

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8

Ordinance/Resolution# 15-034

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 2, 2014
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

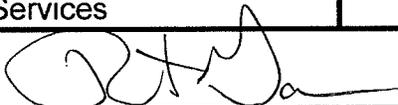
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING A WAIVER FROM THE REQUIRED ROAD IMPROVEMENTS FOR SAROMI LANE AND CORTEZ DRIVE ASSOCIATED WITH A PROPOSED SUBDIVISION KNOWN AS GAMBOA ACRES SUBDIVISION ON A 5.01 ± ACRE LOT LOCATED AT 7486 CORTEZ DRIVE. SUBMITTED BY WESTERN LANDS SURVEYING ON BEHALF OF JOSE A. & MARTHA C. GAMBOA, PROPERTY OWNERS. (S-13-030W)

PURPOSE(S) OF ACTION:

Subdivision road improvements waiver request.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed subdivision known as Gamboa Acres Subdivision is for a piece of land located on the southwest corner of Cortez Drive and Saromi Lane directly adjacent to the City Limits. The subdivision will split one (1) existing 5.01 ± acre rural single-family residential lot into two (2) new rural single-family residential lots. The City of Las Cruces Subdivision Code and Design Standards require the dedication of right-of-way and the construction of road improvements along applicable roadways as part of the subdivision process. The proposed subdivision has been administratively approved with the condition that either road improvements be provided, or the proposed waiver be approved.

The proposed subdivision is adjacent to Cortez Drive, a proposed collector roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MPO). Cortez Drive is currently a 25 ± foot wide paved road that does not comply with City standards. The applicants are responsible for providing the required right-of-way dedication for Cortez Drive, which includes dedicating one-half (1/2) of the required 85-foot wide street section for Cortez Drive. The applicants are also responsible for constructing the 42.5-foot wide street segment for Cortez

Drive, including sidewalk and curb and gutter adjacent to the subdivision, and for constructing the equivalent of a minor local roadway designed and constructed to a cross section approved by the City from the boundary of the subdivision to the nearest paved public road, 0.43 ± miles west to Dunn Drive. The applicants are proposing to dedicate the required right-of-way for Cortez Drive along the subdivision line, but are requesting to waive 100% of the required road improvements.

The proposed subdivision is also located adjacent to Saromi Lane, a designated local roadway. Saromi Lane is currently an unimproved dirt road. Since the City limits runs down the middle of Saromi Lane, the applicants are responsible for dedicating one-half (1/2) of the required 50-foot wide street segment. The applicants are also responsible for constructing the 25-foot wide street segment for Saromi Lane adjacent to the subdivision. The applicants are proposing to dedicate the required right-of-way for Saromi Lane, but are requesting to waive 100% of the required road improvements.

Staff discussed other options with the applicants including formulating an agreement for the improvements to the adjacent roadways based on the East Mesa Community Blueprint, or potentially formulating a proportionate share agreement instead of requesting to waive 100% of the required road improvements. The applicants chose to proceed with the proposed waiver request.

On July 22, 2014, the Planning and Zoning Commission (P&Z) recommended denial for the waiver request by a vote of 3-2, (one Commissioner position vacant, one Commissioner absent). During the meeting, discussion took place on the issue of the specific standards requested to be waived. The P&Z questioned the current condition of Cortez Drive and Saromi Lane and the probability of when these streets would actually be completely built out to City standards. Please see Attachment "C" for a more detailed summary of the discussion that took place at the P&Z meeting. Staff received no comments from the public about the proposed waiver request.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Proposed Subdivision.
3. Attachment "A", Waiver Request.
4. Attachment "B", Staff Report to the Planning and Zoning Commission for Case S-13-030W.
5. Attachment "C", Draft minutes from the July 22, 2014 Planning and 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 recommendation made by the Planning and Zoning Commission. No road improvements shall be required for Cortez Drive and Saromi Lane in association with the proposed subdivision known as Gamboa Acres Subdivision.
2. Vote "No"; this will affirm the Planning and Zoning Commission recommendation for denial for the proposed waiver request. Either road improvements or a payment in lieu of road improvements for Cortez Drive and Saromi Lane shall be required in association with the proposed subdivision known as Gamboa Acres Subdivision.
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 1054.
2. Resolution 14-067.

RESOLUTION NO. 15-034

A RESOLUTION APPROVING A WAIVER FROM THE REQUIRED ROAD IMPROVEMENTS FOR SAROMI LANE AND CORTEZ DRIVE ASSOCIATED WITH A PROPOSED SUBDIVISION KNOWN AS GAMBOA ACRES SUBDIVISION ON A 5.01 ± ACRE LOT LOCATED AT 7486 CORTEZ DRIVE. SUBMITTED BY WESTERN LANDS SURVEYING ON BEHALF OF JOSE A. & MARTHA C. GAMBOA, PROPERTY OWNERS. (S-13-030W)

The City Council is informed that:

WHEREAS, Jose A. and Martha C. Gamboa, the property owners, have submitted a request to waive 100% of the required road improvements for Cortez Drive and Saromi Lane associated with a proposed subdivision known as Gamboa Acres Subdivision; and

WHEREAS, Cortez Drive and Saromi Lane currently do not meet City Design Standards; and

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

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on July 22, 2014, recommended that said waiver request be denied by a vote of 3-2 (one Commissioner position vacant, one Commissioner absent).

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

(I)

THAT the request to waive 100% of the required road improvements from the property owners for Cortez Drive and Saromi Lane for the proposed subdivision, as shown in Exhibit "A", and attached hereto, be approved.

(II)

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: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

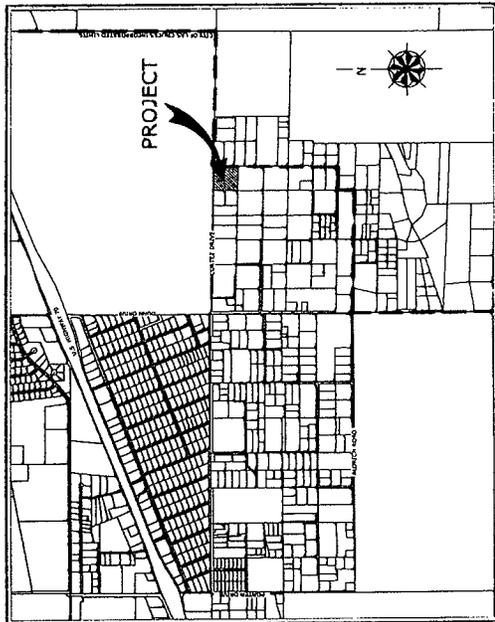
Councillor Sorg: _____

Councillor Levatino: _____

GAMBOA ACRES

A 5.019 ACRE TRACT OF LAND AS FILED AUGUST 23, 2006, IN DEED BOOK 739, PAGE(S) 1371-1372, LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO IN THE NORTH HALF OF SECTION 19, T. 22S., R. 3E., N.M.P.M., OF THE U.S.G.L.O. SURVEYS.

DATE OF PLAT: APRIL 18, 2014



ACRES: 5.0194	GAMBOA ACRES	
OWNER: A.C. & J.W.	SHEET 1 OF 2	
ALTERNATE SUMMARY SUBDIVISION		
REVISION DATE	DESCRIPTION	BY
4-11-2014	FINAL COMMENTS	J. GUTIERREZ

UTILITY APPROVALS

THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS PLAT DOES NOT IN ANY WAY GUARANTEE UTILITY SERVICE BY THE UNDERSIGNED COMPANIES TO THE SUBDIVISION.

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE ELECTRIC COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF (UNDERGROUND ONLY) (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) (UNDERGROUND AND DESIGNATED FEEDERS) ELECTRICAL UTILITIES.

EL PASO ELECTRIC COMPANY

BY: _____ DATE: _____

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO CENTURYLINK, INC. ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF (UNDERGROUND ONLY) (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) CABLE TELEVISION FACILITIES.

CENTURYLINK INC.

BY: _____ DATE: _____

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO COMCAST CORPORATION ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF (UNDERGROUND ONLY) (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) CABLE TELEVISION FACILITIES.

COMCAST CORPORATION

BY: _____ DATE: _____

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO JORNADA WATER COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND WATER UTILITIES. THIS PLAT DOES NOT IN ANY WAY GUARANTEE WATER SERVICE TO THE SUBDIVISION.

JORNADA WATER COMPANY

BY: _____ DATE: _____

CITY OF LAS CRUCES APPROVALS

THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES AND ALL THE REQUIREMENTS FOR THE ABOVE PLAT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES, SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR THE APPROVAL OF THIS PLAT.

DIRECTOR OF COMMUNITY DEVELOPMENT DATE

DIRECTOR OF UTILITIES DATE

DIRECTOR OF PUBLIC WORKS DATE

DEDICATION

THE TRACT HEREON IS TO BE KNOWN AS **GAMBOA ACRES** SUBDIVISION. ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS WILL APPLY TO THESE EASEMENTS. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.

THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN HEREON.

OWNERS' CERTIFICATE

WE, THE UNDERSIGNED OWNERS OF THE HEREIN SHOWN TRACT SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 2014.

OWNER: JOSE A. GAMBOA
ADDRESS: 7486 CORTEZ DRIVE
LAS CRUCES, NM 88011

OWNER: MARTHA C. GAMBOA
ADDRESS: 7486 CORTEZ DRIVE
LAS CRUCES, NM 88011

CITY PLANNING AND ZONING COMMISSION APPROVAL

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

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____

STATE OF NEW MEXICO }
COUNTY OF DOÑA ANA } SS

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2014.

BY _____

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATION

I, VIRGINIA H. BECK, A NEW MEXICO PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED AND FILED IN ACCORDANCE WITH THE RULES AND REGULATIONS UNDER MY SUPERVISION AND THAT I AM RESPONSIBLE FOR THIS SURVEY. THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THIS PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

VIRGINIA H. BECK, NMP# #10465 _____ DATE OF SURVEY _____

RECORDER'S CERTIFICATE

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

COUNTY CLERK _____

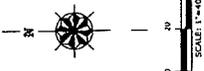
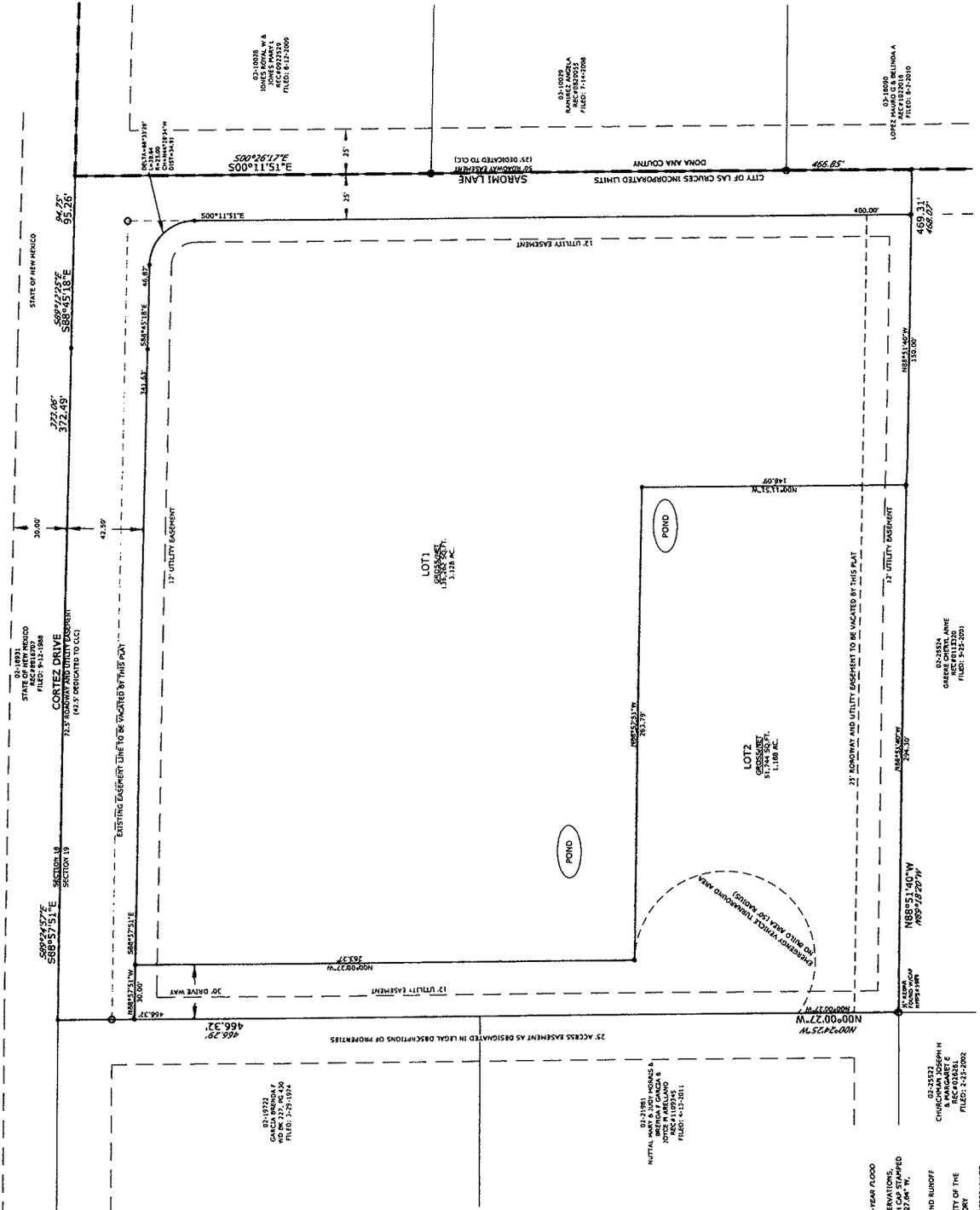
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DATE OF PLAT: APRIL 18, 2014

LEGEND

- INDICATES FOUND 1/2" UNCAPPED REBAR UNLESS OTHERWISE NOTED
- INDICATES 1/2" SET REBAR
- W/PLASTIC CAP PS# 10465
- EASEMENT LINE



NOTES:

1. ALL MEASUREMENTS IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. PROPERTY SHOWN TO BE IN FLOOD ZONE "X". (NON-SHADED AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD ZONE "X".)
3. ALL DISTANCES ARE AS SHOWN ON THIS PLAT. GEODETIC NORTH IS SHOWN IN GROUND DISTANCES BASED ON GPS OBSERVATIONS. OBlique STEREOGRAPHIC PROJECTION WITH THE POINT OF ORIGIN BEING A POINT "X" REBAR WITH CAP STAMPED "X".
4. 0.733 ACRES (10,018 SQUARE FEET) OF RIGHT OF WAY TO BE DESIGNATED BY THIS PLAT. ALL COORDINATES SHOWN, IF ANY, ARE LOCAL ONLY.
5. ALL DISTANCES TO BE SHOWN TO BE BASED ON THE HORIZONTAL OCCURRING FLOW AND RUNOFF OF WATER CURRENTLY EXISTING ON THE PROPERTY.
6. (POND) NOTES ON LOT FLOODING FOR EXCESS STORM RUNOFF. MAINTENANCE IS THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS. LOT OWNER IS RESPONSIBLE FOR INSTALLATION ACCORDING TO REGULATORY AGENCIES.
7. SUBDIVIDER RESPONSIBLE FOR UTILITY STUB-OUTS AND FOR PROVIDING ANY AND ALL EASEMENTS NECESSARY TO PROVIDE UTILITY SERVICE TO LOTS CONTAINED HEREIN.

APN 02-25523

CREW: A.G. & J.W.

INSTRUMENT FILED: [CERTIFIED TO: GAMBOA] SHEET 2 OF 2

AUGUST 23, 2006, IN DEED BOOK 739, PAGE(S) 1371-1372, LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO.

WAIVER REQUEST LETTER

To Whom It May Concern:

We here by request that the following requirements of the Las Cruces Design Code be waived in regards to the proposed subdivision titled "Gamboa Acres":

1. Per Chapter 32-36(b), a subdivider shall be responsible for 100% of the street improvements within the boundaries of the subdivision.

The original design of said subdivision was a 4 lot configuration for family use. The subdivider has now chosen to create a 2 lot Alternate Summary subdivision with access to both lots on Cortez Drive which is a paved 25' road. This lot configuration was chosen so that this development will not increase traffic density on the unimproved Saromi Lane which the east half of is located outside the City limits. Since this property is being split for family use and not profit, the costs of such roadway improvements would be prohibitive to the completion of said project and create a financial hardship for the parties involved.

Furthermore this property is located inside the Ease Mesa Community Planning Blueprint (EMCPB) planning area as adopted by the City of Las Cruces Resolution No. 14-067 on October 7, 2013. The EMCPB states on page No. 3 that "current City standards are for general application throughout the city and may not be best suited for the context and/or users in the planning area. The fact that many roads and trails in this area are not completely developed or not yet built, presents the opportunity to establish new rural and equestrian design standards for roadways and trails located here and in similar rural areas in the city". The EMCPB also states on page No. 9 that one of its goals is to "Ensure future infrastructure design and development take into consideration the surroundings and the community's desires as identified by the blueprint." And on page No. 9 & 10 that two Actions(policies/strategies intended to support the Vision and Goals of the blueprint) of the EMCPB are to "develop appropriate design and roadway standards that enhance and protect the rural environment of the area" and to "encourage the design of a multi-modal trail/pathway network within and around the planning area to enhance and facilitate non-vehicular access to the proposed public park off Cortez Road". This property is located directly on the Multi-purpose path which is proposed to run along Cortez Road by the EMCPB as shown on the map on page No. 4. Given that no design and roadway standards exist that facilitate the proposed path we find that it is in the best interest of the City of Las Cruces to waive the said sections and allow appropriate design and roadway standards to be developed.

Jose & Martha Gamboa



**Planning & Zoning
Commission
Staff Report**

Meeting Date: June 24, 2014

Drafted by: Adam Ochoa, Planner

CASE # S-13-030W **PROJECT NAME:** Gamboa Acres
Subdivision and
Waiver Request

**APPLICANT/
REPRESENTATIVE:** Western Lands
Surveying **PROPERTY
OWNER:** Jose A. & Martha C.
Gamboa

LOCATION: Located on
southwest corner of
Cortez Drive and
Saromi Lane; 7486
Cortez Drive **COUNCIL
DISTRICT:** 6 (Councillor
Levatino)

SIZE: 5.01 ± acres **EXISTING ZONING/
OVERLAY:** EE (Single-Family
Residential
Equestrian Estates &
Agricultural)

**REQUEST/
APPLICATION TYPE:** Request for approval for a waiver from the corresponding road
improvements for a proposed subdivision known as Gamboa Acres
Subdivision

EXISTING USE: Tract with one (1) single-family residence

PROPOSED USE: Two (2) single-family residential lots; one lot undeveloped and one
lot with a single-family residence

**DRC
RECOMMENDATION:** Denial of the waiver based on findings for case S-13-030W

TABLE 1: CASE CHRONOLOGY

Date	Action
July 1, 2013	Application submitted to Development Services
July 1, 2013	Initial review sent out for review to all reviewing departments
May 15, 2014	Final comments returned by all reviewing departments
June 4, 2014	DRC reviews and recommends denial for the proposed waiver request
June 8, 2014	Newspaper Advertisement
June 6, 2014	Public notice letter mailed to neighboring property owners
June 8, 2014	Sign posted on property
June 24, 2014	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is proposing a waiver to road improvements associated with a proposed alternate summary subdivision known as Gamboa Acres Subdivision that will split one (1) existing 5.01 ± acre tract into two (2) new single-family lots. The City of Las Cruces Subdivision Code and Design Standards require the dedication of right-of-way and the construction of road improvements along applicable roadways as part of the subdivision process. The applicants are required to dedicate half of the street cross-section (42.5-foot) for Cortez Drive and half of the street cross-section (25-foot) for Saromi Lane. The applicants are also required to provide all required road improvements to both roadways as required by the City of Las Cruces Design Standards. The applicants are proposing to dedicate the right-of-way fronting the proposed subdivision along Cortez Drive and Saromi Lane, but are requesting to waive 100% of the required road improvements. No alternative, including a fee-in-lieu of improvements, is proposed.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Zoning Code Req.
Max # of DU/parcel	1	1	1
Max Density (DU/ac.)	0.2	0.4	1
Lot Area	5.01 ± acres	Lot 1: 3.128 ± acres Lot 2: 1.118 ± acres	1 acre minimum
Lot Width	469.07 ± feet	Lot 1: 413.79 ± feet Lot 2: 294.30 ± feet	100 feet minimum
Lot Depth	466.32 ± feet	Lot 1: 434.91 ± feet Lot 2: 434.91 ± feet	100 feet minimum
Structure Height	13 ± feet	Lot 1: 13 ± feet Lot 2: N/A	35 feet maximum
Setbacks			
Front	84 ± feet	Lot 1: 42 ± feet Lot 2: N/A	25 feet minimum
Secondary Front	137 ± feet	Lot 1: 112 ± feet Lot 2: N/A	15 feet minimum
Side	188 ± feet	Lot 1: 158 ± feet Lot 2: N/A	15 feet minimum
Rear	181 ± feet	Lot 1: 35 ± feet Lot 2: N/A	15 feet minimum
Accessory Structure	2,000 ± square foot building	Unknown	5% of the total land area of the property
ROW Improvements	25 ± foot wide paved road for Cortez Drive & an unimproved, dirt road for Saromi Lane	No improvements proposed	42.5-foot wide street segment for Cortez Drive w/ sidewalk, curb and gutter adjacent to the subdivision and the equivalent of a minor local roadway from the subdivision boundary to the nearest paved public road, Dunn Drive & a 25-foot wide half a minor local roadway segment for Saromi Lane

ROW Dedication	N/A	42.5 feet dedicated for Cortez Drive & 25 feet dedicated for Saromi Lane	42.5 feet dedicated for Cortez Drive & 25 feet dedicated for Saromi Lane
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TABLE 3: SPECIAL CHARACTERISTICS

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Single-Family Residence	N/A	EE (Single-Family Residential Equestrian Estates & Agricultural)
North	Vacant/Undeveloped	N/A	R-1b (Single-Family High Density)
South	Single-Family Residence	N/A	EE (Single-Family Residential Equestrian Estates & Agricultural)
East	Single-Family Residences	N/A	Dona Ana County
West	Single-Family Residences	N/A	EE (Single-Family Residential Equestrian Estates & Agricultural)

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance #1054	Established the initial zoning of EE on the subject property
Resolution #14-067	Adopted the East Mesa Community Blueprint for the property and surrounding area

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Case S-13-030W (Waiver Request) - For specific comments and/or conditions for see attached.

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

CLC Parks	Yes	No
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SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Analysis:

The applicants are proposing to a waiver from road improvements associated with the subdivision of one (1) existing 5.01 ± acre single-family residential tract zoned EE (Single-Family Residential Equestrian Estates & Agricultural) into two (2) new single-family residential lots that meet all development standards of the EE zoning district. The City of Las Cruces Subdivision Code and Design Standards require all subdividers to provide the necessary amount of right-of-way dedication and road improvements to all streets adjacent to the proposed subdivision. Those requirements are outlined below:

Cortez Drive

The proposed subdivision is adjacent to Cortez Drive, a proposed collector roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MPO). Cortez Drive is currently a 25 ± foot wide paved road and currently does not comply with City standards. The applicants are responsible for providing the required right-of-way dedication for Cortez Drive, which includes dedicating one-half (1/2) of the required 85-foot wide street section for Cortez Drive. The applicants are also responsible for constructing the 42.5-foot wide street segment for Cortez Drive including sidewalk, curb and gutter adjacent to the subdivision. The applicants are also responsible for constructing the equivalent of a minor local roadway, designed and constructed to a cross section approved by the City from the boundary of the subdivision to the nearest paved public road; 0.43 ± miles west to Dunn Drive. The applicants are proposing to dedicate the required right-of-way for Cortez Drive along the subdivision line, but are requesting to waive 100% of the required road improvements.

Saromi Lane

The proposed subdivision is also located adjacent to Saromi Lane, a designated local roadway. Saromi Lane is currently an unimproved dirt road. Since the City Limits runs down the middle of Saromi Lane the applicants are only responsible for dedicating one-half (1/2) of the required 50-foot wide street segment. The applicants are also responsible for constructing the 25-foot wide street segment for Saromi Lane adjacent to the subdivision. The applicants are proposing to dedicate the required right-of-way for Saromi Lane, but are requesting to waive 100% of the required road improvements.

Conclusion

The applicants have stated that the proposed subdivision is not being done to sell off land, but instead to convey land to family and the required roadway improvements create a prohibitive financial hardship for the family. The applicants have also stated that the subdivision has been designed to prevent additional traffic on the unimproved Saromi Lane and restrict access to the existing paved Cortez Drive. The applicants continued by stating that the proposed subdivision is within the East Mesa Community Planning Blueprint where roadway standards and designs are desired to protect the rural environment of the area and the required road improvements would not accomplish this.

The hardships expressed by the applicants (please see Attachment #5 for additional details) do not demonstrate a substantial hardship for approval of a waiver request as outlined in Article 6, Section 37-332 of the City of Las Cruces Subdivision Code; specifically, the hardship must be "due to exceptional topographic, soil, or other surface or sub-surface conditions or that such conditions would result in inhibiting the objectives of the code." Furthermore, as areas throughout the City have been developed and waivers to road improvements granted, the proliferation of roads that are not improved to City standards has created access issues that have the potential for safety hazards as well as a monetary burden to the City and Citizens of Las Cruces for the future improvement to these roadways to rectify their inadequacies. Article I, Section 38-2 of the 2001 Zoning Code, as amended, specifically states the intent of the Code is "to promote the health, safety, and general welfare of the community," to "secure safety..." and is to

"facilitate adequate provision for transportation..." The proposed subdivision is located within the East Mesa Community Blueprint area where roadways are encouraged to be developed to enhance and protect the rural environment of the area. Even though these standards and designs have not yet been developed, the applicant can work with staff to formulate an agreement for the improvements to the adjacent roadways. Based on the intent of the code, the waiver request is not justified.

DRC RECOMMENDATION

On May 21, 2014 the Development Review Committee (DRC) reviewed the proposed waiver request. The DRC reviews subdivisions from an infrastructure, utilities and improvement standpoint. After some discussion between staff and the applicant's representative the DRC recommended denial for the proposed waiver request. Please refer to Attachment #6 for more details about the discussions that took place at the DRC meeting.

STAFF RECOMMENDATION

Staff recommends **DENIAL** for the proposed waiver to road improvements based on the following findings:

FINDINGS FOR DENIAL OF CASE S-12-012W (WAIVER)

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

ATTACHMENTS

1. Vicinity Map
2. Aerial Map
3. Development Statement
4. Proposed Subdivision
5. Applicant's Waiver Request
6. DRC Minutes dated May 21, 2014
7. Reviewing Department/Agency Comments and/or Conditions

VICINITY MAP

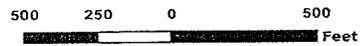
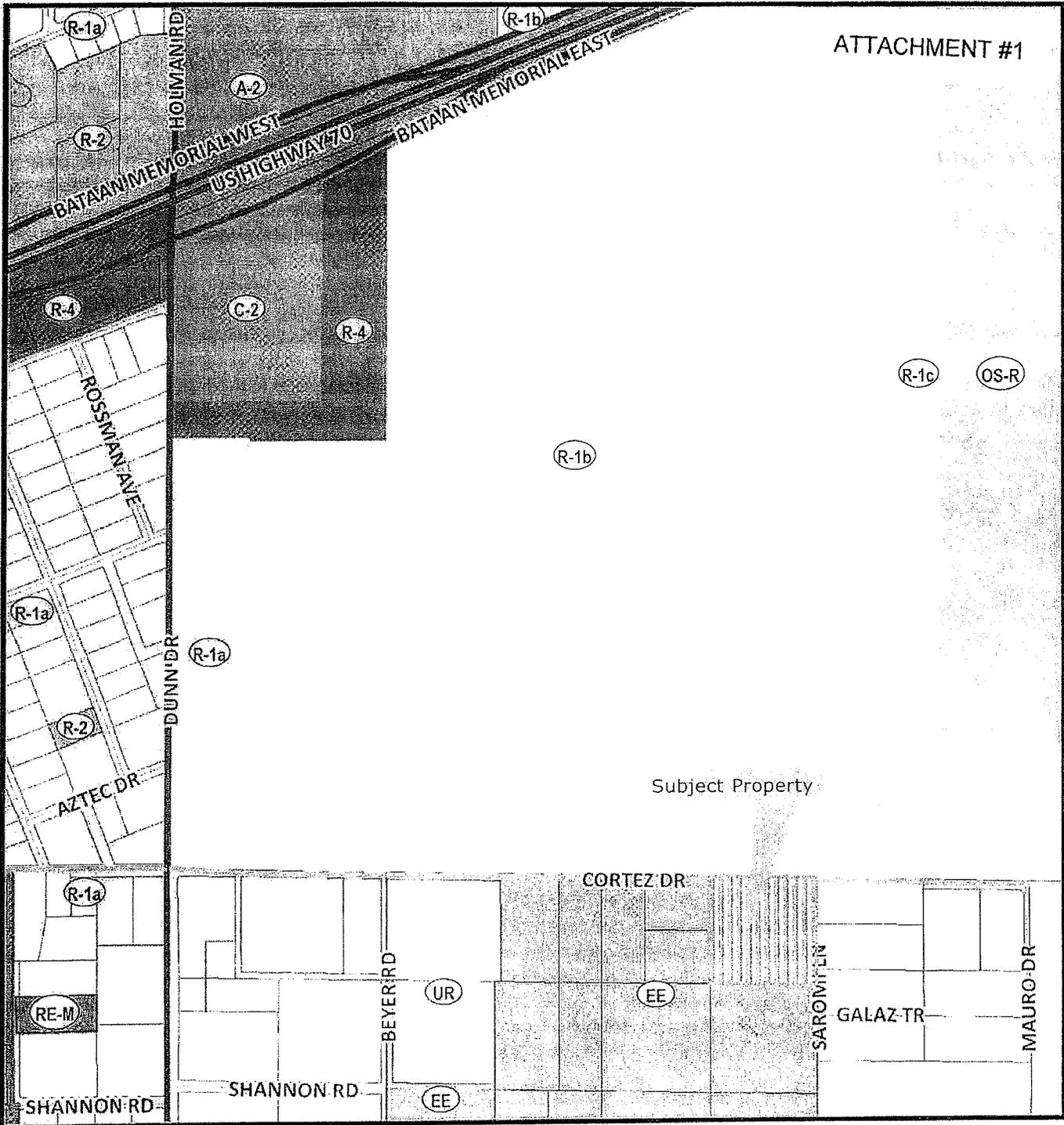
ZONING: EE

OWNER: JOSE A & MARTHA C GAMBOA

PARCEL: 02-25523

DATE: 05/28/2014

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.

AERIAL MAP

ZONING: EE
OWNER: JOSE A & MARTHA C GAMBOA

PARCEL: 02-25523
DATE: 05/28/2014

ATTACHMENT #2



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

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DEVELOPMENT STATEMENT for City Subdivision/Zoning 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: JOSE A. & MARTHA C. GAMBORA
Contact Person: ANTHONY GUTIERREZ
Contact Phone Number: (575) 635-0176
Contact e-mail Address: arguttierrez@gmail.com
Web site address (if applicable):

Proposal Information

Name of Proposal: GAMBORA ACRES

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

SINGLE-FAMILY SUBDIVISION

Location of Subject Property N. 1/2 OF S. 19, T. 22S., R. 3E., N.M.P.M. @ INTERSECTION OF CORTEZ & SAROMI LN.

(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: 5.019

Detailed description of current use of property. Include type and number of buildings:

RESIDENTIAL. ONE SINGLE-FAMILY DWELLING.

Detailed description of intended use of property. (Use separate sheet if necessary):

RESIDENTIAL

Zoning of Subject Property: "EE" (SINGLE-FAMILY EQUESTRIAN ESTATE (AG))

Proposed Zoning (If applicable): N/A

Proposed number of lots 2, to be developed in 1 phase (s).

Proposed square footage range of homes to be built from 1,000 to 5,000

Proposed square footage and height of structures to be built (if applicable):

N/A

Anticipated hours of operation (if proposal involves non-residential uses):

N/A

Anticipated traffic generation 8 trips per day.

Anticipated development schedule: work will commence on or about TBD

and will take ≈ 2 WEEKS to complete.

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

ON-LOT PONDING

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional). NO

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No Explain: _____

Is there existing landscaping on the property? YES. EXISTING ROCK WALLS ON ON LOT

Are there existing buffers on the property? NO

Is there existing parking on the property? Yes ___ No

If yes, is it paved? Yes ___ No ___

How many spaces? _____ How many accessible? _____

Attachments

Please attach the following: (* indicates optional item)

Location map

Subdivision Plat (If applicable)

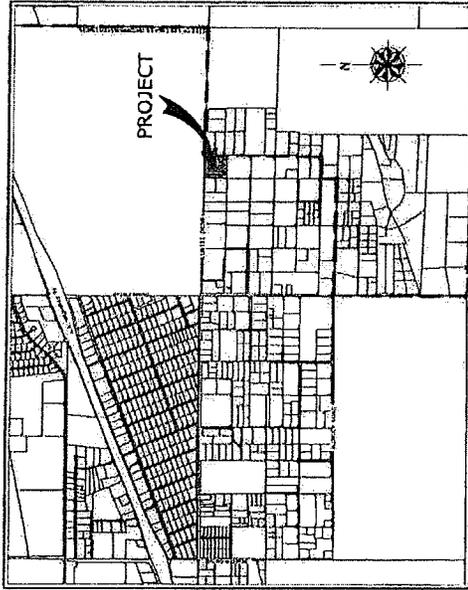
Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

GAMBOA ACRES

A 5.019 ACRE TRACT OF LAND AS FILED AUGUST 23, 2006, IN DEED BOOK 739, PAGES 1371-1372, LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO, LOCATED WITHIN THE COUNTY OF DOÑA ANA COUNTY, NEW MEXICO, COUNTY OF DOÑA ANA COUNTY, NEW MEXICO IN THE NORTH HALF OF SECTION 19, T.22S., R.3E., N.M.P.M., OF THE U.S.G.C.L.O. SURVEYS, DATE OF PLAT: APRIL 18, 2014



ACRES 5.019	GAMBOA ACRES	
OWNER: A.C.E.I.V.	COURT: DOÑA ANA COUNTY	DATE: 10/13/14
ALTERNATE SUMMARY SUBDIVISION		
DEED BOOK	DEED PAGE	DEED DATE
739	1371-1372	08/23/06
PLAT BOOK	PLAT PAGE	PLAT DATE

UTILITY APPROVALS

THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS PLAT DOES NOT GUARANTEE UTILITY SERVICE BY THE UNDERSIGNED COMPANIES TO THE SUBDIVISION.

EASEMENTS SHOWN HEREIN, COPIES OF WHICH HAVE BEEN PRESENTED TO THE ELECTRIC COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND ONLY (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) (UNDERGROUND AND DESIGNATED FEEDERS) ELECTRICAL UTILITIES.

EL PASO ELECTRIC COMPANY

BY: _____ DATE: _____
EASEMENTS SHOWN HEREIN, COPIES OF WHICH HAVE BEEN PRESENTED TO COMCAST CORPORATION, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND ONLY (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) CABLE TELEVISION FACILITIES.

COMCAST CORPORATION

BY: _____ DATE: _____
EASEMENTS SHOWN HEREIN, COPIES OF WHICH HAVE BEEN PRESENTED TO JORNADA WATER COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND ONLY (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) WATER UTILITIES.

JORNADA WATER COMPANY

BY: _____ DATE: _____
EASEMENTS SHOWN HEREIN, COPIES OF WHICH HAVE BEEN PRESENTED TO CENTURYLINK INC., ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND ONLY (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) TELEPHONE UTILITIES.

CENTURYLINK INC.

BY: _____ DATE: _____
EASEMENTS SHOWN HEREIN, COPIES OF WHICH HAVE BEEN PRESENTED TO CITY OF LAS CRUCES APPROVALS, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND ONLY (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) WATER UTILITIES.

CITY OF LAS CRUCES APPROVALS

THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE PLAT HAVE BEEN COMPLIED WITH TO MEET THE NEEDS OF THE CITY OF LAS CRUCES, SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR THE APPROVAL OF THIS PLAT.

DIRECTOR OF COMMUNITY DEVELOPMENT _____ DATE _____
DIRECTOR OF UTILITIES _____ DATE _____
DIRECTOR OF PUBLIC WORKS _____ DATE _____

DEDICATION

THE TRACT HEREON IS TO BE KNOWN AS GAMBOA ACRES SUBDIVISION. ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND UTILITIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE USE INDICATED. NO EASEMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS IS SHOWN ON THIS PLAT IS ALLOWED.

THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN HEREON.

OWNERS' CERTIFICATE

WE, THE UNDERSIGNED OWNERS OF THE HEREIN SHOWN TRACT SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 2014.

OWNER: JOSE A. GAMBOA
ADDRESS: 7486 CORTIZ DRIVE
LAS CRUCES, NM 88011

OWNER: MARTHA C. GAMBOA
ADDRESS: 7486 CORTIZ DRIVE
LAS CRUCES, NM 88011

CITY PLANNING AND ZONING COMMISSION APPROVAL

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

CHAIRMAN _____ DATE _____
SECRETARY _____ DATE _____

STATE OF NEW MEXICO } SS
COUNTY OF DOÑA ANA }

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2014.

BY _____

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATION

I, VIRGINIA H. BECK, A NEW MEXICO PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT, THAT I AM A MEMBER OF THE NATIONAL BOARD OF SURVEYORS AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

VIRGINIA H. BECK, N.M.P.S. #10465 _____ DATE OF SURVEY _____

WAIVER REQUEST LETTER

ATTACHMENT #5

To Whom It May Concern:

We here by request that the following requirements of the Las Cruces Design Code be waived in regards to the proposed subdivision titled "Gamboa Acres":

1. Per Chapter 32-36(b), a subdivider shall be responsible for 100% of the street improvements within the boundaries of the subdivision.

The original design of said subdivision was a 4 lot configuration for family use. The subdivider has now chosen to create a 2 lot Alternate Summary subdivision with access to both lots on Cortez Drive which is a paved 25' road. This lot configuration was chosen so that this development will not increase traffic density on the unimproved Saromi Lane which the east half of is located outside the City limits. Since this property is being split for family use and not profit, the costs of such roadway improvements would be prohibitive to the completion of said project and create a financial hardship for the parties involved.

Furthermore this property is located inside the Ease Mesa Community Planning Blueprint (EMCPB) planning area as adopted by the City of Las Cruces Resolution No. 14-067 on October 7, 2013. The EMCPB states on page No. 3 that "current City standards are for general application throughout the city and may not be best suited for the context and/or users in the planning area. The fact that many roads and trails in this area are not completely developed or not yet built, presents the opportunity to establish new rural and equestrian design standards for roadways and trails located here and in similar rural areas in the city". The EMCPB also states on page No. 9 that one of its goals is to "Ensure future infrastructure design and development take into consideration the surroundings and the community's desires as identified by the blueprint." And on page No. 9 & 10 that two Actions(policies/strategies intended to support the Vision and Goals of the blueprint) of the EMCPB are to "develop appropriate design and roadway standards that enhance and protect the rural environment of the area" and to "encourage the design of a multi-modal trail/pathway network within and around the planning area to enhance and facilitate non-vehicular access to the proposed public park off Cortez Road". This property is located directly on the Multi-purpose path which is proposed to run along Cortez Road by the EMCPB as shown on the map on page No. 4. Given that no design and roadway standards exist that facilitate the proposed path we find that it is in the best interest of the City of Las Cruces to waive the said sections and allow appropriate design and roadway standards to be developed.

Jose & Martha Gamboa

1 **DEVELOPMENT REVIEW COMMITTEE (DRC)**
2

3 The following are the minutes of the Development Review Committee meeting held on
4 Thursday, May 21, 2014 at 9:00 a.m. at the City Hall, 700 N. Main, Room 1158, Las
5 Cruces, New Mexico.
6

7 **DRC PRESENT:** Katherine Harrison-Rogers, Community Development-Chair
8 Rocio Dominguez, Community Development
9 Mark Dubbin, Las Cruces Fire Department
10 Meei Montoya, Utilities
11 Mark Johnston, Parks and Recreation
12 Tom Murphy, MPO
13

14 **STAFF PRESENT:** Ezekiel Guza, Community Development
15 Adam Ochoa, Community Development
16 Jennifer Kleitz, Recording Secretary
17

18 **OTHERS PRESENT:** Marty Pillar, Pillar Engineering
19 Jesse Gutierrez, Western Lands Surveying
20

21 **I. CALL TO ORDER**
22

23 Meeting was called to order at 9:01 a.m.
24

25 **II. APPROVAL OF MINUTES**
26

27 **1. April 23, 2014**
28

29 Rocio Dominguez motioned to approve the minutes of April 23, 2014.
30 Tom Murphy seconds the motion.
31 All in favor, motion passes.
32

33 **III. OLD BUSINESS - No Old Business**
34

35 **IV. NEW BUSINESS**
36

37 Rogers: We have a modification to the agenda under new business. Item number 3
38 under new business is being postponed. Do we have a date certain?
39

40 Ochoa: I believe that this item has been requested to be postponed for two weeks,
41 so it should be coming to DRC in two weeks, the June 4 DRC meeting.
42

43 Rogers: Alright. Can I get a motion on the postponement until the June 4 meeting?
44

45 Murphy: Move postponement to June 4.
46

1 Rogers: Alright.

2

3 Montoya: Second.

4

5 Rogers: Very good. Can I get a vote?

6

7 All approved.

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1. S-13-030: Gamboa Acres Alternate Summary Subdivision, Waiver Request

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- A request for approval of a waiver to the required road improvements for a proposed alternate summary subdivision known as Gamboa Acres.
- The proposed subdivision requires the applicant to provide the required right-of-way dedication and road improvements to the two adjacent roadways to the proposed subdivision, Cortez Drive and Saromi Lane.
- The applicant is proposing to dedicate the required right-of-way for Cortez Drive and Saromi Lane, but is proposing to provide no road improvements for either roadway.
- The subject property encompasses 5.019+ acres, is zoned EE (Single-Family Equestrian Estates) and is located on the southwest corner of Cortez Drive and Saromi Lane.
- Submitted by Western Lands Surveying on behalf of Jose A. & Martha C. Gamboa, the property owners.

25

Rogers: Item number 1, S-13-042 Bowman's Addition, excuse me, S-13-030 Gamboa Acres Alternate Summary Subdivision.

26

27

28

Ochoa: A quick little change on it, it's actually case S-13-030W. The "w" added to the end, just for the waiver request, essentially is what it is. What you have before you is waiver request for a proposed alternate summary subdivision known as Gamboa Acres subdivision. It is subdivision of an existing, roughly five acre original US GLO tract, into two new single family residential lots. The property is zoned EE, Equestrian Estates. Both new lots do meet the minimum requirements of the Equestrian Estates zoning designation. With the proposed subdivision though, are road improvement requirements to the adjacent roads of the subdivision, which would be Cortez Drive to the north and Saromi Lane to the east. The applicant would be required to dedicate half of a collector roadway, which is what Cortez Drive is designated as. Dedicate half that collector roadway along the subject subdivision and provide that those road improvements to that half of a collector roadway, and then also provide road improvements to the remainder of Cortez Drive all the way to Dunn Drive, the next paved road, up to the standards of a local roadway, the design being determined and approved by City of Las Cruces staff. Currently Cortez Drive is roughly a 24, 25 foot wide paved road right now, but it definitely does not meet City standards. Additionally, Saromi Lane is a local roadway but since the City

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1 limits actually runs down the middle of the road, after staff spoke with legal
2 department, the applicant would be required to provide the dedication for
3 half of Saromi Lane, which is the area that's within the City limits, 25 feet
4 wide and then provide improvements to that 25 foot wide roadway, to a local
5 standard roadway, if you will, the design determined again by staff as to
6 what would be appropriate out there. The waiver request did go through a
7 couple of reviews with the applicant changing the actual waiver request. In
8 the end the applicant is proposing to do the required dedications along
9 Saromi Lane and Cortez Drive but to provide no road improvements
10 referencing that the improvements are not needed on Saromi Lane because
11 both lots having direct access only to Cortez, and that also referencing the
12 Las Cruces East Mesa Community Blueprint stating that they want more
13 rural roads out there, so they're trying to keep things, the road as it exists
14 out there referencing those two things as their points of hardship or points of
15 allowing them to move forward with the waiver request. All staff did review,
16 everybody denied. The majority of staff did recommend instead a payment
17 in lieu of. Development service staff did speak with the applicant and we
18 were willing to kind of come to an agreement with some type of
19 proportionate shared improvements to Cortez and Saromi Lane. The
20 applicant has moved, the applicant has decided to move forward with the
21 full waiver request to public hearing to see what happens with it, with that I
22 stand for questions.

23
24 Rogers: Alright. Yes.

25
26 Murphy: Adam you said referenced that the East Mesa Blueprint called for more rural
27 roads. Does the blueprint specify what it means or does it indicate any kind
28 of design standards of said rural roads?

29
30 Ochoa: The East Mesa Community Blueprint just calls out the kind of the area as a
31 whole, to be rural, equestrian friendly, multiple types of transportation mode,
32 being allowed along right-of-way but there's no actual hard design, actual
33 elements within the blueprint plan. The applicant did reference that as well
34 and that they would be, they see that it would be better to wait, that actual
35 designs and some type of actual concept of what the rural roads should look
36 like then they would, they should be able to build the roads out later, if you
37 will. But no, there's no actual design element in the blueprint for what the
38 roads should be looking like for a more rural road out in the East Mesa.

39
40 Rogers: Any other points of discussion before I turn it over to the applicant? I'll go
41 ahead and let the applicant speak to this.

42
43 Gutierrez: In the East Mesa Blueprint it actually called out specifically for Cortez Road
44 to be turned into a multi-use path. It does show a proposed, sort of a typical
45 section, no actual standards but it shows, you know, like equestrian and
46 ATV path with a small island, if you will, and then some sort of paved

1 roadway. Part of the East Mesa Blueprint's agenda is to develop standards
2 that would be more acceptable in the East Mesa. It specifically says in
3 there, you know, current City standards do not represent the best interest
4 for out there and part of that whole agenda, of that, is to develop the
5 standards. Since we are directly on Cortez, and they specifically want that,
6 they have a map calling out that they want that to be multi-use path and
7 since nothing exists we find it hard, it would be very hard to even estimate
8 payment in lieu of project, in lieu of actually doing the work since no
9 standard exists. Other than that, East Mesa Blueprint, it's very clear that it
10 wants not to improve roads that they don't need to. It's very clear that the
11 typical standards do not meet the needs up there and they want to do
12 something different. It doesn't layout exactly what they want to do so that's
13 why everything is kind of in the air and why we would rather not, you know,
14 go in and improve half of the road, even all the way down to Dunn, and then
15 have them come back later and finally develop the standard and then want
16 to have that not acceptable. It is impossible for us to calculate what the
17 payment would be in lieu of since the standard does not exist. Other than
18 that, Saromi Lane right now is basically, completely unimproved. It's like a
19 meandering dirt path that very few people use to access the properties that
20 are on our east line. That's why we chose to do the flag lot layout and keep
21 everything on Cortez to try and impact Saromi as little as possible so the
22 need wouldn't be there for us to improve it. Other than that, I mean that's
23 pretty much it. You know it's being split for family use so there's no profit
24 involved. That's why in order to build out the road all the way to Dunn,
25 which is about over a half a mile, would just break the bank and it would
26 completely stop this project from moving forward in any way. So that's why
27 we're pushing for the waiver so that my client can just get the lots clipped for
28 his kids.

29
30 Rogers: Are there any questions of the applicant from staff? With that, I'd like to go
31 around the room and see if there are any comments, Utilities?

32
33 Montoya: The Utility Department will support the decision from other City departments
34 who have more concern pertaining to the road improvement.

35
36 Rogers: Very good, and Parks Department?

37
38 Johnston: No issues.

39
40 Rogers: MPO.

41
42 Murphy: I can appreciate the desires of the community developing their blueprint.
43 That said; however, I cannot support the waiver. One other thing, I believe
44 in the blueprint, they wanted the rural roads but that, you know, has a lot to
45 do with the way of existing conditions. As property is subdivided it's placing
46 more homes out there, it equals more traffic. I think that probably it sounds

1 like there's a fairly good idea, what they want Cortez, what the Blueprint
2 wants Cortez to ultimately look like. I think that the applicant working with
3 Community Development staff could probably come at least upon a good
4 estimate of what payment in lieu for that would be. As far as Saromi Lane, I
5 understand that these two lots are not, they're not directly accessing, but it
6 exists as a right-of-way. Properties beyond that eventually could subdivide
7 and increase the traffic and then if we grant this waiver we'd be asking
8 whoever is down the road to pay the full, the full amount of that up to
9 Cortez. I don't think that's something that staff really can support and I think
10 it's a discussion that probably needs to happen at P&Z and maybe
11 ultimately Council to decide whether to grant this, so I'm gonna be voting to
12 deny the waiver.

13
14 Rogers: Ok, Fire?

15
16 Dubbin: I agree with what MPO's position is on it. The fact that rural development
17 doesn't necessarily mean unpaved and both of the development standards
18 and the International Fire Code require a hard surface road for fire
19 department access, I won't be able to support the waiver.

20
21 Rogers: Development Engineering.

22
23 Dominguez: I will concur with Mark Dubbin and Tom Murphy. I will concur with them
24 on that. But we will be in support of having a joint development agreement,
25 if that occurs. If City, if P&Z would recommend that or City Council.

26
27 Rogers: Very good, Community Development any other comments?

28
29 Ochoa: No other comments.

30
31 Rogers: With that I would entertain a motion on this.

32
33 Dubbin: I make a motion to approve.

34
35 Rogers: Ok, second?

36
37 Dominguez: Second

38
39 Rogers: Let's take a vote. Utilities?

40
41 Montoya: No

42
43 Rogers: Parks?

44
45 Johnston: No.

46

1 Rogers: MPO?

2

3 Murphy: No.

4

5 Rogers: Fire

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7 Dubbin: No

8

9 Rogers: Engineering?

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11 Dominguez: No

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13 Rogers: Community Development votes No. With that, motion fails. Vote 6 – 0.

14

15 **2. S-14-018 Tellbrook Subdivision Unit 3, Block 5, Replat No. 3, Access**
 16 **Easement Width Reduction Request**

17

18 • A request for approval of a 30-foot access easement to a lot within a

19 commercial subdivision.

20

21 • Design standards call for a minimum 50-foot access easement to all lots

22 within a commercial subdivision.

23

24 • The associated subdivision is a lot line adjustment of three parcels

25 encompassing 1.668 ± acres that are zoned C-2 (Commercial medium

26 intensity). The properties are addressed 5101 Las Alturas Dr., 4003 Colt

27 Dr., and 4030 Tellbrook Rd.

28

29 • Submitted by Tierra Surveys, LLC. on behalf of Norman Fristoe and 4030

30 Tellbrook LLC, property owners.

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Rogers: Alright. We will move on to the second item on the agenda or on New Business. S-14-018 Tellbrook Subdivision Unit 3, Block 5, Replat No. 3. It's an access easement width reduction request. I will go ahead and turn that over to Mr. Guza.

Guza: The request is for an approval of a 30-foot access easement to a lot within a commercial subdivision. The request is associated, as said earlier, with Tellbrook Subdivision Unit 3, Block 5, Replat No. 3. It is a lot lined adjustment subdivision replat with no new lots being created. The three properties that are in question total 1.668 ± acres and are zoned C-2 (commercial medium intensity) and they're addressed at 5101 Las Alturas Drive, 4003 Colt Drive, and 4030 Tellbrook Road. The design standard section of the codes, section 32-36B, which calls for a 50 foot wide access easement to all lots within a commercial subdivision also states that exemptions to allow a narrow lot, a narrower lot access, can be considered by the DRC so that is why we are before you today.

CITY SUBDIVISION REVIEW

DATE: February 13, 2014

REVIEW NO.: 2
CASE NO.: S-13-030W

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: **Gamboa Acres Subdivision**
Alternate Summary (Waiver Request)

Please review and return to the Community Development Department no later than **February 21, 2014**,
PLEASE.

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

DATE: 2/20/14

REVIEWER NAME: Adam Ochoa
REVIEWER CONTACT NO.: X 3204

COMMENTS:

- Just for clarification. The applicant is proposing a waiver to the required dedication of right of way for Cortez and Saromi and instead only providing an easement for both Cortez and Saromi. The applicant is also requesting a waiver from having to build out all of Saromi as a local roadway from the end of the proposed subdivision to Cortez and from building half of Cortez, a Collector Roadway, along the boundary line of the proposed subdivision and building Cortez out as a local roadway from the edge of the subdivision to the next paved road, a.k.a Dunn. Correct?
- Staff is open to possibly considering an agreement with the applicant for some improvements to the roadways as long as the roadway dedication occurs.
- Staff recommends denial of the proposed waiver since no evidence of a hardship is presented as required by Section 37-332 of the Subdivision Code.

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

CITY SUBDIVISION REVIEW

DATE: February 13, 2014

REVIEW NO.: 2
CASE NO.: S-13-030W

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: **Gamboa Acres Subdivision**
Alternate Summary (Waiver Request)

Please review and return to the Community Development Department no later than **February 21, 2014**,
PLEASE.

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

DATE: 2/21/14

REVIEWER NAME: Richard Wang
REVIEWER CONTACT NO.: 3070

COMMENTS:

MPO staff cannot support this waiver request

CITY SUBDIVISION REVIEW

DATE: July 1, 2013

REVIEW NO.: 1
CASE NO.: S-13-030W

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 checked="" type="checkbox"/> ENGINEERING SERVICES	<input type="checkbox"/> UTILITIES
<input type="checkbox"/> TRAFFIC ENGINEERING	<input type="checkbox"/> OTHER: <u>Addressing</u>
<input type="checkbox"/> SURVEYOR	<input type="checkbox"/> OTHER: <u>NMDOT</u>

FROM: Adam Ochoa, Planner

SUBJECT: **Gamboa Acres
Preliminary Plat (Waiver Request)**Please review and return to the Community Development Department no later than **July 9, 2013, please.**APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)DATE: 7/10/13REVIEWER NAME: Natasha Baily
REVIEWER CONTACT NO.: 528-34916

COMMENTS:

- What part of the code is this waiver request for?

Is it for improvements to the nearest paved roadway?
Improvements to both Cortez & Saromi? To not build
a full local road? Please clarify.

- Subdivisions must access an improved, public ROW
This subdivision does not meet this criteria.
~~with~~ (32-36 @ min access)

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

CITY SUBDIVISION REVIEW

DATE: February 13, 2014

REVIEW NO.: 2
CASE NO.: S-13-030W

- 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: **Gamboa Acres Subdivision**
Alternate Summary (Waiver Request)

Please review and return to the Community Development Department no later than **February 21, 2014**,
PLEASE.

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

DATE: 2/14/14

REVIEWER NAME: Natasha Billy
REVIEWER CONTACT NO.: 578-3406

COMMENTS:

see attached comments.

CITY OF LAS CRUCES
 Engineering Services
 Application No. S-13-030
 Gamboa Acres
 Review No. 3 Comments

Please be advised that some comment from review 2 were not adequately addressed. The waiver request is unclear. All elements below will need to be addressed on the plat or within the waiver request. Clearly indicate which requirements you wish to have waived. This will aid in the process. Also, if you have any questions, please contact us. Thank you.

1. As previously commented:
 Per LCDC Chapter 32-36(b) Right of way and roadway requirements for city streets; it shall be the responsibility of the subdivider to be responsible for street improvements and right of way dedication. The subdivider shall provide the street improvements or pay for the cost in lieu of construction for Cortez Dr (MPO collector) and for Saromi Ln (private if dedicated). Although Cortez is paved, it does not meet minimum City standards (build out of half the street section is required). All developing parcels shall include a minimum of 50 percent of the necessary additional right of way to conform to the MPO thoroughfare plan. Based on the plat, right of way for Cortez is not proposed to be dedicated. Please address these elements on the plat and on the revised waiver request.
2. As previously commented:
 Per LCDC Chapter 32-36, minimum access to the subdivision shall be from a dedicated and accepted public ROW. Although Cortez is paved, the roadway does not appear to be dedicated. Clearly indicate how this lot currently receives access.
3. Provide the instruments that aided in the dimensioning of how much of Saromi Ln is located in the City and in the County.
4. As previously commented:
 Verification was not provided. Provide instrument numbers for all referenced access easements and associated maintenance responsibilities.
5. Note 4 needs to be removed and/or reworded as this note does not address City code requirements. Is the intent to keep Saromi Ln private or is it proposed to be dedicated? If it is to remain a private easement, indicate the maintenance responsibility. Based on the supplied information, Saromi Ln appears to be a private road. The City will not accept unimproved and undedicated roadways.

CITY SUBDIVISION REVIEW

DATE: July 1, 2013

REVIEW NO.: 1
CASE NO.: S-13-030W

- 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: **Gamboa Acres**
Preliminary Plat (Waiver Request)

RECEIVED

JUL 01 2013

TRAFFIC

Please review and return to the Community Development Department no later than July 9, 2013, please.

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

DATE: 7/15/13

REVIEWER NAME: Gary Skelton
REVIEWER CONTACT NO.: ~~541-2595~~ 541-2595

COMMENTS:

Roadways need to be built to City of Las Cruces design standards.

CITY SUBDIVISION REVIEW

DATE: July 1, 2013

REVIEW NO.: 1
CASE NO.: S-13-030W

- 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 checked="" type="checkbox"/> FIRE DEPARTMENT |
| <input type="checkbox"/> ENGINEERING SERVICES | <input type="checkbox"/> UTILITIES |
| <input type="checkbox"/> TRAFFIC ENGINEERING | <input type="checkbox"/> OTHER: <u>Addressing</u> |
| <input type="checkbox"/> SURVEYOR | <input type="checkbox"/> OTHER: <u>NMDOT</u> |

FROM: Adam Ochoa, Planner

SUBJECT: **Gamboa Acres
Preliminary Plat (Waiver Request)**

Please review and return to the Community Development Department no later than July 9, 2013, please.

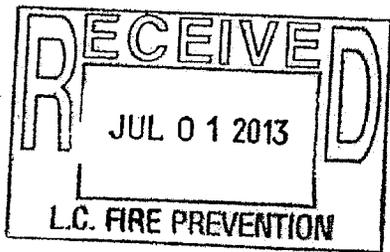
APPROVED: YES NO YES WITH CONDITIONS
(STATE CONDITIONS BELOW)

DATE: 7/8/13

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

COMMENTS:

*Send Future reviews
to LCFD for review*



CITY SUBDIVISION REVIEW

DATE: February 13, 2014

REVIEW NO.: 2
CASE NO.: S-13-030W

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: **Gamboa Acres Subdivision
Alternate Summary (Waiver Request)**

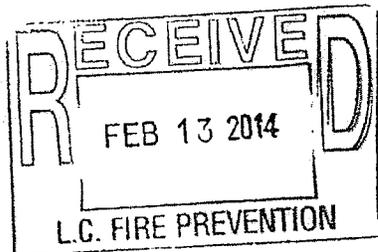
Please review and return to the Community Development Department no later than **February 21, 2014**,
PLEASE.

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

DATE: 2/19/14

REVIEWER NAME: MO
REVIEWER CONTACT NO.: X4150

COMMENTS:



CITY SUBDIVISION REVIEW

DATE: July 1, 2013

REVIEW NO.: 1
CASE NO.: S-13-030W

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: **Gamboa Acres
Preliminary Plat (Waiver Request)**

Please review and return to the Community Development Department no later than **July 9, 2013, please.**

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

DATE: 7/8/13

REVIEWER NAME: *[Signature]*
REVIEWER CONTACT NO.: 2554

COMMENTS:

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
July 22, 2014 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Charles Beard, Secretary

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Susana Montana, Planner, CLC
Mark Dubbin, CLC Fire Department (departed 9:50)
Robert Cabello, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

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

Crane: Good evening ladies and gentlemen. Welcome to the meeting of the Planning and Zoning Commission for Tuesday July 22nd. Let me start as we usually do by introducing my fellow Commissioners; starting at my far right, Commissioner Clifton represents District 6, then Commissioner Stowe who is also our Vice Chairman, District 1; Commissioner Ferrary District 5; Commissioner Alvarado, District 3. I'm Godfrey Crane the Chair and I represent District 4. We presently have one vacancy on the Commission.

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

Crane: The next thing is to ask if any member of the Commission or any City person present has any conflict of interest of anything on tonight's agenda. Ms. Ferrary.

Ferrary: Commissioner Crane I have a conflict as I am a member of the Las Cruces Country Club, so I would like to recuse myself when we get to the second item of new business, Case IDP-14-04.

1 Crane: Okay. Thank you. So noted. Anyone else? No one else. Thank you.

2
3 **III. APPROVAL OF MINUTES**

4 **IV.**

5 1. June 24, 2014 - Regular Meeting

6
7 Crane: Next we go to the approval of the minutes for the last meeting.
8 Commissioners does anyone have any points to make about them? If not
9 I have a few, mostly picky. Page 18, line 23, "Ms. Rogers, is this a point of
10 order". And page 20, line 28, that word second from the end of the line is
11 "evidently". Page 21, line 37, "Ms. Harrison-Rogers". Page 37, Line 30,
12 "But we hear you" H E A R. Finally page 67, line 37, "starting with you Mr.
13 Beard". Any other Commissioner? Commissioner Ferrary.

14
15 Ferrary: On page 10, line 42, there is not a comma between site and visit.
16 And on page 25, line 30 should be "it sounds". And line 31, they'll instead
17 of just they. And then on page 44, line 5; "the" should be eliminated. And
18 also on line 7, it and then take out would. And line 9, insert "it".
19 **PAGE 25, 31, 44 LINE 5 AND LINE 7 ARE CORRECTIONS TO WHAT**
20 **SHE SAID VERBATIM IN THE JUNE MEETING.**

21
22 Crane: Thank you, any other Commissioner have some points to make about the
23 minutes? In that case I'll entertain a motion that the minutes as corrected
24 be agreed to, be accepted.

25
26 Stowe: So moved.

27
28 Crane: Moved by Mr. Stowe. Seconded?

29
30 Ferrary: I'll second.

31
32 Crane: Seconded by Ms. Ferrary. All in favor aye.

33
34 ALL: AYE.

35
36 Crane: Against? Extensions? Passes five/zero. Thank you.

37
38 **V. CONSENT AGENDA**

- 39
40 1. **Case S-14-020:** An application of Raci Management Company, Inc.,
41 property owner, for a replat known as Ameriwest Subdivision No. 3, Replat
42 No. 6 on a 5.00 +/- acre commercial lot zoned C-3 (Commercial High
43 Intensity) and located on the east side of Telshor Boulevard, 0.53 +/- miles
44 north of its intersection with Spruce Avenue; Parcel ID# 02-31275. Proposed
45 Use: Two (2) new commercial lots; Council District 6 (Levatino).
46

1 Crane: Now we pass the consent agenda. Let me explain for those of you who
 2 may not know how we handle this. Items on the consent agenda are put
 3 there by the Community Planning Department in the belief that they are
 4 not particularly contentious items and therefore there probably will be no
 5 need for debate on them. However, if any member of the public, any
 6 Commissioner, or any member of Community Development Department
 7 actually wants to debate any item on the consent agenda we will remove it
 8 from the consent agenda and put it into new business, otherwise we
 9 simply take an up or down vote on the whole consent agenda which today
 10 includes only one item, Case S-14-020. So is there anybody who wishes
 11 to debate that particular matter? No one so indicates, so we will vote on
 12 the consent agenda. May I have a motion to that effect?
 13

14 Clifton: So moved.

15
 16 Crane: Moved by Mr. Clifton.

17
 18 Alvarado: Second.

19
 20 Crane: Seconded by Mr. Alvarado. All in favor aye.

21
 22 ALL: AYE.

23
 24 Crane: Opposed? The case passes five to zero. Thank you.
 25

26 **VI. OLD BUSINESS - NONE**

27
 28 1. **Case S-13-030W:** An application of Western Lands Surveying on behalf of
 29 Jose A & Martha C. Gamboa, property owners to waive 100% of the road
 30 improvement requirements for Saromi Lane and Cortez Drive, a proposed
 31 collector roadway. The proposed waiver is associated with improvements
 32 required for a proposed alternate summary subdivision known as Gamboa
 33 Acres Subdivision on a 5.01 +/- acre tract located on the southwest corner of
 34 Cortez Drive and Saromi Lane; 7486 Cortez Drive; Parcel ID# 02-25523.
 35 Proposed Use: Two (2) new rural single-family residential lots; Council
 36 District 6 (Levatino).
 37

38 Crane: Now we pass to the regular agenda which is two sections; old business
 39 we have a couple of items, and new business, three items. And the
 40 regular agenda is handled this way; a member of the Community
 41 Development Department will come up and give us a presentation on
 42 each item in turn. The Commission may have questions of that person.
 43 When our questions are over we ask the applicant to come up or the
 44 applicant's representative speak to us if that person wishes. We may
 45 have questions of that person. Finally, we ask interested Members of the
 46 public to come up and say their piece. We may have some questions of

1 them. When the public has had its say, then we close the matter to further
2 debate and we, the Commissioners, will discuss the matter among
3 ourselves and take a vote. Before each of the regular items I will ask for a
4 show of hands on how many Members of the public wish to speak and if
5 it's quite a large number I'll ask our ... I'll ask Mr. Alvarado here to operate
6 our machine for timing people, typically we give three minutes per person.
7 If there's only a scattering of people then we probably will dispense with
8 that. So, Ms. Harrison-Rogers starts off and this is the Case S-13-030W,
9 in old business. Go ahead please.

10
11 H-Rogers: Thank you. Chairman, Members of the Commission. This particular case
12 is associated with the Gamboa Acres subdivision. This is specifically a
13 waiver request to the road improvements. The particular property is
14 located at the corner of Cortez Drive and Saromi Lane. It is zoned EE
15 which is single-family equestrian estate and agriculture. It encompasses a
16 little over five acres and has one existing single-family home. They're
17 proposing to split it into two lots, a little over three acres, a little over one
18 acre for the other. This is part of the alternate summary subdivision
19 process. That particular actual subdivision is administrative and isn't
20 actually a matter before the Commission this evening. It is for reference
21 compliant with the zoning code. The only thing that is a little different is
22 that they are requesting a waiver from the road improvements that are
23 required as part of the regulations.

24 Here's a picture of the plat, you can see the layout of those two
25 lots. You have Cortez and Saromi right here, and of course a flag lot for
26 the smaller of the two parcels, and of course the remaining lot right here.
27 Now Cortez Drive specially is a collector roadway. Currently it's 25-feet, it
28 is paved. They ... as part of the subdivision process they're required to
29 provide a right-of-way dedication for Cortez Drive, that's one-half of a
30 collector which is 85-feet, approximately 42.5 feet in this case. They're
31 also required to construct half of the collector which is also 42.5 feet, that
32 includes sidewalk, curb, gutter, all of those sorts of things that make a city
33 street. They're also required as part of the process to construct a minor
34 local roadway from the edge of the subdivision, that would be the western
35 boundary all the way to the nearest paved road, which is Dunn. The
36 applicant is proposing specifically for Cortez Drive to dedicate the right-of-
37 way, they are going to do that; however, they would like 100% of the
38 required road improvements waived.

39 Now onto Saromi Lane. This is designated as a local roadway. It
40 is currently an unimproved dirt road. Again they're responsible for
41 dedicating half of the required 50-foot segment which is 25-feet, and
42 they're also responsible for constructing that 25-feet to local road
43 standards. The applicant again is requesting a waiver of 100% of those
44 road improvements but will dedicate the additional right-of-way for Saromi
45 Lane. For your reference, here's the minor local road, of course they
46 would be required to construct half of that for Saromi. And then here's the

1 collector and of course they would be required to build half of that for
2 Cortez, if this waiver were not granted. This is a good idea of what they're
3 supposed to construct. You can see with the red line here, this is a minor
4 local roadway all the way to Dunn and then of course from the edge of the
5 subdivision to this edge of the subdivision they would be required to do
6 that half of a collector along Cortez, and then from this point to this point in
7 the yellow as you can see it'd be half of the road cross section for a local
8 road, that's 25-feet. You can see that this is the paved roadway along
9 Cortez looking west and this is Saromi, you can see again that that's just a
10 dirt road looking south.

11 The applicant's particular rationale, mind you this is ... this is
12 specifically from the applicant, is that the proposed subdivision isn't done
13 to sell off the land, rather it's for family. Additionally it's been designed to
14 prevent additional traffic onto the unimproved Saromi Lane and restrict
15 access to the existing paved Cortez. And the proposed subdivision is
16 within the East Mesa Community Planning Blueprint, where roadway
17 standards and designs are desired to protect the rural environment of the
18 area. And the required road improvements would not accomplish this.
19 And of course that being the applicant's rationale, they can speak more to
20 that and they do have a presentation this evening to talk about that for
21 you.

22 Staff looked at the hardships expressed by the applicant and
23 unfortunately Article 6, section 37-33 of the City of Las Cruces Code
24 states that the hardship must be due to an exceptional topographic, soil,
25 or other surface or subsurface condition and those conditions would result
26 in the inhibiting of the objectives of the code. Upon review of this, there
27 isn't any sort of hardship related to the topography or subsurface
28 conditions of this particular parcel, it's simply a monetary issue. Therefore
29 staff is stating that this particular waiver is not justified. The DRC did look
30 at this particular project on May 21st, they also have recommended denial
31 to this Commission of the waiver citing that there are some concern for
32 just the proliferation of these types of waivers and ultimately what it does
33 to the road system down the line in the future as a number of these occur.

34 Staff recommends denial for the proposed waiver based on the
35 findings outlined in the staff report. And of course the Planning and
36 Zoning Commission is a recommending body for the proposed waiver to
37 City Council. And your options tonight are to vote yes to the waiver, vote
38 yes to approve it with conditions, or vote no to deny the waiver, or table
39 and postpone the request. With that I'm open to any questions or we can
40 go ahead and turn that over to the applicant who has a presentation
41 prepared for this Commission.

42
43 Crane: Commissioners, any questions for Ms. Harrison-Rogers? Commissioner
44 Stowe.

45
46 Stowe: Do you have a cost on the ... how much it would cost the applicant?

- 1
2 H-Rogers: I currently do not have a cost, but the applicant may be able to speak a
3 little bit more to that, however, just knowing the general costs of these
4 things it would be in the several tens of thousands of dollars.
5
6 Stowe: And we're saying that's not a hardship?
7
8 H-Rogers: Unfortunately our code does not site monetary reasons as a hardship.
9 Generally topographic and soil conditions that might prevent it.
10
11 Crane: Commissioner Stowe you through?
12
13 Stowe: Thank you.
14
15 Crane: Commissioner Ferrary.
16
17 Ferrary: Is there a timeline when if they... if we denied this and they were forced to
18 pay for that, it doesn't make much sense for them to have to make those
19 improvements until the rest of the road is ready, is that right?
20
21 H-Rogers: Mr. Chair, Members of the Commission, Commissioner Ferrary, there is a
22 mechanism by which the City will take a fee in lieu of improvements and
23 generally in situations like this you're correct, the City does not want to
24 see these piecemeal segments of roadway. Rather they would take the
25 fee in lieu and then keep the monies so that when the time comes they
26 can improve the whole segment of roadway in a more logical sequence.
27
28 Ferrary: Is there a time when they would have to have that into the City's hands?
29
30 H-Rogers: Mr. Chair, Commissioner Ferrary, yes, indeed there is ... basically they
31 would have to do that prior to filing the subdivision. The subdivision
32 couldn't be filed until we actually had those fees in place. The other
33 mechanism if they were to build it would be a surety, a financial surety of
34 some sort like a bond or an escrow account or a letter of credit and
35 basically an agreement with the City, a guarantee of improvements; that
36 those improvements would be done within a certain timeframe. That
37 allows them to record the plat but then they have to build that within I
38 believe its three years.
39
40 Ferrary: Thank you.
41
42 H-Rogers: You're welcome.
43
44 Crane: I think Commissioner Alvarado's light was on first.
45
46 Alvarado: Who paved Cortez? Did the City pave Cortez or was that there before?

1
2 H-Rogers: I actually don't know the answer to that question. That's something that I
3 could look into for you. I'm under the assumption though just knowing that
4 most of those lots are not part of a previously filed subdivision, that that
5 was most likely the City that did that, just based on the area itself. That
6 would've been either a City or county project before it was brought into the
7 city.
8
9 Alvarado: Because a lot of those roads were paved by the county before they were
10 annexed into the city.
11
12 H-Rogers: Correct.
13
14 Alvarado: Thank you.
15
16 Crane: Commissioner Clifton.
17
18 Clifton: Mr. Chair, Katherine question, could you go back to the aerial photo for
19 me? Okay, I couldn't ... perhaps I missed it in the packet and I can't read
20 the plat but how much right-of-way did they have to dedicate as part of the
21 subdivision plat for Cortez?
22
23 H-Rogers: So along the entire frontage of the parcels themselves it is going to be a
24 42.5-foot wide strip along those parcels.
25
26 Clifton: So they dedicated ... they're dedicating 42 ...
27
28 H-Rogers: They will dedicate that, yes sir.
29
30 Clifton: Okay. Then across the street is owned by the State of New Mexico, the
31 state land office, did they review this project?
32
33 H-Rogers: The state land office, Members of the Commission, Mr. Chair, the state
34 land office is always given copies of any sort of land use permits or
35 subdivisions that go through on any lands that are adjacent or may be
36 influenced by the development.
37
38 Clifton: And the reason I ask, the state land office just doesn't go out and openly
39 pave roads just to pave roads. It could be a hundred years before they
40 pave Cortez. It just ... it does seem a little bit of a burden on the property
41 owner to have already accumulated 42.5-feet of their property and further
42 assess them road improvements adjacent to that when who knows when
43 Cortez is going to get built. It's already paved. Were there any other
44 negotiations attempted with the applicant in terms of what would you be
45 willing to do? They're giving up a lot of property.
46

- 1 H-Rogers: Correct. Mr. Chair, Members of the Commission, Commissioner Clifton,
2 during the process we always talk about the ability to fee in lieu or maybe
3 some other alternatives such as development agreement with City Council
4 to do some sort of alternative. In this particular case their preference was
5 to waive 100% of the road improvements.
6
- 7 Crane: Ms. Harrison-Rogers let me make sure I understand this, they have to
8 dedicate 42.5-feet on Cortez as half of the collector road and put gutter,
9 sidewalk there and curb, and that extends all the way down to Dunn?
10 Why do they have to do all the way down to Dunn? Am I right?
11
- 12 H-Rogers: Mr. Chair, members of the Commission, it's two part; in front of the
13 subdivision they have to dedicate the 42.5 foot road section and then
14 construct the half section of a collector which is the curb, gutter, sidewalk.
15 And then from the western edge or the end of that particular subdivision to
16 the nearest paved road that's accepted by the City which is Dunn, they
17 would have to improve that to a minor local, the entire length of this
18 roadway, so that means essentially 50-foot cross section. And then the
19 Saromi Lane is a half local improved at this point with 25-foot dedicated
20 along the subdivision boundaries.
21
- 22 Crane: So they are required to make the red highlighted part of Cortez up to a
23 minor local standards which is a 25-foot, did you say dedication?
24
- 25 H-Rogers: It's ... they don't have to dedicate, Mr. Chair, Members of the
26 Commission, they don't have to dedicate any land cause of course they
27 don't own, but they do have to improve it. Let me show you what the
28 cross section looks like so you have a good sense. It's actually 50-feet
29 and this is what it looks like.
30
- 31 Crane: Okay now if you could save me a little trouble digging here, is there any
32 conflict between what they would do as bringing Cortez up to a minor local
33 and what Cortez would look like as a collector? In other words are they
34 doing something that has to be ripped out before Cortez can be brought
35 up to its collector form?
36
- 37 H-Rogers: Ultimately it ... Mr. Chair, Members of the Commission, ultimately that's an
38 engineering call at the time of construction. If it can be used they will use
39 the pavement but often times things may have to be altered significantly,
40 but ultimately that's at the time of construction. So if it was to be
41 constructed as a minor local for a length of the way all the way to Dunn
42 and then it would transition into the 42.5-foot of half a collector, potentially
43 they could utilize this but I'm not certain of that, it's really an engineering
44 question that I'm not capable of answering at this point.
45

- 1 Crane: Well looking a little closer at these diagrams I see that half a minor local is
2 an 11-foot driving lane and a 5.5-foot parking lane. And half a collector is
3 a two-foot C&C, and a 12-foot driving lane and another 12-foot driving
4 lane. These are incompatible. So if this is done as the City requires we
5 will have right outside the north side of this lot half of a collector build to
6 the standards you just showed us and then when we transition from the
7 green arrow to the red arrow we will go to a different standard, which will
8 not be a collector, which is a waste of time and money if anybody had that
9 much time and money. We have a problem here, or am I imagining this?
10
- 11 H-Rogers: Chairman Crane and Members of the Commission, indeed there would be
12 a transition. This essentially would be built to a full local, the red segment
13 here and then this would be built to a half collector, this segment here.
14 The little yellow over here would be a half local, it's a bit confusing. But
15 indeed they would be of different standards, there would be a transition
16 point between the two and generally as I explained to Commissioner
17 Ferrary, in circumstances like these the City actually does prefer a fee in
18 lieu as opposed to the actual full construction so that those monies can be
19 set aside so that it can be built in a more uniform way in the future.
20
- 21 Crane: I make the point that I think when we've had this kind of thing come up
22 before there's been a fee in lieu as an acceptable way all around for
23 getting out of this very strange situation. I mean its unconscionable that
24 put in another house on a flag lot in that block that somebody would have
25 to build half a mile of road, half of half a mile of road, for which the other
26 people benefit. It hardly seems fair and is ... financially I imagine is
27 completely out of reach. Thank you. Any other questions for Ms.
28 Harrison-Rogers? Commissioner Ferrary.
29
- 30 Ferrary: I was ... Ms. Rogers, I was wondering the fee in lieu, is that for the total
31 amount to take that down to Dunn Road that would be required?
32
- 33 H-Rogers: Mr. Chair, Members of the Commission, Commissioner Ferrary, yes
34 indeed. Essentially what would happen is their engineer would have to
35 provide us an estimate and then that's what that fee in lieu would be
36 based upon and it would be for the entire ... all of these improvements
37 that you see up on the screen right now.
38
- 39 Crane: Anyone else? Mr. Stowe.
40
- 41 Stowe: It was mentioned of a rural road. How does that impact these standards?
42
- 43 H-Rogers: So what was mentioned by Members of the Commission, Commissioner
44 Stowe what was mentioned by the applicant and their rationale had to do
45 with the East Mesa Blueprint which was planning initiative that I think you
46 are all familiar with as many of you or most of you sitting on the

- 1 Commission tonight did review that and recommend that for approval. In
2 that particular policy document that was formulated essentially by the
3 residents that live out there along with City staff, one of the things that
4 they desired was a rural atmosphere including the possibility of perhaps
5 creating different types of road standards in the future for that particular
6 neighborhood. Currently our road standards don't have ... we do not have
7 a rural category for our road standards.
8
- 9 Stowe: Why not?
- 10
11 H-Rogers: Members of the Commission, Commissioner Stowe, that's something that
12 we haven't been directed to do by City Council. We are revising our
13 design standards but we still haven't contemplated a rural road design in
14 those standards as we have not been directed by Council to prioritize that.
15 However, it is a possibility in the future if they so choose.
16
- 17 Stowe: Thank you.
- 18
19 H-Rogers: You're welcome.
20
- 21 Crane: Commissioner Clifton.
- 22
23 Clifton: Mr. Chair, Katherine, I thought a minor local was 37-feet back of curb,
24 back of curb improved.
25
- 26 H-Rogers: Members ...
- 27
28 Clifton: Where I'm going with that is for Saromi cause it indicates a 25-foot road
29 section would be required.
30
- 31 H-Rogers: Correct. Commissioner ... excuse me, Chairman Crane and Members of
32 the Commission, when we say the 50-feet, it's the full minor local section
33 that we have here. That includes sidewalks as well as any improvements,
34 curb, gutter. The ... I believe that the pavement itself is the 37-feet that
35 you were speaking to, but the full 50-feet is incorporating of course the
36 sidewalks and the curb and gutter and I believe that that's where the
37 discrepancy takes place.
38
- 39 Clifton: But the sidewalk would not actually be constructed until time of building
40 construction, correct?
41
- 42 H-Rogers: Generally it is not, you are correct.
43
- 44 Clifton: So, unless something changed I thought the design standards used to
45 read that there were 100% requirements for minor locals adjacent and to
46 the subject property.

1
2 H-Rogers: I believe that the information that we have is with the current standards;
3 one has to do with adjacent to and the other has to do with the closest
4 paved roadway. I may be wrong and we'll have to double-check that, but
5 to the best of my knowledge these are the standards by which we are ...
6 we are working.
7
8 Clifton: I ... I just look across the street and it looks like those properties have
9 been subdivided. I realize it's an EE zone, they're probably two-acre lots
10 roughly, I mean the likelihood of Saromi being further improved is probably
11 as likely as Cortez I would guesstimate based on the current land use
12 situation.
13
14 H-Rogers: Members of the Commission, Commissioner Clifton, these are designated
15 as large lots, you are correct and Saromi Lane is not part of our MPO
16 Thoroughfare Plan for any major type of roadway expansion. It's just
17 considered a local road, so I think you have come to a good assumption.
18
19 Clifton: Thank you.
20
21 Crane: Any other Commissioner? Thank you Ms. Harrison-Rogers. Is the
22 applicant here or the applicant's representative? Are both of you
23 gentlemen going to speak?
24
25 Gutierrez: No. I'm going to be speaking for the applicant. I'm Anthony Gutierrez.
26
27 Crane: Okay sir. Do you swear or affirm that the testimony you are about to give
28 is the truth and nothing but the truth under penalty of law?
29
30 Gutierrez: Yes sir I do.
31
32 Crane: Thank you. Continue.
33
34 Gutierrez: I'm just going to go through a quick presentation and try to shed some
35 light on what our side of this whole thing is. Basically what we had here in
36 the beginning, you've already seen some pictures of the plat, but basically
37 we first submitted this plat with four lots, it was originally a four-lot split out
38 of one. And then we reduced it and the intent just right off is to give this
39 parcel as a gift to his daughter. The only thing I would point out is that
40 Saromi Lane is basically the county boundary, so this is adjacent
41 immediately to the county boundary right now. Some of you were asking
42 about questions of the plat, this might ... this one might be a little more
43 legible, but shows clearly what we're dedicating as far as right-of-way.
44 We took some more pictures and with these pictures up I'd like also
45 to clarify for the Commission and the public that the improvements will not
46 just be adjacent to the property. We'll be improving, if this waiver isn't

1 granted, all the way down basically to the highway, to Highway 70. And
2 just the ... a quick note on how the land resides adjacent to that property
3 right now. Right now you have the state to the north, we'd have to acquire
4 or have an agreement with them to improve their share of that right-of-way
5 as well as four other parcels to the west. We'd have to acquire that right-
6 of-way which is not acquired at this point. There aren't easements or ...
7 you know there's not dedicated property. It's not in the City's hands right
8 now for us to do those improvements, as well as all the topographical
9 surveying and mapping that would have to be done in order to do the
10 engineering estimate to provide a fee in lieu of. That's one of the reasons
11 why we choose this route first, to try and get a full waiver.

12 And these pictures show I believe a little more detail on what the
13 existing section looks like out there. But just to make that clear that just
14 the half of those improvements adjacent to his property would be cost
15 intensive, improving all of Cortez all the way down to the highway would
16 be even much greater. If you consider all the drainage requirements and
17 all the infrastructure that you'd have to put in. This is the waiver request
18 letter, I'm sure it was included in your packet. This what we want to get to
19 is East Mesa Community Blueprint, now participants in this blueprint were
20 the community like City staff had previously stated, as well as City staff.
21 And with the blueprint like this in place we feel confident that the
22 community surrounding this area is in approval of keeping things the way
23 they are or improving them according to this blueprint. Right now City
24 design standards do not accommodate this blueprint whatsoever. If we
25 were to entertain a fee in lieu of we'd want to conform to this blueprint, and
26 those design standards simply don't exist. When you read through this
27 packet we've got some ... some of these paragraphs highlighted for you.
28 Current City standards are for general application throughout the city and
29 may not be best suited for the context and/or users in the planning area.
30 The fact that many of the roads and trails in this area are not completely
31 developed or not yet built presents the opportunity to establish new rural
32 and equestrian design standards for roadways and trails located here and
33 in similar rural areas in the city.

34 Right here you can see some pictures of what they intend to see.
35 They've got some points under their goals which I think are important to
36 note. Ensure future infrastructure design and development that take into
37 consideration the surroundings and the community's desires as identified
38 by this blueprint. I mean this is just a unique case where we have
39 something that is presented by the community and I believe that this
40 subdivision in no way impacts the goals of this blueprint. And we think
41 that improving the area according to the design standards now that we
42 have in place would definitely be in contradiction to this blueprint. And
43 again just some highlights here, I won't read this one. Well maybe I will,
44 this points to a ... on the next page here what this layout looks like. But
45 one is you can see the location by the red square of where the property is

1 now and where a proposed park is to be put in place and all of the
2 different trails that they would like to see happen.

3 So basically we'd like a waiver from improving both Cortez Drive
4 and Saromi Lane within the limits of the proposed alternate summary
5 subdivision. We'd like a full waiver from the design standards completely
6 and would like to leave it as is while we still dedicate the property so that
7 in future when these design standards are created and made part of the
8 code that the property's there to use. I think it's ... it's easy to say at this
9 point that we're probably giving more property than will be necessary for
10 those design standards, but that it will be available. It's not available in
11 the four parcels adjacent. We are requesting approval of the flag lot
12 configuration as proposed in the said alternate summary subdivision and
13 the benefits are the City of Las Cruces will be able to honor the wishes of
14 the residents in the East Mesa Community Blueprint area, and the
15 objectives of the community blueprint. Density in this area will remain
16 lower than the current zoning of the parent tract which is true if you look at
17 this on an aerial view it's not increasing the density any more than the
18 surrounding neighborhood. I just want to put emphasis on the fact that
19 this isn't for financial gain. I believe that is something to consider. It may
20 not be in the code but in this hearing we have a large part of the
21 community, I don't think they are here to hear this case, but it's important
22 for people to understand that sometimes these situations are created
23 simply by just overlooking something when we're creating these codes.
24 We don't always anticipate these types of situations and that's why you all
25 are here. So we're asking for your serious consideration of this waiver
26 and that you would grant it so that we can stay in compliance with this
27 blueprint. Thank you.

28
29 Crane: Thank you sir. Commissioners, any questions for Mr. Gutierrez? Mr.
30 Stowe.

31
32 Stowe: Mr. Gutierrez.

33
34 Gutierrez: Yes sir.

35
36 Stowe: About how long would it take in your estimation, in your opinion for
37 development to take place near you at this property?

38
39 Gutierrez: Which development ... are you referring to development of the roadway
40 improvements or just of the lot itself?

41
42 Stowe: The ... is it BLM that's across the way?

43
44 Gutierrez: It's State of New Mexico right now.

45
46 Stowe: State of New Mexico.

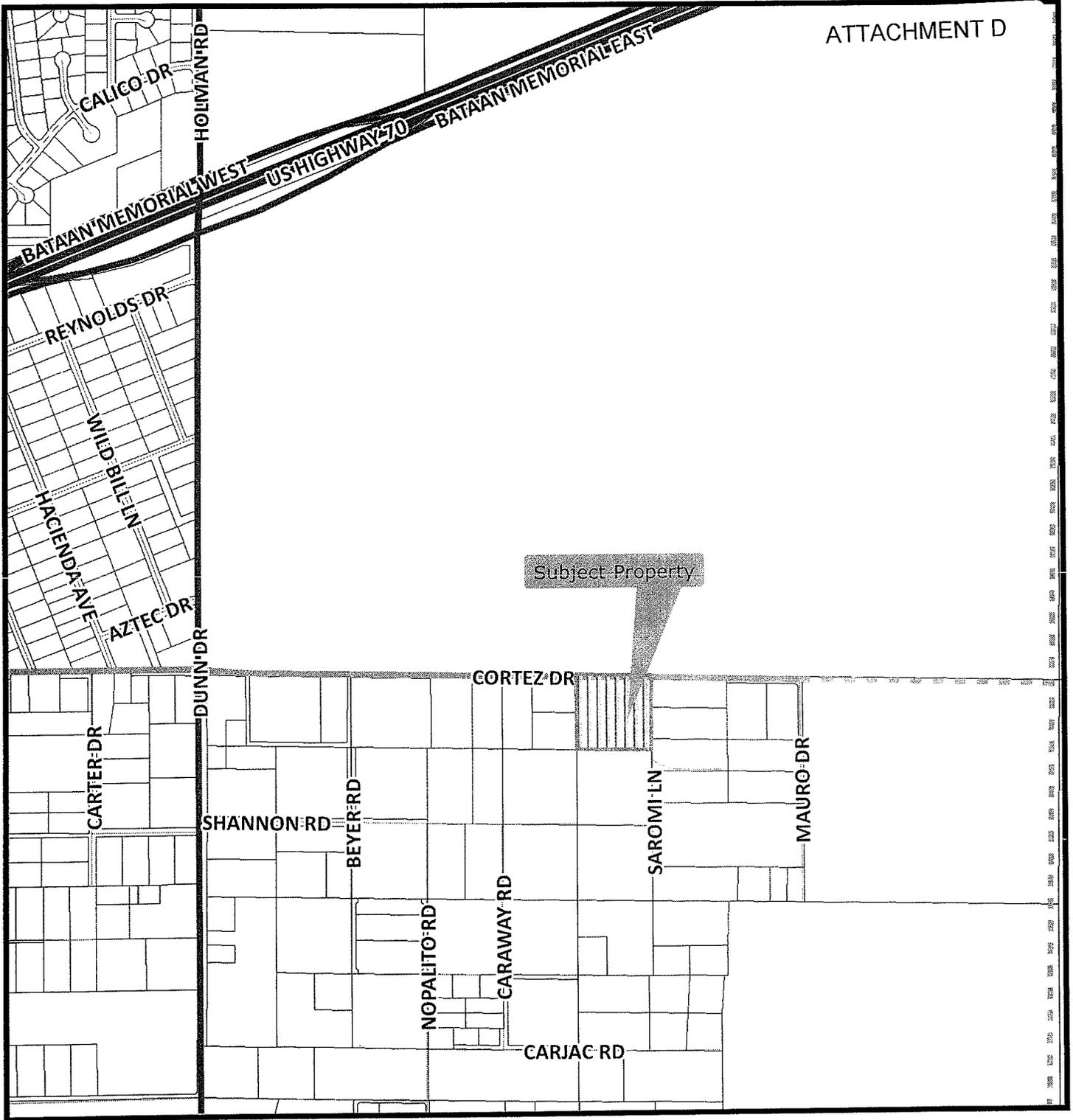
- 1
2 Gutierrez: Yes.
3
4 Stowe: In one opinion that might take a century.
5
6 Gutierrez: Yes. Yes I mean in my experience just dealing with ... I was involved with
7 acquisition of right-of-way on Elks Drive when that was improved and that
8 took some serious time. We had to prepare any legal descriptions and
9 deal with property owners, and that process was very intensive. Just
10 dealing with one property, just one, is a serious issue. We'd have to deal
11 with four adjacent to the west and then the State of New Mexico ...
12
13 Stowe: Right.
14
15 Gutierrez: Before we could even approach you know that issue. So it's a big deal.
16
17 Stowe: Ten years might be a feasible estimation.
18
19 Gutierrez: A good estimate. Yes. That's correct.
20
21 Stowe: Thank you.
22
23 Crane: Any other Commissioner have questions? Okay, thank you gentlemen.
24 Please sit down, and any member of the public wish to address this issue?
25 No one so indicates, so we'll close this to further discussion.
26 Commissioners, your wish?
27
28 Clifton: Mr. Chair, members of the Commission.
29
30 Crane: Mr. Clifton.
31
32 Clifton: Although the letter of the law does require these road improvements I
33 would argue that the applicant is giving up over 30,000 square feet of
34 property to the City through their dedication. That's approximately just
35 under three-quarters of an acre. In an R-1a zoning district you could get
36 on a regular standard street almost 10 lots out of that, that's a lot of dirt
37 they're giving to the City for half of a collector and half of a minor local that
38 probably won't have the traffic on it. And I think there's a reasonable trade
39 for property and improvements and with that I'll vote when we're prepared
40 to.
41
42 Crane: Are you figuring that as running ... that property running all the way down
43 to Dunn Road or just what's on the edges of this lot?
44
45 Clifton: Mr. Chair it was just a rough calculation on the adjacent edges of this lot in
46 particular.

- 1
2 Crane: Okay.
3
4 Clifton: The northern boundary, the 42.5-feet was just under 20,000 square feet
5 and Saromi was about 10,000 square feet.
6
7 Crane: Okay. Thank you. Comments from anyone else? I'm disappointed that
8 while the applicant has every right to bring up the fact to give a flag lot and
9 build a home for a family member is going to cost immense amounts of
10 money because of this road build out that's required, that he has not
11 offered a fee in lieu of this road work or said that he would be glad to sit
12 down with the City and work out something. This is what has been done
13 before in this kind of situation which is even before this Commission, more
14 than once in the six years or so I've been on it. Any other comments by
15 members?
16
17 Ferrary: The representative for the Gamboa family mentioned about Elks Drive
18 being you know kind of a patch work you know long, and I can see how
19 that is going to probably happen with this road even though it's not quite
20 as long to Dunn, but the responsibility of making those improvements in
21 front of other property owners and since this isn't really a development
22 that could share that amongst other you know lots being sold with homes,
23 there isn't a builder that could afford that kind of development, but I agree
24 that probably some type of consideration for partial, like just maybe what
25 the improvements would cost in front and on the side of the lot might be
26 something to consider.
27
28 Crane: Thank you. Anyone else? In that case Mr. Clifton would you like to make
29 a motion, possibly with the condition regarding fee in lieu of, which might
30 make it easier for some of us to vote for the waiver.
31
32 Clifton: Thank you Mr. Chair. I suspect I can craft a motion from that. I would like
33 to make a motion to approve a waiver request for Case S-13-030W,
34 conditioned that the applicant provide payment in lieu of road
35 improvements equal to the amount required by the City subdivision
36 standards.
37
38 Crane: Thank you, is there a second for that?
39
40 Stowe: Second.
41
42 Crane: Seconded by Mr. Stowe. Any further discussion? Mr. Alvarado.
43
44 Alvarado: Yes I'd like to ... do we have any idea at all how much the in lieu amount
45 is going to be? Does anybody have any ideas, \$10, \$10,000?
46

- 1 Crane: Ms. Harrison-Rogers can you help us, or anyone else with the City?
2
- 3 H-Rogers: Mr. Chair, Members of the Commission as ... as I am not an engineer and
4 I don't typically do the cost estimates, I'm not certain. We do have a
5 general number that sometimes we can throw out, but it's going to be in
6 the tens of thousands of dollars. I would also like to remind the
7 Commission that a fee in lieu is something ... a waiver's not required if a
8 fee in lieu is paid. Just so that you're aware. That a fee in lieu is
9 something that we will accept in lieu of the road improvements. It does
10 meet our standards and a waiver is not necessarily required as part of that
11 process.
12
- 13 Crane: Then how would we work that into a motion?
14
- 15 H-Rogers: Mr. Chair, Members of the Commission, I did hear from some of the
16 Commission members, that perhaps there was some interest in only
17 applying that fee in lieu to the areas immediately adjacent to the
18 subdivision as opposed to the entire length of the road all the way to
19 Dunn, that of course would be a waiver from the required standards, in
20 which case you could suggest that a fee in lieu for the remainder be a
21 condition.
22
- 23 Crane: I see, okay, Mr. Clifton does that ... was that intentioned? You had the fee
24 ... we would waive the requirement for the edges of the lot and then take a
25 fee in lieu for the extension down to Dunn, or were you ... had in mind a
26 fee in lieu of any roadwork at all?
27
- 28 Clifton: Mr. Chair, Commissioners, what I was struggling with was just what was
29 discussed and Ms. Rogers is absolutely correct in that if they did a
30 payment in lieu of road improvements for what was required, they would
31 not need a waiver. But with that said, as I sit here and think about that I
32 have to worry about how the City staff over time will track that payment
33 and when and how it will be applied. Twenty years from now the time
34 value, monies can be much different than it is now, so I would respectfully
35 rescind my initial request and I would recommend denial of waiver request
36 S-13-030W.
37
- 38 Crane: While we'll have to have a motion that it be approved and then if
39 necessary vote it down. And you wish to put aside the matter of payment
40 in lieu.
41
- 42 Clifton: That would be me my motion Mr Chair.
43
- 44 Crane: All right. So that's moved and Mr. ... who will second this? I will second it
45 if it's ... Ms. Ferrary you do it, it looks better on paper.
46

- 1 Ferrary: I'll second that.
 2
 3 Crane: All right. Thank you. Let's do a roll call vote starting with Mr. Clifton.
 4
 5 Clifton: Aye.
 6
 7 Crane: And you should ...
 8
 9 Clifton: Based on staff presentation and the relevant articles of the subdivision
 10 code and design standards.
 11
 12 Crane: You realize you are voting for the waiver?
 13
 14 Clifton: I believe I was voting for the motion which was to deny the waiver.
 15
 16 Crane: We have to have the motion phrased positively, so your motion would be
 17 to approve the waiver.
 18
 19 Clifton: Mr. Chair I vote no.
 20
 21 Crane: Right. And you have to give your reasons.
 22
 23 Clifton: Based on staff presentation, applicant's presentation, and the applicable
 24 code section from the subdivision regulations and the design standards.
 25
 26 Crane: Thank you. Mr. Stowe.
 27
 28 Stowe: I vote aye based on discussions this evening.
 29
 30 Crane: Ms. Ferrary.
 31
 32 Ferrary: I vote nay for site visit, discussion, and findings.
 33
 34 Crane: Mr. Alvarado.
 35
 36 Alvarado: I vote yes based on discussions, site visit, and presentation.
 37
 38 Crane: And the Chair votes nay based on findings, discussion, and site visit. So
 39 the motion fails two votes to three. Thank you.
 40
 41 2. **Case PUD-14-01:** An application of The Arbors at Del Rey located at 3731
 42 Del Rey Blvd, Parcel numbers 02-25264 and 02-25265, to rezone 2 lots
 43 totalling 4.98 +/- acres from C-2C (Commercial Medium Intensity,
 44 Conditional) to Planned Unit Development (PUD) in order to : (1) allow an
 45 existing nursing home/assisted living facility as a principal permitted use; (2)
 46 allow the raising of small animals as an accessory use to the assisted living

ATTACHMENT D



Community Development Department
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Las Cruces, NM 88001
(575) 528-3222