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City of Las Cruces[®]
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Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 09-317 Council District: 5

For Meeting of June 22, 2009
 (Adoption Date)

TITLE: A RESOLUTION APPROVING A WAIVER REQUEST FOR NO ROAD IMPROVEMENTS TO 275 ± LINEAR FEET ALONG PEACHTREE HILLS ROAD, GENERALLY LOCATED EAST OF PORTER DRIVE AND SOUTH OF PEACHTREE HILLS ROAD. SUBMITTED BY SOUTHWEST ENGINEERING FOR VICTOR AND ARMIDA RAMIREZ. (S-08-103W)

PURPOSE(S) OF ACTION: Approval of a waiver request for no road improvements for 275 ± linear feet along Peachtree Hills Road.

Name of Drafter: <i>HR</i> Helen Revels		Department: Community Development		Phone: 528-3085	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>HR</i>	528-3066	Budget	<i>Richard M. Johnson</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2270
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

This waiver request involves a subdivision application (Mesa Village Tracts, Replat No, 2) located at 6520 Peachtree Hills Road. During the review of the two-lot subdivision replat, the applicant was informed by staff that subdividing the land required the dedication of additional street right-of-way and the construction of the pro-rata share of Peachtree Hills Road (275 ± linear feet). The applicant has agreed to dedicate the required street right-of-way, but has asked to **not** make the required road improvements.

Waivers to the Las Cruces Municipal Code (LCMC - Subdivision and Design Standard Ordinances) of this nature (a greater than 15 percent variance from a required standard) require review and action by the Las Cruces City Council. The specific sections of the LCMC affected by this waiver request include Chapter 32 – Design Standards, Article II – Standards for Public Rights-of-Way (Attachment “B”); Chapter 37 – Subdivisions, Article XI – Waiver of Regulations (Attachment “C”); and Chapter 37 – Subdivisions, Article XII – Construction Standards (Attachment “D”).

The proposed subdivision is accessed from Peachtree Hills Road. This roadway is classified as a minor arterial by the MPO Thoroughfare Plan. The current road improvements consist of a 25 foot double penetration surface for the portion of the street located outside the city limits in Dona Ana County. A minor arterial street requires 100 feet of right-of-way with four travel

(Continue on additional sheets as required)

lanes, two bike lanes, two sidewalks, a median, parkways, and curb and gutters (see Attachment "A"). As stated, the applicant has agreed to dedicate 50 feet of street right-of-way with approval of the subdivision plat as required by the LCMC. The required pro-rata share of street improvements for the subdivision would include two travel lanes, one bike lane, one sidewalk and curb and gutters which the applicant has requested to *not* construct.

For information purposes, three other residential subdivisions have been approved in the general vicinity of the proposed subdivision and these subdivisions addressed the right-of-way dedication and street improvement requirements in the following fashion. Desert Wind Estates (35 residential lots) dedicated the required additional right-of-way and paid the city money in lieu of road improvements for Peachtree Hills Road. Vista de Luna (37 residential lots) dedicated the required additional right-of-way and paid the city money in lieu of road improvements for Peachtree Hills Road. Vista de la Montana (104 residential lots) dedicated the required additional right-of-way for Peachtree Hills Road and Porter Drive. The developer of Vista de la Montana reached an agreement with the Public Works Department to meet the pro-rata share street improvements for the development. This agreement required full street improvement to Porter Drive (classified as a principal arterial) and no improvements to Peachtree Hills Road.

The Planning and Zoning Commission reviewed the request to waive the road improvement requirements to Peachtree Hills Road at their April 28, 2009 meeting. The applicants stated that the cost to construct their required 275 ± linear foot portion of Peachtree Hills Road would cost approximately \$75,000. They stated these improvement costs constituted a financial hardship when considering that the intent of the subdivision was only to create a second lot for a family member.

Prior to review by the Planning and Zoning Commission, the waiver request was reviewed by the Development Review Committee (DRC). The DRC recommended **denial** of the waiver request. The DRC recommendation was based upon the criteria for granting a waiver as provided in the LCMC Chapter 37 – Subdivisions, Article XI Waiver of Regulations (Attachment "C"). This article states that waivers may be granted for **substantial hardship** and defines a substantial hardship as "a result of exceptional topographic, soil or other surface or sub-surface conditions or that such conditions would result in inhibiting the objectives of this code." The article does not specify a financial hardship as a criterion for granting a waiver to a requirement of the Subdivision Ordinance. The DRC minutes that record their recommendation are provided as part of Staff's report to the Planning and Zoning Commission, Attachment "G".

In the staff report to the Planning and Zoning Commission, staff recommended denial of the waiver request based upon current city policy (Comprehensive Plan – Transportation Element – Goal 1, Objective 3, Policy 3.17; Attachment "E"), ordinances (LCMC Chapter 32 – Design Standards, Attachment "B"; Chapter 37 – Subdivisions, Attachments "C and D") and the DRC recommendation. As already noted, the development policy and ordinances require developers and subdividers to either construct a pro-rata share of public improvements adjacent to their property or to make an appropriate payment for future construction of public improvements adjacent to their property.

The Planning and Zoning Commission voted to recommend approval of the waiver to required road improvements by the City Council by a 4 – 0 vote (three Commissioners absent). The Planning and Zoning Commission stated as their reasons that the financial burden for road improvements on a small subdivision versus a large development is quite substantial. The Commission acknowledged that Peachtree Hills Road does need to be improved but they felt the extent of road improvements related to this proposed two-lot subdivision constituted a hardship. No public comment was made at the meeting regarding the waiver request.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Resolution
2. Exhibit "A" – Request for waiver
3. Exhibit "B" – Engineer's cost estimate for road improvements
4. Attachment "A" – Copy of the Minor Arterial Design Standard requirement
5. Attachment "B" – LCMC Chapter 32 – Design Standards, Article II – Standards for Public Rights-of-Way
6. Attachment "C" – LCMC Chapter 37 CLC Subdivisions, Article XI Waiver of Regulations
7. Attachment "D" – LCMC Chapter 37 CLC Subdivisions, Article XII Construction Standards
8. Attachment "E" – 1999 Comprehensive Plan Transportation Element – Goal 1, Objective 3, Policy 3.17
9. Attachment "F" – Copy of Proposed Replat – for reference only
10. Attachment "G" - Staff Report to the Planning and Zoning Commission for Case S-08-103W includes April 1, 2009, Development Review Committee Minutes
11. Attachment "H" - April 28, 2009, Planning and Zoning Commission Minutes
12. Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote **YES** to approve the proposed Resolution. This action affirms the Planning and Zoning Commission recommendation and allows the applicant to not provide any road improvements to Peachtree Hills Road adjacent to the proposed two lot residential subdivision. The City of Las Cruces would need to explore alternative methods to fund future improvements to Peachtree Hills Road.
2. Vote **NO** to deny the proposed Resolution. This action does not uphold the recommendation made by the Planning and Zoning Commission. The applicant will be required to provide the required pro-rata share of road improvements to 275 ± linear feet along Peachtree Hills Road in accordance with Chapter 37 - Subdivisions, Article XII – "Construction Standards"; Chapter 32 - Design Standards, Article II – "Standards

for Public Right-of-Way"; and Goal 1, Objective 3, Policy 3.17 of the Transportation Element of the 1999 Comprehensive Plan.

3. **Modify** the proposed Resolution and vote **YES** to approve the modified Resolution. The Council may modify the Resolution to require the applicant provide a public benefit in lieu of the required road improvements along Peachtree Hills Road.
4. Table/Postpone the Resolution and direct staff accordingly.

RESOLUTION NO. 09-317**A RESOLUTION APPROVING A WAIVER REQUEST FOR NO ROAD IMPROVEMENTS TO 275 ± LINEAR FEET ALONG PEACHTREE HILLS ROAD, GENERALLY LOCATED EAST OF PORTER DRIVE AND SOUTH OF PEACHTREE HILLS ROAD. SUBMITTED BY SOUTHWEST ENGINEERING FOR VICTOR AND ARMIDA RAMIREZ. (S-08-103W)**

The City Council is informed that:

WHEREAS, Victor and Armida Ramirez, the property owners, have submitted a waiver request for no road improvements to 275 ± linear feet along Peachtree Hills Road adjacent to a proposed two lot residential subdivision, and

WHEREAS, pursuant to Chapter 37 (Subdivisions), Article XII (Construction Standards) and Chapter 32 (Design Standards), Article II (Standards for Public Rights-of-Way) of the Las Cruces Municipal Code, road improvements are required on streets adjacent to a subdivision or property boundary, and

WHEREAS, pursuant to the Transportation Element of the 1999 Comprehensive Plan, Goal 1, Objective 3, Policy 3.17, developers/subdividers are responsible for their pro-rata share of off-site improvements, and

WHEREAS, the Development Review Committee unanimously recommended denial of the waiver request based on current policy identified within the aforementioned sections of the Las Cruces Municipal Code, and

WHEREAS, the Planning and Zoning Commission in a vote of 4-0 (three Commissioners absent) recommended approval of the waiver request at its regular public hearing held on April 28, 2009.

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

(I)

THE waiver request for no road improvements to 275 ± linear feet along Peachtree Hills Road, adjacent to a proposed two lot residential subdivision, be approved.

(II)

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

DONE AND APPROVED this _____ day of _____ 2009.

APPROVED:

Mayor

(SEAL)

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

Approved as to Form:



City Attorney

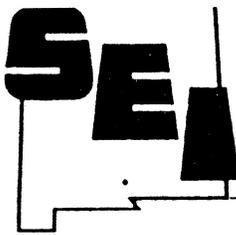


EXHIBIT 5A

SOUTHWEST ENGINEERING, INC.

475 Archuleta Road
Las Cruces, New Mexico
88005

Phone 505-526-3381
Fax 505-526-1762

March 12, 2009

Ms. Jennifer Robertson
City of Las Cruces Community Development Department
575 South Alameda
Las Cruces, New Mexico 88005

Re: Mesa Village Tracts No. 2, Replat No. 1
Waiver Request for Improvements to Peachtree Hills Road

Dear Ms. Robertson;

On behalf of our client, Mr. Victor Ramirez, SEI requests the following waiver to the requirements of the City of Las Cruces Design Standards for the improvements to Peachtree Hills Road, a Minor Arterial as designated on the City of Las Cruces MPO Thoroughfare Plan. As Mr. Ramirez is creating a two lot subdivision directly adjacent to this roadway, he is obligated to construct one half of a Minor Arterial roadway cross section. Mr. Ramirez finds this requirement to be overly burden sum for the following reasons.

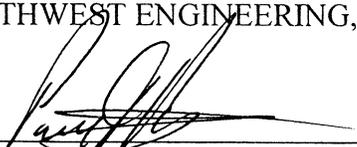
- Peachtree Hills Road is currently an existing 26 foot wide roadway with a double penetration surface treatment. This makes the existing access an all weather surfaced roadway, providing adequate access for the proposed land split with no further improvements are required.
- The impact of the creation of one additional residential lot does not raise the traffic loading on Peachtree Hills Road to a level requiring this magnitude of improvement.
- The second lot to be created by this land split is purely for the conveyance to the property owner's son and not for a business or profit making endeavor.

Therefore, for the reasons listed above, a waiver to these roadway improvements is requested.

Should you have any questions or require any further information, please do not hesitate to contact our office.

Sincerely;

SOUTHWEST ENGINEERING, INC.



Paul J. Pompeo, P.E.
President

ATTACHMENT "A"

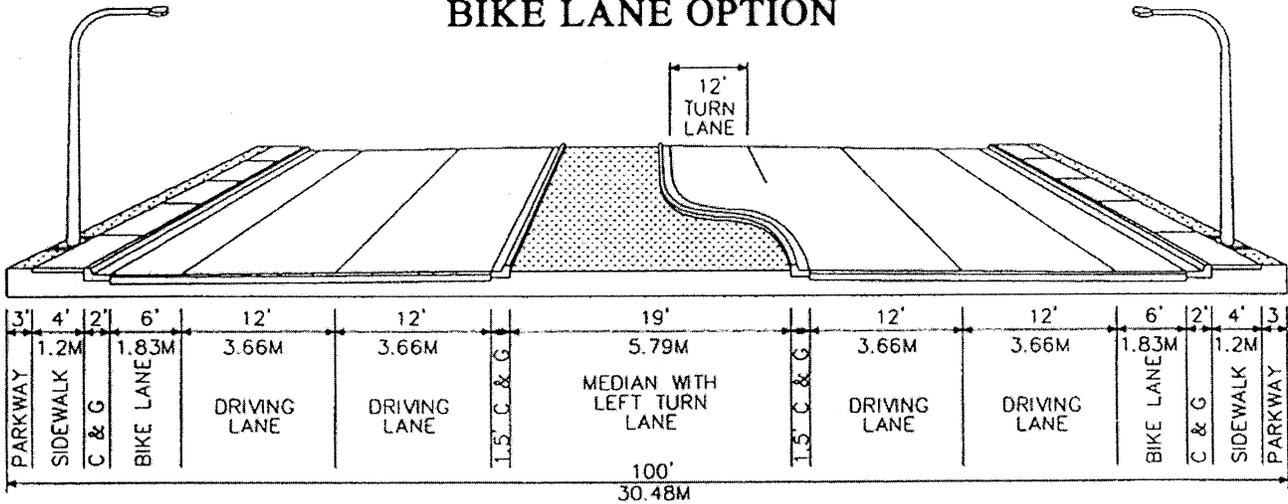
City of Las Cruces

DESIGN STANDARDS

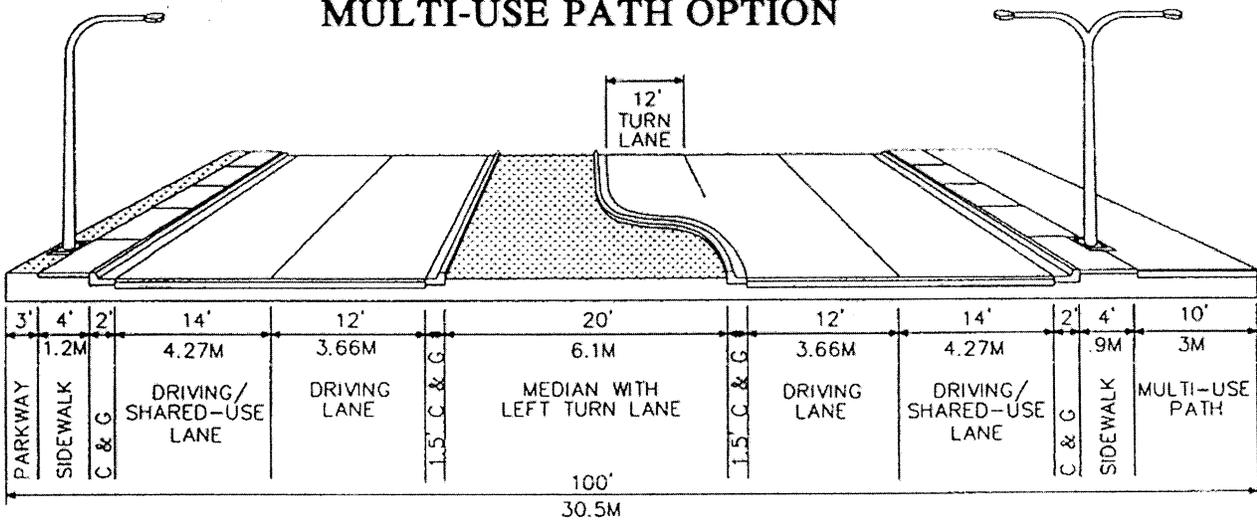
MINOR ARTERIAL - 2

R.O.W. WIDTH: 100 FT. (30.48M)
 DESIGN SPEED: 45mph (72kph)

BIKE LANE OPTION



MULTI-USE PATH OPTION



- NOTES:
1. THE DEVELOPER IS RESPONSIBLE FOR EXTENDING FULL SERVICE WATER STUBOUTS AND ELECTRICAL CONDUIT FOR LANDSCAPING IN EACH MEDIAN AND THE PARKWAYS.
 2. PARKWAY MAY BE USED BY THE ADJACENT LAND OWNER FOR LANDSCAPING. UP TO 1/3 OF THE REQUIRED LANDSCAPING MAY BE PLACED WITHIN THE RIGHT-OF-WAY.
 3. A MULTI-USE PATH OR BIKE LANE SHALL BE CONSTRUCTED WHEN REQUIRED BY THE BICYCLE FACILITIES & SYSTEMS MASTER PLAN.
 4. SIGNAGE AND PAVEMENT MARKINGS WILL BE REQUIRED IN ACCORDANCE WITH MUTCD.
 5. MEDIAN CURB & GUTTER, "TYPE K" OR "TYPE L", SHALL BE INSTALLED IN THE MEDIAN.
 6. MULTI-USE PATHS SHALL BE CONSTRUCTED ON THE NORTH SIDE OF EAST/WEST ROADS AND ON THE EAST SIDE OF NORTH/SOUTH ROADS.
 7. SIDEWALKS SHALL BE CONSTRUCTED ACCORDING TO SECTION 2.2 SIDEWALK REQUIREMENTS.

ATTACHMENT³⁸ "B"

(e) *Conflict within this chapter.* When two or more provisions of this chapter are conflicting, the most restrictive provision shall apply. (Ord. No. 949, § 1.5, 9-8-87; Ord. No. 1224, § 1, 3-18-91)

Sec. 32-6. Violations; penalties.

(a) *Violations.* The definition of "violation of this Code" set out in subsection 1-10(a) is hereby adopted to apply to acts or failures to act in accordance with the requirements of this Code and such definition is incorporated in this section by reference as if set out in full at this place.

(b) *Penalties.* The municipal court may impose a fine for each offense, not to exceed \$300.00, for each day the violation is found to have occurred. In addition to any fines thus imposed, the municipal court is authorized to issue orders of the court to remove structures or take other actions to abate, remove or bring into compliance any violation of this chapter. Failure to comply with any such orders for removal or other judgments of the municipal court, including failure to pay fines previously imposed, shall constitute a contempt of court and may be separately punished at the discretion of the municipal court.

(c) *Other remedies.* Nothing in this section shall limit the city from seeking other remedies at law or equity to enforce this chapter. (Ord. No. 1158, § 1.6.A--C, 7-2-90)

Secs. 32-7--32-35. Reserved.



ARTICLE II.

STANDARDS FOR PUBLIC RIGHTS-OF-WAY

Sec. 32-36. City streets.

(a) *Purpose of this article.* The purpose of article II is to provide information for the establishment of public rights-of-way. This involves right-of-way requirements and general design specifications for city streets, design criteria for sidewalks, and specifications for the installation of street lights. General information regarding utility improvements is also provided. These shall be considered the minimum standards and nothing shall prevent the engineering review committee or the development review committee from imposing greater standards to achieve the purposes outlined in section 32-3 of these design standards.

(b) *Right-of-way and roadway requirements for city streets.* It shall be the policy of the city that major thoroughfares, collectors and arterials with medians, be built from the outside edge of the right-of-way in towards the center. This prevents the dismantling of previously constructed infrastructure in order to accommodate future street improvements such as widening. The location of collector and arterial streets shall

be generally guided by the MPO transportation plan and specifically located as development occurs. Coordination between the city staff, development review committee and the developer will occur to provide the appropriate classification and alignment of all major and minor roadways within and abutting developments to encourage appropriate and efficient transportation circulation patterns.

A subdivider shall be responsible for 100% of the street improvements within the boundaries of the subdivision. When improvements are required on streets adjacent to a subdivision or property boundaries as indicated by street classification, as determined by the MPO transportation plan, transportation element of the comprehensive plan and/or the development review committee, the subdivider shall provide the following street improvements or pay for the cost of these improvements to the city:

Adjacent Street Classification	Street Improvement Requirements
Low Density Local	full street section
Minor Local	full street section
Major Local	1/2 street section, including sidewalk, curb and gutter
Collector	1/2 street section, including sidewalk, curb and gutter
Minor Arterial	1/2 street section, including sidewalk, curb and gutter
Major Arterial	1/2 street section, including sidewalk, curb and gutter

Access requirements for subdivisions shall consist of the following:

- (1) Minimum access to the subdivision shall be from a dedicated and accepted public right-of-way. In instances where the access to a subdivision is unimproved it shall be the responsibility of the subdivider to construct a minor local roadway from the subdivision boundary to the nearest paved public roadway. If the roadway to the proposed development is classified as a major thoroughfare by the MPO transportation plan (e.g., a collector or arterial), the developer shall provide the equivalent of a minor local roadway, designed and constructed to a cross section approved by the city from the boundary of the subdivision to the nearest paved public roadway.
- (2) Access to lots within a commercial or industrial subdivision shall be from either a dedicated and accepted improved public right-of-way or an improved access established by a 50 foot (15.24m) wide permanent private road and/or access easement. Exceptions to allow a narrower lot access may be considered by the DRC.

- (3) Access to lots within a residential subdivision shall be from a dedicated and accepted improved public right-of-way.

All developing parcels of real property shall include a minimum of 50 percent of the necessary additional right-of-way to conform to the MPO transportation plan for all roads classified major local and above. 100 percent of the required right-of-way shall be required for low density and minor local streets. A permanent right-of-way easement may be granted in lieu of dedicated right-of-way. The decision to accept a permanent easement in lieu of dedicated right-of-way rests with the development review committee. The development review committee may waive all additional right-of-way requirements in instances where expansion of a specific roadway is neither feasible nor planned.

The following cross-section (14 pages) provide the requirements for right-of-way, paving width, parkways, and general use criteria for all acceptable city street classifications. Deviations or modifications to design may be acquired through the engineering review committee.

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ATTACHMENT "C"

ARTICLE XI.

WAIVER OF REGULATIONS

Sec. 37-332. Waivers.

In the case of a particular proposed subdivision, whenever it can be shown that strict compliance with the requirements of this chapter would result in a substantial hardship to the subdivider because of exceptional topographic, soil or other surface or sub-surface conditions, or that such conditions would result in inhibiting the objectives of this code, the planning and zoning commission may vary, modify, or waive nonengineering-related requirements up to 15 percent of the required standard. Furthermore, any proposal containing three or more planning-related waivers shall be processed via the planned unit development process. The subdivision administrator may waive submittal requirements of this chapter. A waiver of engineering submittal requirements shall require the concurrence of the public works director. The public works director and the utilities director may vary, modify or waive engineering-related requirements as applicable and appropriate. No variance or waiver shall be allowed when such waiver is requested because the goals and objectives of the drainage section of the city's design standards are not being met. For example: A waiver shall not be granted if the developer is designing a drainage system that transfers problems from one location to another, that does not provide protection against regularly-occurring damage, or that creates major property damage or loss of life from runoff expected in a major storm event. Also, no waiver shall grant any variation or modification contrary to the mandatory requirements of state law.
(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-333. Waiver procedure.

- (a) Whenever the subdivider desires to request a waiver or variance from any nonengineering-related requirements of this chapter, the subdivider shall submit, in writing, the request for waiver at the time of master plan submittal or preliminary plat submittal, or at the time that a replat or an alternate summary processed subdivision is submitted. The request for waiver shall include, in detail, the reasons for supporting such a request.
- (b) The subdivision administrator shall schedule the requested waiver to be reviewed by the development review committee. The development review committee shall review the waiver request and recommend to the planning and zoning commission to approve, disapprove, or modify the waiver request.
- (c) The planning and zoning commission shall review the recommendations of the development review committee and approve, disapprove, or modify the waiver request. Any waiver requests greater than 15 percent of the required standard shall be forwarded to the city council with a recommendation by the planning and zoning commission that the waiver be either approved or denied. Any proposal requesting three or more planning-related waivers shall be processed via the planned unit development procedures and shall require city council approval.
- (d) When a proposal with waiver(s) requiring city council approval is submitted, the

planning and zoning commission will review the proposal and provide a recommendation for approval or denial to the city council. The case will be forwarded to the city council for action.

- (e) The city council shall review the proposal and recommendations from the planning and zoning commission. Action by the city council shall be in the form of approval, denial, or modification. Action by the city council shall be recorded in the minutes of the meeting. An affirmative vote by four members of the city council is required for approval of a proposal. A copy of the city council notice of decision that includes any changes or conditions, as done at the public hearing, shall be furnished to all of the parties stated above in accordance with section 37-11(b).
- (f) Specifications or supplementary data required by this chapter for a master plan, a preliminary plat or a final plat may be waived whenever such specifications or data are determined by the planning and zoning commission to be unnecessary for the consideration of the plat.

Whenever the subdivider desires to request a waiver or variance from any engineering/utility requirements of this chapter, the subdivider may submit, in writing, to the subdivision administrator, the request for waiver at any time during the subdivision process. It is recommended that engineering-related waivers be submitted as early in the process as possible to avoid unnecessary delays. The request for waiver shall include, in detail, the reasons for supporting such a request.

The subdivision administrator shall submit the requested waiver to either the public works director or the utilities director, as applicable. Upon receipt of the request, the public works director or the utilities director shall meet with the development review committee at the next scheduled meeting to discuss the waiver request(s). The public works director or the utilities director, after consultation with the DRC, shall render a decision on the waiver or variance request within three business days.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-334--37-359. Reserved.

ATTACHMENT "D"

ARTICLE XII.

CONSTRUCTION STANDARDS

Sec. 37-360. General provisions.

- (a) Construction of all subdivisions (public and private improvements) within the corporate limits of the city shall conform to all applicable sections of the documents listed below. The regulations, policies and provisions governing the construction of required improvements include, but are not limited to, the following documents, as amended:
- (1) City comprehensive plan;
 - (2) City zoning code (chapter 38, LCMC);
 - (3) City design standards (chapter 32, LCMC);
 - (4) MPO transportation plan;
 - (5) Stormwater management policy plan;
 - (6) Bicycle facilities and systems master plan;
 - (7) City standard specifications for road construction;
 - (8) Building code (chapter 30, LCMC);
 - (9) City standard specifications for water, sewer, and gas utilities;
 - (10) Any and all other rules, regulation, and policies adopted by the city governing construction standards.

(Ord. No. 1798, § I, 6-19-00)

ATTACHMENT "E"

through the development/redevelopment process as identified on final plats.

- Local streets may be used for alternate and emergency access to residential subdivisions.
- Cul-de-sacs in residential areas may not exceed more than 1500 feet in length and provide access to more than 50 dwelling units.

g. Private Streets:

- Not publicly maintained.
- Access shall be permitted for each individual property, provided traffic safety is maintained.
- Intersections should maintain a minimum spacing of 125 feet and meet at no less than a seventy degree angle.
- The allowance of on-street parking shall be subject to and determined through the subdivision process as identified on final plats.
- Private streets may be used for alternate and emergency access to residential subdivisions.
- Cul-de-sacs in residential areas may not exceed more than 1500 feet in length and provide access to more than 50 dwelling units.

→ **Objective 3:** Provide a guide for consistent construction and right-of-way specifications and practices on all roadways regardless of classification.

Policies:

- 3.1 All streets should have an asphaltic concrete pavement designed according to 20 year forecasted traffic volume of both cars and heavy vehicles. However, where high turning volumes are expected, portland cement concrete may be used in those areas.
- 3.2 All new streets should be constructed from the outside travel lanes toward the inside median so that sidewalks, curbs, and lighting may be put in place at time of initial construction.

- 3.3 Curb and gutter should be used to channelize traffic and storm water run-off. Roll-over type curbing may be used in low density residential areas.
- 3.4 A concrete header curb should be installed at locations susceptible to erosion and/or asphalt degradation if an area is to remain undeveloped for a period of two years.
- 3.5 Upon approval by the Development Review Committee, temporary asphalt curbs may be used where planned and programmed street expansion would necessitate the curb's relocation within a specified time frame.
- 3.6 A 10-year storm event may be accommodated at the curb not extending into the street beyond the outer lane of travel. If a bike lane is present, alternate means of storm water conveyance or street design free of storm water conveyance may be necessary to accommodate bicyclists. A 100-year storm event may be accommodated in the outside travel lane.
- 3.7 Every effort shall be made to strategically locate manholes and drainage grates to minimize inconveniences to motorists and bicyclists. Utilities will be placed within the right-of-way but not necessarily under the travel lanes.
- 3.8 Sidewalks should be placed on each side of a street built to the Americans with Disabilities Act (ADA) standard with wheelchair ramps at each intersection.
- 3.9 Street lighting should consist of high pressure sodium vapor street lighting with shielded, fully enclosed, non-polluting light fixtures. Light standards may be of those approved by a specific plan adopted by the City.
- 3.10 Standardized signalization shall be used by the City or of a design specifically approved by the City Traffic Engineer for a specific area.
- 3.11 All signage and traffic control devices must conform to the Manual on Uniform Traffic Control Devices and/or City standards.
- 3.12 Traffic control boxes, meters, drainage grates, light standards, pedestrian shelters, etc. should be placed to avoid conflict with sidewalks, bike facilities, and clear sight triangles.
- 3.13 Fences and/or walls should be placed to avoid conflict with sidewalks and bike facilities and screened with vegetation, paint, etc., as called for in the Urban Design Element of the Comprehensive Plan.

- 3.14 At intersections of differently classified streets, the design standards of the higher classified street shall supersede those of the lower for the intersection's design.
- 3.15 All street layouts must be appropriately designed for topography, design speed, classification, projected traffic volume, traffic composition and surrounding land uses.
- 3.16 Developers/subdividers are responsible for construction on-site and adjacent improvements as required by these policies. Builders are responsible for constructing sidewalks, and if not yet installed, curbs and gutters at the time of building construction.
- 3.17 Developers/subdividers are responsible for their pro-rata share of off-site improvements as determined by a traffic impact study for such improvements necessitated by the development of their property. Such off-site improvements shall include structures or facilities required along existing roadways or other transportation facilities. If such roadways or other facilities are planned but not built, a payment in lieu of physical improvements may be given and applied toward its future construction.

Objective 4: Build attractive and functional roadways;

Policies:

4.1 Landscaping should:

- maximize the visibility within a clear site triangle
- be compatible with and not damage other facilities (i.e.; root damage on sidewalks)
- maintain a consistent theme within a sector of the city to be determined by the Urban Design Element of the Comprehensive Plan
- be allowed within drainage facilities
- be provided if parking lot driving aisle reductions and parking spaces are designated for compact vehicles provided the changes do not create additional congestion at the site's access point(s) to adjacent streets
- encourage the use of "drought tolerant" vegetation to support the City's water conservation ordinance
- be watered through automatic irrigation unless native (low intensity water use) plants are used as approved by the City Landscape Architect

4.2 "Adoption" of medians is encouraged for civic groups, clubs, religious organizations, and businesses. This may include taking over maintenance of existing medians or their initial preparation and planting.

ATTACHMENT "F" MESA VILLAGE TRACTS NO. 2 REPLAT NO. 1

A REPLAT OF LOT 1, MESA VILLAGE TRACTS NO. 2
AS FILED IN PLAT RECORD 14, PAGE 389 ON JUNE 4TH, 1987
LOCATED WITHIN THE CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SECTION 13, TOWNSHIP 22 SOUTH, RANGE 2 EAST, N.M.P.M
MARCH, 2009
2.34 AC. +/-

DEDICATION

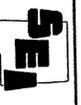
THE TRACT OF LAND SHOWN HEREON IS TO BE KNOWN AS MESA VILLAGE TRACTS NO. 2 REPLAT NO. 1.
ALL RIGHTS OF WAY AS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES.
UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE
SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL APPLICABLE EASEMENTS OF
THE CITY OF LAS CRUCES SHALL APPLY TO THESE EASEMENTS.
THE CITY OF LAS CRUCES HAS REVIEWED THE PLAT AND HAS GRANTED FOR THE USE INDICATED, NO
ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS
PLAT IS ALLOWED.

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THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE
UNDERSIGNED OWNER OF THE LAND SHOWN HEREON.
INSTRUMENT OF OWNERSHIP: CLERKS BOOK 880, PAGE 1825, FILED ON FEBRUARY 7, 2009
THE UNDERSIGNED OWNERS SET OUR HANDS THIS _____ DAY
OF _____ 2009.
VICTOR RAMIREZ 6520 PEACHTREE HILLS RD
LAS CRUCES, NM 88012
ARMIDA RAMIREZ
6520 PEACHTREE HILLS RD
LAS CRUCES, NM 88012

STATE OF NEW MEXICO SS
COUNTY OF DONA ANA
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY
OF _____ 2009.
BY _____
NOTARY PUBLIC

I, WALTER C. BLACK, NEW MEXICO LICENSED PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS
BOUNDARY SURVEY PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED BY ME OR
UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS BOUNDARY SURVEY PLAT AND
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SURVEY PLAT DOES NOT
VIOLATE THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO AND THAT THIS SURVEY IS A LAND DIVISION OR SUBDIVISION AS DENIED IN THE NEW
MEXICO SUBDIVISION ACT.

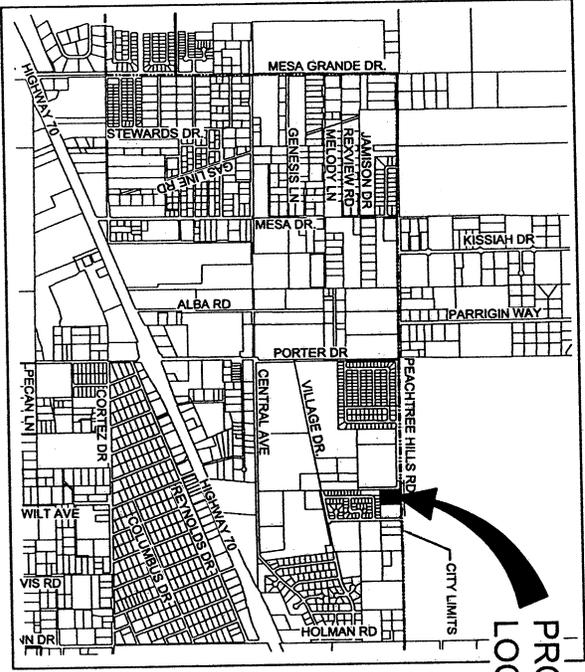


SOUTHWEST ENGINEERING, INC.
475 ARCHULETA ROAD, LAS CRUCES, NEW MEXICO 88005

MESA VILLAGE TRACTS NO. 2
REPLAT NO. 1

SUBMITTED BY: RAMIREZ VICTOR & ARMIDA
6520 PEACHTREE HILLS RD
LAS CRUCES, NM 88012

PROJECT NUMBER: 28056 DATE: 03MAR09
DATE OF SURVEY: 2/28/2009
DRAWING NUMBER: 28056-REPLAT 1 OF 2



PROJECT
LOCATION

VICINITY MAP NOT TO SCALE



DONA ANA COUNTY CLERK
STATE OF NEW MEXICO SS
COUNTY OF DONA ANA
PLAT NO. _____ RECEPTION NO. _____
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR
RECORD ON THIS _____ DAY OF _____ 2009.
AT _____ O'CLOCK AND DULY RECORDED IN PLAT BOOK _____
PAGE _____ AND FILED IN THE RECORDS OF THE COUNTY CLERK
DONA ANA COUNTY, NEW MEXICO

UTILITY APPROVALS
GAS ASSOCIATION
EASEMENTS SHOWN HEREON COPIES OF WHICH HAVE BEEN PRESENTED TO THE
GRAND NATIONAL GAS ASSOCIATION, ARE SATISFACTORY TO WHICH ABOVE GROUND
THE INSTALLATION OF UNDERGROUND NATURAL GAS PIPING AND/OR ABOVE GROUND
NATURAL GAS FACILITIES.

JORNOLA WATER COMPANY
THIS SUBDIVISION HAS BEEN APPROVED FOR THE INSTALLATION AND MAINTENANCE
OF WATER UTILITIES BY THE DEPUTY DIRECTOR OF WATER,
JORNOLA WATER COMPANY.
BY: _____ DATE: _____

CITY OF LAS CRUCES APPROVALS
THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES AND ALL THE
EASEMENTS SHOWN HEREON COPIES OF WHICH HAVE BEEN PRESENTED TO THE
CITY OF LAS CRUCES, ARE SATISFACTORY TO THE CITY OF LAS CRUCES SUBJECT TO ANY
AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR APPROVAL
OF THE PLAT.
BY: _____ DATE: _____

EL PASO ELECTRIC COMPANY
EASEMENTS SHOWN HEREON COPIES OF WHICH HAVE BEEN PRESENTED TO THE EL
PASO ELECTRIC COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE
INSTALLATION OF UNDERGROUND AND/OR OVERHEAD ELECTRIC UTILITIES.
BY: _____ DATE: _____

COMCAST CABLE COMM. INC.
EASEMENTS SHOWN HEREON COPIES OF WHICH HAVE BEEN PRESENTED TO
COMCAST CABLE ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION
OF UNDERGROUND AND/OR OVERHEAD TV CABLE UTILITIES.
BY: _____ DATE: _____

QWEST COMMUNICATIONS
EASEMENTS SHOWN HEREON COPIES OF WHICH HAVE BEEN PRESENTED TO
QWEST COMMUNICATIONS, ARE SATISFACTORY TO MEET THE NEEDS FOR THE
INSTALLATION OF UNDERGROUND AND/OR OVERHEAD TELEPHONE UTILITIES. THIS
PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS
PLAT DOES NOT IN ANY WAY GUARANTEE TELEPHONE SERVICE TO THE
SUBDIVISION.
BY: _____ DATE: _____

CITY OF LAS CRUCES PLANNING AND ZONING COMMISSION APPROVAL
THIS PLAT HAS BEEN SUBMITTED TO AND CHECKED BY THE LAS CRUCES
PLANNING AND ZONING COMMISSION. IT CONCURS WITH THE EXPANSION
OF EXISTING UTILITIES AND THROUGHWAYS AND IS IN ACCORDANCE WITH
GENERAL CITY PLANNING.
CHAIRMAN: _____ DATE: _____
SECRETARY: _____ DATE: _____

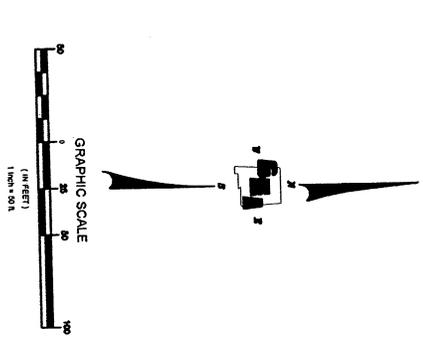
MESA VILLAGE TRACTS NO. 2 REPLAT NO. 1

A REPLAT OF LOT 1, MESA VILLAGE TRACTS NO. 2
AS FILED IN PLAT RECORD 14, PAGE 389 ON JUNE 4TH, 1987
LOCATED WITHIN THE CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SECTION 13, TOWNSHIP 22 SOUTH, RANGE 2 EAST, N.M.P.M
MARCH, 2009
2.34 AC. +/-

- LEGEND**
- EASEMENT LINE/ARC DATA
 - WELL
 - EXISTING UTILITY POWER POLES
 - CONCRETE MONUMENT FOUND (AS NOTED)
 - FOUND MONUMENT (AS NOTED)
 - SET 1/2" IRON ROD WITH CAP MARKED U.S. GOVT. FOUNDING AREA TO BE MAINTAINED BY INDIVIDUAL PROPERTY OWNERS.
 - (R) REG. RECORD
 - (M) MEAS. MEASURED

- LEGEND NOTES**
1. SET TAGS MARKED "R" RIGHT AT FOUND MONUMENT UNLESS NOTED OTHERWISE.
 2. SET MONUMENTS ARE 12" HIGH REBAR WITH SET POINTS MARKED "S" 180° UNLESS OTHERWISE NOTED.
 3. ALL SYMBOLS IN LEGEND MAY NOT APPLY TO THIS PLAT

- NOTES**
1. INDIVIDUAL LOT OWNERS ARE RESPONSIBLE FOR PROVIDING UTILITY MAIN EXTENSIONS AND EASMENTS FOR PROVIDING UTILITY SUBROUTS TO EACH LOT.
 2. MESA VILLAGE TRACTS NO. 2 WAS FILED IN PLAT RECORD 14, PAGE 389 ON JUNE 4, 1987.
 3. SUBDIVISION IS IN OTHER AREAS FLOOD ZONE "X" - DETERMINED TO BE OUTSIDE OF THE 50-YEAR FLOOD PLAIN IN FLOOD INSURANCE RATE MAPS AND EFFECTIVE DATE SEPTEMBER 27, 1981.
 4. SURVEY MEASUREMENT WILL BE REQUIRED OF OWNER AT TIME OF LOT DEVELOPMENT.

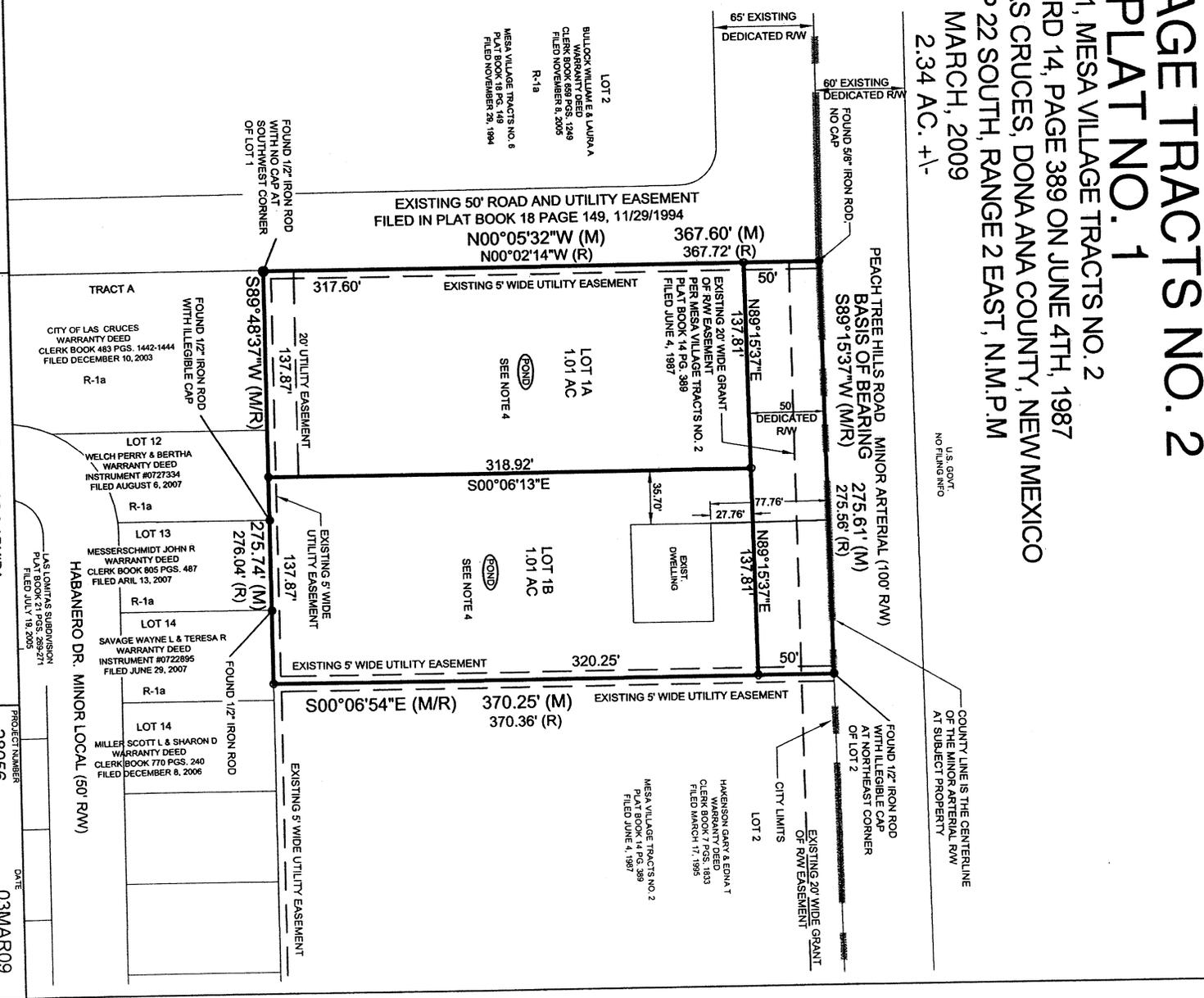


SEA
SOUTHWEST ENGINEERING, INC.
475 ARCHULETA ROAD, LAS CRUCES, NEW MEXICO 88005

MESA VILLAGE TRACTS NO. 2
REPLAT NO. 1

SUBMITTED BY: RAMIREZ VICTOR & ARMIDA
6520 PEACHTREE HILLS RD
LAS CRUCES, NM 88012

PROJECT NUMBER: 28056
DATE OF SURVEY: 2/26/2009
DRAWING NUMBER: 28056-REPLAT
DATE: 03MARCH09
PAGE: 2 OF 2



U.S. GOVT.
NO FILING INFO

COUNTY LINE IS THE CENTERLINE
OF THE MINOR ARTERIAL RW
AT SUBJECT PROPERTY

HAKENSON GARY & EDNA T
WARRANTY DEED
CLERK BOOK 7 PGS. 183
FILED MARCH 17, 1997

MESA VILLAGE TRACTS NO. 2
PLAT BOOK 14 PG. 389
FILED JUNE 4, 1987

LOT 2
BULLOCK WILLIAM E & LAURISA A
WARRANTY DEED
CLERK BOOK 690 PGS. 1249
FILED NOVEMBER 8, 2005
R-1a

MESA VILLAGE TRACTS NO. 8
PLAT BOOK 18 PGS. 78, 194
FILED NOVEMBER 28, 1994

LOT 1A
1.01 AC
SEE NOTE 4

LOT 1B
1.01 AC
SEE NOTE 4

CITY OF LAS CRUCES
WARRANTY DEED
CLERK BOOK 483 PGS. 1442-1444
FILED DECEMBER 10, 2003
R-1a

LOT 12
WELCH PERRY & BERTHA
WARRANTY DEED
INSTRUMENT #0727334
FILED AUGUST 6, 2007
R-1a

LOT 13
MESSERSCHMIDT JOHN R
WARRANTY DEED
CLERK BOOK 805 PGS. 487
FILED APRIL 13, 2007
R-1a

LOT 14
SAVAGE WAYNE L & TERESA R
WARRANTY DEED
INSTRUMENT #0722895
FILED JUNE 29, 2007
R-1a

LOT 14
MILLER SCOTT L & SHARON D
WARRANTY DEED
CLERK BOOK 770 PGS. 240
FILED DECEMBER 8, 2006
R-1a

LAS LOMITAS SUBDIVISION
PLAT BOOK 21 PGS. 269-271
FILED JULY 18, 2005

HABANERO DR. - MINOR LOCAL (50' RW)

PEACH TREE HILLS ROAD - MINOR ARTERIAL (100' RW)
BASIS OF BEARING
S89°15'37\"/>

EXISTING 50' ROAD AND UTILITY EASEMENT
FILED IN PLAT BOOK 18 PAGE 149, 11/29/1994
N00°05'32\"/>

FOUND 1/2\"/>

FOUND 1/2\"/>

FOUND 1/2\"/>

FOUND 1/2\"/>

65' EXISTING
DEDICATED RW

80' EXISTING
DEDICATED RW
NO CAP

50'
DEDICATED RW

50'
DEDICATED RW

50'
DEDICATED RW

EXISTING 20' WIDE GRANT
OF RW EASEMENT

CITY LIMITS

EXISTING 20' WIDE GRANT
OF RW EASEMENT

EXIST. DWELLING

EXISTING 5' WIDE UTILITY EASEMENT

20' UTILITY EASEMENT

EXISTING 5' WIDE UTILITY EASEMENT

20' UTILITY EASEMENT

EXISTING 5' WIDE UTILITY EASEMENT

20' UTILITY EASEMENT

EXISTING 5' WIDE UTILITY EASEMENT


City of Las Cruces®

TO: Planning and Zoning Commission

FROM: Development Review Committee (DRC)

PREPARED BY: Helen Revels, Associate Planner *HR*

DATE: April 28, 2009

SUBJECT: Waiver Request

RECOMMENDATION: Denial

S-08-103W: A request for a waiver to the CLC Subdivision Code and CLC Design Standards requiring road improvements to 275 ± linear feet along Peachtree Hills Road, which is classified as a Minor Arterial on the MPO Thoroughfare Plan. The applicant is proposing no roadway improvements along the frontage of Peachtree Hills Road. The applicant will dedicate the pro rata share (50 feet) of right-of-way for Peachtree Hills Road. The subject property consists of 2.34 ± acres and is zoned R-1a (Single-Family Medium Density). The applicant is proposing to replat the property to create a second lot. The subject property is located at 6520 Peachtree Hills Road, east of Porter Drive, and south of Peachtree Hills Road. Submitted by Southwest Engineering for Victor and Armida Ramirez.

BACKGROUND

The development application is for a replat of the subject property to create a second lot. The subject property is part of a previously-approved subdivision. Pursuant to the CLC Subdivision Code and CLC Design Standards, the replat request has triggered the requirement for road improvements and dedication of additional right-of-way for the property's frontage on Peachtree Hills Road.

During the subdivision review process, City staff informed the applicant that, via the replat of Mesa Village Tracts No. 2, the applicant will be required to build the pro-rata share of improvements to 275 ± linear feet on Peachtree Hills Road. The applicant has requested a 100% waiver to the CLC Subdivision Code, specifically Article XII "Construction Standards." The regulations, policies, and provisions governing the construction of required improvements to subdivisions include, but are not limited to, the CLC Design Standards. Per the CLC Subdivision Code, specifically Article XI "Waiver of Regulations," the waiver request must be considered before City Council. The applicant has requested that the replat be approved without the requirement for road improvements for 275 ± linear feet on Peachtree Hills Road.

The subject property has one access point located off Peachtree Hills Road, which is classified as a Minor Arterial on the MPO Thoroughfare Plan. Presently, Peachtree Hills Road has an existing 26 ± foot roadway width with a double penetration surface treatment on the County side. Minor Arterial thoroughfares require 100-foot of right-of-way. The applicant has identified 50-foot of right-of-way to be dedicated to the City of Las Cruces. Formal dedication of this right-of-way will occur at the time of replat approval and filing.

Specifically, Article II of the CLC Design Standards states when improvements are required on streets adjacent to a subdivision or property boundaries as indicated by street classification, as determined by the MPO transportation plan, transportation element of the comprehensive plan, and/or the development review committee, the subdivider shall provide the following street improvements or pay for the cost of these improvements to the city. Peachtree Hills Road is classified as a Minor Arterial on the MPO Thoroughfare Plan and consequently, the subdivider is responsible for one-half street section, including sidewalk, curb, and gutter. Included in this packet is the cross-section for a Minor Arterial. The cross-section provides the requirements for right-of-way, paving width, parkways, and general use criteria for the acceptable city street classifications.

FINDINGS

1. The subject proposed replat has 275 feet +/- of frontage on Peachtree Hills Road a roadway designated as a Minor Arterial by the MPO Thoroughfare Plan.
2. The proposed replat is not in conformance with the right of way improvements required by the City Subdivision Code, Design Standards and the MPO Thoroughfare Plan.
3. The applicant is proposing to dedicate the required 50-foot of required right-of-way for Peachtree Hills Road via the filing of the replat of Mesa Village Tracts No. 2.
4. The subject property is zoned R-1a (Single-Family Medium Density).

RECOMMENDATION

The Development Review Committee (DRC) reviewed the waiver request on April 1, 2009. The draft minutes for the April 1, 2009, DRC meeting are attached. The DRC reviews development applications, e.g., preliminary plats, master plans, from an infrastructure, utilities, and improvement standpoint. The DRC recommends **denial** of the waiver request.

Please note that the Planning and Zoning Commission is rendering a recommendation to the City Council, who retains the final authority on waiver requests.

OPTIONS

1. Approve the waiver request.
2. Approve the waiver request with conditions.
3. Deny the waiver request, as recommended by the DRC.

Please note: A denial would need to be based on findings other than those identified by staff or the Development Review Committee.

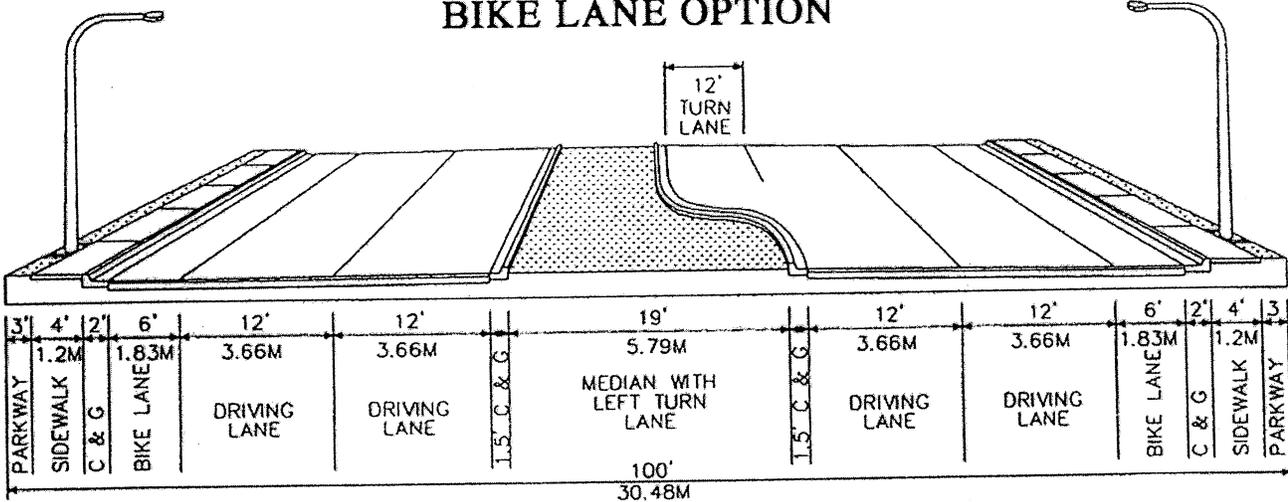
ATTACHMENTS

1. Minor Arterial Design Standard requirement
2. Draft DRC minutes – April 1, 2009
3. Copy of Proposed Replat
4. Vicinity Map

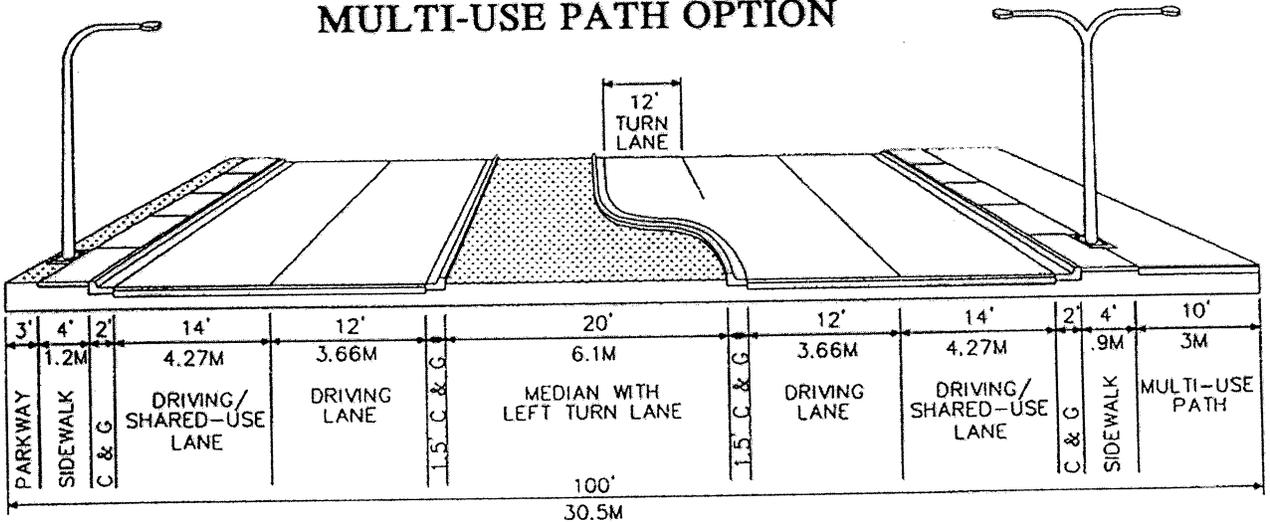
MINOR ARTERIAL - 2

R.O.W. WIDTH: 100 FT. (30.48M)
 DESIGN SPEED: 45mph (72kph)

BIKE LANE OPTION



MULTI-USE PATH OPTION



- NOTES:
1. THE DEVELOPER IS RESPONSIBLE FOR EXTENDING FULL SERVICE WATER STUBOUTS AND ELECTRICAL CONDUIT FOR LANDSCAPING IN EACH MEDIAN AND THE PARKWAYS.
 2. PARKWAY MAY BE USED BY THE ADJACENT LAND OWNER FOR LANDSCAPING. UP TO 1/3 OF THE REQUIRED LANDSCAPING MAY BE PLACED WITHIN THE RIGHT-OF-WAY.
 3. A MULTI-USE PATH OR BIKE LANE SHALL BE CONSTRUCTED WHEN REQUIRED BY THE BICYCLE FACILITIES & SYSTEMS MASTER PLAN.
 4. SIGNAGE AND PAVEMENT MARKINGS WILL BE REQUIRED IN ACCORDANCE WITH MUTCD.
 5. MEDIAN CURB & GUTTER, "TYPE K" OR "TYPE L", SHALL BE INSTALLED IN THE MEDIAN.
 6. MULTI-USE PATHS SHALL BE CONSTRUCTED ON THE NORTH SIDE OF EAST/WEST ROADS AND ON THE EAST SIDE OF NORTH/SOUTH ROADS.
 7. SIDEWALKS SHALL BE CONSTRUCTED ACCORDING TO SECTION 2.2 SIDEWALK REQUIREMENTS.

DEVELOPMENT REVIEW COMMITTEE

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, April 1, 2009 at 9:00 a.m. in the Las Cruces City Council Chambers, 200 North Church Street, Las Cruces, New Mexico.

DRC PRESENT: Cheryl Rodriguez, Dev. Services Meei Montoya, Utilities
Loretta Reyes, Public Works Mark Johnston, Facilities
Tom Murphy, MPO Travis Brown, Fire Dept.

STAFF PRESENT: Gary Hembree, Dev. Services Jennifer Robertson, Dev. Services
Helen Revels, Dev. Services Natasha Billy, Public Works
Catherine Duarte, Public Works Jaime Rodriguez, Public Works
Lora Dunlap, Dev. Services

OTHERS PRESENT: Paul Pompeo, Southwest Engineering, Inc.
Matt Kenney, DVI
John Moscato, Bright View Land Co.

I. CALL TO ORDER (9:03 am)

Rodriguez: I'm going to call this meeting to order for Wednesday, April 1st, approximately 9:03 in the morning.

II. APPROVAL OF MINUTES – February 25, 2009

Rodriguez: The first item on the agenda is the approval of the minutes from February 25th. A motion to approve?

Murphy: Move approval.

Reyes: Second, Loretta Reyes, Public Works.

Rodriguez: Any discussion? Seeing none, all those in favor.

Members: Aye.

Rodriguez: Those opposed. None?

III. OLD BUSINESS – NONE

IV. NEW BUSINESS

1. S-08-103: Mesa Village Tracts No. 2, Replat No. 1 – Final Plat

- The applicant proposed to replat the existing lot and create an additional lot on 2.34 ± acres
- Subject property is zoned R-1a (Single-Family Medium Density)
- Subject property is located at 6520 Peachtree Hills Road
- Submitted by Southwest Engineering for Victor and Armida Ramirez

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2. S-08-103W: Mesa Village Tracts No. 2, Replat No. 1, Waiver Request

- The applicant is submitting a waiver request for no road improvements to Peachtree Hills Road for approximately 275 feet.
- In lieu of road improvements, the applicant will provide (dedicate) 50-feet of right-of-way.
- Peachtree Hills Road is classified as a Minor Arterial per MPO Thoroughfare Plan.
- The applicant proposes to replat the existing lot and create an additional lot on 2.34 ± acres.
- Zoned R-1a (Single-Family Medium Density).
- Subject property is located at 6520 Peachtree Hills Road.
- Submitted by Southwest Engineering for Victor and Armida Ramirez.

15 Rodriguez: We have three items on new business, for action items today and the first two items is a final plat and a waiver request for the Mesa Village Tracts No. 2. We'll consider these separately but I'd like to hear these two items together so do I have a motion to suspend the rules?

16
17
18
19
20 Murphy: So move, Tom Murphy.

21
22 Reyes: Second, Loretta Reyes.

23
24 Rodriguez: I'm going to turn it over to Helen if you can present the case for the final plat and the waiver request, please?

25
26
27 Revels: Before you today we have a replat of a single lot located at 6520 Peachtree Hills Road. The applicant is proposing... the applicant is proposing to replat this into two lots, acreage is 2.34. It's called Mesilla Valley Tracts No. 2, Replat No. 1. It currently fronts Peachtree Hill Road. Peachtree Hill Road is a Minor Arterial. According to the subdivision code the applicant would be responsible to dedicate their pro-rata share of Right-of-Way and also make improvements to this Minor Arterial road which would be curb, sidewalk, gutter and paving half a section of the road. The applicant is wishing to wave 100% of the road improvements, they will put in the... they will dedicate the 50 feet of Right-of-Way but they are asking for a waiver for the 100% of road improvements.

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38 Rodriguez: Before I turn it over to the applicant Helen, I have a few questions for you. What's the existing Right-of-Way for Peachtree Hills Road?

39
40
41 Revels: I believe it's about 25 feet of double penetration. There is a 20 foot easement currently in front of the property, a road easement, a road and utility easement but the applicant is gonna give the full 50 feet of dedicated Right-of-Way instead of and easement.

42
43
44
45
46 Rodriguez: And is the 50 feet of Right-of-Way their pro-rata share for dedication?

47
48 Revels: Yes.

1 Rodriguez: Paul, you can... want to add anything to it, but if you could put your name into the
2 record for our recording secretary, please?
3

4 Pompeo: Paul Pompeo with Southwest Engineering here to present Mesa Village Tracts
5 No. 2, Replat. Basically we have a single property owner that owns a little over
6 two acre piece of land that was previously created by a subdivision inside of the
7 city limits which fronts on Peachtree Hills Road which is a Minor Arterial. The
8 applicant wishes to split the property in half to convey the second tract to his son
9 for the purpose of building a single family dwelling unit.

10 What makes this case unique is that this property fronts on an MPO
11 designated route, the property owner is willing to dedicate the full or his half of the
12 pro-rata share of dedicated Right-of-Way but runs into an issue with the required
13 roadway improvements. As previously stated by staff, the lot does have access
14 from Peachtree Hills Road, which is improved on the County's side of the center
15 line of Peachtree Hills Road which is a 24-25 foot wide double penetration
16 surfaced roadway. With that it's going to be our contention or our ascertain before
17 City Council that for two single family lots, the 24 foot of double penetration
18 surface roadway is an acceptable and adequate roadway improvement for two
19 residential lots.

20 We've done preliminary cost estimates for this section of roadway using the
21 City of Las Cruces unit costs that were given to us for a recent project on Del Rey
22 Boulevard. I'm using the City's unit costs and I'll be submitting that to staff for
23 review and approval. It's somewhere in the neighborhood of \$86,000.00 for
24 roadway improvements. The applicant or the.... The subdivision does not have
25 \$86,000.00 to either build the road or to you know write a check to the City for
26 payment in lieu of construction.

27 We're gonna... we'd like to approach City Council with this in as much as
28 showing that you know small property owners that front an MPO designated Right-
29 of-Way are unjustly impacted by the requirement for the improval... of the
30 improvements of those roadways because if this property was located a couple of
31 feet of that alignment they wouldn't be required to do any roadway improvements
32 so based on that we feel that the... for small property owners as this it's... the
33 code doesn't have an out if it were to put it in a better way. With that we'd like to
34 proceed forward to the City Council to ask for a waiver to the roadway
35 improvement requirements.
36

37 Rodriguez: Paul, if you could elaborate, there's been development both east and west of the
38 subject parcel that have triggered road improvements; what's the current state of
39 road improvements for those developments both east and west?
40

41 Pompeo: Okay, to the... I don't recall the name of the subdivisions to the east but there
42 are... have been those couple... I think there's been two subdivisions to the east
43 that have given the City money in lieu of improvement. To the west of this
44 property there's two subdivisions; one immediately... I'm sorry; the one
45 immediately adjacent is... I can't think of the name of the subdivision but... the
46 approval of those plans, the developer has agreed to give the City the pro-rata
47 share of cost improvements for Peachtree Hills. Adjacent to that is Luna Vista
48 Subdivision which did pay the City a pro-rata share for roadway improvements
49 and then on to the west of that is another subdivision the developer traded
50 roadway improvements on Peachtree Hills for roadway improvements on Porter

1 Drive. So, there have been other developments in the area that have either paid
2 or have traded roadway improvements when they were subdivided.

3
4 Rodriguez: Thank you. We'll go around the table now; we'll start with Fire.

5
6 Brown: Travis Brown, Fire Department. I don't necessarily have any questions specific I
7 guess to access or anything. I did have a question just based on the plat that's
8 being shown here. It looks to me like there's a 65 foot existing dedicated Right-of-
9 Way there's a adjacent to that and then this is only fifty so is that... I mean it kind
10 of looks like we're... have a different road cross sections there as far as the width
11 of that so I guess that... just asking for clarification maybe on that.

12
13 Rodriguez: Tom with MPO, did this portion of Peachtree Hills is a Minor Arterial, was this
14 segment down graded from a Principal Arterial at one time?

15
16 Murphy: Tom Murphy, MPO. Not that I'm aware of, I'm pretty sure the Minor Arterial
17 designation's been there a long time. On that note, I do have some similar
18 questions about this plat; to the west not only is there shown sixty-five to the south
19 of the center line... you know to the south of the city limits to north of the city limits
20 there's an additional 60 feet shown so there's 125 west of... for Peachtree Hills,
21 west of there? That wasn't part of the discussion and I would like some
22 clarification on that.

23
24 Rodriguez: Paul, you want to elaborate on that?

25
26 Pompeo: I'm gonna try. Back in when Luna Vista Subdivision and I did not bring a vicinity
27 map with me but it's the subdivision that's located to the west of this one. That
28 was the first subdivision that was approved along Peachtree Hills Road and at that
29 time it was approved as Peachtree Hills being a Major Arterial and that gave up 65
30 foot of Right-of-Way.

31 The next subdivision that came in was between Luna Vista and Porter Drive
32 and by that time the City's codes had been... the MPO Plan had been in my
33 memory changed reflect a Minor Arterial for Peachtree Hills Drive however to keep
34 the Right-of-Way consistent that subdivision was approved at 65 foot of Right-of-
35 Way down to Porter Drive.

36 When the subdivision came in that you see immediately to the west of the
37 subject property that's Mesa Village Phase Three, I believe. To keep the Right-of-
38 Way consistent they gave up 65 foot of Right-of-Way because there's a, I think
39 there's a Sprint fiber optic line that's adjacent to the Right-of-Way which would
40 now sit in it. When this plat was submitted we just went back to the Right-of-Way
41 requirements as it sits on the books because there's an existing dwelling out there
42 and if we continued with 65 foot we'd be in a setback situation with the existing
43 home that's out there. As far as the north side of the Right-of-Way the portion that
44 lies outside the city limits, the County has a 60 foot Right-of-Way that they had
45 secured from BLM sometime back in the 80's I believe and that's how that Right-
46 of-Way came about. So kind of a history of how the Right-of-Way widths got
47 approved in the area out there.

48
49 Rodriguez: Okay, does that answer some of your questions, Travis or...?
50

- 1 Brown: Yes ma'am, that... I just wondered why we were kinda going wider and narrower
2 and whether that was going to be problematic for road design and so forth. As far
3 the Fire Department specific issues we don't have any issues related to the
4 request.
5
- 6 Rodriguez: For the question regarding road design perhaps when we get to Public Works they
7 can shed some light on that. Facilities?
8
- 9 Johnston: Mark Johnston, Facilities. I don't have any issues with that either. It would be
10 good to clarify the width of the roadways otherwise; we'll look to Loretta for that.
11
- 12 Rodriguez: Okay. Tom, any other comments?
13
- 14 Murphy: No, that cleared up my questions. I have no other comments.
15
- 16 Rodriguez: Okay. Meei, Utilities?
17
- 18 Montoya: We already approve both the replat and the waiver but we will support other
19 department if they have any concern regarding either the waiver or replat.
20
- 21 Rodriguez: Loretta?
22
- 23 Reyes: Loretta Reyes, Public Works. With regard to the waiver, we made our comments
24 with regard to having reviewed the letter that was submitted and the reasons that
25 were listed in the letter which did not include the information that the engineer
26 provided in his presentation earlier with regard to cost. As such, I took a look at
27 the subdivision code, section 37-332, Waiver of Regulations, and looked at the
28 definition of what a waiver or substantial hardship to the sub-divider would be
29 which says exceptional topographic, soil or other subsurface, subsurface
30 conditions and then further down it does say that a waiver of the engineering
31 submittal requirements shall require the concurrence of the Public Works Director.
32 And so basically what I did was looked at the design standards and in the design
33 standards it does say that, that if they do not, they could either provide the
34 improvements or pay for the cost of these improvements to the City so our
35 comments back with regard to the waiver where that they... we would take the
36 cost of the improvements in lieu of the owner making the improvements. I did
37 since... the code is... the subdivision code is clear and it says a waiver of
38 engineering submittal requirements shall require the concurrence of the Public
39 Works Director. It doesn't say their designee although I perhaps would be that
40 person. I did check with the Public Works Director and the Public Works Director
41 concurs with the design standards with the codes and does... would like to see
42 the owner pay the City for the improvements, their pro-rata share of the
43 improvements so as such I cannot support the waiver request.
44
- 45 Rodriguez: In regards to the dedication of the Right-of-Way, as... Peachtree Hills is a Minor
46 Arterial and the existing Right-of-Way is approximately what 60? Is that was it
47 says, 60 feet?
48
- 49 Pompeo: Sixty on the north side of the section line.
50

- 1 Rodriguez: The applicant's dedicating the fifty and there's been previous dedication's of sixty-
 2 five to the west. And I seem to recall to the east as that development came
 3 through, I think their dedication was fifty as well. But within that bearing Right-of-
 4 Way, can a Minor Arterial be built?
 5
- 6 Reyes: Yes, it can be.
 7
- 8 Rodriguez: On that note, what we'll do is we'll unsuspend the rules. Can I have a motion to
 9 unsuspend the rules?
 10
- 11 Reyes: Madam Chair, first before... I'd like to make one more comment. As far you know
 12 we would like to see... Public Works would like to see the roadway improvement
 13 that issue resolved I guess... we're a little concerned about approving the plat
 14 prior to that being resolved. I know we have some minor comments and I believe
 15 that my staff has spoken with Paul about those comments and if the issue of the
 16 road improvements was resolved then I wouldn't have a problem saying yes to the
 17 approval of a final plat today but I... since I don't have that then that would be an
 18 issue for me, for it to go forward to P & Z.
 19
- 20 Rodriguez: Paul?
 21
- 22 Pompeo: Can I ask a question? This is a procedural question. It's my understanding that
 23 design standard variances have to be approved by City Council, is that correct? I
 24 mean a design standard does not go to Planning and Zoning.
 25
- 26 Rodriguez: Paul, it would be a recommendation, we'll take it through the appropriate bodies
 27 so the recommendation would be from DRC to P & Z and P & Z would make a
 28 recommendation to City Council and City Council has the final authority because
 29 you are seeking a waiver of 100 percent of the improvements so we're gonna
 30 process it accordingly that way.
 31
- 32 Pompeo: Okay can the approval of the plat from a staff level be... because everything on
 33 this plat is gonna hinge on those road improvements. If the City Council says to
 34 this property owner no we want those improvements in and there's not going to be
 35 a plat, I mean that's what it's, that's what it basically comes down to. So, can the
 36 plat be... as it goes through the process, can it be approved conditional upon the
 37 City Council's final action on the roadway... on the variance to the design
 38 standards?
 39
- 40 Rodriguez: Would the applicant be willing to table consideration of the final plat and this body
 41 make a recommendation regarding the waiver request? You take the waiver
 42 request forward depending on the outcome of City Council then we will resurrect
 43 the final plat and take it... because the final plat, you will have to go to P & Z
 44 because you are creating... it's a previously filed subdivision, you're creating that
 45 additional lot so P & Z will have to act on it.
 46
- 47 Pompeo: Okay so, if we did that, would the waiver still have to go to P & Z, to City Council
 48 or would it just go straight to City Council?
 49

- 1 Rodriguez: The waiver would go from P & Z to City Council so we would be looking at an April
2 P & Z meeting and then I would have to look a calendar to see if we can get it to
3 the May or June City Council.
4
- 5 Pompeo: Okay, since it has to go to both, do you see it problematic that they both go so we
6 don't lose any time if it does get approved or is that problematic for staff?
7
- 8 Rodriguez: I would see it depending on how this board votes, I would see it as problematic
9 because if you recommended approval of a final plat and went to P &
10 Z and got approved but the waiver request gets denied then you have an
11 approved final plat but then your client's going to have to build a road or provide
12 the funds in lieu of, so I would probably like to see the waiver request go forward
13 to City Council and then meanwhile we can get it to the next available P & Z.
14
- 15 Pompeo: Okay, I'll defer that to staff if that's what will be least problematic.
16
- 17 Rodriguez: I think would be the cleanest way.
18
- 19 Pompeo: Okay then we would go that route.
20
- 21 Rodriguez: So you'd like to table the final plat?
22
- 23 Pompeo: Yes.
24
- 25 Rodriguez: Then on that note, Travis?
26
- 27 Brown: Just for my clarification I'd think it was kind of answered. We as a body do not
28 have the ability to approve the waiver request; we are just making a
29 recommendation as to...
30
- 31 Rodriguez: Making a recommendation regarding the waiver request.
32
- 33 Brown: Okay, thank you.
34
- 35 Rodriguez: Okay, I need a motion to unsuspend the rules, please.
36
- 37 Murphy: So moved.
38
- 39 Reyes: Second, Loretta Reyes.
40
- 41 Rodriguez: Okay, the first item is the final plat and the applicant is requesting that we table
42 indefinitely the final plat and once depending on the outcome of the City Council
43 regarding the waiver request then the final plat will be brought back this body for
44 consideration. Do I have a motion to table Case S-08-103, the final plat for Mesa
45 Village Tracts No. 2, Replat No. 1?
46
- 47 Brown: Travis Brown, so moved.
48
- 49 Johnston: Mark Johnston, second.
50
- 51 Rodriguez: All those in favor.

1
2 Members: Aye.
3
4 Rodriguez: Those opposed. The final plat's been tabled indefinitely. The next item is the
5 waiver request for Mesa Village Tracts No. 2, Replat No. 1. Do I have a motion to
6 approve the waiver request? The motion has to be done in the affirmative.
7
8 Brown: I move the approval of the waiver request for item number two.
9
10 Rodriguez: Do I have a second? You have to make the motion in the affirmative then we'll go
11 through and you (*inaudible*) to approve.
12
13 Brown: Second. Before we go vote though madam chair, I do have a question.
14
15 Rodriguez: Yes.
16
17 Brown: The second bullet says in lieu of road improvements, applicant will provide,
18 dedicate 50 feet of Right-of-Way. That is a requirement either way correct, so
19 they are not...?
20
21 Rodriguez: That's a requirement but the... was the applicant is proposing in lieu of road
22 improvements they'll provide their dedication of Right-of-Way which is a
23 requirement.
24
25 Brown: Which is a requirement anyway so they are not providing anything additional than
26 they would normally have to provide.
27
28 Rodriguez: No sir.
29
30 Brown: Okay, thank you for that clarification.
31
32 Rodriguez: We'll go around the table for the vote; Travis with Fire.
33
34 Brown: No.
35
36 Rodriguez: Facilities?
37
38 Johnston: Mark Johnston, Facilities. No.
39
40 Rodriguez: MPO?
41
42 Murphy: Tom Murphy, MPO. No.
43
44 Rodriguez: Utilities?
45
46 Montoya: No.
47
48 Rodriguez: Public Works?
49
50 Reyes: No.
51

1 Rodriguez: And Community Development votes no. So the waiver request has been denied.
 2 So we'll see you at the April P & Z which is April 27th. And then we'll... if you can
 3 check with Helen later on Paul, regarding when we can get you to Council.
 4 Because it's April 27th I thinking it's going to be a June.

5
 6 Pompeo: Would that be 28th? April 28th is a Tuesday.

7
 8 Rodriguez: Yeah. And then I would look at the fourth Monday of June for City Council.

9
 10 Pompeo: So that would be... the fourth Monday would be June the 22nd.

11
 12 Rodriguez: Yes.

13
 14 **3. Sierra Norte Master Plan: Variance Request for Access to a Commercial**
 15 **Development**

- 16
- 17 • The variance request includes a proposal of a 24 foot wide paved private access
- 18 road, in lieu of City Design Standards.
- 19 • The applicant also seeks to outline the long-term plans for building two (2) lanes of
- 20 Sonoma Ranch Blvd., the extension of a gas and sewer lines and coordination
- 21 with Las Cruces Public Schools. Construction is anticipated to be completed by
- 22 the 2010 – 2011 school year.
- 23

24 Rodriguez: The next item on the agenda is the Sierra Norte Master Plan. It's a variance
 25 request for the access to a commercial development. I'll have the applicant, DVI
 26 to come to the table please.

27
 28 Kenney: Good morning, Matt Kenney with DVI. Thank you for having us. We are here for
 29 a variance on access to a commercial construction site. The... as you know we
 30 are working on getting a permit for the clubhouse at the Las Cruces Country Club
 31 and we proposed last time an alignment west of and parallel to Sonoma Ranch
 32 Boulevard along this alignment here to the clubhouse.

33 Just as some background information to explain what the approach is; we
 34 were looking at Sonoma Ranch Boulevard and since we are going to be doing a
 35 major amendment to the approved master plan and have a set of drainage plans
 36 that will need to be approved under that PUD application; we wanted to move to a
 37 local roadway alignment instead of working with a Major Arterial. We have a PUD
 38 approach that sets up a hierarchy of roadway classifications that would have
 39 pedestrian oriented streets but then also have vehicle oriented streets and so
 40 we're moving the alignment to what we're considering as a pedestrian oriented
 41 street and I can show you the... a proposed cross section which you weren't able
 42 to see last time.

43 The proposed cross section is a three lane road section with on-street parking
 44 in a 65 foot Right-of-Way. We are proposing to build 24 feet of that pavement
 45 right now. It would be a privately maintained street until such time that the master
 46 plan was approved and the street was dedicated and built to the full cross section
 47 that is approved with the PUD. We would build the 24 feet to meet the standard
 48 specification for road construction obviously as discussed last time that does not
 49 meet the design standards because it's not a dedicated road yet but it will be built
 50 to the standards specifications for road construction so that it can be part of the
 51 full build out when we get there.

1 The plan for utilities on this corridor is that it would be... the utilities would be
 2 built out the 24 feet and then we are planning on having a system of driveway
 3 accesses and pedestrian crossings that would be of a different material and that
 4 portion of the pavement would then be cut out and replaced with the other material
 5 and that would give us places to cross the road cross section to provide utilities to
 6 either side of the street. So, those are some basic background information to the
 7 variance request and I think it's appropriate at this point to go around the table and
 8 see what the different departments would like to talk about.

9
 10 Rodriguez: Matt I have a few questions. So this access right now is going to facilitate
 11 emergency vehicle and construction vehicle access to the clubhouse, so it's going
 12 to be temporary until there is a major amendment to the Sierra Norte Master Plan
 13 and then subsequent developments. That temporary access will evolve into a
 14 more permanent dedicated access in which road improvements then will change
 15 on a different deal?

16
 17 Kenney: That is correct.

18
 19 Rodriguez: And that 24 foot wide access will be privately maintained, from what point to what
 20 point? From Thurmond to...?

21
 22 Kenney: From Thurmond Road until Arroyo Road and we are... well we'll show it on the
 23 construction drawings but we're showing it ending at Arroyo Road so that we have
 24 the opportunity to build permanent utilities in Arroyo Road and figure out the
 25 intersection configuration at Arroyo and that private road. So it would be privately
 26 maintained from Arroyo to Thurmond.

27
 28 Rodriguez: From Thurmond from the existing where the pavement ends presently to Sonoma
 29 Ranch on Sonoma Ranch Boulevard. There's no connectivity from where the
 30 pavement ends to Thurmond as it exists so are you proposing that access then
 31 will come from Bataan Memorial through McGuffey to Thurmond then to this new
 32 24 foot wide road or is there a proposal to get that connectivity?

33
 34 Kenney: The access and I apologize, I didn't clarify that. We are proposing to build two
 35 lanes of Sonoma Ranch Boulevard to Thurmond Road. Use the existing
 36 pavement of Thurmond Road and then build a new 24 foot paved road from
 37 Thurmond to Arroyo.

38
 39 Rodriguez: Okay, so will... that intersection will be improved because it's, quite honestly it's a
 40 mess right now.

41
 42 Kenney: Yeah, there's no pavement on Thurmond Road where Sonoma Ranch Boulevard
 43 crosses it and as part of the construction drawings we will show lane pavement to
 44 repair that, that pavement section at Thurmond and Sonoma Ranch Boulevard so
 45 that there is continuous pavement from up Sonoma Ranch Boulevard to
 46 Thurmond to the new road.

47
 48 Rodriguez: My next question is would the applicant be willing to see a condition placed on the
 49 approval of the variance request for a 24 foot wide access easement to where it
 50 would only facilitate emergency vehicle and construction access but would not

1 facilitate principal access to the clubhouse? The public will not... I mean it doesn't
2 become the main artery then to the clubhouse development.

3
4 Moscato: John Moscato, Bright View Land Company. Yes.

5
6 Rodriguez: And at that note, I'm going to go around the table, Fire?

7
8 Brown: Travis Brown, Fire Department. Conceptually we are supportive of the concept as
9 far as the 24 foot road. That does meet our requirements for Fire Department
10 access in our code and so if it was constructed to a permanent type driving
11 surfaces as Matt has described then that would meet our requirements. I guess
12 as far as the action today I'm a little... maybe a couple questions specifically for
13 that we, I have not seen the cross section other than what was presented today so
14 I'm a little hesitant to and we'll get to that I guess I'm a little hesitant to this being
15 an action item when if we are approving the... if we're doing it conceptually then
16 that's one thing, if we're approving the design that is being presented here on the
17 table and so forth I, so I guess I'd like clarification on that as far as the action item
18 itself.

19
20 Rodriguez: Travis, we're not approving the design, we're just approving the variance to the
21 City Design Standards. The DRC has the authority to allow for a narrower access
22 to commercial development. City Design Standards say it needs to be a 50 foot
23 wide road built. The City Design Standards are improved private access
24 easement so what the applicant is seeking is a variance from that 50 foot to go to
25 24 foot. As for any type of construction drawings, he'll still have to submit that and
26 it'll go through the review process through permitting and inspections.

27
28 Brown: Okay, then as far as, again in general we are supportive of this. We have met
29 with the... with Mr. Moscato and with Matt on this, had several discussions related
30 to it so we are comfortable as far as the condition of it being specifically for
31 emergency vehicle access and construction access. We would be fine with that if
32 that's something the applicant is willing to place on the approval, that's fine with us
33 as well.

34
35 Rodriguez: Facilities?

36
37 Johnston: Mark Johnston, Facilities. I believe that the applicant has kinda tackled the task at
38 hand and come up with a good solution to a, as I put it last time, a dilemma that
39 we were faced with so I'm supportive.

40
41 Rodriguez: MPO?

42
43 Murphy: Tom Murphy, MPO. I think I'm comfortable with the ability to place that condition
44 that it'll just be emergency... emergency and construction access.

45
46 Rodriguez: Utilities?

47
48 Montoya: We met with the developer and DVI a couple weeks ago and we have reach an
49 agreement so I would like to say the Utility Department is not opposed to this
50 variance request with the following three condition and I have to read them you
51 know to the record. The condition number one, the developer will not request the

1 C.O. for the clubhouse until the permanent offsite utilities in Sonoma Ranch
 2 Boulevard are built and operational to serve the clubhouse. The condition number
 3 two, permanent offsite utility will be built during the construction of the clubhouse.
 4 And the reason that we put that is because this substantial (*inaudible*) offsite utility
 5 that the developer has to build in order to make the... to serve the clubhouse with
 6 permanent utility and the developer has promised the Utility Director that no
 7 temporary utility will be sought to serve the clubhouse and the condition number
 8 three is about this 24 foot paved road. I just look at the...look at the cross section
 9 and our concern is that if you make the 24 feet as a permanent paved road with
 10 commercial or residential lot is going to front at that 24 feet; we are looking at
 11 parallel utility for all three water, sewer and gas. And so we are going to say on
 12 this condition number three is that no permanent, not permanent... no parallel
 13 utilities will be allowed within the 24 feet paved access road to serve development
 14 along the 24 feet road. If you... if you need to serve those lot fronted regardless
 15 the size, you going to have to cut the road. We're not going to allow parallel two
 16 gas on the road or two water or two sewer so we not opposed for the variance
 17 request with the three conditions here.

18
 19 Rodriguez: Matt, do you have any...? Okay, Public Works?

20
 21 Reyes: Loretta Reyes, Public Works. Okay, so the variance is to the design standards,
 22 the 50 foot requirement access, right? Okay, it wasn't very clear to me but now I
 23 understand. And we are saying that it's for emergency and construction access
 24 only and so there's not going to be any development in this area that's going to
 25 need to have access via this local road; it's just for the purpose of building the
 26 clubhouse and facilitating that development?

27
 28 Moscato: John Moscato, Bright View Land Company. Yes.

29
 30 Reyes: Okay, and then what is the... what is then the... so this is... and in that vein the
 31 roadway then is... this is a variance but it's for a I guess I would see as a
 32 temporary condition until full build out of that local road occurs. Because this isn't
 33 a variance, we're not varying it and they're going to keep it at 24 feet?

34
 35 Moscato: That's correct; upon development the full cross section will be built.

36
 37 Reyes: Okay and then as far as Thurmond Road, is there... there's already pavement on
 38 Thurmond Road from Sonoma Ranch Boulevard to this 24 foot local road?

39
 40 Kenney: Yes, there are... the majority of Thurmond Road is paved. There is a section of
 41 Thurmond Road at Sonoma Ranch Boulevard that has been greatly disturbed and
 42 damaged to an extent that it needs to be replaced.

43
 44 Reyes: Okay, and may I look at the cross section again of the roadway? You're indicating
 45 65 foot Right-of-Way for the Local that we're discussing today, is that correct?

46
 47 Kenney: That's what we're thinking today, obviously that would be part of a PUD submittal
 48 that you would have to review and approve.
 49

- 1 Reyes: Okay and... okay... and this being a... we're calling it a Local so there's no
2 particular designation given, the Minor Local or Major Local anything to this
3 roadway?
4
- 5 Kenney: Not for the purposes of this variance request, no. We might designate that more
6 completely in a PUD format.
7
- 8 Reyes: Okay and what I see on the cross section is that you're showing you know the
9 asphalt pavement, curb and gutter and side walk, is that correct on the edge?
10
- 11 Kenney: That is correct.
12
- 13 Reyes: Okay and as far as I see... okay so that I guess as the Public Works Department
14 that would be my expectation is that when you know whatever it ends up being. If
15 it ends up being reduced to a 50 foot Right-of-Way and designated as a Minor
16 Local that we would see this particular configuration on this roadway.
17
- 18 Kenney: That is our intention, yes is to submit this cross section as part of a PUD and the
19 idea of the 24 feet is that it can be expanded outwards and curb and gutter can be
20 added and built properly as opposed to trying to have a curb and gutter and then
21 tear it out and so forth so.
22
- 23 Reyes: And looking at the cross section I see lines that are labeled PL, property line and I
24 see side walk that's outside that property line. Can you shed some light on that; I
25 just want to understand what you're showing?
26
- 27 Kenney: What we're working with there is the 12 foot El Paso Electric easement and using
28 that as a setback and the person building the buildings would build the setback on
29 private property over the El Paso Electric easement so that there was a 12 foot
30 side walk in front of each building. So you'd have a building coming off the back
31 of sidewalk and... but the sidewalk would be on private property and we can... we
32 can talk about how that works with the PUD in more detail if the property line could
33 potentially move to the outside of the 12 foot sidewalk but then I would still want to
34 be able to put El Paso Electric inside the Right-of-Way at that point.
35
- 36 Reyes: Okay.
37
- 38 Kenney: So, those kind of details where the Right-of-Way line is, whether it's inside or
39 outside the sidewalk could be worked out. But that's the general idea is to use the
40 electric easement for the sidewalk width.
41
- 42 Reyes: Okay then I won't belabor it here, we could discuss that later. And then as far as
43 the... so Madam Chair this... does this have anything to do with... do we need to
44 talk about timing or timeframe or anything like that if it's just a variance for the
45 width of the roadway?
46
- 47 Rodriguez: Loretta, this is just a variance for the width of the roadway so what this body will
48 do, we'll act on that variance request and then depending on the outcome then the
49 applicant will move forward with the construction drawing component to see how
50 that access easement is going to be built because we'll have to... are you
51 planning on putting in any utilities currently in there or...?

1
2 Kenney: No, there would be no utilities constructed in that roadway.
3
4 Rodriguez: No? Okay, no utilities. So as (*inaudible*) clubhouse drawing... the clubhouse is
5 still under permit review, correct?
6
7 Kenney: Correct.
8
9 Rodriguez: So I'm assuming then with the next re-submittal of the clubhouse we'll see a
10 submittal of the road improvements on this 24 foot wide private access easement.
11
12 Kenney: We would actually propose it to be a separate permit...
13
14 Rodriguez: Separate permit?
15
16 Kenney: Because I believe the requirement is that it be on the ground before the clubhouse
17 permit is approved so we were going to do it separately.
18
19 Rodriguez: Okay.
20
21 Reyes: And one more question, as far as the drainage are there going to be provisions for
22 some temporary drainage considerations? You've probably got some runoff
23 crossing that road so could you shed some light on that, please?
24
25 Kenney: Yes, we will provide drainage crossings and some support calculations for those
26 crossing sizings with the construction drawings.
27
28 Reyes: Okay.
29
30 Kenney: So as part of the review of the construction drawings you'll be able to review
31 drainage as well.
32
33 Reyes: Alright. So I guess in closing then Public Works would be in support of that
34 knowing that there will be a full build-out of that roadway and in the interim there
35 would be drainage considerations, thank you.
36
37 Rodriguez: Travis?
38
39 Brown: I'm sorry Ma'am Chair; just a I guess follow up question. As far as the condition
40 about the road being for emergency vehicle and construction access only, I guess
41 what I would... I don't want to see is that necessarily being gated or so forth. I
42 mean I think the intent of that I believe is positive, I just don't want to see that
43 become something that is going to really create a hardship on the part of the
44 developer in the fact that I think once that is paved and goes in you know that's
45 going to... there's going to be some people driving on it and we aren't necessarily
46 in favor of that becoming some type of locked gated access or anything along
47 those lines. So that I guess I'm starting to have second thoughts about that
48 condition more so because I don't know how we're going to enforce that or
49 whether that's more we're just placing that on there to ensure that they understand
50 this is not giving them the ability to get a C.O. necessarily and start serving the
51 clubhouse publicly with that road so I guess I would like a little clarification. I think

1 the way that Meei kind of worded it about you know a C.O. not being issued...
 2 anyway so I'm a little uncertain now with that condition we talked about. What the
 3 intent was to ensure that that condition is met and how are we going to or what
 4 conditions are we going to place on the developer to make sure that no other...
 5 nobody else is using that.

6
 7 Rodriguez: What is your timeline John, regarding the opening of the clubhouse and the
 8 construction of Sonoma Ranch? Because it was anticipated as development
 9 occurred at the northern end of the Sierra Norte Master Plan, to facilitate any type
 10 of access to that development, Sonoma Ranch as a Principal Arterial was going to
 11 function that way. It wasn't the... staff didn't envision a Minor Local roadway
 12 facilitating commercial access to the far northern regions of the Sierra Norte
 13 Master Plan. So what is your anticipated build out of the clubhouse and timing
 14 with the improvements to Sonoma Ranch?

15
 16 Moscato: Based on the comments we heard at the last DRC meeting we attended, we
 17 realized that we have a requirement to have two lanes of Sonoma Ranch
 18 Boulevard all the way to Arroyo Road and then two lanes of Arroyo Road to the
 19 Local road that leads to the clubhouse built and fully functional prior to occupancy
 20 of the clubhouse and prior to homes being built in any development on that
 21 (*inaudible*).

22
 23 Rodriguez: I don't recall the two lane build out of Sonoma Ranch but is that...? Travis does
 24 that answer some of your concerns or...?

25
 26 Brown: I guess so, I just... what I don't want to do is put a condition that is really
 27 unenforceable or is going to you know if we say that that road can only be used for
 28 emergency vehicle and construction access only, well then in my mind and taking
 29 it very literally, anytime somebody else gets on that road well then that's a
 30 violation of the condition that has been placed. So I guess I'm just trying to get
 31 clarification as to our intent there which I believe was more to say this... this is to
 32 get the clubhouse going and constructed and more or less release of that permit
 33 so that that can begin and not to serve as the primary access for the clubhouse
 34 once it has received a C.O. for the public to use that facility, is I guess what I'm
 35 believing the intent of that condition is. So I just want to clarify that so that at
 36 some point in time in the future if that, if somebody comes back and says you
 37 know well we saw somebody else driving on the road and now they want to make
 38 an issue of that, we do have something in the record that clarifies the intent of that
 39 condition.

40
 41 Kenney: Madam Chair can I suggest to a rewording, what if we said that permanent access
 42 for occupancy of the clubhouse shall meet City Design Standard and then you... I
 43 think you would have addressed the intent of your condition by... by saying that it
 44 would meet design standard. And then you don't even have to have the wording
 45 about what this road is going to be used for because frankly I'd actually like to see
 46 construction traffic somewhere else too but... would that satisfy the Community
 47 Development Department?

48
 49 Brown: I'm sorry Madam Chair since I'm the one that's I guess stirring the pot. My only
 50 concern with that is I believe that the even the permanent design that's going to be
 51 approached may not or may... that's going to be recommended may not be to

1 design standards since your bringing this forward as a PUD and so I don't know, is
2 that, if that's going to be another just kinda technicality I guess. If nobody else has
3 that concern, by all means then we can forget about this. We can erase the last
4 10 minutes of this discussion on the minutes and move forward.

5
6 Kenney: Well if we're building two lanes within a dedicated Right-of-Way that would meet
7 the design standards of 50 feet.

8
9 Rodriguez: Well I'm still trying to recall, I'd have to go back and reread the minutes. I'm not
10 quite sure where I understand two lanes of Sonoma Ranch came about so...

11
12 Kenney: Well, that came about out of the fact that typically the person building adjacent to
13 a dedicated Right-of-Way would be responsible for their half of the roadway and
14 so to get back to Metro Verde in the Fountains it was understood that two lanes
15 would be built and then the adjacent development would build the other half
16 section in compliance with the design standards.

17
18 Rodriguez: It was my understanding and I'd have to go back and look at the record but for the
19 Fountains and Jornada del Norte and everything it was the build out of Sonoma
20 Ranch so I believe staff anticipated that you actually saw a full Arterial built out.
21 Because my concern with two lanes is then I understand the adjacent developer...
22 adjacent development would build their pro-rata share but then we have a
23 piecemealed road network. I mean you still have two lanes we're gonna have a
24 short segment here and then 500 yards later another short segment, I mean it just
25 depends on how build out occurs up and down Sonoma Ranch. So I'd have to go
26 back and look at the record to see how the two-lane came about. Loretta do you
27 recall?

28
29 Reyes: No Madam Chair, I don't.

30
31 Rodriguez: Okay but for the purposes of today's discussion regarding the variance request,
32 Travis would you be opposed? Is Fire opposed that once construction is complete
33 with the clubhouse and all the off-site utility conditions have been met and there's
34 no construction vehicular access to the clubhouse any longer; would Fire be
35 opposed to then that road become being gated so you don't facilitate public
36 access and that 24 foot easement functions as everybody's gateway to go play
37 golf?

38
39 Brown: Madam Chair, in general, generally speaking we do not like to have our accesses
40 blocked, gated and so forth. So, as a general rule I would say you know that even
41 in that case now that depends on everything else that's going and Sonoma Ranch
42 is there and so forth. Then and that kinda goes away then we would be willing to I
43 guess consider that at that point in time. I guess all I was trying to get at is a
44 clarification of that statement and if the intent is again what we have discussed
45 that ... just trying to make clear that that is not going to serve as the public access
46 once the facility is open and is completed then I am fine with that clarification and
47 moving forward with this language as you recommended so and everything from
48 there I think is going to have to be worked out based on timing of the remainder of
49 the infrastructure and submittal of the PUD and those sorts of things. So I guess
50 as far as whether gates go in or not I would prefer to kinda leave that until we get

- 1 further along as opposed to making a commitment one way or the other now with
2 so many unknowns still out there.
- 3
- 4 Rodriguez: Public Works?
- 5
- 6 Reyes: Loretta Reyes, Public Works. I understand where Travis is coming from, I have
7 the same concerns. That's why I asked that question, that initial question about it
8 being for emergency and construction access only. Because what Public Works
9 doesn't want to see either and I did ask I think in a previous DRC meeting about
10 the construction of the or maybe even in a meeting that the developer, the
11 engineer, myself and the Director of Public Works had but I was concerned about
12 the building having the clubhouse built and the Las Cruces Country Club wanting
13 to move out there and get their business started and wanting to you know
14 whatever they want to do. I want to make sure that we don't get that pressure
15 from that particular future owner of this facility that they will you know we're set,
16 we're ready to go, issue our C.O. and people can drive on that road. There's an
17 access you know there's a paved access already you know so I can understand
18 where you're coming from as far as you know, that's why I asked about timing.
19 Once we allow this variance and that 24 foot road gets built and it facilitates the
20 construction of the clubhouse we really need to see plans for that... the
21 permanent condition of that roadway or we need to see the plans for Sonoma
22 Ranch Boulevard and Arroyo Road or some other access to the clubhouse so that
23 we're not put in a position where we're having to scramble or give a temporary
24 C.O. or do something like that you know in lieu of everything having been built in
25 the first place. So I can understand where Travis is coming from there.
- 26
- 27 Rodriguez: Matt?
- 28
- 29 Kenney: Can we make the condition that this temporary 24 foot roadway will not be the
30 permanent access for the clubhouse and just word it simply that way? Just a word
31 on gates, there are many gates and berms out here trying to control access and
32 the public doesn't care about gates. If you put a gate on this 24 foot access the
33 only thing you're going to do is slow response time in an emergency. The public's
34 just going to go around the side of the gate so I would not suggest putting a gate
35 on that. You're gonna affect people that we want there in a negative way and not
36 slow down the people that we don't want but... How does that amendment to the
37 condition sound?
- 38
- 39 Rodriguez: I'm just trying to rewrite the condition right now so please feel free to help out.
40 The 24 foot wide private access easement will not serve as permanent access
41 or... for occupancy and use, use and occupancy of the clubhouse and its
42 associated facilities?
- 43
- 44 Brown: That sounds good. I mean Mr. Moscato you know very... made it very clear that
45 he understands everything that has to be in there so I don't think it's necessarily
46 an issue of confusion on their part. I'm just trying to... I don't want to have
47 something, a condition that somebody else could come back and accuse you guys
48 of allowing other people on there because it... or get into a situation where we
49 have to gate it to try to prevent that and because I'm with you, that's not going to
50 do any good so that's more what I'm looking for, I don't think it's a situation where

1 the developer is not clear on what he's gonna have to do in order to get a C.O. for
2 that facility.

3
4 Rodriguez: How does this sound? The 24 foot wide private access easement will not serve
5 as permanent or primary access for the use and occupancy of the clubhouse and
6 associated facilities.

7
8 Moscato: That sounds okay to me.

9
10 Rodriguez: Okay.

11
12 Brown: So moved.

13
14 Rodriguez: Motion to approve with that condition and the three stated conditions by Meei and
15 she read them into the record before and I know we have them written down so
16 when we transcribe the minutes we'll...

17
18 Murphy: Second.

19
20 Rodriguez: So all those in favor of the variance request to have a 24 foot wide paved private
21 access easement in lieu of a 50 foot wide road say aye.

22
23 Members: Aye.

24
25 Rodriguez: Those opposed? None. Okay you've got the variance for the road width so.

26
27 Kenney: Thank you.

28
29 Rodriguez: And that's the end of the cases so do I have a motion to adjourn?

30
31 Reyes: So moved, Loretta Reyes.

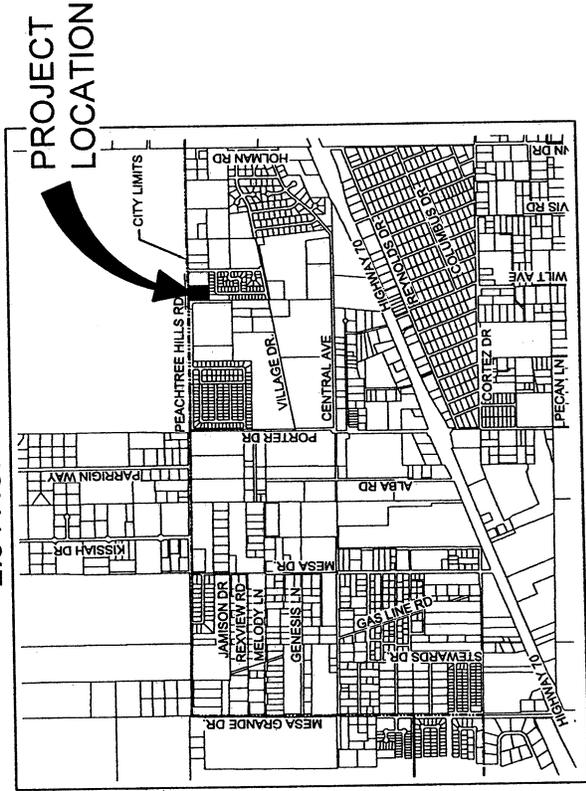
32
33 Brown: Second, Travis Brown.

34
35 **V. ADJOURNMENT (9:58 am)**

36
37
38
39
40
41
42 _____
43 Chairperson

MESA VILLAGE TRACTS NO. 2 REPLAT NO. 1

A REPLAT OF LOT 1, MESA VILLAGE TRACTS NO. 2
AS FILED IN PLAT RECORD 14, PAGE 389 ON JUNE 4TH, 1987
LOCATED WITHIN THE CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SECTION 13, TOWNSHIP 22 SOUTH, RANGE 2 EAST, N.M.P.M
MARCH, 2009
2.34 AC. +/-



DEDICATION
BEING 2.34 ACRES, MORE OR LESS, BEING LOT 1, MESA VILLAGE TRACTS NO. 2 AS FILED IN PLAT RECORD 14, PAGE 389, INCORPORATED WITHIN THE CITY OF LAS CRUCES, IN SECTION 13, TOWNSHIP 22 SOUTH, RANGE 2 EAST, N.M.P.M. OF THE U.S.G.L.O. SURVEYS.
THE TRACT OF LAND SHOWN HEREON IS TO BE KNOWN AS "MESA VILLAGE TRACTS NO. 2 REPLAT NO. 1".
ALL RIGHTS OF WAY AS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. PERMITS AND EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITY COMPANIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE BENEFIT OF THE DONOR ON THIS ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.
THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER OF THE LAND SHOWN HEREON.
INSTRUMENT OF OWNERSHIP, CLERKS BOOK 563, PAGE 1925, FILED ON FEBRUARY 2, 2009.
THE UNDERSIGNED OWNERS SET OUR HANDS THIS _____ DAY OF _____, 2009.

VICTOR RAMIREZ
6520 PEACHTREE HILLS RD
LAS CRUCES, NM 88012

ARMIDA RAMIREZ
6520 PEACHTREE HILLS RD
LAS CRUCES, NM 88012

STATE OF NEW MEXICO
COUNTY OF DONA ANA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2009.

BY _____

NOTARY PUBLIC

STATE OF NEW MEXICO
COUNTY OF DONA ANA

PLAT NO. _____ RECEPTION NO. _____

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS _____ DAY OF _____, 2009.

AT _____ O'CLOCK AND DULY RECORDED IN PLAT BOOK _____ PAGE _____ AND FILED IN THE RECORDS OF THE COUNTY CLERK DONA ANA COUNTY, NEW MEXICO

VICINITY MAP
NOT TO SCALE

DONA ANA COUNTY CLERK

UTILITY APPROVALS

RIO GRANDE NATURAL GAS ASSOCIATION
EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO RIO GRANDE NATURAL GAS ASSOCIATION, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND NATURAL GAS PIPING AND/OR ABOVE GROUND NATURAL GAS FACILITIES.

JORNADA WATER COMPANY
THIS SUBDIVISION HAS BEEN APPROVED FOR THE INSTALLATION AND MAINTENANCE OF WATER UTILITIES WITHIN THE DEDICATED RIGHT OF WAY.

CITY OF LAS CRUCES APPROVALS
THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES, AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE LAS CRUCES, SUBJECT TO ANY WITH TO THE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND AND/OR OVERHEAD ELECTRIC UTILITIES.

DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: _____

DIRECTOR OF UTILITIES
DATE: _____

DIRECTOR OF PUBLIC WORKS
DATE: _____

EL PASO ELECTRIC COMPANY
EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO EL PASO ELECTRIC COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND AND/OR OVERHEAD ELECTRIC UTILITIES.

COMCAST CABLE COMM. INC.
EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO COMCAST CABLE, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND AND/OR OVERHEAD TV CABLE UTILITIES.

QUEST COMMUNICATIONS
EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO QUEST COMMUNICATIONS, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND AND/OR OVERHEAD TELEPHONE UTILITIES. THIS PLAT DOES NOT IN ANY WAY GUARANTEE TELEPHONE SERVICE TO THE SUBDIVISION.

CITY OF LAS CRUCES PLANNING AND ZONING COMMISSION APPROVAL
THIS PLAT HAS BEEN SUBMITTED TO AND CHECKED BY THE LAS CRUCES PLANNING AND ZONING COMMISSION. IT CONCURS WITH THE EXPANSION OF EXISTING UTILITIES AND THOROUGHFARES AND IS IN ACCORDANCE WITH GENERAL CITY PLANNING.

CHAIRMAN: _____ DATE: _____

SECRETARY: _____ DATE: _____

PROJECT NUMBER 28056 DATE 03MAR09

DATE OF SURVEY 2/26/2008

DATA FILE 28056-REPLAT 1

DRAWING NUMBER 28056

SUBMITTED BY: RAMIREZ VICTOR & ARMIDA
6520 PEACHTREE HILLS RD
LAS CRUCES, NM 88012

MESA VILLAGE TRACTS NO. 2
REPLAT NO. 1

SOUTHWEST ENGINEERING, INC.
475 ARCHULETA ROAD, LAS CRUCES, NEW MEXICO 88005

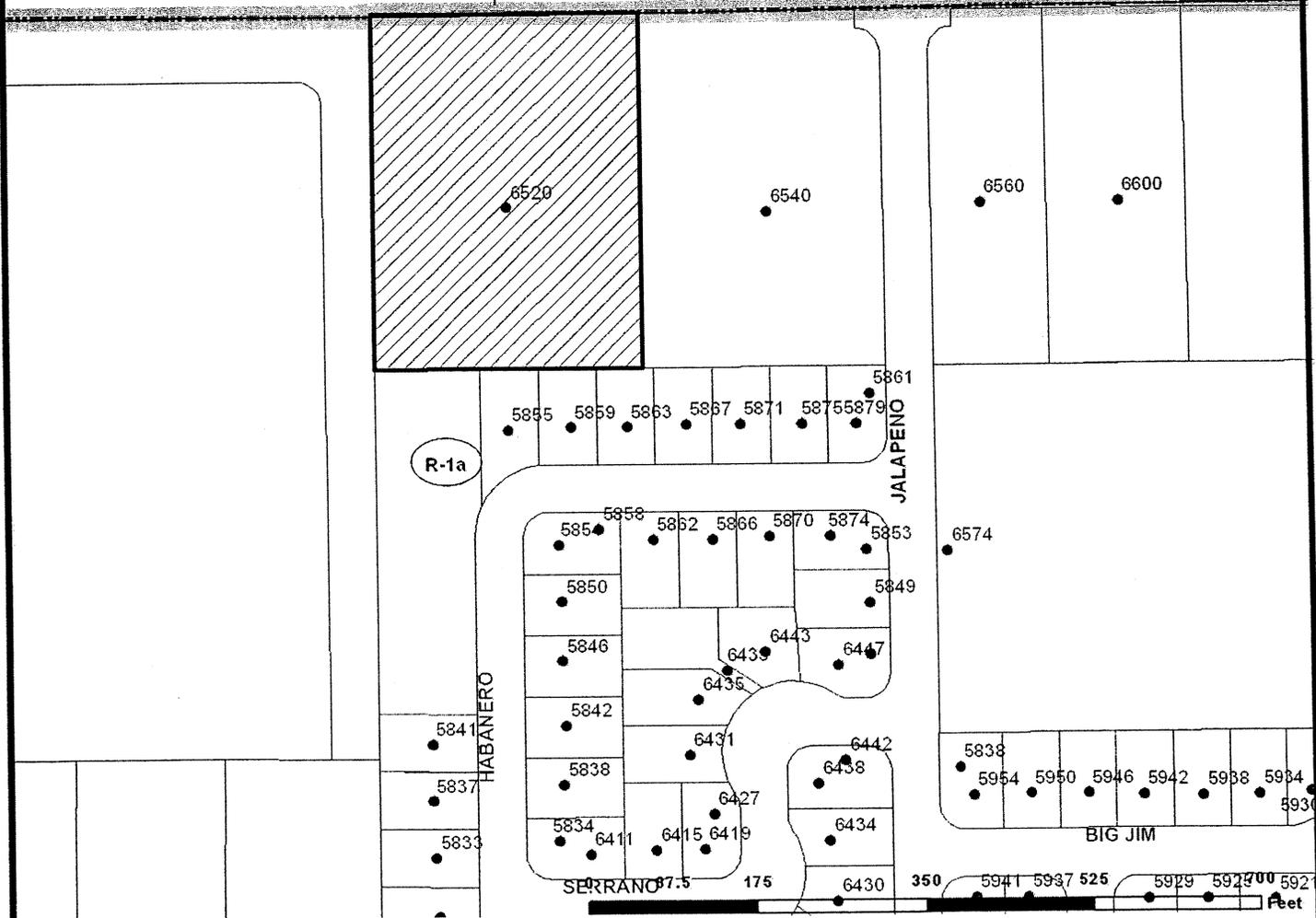


ZONING

PROPOSED COLLECTOR

PEACHTREE HILLS

EXISTING MINOR ARTERIAL



MAP CREATED FOR: HREVELS

ZONING: R-1A

ADDRESS: 6520 PEACHTREE HILLS ROAD
LAS CRUCES, NM 88012

PARCEL: 02-19245

DEVELOPER: SOUTHWEST ENGINEERING FOR VICTOR & ARMIDA RAMIREZ

DATE: 4/7/2009 11:16:11 AM SUBDIVISION: MESA VILLAGE TRACTS NO. 2, REPLAT NO. 1



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Community Development Department
575 S Alameda Blvd.
Las Cruces, NM 88001
(575) 528-3222

1 Scholz: Commissioner Bustos.

2

3 Bustos: Aye, discussions.

4

5 Scholz: And the Chair votes aye. So it is postponed to the meeting of May 26th.

6

7 **Start** → 2. **Case S-08-103W:** A request for a waiver to the CLC Subdivision Code and
 8 CLC Design Standards requiring road improvements to 275 +/- linear feet
 9 along Peachtree Hills Road which is classified as a Minor Arterial on the
 10 MPO Thoroughfare Plan. The applicant is proposing no roadway
 11 improvements along the frontage of Peachtree Hills Road. The applicant with
 12 dedicate the pro rata share (50-feet) of right-of-way for Peachtree Hills Road.
 13 The subject property consists of 2.34 +/- acres and is zoned R-1a (Single-
 14 Family Medium Density). The applicant is proposing to replat the property to
 15 create a second lot. The subject property is located at 6520 Peachtree Hills
 16 Road, east of Porter Drive, and south of Peachtree Hills Road. Submitted by
 17 Southwest Engineering for Victor and Armida Ramirez.

18

19 Scholz: Ms. Revels, nice to see you.

20

21 Revels: Hi, how are you? Good evening, Helen Revels for the record. Before you
 22 today we have a request for Peachtree Hills Road waiver request. It's
 23 Case number S-08-103W. The request this evening is for 100% waiver to
 24 the City Subdivision and City Design Standards. The applicant is required
 25 to provide 275-feet of linear feet along Peachtree Hills Road. The
 26 property is approximately two and one-third acres. The proposal that was
 27 presented for review was a replat to create a second lot to build a single-
 28 family dwelling. The property is currently zoned R-1a.

29 Case specifics are, Peachtree Hills Road has about 26-foot of right-
 30 of-way with double penetration surface on the County side. Peachtree
 31 Hills Road is classified as a minor arterial. It requires 100-feet of right-of-
 32 way. The applicant is required to dedicate an additional 50-feet on the
 33 south side of Peachtree Hills Road which would occur with the replat of
 34 the two lot split. Peachtree Hills Road is classified as a minor arterial.
 35 The applicant is required to build their pro-rata share of the roadway. The
 36 applicant was advised during the review process for the proposed lot split
 37 that road improvements would be required. The final mechanism for road
 38 improvements is the final plat and construction drawing process. Article II
 39 of the CLC Design Standards states that road improvements are required
 40 on streets adjacent to a subdivision or property boundaries as indicated by
 41 street classification. The subdivider must provide street improvements or
 42 pay the cost of these improvements to the City of Las Cruces. The pro-
 43 rata share of requirements are; one-half of street section including
 44 sidewalk, curb, and gutter.

45 Here is a design for a minor arterial showing you 100-feet of right-
 46 of-way with two lanes of traffic and bike trail, sidewalk, parkways. This

1 one does not have bike facilities. Sorry. Here is the proposed replat that
2 was submitted to our office for review which the two acre lot was being
3 split in half so that the family member could build a second single-family
4 dwelling. Here's an aerial of that lot there. Here is the MPO Thoroughfare
5 Map and as you can see Peachtree Hills is classified as a minor arterial.

6 Staff recommendation, DRC considered the waiver request on April
7 1st. DRC recommended denial. Our options here tonight are to approve
8 the waiver request; approve the waiver request with conditions; deny the
9 waiver request as recommended by DRC. Just a reminder, Planning and
10 Zoning Commission is rendering a recommendation to City Council who
11 retains the final authority on waiver requests.

12
13 Scholz: Okay, questions for Ms. Revels? Thank you very much.

14
15 Crane: There's nothing ... pardon me.

16
17 Scholz: Commissioner Crane.

18
19 Crane: I may have missed it, but I don't believe I saw anything in the paperwork
20 we were given that indicated the property owner's reasons for asking for
21 this waiver. What are they doing to persuade us that this is good?

22
23 Revels: I believe the engineer of Southwest Engineering is here as the
24 representative and he would be able to explain to you why they are
25 requesting the request.

26
27 Crane: Thank you.

28
29 Revels: Thanks.

30
31 Scholz: Okay, may we hear from the applicant please,

32
33 Pompeo: Good evening Commission. Paul Pompeo Southwest Engineering,
34 representing the Ramirez', the owners of the subject property.

35
36 Scholz: You're going to have to stay close to the microphone, Paul.

37
38 Pompeo: Once again Commission, the property is located on Peachtree Hills Road,
39 approximately half way between Porter Drive and Holman Road. What
40 the applicant is proposing to do is split a little over two acre piece of land
41 into two residential lots. There is an existing dwelling currently on the
42 property now where the pointer is at. The applicant is dedicating the
43 required amount of right-of-way pursuant to the MPO Plan. Once again,
44 this subdivision that created this lot was originally filed June 4th, 1987, so
45 it predates the ETZ at that time, and still today it's on the outer fringes of
46 the City limits.

1 Here's a current site photo of the area. Here's the existing home
2 that sits on the property now. I want you to note Commission there's an
3 existing subdivision that was approved approximately five or six years ago
4 here with their access road going out to Peachtree Hills Road. As noted
5 previously by staff, the paved section of Peachtree Hills Road lies wholly
6 in Doña Ana County, not within the City of Las Cruces. As previously
7 stated, Peachtree Hills Road in this area here is purple in color, once
8 again indicating as a minor arterial. The applicant would be required
9 pursuant to the Section 32-6 of the Design Standards here under a minor
10 arterial, one-half street section including sidewalk, curb, and gutter, as
11 previously shown by staff, this is the cross section of roadway that would
12 be required for this two lot subdivision.

13 To subdivide this parcel, the City of Las Cruces Design Standards
14 requires 24-foot wide roadway cross section with standard curb and
15 gutter, median curb and gutter, sidewalk, and street lighting. The
16 improvement will be required for a distance of just over 275-feet.
17 Preliminary cost estimate for this roadway alone is \$75,307.36 using
18 current and approved City of Las Cruces Public Works Department unit
19 costs. This is a cost breakdown sheet with the unit costs as approved by
20 the City of Las Cruces Public Works Department, once again showing a
21 grand total of just over \$75,000.

22 The developer seeks a waiver to this requirement of the City of Las
23 Cruces Design Standards for the following reason; the cost to develop this
24 section of Peachtree Hills Road is prohibitive, excessive for the creation of
25 one residential lot. The creation of the new lot is for the future
26 construction of a residential home for the developer's son, not for profit.
27 Once again, reiterating this lot is not being created to be sold. We have
28 measured some sections of that roadway at 28-feet. Staff I believe had it
29 measured at 26, but it's a double penetration surfaced roadway that exists
30 now and is currently providing access to the property. From an
31 engineering standpoint, this roadway is adequate for access to the two
32 proposed residential lots. Here are some site photos showing the existing
33 section of Peachtree Hills Road.

34 So to summarize, the applicant is seeking to create a second
35 residential lot for a family home. There is an existing governmental
36 maintained road in the area that's adequate for access to that property.
37 And we feel that the \$75,000 plus dollar expenditure that would have to be
38 made to the City of Las Cruces is excessive for the mere creation of one
39 additional one acre residential lot. With that, that concludes my
40 presentation. Commissioners, I'd be happy to answer any questions that
41 you might have.

42
43 Scholz: Okay, questions for this gentleman. Yes, Commissioner Crane.
44

- 1 Crane: If the applicant doesn't take care of improving this section of the road, and
2 all other applicants in the future with similar problems don't take care of it,
3 who does bring this road up to the stipulated standards?
4
- 5 Pompeo: Well, under our current system, the construction of roadways is left purely
6 up to developers. However, once again as you can see in this case, if an
7 applicant buys a piece of property that was platted decades ago, and then
8 that residential lot just happens unfortunately to land on a MPO route, then
9 they're strapped with excessive roadway improvements. If the property ...
10 and if I could go back to the aerial photograph to make this point, here is a
11 new urbanized subdivision constructed to all City of Las Cruces Design
12 Standards, which the engineering staff felt that Peachtree Hills was
13 adequate at that time because you can see the connection here on
14 Jalapeno Drive. What's unfair about the way that the Design Standards
15 are right now is you're required to build it or put the money up and that's
16 the only options that you have. So, why we're seeking this variance is, a
17 subdivider can come in behind a property that touches an arterial road and
18 be required to give up no money for the extension of arterial collectors, but
19 one residential homeowner comes that just happens to be sitting on that
20 arterial and they get strapped with basically half the cost of that road here.
21 That's one of the primary reasons for this variance is that this happens to
22 hit one of those niches that's not addressed in the code. If this was a
23 major land developer, if I could go back to the ... say here, this developer
24 paid for their shares here and here, but they built a large subdivision. So
25 constructing the road is not an issue in that point. We just have one of
26 those holes in the codes where one single property owner is getting nailed
27 for quite a bit of roadway.
28
- 29 Crane: I see your point. But if all the other lots along the Peachtree Hills Road
30 there were to have a similar argument made in their favor, then the road
31 would never get built to current standards, correct?
32
- 33 Pompeo: Well that is correct, but in this specific location there already exists one
34 issue. This is Montana Vista Subdivision Unit one. When this subdivision
35 was approved, the roadway improvements for Peachtree Hills Road in this
36 area here were diverted for the construction of Porter Road over here. So,
37 regardless in this area, this section of Peachtree Hills Road is not you
38 know it has to be built by basically either another developer when BLM
39 releases this land to the north, or by the government. So that scenario
40 that you're pointing out already exists in the area. So if you were to grant
41 this waiver request, you're not creating something that's unusual in this
42 area.
43
- 44 Crane: So that developer who has that big corner southeast side of Porter and
45 Peachtree did not have to improve Peachtree?
46

- 1 Pompeo: Well what they did ... this is quite a large development. What this
2 developer chose to do at the time was to divert the roadway improvements
3 from this section of Peachtree Hills Road here to extending this section of
4 Porter Drive in this area here. So it was just ... that person did not get a
5 waiver, they just moved their improvements to another location. I bring
6 that out just to point out that if you were to grant this waiver, the same
7 situation of no road being built here also exists.
8
- 9 Crane: Given that, it does seem unfair that these applicants would have to
10 improve their piece of Peachtree, but that developer on the corner did not
11 have to improve any part of Peachtree. I'm surprised that he didn't have
12 to improve both sides of his lot.
13
- 14 Scholz: Commissioner Crane, I think what happened, it was a tradeoff, you see his
15 subdivision does not extend down to Central Avenue, but he developed
16 Porter Road up to and including his subdivision. And that was a tradeoff.
17
- 18 Crane: Why wasn't he required to do Peachtree as well?
19
- 20 Scholz: Well because he was required to do a certain section ... as my
21 understanding is and staff can correct me on this, my understanding is
22 that he was required to do the section of Porter Road that abuts his
23 property and the section of Peachtree Road.
24
- 25 Revels: I'm not familiar, but I'm assuming that's what happened because they
26 extended Porter down to Central and it's a full developed roadway. I know
27 the property adjacent and right next to the property is Vista Del La
28 Montana Unit 3 and I know that he gave money in lieu of doing road
29 improvements there.
30
- 31 Scholz: Okay. So there is money in the City fund in effect to improve that road.
32 Okay. Other comments or questions for this gentleman? Okay, thanks
33 Paul. Someone from the public would like to speak to this? Yes, go
34 ahead sir. Come up to the mike and identify yourself.
35
- 36 Ramirez: We are the developer party in question. My family's here ...
37
- 38 Scholz: Your name is?
39
- 40 Ramirez: Victor Ramirez.
41
- 42 Scholz: Thank you.
43
- 44 Ramirez: And what they would like to explain to you is why they would like to build.
45 I've been looking for this for a long, long time when I decided to buy this
46 piece of property I (*inaudible*) something to leave to my kids. And they've

1 been hoping for a long time to build a home next to us and that's the
2 primary thing why we are here. We wish we could have done (*inaudible*),
3 but this time we will just one is fine. And they can speak if you like.
4

5 Scholz: Any questions for this gentleman? Okay, thank you very much sir.
6 Anyone else from the public would like to speak to this issue? Yes,
7 ma'am.
8

9 Saliano: My name is Raquel Saliano. I am the daughter of the applicant. I'm the
10 one that would like for this to happen because the lot would be for me to
11 build my home. I currently live here in town in a small property, but our
12 family has grown and we would like to build a bigger home as well as be
13 next to my parents for ... I have some illness issues and I would really
14 appreciate that help of them being next door, especially for my kids. And
15 just to have a better, we'd have more property for our kids to be at. Since
16 we are in town, we have smaller children and where we live now is just not
17 a very great place for them to be outside and playing and things like that.
18 And that's one of the reasons that we're asking for this to happen.
19

20 Scholz: Okay. Questions for this woman? No. Anyone else from the public want
21 to speak to this? All right, I'm going to close it to public discussion.
22 Commissioners. Commissioner Crane.
23

24 Crane: My inclination is to approve the waiver request on the basis that it's not
25 reasonable to expect the family to pay \$75,000 to improve a little strip of
26 road like this when the developer on the corner there, the southeast
27 corner did not have to pay anything ... well, he may pay something to get
28 off from improving Peachtree, but Peachtree did not get improved. It
29 doesn't seem reasonable to me that what's it, 275-foot stretch of
30 Peachtree should have to be improved by this family and the rest of it sit
31 there as is for who knows how many years in the future. I think they have
32 a good case.
33

34 Scholz: Okay. Commissioner Evans.
35

36 Evans: I actually ... you know we heard a case similar to this last month, different
37 circumstances, but ultimately very similar. And I actually agree with that
38 also, but I'm trying to understand or to get my arms around how we
39 continue to address these cases on an individual basis and still eventually
40 get the funding to provide you know for the development of that road. And
41 I guess that's outside of the scope of obviously of our responsibilities, but I
42 think it's something that needs to be addressed at a higher level, either
43 you know through Staff or City Council or something ... something needs
44 to be addressed. So, I understand the situation and I think you know I
45 understand and side with Mr. Ramirez on his request.
46

- 1 Scholz: Commissioner Bustos, comments.
2
- 3 Bustos: No, I'm just going to say that I agree as well. Is that I was going to ask the
4 same thing as ... why do these cases keep coming up. We seem to have
5 to do ... have variances come our way, but Commissioner Evans is right is
6 that I think we need to come ... somewhere from the top and we can
7 correct this where we don't have these cases keep coming in front of us.
8
- 9 Scholz: Well my concern is you know how is that road going to be built if we don't
10 have the money for it. It seems to me that we don't ... the situation like
11 this on Mesa about a year, year and a half ago a gentleman wanted to
12 subdivide his lot and put on several mobile homes. It was within the City
13 limits and our problem was there wasn't a sewer there, but the other
14 problem was that the variance he wanted granted would have required
15 him to pave the road and dedicate a certain amount to the right-of-way
16 and so on. He chose I believe not to pursue that. That is he didn't
17 subdivide and consequently he didn't have to pay for that. It seems to me
18 we had a situation with Mr. Binns a couple of years ago where he had
19 been either promised by the City or had made an agreement with the City
20 that he would dedicate the right-of-way, but not be responsible for building
21 the road. And as a result we have stretches of Del Rey which are unbuilt
22 and no one is willing to pay for them right now, and the City doesn't have
23 money to pay for them. And I see ourselves getting into a situation like
24 that on Peachtree.
25
- 26 Crane: Or we're waiting for a developer to come down from heaven and infill to
27 the west or wherever developers reside.
28
- 29 Scholz: To the north, yes.
30
- 31 Crane: I'm not presupposing they're all heavenly people. To the west, on the
32 south of Peachtree, and if somebody may put a development in there by
33 imbrication he'd have to improve the whole of Peachtree or somebody
34 went to the County to the north and put in a development, he'd have to
35 improve Peachtree. I recognize as the problem here without nibbling at
36 the regulations lot by lot, giving everybody a variance from having to do
37 this so that ultimately nothing gets done and is put in the lap of the City.
38 Perhaps, and again I've (*inaudible*) this is out of the range of our
39 responsibilities. The City needs to address the issue of how large a
40 development has to be before the developer cannot get out from under his
41 obligation to improve the street. This is a very tiny development.
42
- 43 Scholz: Yes. I think you're right Commissioner Crane and this of course you
44 know, this is simply an interpretation of the regulations which say you
45 know if you develop, if you subdivide then you have to dedicate the right-

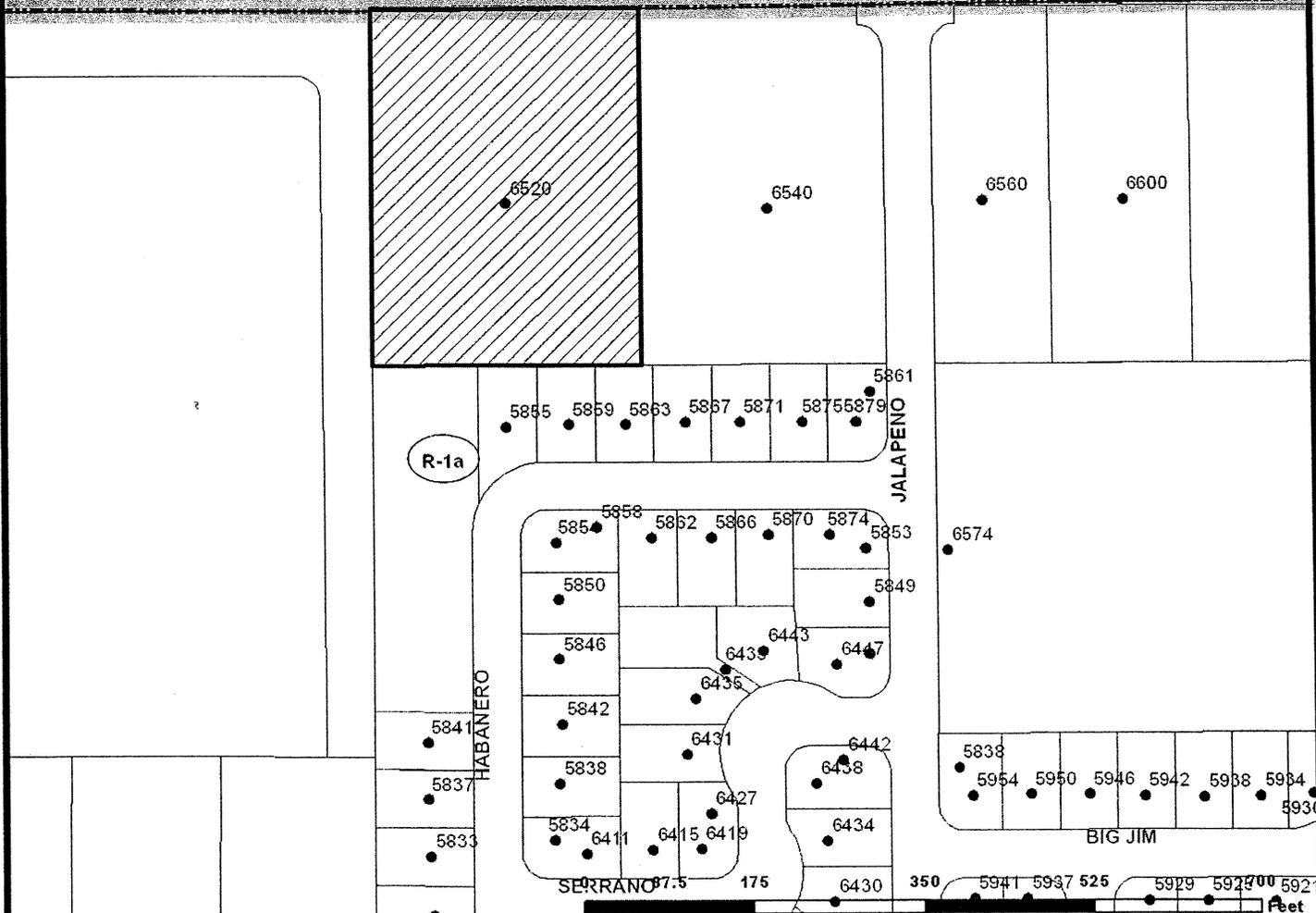
- 1 of-way and do the road improvements. All right. Are we ready to take a
 2 vote on this? All right, can I have a motion to approve Case-S-08-103W?
 3
- 4 Evans: Chairman Scholz, I move that we approve Case S-08-103W.
 5
- 6 Scholz: Is there a second?
 7
- 8 Bustos: Second.
 9
- 10 Crane: Second.
 11
- 12 Scholz: Okay, it's been moved and seconded, we'll call the roll. Commissioner
 13 Crane.
 14
- 15 Crane: Votes to approve the waiver request based on findings, discussion, and
 16 site visit.
 17
- 18 Scholz: So you're saying aye.
 19
- 20 Crane: I'm saying aye.
 21
- 22 Scholz: Thank you Commissioner Crane. Commissioner Evans.
 23
- 24 Evans: Aye, based on findings and discussion.
 25
- 26 Scholz: Commissioner Bustos.
 27
- 28 Bustos: Aye, findings and discussion as well.
 29
- 30 Scholz: And the chair votes aye. So the waiver request is approved.
 31
- 32 Revels: Hello, I just wanted to clarify that this is recommendation to City Council
 33 because they're asking for 100% waiver request; it does have to go before
 34 City Council.
 35
- 36 Scholz: Yes.
 37
- 38 Revels: Okay. Good evening.
 39
- 40 Scholz: Thank you Ms. Revels.
 41
- 42 END 3. **Case Z2787:** A request for a zone change from R-3 (Multi-Dwelling Medium
 43 Density) to R-4 (Multi-Dwelling High Intensity) for 2.734 +/- acres located at
 44 1500 E. Madrid Avenue. The zone change will bring the exiting 56 unit
 45 apartment complex into compliance with the 2001 Zoning Code as amended.
 46 The property currently exceeds the maximum allowable density of 20

ZONING

PROPOSED COLLECTOR

PEACHTREE HILLS

EXISTING MINOR ARTERIAL



MAP CREATED FOR: HREVELS

ZONING: R-1A

ADDRESS: 6520 PEACHTREE HILLS ROAD
LAS CRUCES, NM 88012

PARCEL: 02-19245

DEVELOPER: SOUTHWEST ENGINEERING FOR VICTOR & ARMIDA RAMIREZ

DATE: 4/7/2009 11:16:11 AM SUBDIVISION: MESA VILLAGE TRACTS NO. 2, REPLAT NO. 1



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