

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13Ordinance/Resolution# 14-196For Meeting of _____
(Ordinance First Reading Date)For Meeting of June 2, 2014
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPEALING THE DECISION OF THE PLANNING AND ZONING COMMISSION FOR A PROPOSED SUBDIVISION KNOWN AS JORNADA SOUTH UNIT 3-B, REPLAT OF LOT 29, BLOCK L. THE PROPOSED SUBDIVISION ENCOMPASSES 2.889 ± ACRES AND IS LOCATED ON THE SOUTH SIDE OF REAL DEL SUR, 85 ± FEET EAST OF ITS INTERSECTION WITH FELIZ REAL. SUBMITTED BY WESTERN LANDS SURVEYING ON BEHALF OF ROBERT FISHBACK, PROPERTY OWNER (S-13-034).

PURPOSE(S) OF ACTION:

Appeal of a Planning and Zoning Commission decision of denial on a subdivision.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed replat known as Jornada South Unit 3-B, Replat of Lot 29, Block L is proposing to subdivide one (1) existing single-family residential lot into three (3) new single-family residential lots. The proposed replat is located at the eastern dead-end of Real Del Sur directly adjacent to the Mesa Grande Estates Subdivision. The replat is of Lot 29, Block L of the Jornada South Unit 3-B Subdivision that was filed in December of 1978. The subject property currently encompasses 2.889 ± acres and the three proposed lots consist of: Lot 29A, 0.959 ± acres; Lot 29B, 0.959 ± acres; and Lot 29C 0.863 ± acres. The proposed replat will require road improvements to Real Del Sur. The improvements include, but are not limited to the construction of a cul-de-sac at the eastern dead-end of Real Del Sur. The required new road cross-section will be consistent with the existing infrastructure of Real Del Sur. All improvements shall be required to be completed before the proposed subdivision can be finalized.

On April 2, 2014 the Development Review Committee (DRC) reviewed the proposed replat request. After some discussion, the DRC recommended approval with conditions for the proposed replat. The conditions were as follows:

1. All remaining outstanding comments from all reviewing parties shall be required to be resolved prior to the filing of the plat.
2. The proposed cul-de-sac is required to be constructed for the proposed subdivision and shall meet City design standards, including a minimum 44-foot wide radius.
3. The alignment of the required right-of-way dedication fronting Lot 29C shall be resolved prior to the filing of the plat.
4. All required right-of-way improvements shall be required to be finalized prior to the filing of the plat.

On April 22, 2014 the Planning and Zoning Commission (P&Z) voted to deny the proposed replat by a vote of 4-2-0, (one Commissioner position vacant). The P&Z found that the approval of the subdivision would not be in keeping with the large lot character and original intent of the Jornada South neighborhood. Please see Attachment "B" for details of the discussion that took place at the P&Z meeting.

On April 23, 2014 the applicant submitted an appeal of the decision of the Planning and Zoning Commission (P&Z). The applicant states that the P&Z denied the proposed replat on insufficient grounds. The applicant continues by stating that the proposed replat meets all requirements of the 2001 Zoning Code and will meet all requirements of the City of Las Cruces Subdivision Code and Design Standards including the required road improvements. Please see Attachment "C" for additional information about the appeal. Staff has no outstanding issues with the proposed replat.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Proposed Jornada South Unit 3-B, Replat of Lot 29, Block L.
3. Attachment "A", Basis of Appeal.
4. Attachment "B", Staff Report to the Planning and Zoning Commission for Case S-13-034.
5. Attachment "C", Minutes from the April 22, 2014 Planning & Zoning Commission Meeting.
6. Attachment "D", Vicinity Map.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

| |
|-----|
| N/A |
|-----|

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will reverse the Planning and Zoning Commission decision of denial. The proposed replat encompassing 2.889 ± acres known as Jornada South Unit 3-B, Replat of Lot 29, Block L shall be approved.
2. Vote "No"; this will affirm the decision made by the Planning and Zoning Commission. The one (1) existing Lot 29, Block L of the Jornada South Unit 3-B Subdivision shall remain unchanged.
3. Vote to "Amend"; this could allow Council to modify the Resolution by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Resolution and direct staff accordingly.

REFERENCE INFORMATION:

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

1. Ordinance 176.
2. Ordinance 1444.

RESOLUTION NO. 14-196

A RESOLUTION APPEALING THE DECISION OF THE PLANNING AND ZONING COMMISSION FOR A PROPOSED SUBDIVISION KNOWN AS JORNADA SOUTH UNIT 3-B, REPLAT OF LOT 29, BLOCK L. THE PROPOSED SUBDIVISION ENCOMPASSES 2.889 ± ACRES AND IS LOCATED ON THE SOUTH SIDE OF REAL DEL SUR, 85 ± FEET EAST OF ITS INTERSECTION WITH FELIZ REAL. SUBMITTED BY WESTERN LANDS SURVEYING ON BEHALF OF ROBERT FISHBACK, PROPERTY OWNER (S-13-034).

The City Council is informed that:

WHEREAS, the applicant, Robert Fishback, is proposing a replat known as Jornada South Unit 3-B, Replat of Lot 29, Block L for property located on the south side of Real Del Sur, 85 ± feet east of its intersection with Feliz Real; and

WHEREAS, the replat would create three (3) lots from the one (1) existing platted lot; and

WHEREAS, the Planning and Zoning Commission, after conducting a public meeting on April 22, 2014, denied said replat request by a vote of 4-2-0 (one Commissioner position vacant).

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

(I)

THAT the denial decision by the Planning and Zoning Commission is hereby reversed.

(II)

THAT the replat known as Jornada South Unit 3-B, Replat of Lot 29, Block L, as shown in Exhibit "A," is hereby approved.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the

accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

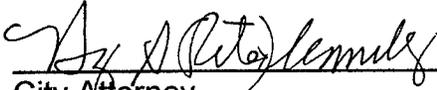
Councillor Pedroza: _____

Councillor Small: _____

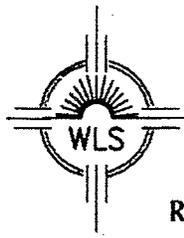
Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney



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WESTERN LANDS
SURVEYING
Boundaries • GPS • Farms • Ranches
Roads • Construction • Sections • Subdivisions

ATTACHMENT A

Wednesday, April 30, 2014

Anthony Gutierrez
Western Lands Surveying
2705 W. Hadley
Las Cruces, NM 88007

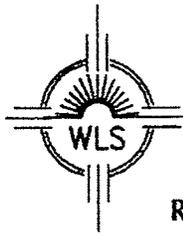
Councillor Ceil Levatino (District-6)
700 North Main Street
Las Cruces
NM 88001

RE: Jornada South, Unit III-B, Replat of Lot 29, Block "L", Case S-13-034

Dear Councillor Levatino,

Last night at the re-scheduled City of Las Cruces Planning and Zoning Commission hearing my company and client, Robert Fishback, were denied approval of a 3 lot split in the Jornada South, Unit III-B Subdivision. I and my client are appealing the decision of the Commission based on the following:

1. As noted by the Commission the development adheres to the current zoning designation of R1-A. The Replat splits an existing 2.89 acre tract into three, more or less, equal parts. One parcel will be slightly smaller to provide the required roadway improvements. The designation, since 2001, of R1-A allows this parcel to be split down to 5,000 square foot lots (0.11 acres), creating up to 8 dwelling units per acre. Our client is far exceeding the minimum acreage and is essentially creating a density of 1 dwelling unit per acre.
2. All current design standards have been met. A cul-de-sac is being added at the existing dead end of Real Del Sur road. Currently there is no place for emergency vehicles, garbage trucks or residents to turn around.
3. Commissioner Ferrary made statements during the hearing that we believe were inappropriate. She stated during the hearing that her residence lies within the Jornada North Subdivision. She made statements that commissioner Crane publicly agreed with by name that were hearsay and not relevant to the case. These statements concerned expired restrictive covenants that the Commission has no jurisdiction dealing with or enforcing. We feel that, given her close proximity to the development, she should have recused herself from the hearing on our case.
4. The Commission has failed to uphold the current zoning code and design standards that are in effect over the entirety of Jornada South.



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WESTERN LANDS
SURVEYING

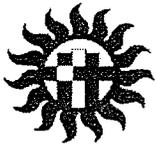
Boundaries • GPS • Farms • Ranches
Roads • Construction • Sections • Subdivisions

5. The Commission is setting a precedent by effectively ignoring zoning code and allowing hearsay and unfounded public complaints to dictate the direction of the Commission's ruling.
6. The Commission's ruling is unlawful and commission members that placed their vote against the development cited insufficient grounds for doing so. In particular, Commissioner Ferrary stated her reason as, "comments."

I pray you consider our appeal to the ruling of the Planning and Zoning Commission decision to deny the approval of our application. Please hear our appeal at the Council's earliest possible convenience. When the minutes of the hearing are released I will revise this letter with exact quotes and possibly more information regarding our appeal.

Respectfully,

Anthony Gutierrez
Western Lands Surveying
2705 W. Hadley
Las Cruces, NM 88007



City of Las Cruces

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: April 22, 2014

Drafted by: Adam Ochoa, Planner *AO*

| | | | |
|---------------------------------------|---|--------------------------------------|---|
| CASE # | S-13-034 | PROJECT NAME: | Jornada South Unit 3-B, Replat of Lot 29, Block L |
| APPLICANT/ REPRESENTATIVE: | Western Land Surveying | PROPERTY OWNER: | Robert Fishback |
| LOCATION: | Located on the south side of Real Del Sur, 85 ± feet east of its intersection with Feliz Real | COUNCIL DISTRICT: | Council District 6 (Levatino) |
| SIZE: | 2.889 ± acres | EXISTING ZONING/ OVERLAY: | R-1a (Single-Family Medium Density) |
| REQUEST/ APPLICATION TYPE: | Request for approval of a replat known as Jornada South Unit 3-B, Replat of Lot 29, Block L | | |
| EXISTING USE: | Vacant/undeveloped | | |
| PROPOSED USE: | Subdividing one (1) existing single-family residential lot into three (3) new single-family residential lots | | |
| DRC RECOMMENDATION: | Approval with conditions of the replat based on findings | | |

TABLE 1: CASE CHRONOLOGY

| Date | Action |
|-----------------|---|
| July 29, 2013 | Applications submitted to Development Services |
| July 30, 2013 | Case sent out for first review to all reviewing departments |
| October 3, 2013 | All final comments returned by all reviewing departments |
| April 2, 2014 | DRC reviews and recommends approval for the proposed replat |
| April 6, 2014 | Newspaper advertisement |
| April 7, 2014 | Public notice letters mailed to neighboring property owners |
| April 7, 2014 | Sign posted on property |
| April 22, 2014 | Planning and Zoning Commission public hearing |

SECTION 1: SYNOPSIS OF PROPOSAL

The proposed replat known as Jornada South Unit 3-B, Replat of Lot 29, Block L is proposing to subdivide one (1) existing single-family residential lot into three (3) new single-family residential lots. The subject property currently encompasses 2.889 ± acres and the three proposed lots consist of: Lot 29A, 0.959 ± acres; Lot 29B, 0.959 ± acres; and Lot 29C 0.863 ± acres. The replat is of Lot 29, Block L of the Jornada South Unit 3-B Subdivision that was filed in December of 1978. All Subdivision Code and 2001 Zoning Code requirements are being met by the proposed replat.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

| Standard | Existing | Proposed | Code Req. |
|----------------------|------------------------------|---|---|
| Max # of DU/parcel | 1 | 1 | 1 |
| Max Density (DU/ac.) | 0.35 | 1.04 | 8 |
| Lot Area | 2.889 ± acres | Lot 29A 0.959 ± acres; Lot 29B 0.959 ± acres; Lot 29C 0.863 ± acres | 5,000 square feet (0.114 ± acres) per lot minimum |
| Lot Width | 330 ± feet | Lot 29A 110 ± feet; Lot 29B 110 ± feet; Lot 28C 110 ± feet | 50 feet minimum |
| Lot Depth | 380 ± feet | Lot 29A 380 ± feet; Lot 29B 380 ± feet; Lot 29C 337 ± feet | 70 feet minimum |
| ROW Dedication | Real Del Sur 60 feet wide | None required | Real Del Sur 50 feet wide |

TABLE 3: SPECIAL CHARACTERISTICS

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

| Location | Existing Use | Overlay District | Zoning Designation |
|------------------|-----------------------------------|------------------|--|
| Subject Property | Vacant/Undeveloped | N/A | R-1a (Single-Family Medium Density) |
| North | Single-Family Residence | N/A | R-1a (Single-Family Medium Density) |
| South | Single-Family Residences | N/A | PUD (Planned Unit Development) |
| East | Single-Family Residence/Vacant | N/A | EE-C (Single-Family Equestrian Estates- Conditional) |
| West | Single-Family Residence | N/A | R-1a (Single-Family Medium Density) |

TABLE 5: PARCEL HISTORY

| Number | Status |
|----------------|---|
| Permit | N/A |
| Ordinance #176 | Established the initial zoning of R-1 for the subject property and surrounding area |
| Resolution | N/A |
| Subdivision | Jornada South Unit 3-B Subdivision filed December 1978 |

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see attached.

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

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Analysis

The proposed subdivision will replat the one (1) existing 2.889 ± acre parcel of land into three (3) new residential lots. The subject property is currently vacant / undeveloped. The proposed new lots will be required to meet all setback and lot design requirements of the existing R-1a (Single-Family Medium Density) zoning district with the proposed replat. The proposed new lots will meet all requirements of the City of Las Cruces Subdivision Code and development standards of the 2001 Zoning Code, as amended.

The proposed subdivision will also require the applicant to provide road improvements to Real Del Sur. The improvements include, but are not limited to the construction of a cul-de-sac at the eastern dead-end of Real Del Sur. All improvements shall be required to be complete before the proposed subdivision can be finalized.

Conclusion

The proposed subdivision is supported by the Development Services Staff and several reviewing departments in the City of Las Cruces. The Surveying Section and Traffic Section of the City of Las Cruces still have some minor outstanding comments and questions regarding the geometry of the cul-de-sac and other minor plat revisions that need to be resolved prior to the finalization of the subdivision.

DRC RECOMMENDATION

On April 2, 2014 the Development Review Committee (DRC) reviewed the proposed replat request. The DRC reviews the infrastructure, utilities and improvements required for subdivisions from a technical standpoint. During the meeting, staff discussed the remaining issues and comments from the staff review process and discussed the need to finalize these prior to the filing of the subdivision. Staff also discussed the issue of the construction of the cul-de-sac for Real Del Sur; specifically, the need for it to follow City Standards and the necessity that it be constructed rather than the acceptance of a payment in lieu of the

improvements from the applicant. After some additional discussion, the DRC recommended approval with conditions for the proposed replat. Please refer to the Attachment #5, DRC minutes, for further detail of the discussion that took place at the meeting.

STAFF RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** for the proposed replat based on the following findings:

FINDINGS FOR APPROVAL OF CASE S-13-034

1. The proposed replat known as Jornada South Unit 3-B, Replat of Lot 29, Block L is proposing to subdivide one (1) existing single-family 2.89 ± acre residential lot into three (3) new single-family residential lots.
2. Based upon a review by City staff against all applicable regulations, the proposed replat complies with all requirements of the 2001 Zoning Code, as amended, the City of Las Cruces Subdivision Code and the City of Las Cruces Design Standards.

CONDITIONS FOR APPROVAL OF CASE S-13-034

1. All remaining outstanding comments from all reviewing parties shall be required to be resolved prior to the filing of the plat.
2. The proposed cul-de-sac is required to be constructed for the proposed subdivision and shall meet City design standards, including a minimum 44-foot wide radius.
3. The alignment of the required right-of-way dedication fronting Lot 29C shall be resolved prior to the filing of the plat.
4. All required right-of-way improvements shall be required to be finalized prior to the filing of the plat.

ATTACHMENTS

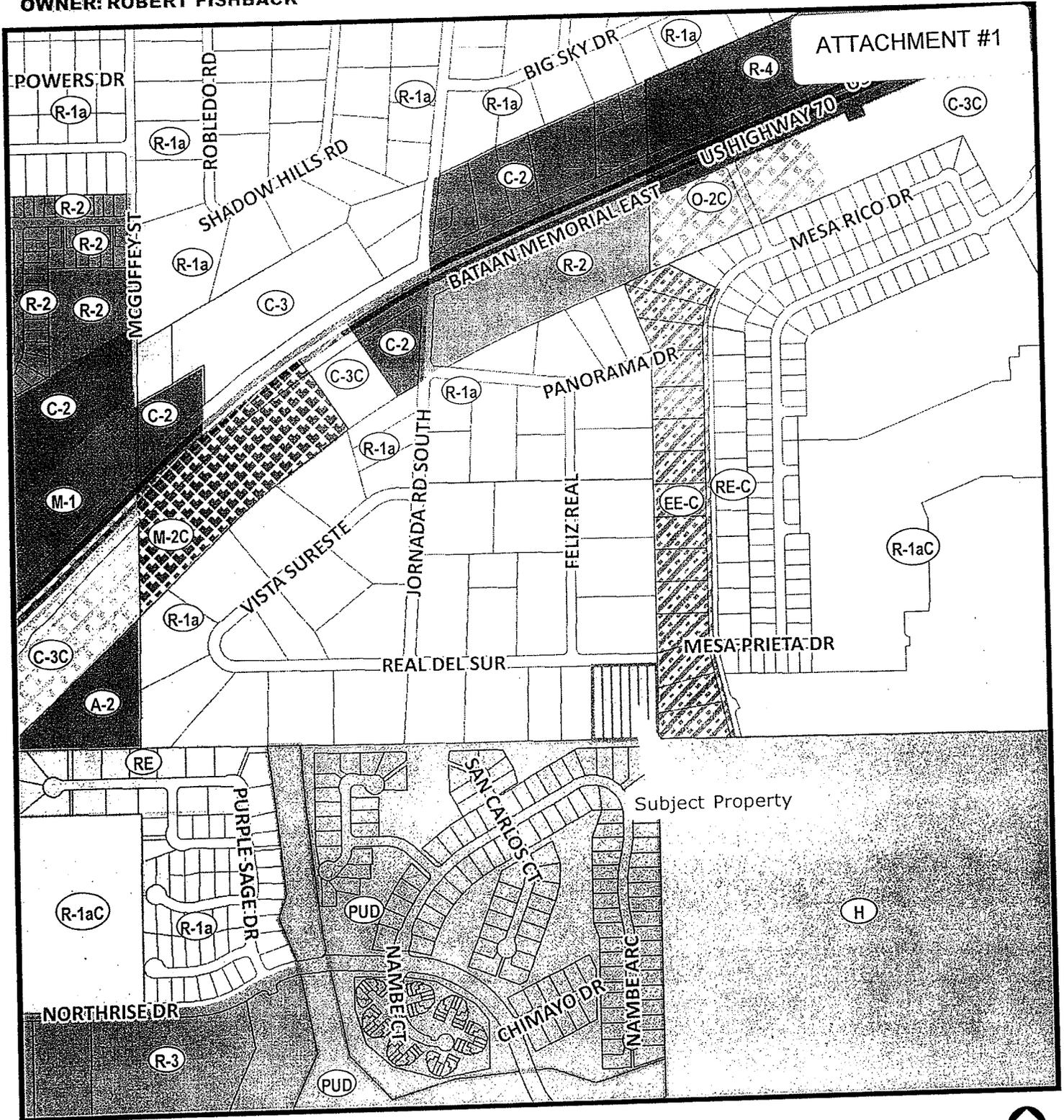
1. Vicinity Map
2. Aerial Map
3. Development Statement
4. Surveyor's Plat
5. DRC Minutes Dated April 2, 2014
6. Reviewing Department/Agency Comments and/or Conditions
7. Comments from the Public

ZONING: R-1A
OWNER: ROBERT FISHBACK

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Location Vicinity Map

PARCEL: 02-15842
DATE: 04/01/2014

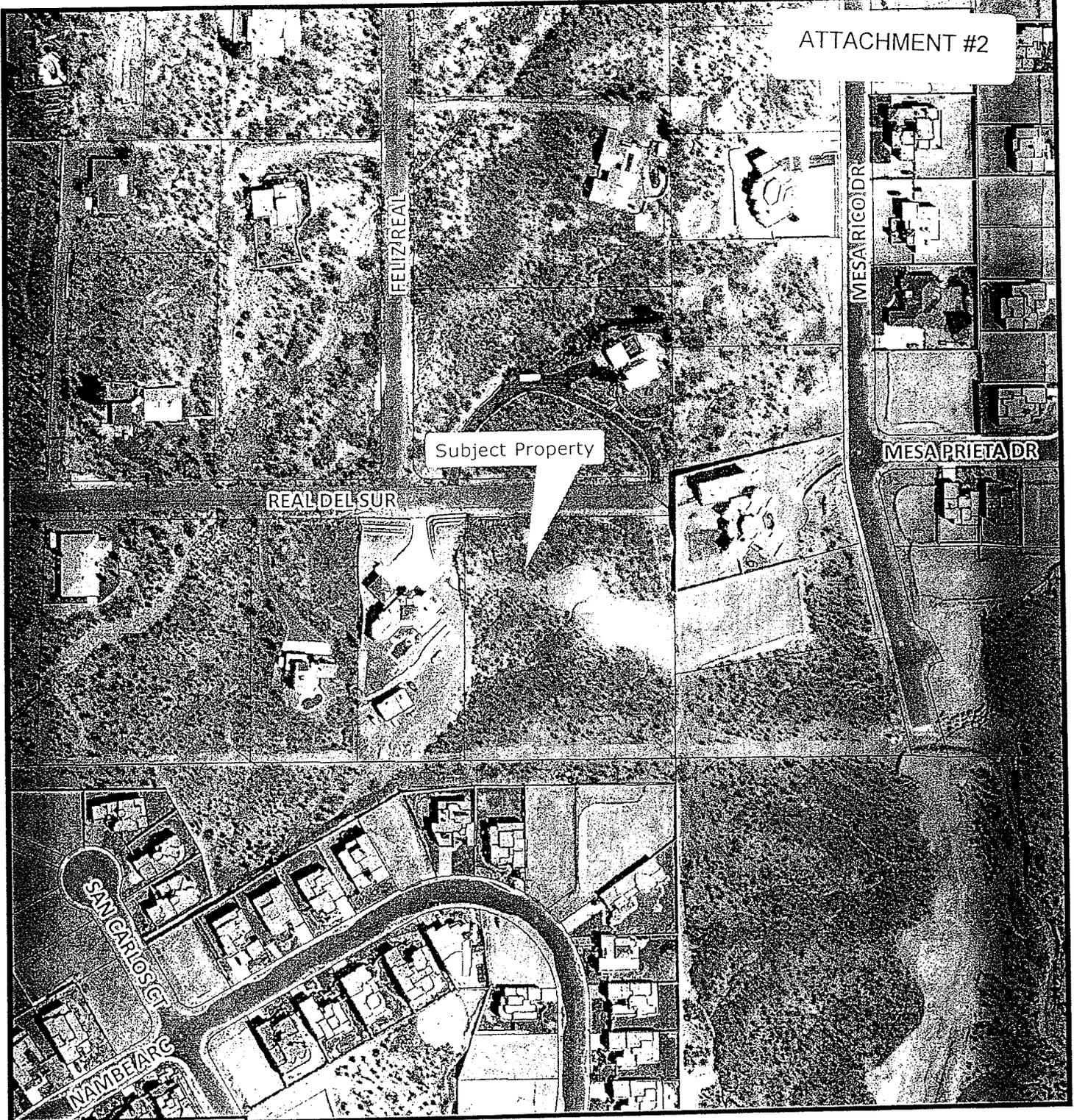
ATTACHMENT #1



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

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

ATTACHMENT #2



Legend

DAC_2010.ecw

RGB

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

100 50 0 100 200 300 Feet

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



DEVELOPMENT STATEMENT for City Subdivision Applications

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

Applicant Information

Name of Applicant: WESTERN LANDS SURVEYING
 Contact Person: VIRGINIA BECK
 Contact Phone Number: 575 525-0937
 Contact e-mail Address: agrimensa@gmail.com
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: SINGLE FAMILY LOTS.
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

Location of Subject Property REAL DEL SUR

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

Acreage of Subject Property: 2.88

Zoning of Subject Property: R1a

Proposed number of lots 3, to be developed in 1 phase (s).

Proposed square footage range of homes to be built 1800 to 2500

Anticipated traffic generation 25 trips per day.

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

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

SUPPLEMENTAL SUBDIVISION APPLICATION INFORMATION

To be placed on an agenda for a Planning and Zoning Commission meeting, all review comments must be addressed. THE APPLICANT(S) OR THEIR REPRESENTATIVE MUST ATTEND THE PLANNING AND ZONING COMMISSION MEETING.

Submitted herewith is the following material for: JERUDA SOUTH UNIT III REPLAT OF
LOT 29, BLOCK "A"
Name of Subdivision

Gross Area of Subdivision 2.88 Acres Property located within R1a Zone(s)

Number of Lots 1 Exist 3 Prop. (if Replat list existing and proposed number of lots)

Dwelling Units / Acre 1.04 Acres for Residential 2.78

Acres for Streets 0.10 Acres for Other —

Request for Waiver(s) (Written justification is required): DESIGN STANDARDS
FOR ROAD X-SECTION

The legal description for the total area in this plat is as shown in Deed Book TRACT 2
I 0829562

Page(s) PLAT BOOK 13, Pgs 3-4, DEC 12, 1978, filed on the OCT 27, 2008 day of —

Applicant's Surveyor: VIRGINIA BECK 2705 W HADLEY 525-0937
Name Address Phone No.
SAS CRUCES, VA
88007

Applicant's Engineer: N/A
Name Address Phone No.

DEVELOPMENT REVIEW COMMITTEE (DRC)

April 2, 2014

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, April 2, 2014, at 9:00 a.m. in Room 1158 located at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

DRC PRESENT: Robert Kyle, Community Development (Chair)
 Meei Montoya, Utilities
 Mark Dubbin, Fire Department
 Tom Murphy, MPO
 Mark Johnston, Parks and Recreation

STAFF PRESENT: Adam Ochoa, Development Services
 Katherine Harrison-Rogers, Community Development
 Diana Garcia-Parra, Recording Secretary

OTHERS PRESENT: Anthony Gutierrez, Western Land Surveying

I. CALL TO ORDER

Kyle: Alright I'm going to go ahead and call DRC meeting to order. It is Wednesday, April the 2nd, approximately 9:03 am.

II. APPROVAL OF MINUTES**1. March 12, 2014**

Kyle: We have minutes, first item is approval of minutes. We have minutes from the March 12th, DRC meeting. Were there any corrections? Seeing none, can I have a motion to approve March 12th DRC minutes.

Murphy: So moved, Tom Murphy.

Dubbin: Second, Mark Dubbin.

Kyle: All those in favor?

All: Aye.

Kyle: Any opposed? Very well the minutes are approved.

III. OLD BUSINESS - None

Kyle: We have no old business.

1 **IV. NEW BUSINESS**

2 **1. S-13-034: Jornada South Unit 3B, Replat of Lot 29, Block L**

- 3 • A request for approval of a replat known as Jornada South Unit 3B,
4 Replat of Lot 29, Block L.
- 5 • The replat is proposing to subdivide one (1) existing lot into three
6 (3) new single-family residential lots.
- 7 • The proposed subdivision encompasses 2.889 ± acres, is zoned R-
8 1a (Single-Family Medium Density) and is located at the eastern
9 dead-end of Real Del Sur, 85 ± feet east of its intersection with
10 Feliz Real.
- 11 • Submitted by Western Lands Surveying on behalf of Robert
12 Fishback, property owner.

13
14 Kyle: We have one new business item, Case S-13-034, Jornada South Unit 3B, Replat
15 of Lot 29, Block L. Staff can you give us a briefing.

16
17 Ochoa: Sure thing. Adam Ochoa, Development Services. This is essentially a
18 replat subdividing one existing, roughly about 2.89 acre lot, single-family residential lot
19 into three new single-family residential lots. Subject property is zoned R1A, single-
20 family, medium density. It is located south of Highway 70 on the south side of Real Del
21 Sur, roughly about 85 feet east of Feliz Real. Its right at the dead end of Real Del Sur
22 where it dead ends into Mesa Grande Estates. I believe this is the subdivision that
23 (inaudible) to the east. This replat went through a couple reviews, two reviews exactly,
24 actually. Everybody did approve. There were a couple of denials for this. One being
25 surveying, which is a couple of minor issues which can be taken care; it has been
26 clarified with the applicant that that needs to be taken care of, as well as traffic, some
27 comments that they needed to answer, actually respond to; the applicant did assure that
28 they would be taken care of as well. That is one condition that all remaining issues with
29 all reviewing parties need to be addressed prior to the completion of this final plat. As
30 well as to that, they are required to build a, or required and proposed to build a cul-de-
31 sac for improvements to Real del Sur. The design and actual construction of that would
32 have to be done through construction drawings, go through a review, all that, before this
33 final plat gets approved. That being an additional condition to this plat moving forward.
34 Other than that, everybody else approved it and no other major issues exist for this plat.

35
36 Kyle: Okay. I know the applicants' representative just arrived.

37
38 Gutierrez: Here. Yeah.

39
40 Kyle: It looked reasonably minor so we went ahead and got started briefing. Do you
41 have anything to add or any comments.

42
43 Gutierrez: We would like to do a, get it through Planning and Zoning Commission so
44 that we can propose a payment in lieu. We've had three estimates done and they're all
45 within the \$10,000, \$11,000 range. Our client would like to circumvent the need to do it

1 through the construction review process and just pay cash for it pending Planning and
2 Zonings review of it. That's going to be one of the things we present.

3
4 Kyle: Paying cash for what proposal . . .

5
6 Gutierrez: That cul-de-sac being built.

7
8 Kyle: As opposed to building the cul-de-sac.

9
10 Gutierrez: Yeah.

11
12 Ochoa: Payment in lieu of.

13
14 Kyle: Would staff want to see payment in lieu of? I mean it kind of makes sense to
15 have a turnaround at the end of that street.

16
17 Dubbin: I think Fire would prefer to have a turnaround at the end of the street if it's
18 going to be occupied.

19
20 Montoya: Utility Department would also like to see a turnaround because we need to
21 pick up trash and the thing is that . . . what is the geometry of the turnaround? Is it
22 going to meet the City Design Standard?

23
24 Gutierrez: Yeah, well it will be a modified section just to match what's there already.
25 The section that exists from Jornada and then meet you know the minimum . . . it
26 actually, the design we proposed exceeded minimum fire radius and things like that
27 because the actual paved section of Jornada south is pretty wide, the surface right now
28 as it exists.

29
30 Kyle: The concern that I have just with the plat as its shown is you're proposing to
31 dedicate right-of-way for that turnaround, but it's an odd configuration. Is there reason
32 why the proposed dedication doesn't match the proposed turnaround at this point?
33 Because at the end of the day we're going to end up either replating the lot to address
34 little corners of property the City doesn't want to maintain and there's no reason for us
35 to maintain all that if it's not necessary to accommodate that turnaround. That's why it
36 just seems a little odd.

37
38 Gutierrez: If you want the, as far as, you mean (inaudible) of the turnaround, just . . .
39 we can do that. I don't know why it was square like that other than . . . I don't know if
40 there was some dialogue that happened in the review process or what. I know that the
41 first submittal actually was a curved turnaround and you know that a 25 foot radius went
42 in and the 50 went out. It has to be offset more into the property, I know that, because
43 the other side is this easement and since we're not in control of that, we can't offer that
44 dedication. But we wanted to just get it all out of our client's property, so. We can
45 definitely add some radius in there if you want too, would like us to do that so.

46

1 Kyle: Well I think that makes the most sense is too actually, let's set the property line
2 as needs to be to accommodate that turnaround so (inaudible). You know at the end of
3 the day it probably results in that lot gaining, granted minor, but additional acreage.
4 Plus again, the City doesn't want to maintain, own and maintain useless property if it
5 doesn't serve any real purpose. So I think that's an issue we need to maybe come back
6 too. I know the applicant himself is on the way and so maybe some of that can . . .

7
8 Harrison-Rogers: I think it's just the . . .

9
10 Kyle: Oh it's just . . .

11
12 Harrison-Rogers: . . . yeah.

13
14 Kyle: . . . okay, my bad. Let's go ahead and go around the room and ascertain if there
15 are any other comments or concerns and we can come back and discuss that. MPO?

16
17 Murphy: Tom Murphy for MPO, no issues.

18
19 Kyle: Utilities?

20
21 Montoya: Meei Montoya. We already approved this but since this cul-de-sac issue
22 came up, the Utilities would just like to reserve the opportunity to review the geometry of
23 the cul-de-sac when it's submitted because we do need the minimum radius (inaudible)
24 for the solid waste pickup truck to turn around in that area if that is alright.

25
26 Johnston: Mark Johnston, Parks and Recreation, no issues.

27
28 Kyle: Community Development, Development Services?

29
30 Ochoa: No other issues.

31
32 Kyle: Alright and no other comments other than the ones that you . . .

33
34 Ochoa: Other than the ones that I stated. Just making sure that we take care of
35 all comments from traffic, minor questions . . . answering Traffic's questions, surveying
36 issues and addressing as well, which . . .

37
38 Kyle: Okay. (Inaudible) gets taken care of.

39
40 Ochoa: Correct.

41
42 Kyle: Fire?

43
44 Dubbin: Mark Dubbin, Las Cruces Fire Department. We have no issues and had
45 approved the plat but as Meei with Utilities said, we would like to see the cul-de-sac

1 constructed at this time and if it meets Utilities and City Standards, I think we'll be fine
2 with that.

3
4 Kyle: Okay. Yeah I don't see, especially since we're adding additional impacts, three
5 lots where there used to just be one, etc., I think it makes sense to build an appropriate
6 turnaround at the end of that. You know we have the actual infrastructure improvement
7 to it so that it's not just a dead end where vehicles potentially are going to have to get
8 onto private property to turn around etc., so I think that's an issue that we do need to
9 discuss. I don't think I would support a payment in lieu situation. In that particular
10 instance, I think I want to see the cul-de-sac and certainly staff can work with the
11 applicant on those aspects of it. I think as long as the at the end of the day the
12 geometry meets our minimum requirements whether it's offset or not, it isn't necessary.
13 We just need to make sure that the actual geometry is going to accommodate you know
14 the appropriate vehicles that it's being designed for. The biggest concern I have again,
15 just kind of comes down to that dedication and how we're going to accommodate that
16 turnaround. I don't necessarily think that has to stop or slow the process of this replat
17 going forward to P&Z for approval, but I think we need to note that area . . . and that
18 could be staff issue . . . what that dedicated area looks like is going to be amended
19 based on the design of that cul-de-sac so at the end of the day it's going to be
20 dedicated and yeah that property line is going to change. I don't think P&Z's going to
21 care. It doesn't change the number of lots being created or anything else so I would just
22 note that the final lot I guess configuration for that one lot will be determined on what the
23 cul-de-sac right-of-way needs actually are. So I think that's the biggest issue that I have
24 and in relation to what I'm seeing so. Are there any other comments from the applicant
25 or from staff?

26
27 Gutierrez: I (inaudible) meet with, I can meet, come by your office today or at your
28 earliest convenience whenever you're available. Go over the ... we have a set of
29 construction drawings that we use for the estimate purpose and they do, we did take
30 into account the minimum Fire (inaudible) requirements and things like that, but I'd like
31 you to see it so you can see if it looks good. And then I could meet with however I need
32 to here on the how much right-of-way we end up dedicating.

33
34 Kyle: You know it might be beneficial to maybe meet once.

35
36 Gutierrez: Yeah.

37
38 Kyle: If we can accommodate that with, set something up with you and Rocio. I don't
39 know that you necessarily need to be involved unless the cul-de-sac doesn't meet
40 requirements but if so, we certainly can include Utilities.

41
42 Montoya: Well the only thing is that if you look at the current design standard,
43 there's two geometry, two shapes, two radiuses for a cul-de-sac. The smaller one is a
44 36 feet, I believe, the radius. And 36 feet they are too small for our current truck size for
45 the turnaround. They're going to have to back up a couple of times before they can

1 make that radius. So with the new standard that is going to be in place if you put in a
2 bulb shape, it's going to be 44 feet.

3
4 Gutierrez: Okay 44 feet.

5
6 Montoya: So if you can accommodate that, then we will be okay. I don't know about
7 the Fire Department. I think they would have communicated with Fire Department for
8 the new standard, the radius would be 44 feet.

9
10 Dubbin: Yeah I don't feel that Fire really needs to review it. 44 feet is fine. If it
11 meets the Design Standards, we have no issues with it.

12
13 Kyle: Okay. Well we'll just set something up with Rocio just to go through it. And that
14 way, like I said we can deal with this after the fact that P&Z in terms of reconfigure it, but
15 if we know now what we're doing, we can just make that correction . . .

16
17 Gutierrez: Yeah we can make the, I mean P&Z, when's the meeting?

18
19 Kyle: . . . and clean it up.

20
21 Harrison-Rogers: The 22nd.

22
23 Kyle: Yeah the 22nd.

24
25 Gutierrez: We can even do it before that.

26
27 Kyle: Right and that's kind of what I'd like to do so it's just not . . .

28
29 Ochoa: No problem.

30
31 Kyle: So, alright I would like to I guess entertain a motion for a recommendation on this
32 particular plat. Now we do have conditions. Is it clear enough if we had a condition that
33 it just says 'all outstanding staff comments need to be addressed prior to filing of the
34 plat,' that will capture things, everybody knows what needs to be done or do we need to
35 delineate the actual comments?

36
37 Ochoa: I could list those out real quick from what I've been hearing in here. One
38 comment, well one condition being just that all outstanding comments from reviewing
39 parties be addressed from survey, traffic and addressing; that the design of the cul-de-
40 sac be the 44 foot wide radius as required by City Design Standards and follow City
41 Design Standards; third being the resolving of the issue of the actual dedication on Lot
42 29C before that could be finalized on the actual plat before the filing of it. I believe that
43 would essentially take care of everything. Of course adding to that, this plat cannot be
44 filed until that, the improvements are done and accepted.

45
46 Kyle: Right, or other arrangements.

1 Ochoa: Or other arrangements, correct.

2
3 Kyle: I think we need the cul-de-sac actually constructed and so if the applicant does
4 not wish to do that, that's going to be a separate waiver and would have to go to P&Z
5 and be considered, in my opinion, to do the . . . because you know you paying us for it,
6 we go out and build it or you build it now, it's cheaper for him to build it than it is for us
7 because payment in lieu is going to be based on our cost. The City generally builds
8 roads. But I think the need for that turnaround to physically exist, does exist and so I
9 would not support a waiver of the actual, physical improvements. Alright with that I'll
10 entertain a motion.

11
12 Johnston: So moved with the conditions as noted.

13
14 Montoya: Second, Meei Montoya.

15
16 Kyle: Alright. Any discussion? All those in favor, please signify by saying aye.

17
18 All: Aye.

19
20 Kyle: Any opposed? Seeing none, recommendation to approve the plat with conditions
21 as outlined will go forward to P&Z.

22
23 Are there any other comments or discussions for the DRC this morning?

24
25 **V. ADJOURNMENT**

26
27 Kyle: With that I'll entertain a motion to adjourn.

28
29 Dubbin: Make a motion to adjourn.

30
31 Murphy: Second

32
33 Kyle: Were adjourned.

34
35 (Meeting adjourned at approximately 9:18 a.m.)

36
37
38 _____
39 Chairperson

CITY SUBDIVISION REVIEW

ATTACHMENT #6

DATE: July 30, 2013

REVIEW NO.: 1
CASE NO.: S-13-034

- TO:
- CURRENT PLANNING
 - ADVANCED PLANNING
 - MPO
 - ENGINEERING SERVICES
 - TRAFFIC ENGINEERING
 - SURVEYOR

- LAND MANAGEMENT
- PARKS AND RECREATION
- FIRE DEPARTMENT
- UTILITIES
- OTHER: Addressing
- OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B, Replat of Lot 29, Block "L"**
Replat

Please review and return to the Community Development Department no later than August 6, 2013, PLEASE.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 8/16/13

REVIEWER NAME: [Signature]
REVIEWER CONTACT NO.: 23209

COMMENTS:

- In the title, I believe this was filed in 1979, not 1978. Please fix.
- Also in the title, change the part that reads pages 3 to 4 to simply 3 – 4 to be consistent to what has been filed before.
- Provide the property owners for the lot north of the subdivision and place the property owners name with the subdivision information on the lot west of the subdivision.
- Remove setback lines.
- Provide the owner information and subdivision information of the property to the northeast of the subdivision as relined in the plat.
- Remove the Las Cruces Natural Gas signature block.
- Qwest is now Centurylink Inc. Please change.
- Remove Notes 1 and 5, not needed.
- Notes about drainage and run-off can be combined into one note.
- Provide the standard note of the subdivision code stating subdivider is responsible for providing utilities to each lot as it reads in the subdivision code.
- Change Qwest to Centurylink on note 9.
- Provide cul-de-sac radius.
- Set utility lines,
- provide address plat.
- Set other comments on print out.

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

CITY SUBDIVISION REVIEW

DATE: September 26, 2013

REVIEW NO.: 2 ⁰²⁴

CASE NO.: S-13-~~05~~

- TO:
- CURRENT PLANNING
 - ADVANCED PLANNING
 - MPO
 - ENGINEERING SERVICES
 - TRAFFIC ENGINEERING
 - SURVEYOR

- LAND MANAGEMENT
- PARKS AND RECREATION
- FIRE DEPARTMENT
- UTILITIES
- OTHER: Addressing
- OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B**
Replat of Lot 29, Block "L"

Please review and return to the Community Development Department no later than **October 3, 2013**,
PLEASE.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 10/7/13

REVIEWER NAME: Adam Ochoa
REVIEWER CONTACT NO.: X3204

COMMENTS:

This replat will have to receive approval from the Planning & Zoning Commission. This replat will not be released until construction drawings are submitted, approved and work must be substantially complete.

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

CITY SUBDIVISION REVIEW.

DATE: July 30, 2013

REVIEW NO.: 1
CASE NO.: S-13-034

- TO:
- CURRENT PLANNING
 - ADVANCED PLANNING
 - MPO
 - ENGINEERING SERVICES
 - TRAFFIC ENGINEERING
 - SURVEYOR

- LAND MANAGEMENT
- PARKS AND RECREATION
- FIRE DEPARTMENT
- UTILITIES
- OTHER: Addressing
- OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B, Replat of Lot 29, Block "L"**
Replat

Please review and return to the Community Development Department no later than August 6, 2013, PLEASE.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 8/6/13

REVIEWER NAME: Andrew Wang
REVIEWER CONTACT NO.: 3020

COMMENTS:

No Comment

CITY SUBDIVISION REVIEW

DATE: July 30, 2013

REVIEW NO.: 1
CASE NO.: S-13-034

- TO:
- CURRENT PLANNING
 - ADVANCED PLANNING
 - MPO
 - ENGINEERING SERVICES
 - TRAFFIC ENGINEERING
 - SURVEYOR

- LAND MANAGEMENT
- PARKS AND RECREATION
- FIRE DEPARTMENT
- UTILITIES
- OTHER: Addressing
- OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B, Replat of Lot 29, Block "L"**
Replat

Please review and return to the Community Development Department no later than **August 6, 2013**,
PLEASE.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 8/12/13

REVIEWER NAME: Rocio Dominguez
REVIEWER CONTACT NO.: 528-3071

COMMENTS:

It appears there is an arroyo starting in your property and ending on the property to the west. How will the additional flow and volume will be address to not negatively affect the downstream property?

580
CITY SUBMISSION REVIEW

DATE: September 26, 2013

REVIEW NO.: 2 034

CASE NO.: S-13-03

TO: CURRENT PLANNING
 ADVANCED PLANNING
 MPO
 ENGINEERING SERVICES
 TRAFFIC ENGINEERING
 SURVEYOR

LAND MANAGEMENT
 PARKS AND RECREATION
 FIRE DEPARTMENT
 UTILITIES
 OTHER: Addressing
 OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B**
Replat of Lot 29, Block "L"

Please review and return to the Community Development Department no later than **October 3, 2013**,
PLEASE.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 10/9/13

REVIEWER NAME: Rocio Dominguez
REVIEWER CONTACT NO.: 528-3071

COMMENTS:

CITY SUBDIVISION REVIEW.
382

DATE: September 26, 2013

REVIEW NO.: 2
CASE NO.: S-13-034

TO:

| | |
|---|---|
| <input type="checkbox"/> CURRENT PLANNING | <input type="checkbox"/> LAND MANAGEMENT |
| <input type="checkbox"/> ADVANCED PLANNING | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> MPO | <input type="checkbox"/> FIRE DEPARTMENT |
| <input type="checkbox"/> ENGINEERING SERVICES | <input type="checkbox"/> UTILITIES |
| <input type="checkbox"/> TRAFFIC ENGINEERING | <input type="checkbox"/> OTHER: __ |
| <input checked="" type="checkbox"/> SURVEYOR(Rec'd 9/27/2013) | <input type="checkbox"/> OTHER: _____ |

FROM: Adam Ochoa, Planner

SUBJECT: Jornada South Unit 3B, Replat of Lot 29, block "L" Replat

Please review and return to the Community Development Department no later than **October 3, 2013.**

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 10/8/13

REVIEWER NAME: *me* Angela Armijo (aarmijo@las-cruces.org)
REVIEWER CONTACT NO.: 528-3084

COMMENTS:

1. Review and address all other reviewers' comments.
2. Review 1 Comment: Add record information to all right of way and existing easements.
3. Review 1 Comment: For all Iron rods found, what is the I.D.? If no I.D. found state that
4. Review 1 Comment: The filing date is this plat is incorrect it should be 1979.
5. Fix note 5.
6. Review 1 Comment: Clean up the circled area on redlines it's confusing.
1. Review 1 Comment: Where is the point in your basis of bearing statement located in relation to this property? Your current basis of bearing statement is not valid the way it is written. Please revise it to include a tie to this subdivision and meet the minimum requirements.
7. Centurylink is one word.

IF YOU HAVE QUESTIONS ABOUT THE ABOVE COMMENT(S), PLEASE CONTACT THE REVIEWER.

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

CITY SUBDIVISION REVIEW

383

DATE: July 30, 2013

REVIEW NO.: 1
CASE NO.: S-13-034

| | | |
|-----|---|---|
| TO: | <input type="checkbox"/> CURRENT PLANNING | <input checked="" type="checkbox"/> LAND MANAGEMENT |
| | <input type="checkbox"/> ADVANCED PLANNING | <input type="checkbox"/> PARKS AND RECREATION |
| | <input type="checkbox"/> MPO | <input type="checkbox"/> FIRE DEPARTMENT |
| | <input type="checkbox"/> ENGINEERING SERVICES | <input type="checkbox"/> UTILITIES |
| | <input type="checkbox"/> TRAFFIC ENGINEERING | <input type="checkbox"/> OTHER: _____ |
| | <input type="checkbox"/> SURVEYOR | <input type="checkbox"/> OTHER: _____ |

FROM: Adam Ochoa, Planner

SUBJECT: Jornada South Unit 3B, Replat of Lot 29, block "L" Replat

Please review and return to the Community Development Department no later than **August 6, 2013**.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 8/7/2013

REVIEWER NAME: Michael Q. Hernandez
REVIEWER CONTACT NO.: 528-3124

COMMENTS:

1. Add record information to all right of way and existing easements.
2. Change Qwest to Centurylink Inc.
3. Change Las Cruces Natural Gas to Zia.

IF YOU HAVE QUESTIONS ABOUT THE ABOVE COMMENT(S), PLEASE CONTACT THE REVIEWER.

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

CITY SUBDIVISION REVIEW
384

DATE: September 30, 2013

REVIEW NO.: 2
CASE NO.: S-13-034

TO: CURRENT PLANNING LAND MANAGEMENT
 ADVANCED PLANNING PARKS AND RECREATION
 MPO FIRE DEPARTMENT
 ENGINEERING SERVICES UTILITIES
 TRAFFIC ENGINEERING OTHER: _____
 SURVEYOR OTHER: _____

FROM: Adam Ochoa, Planner

SUBJECT: Jornada South Unit 3B, Replat of Lot 29, block "L" Replat

Please review and return to the Community Development Department no later than **October 3, 2013**.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 10/7/2013

REVIEWER NAME: Michael O. Hernandez
REVIEWER CONTACT NO.: 528-3124

COMMENTS:

IF YOU HAVE QUESTIONS ABOUT THE ABOVE COMMENT(S), PLEASE CONTACT THE REVIEWER.

****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

CITY SUBMISSION REVIEW

JUL 30 2013

TRAFFIC

DATE: July 30, 2013

REVIEW NO.: 1
CASE NO.: S-13-034

- CURRENT PLANNING
- ADVANCED PLANNING
- MPO
- ENGINEERING SERVICES
- TRAFFIC ENGINEERING
- SURVEYOR

- LAND MANAGEMENT
- PARKS AND RECREATION
- FIRE DEPARTMENT
- UTILITIES
- OTHER: Addressing
- OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B, Replat of Lot 29, Block "L"**
Replat

Please review and return to the Community Development Department no later than August 6, 2013, PLEASE.

APPROVED: YES

NO

YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 8/7/13

REVIEWER NAME: K. Espinosa
REVIEWER CONTACT NO.: 2701

COMMENTS:

Comments entered in Minis.

CITY SUBDIVISION REVIEW

388

DATE: September 26, 2013

REVIEW NO.: 2 ⁰³⁴
CASE NO.: S-13-~~066~~

- TO: CURRENT PLANNING
- ADVANCED PLANNING
- MPO
- ENGINEERING SERVICES
- TRAFFIC ENGINEERING
- SURVEYOR

- LAND MANAGEMENT
- PARKS AND RECREATION
- FIRE DEPARTMENT
- UTILITIES
- OTHER: Addressing
- OTHER: NMDOT

FROM: Adam Ochoa, Planner

RECEIVED

SUBJECT: **Jornada South Unit 3B**
Replat of Lot 29, Block "L"

SEP 26 2013

TRAFFIC

Please review and return to the Community Development Department no later than **October 3, 2013**,
PLEASE.

APPROVED: YES

NO

YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 10/3/13

REVIEWER NAME: K. Espinoza
REVIEWER CONTACT NO.: 2701

COMMENTS:

Please type out comments

CITY SUBDIVISION REVIEW
387

DATE: July 30, 2013

REVIEW NO.: 1
CASE NO.: S-13-034

TO: CURRENT PLANNING
 ADVANCED PLANNING
 MPO
 ENGINEERING SERVICES
 TRAFFIC ENGINEERING
 SURVEYOR
 LAND MANAGEMENT
 PARKS AND RECREATION
 FIRE DEPARTMENT
 UTILITIES
 OTHER: Addressing
 OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B, Replat of Lot 29, Block "L"**
Replat

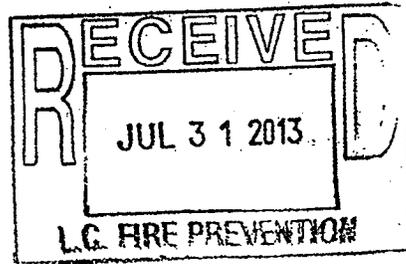
Please review and return to the Community Development Department no later than **August 6, 2013**,
PLEASE.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 8/6/13

REVIEWER NAME: MMA
REVIEWER CONTACT NO.: X 4150

COMMENTS:



****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

CITY SUBDIVISION REVIEW

DATE: July 30, 2013

REVIEW NO.: 1
CASE NO.: S-13-034

TO: CURRENT PLANNING
 ADVANCED PLANNING
 MPO
 ENGINEERING SERVICES
 TRAFFIC ENGINEERING
 SURVEYOR

LAND MANAGEMENT
 PARKS AND RECREATION
 FIRE DEPARTMENT
 UTILITIES
 OTHER: Addressing
 OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B, Replat of Lot 29, Block "L"**
Replat

Please review and return to the Community Development Department no later than **August 6, 2013**,
PLEASE.

APPROVED: YES

NO

YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 08/05/13

REVIEWER NAME: John Paul
REVIEWER CONTACT NO.: 529-3635

COMMENTS:

1. Add the following note: THE DEVELOPER IS RESPONSIBLE FOR (A) ALL EASEMENTS, MAIN LINE EXTENSIONS, AND STUBOUTS NECESSARY TO PROVIDE SEPARATE UTILITY SERVICES TO EACH LOT AND (B) COMPLIANCE WITH ALL APPLICABLE CITY UTILITY STANDARDS.
2. Add the following note: THE PROPERTY OWNERS WILL BE SUBJECT TO ANY FUTURE ORDINANCE REGARDING CONNECTION TO CITY SEWER.
3. In Note 9, remove the sewer line.
4. Remove the gas signature block.

CITY SUBDIVISION REVIEW

DATE: September 26, 2013

REVIEW NO.: 2 034

CASE NO.: S-13-~~005~~

- CURRENT PLANNING
- ADVANCED PLANNING
- MPO
- ENGINEERING SERVICES
- TRAFFIC ENGINEERING
- SURVEYOR

- LAND MANAGEMENT
- PARKS AND RECREATION
- FIRE DEPARTMENT
- UTILITIES
- OTHER: Addressing
- OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B**
Replat of Lot 29, Block "L"

Please review and return to the Community Development Department no later than October 3, 2013,
PLEASE.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 9/27/2013

REVIEWER NAME: MULTI MONTANA for John Reed
REVIEWER CONTACT NO.: 508-3635 (John)

COMMENTS:

No comments.

CITY SUBDIVISION REVIEW.

396

DATE: July 30, 2013

REVIEW NO.: 1
CASE NO.: S-13-034

- TO:
- CURRENT PLANNING
 - ADVANCED PLANNING
 - MPO
 - ENGINEERING SERVICES
 - TRAFFIC ENGINEERING
 - SURVEYOR

- LAND MANAGEMENT
- PARKS AND RECREATION
- FIRE DEPARTMENT
- UTILITIES
- OTHER: Addressing
- OTHER: NMDOT

FROM: Adam Ochoa, Planner

SUBJECT: **Jornada South Unit 3B, Replat of Lot 29, Block "L"**
Replat

Please review and return to the Community Development Department no later than **August 6, 2013**,
PLEASE.

APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 7/31/13

REVIEWER NAME: [Signature]
REVIEWER CONTACT NO.: 2550

COMMENTS:

To: City of Las Cruces, New Mexico
Attn: City Council,
Planning and Zoning Commission,
City Community Development Department

Subject: Case S-13-034

This communication has been made necessary by the postponement of the City's Planning And Zoning Commission meeting scheduled for April 22, 2014. I had delayed departure for vacation in order to attend this meeting, but the meetings last minute postponement to April 29, 2014 precluded any further delay in my departure. It was and is my intention to address an item originally on the Agenda for the April 22, 2014 Commission meeting.

As a owner of property adjacent to the parcel addressed in Case S-13-034 known as Jornado South Unit 3-B, lot 29 Block L I object to any approval or consideration of approval for the proposed replat. The Jornado South 'subdivision' is occupied by approx 40 lots the majority with homes, it is one of the few remaining large lot areas within the city limits that isn't associated with the raising of livestock or horses and with that it is a unique and desirable location. Recently (6-7 years ago) several adjacent small-lot subdivisions were developed, in particular, the Mesa Grande subdivision was developed with the majority of the lots being quarter acre or less. The original owner of the property that became 'Mesa Grande Estates' as well as the developers which included Mr Fishback (the ultimate petitioner in the current case) agreed that it would be out-of-line to put small lots immediately adjacent to Jornado South. Such would detract from the character of the original subdivision as well as having a potential impact on the ambiance and value of established properties adjacent to the new development. The current application is in violation of that notion in spirit and in fact for the new lots are not adjacent to but wholly within Jornado South.

Mr Fishback's proposal to subdivide the property in question would effectively cram 3 homes in chock-a-block fashion between the two existing homes, his home in Mesa Grade Estates and the exiting property at 4560 Real Del Sur, so that there would be effectively 5 contiguous structures in a fashion of standard neighborhoods. This arrangement would be incongruous with the remainder of the Jornado South neighborhood. Even if said property were to be divided so that only two homes occupied the frontage with the third on a 'pipe-stem' each lot would be substantially less than one acre and the frontage on the only street with access very limited in comparison to the remainder of the neighborhood.. This is in contrast to the remainder of the subdivision in which the majority of the homes sit on 2+ (closer to 3) acres. Granted there are a few of the original 2.5+ acre lots that have been subdivided but only into two parcels which are substantially larger than 1 acre and the homes arranged such that the ambiance of space is maintained. Three homes sandwiched onto this property could not maintain the original neighborhood design. The available frontage is only about two-thirds the length of the frontage of the property on the other side of the street.

We do not wish to interfere with Mr. Fishback's property rights and his legal right to enjoy the benefits of his property. However, when Mr. Fishback acquired this parcel he was very much aware of the conditions and design of Jornado South and as a member of the development team for Mesa Grade Estates (1) was aware of the compromise to put 1 acre lots on the land adjacent to Jornado South, and had and has ample opportunity to exercise his home building occupation in the still large undeveloped area of the Mesa Grande Estates subdivision.

I hesitate but must remind the Commission, City Council and Las Cruces Community Development that their role is to protect the rights of all citizens and while Mr Fishback desire for a substantial financial gain (effectively triple) by turning a piece of property originally zoned and set aside for a single home into three homes is his right but it must be weighed against the desires and the impact on the 40 some households that have occupied this area for much longer than Mr. Fishback has owned the

parcel in question. There are only 2 home owners who have lived in this subdivision less than 10 years and it was the ability and desire to live in an neighborhood different from the developers dream of single family homes on postage stamp lots that enticed them to live here. It is a unique area of Las Cruces. The proposed lots may not be postage stamps but in comparison to the remainder of the neighborhood they are small and inappropriate and it is your responsibility to honor the desire of the other property owners. The design of Jornada South is a matter that Mr Fishback, as a developer and builder, is very much aware of now and at the time he acquired the property.

Unless the City's long term plan, which drives Planning and Zoning decisions, includes purchase of and/or condemnation of all the properties in Jornada South with the intention of rezoning it into sub-one acre lots approval of this application must be considered outside the authority of the Planning & Zoning commission. The alteration of an existing neighborhood plans such that it benefits only one individual at the expense of a collection of people without the consent of other affected land holders must be considered discriminatory and extralegal.

Submitted by

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**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
April 29, 2014 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Charles Beard, Secretary
Joanne Ferrary, Member
Ruben Alvarado, Member
Kirk Clifton, Member

BOARD MEMBERS ABSENT:

Ray Shipley, Member

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Ezekiel Guza, Associate Planner, CLC
Mark Dubbin, CLC Fire Department
Robert Cabello, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00)

Crane: Good evening ladies and gentlemen. Welcome to the deferred April 22nd meeting of the Planning and Zoning Commission. For the record that was postponed because we had a problem with the recording apparatus for the minutes which are taken verbatim and without means to record minutes we could not have a legal meeting. So we are reconvened. We never had a meeting last Tuesday, although there were plenty of people here and one of them made an informal presentation which I will get to in a minute.

We start by introducing our commissioners; to my far right a new Commissioner, Mr. Kirk Clifton who is with District 6, represents District 6; then Commissioner Stowe who is our Vice Chairman, District 5. And then Commissioner Ferrary who represents District 5. I'm sorry, did I say, District 5 here, yes. Mr. Stowe I beg your pardon, it's District 1. Commissioner Ferrary is District 5. And then we have Commissioner Alvarado representing District 3. Our secretary Commissioner Beard District 2. Presently we do not have a Mayor's appointee. And I'm the Chairman Godfrey Crane and I represent District 4.

1 ALL: AYE.

2
3 Crane: Opposed? All right, passes six/nothing. Thank you.

4
5 **V. OLD BUSINESS - NONE**

6
7 Crane: Any old business Mr. Ochoa?

8
9 Ochoa: No sir, none tonight.

10
11 **VI. NEW BUSINESS**

12
13 1. **Case S-13-034:** Application of Western Lands Surveying on behalf of Robert
14 Fishback, property owner, for a replat known as Jornada South Unit 3-B,
15 Replat of Lot 29, Block L on a 2.889 +/- acre lot located on the south side of
16 Real Del Sur, 85 +/-feet east of its intersection with Feliz Real Parcel ID#
17 02-15842. Proposed Use: Three (3) new single-family residential lots;
18 Council District 6 (Levatino)

19
20 Crane: Okay, in that case we pass to new business. The first item is Case S-13-
21 034, application of Western Lands Surveying for a replat of a lot in
22 Jornada South Unit 3-B. You have a presentation to make Mr. Ochoa.

23
24 Ochoa: Thank you sir. Adam Ochoa Development Services for the record. First
25 case tonight ladies and gentlemen is case S-13-034. It is a request for a
26 replat known as Jornada South Unit 3-B, replat of Lot 29, Block L. Shown
27 here on the vicinity map, subject property's highlighted with the lines
28 throughout it, located south of Highway 70 along Jornada. To get there,
29 along Jornada South Road and then east on Del Rey ... Real Del Sur,
30 excuse me, Road. Taking a closer look, the subject property here at the
31 dead end of Real Del Sur in a neighborhood zoned R-1a, single-family
32 medium density. A little more exact location of this property, it is located
33 on the south end of Real Del Sur right at the dead end of Real Del Sur,
34 which as it dead ends into Mesa Grande Estates. It is roughly about 85-
35 feet east of its intersection with Real Feliz. This is the original lot 29 of
36 Block L of the Jornada South Unit 3-B subdivision which was approved
37 back in December 1978. The zoning on this property and on the
38 surrounding neighborhood that it's within is R-1a, single-family medium
39 density. The subject property currently encompasses roughly about 2.889
40 acres, so just under three acres in size and is currently vacant and
41 undeveloped. What the applicant is proposing to do is to subdivide that
42 one existing single-family residential lot into three new single-family
43 residential lots, lot 29A will encompass just under an acre in size; 0.959,
44 and 29B will be 0.959 acres as well; and lot 29C will encompass roughly
45 0.83 in size, that being because of the required dedication of right-of-way
46 for the improvements required on Real Del Sur. I'll go a little more into in

1 depth when the plat comes up. Again like I said because of the required
2 improvements to Real Del Sur which is essentially a cul-de-sac that'll have
3 to be placed in there is why lot 29C is smaller than the other two.

4 After all reviews have been done, all subdivision code and 2001
5 Zoning Code requirements are being met by the proposed replat. Here
6 showing it to you on the aerial; that vacant piece of property here south of
7 Real Del Sur just east of Feliz Real, surrounded by single-family homes
8 large lots, single-family homes. And here is that plat showing those three
9 lots; lot 29A, 29B, and 29C. There is where that right-of-way dedication is
10 being done on 29C making it smaller than the other two lots. This is
11 where a cul-de-sac will be constructed by the applicant. This is required
12 by the subdivision code that any right-of-way dedication and construction
13 be done by the proposed developer. So that cul-de-sac will have to be
14 constructed by the applicant.

15 On April 2nd, 2014 the Development Review Committee or DRC,
16 reviewed the proposed plat. After some discussion between the DRC and
17 the applicant's representative, the DRC did go ahead and vote to
18 recommend approval with conditions for the proposed replat. Those
19 conditions are as follows: 1) all remaining outstanding comments from all
20 reviewing parties shall be required to be resolved prior to the filing of the
21 plat. There are still some minor outstanding comments from our traffic
22 engineering department, a couple of comments from our surveying
23 department, and our addressing department which just need to be
24 resolved, minor clean ups really that really won't hinder the actual plat
25 itself. 2) the proposed cul-de-sac is required to be constructed for the
26 proposed subdivision and shall meet city design standards including a
27 minimum 40-foot wide radius, that's minimum radius for that cul-de-sac.
28 3) the alignment of the required right-of-way dedication fronting lot 29C
29 shall be resolved prior to the filing of the plat. Currently if we go back to
30 the plat the applicant just has it chunked out as one big rectangular shape.
31 We are actually requiring him to follow the contours of the cul-de-sac and
32 not necessarily dedicate kind of no-man's-land parkway area to the city
33 that the city does not want to maintain. And 4) all required right-of-way
34 improvements shall be required to be finalized prior to the filing of the plat.
35 The Planning and Zoning Commission does have final authority on these
36 non-administrative replats. With that ladies and gentlemen your options
37 are 1) to vote yes to approve the request, the replat request as
38 recommended by DRC with the stated conditions for Case S-13-034; 2) to
39 vote yes to approve the replat request with additional conditions seen fit
40 by the P&Z; 3) to vote no to deny the replat request; and 4) table/postpone
41 and direct staff accordingly. Staff did receive a number of phone calls of
42 neighbors roughly about three of them, just asking what was the intent of
43 this replat. That information was provided. The majority of them were not
44 supportive of the proposed replat for various reasons including not liking
45 the additional two homes in the subdivision, the possible traffic created by
46 those two homes, and just the character of the neighborhood is what they

1 were referencing. And before you have a written testimony from a
2 gentleman we spoke to last week at our meeting that we didn't have that
3 he did want read into the minutes so at this time we will go ahead and
4 read that into the minutes if that's okay with the chairman.

5
6 Crane: Thank you Mr. Ochoa. Please ... let me see, we'll read this into the
7 minutes at the time that we have the public input. Does any
8 Commissioner have a question of Mr. Ochoa? Commissioner Beard.

9
10 Beard: Could you give me the approximate size of the properties that are
11 adjoining the subject property, both on the left and on the ... excuse me,
12 on the east and west, and especially the second house on the west, both
13 of those properties?

14
15 Ochoa: The two properties to the west sir are roughly about an acre and a half in
16 size. This lot here was replatted relatively recent as well from the one
17 existing lot to two. That lot was originally roughly about three acres in size
18 so these are roughly about an acre and a half in size. The properties to
19 the east are zoned EE-C, I'm not exactly certain of their exact size sir but
20 the EE are equestrian estate zoning requirements. The EE zoning
21 designation does require them to be a minimum of one acre in size, so
22 they are at least one acre in size to the east here

23
24 Beard: Thank you.

25
26 Clifton: Mr. Chair I do have a question for staff.

27
28 Crane: Yes, Commissioner

29
30 Clifton: Not, Mr. Ochoa it's probably more of an observation, but it appears in this
31 subdivision it is an older subdivision, but there are approximately 17 lots
32 that are well under the initial lot size. They appear to be probably one
33 acre and slightly larger. And if I do recall the subdivision to the east
34 simply developed that as EE conditional as part of a buffering agreement
35 with this subdivision. And to the south it appears there are several lots
36 that are less than 0.25 acres in nature. And if you could go back to the
37 aerial for me. It appears that this subdivision was developed with minimal
38 infrastructure, so as you can see many of the lots have natural stream
39 pass and arroyos on them and from what I understand in the packet it
40 appears that Mr. Fishback will probably be developing these lots with the
41 appropriate drainage infrastructure which would meet city standards
42 today, correct?

43
44 Ochoa: That is correct sir. It does follow all design standards.

45

- 1 Clifton: And the other question I have on the plat, I'm just curious why the right-of-
2 way take is rectangular and not a bulb shape.
3
- 4 Ochoa: That is one of the ... Mr. Chairman, Commissioner Clifton that is one of
5 the conditions stipulated by ... for the conditional approval is that the
6 actual final alignment of that right-of-way dedication will be finalized. The
7 applicant's representative was still working on the actual design of that
8 cul-de-sac showing how that will actually align along lot 29C. So that will
9 have to be adjusted on the plat once it is finalized and the rectangular
10 shape will go away and it'll look like a bulb essentially.
11
- 12 Clifton: So it's just really a temporary visual of the right-of-way taken till there is
13 such time the bulb is agreed to.
14
- 15 Ochoa: Correct.
16
- 17 Clifton: Okay, and on that note I thought it was interesting you know given the
18 distance from the nearest intersection, I guess what is that Feliz Real?
19
- 20 Ochoa: Correct.
21
- 22 Clifton: The fire department approved this on August 6th of 2013 and apparently
23 didn't have any issues with it not having a turnaround? Is that what I read
24 based on the DRC and the review comments, or was this a ... I mean
25 aside from the design standards was the fire department, would they be
26 okay with this not having a turnaround?
27
- 28 Dubbin: Mark Dubbin, Las Cruces Fire Department. We did approve it on the
29 condition that the turnaround will be dedicated and constructed at the time
30 of the subdivision.
31
- 32 Clifton: Okay. Okay, thank you. That's it for now.
33
- 34 Ochoa: Thank you.
35
- 36 Crane: Any other Commissioner have a question for Mr. Ochoa? Okay. Mr.
37 Ochoa do you have ... can you put it in a nutshell what the basis for the
38 splitting of the lot that next to the one in question into two, one and a half
39 acre lots or any of the other lots that are smaller than three acres? It
40 appears that this replatting has progressed in several different spots over
41 the last few years. I'm wondering on what basis that was done, do you
42 have a clue as to that?
43
- 44 Ochoa: Mr. Chairman I really have no idea. I can't speak about that unfortunately.
45 That was done in the past. There are a number of lots that are within that
46 acre, a little over an acre in size when they were replatted. A large

1 number of lots within this subdivision still are roughly about three acres,
2 maybe larger in size, but as to why they were replatted I would just say
3 possibly just for conveyance, selling of the property, and the building of an
4 additional home on that new lot. That's the majority of what happened,
5 just doing some research on the two lots to the west, a subdivision was
6 done and then essentially almost automatically right after that lots were
7 conveyed either to ... to other people and those homes were constructed.

8
9 Crane: Thank you. Any ... is the applicant here please? Applicant's
10 representative.

11
12 Ochoa: The applicant is here and they do have a presentation for you sir.

13
14 Crane: That person come forward please. Please identify yourself.

15
16 Gutierrez: I'm Anthony Gutierrez with Western Land Surveying. Good evening.

17
18 Crane: Good evening. Do you swear and affirm Mr. Gutierrez that the testimony
19 you are about to give is the truth and nothing but the truth under penalty of
20 law?

21
22 Gutierrez: Yes sir I do.

23
24 Crane: Go ahead please.

25
26 Gutierrez: Okay basically up here. I prepared a short presentation. I do want ... I
27 don't want to restate anything that Adam has stated already, so I'll skip
28 over some of this and answer the questions that you had. One thing I'd
29 like to point out is that the medium density is eight dwelling units per acre,
30 we're effectively only going to one dwelling unit per acre with this
31 subdivision. And here's a picture of the old plat, the old lot that's being
32 replatted. You've already seen this. I will get to this next slide. This is the
33 proposed construction design for the turnaround and one of the reasons
34 we left it for review as a cutout, rectangular shape was to give our
35 engineer enough room to provide adequate ponding. We weren't sure
36 how he was going to go about that when we gave him the plat. So, as you
37 can see looking up here we have put a pond in. It will catch all the surface
38 runoff for two inches of rainfall created by the extra impervious area for the
39 cul-de-sac. So we are accounting for that. Some of the natural drainage
40 features as was previously stated, there are a lot of them that exist across
41 the property. We didn't want to add to that, so this will contain the water
42 that will be uncontained during a rainfall. And what we will do is now
43 finalize the plat with an arc following the southeastern portion of that cul-
44 de-sac. So hopefully that answers that question; what our intention was
45 by leaving it rectangular. Do you have any questions on the construction?
46

- 1 Crane: Thank you Mr. Gutierrez. Any Commissioner have questions?
2 Commissioner Clifton.
- 3
4 Clifton: Mr. Chair, quick question. It states in the approval conditions - all right-of-
5 way improvements shall be required. What exactly beyond the cul-de-sac
6 is required for this subdivision?
7
- 8 Gutierrez: Right now we're meeting the requirements ... this is the minimum of the
9 requirements that we found and were stated. There ... we are following
10 the existing section of Real Del Sur. Right now it's approximately, I don't
11 know if I can read that dimension up there or not, but is it 30-foot section I
12 believe. It's quite wide. So our ... our engineer did follow design
13 standards with that section in mind and, so yes.
14
- 15 Clifton: Was a waiver to these requirements ever ... ?
16
- 17 Gutierrez: No.
18
- 19 Clifton: Discussed?
20
- 21 Gutierrez: No. We did not.
22
- 23 Clifton: Requested? Introduced? Entertained?
24
- 25 Gutierrez: I'm going to let him speak to that.
26
- 27 Ochoa: Sorry, if I may interject here Mr. Chairman. Commissioner Clifton initially
28 the applicant did come in with a waiver request for the proposed
29 subdivision after it was routed out for review by our engineering
30 department, public works department, traffic engineering, they deemed the
31 road to be meeting minimum design standards and the only thing that was
32 brought up was essentially not ... that dead end as it exists now does not
33 meet city standards so that was the one thing remaining if you will on the
34 waiver request that they needed to do. So instead of continuing with that
35 waiver request the applicant did agree to go ahead and construct the cul-
36 de-sac, the minimum requirements for it to be following city right-of-way
37 requirements.
38
- 39 Clifton: Okay. So essentially it well exceeds the previous subdivision ...
40
- 41 Gutierrez: Yes.
42
- 43 Clifton: Where they probably should've done a turnaround. Okay. Thank you.
44
- 45 Gutierrez: Absolutely. And we are putting that entire turnaround into the subject
46 property. On the original plat you can see there was allocated temporary

1 turnaround easement, so now that can be effectively vacated. And as it
 2 stands now it hasn't been used that way anyhow so this will ... this will
 3 provide aesthetic features to the neighborhood as well as safety features.
 4 Estimates of construction are around \$11,000 to \$12,000. And foreseeing
 5 impact to the neighborhood, essentially if all three lots have homes built
 6 on them we're looking at about 30 trips per day generated. The westerly
 7 adjacent lots view of the Organ Mountain may be affected, we were able
 8 to speak with them, that's not a concern for that particular neighbor.
 9 Construction of the cul-de-sac will take about a week and that's on the
 10 long side according to the general contractors that we spoke with. The
 11 neighborhood will allow use of emergency turnaround that's not there, it's
 12 occupied and there isn't a place for emergency service vehicles to
 13 turnaround as well as garbage trucks, things of that nature. And
 14 driveways, and I did speak with a couple of neighbors along Real Del Sur
 15 that are in that section and driveways do get used to turn around in dead
 16 end situations, it's kind of typical. Hopefully that will be reduced with the
 17 addition of the cul-de-sac. And one note was that Mr. Fishback is willing
 18 to grant an easement for sanitary use to pour into the adjacent subdivision
 19 for this lot. So there is the potential there to reduce the need for septic
 20 systems on each lot.

21 Okay, I already addressed that. And layout is more visually
 22 appealing. So, one of the ... two of the concerns that were ... when we
 23 canvassed the neighborhood that were brought up were; 1) traffic
 24 generation and the other was the drainage issue. One of the neighbors
 25 brought up specifically water comes down that lot during a rain. We're not
 26 going to add to that, so that is going to be effectively reduced. Also the
 27 lots being smaller they are less to purchase and so if they are built out
 28 those grading plans will have to go through community development, site
 29 plans will have to be approved, and the drainage will essentially be
 30 addressed at that time as well. So, I think overall there is improvement to
 31 the area.

32 To address some of the other concerns that were more minor were
 33 what was it going to do to the value of the neighborhood. I did make
 34 phone calls to several appraisers around town as well as the assessor and
 35 none of the improvements that we're doing from what they saw would
 36 neither affect the properties' value upwards or downwards from the way
 37 they look at it. Is there any other question?
 38

39 Crane: What is the lot size specified by the ... permitted by the current zoning? I
 40 know it's not quite a question for you but I bet you know.

41
 42 Gutierrez: Yeah, I actually prepared a slide for this. It depends on how you look at it.
 43 Right now current zoning, the minimum lot width is 70 by 50, eight
 44 dwelling units per acre, and the minimum lot size is 5,000 square-feet.
 45 So, you can of course get 50 by 70 and get that, but those are your

1 minimums to work with. So 5,000 square-foot is quite small. That's more
2 the density you see in the subdivision to the south.
3
4 Crane: Thank you. Other Commissioner have a question for Mr. Gutierrez?
5 Thank you sir.
6
7 Gutierrez: Thank you.
8
9 Crane: Any members of the public wish to address this? In that case ... yes sir,
10 please come up and introduce yourself. Name please.
11
12 Pennington: Dr. Robert Pennington, 4555 Panorama Drive.
13
14 Crane: Dr. Pennington do you swear and affirm that the testimony you are about
15 to give is the truth and nothing but the truth under penalty of law?
16
17 Pennington: Yes sir.
18
19 Crane: Please continue.
20
21 Pennington: I'd like to answer some of your questions ... if I could ... if Mr. Ochoa
22 could give me the aerial map I could answer some of the questions that he
23 was not able to. The development to the south was until I think about nine
24 years ago zoned EE, that is a planned unit development now and that
25 went in about nine years ago. You might notice that between that
26 neighborhood to the south and the Jornada South neighborhood is a 40-
27 foot buffer strip, so that ... there was a question about why those lots are
28 small. Yes, they are small but that is a planned unit development. Also,
29 many of these lots in Jornada South were subdivided before they were ...
30 before building had begun on any of the lots. So the original Jornada
31 South it's hard for me to point it out without a laser, but the original
32 boundary of the Jornada South neighborhood was actually out of the
33 frame at the top of this and land was added to it. We had covenants and
34 restrictions that were in effect for 25 years from 1976, so it expired about
35 13 years ago. At that time the EE zoning was not available. The
36 covenants and restrictions specified that the lots would be minimum size
37 of one acre. So the effect of that was to give this EE zoning, even though
38 that was not available, and then yes to the east in the Mesa Grande
39 Estates that's a buffer zone of minimum one-acre lots and across Mesa
40 Rico is half-acre lots. I think I've answered all the questions you had
41 about this. Was there anything else that I know historically about this that
42 might concern you?
43
44 Crane: Was there any point at which people bought these lots thinking that they
45 were anchored at three acres and were not allowed to be any smaller?
46

1 Pennington: I can only give you what I've heard. I have been ... I've owned property in
2 this neighborhood for 16 years. My lot is not in the image here but it is
3 described as part of lot three. It originally was 2.4 acres, now my neighbor
4 and I have 1.2 acres each. I have heard from others who lived in this
5 neighborhood that we had an agreement that no subdivision would occur
6 without the approval of all the other neighbors in the neighborhood. Now I
7 have heard that, I have asked for documentation and I have never seen it.
8 Nobody has been able to find it. I haven't been able to find anything in the
9 county records yet. That doesn't mean it doesn't exist, but I have not
10 been able to find it. It is just what I've heard as an understanding when I
11 got to the neighborhood. That somebody had tried to subdivide and it
12 couldn't happen because the neighbors objected, but I have not seen
13 anything in writing.

14
15 Crane: Thank you Dr. Pennington. Please hold there a moment. Where is Mr.
16 Gutierrez? Is he still with us? Could this matter that Dr. Pennington just
17 mentioned be something to do with that covenant you mentioned that has
18 expired or been allowed to lapse?

19
20 Pennington: It was not in the covenants.

21
22 Gutierrez: It was ... the three acre was not in the covenants. The one acre was in
23 the covenants. That was in the covenants. But they did expire.

24
25 Crane: Thank you.

26
27 Pennington: But there was something, and to me now it's only hearsay cause I have
28 not seen documents, that there would be no subdivision of any lot of any
29 size without the approval of the neighbors.

30
31 Crane: But clearly that has happened.

32
33 Pennington: But ... well, yes I cannot tell you why because I have not seen the
34 documentation.

35
36 Crane: Thank you Dr. Pennington. Commissioner Ferrary.

37
38 Ferrary: Thank you. Dr. Pennington, so it's your understanding that everyone who
39 lives in this development has ... whether they've expired or not the
40 covenants, the understanding that the lot should be at least an acre or
41 more?

42
43 Pennington: Yes.

44
45 Ferrary: Okay. Thank you.

46

- 1 Crane: Commissioner Clifton.
2
- 3 Clifton: Mr. Chair if I may and just to get clarification from city legal, this body has
4 no jurisdiction over private restrictive covenants and quite frankly we
5 probably shouldn't be discussing it because it is a civil matter not a matter
6 before the City of Las Cruces.
7
- 8 Cabello: Chairman Crane, Commissioner Clifton, that is correct. This body does
9 not have any jurisdiction over private covenants.
10
- 11 Pennington: Mr. Clifton I bring that up only to show the intension in development
12 because the EE zoning was not available at the time this subdivision was
13 developed.
14
- 15 Crane: Yeah, I was just trying to establish what mindset the original owners of this
16 property had because we are going to shortly read into record a deposition
17 for want of a better term, from somebody who's not with us tonight who
18 bought a three-acre lot and is objecting to this splitting of the adjacent
19 vacant lot. I agree that the covenants are not really a matter for us but I'm
20 interested in the terms under which people originally bought.
21 Commissioner Beard your finger is on the light.
22
- 23 Beard: Mine was directed to the city. How many letters ... how many people
24 received notice of this meeting in Jornada South? My question is basically
25 did we go by the distance rule or did we include all of the people that
26 reside in this area?
27
- 28 Ochoa: Mr. Chairman, Commissioner Beard we did follow the standard city rule of
29 the ... requiring certified mailing within 100-feet minus right-of-way
30 adjacent to the property and then 500-feet out from the subject property.
31 So, a good number of people did receive letters. As to the exact number
32 I'm not exactly sure but just in certified themselves it looks like we had at
33 least eight letters sent out certified, of course that's just within 160-feet
34 from the property. There's still an additional 340-feet out that were sent
35 out public letters.
36
- 37 Beard: Did that include those houses to the south?
38
- 39 Ochoa: Mr. Chairman, Commissioner Beard, yes it did. I did actually ... one of the
40 phone calls I received questioning the proposed subdivision was from the
41 subject property owner directly south of this property right here.
42
- 43 Beard: So most of the people that live in Jornada South did not receive any
44 notification and this property's located in a corner, so a lot of the people in
45 that area would not have seen the sign that we typically put out.
46

- 1 Ochoa: Mr. Chairman, Commissioner Beard, they might not have seen the sign
2 driving out there but I did get a phone call from two property owners within
3 the subdivision that they found out about the subdivision even though they
4 didn't get a letter. That's a pretty tight knit subdivision out there,
5 everybody did let everybody know essentially what was going on out
6 there.
7
- 8 Beard: Thank you.
9
- 10 Crane: Commissioner Ferrary.
11
- 12 Ferrary: And did those who called you, they were objecting to this?
13
- 14 Ochoa: Mr. Chairman, Commissioner Ferrary that is correct.
15
- 16 Ferrary: Thank you.
17
- 18 Clifton: Mr. Chair I do have a quick question for Mr. Ochoa.
19
- 20 Crane: Mr. Clifton.
21
- 22 Clifton: In the R-1a zoning district what is the maximum allowable density by right,
23 is it 10 dwelling units per acre, nine, I don't recall?
24
- 25 Ochoa: Mr. Chairman, Commissioner Clifton, in the R-1a zoning district there's a
26 maximum density of eight dwelling units per acre. This subdivision will
27 roughly be a little over one dwelling unit per acre essentially.
28
- 29 Clifton: So in theory based on the zoning that Mr. Fishback has by right he could,
30 excluding the right-of-way, take ... develop up to 25 lots on this parcel? I
31 mean it would be tight in theory that would meet the letter of the law and
32 the zoning code?
33
- 34 Ochoa: Mr. Chairman, Commissioner Clifton, it'd be a tight fit but that's something
35 that's possible.
36
- 37 Clifton: So one acre is still quite large considering what could be developed by
38 right.
39
- 40 Ochoa: Mr. Chairman, Commissioner Clifton, that is correct. From city staff
41 perspective though the proposed subdivision does follow all zoning code
42 requirements and development design requirements as well.
43
- 44 Clifton: All right. Thank you.
45

1 Crane: Thank you Mr. Ochoa. Any other member of the public wish to speak?
2 Yes sir.
3
4 Thompson: My name is Gerald Thompson. I live at 4300 Real Del Sur.
5
6 Crane: Sir, do you swear and affirm that the testimony you are about to give is the
7 truth and nothing but the truth under penalty of law?
8
9 Thompson: I'm sorry.
10
11 Crane: Where did you lose me, right at the top? I'm swearing you in. Do you
12 swear and affirm that the testimony you are about to give is the truth and
13 nothing but the truth under penalty of law?
14
15 Thompson: Yes I do.
16
17 Crane: Okay. Thank you.
18
19 Thompson: I live at 4300 Real Del Sur and I had to hear this from people in the
20 neighborhood. I didn't know that there was anything going on about this
21 so I definitely was not contacted. My concern is this blank spot right in
22 here. Is that a runoff problem?
23
24 Crane: Excuse me, I think you can use the pointer touch the mouse, is that true
25 Mr. Ochoa?
26
27 Thompson: I'm sorry
28
29 Crane: You can use the pointer there, Mr. Ochoa will show you.
30
31 Thompson: Oh, okay. Yeah, that spot ...
32
33 Crane: Now you've broken it.
34
35 Thompson: That spot right there. It looks to me like that might be a runoff problem. I
36 know that the two neighbors there that had to do quite a bit of work for the
37 ... to take care of the runoff. Has that been taken care of?
38
39 Crane: Are you speaking sir of the runoff from those lots to the east?
40
41 Thompson: To the west. Those two people had a lot of trouble.
42
43 Crane: Oh, okay. So where's the runoff coming from that was giving them
44 trouble? From the east?
45

1 Thompson: I'm not sure but I just looked at that blank spot that looked like that's a
2 runoff area to me.

3
4 Crane: Okay. Well I don't have an answer for you sir.

5
6 Thompson: It looked like they should have you know really have thoroughly checked
7 that out cause I know that several people in that neighborhood have
8 trouble with runoff.

9
10 Crane: Mr. Ochoa do you want to address that. You said something about ... I
11 think Mr. Gutierrez said that drainage will have to be addressed.

12
13 Ochoa: That is correct Mr. Chairman. The area ... any type of drainage issues or
14 runoff issues for the property will have to be addressed when they actually
15 develop the property. So they will have to essentially retain their runoff on
16 their own subject property sir.

17
18 Thompson: That's all I have. Thank you

19
20 Crane: Thank you sir. Anyone else from the public. Then I'll close this to
21 discussion. Oh pardon me, Ms. Harrison-Rogers.

22
23 H-Rogers: Chairman Crane, members of the commission, I do have the letter from
24 Mr. Jon Mercurio. He wished that this would be read into the record for
25 this evening. He was the gentleman who was unable to attend this
26 evening. If you would like I can go ahead and do that for you.

27
28 Crane: Please do.

29
30 H-Rogers: And I am reading this directly from his letter.

31 This communication has been made necessary by the
32 postponement of the City's Planning and Zoning Commission meeting
33 scheduled for April 22, 2014. I had delayed departure for vacation in order
34 to attend this meeting, but the meetings' last minute postponement to April
35 29, 2014 precluded any further delay in my departure. It was and is my
36 intension to address an item originally on the agenda for the April 22, 2014
37 Commission meeting.

38 As an owner of property adjacent to the parcel addressed in Case
39 S-13-034 known as Jornada South Unit 3-B, lot 29 Block L I object to any
40 approval or consideration of approval for the proposed replat. The
41 Jornada South 'subdivision' is occupied by approximately 40 lots the
42 majority with homes, it is one of the few remaining large lot areas within
43 the city limits that isn't associated with the raising of livestock or horses
44 and with that it is a unique and desirable location. Recently (6-7 years
45 ago) several adjacent small-lot subdivisions were developed, in particular,
46 the Mesa Grande subdivision was developed with the majority of the lots

1 being a quarter acre or less. The original owner of the property that
2 became "Mesa Grande Estates" as well as the developers which included
3 Mr. Fishback (the ultimate petitioner in the current case) agreed that it
4 would be out-of-line to put small lots immediately adjacent to Jornada
5 South. Such would detract from the character of the original subdivision
6 as well as having a potential impact on the ambiance and value of
7 established properties adjacent to the new development. The current
8 application is in violation of that notion in spirit and in fact for the new lots
9 are not adjacent to but wholly within Jornada South.

10 Mr. Fishback's proposal to subdivide the property in question would
11 effectively cram three homes in chock-a-block fashion between two
12 existing homes, his home in Mesa Grande Estates and the existing
13 property at 4560 Real Del Sur, so that there would be effectively five
14 contiguous structures in a fashion of standard neighborhoods. This
15 arrangement would be incongruous with the remainder of the Jornada
16 South neighborhood. Even if said property were to be divided so that only
17 two homes occupied the frontage with the third on a 'pipe-stem' each lot
18 would be substantially less than one acre and the frontage on the only
19 street with access very limited in comparison to the remainder of the
20 neighborhood. This is in contrast to the remainder of the subdivision in
21 which the majority of the homes sit on two plus (closer to three) acres.
22 Granted there are a few of the original 2.5 plus acre lots that have been
23 subdivided but only in two parcels which are substantially larger than one
24 acre and the homes arranged such that the ambiance of space is
25 maintained. Three homes sandwiched onto this property could not
26 maintain the original neighborhood design. The available frontage is only
27 about two-thirds the length of the frontage of that property on the other
28 side of the street.

29 We do not wish to interfere with Mr. Fishback's property rights and
30 his legal right to enjoy the benefits of his property. However, when Mr.
31 Fishback acquired this parcel he was very much aware of the conditions
32 and design of Jornada South and as a member of the development team
33 for Mesa Grande Estates was aware of the compromise to put one acre
34 lots on land adjacent to Jornada South and had, and has ample
35 opportunity to exercise his home building occupation in the still large
36 undeveloped area of the Mesa Grande Estates subdivision.

37 I hesitate but must remind the Commission, City Council and Las
38 Cruces Community Development that their role is to protect the rights of
39 all citizens and while Mr. Fishback's desire for substantial financial gain
40 (effectively triple) by turning a piece of property originally zoned and set
41 aside for a single home into three homes is his right but it must be
42 weighed against the desires and the impact of 40-some households that
43 have occupied this area for much longer than Mr. Fishback has owned the
44 parcel in question. There are only two homeowners who have lived in this
45 subdivision less than 10 years and it was the ability and desire to live in a
46 neighborhood different from the developer's dream of single-family homes

1 on postage stamp lot that has enticed them to live here. It is a unique
 2 area of Las Cruces. The proposed lots may not be postage stamps but in
 3 comparison to the remainder of the neighborhood they are small and
 4 inappropriate and it is your responsibility to honor the desire of other
 5 property owners. The design of Jornada South is a matter that Mr.
 6 Fishback, as a developer and builder, is very much aware of now and at
 7 the time he acquired the property.

8 Unless the city's long term plan, which drives planning and zoning
 9 decisions includes the purchase of and/or condemnation of all the
 10 properties in Jornada South with the intention of rezoning it into sub-one
 11 acre lots, approval of this application must be considered outside the
 12 authority of the Planning and Zoning commission. The alteration of an
 13 existing neighborhood plans such that it benefits only one individual at the
 14 expense of a collection of people without the consent of other affected
 15 land holders must be considered discriminatory and extralegal. Submitted
 16 by, Jon J. Mercurio, 4625 Real Del Sur, Las Cruces, New Mexico, 88011.

17
 18 Crane: Thank you Ms. Harrison-Rogers. Any other member of the public wish to
 19 address this? Mr. Gutierrez, you have something to say?

20
 21 Gutierrez: I just want to make a couple observations after I did a canvas of the
 22 neighborhood. I did and was asked some pointed questions about
 23 covenants. This keeps coming up and he even used in his letter the word
 24 conditions which don't exist anymore and I think it's appropriate also to
 25 look at the geographical location of this lot. It's the last lot that is the
 26 postage stamp layout in this subdivision as you head down Real Del Sur.
 27 I've never been to a Planning and Zoning meeting where there aren't
 28 neighbors that are affected by the replatting or the subdivision of any land.
 29 There are always people that disagree with what's going on and we all
 30 have our own function and role that we play in our neighborhood and our
 31 community and how we address these concerns that we have. The roles
 32 of developers as I deal with them and have dealt with them throughout the
 33 years are to provide these lots to homeowners so they can build these
 34 homes. This lot is the last lot left and it's next to high density to the south,
 35 even with the 40-foot buffer, 40-feet isn't even the same amount of
 36 distance that you have across Real Del Sur. This lot is left in a high-
 37 density area, if you compare it to the rest of the subdivision. It's also on a
 38 dead end. The improvements are not going to happen to this lot with the
 39 turnaround unless the subdivision goes through. So, when I look at this I
 40 do take my name with it as well when we present it to you. And I think that
 41 it is in conformity with what Planning and Zoning has already allowed to
 42 happen in the adjacent lots next door. The density's increasing as you go
 43 down this dead end and then it's already increased to one-acre lots to the
 44 east and quarter acre lots to the south. So, as you consider this I would
 45 like you to take that and think about it because Mr. Fishback has played a
 46 role in developing this entire area and I think he's following the same vein

1 that the gentleman just spoke about. He's keeping more or less the one-
 2 acre density that he agreed to and he's providing a possibly better solution
 3 for purchase which will get those homes built out, effectively addressing
 4 drainage issues, and the like. That's all I have to say.
 5

6 Crane: Thank you Mr. Gutierrez. There being no other input, I will close this to
 7 further discussion, but I do have a question for you Mr. Ochoa. In Mr.
 8 Mercurio's letter he mentions near the bottom desire for substantial
 9 financial gain by turning a piece of property "originally zoned and set aside
 10 for single home into three homes". Could you comment on originally
 11 zoned and set aside for a single home? Did that ever happen?
 12

13 Ochoa: Mr. Chairman, the property was initially brought into the city and zoned for
 14 single-family residential. That lot was a single-family residential lot, what
 15 they are creating now are still three single-family residential lots.
 16 Essentially it's still one home for one lot and so that character has not
 17 changed. The only thing that's changing is essentially two more lots being
 18 added to the neighborhood essentially.
 19

20 Crane: So his statement is correct as it stands, "originally zoned and set aside for
 21 a single home".
 22

23 Ochoa: Mr. Chairman, yes and no I would have to say. It was initially zoned
 24 correctly for single-family residential. The applicant, what he's proposing
 25 is still single family residential, so it may not be the size of the home as it
 26 ... size of the lot as it originally was intended by the subdivision or the
 27 covenants better yet, but from a city standpoint it's following all city, not
 28 only design standards but also the 2001 Zoning Code. When this was
 29 actually brought into the city it was zoned R-1 under the '81 Zoning Code
 30 which was still way under the one acre minimum I believe, or that was
 31 required by the subdivision that's been stated numerous times. But
 32 essentially it could've still been subdivided further under the old '81 Zoning
 33 Code requirement of the R-1 zoning district. So it's still a single-family ...
 34 it is a single-family residential lot and they're still going to be single-family
 35 residential lots.
 36

37 Crane: Okay, thank you. Commissioners. Mr. Clifton.
 38

39 Clifton: Mr. Chair, real quick, it's unfortunate that Mr. Mercurio couldn't be here. I
 40 mean there are several statements in his letter that I would like to discuss
 41 in a public forum because I do feel they're inaccurate and deceptive to an
 42 extent but it's really quite honestly hearsay that these lots were set aside
 43 for large lot development. I mean this property was zoned 33 years ago.
 44 The City of Las Cruces didn't just enact a zoning code in 1981, there was
 45 a lot of thought and planning that goes into writing a zoning code, doing
 46 map zoning on an area. This was out on the outskirts of Las Cruces but at

1 the time the staff obviously felt it was appropriate to be zoned 5,000
 2 square-foot minimum lot size, R-1a. In 2001 the code was amended, the
 3 zoning stayed the same. So I mean I would argue with Mr. Mercurio that
 4 his statement ... that's not true and simply that Mr. Fishback's in it to make
 5 money, well you know he builds houses, I mean I don't think we're here to
 6 discuss who's here to make money and quite honestly in this economy I'm
 7 not sure anybody's making money, so good luck Mr. Fishback.

8
 9 Crane: Commissioner Ferrary.

10
 11 Ferrary: I totally disagree. I live in North Jornada which is almost a mirror image of
 12 the southern Jornada and to have ... they have basically one entrance into
 13 the area and then like we do in the Jornada North. If you go to these
 14 homes being so close I agree they will look like the Mesa Grande Estates
 15 which purposely has a buffer of at least one acre homes between the ...
 16 so you stair-step the closely small lots to a little bit bigger and then the
 17 larger lots of Jornada North. I don't think it would be fair to the residents in
 18 that area when they bought with that intension and that's how it was
 19 developed, to go less than an acre with the other two lots right next to this
 20 in question are one and a half acres each. And if you go to the smaller
 21 thin, real close, you're going to change the whole essence of how this
 22 development was first made and you have other lots in the Mesa Grande
 23 that still Mr. Fishback is a part of that he could develop instead of
 24 changing the character of Jornada South.

25
 26 Crane: Commissioner Beard.

27
 28 Beard: I agree. This property was designed for large acreage homes. We don't
 29 have very many of these lots in Las Cruces this size. And if we were to
 30 make this a sub-acre plots here there's no reason why other people in the
 31 area that own property couldn't subdivide also and start making smaller
 32 lots based on our decision tonight. I think that this should be maintained
 33 as originally planned and not start subdividing these things into sub-acre
 34 lots.

35
 36 Crane: Mr. Clifton you're light's on.

37
 38 Clifton: Yes Mr. Chair, I would like to point out that it was stated that essentially
 39 that nobody lives in the subdivision that originally purchased the lots so I
 40 don't know that there wasn't original intent to purchase three-acre lots.
 41 And if you would please note attachment one on the vicinity map as you
 42 drive into Jornada South there was a subdivision of one of these large
 43 three-acre lots, essentially a gateway into the subdivision. That dynamic's
 44 already been gone for a number of years. I don't know when that was
 45 subdivided, I'm not even going to ask staff because it really doesn't
 46 matter. It's been subdivided and filed, it's three independent lots that were

1 subdivided out of three right there at the corner behind the C-3 and C-2
 2 zoning district. Then in the corner of near Panorama there is another what
 3 appears to be a two lot subdivision, possibly a three lot and all those lots
 4 on the north side are relatively small in nature as are the ones on Jornada
 5 Road South and Panorama and Feliz Real. So the dynamics of the
 6 subdivision changed a number of years ago. I mean the dynamics are
 7 5,000 square-foot minimum lot size. That is what the applicant by right
 8 pursuant to the zoning code and the subdivision regulations as part of the
 9 municipal code is you know legally permitted to do.

10
 11 Crane: Thank you Mr. Clifton. Ms. Ferrary.

12
 13 Ferrary: Mr. Chair, I don't believe the lot sizes, they don't look like they're less than
 14 the other two that are 1.5, so I think the other subdivided lots look to be at
 15 least one acre which I think would be at least keeping with the rest of the
 16 development.

17
 18 Crane: Well it seems to me that running down the east side of Feliz Real there
 19 are five three-acre lots and then there's this one at the bottom that's in
 20 contention. And then moving west there's two one's, or I guess they're
 21 one and a half's, and then looks like a two and a two, and then above that
 22 on the Jornada Road South a probably elongated three. A couple more
 23 three's above that, and definitely some ones or one and half's. So the
 24 three acre aim, if that ever was an aim, has been dispensed with but I
 25 have considerable sympathy for Mr. Mercurio's view and that expressed
 26 by several Commissioners that the ... this is a rare configuration here,
 27 three acre lots and I think that I'm leaning towards disapproving the
 28 request for the replat. Any other Commissioner have a point? Mr. Clifton.

29
 30 Clifton: Mr. Chair, Mr. Ochoa for the record, could you please read into the record
 31 the size of each proposed lot as indicated on the plat?

32
 33 Ochoa: Sure, lot 29A is 0.959 acres, 29B is 0.959 acres, and 29C is 0.863 acres,
 34 but as the applicant has stated they will be redoing the right-of-way
 35 dedication so a bit more property will be part of the private property now
 36 since it won't be a rectangular dedication to the city for the cul-de-sac.
 37 There will be an extra chunk added to that lot, so that lot is potentially
 38 going to grow as well.

39
 40 Clifton: So essentially what we're looking at are lots that are approximately more
 41 or less 0.040 acres less than one, so we're just a hair under an acre on
 42 each lot if I'm correct. Is that an accurate statement?

43
 44 Ochoa: Mr. Chairman, Commissioner Clifton, on two of them that'd be correct.
 45 The one smaller one being because of the right-of-way dedication, but ...
 46

- 1 Clifton: Could you go to the aerial real quick for me?
2
3 Ochoa: Sure.
4
5 Clifton: To the east those are approximately one-acre lots, correct? In the EE, the
6 equestrian estate lots, that initial zoning?
7
8 Ochoa: That is correct.
9
10 Clifton: Okay. So as you can see there's ... that's a pretty big lot still. I mean I
11 think a one acre lot is hardly found in Las Cruces but looking at the large
12 lots I mean it's evident that there are drainage issues with existing
13 drainage flow patterns that quite frankly have never been addressed and
14 really I don't see what's being done with that property. I mean you know
15 with all due respect I think it would probably be an enhancement by
16 building out these three additional lots. As you can see to the west that's
17 about a 1.2 to 1.5 acre lot. It probable looks nice. It's probably a nice
18 house out there. I don't know. The point being there's still one-acre lots
19 which is an extremely large lot, extremely large lot in the city.
20
21 Crane: Commissioner Ferrary.
22
23 Ferrary: Mr. Chair I think part of ... even though they're one acre, they're very long
24 lots so the homes are going to be built very close together and look like
25 they would be part of like Mesa Grande only just having a large backyard.
26 So they would be not in essence with the rest of the development where
27 the homes are you know located somewhere within that acreage, instead
28 of being probably just right straight across from each other and very close
29 together with a long backyard or something.
30
31 Clifton: Mr. Chair, Mr. Ochoa.
32
33 Crane: Mr. Clifton.
34
35 Clifton: What is the minimum lot width in the R-1 zoning district?
36
37 Ochoa: Minimum lot width in the R-1a zoning district Mr. Chairman, Commissioner
38 Clifton is 50-feet.
39
40 Clifton: And these lots are 110-feet?
41
42 Ochoa: Yes sir.
43
44 Clifton: And that's with a five-foot setback, correct?
45

- 1 Ochoa: Mr. Chairman, Commissioner Clifton correct, minimum five-foot setback
2 on the sides.
3
- 4 Clifton: So that would mean they could essentially construct a 100-foot wide
5 house.
6
- 7 Ochoa: That is correct sir.
8
- 9 Clifton: But that's not likely to occur. I don't think I've seen a 100-foot wide house
10 here. So, just the point is it's a wide lot, I mean I think graphically is what
11 is throwing everybody off because they do appear long and narrow but the
12 reality is they're not narrow, they're more than twice what's permitted in
13 this zoning district. They could be 50-feet where as they're actually 110.
14 And I think the vicinity map is actually also deceiving, cause there are
15 horizontal lines on the parcel so it kind of looks like the old downtown
16 district in a way. So just a point of reference. I think it's a matter of scale
17 and wrapping your arms around the scale here. Thank you.
18
- 19 Crane: And Commissioners are you ready for a vote? Let me entertain a motion
20 that the ... we have to phrase it positively, that the request to zone change
21 be ... replat be approved with the conditions applied by the Community
22 Development Department. Mr. Beard, are you about to ...?
23
- 24 Beard: Yes. I move that we accept S-13-034.
25
- 26 Crane: Moved by Mr. Beard. Do I have a second?
27
- 28 Clifton: Second.
29
- 30 Crane: Seconded by Mr. Clifton. We will do a roll call and we'll start with Mr.
31 Clifton.
32
- 33 Clifton: Aye.
34
- 35 Crane: Mr. Clifton sir you have to say on what you base your decision, that would
36 be findings, discussion, site visit, and combination of those.
37
- 38 Clifton: I vote aye on the findings that the proposed replat does comply with all of
39 the requirements of the 2001 Zoning Code, chapter 38 of the Las Cruces
40 Municipal Code as amended, and the City of Las Cruces Subdivision
41 Code chapter 37 and the Las Cruces Design Standards, all requirements
42 being met. Thank you.
43
- 44 Crane: Mr. Stowe.
45
- 46 Stowe: No based on discussions and site visit.

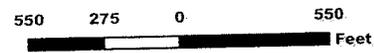
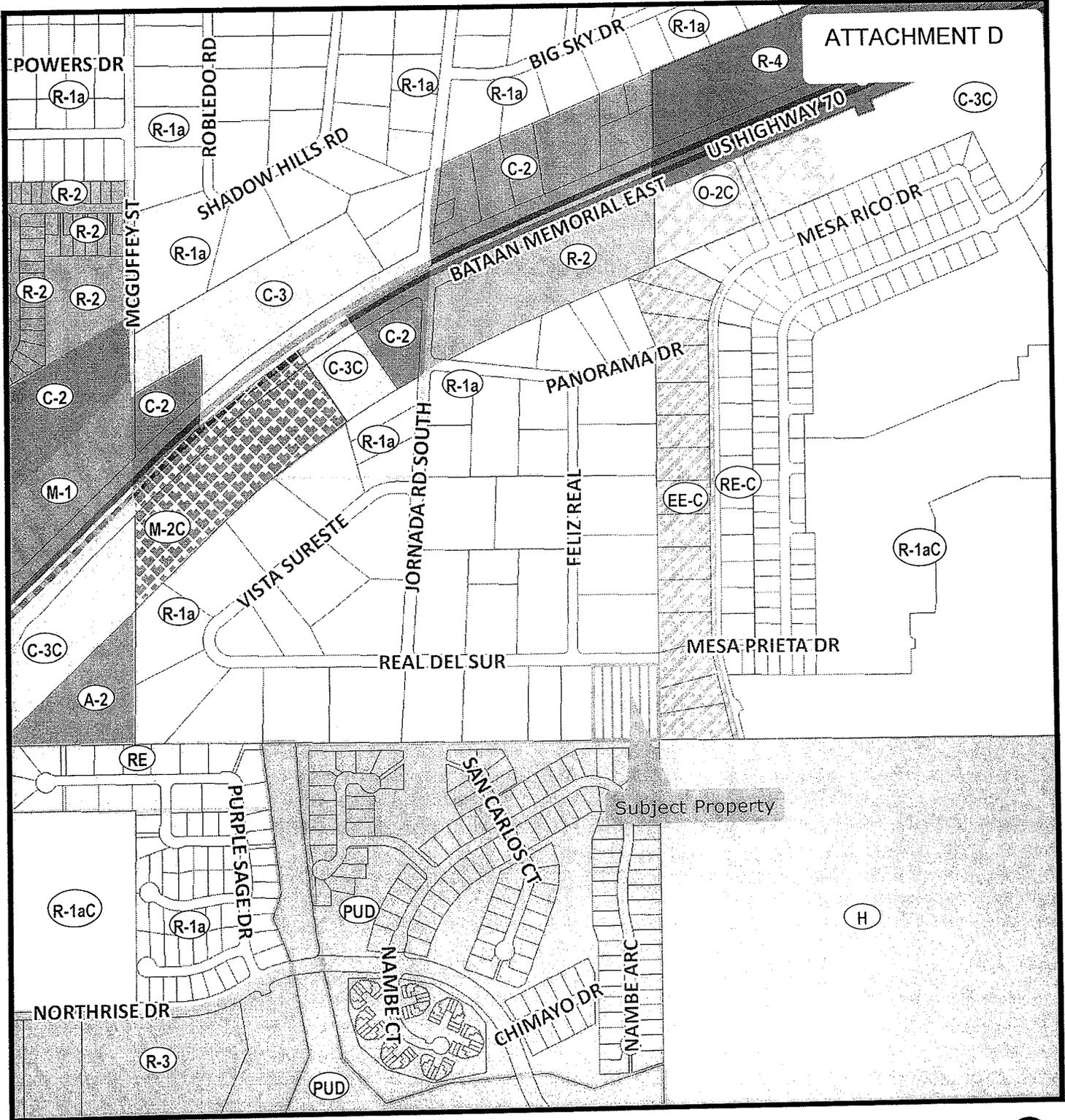
- 1
2 Crane: Ms. Ferrary.
3
4 Ferrary: I vote no for discussion.
5
6 Crane: Mr. Alvarado.
7
8 Alvarado: I vote aye based on discussion and findings.
9
10 Crane: Mr. Beard.
11
12 Beard: No based on site visit and discussions.
13
14 Crane: And the chair votes not based on findings, discussion and site visit. The
15 measure fails four to two. Thank you.
16
17 2. **Case SUP-14-02:** Application for a Special Use Permit by Deborah and
18 William Caldwell for a Group Child Care Home (7-12 children) located at
19 7565 Sierra Bella Place; Parcel 02-37680. Council District 5 (Sorg)
20
21 Crane: We proceed to next item on the agenda, Case SUP-14-02, application for
22 a special use permit by Deborah and William Caldwell for a Group Child
23 Care Home at 7565 Sierra Bella Place, Parcel 02-37680. Ms. Montana.
24
25 Montana: Thank you Mr. Chair. Members of the Commission. You have before you
26 a request for a group childcare home at a single-family residence at 7565
27 Sierra Bella Place. Give you a little indication, go up Sonoma Ranch
28 Boulevard, left on Thurmond Road, left on Sierra de Luna, and then right
29 away Sierra Del Sol to Sierra Bella. This is the property right here. As I
30 said it's single-family, zoned R-1b which is high density single-family
31 zoning and of course it does allow group childcare home as a special use
32 permit, as a home occupation. This is the home. It is a single-family
33 dwelling here. There's parking in front. There's a two-car garage which
34 the applicants would keep their own vehicles. The two-car driveway would
35 be available for parents dropping off and picking up the children as well as
36 the parking space in front, if it were available at that time.
37 This is the rear yard, it's recently built ... a recently constructed
38 home so you don't see amenities in the rear yard but there would be play
39 areas here and grass areas or artificial turf built into the rear yard. This is
40 the single-family home interior. The home is about 2,600 square-feet.
41 The childcare activity would take place in this half which is the
42 entranceway, bathrooms, kitchen, open floor area, kitchen and dining
43 room, and living area. The applicants currently operate a group childcare
44 home that was previously approved by this commission in January of last
45 year. They operated out of that home this entire year. The owner of that
46 home decided he wanted to move back into the home and so the

ZONING: R-1A
OWNER: ROBERT FISHBACK

415
VICINITY MAP

PARCEL: 02-15842
DATE: 04/01/2014

ATTACHMENT D



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

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