions that the Regulations to avoid.
40
- 41 Kyle: Parks, any issues with the waiver?
- 42
43 Johnston: Mark Johnston, Parks and Recreation. I will defer and support those at
44 the table that have direct effect by this waiver request.
45
- 46 Kyle: Very well. Just a reminder to the Committee: this is a recommendation

1 on the waiver. This proposal will be forwarded to the Planning and Zoning
2 Commission, which will then make a recommendation and ultimately the
3 waiver request has to go to the City Council for final consideration. So
4 again, this is just a recommendation. With that in mind, may I have a
5 motion to approve the waiver request to road improvements to Wilt
6 Avenue?

7
8 Dubbin: So moved. Mark Dubbin.

9
10 Kyle: Second?

11
12 Murphy: Second. Tom Murphy.

13
14 Kyle: All those in favor please signify by saying aye. *(no one spoke)* Opposed?

15
16 All: No.

17
18 Kyle: That being said the motion to recommend approval is denied.

19
20 **IV. ADJOURNMENT (9:09 am)**

21
22 Kyle: Any other topics for the DRC's discussion today? Seeing none can I have
23 a motion to adjourn?

24
25 Johnston: So moved. Mark Johnston.

26
27 Murphy: Second.

28
29 Kyle: Okay. We are adjourned.

30
31
32

Chairperson

CITY SUBDIVISION REVIEW

DATE: April 30, 2012

REVIEW: #1
CASE NO.: S-11-028

TO: ENGINEERING SERVICES
 TRAFFIC ENGINEERING
 LAND MANAGEMENT
 SURVEYOR
 CURRENT PLANNING
 OTHER: ADDRESSING

UTILITIES
 FACILITIES
 FIRE DEPARTMENT
 LAS CRUCES M.P.O.
 ADVANCED PLANNING

FROM: Adam Ochoa, Planner

SUBJECT: Sierra Tracts Subdivision
Alternate Summary

Please review and return to the Community Development Department no later than May 7, 2012.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 5/7/12

REVIEWER NAME: Andrew Wray
REVIEWER CONTACT NO. 3070

COMMENTS:

No Comment

314
CITY SUBDIVISION REVIEW

DATE: June 19, 2012

REVIEW: #2
CASE NO.: S-11-028

TO: ENGINEERING SERVICES
 TRAFFIC ENGINEERING
 LAND MANAGEMENT
 SURVEYOR
 CURRENT PLANNING
 OTHER: ADDRESSING

UTILITIES
 FACILITIES
 FIRE DEPARTMENT
 LAS CRUCES M.P.O.
 ADVANCED PLANNING

FROM: Adam Ochoa, Planner

SUBJECT: Sierra Tracts Subdivision
Alternate Summary

Please review and return to the Community Development Department no later than **June 26, 2012**.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 6/22/12

REVIEWER NAME: Natasha Billy
REVIEWER CONTACT NO. 528-3496

COMMENTS:

- Grading / drainage comments addressed.
- Defer to PW/Land Management (including surveying) regarding how the additional 17.5' dedication is shown.

CITY SUBDIVISION REVIEW

DATE: April 30, 2012

REVIEW: #1
CASE NO.: S-11-028

TO: ENGINEERING SERVICES
 TRAFFIC ENGINEERING
 LAND MANAGEMENT
 SURVEYOR
 CURRENT PLANNING
 OTHER: ADDRESSING

UTILITIES
 FACILITIES
 FIRE DEPARTMENT
 LAS CRUCES M.P.O.
 ADVANCED PLANNING

FROM: Adam Ochoa, Planner

SUBJECT: Sierra Tracts Subdivision
Alternate Summary

RECEIVED

MAY 03 2012

TRAFFIC

Please review and return to the Community Development Department no later than May 7, 2012.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 5/4/12

REVIEWER NAME: SOLIAO
REVIEWER CONTACT NO. 2595

COMMENTS:

CITY SUBDIVISION REVIEW

DATE: June 19, 2012

REVIEW: #2
CASE NO.: S-11-028

TO: CURRENT PLANNING
 ENGINEERING SERVICES
 LAND MANAGEMENT
 SURVEYOR (rec'd 6/19/2012)
 CITY UTILITIES
 MPO

COUNTY PLANNING
 COUNTY ENGINEERING
 COUNTY FLOOD COMMISSION
 COUNTY FIRE
 NM ENVIRONMENTAL
 EBID
 OTHER (GIS)

FROM: Adam Ochoa. Planner

SUBJECT: Sierra Tracts Subdivision
Alternate Summary

Please review and return to the Community Development Department no later than **June 26, 2012**

APPROVED AS IS: YES

NO

APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 6/25/2012

REVIEWER NAME: ^{DC} Darryl Coster/Scott Farnham PE, PS
REVIEWER CONTACT NO. 528-3162/528-3118

COMMENTS:

1. From Review No. Comment No. 1 What is your Basis of Bearing, what is it based on?
2. The record information for existing right of way on Wilt Ave & Jefferson Lane, needs to be checked and revised.
3. From Review No. 1 Comment No. 9 Use property owner's full correct name as stated on the instrument of ownership.
4. From Review No. 1 Comment No. 11 Show city limits and section lines on vicinity map and enlarge the text on the vicinity map. (Very hard to read the small print)
5. From Review No. 1 Comment No. 13 Correct adjacent owner information. (See returned red line copy)
6. What is the purpose of tying to the W1/4 Corner of Section 24 when there is no monument?
7. There are several places where text needs to be corrected ie The Electric Company needs to read El Paso Electric; Centurylink should be one word no space; The name George is misspelled.
8. There is a stray line at the Southeast corner, what is this representing?
9. Check the instruments you call out for the Dedicated R-O-W.

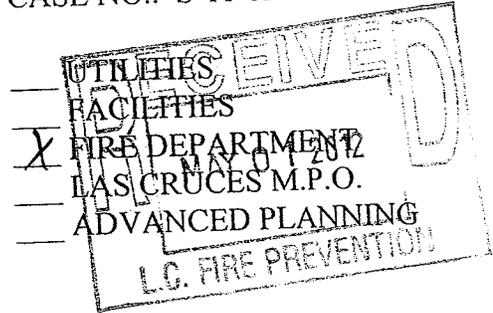
IF YOU HAVE ANY QUESTIONS OR WANT TO REVIEW ANY COMMENTS PLEASE CALL.

318
CITY SUBDIVISION REVIEW

DATE: April 30, 2012

REVIEW: #1
CASE NO.: S-11-028

TO: _____ ENGINEERING SERVICES
_____ TRAFFIC ENGINEERING
_____ LAND MANAGEMENT
_____ SURVEYOR
_____ CURRENT PLANNING
_____ OTHER: ADDRESSING



FROM: Adam Ochoa, Planner

SUBJECT: Sierra Tracts Subdivision
Alternate Summary

Please review and return to the Community Development Department no later than **May 7, 2012**.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 5/7/12

REVIEWER NAME: MD
REVIEWER CONTACT NO. X 4150

COMMENTS:

319
CITY SUBDIVISION REVIEW

DATE: July 12, 2012

REVIEW: #3
CASE NO.: S-11-028

TO: ___ ENGINEERING SERVICES x UTILITIES
 ___ TRAFFIC ENGINEERING ___ FACILITIES
 ___ LAND MANAGEMENT ___ FIRE DEPARTMENT
 ___ SURVEYOR ___ LAS CRUCES M.P.O.
 ___ CURRENT PLANNING ___ ADVANCED PLANNING
 ___ OTHER: _____

FROM: Adam Ochoa, Planner

SUBJECT: Sierra Tracts Sub.
 Alternate Summary

Please review and return to the Community Development Department no later than **July 19, 2012**.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: July 16, 2012 REVIEWER NAME: Melinda Morby
 REVIEWER CONTACT NO. 528-3525

COMMENTS:
No comments,

CITY SUBDIVISION REVIEW

DATE: April 30, 2012

REVIEW: #1
CASE NO.: S-11-028

TO: ENGINEERING SERVICES
 TRAFFIC ENGINEERING
 LAND MANAGEMENT
 SURVEYOR
 CURRENT PLANNING
 OTHER: ADDRESSING

UTILITIES
 FACILITIES
 FIRE DEPARTMENT
 LAS CRUCES M.P.O.
 ADVANCED PLANNING

FROM: Adam Ochoa, Planner

SUBJECT: Sierra Tracts Subdivision
Alternate Summary

Please review and return to the Community Development Department no later than May 7, 2012.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 5/1/12

REVIEWER NAME: M. Johnson
REVIEWER CONTACT NO. 2550

COMMENTS:



City of Las Cruces®
PEOPLE HELPING PEOPLE

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
July 24, 2012 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Charles Scholz, Chairman
Godfrey Crane, Vice Chair
William Stowe, Member
Ray Shipley, Member
Shawn Evans, Member
Donald Bustos, Member

BOARD MEMBERS ABSENT:

Charles Beard, Secretary

STAFF PRESENT:

Robert Kyle, Building and Development Administrator, CLC
Katherine Harrison-Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Mark Dubbin, CLC Fire Department
Bonnie Ennis, Recording Secretary, CLC

I. CALL TO ORDER (6:00 PM)

Scholz: Good evening and welcome to the Planning and Zoning Commission for July 24, 2012. I'm Charles Scholz, the Chair, and in just a moment we'll begin our hearing; but I want to introduce the members of our Commission first. On the far right is Commissioner Shipley. He represents District 6. Next to him is Commissioner Crane, Council District 4; Commissioner Stowe, District 1; Commissioner Evans, District 5, Commissioner Bustos; District 3 and; I am the Mayor's appointee to the Commission.

II. CONFLICT OF INTEREST

Scholz: Gentlemen, any conflict of interest here with the things that we are going to be doing today? No? Staff, any conflict of interest that you see? All right.

1
2 **III. APPROVAL OF MINUTES**
3

4 1. April 17, 2012 – Work Session
5

6 Scholz: Okay, our first order of business then is the approval of the minutes and
7 we actually have two sets of minutes today. One is from the April 17th
8 work session. Are there any additions or corrections to the April 17th work
9 session minutes? Commissioner Shipley.

10
11 Shipley: Page 7 on line 33 the second word should be ...it says, blueprint "I," and it
12 should be "is".

13
14 Scholz: That's line 33, you said?

15
16 Shipley: Yes.

17
18 Scholz: Blueprint "is." Okay. Thank you. Any other additions or corrections?
19 Yes, Commissioner Crane.

20
21 Crane: Also on page 7, one of my usual small points: line 15, if the organization is
22 the Institute of Transportation Engineers, plural, then that apostrophe
23 belongs after the "s."

24
25 Scholz: Thank you.

26
27 Crane: We just can't have this. *(laughing)*

28
29 Scholz: We'll make that correction. I don't know. *(inaudible)* Anything else? All
30 right, I'll entertain a motion to approve the minutes of April 17th, the work
31 session, as amended.

32
33 Shipley: So moved.

34
35 Scholz: Is there a second?

36
37 Bustos: Second.

38
39 Scholz: Okay, Shipley moved and Bustos seconded. All those in favor say aye.

40
41 All except Evans: Aye.

42
43 Scholz: Those opposed same sign? And any abstentions?

44
45 Evans: Abstain.

46
47 Scholz: One abstention. Okay, thank you very much. Evans was the abstention.

1
2 2. June 26, 2012 – Regular Meeting
3

4 Scholz: Okay, that brings us to the minutes of the last meeting and I read these
5 very thoroughly but, of course, I have no idea what went on since I wasn't
6 here. So I'll entertain a motion to approve these...or rather, any additions
7 or corrections, please. Commissioner Crane.
8

9 Crane: Page 1, line 36: we start as we usually do "by" introducing.

10
11 Scholz: "By" instead of "be."

12
13 Crane: And line 30, "My name's Godfrey Crane and 'I am' also..." I think belongs
14 in there.
15

16 Scholz: I believe you're right. Any other additions or corrections? All right, I have
17 a note here from the secretary who says, "I already caught the error on
18 page 13, line 11, where it should say 'adjournment 6:32.'" Okay, you want
19 to make that correction on your own copy. That's page 13, line 11. All
20 right, I'll entertain a motion to approve the minutes of the last meeting,
21 June 26th, as amended.
22

23 Stowe: So moved.

24 Scholz: All right. Stowe moves.

25
26
27 Shipley: Second.

28
29 Scholz: And Shipley seconds. All those in favor say aye.

30
31 Shipley, Stowe and Crane: Aye.
32

33 Scholz: Those opposed same sign...and abstentions? Two abstentions, actually;
34 Evans and Bustos and I will abstain, as well. Okay.
35

36 **IV. POSTPONEMENTS – NONE**
37

38 Scholz: That brings us to our first order of business: any postponements, Mr.
39 Ochoa?
40

41 Ochoa: Nothing tonight, sir.
42

43 **V. CONSENT AGENDA - NONE**
44

45 Scholz: Okay, how about anything on the Consent Agenda? I didn't see anything.
46

47 Ochoa: No, sir.

VI. OLD BUSINESS – NONE

Scholz: And no Old Business?

Ochoa: Nothing tonight, no.

VII. NEW BUSINESS

- 1. **Case S-11-028:** Application of Sierra Glymph and Charles H. Glymph for a subdivision known as Sierra Tracts Subdivision on a 2.384 ± acre lot located on the southeast corner of Wilt Avenue and Jefferson Lane; 4840 Wilt Avenue; Parcel ID# 02-19301. Proposed Use: A single-family residential subdivision of one (1) lot into two (2). Council District 6. **APPROVED 6-0**
- 2. **Case S-11-028W:** Application of Sierra Glymph and Charles H. Glymph to waive 100% of the requirements for road improvements to Wilt Avenue, a Collector roadway, for a distance of 316.47 ± feet of roadway along the western boundary line of a proposed subdivision known as Sierra Tracts Subdivision. The subject property is located on the southeast corner of Wilt Avenue and Jefferson Lane; 4840 Wilt Avenue; Parcel ID# 02-19301. Proposed Use: A single-family residential subdivision of one (1) lot into two (2). Council District 6. **APPROVED 5-1**

Scholz: Okay, so our new business is case S011-028 and then S-11-028W. Why are they set up separately?

Ochoa: Mr. Chair, these are two separate cases. If we could please make a motion to suspend the rules to hear both cases together, please?

Scholz: Okay, I'll entertain a motion to suspend the rules.

ShIPLEY: I move to suspend the rules.

Scholz: Okay, is there a second?

Evans: I second.

Scholz: Okay. ShIPLEY moves and Evans seconds. All those in favor say aye.

All: Aye.

Scholz: Those opposed same sign. All right, we've suspended the rules so we can discuss both of these at the same time. The way this works, by the way, for those of you in the audience who haven't been here before: we do the presentation by the City first; then we open it for public discussion; then we close it for public discussion; then the Commissioners discuss this

1 and then we vote on it. Okay? Actually, in this case we'll "un-suspend"
2 the rules, we'll go back into the rules. But that's all right. Go ahead, Mr.
3 Ochoa.

4
5 Ochoa: For the record, Adam Ochoa, Development Services. The one and only
6 presentation we have tonight, gentlemen, for two cases, S-11-028 and S-
7 11-028W. They are a request for approval for an alternate summary
8 subdivision known as Sierra Tracts and a waiver request to road
9 improvements for that subdivision. The subject property located here on
10 the vicinity map on the striped, light blue, you can see the purple sign
11 saying "subject property" poking right at it, located on Jefferson Lane, the
12 southeast corner of Jefferson and Wilt Avenue, south of what's Bataan
13 Memorial West out on the East Mesa of the city.

14 As I said, the subject property is located on the southeast corner of
15 Jefferson Lane and Wilt Avenue. The subject property currently
16 encompasses approximately 2.384 acres and is zoned REM, which is
17 Single-Family Residential Estate Mobile. Current on the property exists a
18 single family residence with, I believe, two accessory structures. The first
19 case we're looking at, which is S-11-028, the subdivision, is proposing an
20 alternate summary subdivision known as Sierra Tracts. This subdivision
21 will split one existing single-family residential tract into two new single-
22 family lots. These two new lots would meet all Development Standards of
23 the 2001 Zoning Code for the REM Zoning District as it's being proposed.

24 That subdivision shown here on the southeast corner of Jefferson
25 Lane, here to the north, and Wilt Avenue, to the west of the subject
26 property. Lot 1 being the more (*inaudible*) one and Lot 2, to the south.
27 Like I said, both properties are over an acre in size so they do meet
28 zoning requirements when it comes to minimum lot size, minimum width,
29 depth and so forth for the 2001 Zoning Code.

30 The second case we're looking at tonight is case S-11-028W. It is
31 a request for a waiver to the City of Las Cruces Subdivision Code and
32 Design Standards which essentially require all subdividers subdividing in
33 the City of Las Cruces to provide all and any necessary amount of right-of-
34 way dedication and road improvements to off-streets adjacent to whatever
35 proposed subdivision that is being proposed. This subdivision is adjacent
36 to Wilt Avenue, which is a designated Collector roadway by the
37 Metropolitan Planning Organization, or MPO, and is also adjacent to
38 Jefferson Lane.

39 First of all, let's just touch base on the one that's improved already.
40 The City of Las Cruces has recently improved Jefferson Lane. That being
41 said: no further improvements or right-of-way dedication are required for
42 Jefferson Lane for this subdivision. Although, the other street, Wilt
43 Avenue, is currently paved, sort of, but it's not completely improved to
44 what City Standards are for that property. The City of Las Cruces Design
45 Standards require the subdivider to not only dedicate the required right-of-
46 way for a Collector roadway but the Collector roadway will be 85-feet in

1 width; so the applicant would be required to dedicate half of that along
2 their property, 42 ½ feet...if we go back here to the proposed subdivision,
3 they'd be required to dedicate 42 ½ feet for the entire 316, give or take
4 some, feet of the proposed subdivision adjacent to Wilt Avenue. Those 42
5 ½ feet would then have to be improved to City Standards for what a
6 Collector roadway is. That includes driving aisles, curb, gutter, sidewalk,
7 possible bike lanes and possible lighting fixtures. Seen here are two
8 examples for City Design Standards for City Design Standards for a
9 Collector roadway: one being a road with no bike facilities; the other one
10 with the bike lane option. Essentially, the subdivider would be responsible
11 for building half of one of these two; again, 82 ½ feet worth of it, which
12 would include a median, two driving lanes, a bike lane or not, curb and
13 gutter, sidewalk and possible parkway and street lighting.

14 The applicant is proposing to dedicate the required additional right-
15 of-way for Wilt Avenue, the 42 ½ feet for that entire 316 feet of frontage
16 along Wilt Avenue; but is requesting to waive 100% of the required road
17 improvements to Wilt Avenue. The applicant has stated that the proposed
18 subdivision will not add any additional traffic onto Wilt Avenue because of
19 the fact that they're actually...again, if we go back to the subdivision
20 proposal, they are proposing a flag lot for Lot #2, the southern lot, which
21 would actually gain access to Jefferson Lane and no access would be
22 done off of Wilt Avenue for the proposed subdivision. The applicant has
23 also indicated that the cost of constructing required road improvements
24 are too extreme for the purpose of simply splitting one existing residential
25 tract into two new residential lots.

26 The hardships expressed by the applicant, unfortunately, do not
27 demonstrate or meet what's considered a hardship by the City of Las
28 Cruces Subdivision Code. Hardship would be something from some type
29 of soil or topographical problem with the area that we could take into
30 consideration for a hardship, as well as the staff's perspective that with the
31 construction of the road or payment-in-lieu of, which is another option that
32 could be done for this; essentially, that would greater benefit the
33 community and continue the whole health, safety and welfare of the City of
34 Las Cruces and the surrounding area of this subdivision. That being said,
35 the waiver request, staff believes is not justified.

36 Here is an aerial of the subject property, again highlighted in the
37 light blue box, seeing the dwelling here and the two accessory structures
38 on there. As you can see again, Jefferson Lane is completely built out
39 with the road, sidewalks, curbs and light and here is Wilt Avenue not
40 improved, as you can see just from the aerial itself, it's not the 85-foot
41 right-of-way that's required. Here are some site photos of the streets
42 adjacent to the property, this being the property on the east side and this
43 being Jefferson Lane, like I said, completely built out by the City, nothing
44 additional required for that. But I tried to take a picture here of the actual
45 sign of Jefferson and Wilt looking down south on Wilt Avenue in front of

1 the subject property, as you can see there, there is some paving for Wilt
2 Avenue but definitely not to City Standards.

3 On July 11, 2012 the DRC, or Development Review Committee,
4 reviewed the proposed subdivision and waiver request. After some
5 discussion at the DRC meeting, DRC recommended approval for the
6 proposed subdivision and denial for the proposed waiver request.
7 Tonight, gentlemen, the Planning and Zoning Commission is a
8 recommending body for the proposed subdivision and waiver request to
9 City Council so this will move forward as a recommendation to City
10 Council.

11 With that, gentlemen, your staff recommendation for case S-11-
12 028W, the waiver request, staff recommends denial for the proposed
13 waiver to the road improvements based on the findings found in the staff
14 report that you all got before the meeting. And as for case S-11-028, the
15 alternate summary subdivision, staff recommends a conditional approval
16 again based on the findings found in the staff report. The condition
17 stipulated by staff as you can possibly see in your staff report, we still
18 have some outstanding comments and conditions from various City
19 department. So staff is recommending a condition that: the applicant shall
20 finalize all outstanding comments and conditions stipulated by the
21 reviewing departments of the proposed subdivision.

22 Your options tonight, gentlemen, first for case S-11-028W, the
23 waiver request are: 1) to vote yes to approve the waiver request for case
24 S-11-028W; 2) to vote yes to approve the waiver request with any
25 conditions deemed appropriate by the P & Z; 3) to vote no and deny the
26 waiver request as recommended by staff for case S-11-028W, and; 4) to
27 table/postpone and direct staff accordingly.

28 For case S-11-028, the subdivision, your options tonight are: 1) to
29 vote yes to approve the subdivision as recommended by staff; 2) to vote
30 yes to approve the subdivision with additional conditions deemed
31 appropriate by the P & Z; 3) to vote no and deny the subdivision, and; 4) to
32 table/postpone and direct staff accordingly. No public input was received
33 by staff except for one phone call prior to the meeting this afternoon
34 simply just getting information on the proposed subdivision and waiver
35 request or what they're requesting. Other than that, no other public input
36 was received by staff. With that, the applicants are here if you have any
37 questions for them and I stand for questions as well, gentlemen.

38
39 Scholz: All right. Thank you, Mr. Ochoa. Questions for this gentleman?
40 Commissioner Crane or is that Commissioner Stowe's light that's on?

41
42 Crane: No, it's me.

43
44 Scholz: It's you. Go ahead.
45

- 1 Crane: Two questions, Mr. Ochoa, I did not have the opportunity to go and see
2 this property: what's the condition of Wilt Avenue north of Jefferson? It
3 looks as if it's not very improved.
4
- 5 Ochoa: No, sir. North of Wilt Avenue, with the actual build out of Jefferson Lane
6 they did build out kind of the entryways into Wilt Avenue to the south and
7 north but the north is essentially the same as what it is to the south. Wilt
8 Avenue is almost the same, I believe, there's some more dirt road patches
9 to the north on Wilt Avenue.
10
- 11 Crane: Okay, thank you. And the purpose of requiring the property owners to
12 build out their half of the road; is it as improvements are made to these
13 various lots the City will end up, the neighborhood will end up with a
14 complete road, right? Both sides?
15
- 16 Ochoa: Mr. Chairman, Commissioner Crane, that is correct.
17
- 18 Crane: Now, looking at the cross-section that you put up, that we don't have,
19 showing the bike lane and without bike lane...right...this one. I'm curious
20 to know who's responsible for digging the holes and laying in the utilities.
21 There's no arrangement here for stormwater, for example. Now, if the
22 present owners are required to put in curb, gutter, sidewalk and half a strip
23 of asphalt, well, they can't be required to put in a drop for storm drains
24 because there's no storm drain. So ultimately a storm drain has to come
25 along, presumably when the whole street is finished, in which case the
26 work that they paid for is going to get ripped up. Did I misunderstand
27 something?
28
- 29 Ochoa: Mr. Chairman, Commissioner Crane, the Code does require for any
30 subdivision in the City of Las Cruces to provide all required...not only the
31 improvements to the road or the option that we have in the past, require a
32 payment-in-lieu-of. That option was not put forward by the applicants.
33 They are going for the full waiver request. Just to let you know, just
34 driving down Jefferson Lane, there are some storm drains down Jefferson
35 Lane so tying into those or the proximity to those is a possibility. Of
36 course, not being part of Public Works or the Utilities Department I
37 couldn't explain further, sir.
38
- 39 Crane: But Wilt Avenue runs south of Jefferson and I guess that's downhill. So
40 the rain on Wilt is not going to drain north to Jefferson and we haven't
41 talked about gas and drinking water. Let me cut to the chase: the City is
42 hopeful, I guess, that it will end up with a bunch of patches, all done under
43 the same design, which will constitute a complete street for Wilt Avenue
44 along that block and blocks north and south. Right? But who has to do
45 the utilities?
46

- 1 Ochoa: Mr. Chairman, Commissioner Crane, the applicant would be required to do
2 any improvements to his utilities under those rights-of-way as well. If
3 there are existing utilities under there now then they are existing; but any
4 additional improvements to that right-of-way area would be up to the
5 applicant, sir.
6
- 7 Crane: So the applicants could be looking at curb, gutter, sidewalk and half a
8 roadway of asphalt and base and about 316 feet of sewer, a storm drain,
9 gas, electricity and drinking water. Is that true? It's being done piecemeal
10 so somebody's got to come and (*inaudible*) up the next section at some
11 point.
12
- 13 Ochoa: Mr. Chairman, Commissioner Crane, that is correct: it'd be their
14 responsibility.
15
- 16 Crane: Thank you.
17
- 18 Scholz: Commissioner Evans.
19
- 20 Evans: So Jefferson Lane was paved or the upgrades were done by the City? Is
21 that correct? Did I hear you say that?
22
- 23 Ochoa: Mr. Chairman, Commissioner Evans, that is correct. The City of Las
24 Cruces did improve all of that section of Jefferson Lane.
25
- 26 Evans: So what compelled the City of Las Cruces to do that as opposed to doing
27 some of these other areas?
28
- 29 Ochoa: Mr. Chairman, Commissioner Evans, I'll leave that to my supervisor for
30 that question.
31
- 32 Kyle: Mr. Chairman, Commission Members, Jefferson Lane was done as part of
33 a CDBG funded project. It was paid for with federal monies. The City is
34 the fiscal agent through the CDBG program. That particular roadway was
35 an identified project and that's why the City did that. It was done with
36 federal funds.
37
- 38 Evans: So at some point this was subdivided and the homeowners went in there
39 and purchased these individual parcels. Was that part of the city and did it
40 go through... I mean, why do we find ourselves here today where you have
41 residents, building permits have been issued. The properties have all
42 been subdivided but yet the original owner of all this land was never
43 required to put in all that infrastructure when it was originally developed or
44 sold.
45

- 1 Kyle: Mr. Chairman, Commission Members, this area was annexed in the
2 1980s. Significant, if not all, of that property was in its current condition at
3 the time it was annexed. The County subdivision rules, etc. may not have
4 required improvements at that particular time and following annexation the
5 City and establishment of the requisite rules which, of course, evolved
6 over time would make those requirements. This particular piece of
7 property, I do not believe, is part of a prior subdivision. I think it's a parcel
8 of land that came into the city in that condition so it was not subject to the
9 current rules. They are subdividing the property at present time and have
10 to comply with the rules that are in effect today.
- 11
- 12 Scholz: All right, Commissioner Stowe, you had a question earlier. I didn't mean
13 to miss you.
- 14
- 15 Stowe: Yes, I have a question: are we able to estimate the approximate cost of
16 the 300-or-so feet of roadway and curbs?
17
- 18 Ochoa: Mr. Chairman, Commissioner Stowe, no. Typically sometimes applicants,
19 just referencing past cases, do submit that as a...kind of as an example of
20 hardship towards that, but an actual cost breakdown was not submitted to
21 the City, sir.
- 22
- 23 Stowe: But my question is: the City should be able to estimate such an activity.
24 How can one be made to pay for something without an estimate or without
25 a quotation?
26
- 27 Ochoa: Mr. Chairman, Commissioner Stowe, it's be up to the applicant to hire an
28 engineer or the surveyor that they hire to hire an engineer to do those
29 calculations for them to take what's existing out there now, the pavement,
30 whatever improvements are out there, and kind of compare that to what's
31 required by City Standards and come up with an estimate of what the cost
32 would be by doing that, sir.
33
- 34 Stowe: And no one has done that so far?
35
- 36 Ochoa: No, sir.
- 37
- 38 Stowe: The law seems to apply to one who would organize a subdivision, whether
39 that be a thousand properties or two.
- 40
- 41 Ochoa: Mr. Chairman, Commissioner Stowe, that is correct. The way the Code
42 reads is it's called a "subdivider." So anybody subdividing a piece of
43 property in the city is required to their improvements in right-of-way
44 dedication, sir.
45

- 1 Stowe: It seems to fall rather heavily on this particular land owner who will
2 continue to be a tax payer. That's my comment. Thank you.
3
- 4 Scholz: Someone else? Okay, I just have two questions: the flag lot that
5 you...could you go to that screen? Yeah, there it is. How wide is that
6 flag?
7
- 8 Ochoa: Mr. Chair, that flag lot is 25 feet wide. That takes into account the
9 minimum required 12-foot driving aisle and then the 6-foot curb cut from
10 the property lines along Jefferson.
11
- 12 Scholz: Okay, will that require a wall or anything like that to designate the line?
13
- 14 Ochoa: Mr. Chair, no, sir. A wall would not be required to designate that. I
15 believe the surveyor with the pins out there when this subdivision is
16 finalized and that's how you would signify between one property and the
17 other, by the pins of the surveyor.
18
- 19 Scholz: Well, the reason I asked that is because we did something like this on
20 Missouri, oh, back four or five years ago, and there was a flag lot there. It
21 was at the corner of Missouri and Locust, I think, it's off the corner,
22 actually. And the fellow who owned the flag lot definitely wanted some
23 designation as to where the road would be, that is where his entrance
24 would be. And so, the person who had the lot to the west of him actually
25 built a wall on the lot line or inside his lot and the intent there, of course,
26 was to separate those so people would know where the lane was and
27 whose land it was. The City doesn't require that though.
28
- 29 Ochoa: No, sir.
30
- 31 Scholz: Oh, okay, well, that's interesting. Okay, I have two other comments: one
32 is that I was out there in the rain yesterday and there was an awful lot of
33 mud on Wilt Avenue, obviously, drifting off the land. If this land were
34 improved or if the street were put in it would stop that and, obviously, the
35 drainage would be improved. Now I know people on the East Mesa are
36 concerned about flooding because the land is relatively flat and that
37 particular area isn't very well drained. Part of it is because, you know, the
38 streets are,,, some of them are dirt...Wilt Avenue is actually paved all the
39 way up to Cortez, I think, but it's the same kind of pavement as south of
40 Jefferson. It's a lane of asphalt of sorts. Anyway, it seems to me that
41 doing that curb improvement would obviously improve the drainage
42 because stormwater would then go into the stormwater system in
43 Jefferson, I'm assuming.
44 The other thing that occurs to me is that while people talk about
45 hardship here I think the value of the property is actually improved when
46 you do something like that and so, when you go to sell the property, it's a

1 more valuable property. But that's my comment and opinion on it. Any
 2 other questions or comments, gentlemen, for Mr. Ochoa? Yes,
 3 Commissioner Shipley.

4
 5 Shipley: I was out today and actually thought that the mud that was there was not
 6 from rainwater. It was basically dust and dirt from the corrals for the
 7 horses that had drifted across the road. It was still wet but that, basically,
 8 is the westerly flow of the Arizona desert coming that way, I guess. And
 9 the road goes all the way out to Aldrich if you're going south....

10
 11 Scholz: Yes.

12
 13 Shipley: ...and I went completely around all the neighborhood and checked. All of
 14 the north/south streets are pretty much the way Wilt is and then the
 15 east/west streets have been improved so I was curious about that as well.
 16 But this is an improvement to the property and it's a requirement. I'm not
 17 really sure that I like the flag lot as well because that ends up being
 18 something to argue over in the way they've got the lot split from north to
 19 south it would seem that you would want somebody to come out on Wilt
 20 Avenue, especially if they...I still think they still have the right to have
 21 animals on the property and it looks like that's what some of the area was
 22 used for. So, as opposed to giving them a small lane to go out with a curb
 23 cut on that, it would seem that the access off of Wilt would be better
 24 served.

25
 26 Scholz: Well, that was my concern, too, Commissioner Shipley, that people would
 27 tend to use Wilt because it was convenient to the second lot. That's why I
 28 asked about the driving lane and the like. Okay, any other questions for
 29 Mr. Ochoa? All right, may we hear from the applicant, please? State your
 30 name for us.

31
 32 Glymph: My name is Aaron Glymph. I'm one of the three applicants and a member
 33 of the family that would be taking the additional section of the lot.

34
 35 Scholz: Okay.

36
 37 Glymph: Actually, most of the Commissioners addressed most of the stuff I wanted
 38 to say. Briefly, this is simply splitting within our family. We just wanted to
 39 put a second residence on the lot for myself. My sister is living in the
 40 other residence on the first section of the lot. I briefly want to address the
 41 flag part of the subdivision. The section on the east side that would be the
 42 flag would be the driveway and that was actually per the City's suggestion
 43 so there would not be any additional traffic on Wilt for that and aside from
 44 that, obviously, the issues of the waiver.

45 Before I get to any questions and the reason for the waiver is pretty
 46 simple. We feel we're willing to cede to the City the 42 ½ feet by 316

1 roughly. I think that's a very good opportunity for the City and,
2 unfortunately, I can't afford to build that road; and as the overhead photo
3 showed none of Wilt is developed except for the very small section that is
4 Jefferson and having that one small section developed...for lack of a
5 better term, this thing's kind of pointless developing just that one section
6 when the entire rest of it is not. And we, again, are willing to give that land
7 or cede or whatever the proper term would be to dedicate that land so that
8 whenever the City does build that road or decide that they do want to
9 follow through with that we have no issues with that. Unfortunately, that's
10 not financially an option for us at this time. Other than that, I just want to
11 be open to any questions. As specific to the lot, don't worry. Anything
12 else with the waiver?

13
14 Scholz: All right, questions for this gentleman? Commissioner Crane.

15
16 Crane: Do you have a rough idea of what this costs with the improvements that
17 the City wants you to make?

18
19 Glymph: Unfortunately, I have no idea. From my understanding of anything having
20 to do with roads it would be multiple tens of thousands. So it's just not an
21 option.

22
23 Crane: Thank you.

24
25 Scholz: Other questions? Okay, thank you very much. Anyone else from the
26 public wish to speak to this issue? Yes, ma'am.

27
28 Donnelly: Would you be so kind as to bring up the satellite aerial map?

29
30 Scholz: Would you identify yourself, please, ma'am?

31
32 Donnelly: I certainly will. My name's Linda Donnelly. Sierra is my neighbor. I am
33 this neighbor. Sierra and I share this border right here. I have an acre-
34 and-a-quarter square, rectangle, there. My husband and I have been on
35 this property since after the annexation and when we got the property they
36 didn't ask us to improve anything...on that small point...but this right here
37 is my driveway. No one else uses that piece of Wilt. There are no other
38 driveways here. My neighbor, Lennie, of twelve years, her driveway does
39 indeed come out right here but they don't go all the way down this way
40 because, for one thing, Jefferson is 25 miles-per-hour. All they have to do
41 is turn right here and Aldrich is 30 miles-an-hour and either way they're
42 going to come out to Porter and out to the Highway. And I've spoken with
43 one each of you but (*inaudible*) but that's (*inaudible*) so I don't know if you
44 can use that but she doesn't care about any of this. I'm the only one who
45 uses this piece of Wilt. If you took one of those wires that they put down
46 to measure traffic you would see that. Who uses Wilt during the day are

1 trucks or a Comcast truck or a CentryLink truck and they don't know
 2 where they're going so they come down one way, go this way, that way
 3 and, occasionally come down that end of Wilt. But as I said, I'm the only
 4 one, my husband and I...and my husband, I'm awfully proud. He's a
 5 supervisor for Homeland Security; a good guy.

6 We've been there for twenty-two years now and it's all rural. I
 7 wasn't even happy when they paved it. It was like mud for the first ten
 8 years and I was happy with that; but quite frankly, I don't know what all
 9 this talk is about making the whole thing a four-lane highway. Nobody
 10 comes through here. People use Aldrich. People use Jefferson. They go
 11 one way down to Porter, one way down to Dunn. I don't understand. I'm
 12 sure there's a City planner somewhere who...and I don't know which one
 13 of you is that person, if that person's here, but I don't understand why
 14 you'd use Wilt for anything. Porter comes right out the Highway, straight;
 15 at the other end of the Hacienda Acres Subdivision Dunn, straight out to
 16 the Highway and you can get onto the Highway from there. Wilt...a just
 17 little further, doglegs and you can't even get to the Highway from there.
 18 You still have to go either east or west to get to Porter or Dunn. So, I
 19 dunno. A lot of this just isn't making sense to me. I hope I am making
 20 sense to you. Do I ask if anybody has a question for me?

21
 22 Scholz: Yes, does anyone have a question for this young lady here? Okay, thank
 23 you very much.

24
 25 Donnelly: Thank you.

26
 27 Scholz: Anyone else in the public wish to speak to this? Okay, I'm going to close
 28 this for public discussion and, gentlemen, what's your pleasure?
 29 Commissioner Evans.

30
 31 Evans: Commissioner Scholz, I have one more question for staff.

32
 33 Scholz: Yes. Go ahead.

34
 35 Evans: What are the implications for this? So, if we approve the subdivision and
 36 we don't approve the waiver does that mean that they will be able to
 37 continue to develop that other piece of property that we split out or will that
 38 be contingent upon them funding the development of the road?

39
 40 Ochoa: Mr. Chairman, Commissioner Evans, just to remind you again, you're just
 41 a recommending body to City Council who will be doing the final action on
 42 both cases, the subdivision and the waiver. But to answer your question,
 43 if they do get approved on the subdivision but denied for the waiver
 44 essentially the subdivision would be okay but they would not be allowed to
 45 record that subdivision or make it legal, if you will, until such time that they
 46 brought in either construction drawings for Wilt Avenue or some type of

1 payment-in-lieu-of would be negotiated with the City for the build out of
2 Wilt Avenue. So the subdivision would lay there, dormant, until that time;
3 either until construction drawings or payment-in-lieu-of is done.
4

5 Evans: Right. So, essentially, we would be approving...just so I can get this clear
6 for myself...we would be approving the division of that piece of property,
7 which is somewhat similar to the piece of property adjacent to it; however,
8 they would not be able to do anything to that piece of property until the
9 plans were either submitted and paved or there was some type of
10 agreement. So, basically, they get an approval of the subdivision but they
11 can't do anything until they come up with the money to build it out.
12

13 Ochoa: They wouldn't be able to record it with Doña Ana County to make it an
14 actual legal subdivision so it'd stay essentially the way it is now until such
15 time that something was done with the City.
16

17 Evans: Okay, thank you.
18

19 Scholz: All right, Commissioner Crane.
20

21 Crane: Also, Mr. Ochoa, you mentioned an alternative to their funding, their
22 contracting, to have the highway built out the way the City wants it. They
23 can make a payment to the City. Would that be equal to what the City's
24 costs would be for building this piece of highway?
25

26 Ochoa: Mr. Chairman, Commissioner Crane, the cost breakdown and payment-in-
27 lieu-of would have to be done by an engineer taking into the fact what's
28 existing, what's required to bring it into compliance, some percentages
29 would have to be added for future construction and the costs for the City,
30 essentially, to build out that section of the road. And then after that
31 payment is agreed upon then the payment would be done to the City and
32 the subdivision would be released. That is the option.
33

34 Crane: Okay, and going back to the subdivision itself, which I think for most of us
35 is not a problem. Is it prohibited for a second residence to be put in on
36 that lot but it not to be called a subdivision and, therefore, the lot remains
37 one recorded lot and can never be subdivided and sold separately
38 because it's not legally subdivided? Can they do that?
39

40 Ochoa: Mr. Chairman, Commissioner Crane, no. The subject property is zoned
41 REM, which is Single-Family, Residential Estate Mobile. You are only
42 allowed to have one dwelling unit per parcel in that zoning designation so
43 the only other option to put an additional dwelling on that property is with a
44 zone change.
45

46 Crane: Thank you.

1
2 Scholz: All right. Any other questions or comments? Yes, Commissioner Crane.

3
4 Crane: For discussion by the Commission: this is one of those nasty
5 considerations we get so often about exceptions. It is a pity that a small
6 subdivision like this, the smallest imaginable subdivision, has to meet the
7 same standards as a, what we call a commercial subdivision, you know,
8 ten, a hundred, a thousand houses. But there it is and if the waiver were
9 approved for this lot and if the lady who spoke a little while ago wished to
10 do something similar on hers and also she would have to be granted the
11 waiver; because now there's a precedent and the same for the people
12 further north on Wilt, the north side of Jefferson. And it's like the guy who
13 has a shed too close to his rear wall and that kind of thing that we've dealt
14 with in so many cases...a roof over a porch that is non-compliant. If you
15 let somebody do it then what grounds are there for saying the next
16 applicant can't do it.

17
18 Scholz: Well, it's interesting that you should bring that up because a couple of
19 years ago we looked at a similar case on the north side of the city...

20
21 Bustos: Sandhill.

22
23 Scholz: Yes, it was Sandhill. Right off of Del Rey? Yeah, there we go. And the
24 south side is in the city, the north side is in the county and there we were
25 asking, because a person was going to subdivide...again, it was a family
26 thing, I believe. We were asking them to improve about a half-mile of road
27 because they would have had, in a sense, improved the road all the way
28 to Del Rey. We gave them a waiver on that one because we felt that was
29 an undue burden, you know. I think the estimated cost there was, you
30 know, like \$200,000 or \$300,000. It was considerable and it was certainly
31 more than they could bear and the possibility of building another or of
32 somebody building another development on the corner of Sandhill and Del
33 Rey, I think, was already in the wind. So it seemed to me that we could
34 probably, you know, ameliorate this.

35 But we are stuck, Commissioner Crane, I think, with a ruling which,
36 in a sense, penalizes small property owners, you know, people who want
37 to subdivide. And you're right, you know, if we set a precedent by saying,
38 "Okay, you can do this," then other people who are in the same area, you
39 know, can argue the same thing. So, the thing to remember, though, is
40 that we are recommending this to City Council, okay, and City Council
41 makes the final decision on it. So I think we should recommend as we feel
42 is correct in this particular case. Yes, go ahead.

43
44 Crane: If we make part of our recommendation an explicit statement to this,
45 because it's, shall we say...a family subdivision rather than a commercial
46 one...since the lot's only being split into two...any precedent we create is

- 1 one that we wouldn't be ashamed of in the future, I mean, no developer of
2 a thousand-house tracts is going to get under the wire by doing this.
- 3
- 4 Scholz: Unless, of course, he has a son who he is going to sell half of it to, right?
- 5
- 6 Crane: That sort of family...that should be withdrawn.
- 7
- 8 Scholz: I just thought I'd throw that in. Yes, Commissioner Evans.
- 9
- 10 Evans: I kind of view this as somewhat different than the back porch and that is
11 that we are talking about significant costs and the reality is in my...and
12 actually maybe staff can talk to this, but the reality is that that road will go
13 unimproved until such time that the City gets another grant to go and
14 develop all those roads out there and to inhibit or prohibit somebody from
15 doing something with their piece of property knowing that it's never going
16 to be improved until the City or the government comes in and does it. I
17 don't know if that's reasonable because the costs really are prohibitive and
18 I think the idea that the utilities and the infrastructure and all that can be
19 done piecemeal effectively; I guess I would question that whole premise.
20 So basically what we're doing is we're stopping a property owner from
21 developing their piece of property and I guess I don't see the rationale for
22 that. But, anyway, those are just my thought.
- 23
- 24 Scholz: Okay.
- 25
- 26 Crane: Commissioner Evans has brought up a point that I hadn't thought about.
27 Yes, and it's a very telling point: everybody down that strip of Wilt for what
28 is it...half a mile, maybe? Quarter mile? ...is going to have the exactly the
29 same reaction when they're asked to build a big chunk of the highway and
30 so, yes, it will not get improved unless it's done somehow by another
31 means, the way Jefferson was. So I'm not sure that anybody's going to be
32 badly damaged by a waiver granted by this Commission in this case.
- 33
- 34 Scholz: All right, any other comments? Commissioner Shipley.
- 35
- 36 Shipley: I have just one more question for staff.
- 37
- 38 Scholz: Sure.
- 39
- 40 Shipley: Everything out there is well and septic. Is that correct? All of the
41 properties are well and septic?
- 42
- 43 Ochoa: Mr. Chairman, Commissioner Shipley, I believe so but I do believe that the
44 sewer line was laid out with Jefferson so there's a possibility for sewer
45 hookup, as well, now.
- 46

- 1 Shipley: So is there sewer and is there water for fire hydrants and so forth on
2 Jefferson?
3
- 4 Ochoa: Mr. Chairman, Commissioner Shipley, I couldn't answer that not knowing
5 what Utilities has out there, sir.
6
- 7 Shipley: Well, my thoughts are: one of the things you do when you annex into the
8 city is you are entitled to city services and generally, that means you get
9 water, you get sewer, you get police protection, you get fire protection, etc.
10 and that becomes part of the tax base that you pay for because most of
11 these properties were in the county and, again, you said they were
12 annexed into the county in 1980. Is that correct?
13
- 14 Scholz: Annexed into the city.
15
- 16 Shipley: Excuse me. From the county into the city.
17
- 18 Ochoa: Sometime in the eighties, I believe, sir.
19
- 20 Shipley: So the bottom line is that most of these properties haven't changed in, you
21 know, more years than I want to count. We have a Code for a reason and
22 as a developer comes in to twenty of these families and says, "I want to
23 buy your property because we want to build a thousand homes out here,"
24 that's generally how roads get done the way we're talking about doing it
25 today when you require whoever is improving the property to do those as
26 part of that. If the City decides to lay out the annexed portion and have a
27 plan to put in the streets north, south, east and west with all of the
28 amenities eventually people that live there will have to pay for that as well.
29 If you hook up to the sewer you have to pay a fee to do that so there's no
30 free lunch anywhere you go. Someone has to pay sometime and, you
31 know, if you can work out a deal with the City and pay a tenth of what you
32 would normally have to pay you might be better to try that avenue as
33 opposed to having your hands tied right now. So I would think just in my
34 limited experience would be a good time to get an engineer to give you an
35 estimate and they don't have to go out and measure everything. They can
36 basically tell you how much it costs per square foot or per linear foot of
37 road construction and give you an idea of what you're looking at and
38 maybe the City would be willing to work on that with you.
39
- 40 Scholz: Any other comments, questions. All right, I'll entertain a motion to rise
41 from the....what did we do? I'm sorry. We have to reinstate the rules.
42 Yes. I think we are, yes, I haven't heard any more.
43
- 44 Crane: Reestablish the rules, I think, is...
45

1 Scholz: Okay. Reestablish the rules. Would you give us a motion for that,
2 please?
3
4 Crane: So moved.
5
6 Scholz: A second, please.
7
8 Shipley: Second.
9
10 Scholz: Okay, Crane moved, Shipley seconded. All those in favor say aye.
11
12 All: Aye.
13
14 Scholz: Those opposed same sign. All right, we are now in rules and that means
15 that we vote on these items separately. Okay, the first one is case S-11-
16 028 and this is for the subdivision. All right, I'll entertain a motion to
17 approve.
18
19 Crane: So moved.
20
21 Scholz: Okay, is there a second?
22
23 Evans: I second.
24
25 Scholz: Okay, Crane moved and Evans seconds. All right, I'll call the role.
26 Commissioner Shipley.
27
28 Shipley: Aye, findings, discussion and site visit.
29
30 Scholz: Commissioner Crane.
31
32 Crane: Aye, findings and discussion.
33
34 Scholz: Commissioner Stowe.
35
36 Stowe: Aye, findings, discussion and site visit.
37
38 Scholz: Commissioner Evans.
39
40 Evans: Aye, findings and discussion.
41
42 Scholz: Commissioner Bustos.
43
44 Bustos: Aye, findings and discussion.
45

- 1 Scholz: And the Chair votes aye for findings, discussion and site visit. So it's 6-0
2 approved for the subdivision. Okay, on the waiver, case S-11-028W. I'll
3 entertain a motion to approve.
4
- 5 Stowe: So moved.
6
- 7 Scholz: Okay, Stowe moves.
8
- 9 Evans: Second.
10
- 11 Scholz: And Evans seconds. I'll call the role. Commissioner Shipley.
12
- 13 Shipley: I want a clarification before I vote. If we vote aye we're denying the
14 waiver. In other words, the recommendation is denial.
15
- 16 Scholz: Right. The recommendation is to deny but we always put them in the
17 positive, right? Every motion we state is positive. So in other words, the
18 motion is to accept the waiver.
19
- 20 Ochoa: Correct.
21
- 22 Scholz: So if you vote aye you are accepting the waiver. If you vote no you're
23 denying the waiver. I know that sounds screwy but that's the way we do
24 things here. Commissioner Shipley?
25
- 26 Shipley: Aye, findings, discussion and site visit.
27
- 28 Scholz: Commissioner Crane.
29
- 30 Crane: Aye, findings and discussion.
31
- 32 Scholz: Commissioner Stowe.
33
- 34 Stowe: Aye, findings, discussion and site visit.
35
- 36 Scholz: Commissioner Evans.
37
- 38 Evans: Yes, findings, discussion.
39
- 40 Scholz: Commissioner Bustos.
41
- 42 Bustos: Aye, findings and discussion.
43
- 44 Scholz: Okay, and the Chair votes no, findings, discussion and site visit. So it's
45 approved 5-1. All right, this goes to the City Council then for final
46 approval.

1
2 Ochoa: That is correct, sir. This'll be going to City Council for final approval as a
3 Resolution.

4
5 Scholz: Okay, thank you.
6

7 **VIII. OTHER BUSINESS – NONE**
8

9 Scholz: Any additional business here this evening? I see someone raising their
10 hand. I'll ask for public discussion in just a moment. Any other business,
11 Mr. Ochoa?

12
13 Ochoa: No, sir, nothing tonight.
14

15 **IX. PUBLIC PARTICIPATION**
16

17 Scholz: Okay, fine. You wish to speak, sir? (*Aaron Glymph - inaudible from the*
18 *audience*) No, not you, sir. You've already spoken. Your thing's been
19 approved. You wish to speak? Would you come up and identify yourself
20 and tell me what you wish to speak to?
21

22 Gutierrez: My name's Anthony Gutierrez and I own a company named Centerline
23 Services. I also work with Western Line Surveys.
24

25 Scholz: Um-hmm.
26

27 Gutierrez: And we're attending this meeting, my client and I, because Mr. Ochoa told
28 us that it would be a similar case to what we're going to present and I
29 found it very useful. I just wanted to talk to you about my experience with
30 the ETZ, as well as the County. These types of projects in this case that
31 you just heard today have been increasing and I think they have been
32 because the need for the larger subdivisions with smaller lots has been
33 diminishing because of the current economy and owning a surveying firm
34 and also being involved with engineering we've seen the smaller family
35 splits increase. So we're doing more of those now than we were five
36 years ago. And we have to go through this process even at the ETZ or
37 going to the ETA.

38 This is my first experience with the City and it was a good one. I
39 really liked some of the observations presented by the gentleman here.
40 But, my observations I've been wanting to share with the Commission as
41 well as the ETZ Commission and those are: I think the City, as well as the
42 County and ETZ, have information that's very valuable and, for example,
43 there are roadways that are produced in larger lengths than the length that
44 was presented here, you know, not 360 feet but we're talking, maybe, two
45 miles through the same type of rural location. And, you know, all these
46 observations about the previous size of, you know, what was annexed in

1 and you see on the aerials how the properties are dispersed it's kind of,
2 you know, odd; and how do you deal with it except on a case-by-case
3 basis.

4 I have worked in communities such as Tucson and Phoenix, which
5 are much larger, that have a good facility in place through an administrator
6 or someone like Mr. Kyle or someone that has the experience to deal with
7 these and really serve the needs of the public and the needs of the
8 Commission and kind of filter the cases out as they see fit.

9 One of my observations is that with these roads that the City has
10 paid for, either through grant money or through a larger subdivision, you
11 have access to see the financial data and how much it cost to do, let's
12 say, a mile of road. Well, you can use that and apply it and say, "Anyone
13 who's going to come and do a family split and there's one adjacent road,
14 like this case, is going to have to pay 'X' amount of dollars because this is
15 how much it cost us to build a mile-long road through the same kind of
16 area per linear foot." So the City could then put that money in the bank
17 account or whatever you do with it and then use it alongside a grant in the
18 future or maybe, you know, use it to improve 500 feet of the road, you
19 know, a mile north. There're ways to use it instead of having to use all of
20 this time, you know, and effort in this one case and I think the public is
21 served both on your end and in the private sector because tax parcels are
22 created and taxes are paid. You know, a property that's five acres pays
23 more taxes per capita than one lot on ten acres. So you get more by
24 making this an easier thing to do.

25 And I think you're going to see this more as money gets tighter and,
26 you know, people are only left with the option of moving their kin on the
27 same lot. So it's a doable problem, you know, it's something that can be
28 solved and I think, well, here are observations leaning toward that, but it's
29 something that, you know, our Zoning Code, you know, in looking at that
30 area, there's not much they can do except for a one lot split, you know,
31 any of those people out there. And a lot of them, like their neighbor to the
32 south, she can't split that down any further based on the Zoning Code. So
33 you can do it. The Zoning Code can either be amended or added to, you
34 know, to facilitate these types of requests and then make it smooth and
35 then people can stay home at 6:00 o'clock instead of coming to hear this
36 one case.

37
38 Scholz: Well, we wouldn't stay home. Thank you for those suggestions.

39
40 Gutierrez: Anyhow, those are my observations. Thank you.

41
42 Scholz: Yeah, I appreciate it. Yeah, I think this is the kind of thing that could,
43 perhaps, come up in a Development Review Committee, you know, an
44 example or a sample of costs and things like that. And I agree. I think,
45 you know, this is probably a trend. Economically it makes good sense.
46 Okay, anybody else from the public wish to speak?

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X. STAFF ANNOUNCEMENTS

Scholz: All right, any staff announcements? Staff? No?

Ochoa: No, sir, not tonight.

XI. ADJOURNMENT (6:58 PM)

Crane: Okay, we are adjourned then at, I'd say 6:58. Thank you very much folks.
Thank you, Commissioners.

Chairperson

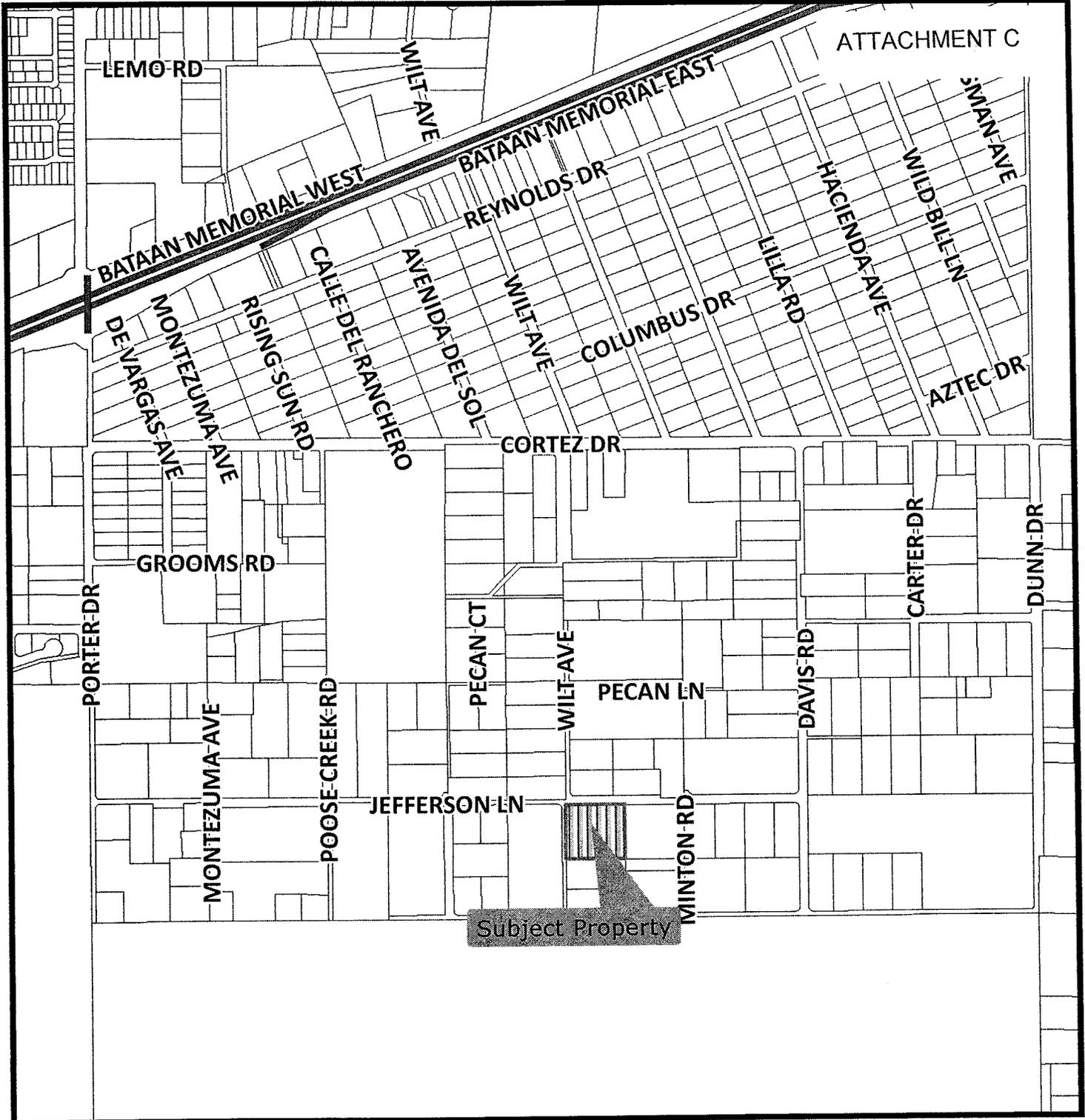
DRAFT

Location Vicinity Map

344

ZONING: REM
OWNER: CHARLES H & SIERRA GLYMPH

PARCEL: 02-19301
DATE: 07/10/2012



ATTACHMENT C



Legend

Interstates_Highway
 EBID Water System
 Railroad

Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.