



Council Action and Executive Summary

Item # 10 Ordinance/Resolution# 15-046

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 15, 2014
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING A PAYMENT IN-LIEU AGREEMENT ACCEPTING A PAYMENT OF \$2,436.75 FOR THE REQUIRED ROAD IMPROVEMENTS TO KENNEDY ROAD ASSOCIATED WITH A PROPOSED REPLAT KNOWN AS ELEPHANT BUTTE LAND & TRUST COMPANY, SUBDIVISION A, REPLAT NO. 37 ON A 2.26 ± ACRE LOT LOCATED AT 1076 E. KENNEDY ROAD. SUBMITTED BY RICHARD P. & AURORA VALVERDE, PROPERTY OWNERS. (S-12-012W)

PURPOSE(S) OF ACTION:

Payment for proportionate share of road improvements associated with a proposed subdivision.

COUNCIL DISTRICT: 5		
<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 subdivision (replat) known as Elephant Butte Land & Trust Company, Subdivision A, Replat No. 37 is for a piece of land located on the south side of Kennedy Road, 0.19 ± miles west of its intersection with Elks Drive. The subdivision will split one (1) existing 2.26 ± acre single-family residential lot into two (2) new single-family residential lots. The City of Las Cruces Subdivision Code and Design Standards require the subdivision to provide the necessary road improvements to all streets adjacent to proposed subdivisions to the nearest paved roadway.

The proposed subdivision is adjacent to Kennedy Road, a principal arterial roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MVMPO). Kennedy Road is currently a 20 ± foot wide road surfaced with millings to Elks Drive, but does not meet City standards for pavement width and design. The applicants are responsible for dedicating one-half (1/2), 60 feet, of the required right-of-way for Kennedy Road adjacent to the proposed subdivision and are responsible for constructing their pro-rata share, one-half (1/2) of a principal arterial roadway, including sidewalk, curb and gutter for the entire 250.55 ± feet along the boundary line of the proposed subdivision. The applicants are also responsible for providing the equivalent of a

minor local roadway designed and constructed to a cross section approved by the City from the eastern boundary of the subdivision to Elks Drive. The applicants are proposing to dedicate the required right-of-way for Kennedy Road adjacent to the proposed subdivision, but requested a waiver of 100% of the required road improvements to Kennedy Road.

On September 24, 2013, the Planning and Zoning Commission (P&Z) recommended approval for the waiver request by a vote of 5-0, (two Commissioners absent). During the meeting much discussion took place on the issue of the specific standards requested to be waived. The P&Z questioned the current condition of Kennedy Road and the need of requiring the applicants to improve that portion of it. The P&Z did not believe the improvements and costs for them were warranted for the simple subdivision of one residential lot into two residential lots. Please see Attachment "B" for a more detailed summary of the discussion that took place at the P&Z meeting. Staff received one comment from a member of the public (phone call) stating that the required improvements were not needed at this time. No other comments about the proposed waiver were received.

On October 21, 2013, the City Council voted to table the case indefinitely by a vote of 6-0 (one Councilor recused). The City Council directed the applicants to work with staff to come up with a development agreement for their proportionate share of the required improvements to Kennedy Road. The applicants' engineer prepared a Proportionate Share Analysis (see attached Exhibit "A" for the analysis), which looked at the additional traffic added and impact to the roadway based on one additional lot being created by the subdivision and its relation to the costs associated with the required road improvements. City staff did review the analysis and agreed with the methodology used in the report. The result of the analysis indicated that the proportionate share of the impact to the roadway as a result of the new lot equated to \$2,436.75.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Proportionate Share Analysis.
3. Exhibit "B", Proposed Subdivision.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case S-12-012 & S-12-012W.
5. Attachment "B", Minutes from the September 24, 2013 Planning and Zoning Commission Meeting.
6. Attachment "C", Council Action and Executive Summary from the October 21, 2013 City Council Meeting for Case S-12-012.
7. Attachment "D", Minutes from the October 21, 2013 City Council Meeting.
8. Attachment "E", 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"/>	<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 accept the payment of \$2,436.75 and allow for a payment in-lieu agreement between the applicants and the City in lieu of the required road improvements for Kennedy Road. No road improvements in association with the proposed subdivision known as Elephant Butte Land & Trust Company Subdivision A, Replat No. 37 shall be required.
2. Vote "No"; this will deny the acceptance of the payment of \$2,436.75 and not allow the creation of a payment in-lieu agreement between the applicants and the City. Either road improvements or a full payment in lieu of road improvements for Kennedy Road shall be required in association with the proposed subdivision known as Elephant Butte Land & Trust Company Subdivision A, Replat No. 37.
3. Vote to "Amend"; this could allow Council to modify the Resolution by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Resolution and direct staff accordingly.

REFERENCE INFORMATION:

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

1. N/A

RESOLUTION NO. 15-046

A RESOLUTION APPROVING A PAYMENT IN-LIEU AGREEMENT ACCEPTING A PAYMENT OF \$2,436.75 FOR THE REQUIRED ROAD IMPROVEMENTS TO KENNEDY ROAD ASSOCIATED WITH A PROPOSED REPLAT KNOWN AS ELEPHANT BUTTE LAND & TRUST COMPANY, SUBDIVISION A, REPLAT NO. 37 ON A 2.26 ± ACRE LOT LOCATED AT 1076 E. KENNEDY ROAD. SUBMITTED BY RICHARD P. & AURORA VALVERDE, PROPERTY OWNERS. (S-12-012W)

The City Council is informed that:

WHEREAS, Richard P. and Aurora Valverde, the property owners, have submitted a request to enter a payment in-lieu agreement with the City of Las Cruces and provide a payment of \$2,436.75 for their proportionate share of the required road improvements to Kennedy Road, as shown in Exhibit "A"; and

WHEREAS, Kennedy Road is a 20 ± foot wide road surfaced with millings and does not meet City of Las Cruces 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 or property boundary to the nearest paved public roadway; and

WHEREAS, the City Council, after conducting a public hearing on October 21, 2013, tabled a request to waive 100% of the required road improvements for Kennedy Road by a vote of 6-0-0 (one member recused) and directed staff to work with the applicants to develop a development agreement.

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

(I)

THAT a payment in-lieu be provided and a payment of \$2,436.75 in lieu of the

required road improvements to Kennedy Road for the proposed replat, as shown in Exhibit "B", 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: _____

VOTE:

- Mayor Miyagishima: _____
- Councillor Silva: _____
- Councillor Smith: _____
- Councillor Pedroza: _____
- Councillor Small: _____
- Councillor Sorg: _____
- Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney

KENNEDY ROAD LOT SPILT – PROPORTIONATE SHARE ANALYSIS

April 2014

Prepared for Richard and Aurora Valverde

Prepared by John Montoya, PE, PTOE

PROPORTIONATE SHARE OF KENNEDY ROAD FOR LOT SPILT

The purpose of this analysis is to determine the impact of the additional lot to the roadway facility fronting the property. This would include a cost based on the traffic impact to current facility as well as the proposed (future) roadway. Proportionate share is based on traffic impact times the estimated construction cost of the improvements.

Current Condition

The addition of one residential lot will add an average rate of 9.57 vehicle trips per day based on the ITE trip generation manual for a single family detached housing on individual lots.

Currently, there are 27 lots that use Kennedy Road as primary access into their residential lots and one Church. Using the same trip generation methodology the 27 lots would potentially generate 259 vehicle trips per day (9.57 per lot). The church would contribute 37 vehicles per weekday and 147 vehicles on a Sunday, also based on the ITE trip generation manual. Distributing the weekend traffic to equivalent weekday traffic the total potential weekday traffic is 317 vehicles per day, which we'll use for ADT in the absence of observed counts. Therefore, the design hourly volume (DHV) is equal to 57. A directional split of 60/40 is used to compute level of service (LOS). The level of service for the existing roadway is a LOS "A", see attached analysis. Based on this, the addition of this lot does not impact the overall level of service of the current roadway configuration.

Impact of one Lot on Current Kennedy Road

The current percentage traffic impact or proportionate share from the addition of this lot is 3.02% (9.57/317) with no effect on the existing level of service.

Engineer's Opinion of Probable Construction Cost

The City's requirement for subdivision is such that they require a subdivider to construct or pay for a percentage or proportion of the improvements that are directly affected by the subdivision. In accordance to the request, a construction cost estimate has been prepared for that portion of roadway that extends from Elk Drive to the east corner of the lot. The cost for a minor local road is as follows:

**Kennedy Road for an Minor Local- Length of 996'
Engineer's Opinion of Probable Construction Cost - April 2014**

ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	ESTIMATED UNIT COST	ESTIMATED TOTAL COST
Unclassified Excavation	CY	463.5	\$ 4.55	\$ 2,109.00
Subgrade Preparation	SY	4213.8	\$ 1.14	\$ 4,803.71
Road Base Course, complete in place	TON	1279.9	\$ 16.09	\$ 20,594.15
Hot-Mix, Complete in place	TON	470.9	\$ 66.26	\$ 31,201.38
Curb and Gutter, complete in place	LF	50.0	\$ 14.63	\$ 731.50
Sidewalk, complete in place	SY	442.7	\$ 47.95	\$ 21,225.87
Total Estimated Cost				\$ 80,665.61

Unit Costs are based on the NMDOT's Average Unit Bid Prices.

These costs include the 2-12' lanes, 2-7' shoulders and sidewalk on one side. Existing right of way prohibits sidewalk on both sides. The current impact, based on traffic of the one lot for this portion of roadway is $3.02\% \times \$80,665.61 = \$2,419.97$.

Future Condition

Kennedy Road is listed on the MPO's Functional Classification and Proposed Thoroughfare Plan as a proposed principal arterial. This road is not complete and forecasting future traffic numbers becomes a balance of current area traffic generation and future traffic generation. The Las Cruces Interstate Highway Access Study projected that upon completion this roadway would provide an alternative route to US 70 which currently has an Average Annual Weekday Traffic of 38000 vehicles, based on MPO's traffic counts.

The traffic numbers projected for Kennedy Road based on the Las Cruces Interstate Highway Access Study indicates that the future traffic at the peak hour will be 2202 vehicles. Converting this to Average Daily Traffic (ADT), for comparison of the impact of one lot, is 18,350 ADT.

No growth factors are considered for the additional lot, a single lot will remain consistent throughout as growth occurs around the area including businesses and residential infill. The overall level of service is not impacted by the addition of one lot and remains a LOS "B", see attached.

Impact of one Lot on the Future Kennedy Road

Based on the future traffic the percentage traffic impact from the addition of one lot is 0.052% ($9.57/18350$).

Engineer's Opinion of Probable Construction Cost

The City's requirement for subdivision is such that they require a subdivider to construction or pay for a percentage or proportion of the improvements that are directly affected by the subdivision on future roadway facilities.

The portion of Kennedy Road along the frontage of the property is to be considered for a future width consistent to that of a principal arterial. The estimated construction cost for a principal arterial is as follows:

A portion of Kennedy Road for an Principal Arterial- Length of 255'

Engineer's Opinion of Probable Construction Cost - April 2014

ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	ESTIMATED UNIT COST	ESTIMATED TOTAL COST
Unclassified Excavation	CY	220.0	\$ 4.55	\$ 1,001.08
Subgrade Preparation	SY	1320.1	\$ 1.14	\$ 1504.93
Road Base Course, complete in place	TON	274.4	\$ 16.09	\$ 4,414.78
Hot-Mix, Complete in place	TON	188.1	\$ 66.26	\$ 12,463.88
Curb and Gutter, complete in place	LF	510.0	\$ 14.63	\$ 7,461.30
Sidewalk, complete in place	SY	113.3	\$ 47.95	\$ 5,432.74
Total Estimated Cost				\$ 32,278.70

Unit Costs are based on the NMDOT's Average Unit Bid Prices.

These costs include the unpaved median with curb/gutter, 2-12' lanes, curb/gutter, and sidewalk on one side. The future impact based on traffic of the one lot for this portion of roadway is 0.052% x \$32,278.70 = \$ 16.78.

Total Impact Cost

The impact based on a proportionate share for the improvement for both the roadway to Elks (\$2419.97) and the proposed principal arterial in front of the subdivided lot (\$16.78). The total impact cost as a result of this replat is \$2,436.75.

ATTACHMENTS

DIRECTIONAL TWO-LANE HIGHWAY SEGMENT WORKSHEET		
General Information		Site Information
Analyst	John Montoya	Highway / Direction of Travel Kennedy Road
Agency or Company	RV	From/To Elks to EOP
Date Performed	4/8/2014	Jurisdiction
Analysis Time Period	ADT	Analysis Year 2014
Project Description: Level of Service Analysis		
Input Data		
<p>Shoulder width _____ ft Lane width _____ ft Lane width _____ ft Shoulder width _____ ft Segment length, L_1 _____ mi</p>		<input type="checkbox"/> Class I highway <input checked="" type="checkbox"/> Class II highway <input type="checkbox"/> Class III highway Terrain <input checked="" type="checkbox"/> Level <input type="checkbox"/> Rolling Grade Length mi Up/down Peak-hour factor, PHF 0.88 No-passing zone 50% % Trucks and Buses, P_T 1 % % Recreational vehicles, P_R 1% Access points mi 8/mi
Analysis direction vol., V_d	13veh/h	
Opposing direction vol., V_o	13veh/h	
Shoulder width ft	0.0	
Lane Width ft	11.0	
Segment Length mi	1.0	
Average Travel Speed		
	Analysis Direction (d)	Opposing Direction (o)
Passenger-car equivalents for trucks, E_T (Exhibit 15-11 or 15-12)	1.9	1.9
Passenger-car equivalents for RVs, E_R (Exhibit 15-11 or 15-13)	1.0	1.0
Heavy-vehicle adjustment factor, $f_{HV,ATS} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$	0.991	0.991
Grade adjustment factor ¹ , $f_{g,ATS}$ (Exhibit 15-9)	1.00	1.00
Demand flow rate ² , v_i (pc/h) $v_i = V_i / (PHF * f_{g,ATS} * f_{HV,ATS})$	15	15
Estimated Free-Flow Speed		
Mean speed of sample ³ , S_{FM}	30	mi/h
Total demand flow rate, both directions, v		mi/h
Free-flow speed, $FFS = S_{FM} + 0.00776(v * f_{HV,ATS})$		30.0 mi/h
Adj. for no-passing zones, $f_{np,ATS}$ (Exhibit 15-15)	1.1 mi/h	mi/h
		Average travel speed, $ATS_d = FFS * 0.00776(v_{d,ATS} + v_{o,ATS}) - f_{np,ATS}$
		Percent free flow speed, PFFS 95.7 %
Percent Time-Spent-Following		
	Analysis Direction (d)	Opposing Direction (o)
Passenger-car equivalents for trucks, E_T (Exhibit 15-18 or 15-19)	1.1	1.1
Passenger-car equivalents for RVs, E_R (Exhibit 15-18 or 15-19)	1.0	1.0
Heavy-vehicle adjustment factor, $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$	0.999	0.999
Grade adjustment factor ¹ , $f_{g,PTSF}$ (Exhibit 15-16 or Ex 15-17)	1.00	1.00
Directional flow rate ² , v_i (pc/h) $v_i = V_i / (PHF * f_{HV,PTSF} * f_{g,PTSF})$	15	15
Base percent time-spent-following ⁴ , $BPTSF_d(%) = 100(1 - e^{-a v_d^b})$		1.9
Adj. for no-passing zone, $f_{np,PTSF}$ (Exhibit 15-21)		46.4
Percent time-spent-following, $PTSF_d(%) = BPTSF_d + f_{np,PTSF} * (v_{d,PTSF} / v_{d,PTSF} + v_{o,PTSF})$		25.1
Level of Service and Other Performance Measures		
Level of service, LOS (Exhibit 15-3)		A
Volume to capacity ratio, v/c		0.01

Capacity, $C_{d,ATS}$ (Equation 15-12) pc/h	1685
Capacity, $C_{d,PTSF}$ (Equation 15-13) pc/h	1698
Percent Free-Flow Speed $PFFS_d$ (Equation 15-11 - Class III only)	95.7
Bicycle Level of Service	
Directional demand flow rate in outside lane, v_{OL} (Eq. 15-24) veh/h	14.8
Effective width, W_v (Eq. 15-29) ft	21.28
Effective speed factor, S_f (Eq. 15-30)	3.39
Bicycle level of service score, BLOS (Eq. 15-31)	1.76
Bicycle level of service (Exhibit 15-4)	B

Notes

- Note that the adjustment factor for level terrain is 1.00, as level terrain is one of the base conditions. For the purpose of grade adjustment, specific downgrade segments are treated as level terrain.
- If $v_i(v_d \text{ or } v_o) \geq 1,700$ pc/h, terminate analysis—the LOS is F.
- For the analysis direction only and for $v > 200$ veh/h.
- For the analysis direction only
- Exhibit 15-20 provides coefficients a and b for Equation 15-10.
- Use alternative Exhibit 15-14 if some trucks operate at crawl speeds on a specific downgrade.

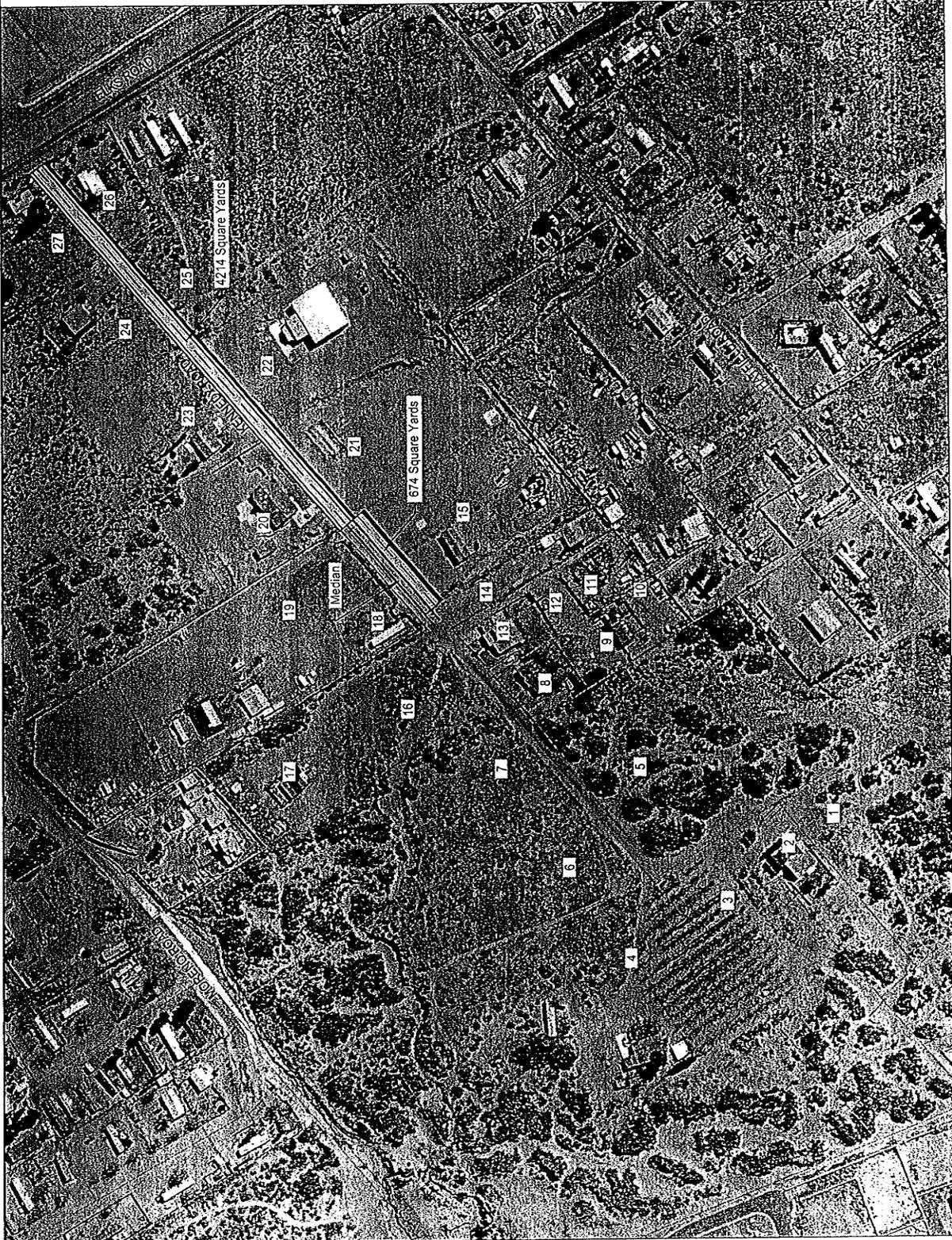
MULTILANE HIGHWAYS WORKSHEET(Direction 2)																															
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Operations <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td colspan="2">Operational (LOS)</td> </tr> <tr> <td>Flow Rate, v_p (pc/h/ln)</td> <td>676</td> </tr> <tr> <td>Speed, S (mi/h)</td> <td>45.0</td> </tr> <tr> <td>D (pc/mi/ln)</td> <td>15.0</td> </tr> <tr> <td>LOS</td> <td>B</td> </tr> </tbody> </table>		Operational (LOS)		Flow Rate, v_p (pc/h/ln)	676	Speed, S (mi/h)	45.0	D (pc/mi/ln)	15.0	LOS	B	Design <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td colspan="2">Design (N)</td> </tr> <tr> <td colspan="2">Required Number of Lanes, N</td> </tr> <tr> <td colspan="2">Flow Rate, v_p (pc/h)</td> </tr> <tr> <td colspan="2">Max Service Flow Rate (pc/h/ln)</td> </tr> <tr> <td colspan="2">Design LOS</td> </tr> </tbody> </table>		Design (N)		Required Number of Lanes, N		Flow Rate, v_p (pc/h)		Max Service Flow Rate (pc/h/ln)		Design LOS									
Operational (LOS)																															
Flow Rate, v_p (pc/h/ln)	676																														
Speed, S (mi/h)	45.0																														
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Flow Rate, v_p (pc/h)																															
Max Service Flow Rate (pc/h/ln)																															
Design LOS																															
Bicycle Level of Service <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td>Directional demand flow rate in outside lane, v_{OL} (Eq. 15-24) veh/h</td> <td style="text-align: right;">660.3</td> </tr> </tbody> </table>				Directional demand flow rate in outside lane, v_{OL} (Eq. 15-24) veh/h	660.3																										
Directional demand flow rate in outside lane, v_{OL} (Eq. 15-24) veh/h	660.3																														

Effective width, W_v (Eq. 15-29) ft	24.00
Effective speed factor, S_f (Eq. 15-30)	4.42
Bicycle level of service score, BLOS (Eq. 15-31)	3.29
Bicycle level of service (Exhibit 15-4)	C

LEGEND

- 25 Numbered parcels based on county information and aerial photo indicating potential or used access.
- DAC property line designation.
- 4214 Paved area (SY) for minor local per City of Las Cruces design standards.
- 674 Paved area (SY) for minor arterial - 1 per City of Las Cruces design standards.

AREA MAP SHOWING NUMBER OF PARCELS ON KENNEDY AND AREAS OF ROADWAYS TO MEET CITY'S REQUIREMENTS.



Elephant Butte Land & Trust Co. Subdivision "A" - Replat #37

REPLAT OF LOT 1, Elephant Butte Land & Trust Co. Subdivision "A" Replat #21, Amended May 1992, Filed May 22, 1992, Plat Book 17, Page 180 in the records of the Dona Ana County Clerk's Office. LOCATED IN PROJECTED SECTION 25, TOWNSHIP 22 SOUTH, RANGE 1 EAST, N.M.P.M., LAS CRUCES, DONA ANA COUNTY, NEW MEXICO.

June 15, 2013

UTILITY APPROVALS
NOTE: 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 DEDICATED PARCELS.

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

CENTURYLINK COMMUNICATIONS
EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO CENTURYLINK COMMUNICATIONS, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF (UNDERGROUND ONLY), (OVERHEAD ONLY), (UNDERGROUND AND/OR OVERHEAD), (UNDERGROUND AND DESIGNATED OVERHEAD FEEDER) TELEPHONE UTILITIES.

DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF UNDERGROUND WATER UTILITIES.

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

CITY OF LAS CRUCES
THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES, AND ALL THE REQUIREMENTS FOR APPROVAL OF THE ABOVE PLAT HAVE BEEN COMPLETED BY THE PLANNING AUTHORITY FOR APPROVAL OF THE PLAT.

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

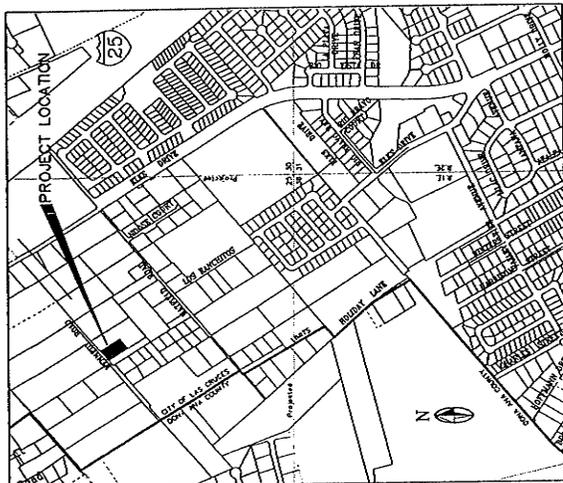
BY: _____ DATE: _____
BY: _____ DATE: _____
BY: _____ DATE: _____

BY: _____ DATE: _____
BY: _____ DATE: _____
BY: _____ DATE: _____

PLAT NO. _____ RECEPTION NO. _____
STATE OF NEW MEXICO | \$5.
COUNTY OF DONA ANA | \$5.
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS _____ DAY OF _____, 20____ AT _____ O'CLOCK AND DULY RECORDED IN PLAT RECORD _____ PAGE(S) _____ FILED IN THE RECORDS OF SAID COUNTY.

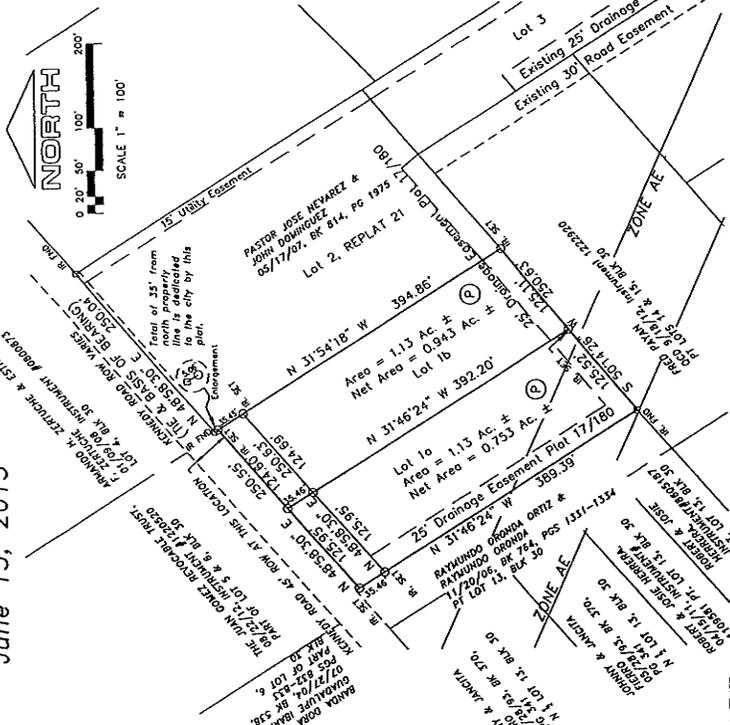
COUNTY CLERK _____ DEPUTY CLERK _____

BY COMMISSION EXPRES: _____



VICINITY MAP (NOT TO SCALE)

- LEGEND**
- 1/2" Rebar set with an orange plastic cap
 - 1/2" Rebar found, Accepted.
 - Drainage Easement
 - Road Easement / Right of Way
 - Ⓟ On Lot Pending Required



- NOTES:**
- PORTIONS OF THIS PROPERTY ARE LOCATED IN FLOOD ZONE X. AS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN, MAKE SURE ANY PROPERTY IS LOCATED IN AN SPECIAL FLOOD HAZARD ZONE PER PLAT BOOK 17, PAGE 180. ANY DEVELOPMENT OR SUBSTANTIAL IMPROVEMENTS WILL REQUIRE THE INDIVIDUAL PROPERTY OWNER TO MEET FEMA'S LETTER OF MAP CHANGE PROCESS.
 - EXCESS STORM WATER TO BE RETAINED WITHIN EACH LOT. MAINTENANCE OF THE ON-LOT POND AND THE DRAINAGE EASEMENT IS THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS. EXISTING 25' DRAINAGE EASEMENT PER PLAT BOOK 17, PAGE 180. DRAINAGE EASEMENT MAY NOT BE BLOCKED OR ALTERED WITHOUT AN ENGINEERED SOLUTION.
 - THE PURPOSE OF THIS SURVEY IS TO SPLIT LOT 1 AND DEDICATE AN ADDITIONAL 35' (9768 SQ. FT.) FOR RIGHT OF WAY ON KENNEDY ROAD.
 - INFORMATION FROM ELEPHANT BUTTE LAND & TRUST SUBDIVISION "A", REPLAT 21, AMENDED MAY 1992, PLAT BOOK 17, PAGES 180, SHOWN HEREON. EASEMENTS SHOWN ARE EXISTING AS DESCRIBED IN REPLAT 21.
 - BEARS OF BEARING WAS DETERMINED BETWEEN TWO MONUMENTS BEING NORTH LINE BETWEEN NE CORNER LOT 1 AND NE CORNER OF LOT 2, AS RECORDED IN PLAT BOOK 17, PAGES 180 OF THE DONA ANA COUNTY RECORDS.
 - TOTAL ACRES AREA OF LOT 1 IS 0.23 ACRES ±. AREA DEDICATED TO THE CITY ± 0.23 ACRES ±. THEREFORE THE NET AREA IS 1.799 ACRES ±.
 - THE PROPERTY OWNER/APPLICANT/SUBDIVIDER IS RESPONSIBLE FOR ALL NECESSARY EASEMENTS AND THE NECESSARY UTILITY RIGHTS AND SERVICES IN COMPLIANCE WITH ALL APPLICABLE LAS CRUCES UTILITY STANDARDS.

SURVEYOR'S CERTIFICATION
I, JOHN T. MONTOYA, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

JOHN T. MONTOYA, PE/PS PS 13057
1409 SUE CT., LAS CRUCES, NM 88007
(575) 647-1315 OR (575) 522-0049

THE TRACT OF LAND SHOWN HEREON IS TO BE KNOWN AS ELEPHANT BUTTE LAND & TRUST CO., SUBDIVISION "A" - REPLAT #37.

ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO 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 ARE GRANTED FOR THE USE OF EASEMENTS INDICATED. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS SHOWN ON THIS PLAT IS ALLOWED.

THE REPLAT HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNERS OF THE LAND SHOWN HEREON.

WE, THE UNDERSIGNED OWNERS DO HEREBY SET OUR HANDS THIS _____ DAY OF _____, 20____.

AURORA VALVERDE
915 MCCOY
LAS CRUCES, NM 88007

RICHARD P. VALVERDE (575) 526-7744
915 MCCOY
LAS CRUCES, NM 88007

INSTRUMENT OF DEDICATION: RICHARD P. VALVERDE & AURORA VALVERDE
DAC CLERK'S INSTRUMENT NUMBER 1002237, RECORDED ON 1/27/2011.

STATE OF NEW MEXICO | \$5.
COUNTY OF DONA ANA | \$5.
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY RICHARD P. VALVERDE AND AURORA VALVERDE.
(NOTARY PUBLIC)
MY COMMISSION EXPIRES: _____

177

**A portion of Kennedy Road for an Minor Local- Length of 996'
Engineer's Opinion of Probable Construction Cost - April 2014**

ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	ESTIMATED UNIT COST	ESTIMATED TOTAL COST
Unclassified Excavation	CY	463.5	\$ 4.55	\$ 2,109.00
Subgrade Preparation	SY	4213.8	\$ 1.14	\$ 4,803.71
Road Base Course, complete in place	TON	1279.9	\$ 16.09	\$ 20,594.15
Hot-Mix, Complete in place	TON	470.9	\$ 66.26	\$ 31,201.38
Curb and Gutter, complete in place	LF	50.0	\$ 14.63	\$ 731.50
Sidewalk, complete in place	SY	442.7	\$ 47.95	\$ 21,225.87
Total Estimated Cost				\$ 80,665.61

Unit Costs from NMDOT's Average Bid Item Costs

3.02% of total cost \$ 2,419.97

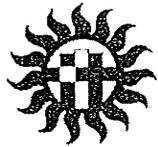
**A portion of Kennedy Road for an Principal Arterial- Length of 255'
Engineer's Opinion of Probable Construction Cost - April 2014**

ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
Unclassified Excavation	CY	220.0	\$ 4.55	\$ 1,001.08
Subgrade Preparation	SY	1320.1	\$ 1.14	\$ 1,504.93
Road Base Course, complete in place	TON	274.4	\$ 16.09	\$ 4,414.78
Hot-Mix, Complete in place	TON	188.1	\$ 66.26	\$ 12,463.88
Curb and Gutter, complete in place	LF	510.0	\$ 14.63	\$ 7,461.30
Sidewalk, complete in place	SY	113.3	\$ 47.95	\$ 5,432.74
Total Estimated Cost				\$ 32,278.70

Unit Costs from NMDOT's Average Bid Item Costs

0.052% of total cost \$ 16.78

Total Proportionate amount based on impact of one lot addition \$ 2,436.75



City of Las Cruces

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: September 24, 2013

Drafted by: Adam Ochoa, Planner *AO*

CASE #	S-12-012 & S-12-012W	PROJECT NAME:	Elephant Butte Land & Trust Company Subdivision A, Replat No. 37 and Waiver Request
APPLICANT/ REPRESENTATIVE:	Richard P. & Aurora Valverde	PROPERTY OWNER:	Richard P. & Aurora Valverde
LOCATION:	Located on the southeast side of Kennedy Road, 0.19 \pm miles southwest of its intersection with Elks Drive	COUNCIL DISTRICT:	5 (Councillor Sorg)
SIZE:	2.26 \pm acres	EXISTING ZONING/ OVERLAY:	REM (Single-Family Residential Estate Mobile)
REQUEST/ APPLICATION TYPE:	Request for approval of a replat known as Elephant Butte Land & Trust Company Subdivision A, Replat No. 37 and a request for a waiver from the corresponding road improvements and road dedication		
EXISTING USE:	One (1) single-family residential lot		
PROPOSED USE:	Two (2) single-family residential lots		
DRC RECOMMENDATION:	Approval of the subdivision based on findings for case S-12-012 Denial of the waiver based on findings for case S-12-012W		

TABLE 1: CASE CHRONOLOGY

Date	Action
March 22, 2012	Application submitted to Development Services
March 26, 2012	Initial review sent out for review to all reviewing departments
July 1, 2013	Final comments returned by all reviewing departments
July 24, 2013	DRC reviews and recommends approval for the proposed subdivision and denial for the proposed waiver request

September 8, 2013	Newspaper Advertisement
September 6, 2013	Public notice letter mailed to neighboring property owners
September 6, 2013	Sign posted on property
September 24, 2013	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The proposed replat known as Elephant Butte Land and Trust Company Subdivision A, Replat No. 37 will split one (1) existing 2.26 ± acre single-family residential lot into two (2) new single-family lots. Lot 1A, which is currently consists of a single-family residence, will encompass 0.753 ± acres and Lot 1B, which is currently vacant/undeveloped, will encompass 0.943 ± acres. The City of Las Cruces Subdivision Code and Design Standards require the dedication of right-of-way and the construction of road improvements along applicable roadways as part of the subdivision process. The applicants are required to dedicate and construct half of the street cross-section (60-feet) for Kennedy Road, designated as a proposed Principal Arterial roadway by the Metropolitan Planning Organization (MPO), from the boundary of the subdivision to the nearest paved public road, Elks Drive. The applicants are proposing to dedicate the right-of-way fronting the proposed subdivision, but are requesting to waive the remaining right-of-way dedication required along Kennedy Road to Elks Drive and 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.)	0.44	0.88	2
Lot Area	2.26 ± acres	Lot 1A: 0.753 ± acres Lot 1B: 0.943 ± acres	0.5 acres minimum
Lot Width	250.55 ± feet	Lot 1A: 125.95 ± feet Lot 1B: 124.60 ± feet	100 feet minimum
Lot Depth	427.66 ± feet	Lot 1A: 389.39 ± feet Lot 1B: 394.86 ± feet	100 feet minimum
Structure Height	13 ± feet	Lot 1A: 13 ± feet Lot 1B: N/A	35 feet maximum
Setbacks			
Front	116 ± feet	Lot 1A: 116 ± feet Lot 1B: N/A	25 feet minimum
Side	40 ± feet	Lot 1A: 40 ± feet Lot 1B: N/A	15 feet minimum
Side	124 ± feet	Lot 1A: 15 feet Lot 1B: N/A	15 feet minimum
Rear	243 ± feet	Lot 1A: 243 ± feet Lot 1B: N/A	15 feet minimum
Accessory Structure	2 structures totaling 500 ± square feet	Unknown	5% of the total land area of the property
Parking			
Vehicular	2	Unknown	2 auto parking stalls per dwelling unit min.
Bicycle	N/A	N/A	N/A
ROW Dedication	N/A	An additional 35.45 feet dedicated for Kennedy Road	An additional 35.45 feet dedicated for Kennedy Road

TABLE 3: SPECIAL CHARACTERISTICS 182

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

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

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance	N/A
Resolution	N/A
Subdivision	Lot 1 of Elephant Butte

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Case S-12-012 (Replat) - For specific comments and/or conditions for, see attached.

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

Case S-12-012W (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	Yes	Yes
CLC Utilities	Deferred	N/A
CLC Parks	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Conclusion:

The subdivision of one (1) existing 2.26 ± acre single-family residential lot zoned REM (Single-Family Residential Estate Mobile) into two (2) new single-family residential lots meets all development standards of the REM zoning district. The City of Las Cruces Subdivision Code and Design Standards require all subdividers to provide the necessary amount of right-of-way dedication and road improvements to all streets adjacent to the proposed subdivision to the nearest paved street. The proposed replat is adjacent to Kennedy Road, a proposed Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO), which is required have a 120-foot wide street section including sidewalk, curb and gutter.

Kennedy Road from the proposed subdivision to Elks Drive is currently a 20 ± foot wide paved road. Kennedy Road currently does not comply with City standards. The applicants are responsible for providing the required additional right-of-way dedication and the construction of the road improvements along Kennedy Road from the subdivision to the nearest paved road, which is Elks Drive. This includes dedicating one-half (1/2) of the required 120-foot wide street section of Kennedy Road and constructing that 60-foot wide street segment including sidewalk, curb and gutter from the subdivision for 0.19 ± miles to Elks Drive, the nearest paved public roadway. The applicants are proposing to dedicate the required additional right-of-way for Kennedy Road along the front property line of the replat, but are requesting to waive the remaining required right-of-way dedication from the property boundary to Elks Drive and to waive 100% of the required road improvements.

The applicant's stated rationale for the request is that they perceive the proposed subdivision creating only one additional residential lot will not increase the amount of traffic along Kennedy Road to a level requiring this magnitude of improvements. The applicants have also stated the design and construction of the road should be done in its entirety to ensure proper functionality, alignment and drainage and requiring an individual to provide the requirements is overly burdensome and impractical. The applicants conclude by stating that the cost for constructing the required road improvements and obtaining the additional right-of-way dedication from the properties adjacent to Kennedy Road are too extreme for the purpose of only splitting one existing residential lot into two new residential lots.

The hardships expressed by the applicants and listed above do not demonstrate a substantial hardship for approval of a waiver request as outlined in Article 6, Section 37-332 of the City of Las Cruces Subdivision Code; specifically, the hardship must be "due to exceptional topographic, soil, or other surface or sub-surface conditions or that such conditions would result in inhibiting the objectives of the code." Furthermore, as areas throughout the City have been developed and waivers to road improvements granted, the proliferation of 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..." Based on the intent of the code, the waiver request is not justified.

DRC RECOMMENDATION

On July 24, 2013 the Development Review Committee (DRC) reviewed the proposed replat and waiver request. The DRC reviews subdivisions from an infrastructure, utilities and improvement standpoint. After some discussion the DRC recommended approval for the proposed replat and denial for the proposed waiver request. Please refer to Attachment #5 for more details about the discussions that took place at the DRC meeting.

STAFF RECOMMENDATION

Staff recommends **DENIAL** for the proposed waiver to road improvements and right-of-way dedication and **APPROVAL** for the proposed replat 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 Principal Arterial 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)

FINDINGS FOR APPROVAL OF CASE S-12-012 (SUBDIVISION)

1. The proposed replat is proposing to subdivide one (1) existing 2.26 ± acre tract zoned REM (Single-Family Residential Estate Mobile) into two (2) new single-family residential lots and meets all development standards of the REM zoning district. (2001 Zoning Code Article 4, Section 38-31D)
2. The proposal is consistent with the requirements of the City of Las Cruces Subdivision Code for a replat. The applicants will either have to obtain approval of the proposed waiver request or will have to provide the required right-of-way dedication and road improvements to Kennedy Road to finalize the proposed replat.

ATTACHMENTS

1. Vicinity Map
2. Aerial Map
3. Development Statement
4. Proposed Subdivision
5. Applicant's Waiver Request
6. DRC Minutes dated July 24, 2013
7. Reviewing Department/Agency Comments and/or Conditions

ATTACHMENT #2



Legend

DAC_2010.ecw

RGB

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



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

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

DEVELOPMENT STATEMENT for City Subdivision/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: RICHARD VALVERDE

Contact Person: ADAM OCHOA

Contact Phone Number: 528-3204

Contact e-mail Address: _____

Web site address (if applicable): _____

Proposal Information

Name of Proposal: _____

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

SINGLE FAMILY SUBDIVISION

Location of Subject Property KENNEDY ROAD

(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: 1.014 (LOT) 1.015 (LOT) -

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

SEE ATTACHED (PIAT #22)

ELEPHANT BUTTE LAND TRUST CO. SUBDIVISION "A"

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

SEE ATTACHED DESCRIPTION PIAT

Zoning of Subject Property: REM

Proposed Zoning (If applicable): _____

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

Proposed square footage range of homes to be built from 2000^{sq} to 2000^{sq}

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

SINGLE FAMILY HOME

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

N/A

Anticipated traffic generation 4 trips per day.

Anticipated development schedule: work will commence on or about UNKNOWN and will take _____ 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). AT THIS TIME NONE

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? _____

Are there existing buffers on the property? _____

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

SUPPLEMENTAL SUBDIVISION APPLICATION INFORMATION

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

Submitted herewith is the following material for: Elephant Butte Land Trust Co.
Name of Subdivision

Gross Area of Subdivision 2.029 Acres Property located within REM Zone(s)

Number of Lots 2 (if Replat list existing and proposed number of lots)

Dwelling Units / Acre 1 Acres for Residential 2.029

Acres for Streets .20 Acres for Other _____

Request for Waiver(s) (Written justification is required): see attached letter (waiver)

The legal description for the total area in this plat is as shown in Deed Book 30 BN-17
Page(s) 180, filed on the MAY day of 92

Applicant's Surveyor: JOHN F MONTOYA 1409 SUE CT. 522
Name Address Phone No.
0049

Applicant's Engineer: SAME AS ABOVE
Name Address Phone No.

MAY - 1992 BOOK 17 D 10:22 AM
PLAT BOOK 17 PAGE 180
PLAT # 2324

March 16, 2013

Mr. Adam Ochoa
City of Las Cruces, Community Development Department
P.O. Box 20000
Las Cruces, NM 88001

**Re: Lot 1, Elephant Butte Land & Trust Co. Subdivision "A", Replat No. 21, Amended May 1992.
Waiver Request for .23 acres dedicated for Improvements to Kennedy Road – Replat #37.**

Dear Mr. Ochoa:

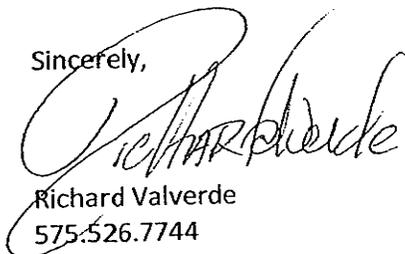
I respectfully request a waiver to the requirements of the City of Las Cruces Design Standards for the improvements to Kennedy Road, a Proposed Principal Arterial as designated on the City of Las Cruces MPO Functional Classification and Thoroughfare Plan. I'm creating a two lot subdivision directly adjacent to this roadway as such I'm obligated to construct a full Principal Arterial roadway cross section. I'm retired from the construction section of NMDOT and find this requirement to overly burdensome and impractical for the following reasons:

- Impractical in that, I would have to develop a section adjacent to this property that needs to predict the alignment both vertical and horizontal of this roadway. In order to do that correctly the roadway should be designed in its entirety to ensure proper functionality alignment as well as drainage. Location studies per NMDOT, which is accepted by FHWA, would normally take 2 to 4 years and expecting a private individual to compete this task for a two lot split is overly burdensome.
- The impact of the creation of one additional residential lot does not raise the traffic loading on Kennedy Road to a level requiring this magnitude of improvements.
- The second lot to be created by this land split is an affordable parcel which meets the criteria for utilities and will be conveyed in the future, or retained for a family member.
- The water & sewer system in this area would also need to be determined and completed to ensure that the road would not be removed to install infrastructure. The proper way to accomplish this is to construction the lines from beginning to end which would prove to be very costly and an impractical request for a simple lot split. To place utilities in anticipation of the future infrastructure is untimely and also commits the next project to assumed design parameters set by our assumptions along this corridor. Thus forcing the next contractor to connect to a portion of line that he has no control over. Causing warranty problems for the entire portion of the system.

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

Should you have any question or require and further information, please do not hesitate to contract me.

Sincerely,



Richard Valverde
575.526.7744

DEVELOPMENT REVIEW COMMITTEE (DRC)

July 24, 2013

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, July 24, 2013, at 9:00 a.m. in Room 1158 located at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

DRC PRESENT: Robert Kyle, Community Development (Chair)
 Mark Dubbin, Fire Department
 Tom Murphy, MPO
 Mark Johnston, Parks and Recreation
 Michael Hernandez, Public Works, Land Management
 Willie Ramon, Traffic Engineering
 Rocio Dominguez, Comm. Development/Engineering Services

STAFF PRESENT: Adam Ochoa, Development Services
 Katherine Harrison-Rogers, Development Services
 Natasha Billy, Comm. Development/Engineering Services
 Bonnie Ennis, Recording Secretary

OTHERS PRESENT: John Montoya, representing the property owner
 Richard Valverde, Property Owner

I. CALL TO ORDER (9:00 am)

Robert Kyle called the meeting to order.

II. APPROVAL OF MINUTES

1. July 17, 2013

Kyle: The first item of business is approval of the minutes from July 17, 2013 DRC meeting. Were there any corrections to the minutes? Seeing none can I have a motion to approve the minutes?

Dubbin: So moved. Mark Dubbin.

Dominguez: Second. Rocio Dominguez.

Kyle: All those in favor please signify by saying aye.

All: Aye

Kyle: Any opposed? Very well, the minutes are approved with that clarification.

III. OLD BUSINESS – None

1
2 **IV. NEW BUSINESS**
3

4 **1. S-12-012 – Elephant Butte Land & Trust Co. Subdivision “A”, Replat No.**
5 **37**

- 6 • A request for approval of a replat known as Elephant Butte Land & Trust
7 Co. Subdivision “A”, Replat No. 37.
8 • The replat is proposing to subdivide one (1) existing single-family
9 residential lot into two (2) single-family residential lots.
10 • The subject property encompasses 2.26 ± acres, is zoned REM (Single-
11 Family Residential Estate Mobile) and is located on the southeast side of
12 Kennedy Road, 0.19 ± miles southwest of its intersection with Elks Drive.
13 • Submitted by Richard & Aurora Valverde, property owners.

14
15 **2. S-12-012W – Elephant Butte Land & Trust Co. Subdivision “A”, Replat**
16 **No. 37, Waiver Request**

- 17 • A request for approval of a waiver to road improvements for a replat
18 known as Elephant Butte Land & Trust Co. Subdivision “A”, Replat No. 37.
19 • The proposed replat requires the applicant to dedicate the additional right-
20 of-way and improve half of the required cross-section of Kennedy Road, a
21 designated Principal Arterial roadway per the Metropolitan Planning
22 Organization (MPO), for the entire 250 ± feet of frontage along the
23 northwestern property line of the subject property.
24 • The applicant is proposing to dedicate the additional right-of-way for
25 Kennedy Road, but is proposing to provide no road improvements for the
26 roadway.
27 • The subject property encompasses 2.26 ± acres, is zoned REM (Single-
28 Family Residential Estate Mobile) and is located on the southeast side of
29 Kennedy Road, 0.19 ± miles southwest of its intersection with Elks Drive.
30 • Submitted by Richard & Aurora Valverde, property owners.

31
32 Kyle: Two New Business items, they're related to the same request, however,
33 the first item, S-12-012, Elephant Butte Land & Trust Company
34 Subdivision “A”, Replat no. 37; and then with that there's accompanying S-
35 12-012W, which is a waiver request associated with that same
36 subdivision. Staff, can you give us a briefing of the requests?

37
38 Ochoa: Sure. Adam Ochoa, Development Services, for the record. The
39 subdivision itself, the Elephant Land & Trust Company Subdivision “A”,
40 Replat no. 37, is a request to subdivide one existing single-family
41 residential lot into two new single-family residential lots. The lot currently
42 existing out encompasses approximately 2.26 acres and is zoned REM,
43 Single-Family Residential Mobile Estates. This property is located on the
44 southeast side of Kennedy Road about .19 mile southwest of its
45 intersection with Elks Road out there in the Elks area. When the property
46 is subdivided both lots will be approximately 1.13 acres. That is net, I

1 believe, but after easements and so forth they still meet the minimum
2 requirements for an REM zoning designation.

3 The proposed subdivision does require for road improvements and
4 additional dedication along Kennedy Road, an existing Principle Arterial
5 roadway as classified by the Metropolitan Planning Organization. So the
6 applicant is required to dedicate and required improvements to half of that
7 cross-section for a Principle Arterial roadway for approximately 250 feet of
8 frontage along that property line or the subdivision line of the proposed
9 subdivision. The applicant is proposing to dedicate additional right-of-way
10 for his half of Kennedy Road but is proposing to provide no road
11 improvements to Kennedy Road stating the impracticality of building a
12 road out there, not only the alignment and generally the large cost of doing
13 so.

14 The review came back in 2012 and went through four reviews for
15 the subdivision itself. Everybody finally did approve all those, mostly with
16 conditions about either the waiver request or construction of the road
17 being required and the waiver request did go through a review as well with
18 that. Other than that, that is about it and I stand for questions.

19
20 Kyle: Very good. Thank you. Does the applicant have anything to add?

21
22 Montoya: On behalf of the applicant John Montoya. The applicant is to my left
23 here, is Richard Valverde. I just wanted to add that it's pretty rural out
24 there. There's not much has been going on and I know that this is already
25 Replat no. 37 so I'm just curious. I want to make the statement that
26 nobody else has done anything else out there and these old Elephant
27 Butte Land & Trust subdivisions are all over that area and kind of a mess.

28
29 Kyle: All right, let's start off and go around the room and then we'll solicit staff
30 comments. MPO?

31
32 Murphy: Tom Murphy, MPO. We have no issues with the request. Just for the
33 Committee's knowledge Kennedy Road will line up with the recently
34 completed Engler underpass from Interstate 25; so with that recent project
35 being completed we probably expect that there'll be a lot more happening
36 in that area. That is all.

37
38 Kyle: MPO supports the subdivision and waiver request?

39
40 Murphy: Support the subdivision; probably want to defer on the... I don't see any
41 MPO issues with the waiver at this point; however, I do want to defer my
42 vote until I hear what the other agencies state.

43
44 Kyle: Very well. Parks and Rec?

45
46 Johnston: A couple of questions. One is: are there any current dwelling units on the

- 1 lot as it exists now?
2
- 3 Valverde: Yes.
4
- 5 Johnston: Is it on one of the lots, on both of the lots?
6
- 7 Valverde: One of the lots, the one on the west side.
8
- 9 Johnston: Okay, park impact fees will only apply to the new lot developed. That's it
10 for me.
11
- 12 Kyle: Okay. Traffic, since you're rather new, do you have any comments?
13
- 14 Ramon: Originally this plat was approved through Dan Soriano. Right?
15
- 16 Kyle: That is correct. Yes.
17
- 18 Ramon: I looked at it this morning and saw that. I did speak with Jeff this morning.
19 We cannot be in support of the waiver simply for the fact that we can't
20 come back later and have to do improvements to the road. Pretty much
21 every waiver request that's coming forward now that has a waiver to not
22 do road improvements we have been denying.
23
- 24 Kyle: Okay. Utilities is not with us. Correct? Land Management?
25
- 26 Hernandez: Michael Hernandez, Land Management has no issues.
27
- 28 Kyle: Fire.
29
- 30 Dubbin: Mark Dubbin, Las Cruces Fire Department. We don't have any issues with
31 the subdivision. We would not be able to support the waiver request
32 because we do need to have paved access to be able to respond
33 adequately.
34
- 35 Kyle: Community Development, Technical and Engineering/Technical Services?
36
- 37 Dominguez: Rocio Dominguez. We have no issues with the plat itself. On the waiver,
38 we won't be able to support it and Natasha is here to add more comments
39 to that.
40
- 41 Billy: I guess I would just reiterate what Traffic and Fire had to say about that.
42
- 43 Kyle: Okay. Community Development, Development Services, any additional
44 comments or issues with the plat?
45
- 46 Ochoa: No additional issues or comments. This did take some time to get that

- 1 subdivision done. Of course, as the applicant was sort of generous in
2 stating, it is kind of a messy situation out there with the Elephant Butte
3 Land & Trust Company subdivisions out there. No issues with the replat
4 itself and for the waiver, of course, having to follow Code there is a
5 requirement the dedication and road improvements required for that
6 subdivision. We would have to move on to higher committees for final
7 approval.
- 8
- 9 Kyle: So you are dedicating the additional right-of-way and complying with the
10 MPO requirements. You just don't want to do any road improvements.
11 What's the status on Kennedy from the property to Elks?
12
- 13 Ochoa: Kennedy to Elks, I believe....
- 14
- 15 Valverde: (inaudible)
- 16
- 17 Kyle: No. As far as improvements?
- 18
- 19 Valverde: Elks has been paved and that bridge under there.
- 20
- 21 Kyle: I understand but what is Kennedy? Is Kennedy just dirt? Is it double
22 panned?
23
- 24 Valverde: It's all dirt but access to any fire there is within 30-feet inside the property
25 for the fireman's information. What's your name, sir?
26
- 27 Dubbin: Mark. Mark Dubbin.
- 28
- 29 Montoya: That's the dedication he's talking about.
- 30
- 31 Valverde: The dedication is a total of 30-feet from the centerline of the roadway
32 adding up to 24/100ths of an acre, which is totally given to you. And have
33 you read the waiver itself?
34
- 35 Dubbin: Yes, I have. The International Fire Code that we operate under calls that
36 it has to be paved access within 150-feet of the dwelling itself so that if
37 there's a house there, it's 150-feet from, basically, from a paved access so
38 if the closest one is going to be Elks that puts us several hundred feet
39 away.
40
- 41 Valverde: So that's your main reason?
- 42
- 43 Dubbin: Yeah. That's what we look at.
- 44
- 45 Valverde: So we're looking at maybe... (several people speaking at the same time)
46 About 800 and something...

- 1
2 Ochoa: Just to reiterate, it is a dirt road, all of Kennedy Road all the way to Elks
3 Road with just those improvements on Elks Road with any change done.
4
5 Valverde: There's a dead end right there at Kennedy Road which consists of an
6 orchard of pecan trees belonging to Kennedy and the existing width of the
7 road itself is ... what?
8
9 Montoya: The existing width of 45-feet.
10
11 Valverde: 45-feet.
12
13 Montoya: It varies throughout Kennedy. When people have dedicated portions of it,
14 it gets wider and too many have gone through the same process that
15 they've added here and there.
16
17 Kyle: Robert Kyle, Community Development Department. I agree that it doesn't,
18 from a feasibility standpoint, it doesn't make sense to build that section of
19 an Arterial roadway at this particular time since the rest of the road is
20 essentially dirt and we have varying right-of-way widths. However, I think
21 at a minimum, the City should pursue obtaining funds in lieu of, what that
22 pro-rata share of the improvements would be. Also, staff is right now in
23 process with an Ordinance to City Council related to Design Standards
24 that actually would require the full improvements of the Arterial, including
25 the acquisition of right-of-way out to Del Rey Road. So, personally, I can't
26 support the waiver request as it stands and at this point in time just with
27 other aspects that are occurring. That being said, I wouldn't have a
28 problem supporting the payment in lieu of the actual construction myself.
29 Now this would go forward. The Development and Review
30 Committee is a recommending Body. The request will then go to the
31 Planning and Zoning Commission and then to City Council. Correct? So
32 ultimately there are different avenues which that could change.
33 At this time and if there are no other comments I would entertain a
34 motion and I think we should probably separate them and vote on them
35 separately so I would entertain a motion on case S-12-012, the Elephant
36 Land & Trust Subdivision A, Replat 37, which is creating two lots out of an
37 existing single parcel.
38
39 Johnston: Mark Johnston. Move approval.
40
41 Murphy: Tom Murphy. Second.
42
43 Kyle: All those in favor please signify by saying aye.
44
45 All: Aye.
46

- 1 Kyle: Any opposed? Seeing none the recommendation is to approve the
 2 subdivision. Now, I'll entertain a motion in regards to S-12-012W, which is
 3 the waiver request for the Elephant Butte Land & Trust Subdivision A,
 4 Replat no. 37.
 5
- 6 Dubbin: I'll make a motion to approve the waiver request.
 7
- 8 Murphy: Second. Tom Murphy.
 9
- 10 Kyle: All those in favor please signify by saying aye. (No one responds) All
 11 opposed?
 12
- 13 All: No.
 14
- 15 Kyle: The motion is defeated. The recommendation would be to not support the
 16 waiver request and the case will process forward with that
 17 recommendation. Any other comments or business? Sir?
 18
- 19 Valverde: I was going to make a comment. We started this in 3/12/2013 and up to
 20 date.
 21
- 22 Montoya: 2012
 23
- 24 Valverde: 2012 and I have been going through a lot of stress on it. We started with
 25 seven sheets, copies of Replat no. 22, which was accepted by Adam they
 26 reviewed it and then they found out that it was not Replat no. 22. It should
 27 be Replat no. 37 and I'm just wondering what happened. Did the same
 28 process take place between 22 and 37? That's fifteen changes within a
 29 year and if they say that they've split lots and whatever but I never got any
 30 notice within the limitation or status. There was fifteen... I'm up to 37 and
 31 that's been between 3/12/2012 to today, there's been fifteen entries and I
 32 never heard of a meeting or changes in that section or was informed of
 33 any.
 34
- 35 Kyle: Mr. Valverde, number one, Elephant Butte Land & Trust Subdivision or the
 36 different subdivisions are inside the city, outside the city. It's a pretty large
 37 area of land. It's not just Kennedy Road. There could have been things
 38 that were occurring outside of notification boundaries or requirements, etc.
 39 and, in addition, a lot of replats, things that could be happening, shifting of
 40 lot lines or administrative or required public notification, etc. In terms of
 41 how we got from 22 to 37 and, perhaps when it was submitted as number
 42 22, obviously that was not the appropriate number at the time so it could
 43 have been that it was number 36, actually and just that the records that
 44 were provided when it was originally submitted were wrong and perhaps
 45 staff has anything to add to clarify that?
 46

1 Ochoa: Just to clarify: when this was submitted, sir, this is a replat of a lot 1 that
2 was created with the Elephant Butte Land and Trust Company Subdivision
3 A, Replat no. 21. So I guess it was, I believe, it was with the app that you
4 believe the next replat, of course, is no. 22 coming in order; but since that
5 21 that was done back in 1992, that's where those fifteen other
6 subdivisions happened in that subdivision, from 1992 to today so that's
7 why we're at 37 now.

8
9 Kyle: There haven't been fifteen in the last year. It's been fifteen over the course
10 of decades.

11
12 Ochoa: So it's been over about over ten years is what it's been.

13
14 Harrison-Rogers: Twenty years. (Several others also were saying, "Twenty years.")

15
16 Ochoa: Yeah, sorry. Twenty years so it was just an incorrect number that was
17 turned in. It was actually 37, that was next in the numerical order, sir.

18
19 Kyle: This will proceed to the August Planning and Zoning Commission
20 meeting?

21
22 Ochoa: Correct.

23
24 **V. ADJOURNMENT (9:19)**

25
26 Kyle: Anything else? All right, may I have a motion to adjourn?

27
28 Murphy: So moved.

29
30 Dubbin: Second.

31
32 Kyle: All those in favor?

33
34 All: Aye.

35
36 Kyle: We are adjourned

37
38 
39 _____
40 Chairperson

41
42

CITY SUBDIVISION REVIEW

ATTACHMENT #7

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 4/2/12 REVIEWER NAME: [Signature]
REVIEWER CONTACT NO. 28209

COMMENTS: *See Attached.*

Development Services Review #1 - DENIED

- Add "NOT TO SCALE" to Vicinity Map.
- In the dedication statement change all references of Dona Ana County to City of Las Cruces. Leave off NM.
- It appears the subdivision name Elephant Butte Land & Trust Co. Subdivision A Replat 22 is already used at the Dona Ana County Records. The next available replat number appears to be Replat #36. Please research this and confirm. This subdivision must have its own individual and unique name to distinguish from previous subdivision in the area.
- Under P&Z Certification block change P&Z Chair Member to Chairman.
- Show all lines of existing and proposed right-of-way. Call out Kennedy Road as a Proposed Principal Arterial Roadway with the Required ROW. Show that the 40 feet is the existing ROW.
- Remove setback line.
- Please provide adjacent land ownership within 100 feet of the proposed subdivision. Include subdivision and/or owner's name and filing information: book, page, date.
- In ponding note add a reference to the ponding icon and reflect the purpose and lot owner's responsibility for maintaining the ponding area.
- Add note stating "Subdivider is responsible for utility stub-outs and for providing any and all easements necessary to provide utility service to lots contained herein."
- Shrinking the text used for the plat will allow for the additional information to fit.
- Reference all previously dedicated easements and dedications.
- See redlines.

Need address plat.

CITY SUBDIVISION REVIEW

DATE: July 6, 2012

REVIEW: #2
CASE NO.: S-12-012

TO:	<input type="checkbox"/> ENGINEERING SERVICES	<input type="checkbox"/> UTILITIES
	<input type="checkbox"/> TRAFFIC ENGINEERING	<input type="checkbox"/> FACILITIES
	<input type="checkbox"/> LAND MANAGEMENT	<input type="checkbox"/> FIRE DEPARTMENT
	<input type="checkbox"/> SURVEYOR	<input type="checkbox"/> LAS CRUCES M.P.O.
	<input checked="" type="checkbox"/> CURRENT PLANNING	<input type="checkbox"/> ADVANCED PLANNING
	<input type="checkbox"/> OTHER: ADDRESSING	

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Company Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than July 13, 2012.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: SEE CONDITIONS AS STATED IN COMMENT SECTION

DATE: 7/16/12 REVIEWER NAME: [Signature] REVIEWER CONTACT NO. 33204

COMMENTS:

Development Services Review #2 - DENIED

- It appears the subdivision name Elephant Butte Land & Trust Co. Subdivision A Replat 22 is already used at the Dona Ana County Records (see attached). The next available replat number appears to be Replat #36. Please research this and confirm.
- Please provide adjacent land ownership within 100 feet of the proposed subdivision which includes the three properties across the street north of Kennedy Road and the 5 properties west of the adjacent property owned by Raymond Orona Ortiz. Include subdivision and/or owner's name and filing information: book, page, date.
- Change last note to state "Subdivider is responsible for utility stub-outs and for providing any and all easements necessary to provide utility service to lots contained herein."
- Shrinking the text used for the plat will allow for the additional information to fit.
- Reference all previously dedicated easements and dedications.
- See redlines.

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

CITY SUBDIVISION REVIEW
203

DATE: March 25, 2013

REVIEW NO.: 3
CASE NO.: S-12-012

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat No. 37 (Formally Replat No. 22)

Please review and return to the Community Development Department no later than **April 1, 2013**

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

DATE: 3/29/13

REVIEWER NAME: *Adam Ochoa*
REVIEWER CONTACT NO.: 83204

COMMENTS:

- Please shade the correct area for the subject property in the Vicinity Map as shown.
- Please provide each individual lot lines for the five lots west of the Raymond Ordonez Ortiz property with owner info and recording info as commented on Review #2.
- Please reference all easement including the two south of the subject subdivision as requested on Review #2.
- Please rewrite Note 6 to read as required in the Subdivision Code with whatever extras needed and requested by any other department.
- *Please note, either construction drawings, payment in lieu of improvements, or waiver required for the road construction for the subdivision.*

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

CITY SUBDIVISION REVIEW ..
204

DATE: June 24, 2013

REVIEW NO.: 4
CASE NO.: S-12-012

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: **EBL&T Co. Subdivision "A"**
Replat No. 37

Please review and return to the Community Development Department no later than **July 1, 2013, please.**

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

DATE: 7/11/13

REVIEWER NAME: Adam Ochoa
REVIEWER CONTACT NO.: 83204

COMMENTS:

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

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 4/2/12

REVIEWER NAME: Andrew Wang
REVIEWER CONTACT NO. 3070

COMMENTS:

No Comments

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

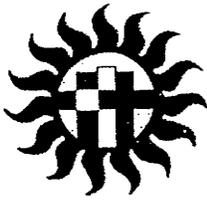
APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 4/2/12

REVIEWER NAME: Natasha Bily
REVIEWER CONTACT NO. 528-3794

COMMENTS:

See attached comments.



Case Review Sheet

To: Engineering Services

Case #: S-12-012

Date: March 26, 2012

Request: Elephant Butte Land & Trust Co. Subdivision "A"
 Replat #22

FLOOD ZONE DESIGNATION:

Zone A	(Flood elevation needed)	<u>X.</u>
Zone AE	(Flood elevation known)	<u>S. Fork Moron Arroyo</u>
Zone AH	(Flood 1' - 3' ponding)	_____
Zone AO	(Flood 1' - 3' - steep slopes)	_____
Zone A99	(100-year flood)	_____
Zone X		_____
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

DEVELOPMENT IMPROVEMENTS:

Drainage Calculation needed	YES _____	NO _____	N/A <input checked="" type="checkbox"/>
Drainage Study needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO _____	
Sidewalk extension needed	YES <input checked="" type="checkbox"/>	NO _____	
Curb & gutter extension needed	YES <input checked="" type="checkbox"/>	NO _____	
Paving extension needed	YES <input checked="" type="checkbox"/>	NO _____	
NMDOT permit needed	YES _____	NO <input checked="" type="checkbox"/>	

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: _____ Approval Denial

*Property is located in a SFHA (Zone AE); the S.Fork Moron Arroyo.
 Any development or substantial improvements will require the property owner to meet FEMA's letter of map change process.*

CITY OF LAS CRUCES
Engineering Services

Case No. S-12-012/S-12-012W, Review No. 1
 EBL&T Co. Subdivision A – Replat 22
 4/2/12

Natashia Billy, E.I.

Phone: 528-3496

Email: nbilly@las-cruces.org

Staff reviewed EBL&T Co. Subdivision A – Replat 22 and is not approved. If you have any questions concerning this review, please contact me. To facilitate this application, please address all comments. Include all redline drawings from this review when re-submitting. Thank you.

S-12-012 Comments

1. Show the City/County limits on the vicinity map.
2. Provide the utility easement for these lots.
3. The line type for the road easement/right of way in the legend does not appear to agree with the line type used on the plat.
4. Remove “for developed flow” from the ponding icon definition in the legend.
5. For Kennedy Rd: Dimension what is existing, dimension and provide the instrument for the previously dedicated 5 feet, dimension what is proposed to be dedicated.
6. Provide the adjacent property owners information.
7. Note 1: Correct this note as parts of this property is located in a Special Flood Hazard Area (South Fork Moreno Arroyo-Zone AE) as determined by FEMA. Also add the following language to this note “Portions of these properties are located in a Special Flood Hazard Area. Any development or substantial improvements will require the individual property owner to meet FEMA's letter of map change process.”
8. Note 2: Add the ponding icon to this note. Delete the second sentence. Add the following language “Maintenance of the on-lot pond and the drainage easement is the responsibility of the individual lot owners.” How was 25 feet for a drainage easement determined? Also add language that the drainage easement may not be blocked or altered without an engineered solution.

S-12-012W Comment

1. Per LCDC Chapter 32-36, a subdivder is responsible for improvements to the streets adjacent to the proposed subdivision. The subdivder shall provide improvements or pay the cost of the improvements to the City.

CITY SUBDIVISION REVIEW

DATE: July 6, 2012

REVIEW: #2
CASE NO.: S-12-012

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Company Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than July 13, 2012.

APPROVED AS IS: YES NO

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

DATE: 7/13/12 REVIEWER NAME: Natasha Pilly
REVIEWER CONTACT NO. 528-3496

COMMENTS:

Refer to attached comments.

Comments entered into MUNIS.

CITY OF LAS CRUCES
Engineering Services

Case No. S-12-012/S-12-012W, Review No. 2
 EBL&T Co. Subdivision A – Replat 22
 7/13/12

Natashia Billy, E.I.

Phone: 528-3496

Email: nbilly@las-cruces.org

Staff reviewed EBL&T Co. Subdivision A – Replat 22 and is not approved. If you have any questions concerning this review, please contact me. To facilitate this application, please address all comments. Include all redline drawings from this review when re-submitting. Thank you.

S-12-012 Comments

1. ~~Show the City/County limits on the vicinity map.~~
2. ~~Provide the utility easement for these lots.~~
3. ~~The line type for the road easement/right of way in the legend does not appear to agree with the line type used on the plat.~~
4. ~~Remove “for developed flow” from the ponding icon definition in the legend.~~
5. ~~For Kennedy Rd: Dimension what is existing, dimension and provide the instrument for the previously dedicated 5 feet, dimension what is proposed to be dedicated.~~
6. ~~Provide the adjacent property owners information.~~
7. NOT ADDRESSED: Note 1: Correct this note as parts of this property is located in a Special Flood Hazard Area (South Fork Moreno Arroyo-Zone AE) as determined by FEMA. Also add the following language to this note “Portions of these properties are located in a Special Flood Hazard Area. Any development or substantial improvements will require the individual property owner to meet FEMA's letter of map change process.”
8. NOT ADDRESSED Note 2: Add the ponding icon to this note. Delete the second sentence. Add the following language “Maintenance of the on-lot pond and the drainage easement is the responsibility of the individual lot owners.” How was 25 feet for a drainage easement determined? Also add language that the drainage easement may not be blocked or altered without an engineered solution.

S-12-012W Comment

1. Per LCDC Chapter 32-36, a subdivder is responsible for improvements to the streets adjacent to the proposed subdivision. The subdivder shall provide improvements or pay the cost of the improvements to the City.

CITY SUBDIVISION REVIEW

DATE: March 25, 2013

REVIEW NO.: 3
CASE NO.: S-12-012

- 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: Elephant Butte Land & Trust Co. Subdivision "A"
Replat No. 37 (Formally Replat No. 22)

Please review and return to the Community Development Department no later than April 1, 2013

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

DATE: 3/25/13

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

COMMENTS:

- No issues with plat contents.
- Conditional upon
 1. Waiver request
 2. Submittal of construction dwgs. for roadway.

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

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 4/2/12

REVIEWER NAME: Solano
REVIEWER CONTACT NO. 2545

COMMENTS:

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012

TO:	<input type="checkbox"/> CURRENT PLANNING	<input type="checkbox"/> COUNTY PLANNING
	<input type="checkbox"/> ENGINEERING SERVICES	<input type="checkbox"/> COUNTY ENGINEERING
	<input checked="" type="checkbox"/> LAND MANAGEMENT	<input type="checkbox"/> COUNTY FLOOD COMMISSION
	<input type="checkbox"/> SURVEYOR	<input type="checkbox"/> COUNTY FIRE
	<input type="checkbox"/> CITY UTILITIES	<input type="checkbox"/> NM ENVIRONMENTAL
	<input type="checkbox"/> MPO	<input type="checkbox"/> EBID
		<input type="checkbox"/> OTHER (GIS)

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than **April 2, 2012**

APPROVED AS IS: NO

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

DATE: 4/2/2012 REVIEWER NAME: Michael Q. Hernandez
REVIEWER CONTACT NO. 528-3124

COMMENTS:

1. Surrounding property owners will need to be included.
2. Verify replat number. Is there already a #22?
3. Correct Comcast acknowledgement to Comcast Cable Communications Inc.
4. What is your basis of bearing? Label and show on plat.
5. Revise title to show complete name for previous filed plat (Amended May 1992).
6. Add City Limit boundary line to the vicinity map.
7. Correct owner names to reflect the way they appear on record document (Richard P. Valverde).
8. For Kennedy Road right of way show where the existing width is.
9. Record information for any and all existing easements will need to be added.

CITY SUBDIVISION REVIEW

DATE:

July 6, 2012

REVIEW: #2

CASE NO.: S-12-012

TO:

- CURRENT PLANNING
- ENGINEERING SERVICES
- LAND MANAGEMENT
- SURVEYOR
- CITY UTILITIES
- MPO

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

FROM:

Adam Ochoa, Planner

SUBJECT:

Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than **July 13, 2012**

APPROVED AS IS:

YWC

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

DATE: 7/16/2012

REVIEWER NAME: Michael Q. Hernandez

REVIEWER CONTACT NO. 528-3124

COMMENTS:

1. Verify Kennedy Rd. ROW width, DAC GIS indicates a wider ROW.

CITY SUBDIVISION REVIEW

DATE: July 6, 2012

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REVIEW: #2

CASE NO.: S-12-012

TO: ___ CURRENT PLANNING
___ ENGINEERING SERVICES
___ LAND MANAGEMENT
[X] SURVEYOR(Rec'd 7/10/12)
___ CITY UTILITIES
___ MPO

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than July 13, 2012

APPROVED AS IS: NO

APPROVED WITH CONDITIONS: SEE CONDITIONS AS STATED IN COMMENT SECTION

DATE: 7/13/2012 REVIEWER NAME: Scott Farnham, PE, PS
REVIEWER CONTACT NO. 528-3118

COMMENTS:

- 1. From review 1:
a. State the Basis for the Basis of Bearing.
b. Include all record Vs. measured bearings and distances.
c. Remove improvement water/power notation in the legend.
d. Include all surrounding property owner information within 100ft.
e. Revise title to show complete name for previous filed plat (Amended May 1992) This plat is not part of Lots 14 & 15, Block 30, Elephant Butte Land & Trust Co. Subdivision "A".
f. Is an overhead utility easement needed for the power pole?
g. Add section lines to the vicinity map.
h. Revise utility statement to "Subdivider responsible for utility stub-outs and for providing any and all easements necessary to provide utility service to lots contained herein."(see 37-114b22).
i. Please clean up your monument symbols it's hard to tell which are set and found. The line through the symbol partly obscures it, particularly for the found monuments.
j. The proposed dedicated area has been included in the subdivision boundary, however, do not include the previously dedicated ROW. Make corrections as needed for symbols and ties to existing monuments.
k. Correct owner names to reflect the way they appear on record document (Richard P. Valverde)in ALL locations.
l. Correct Comcast acknowledgement to Comcast Cable CommunicationsInc. in ALL locations.
m. Verify replat number. Is there already a #22?
2. Add overall distances to the plat boundary - east and west boundary lines.
3. Provide bearing - distance information for the northerly plat boundary.
4. Is the Control point relevant to this plat? If it is provide control information and plat ties.
5. The notation for "Kennedy Road centerline" needs to be the centerline of the 40' existing ROW, not centerline of roadway.
6. Remove the text "Proposed Principal Arterial 120' ROW".
7. Add areas for the dedicated ROW and add total plat area to Note 5.
8. Remove the left hand parenthesis on the Acknowledgment blocks for the State & County text.
9. Remove "P&Z" from the Planning and Zoning block.
10. What is the 22.90' distance measuring (by dimension L2)?
11. Verify Kennedy Rd. ROW width at NE of plat boundary. DAC GIS indicates a wider ROW.

To facilitate this application, please address all comments. Call me if you have any questions.

PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW

CITY SUBDIVISION REVIEW

DATE: March 25, 2013 217

REVIEW: #3
CASE NO.: S-12-012

TO:	<input type="checkbox"/> CURRENT PLANNING	<input type="checkbox"/> COUNTY PLANNING
	<input type="checkbox"/> ENGINEERING SERVICES	<input type="checkbox"/> COUNTY ENGINEERING
	<input type="checkbox"/> LAND MANAGEMENT	<input type="checkbox"/> COUNTY FLOOD COMMISSION
	<input checked="" type="checkbox"/> SURVEYOR(Rec'd 3/25/13)	<input type="checkbox"/> COUNTY FIRE
	<input type="checkbox"/> CITY UTILITIES	<input type="checkbox"/> NM ENVIRONMENTAL
	<input type="checkbox"/> MPO	<input type="checkbox"/> EBID
		<input type="checkbox"/> OTHER (GIS)

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #37(Formerly Replat No. 22)

Please review and return to the Community Development Department no later than April 1, 2013

APPROVED AS IS: NO

APPROVED WITH CONDITIONS: SEE CONDITIONS AS STATED IN COMMENT SECTION

DATE: 4/11/2013

REVIEWER NAME: ^{one} Angela Armijo/Scott Farnham ^{cf}
REVIEWER CONTACT NO. 528-3084/528-3118

COMMENTS:

1. From review 1:
 - a. State the Basis for the Basis of Bearing. What is it based on?
 - b. Include all record Vs. measured bearings and distances.
 - c. Add section lines to the vicinity map. Label Sections
 - d. The proposed dedicated area has been included in the subdivision boundary, however, do not include the previously dedicated ROW
2. From Review 2:
 - a. Add overall distances to the plat boundary – east and west boundary lines.
 - b. Provide bearing – distance information for the northerly plat boundary.
 - c. Remove "P&Z" from the Planning and Zoning block.
3. Check correct surrounding owner information.
4. What is the record information for Kennedy Road? Check ROW width.
5. Correct the shaded area in the vicinity map to reflect the right property.
6. There is a lot missing on the west side of the subdivision, it needs to be included.
7. Remove the centerline for Kennedy and wording.
8. Revise the note regarding the dedication.
9. Use spell check

To facilitate this review please address all comments.
IF YOU HAVE QUESTIONS ABOUT THE ABOVE COMMENT(S), PLEASE CONTACT THE REVIEWER
****PLEASE PROVIDE ALL REDLINES FROM THE PREVIOUS REVIEW****

DATE: June 24, 2013

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REVIEW: #4

CASE NO.: S-12-012

TO: CURRENT PLANNING
 ENGINEERING SERVICES
 LAND MANAGEMENT
 SURVEYOR(Rec'd 6/24/13)
 CITY UTILITIES
 MPO

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #37(Formerly Replat No. 22)

Please review and return to the Community Development Department no later than **July 1, 2013**

APPROVED AS IS: Yes

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

DATE: 7/1/2013

REVIEWER NAME: ^{AOA} Angela Armijo

REVIEWER CONTACT NO. 528-3084

COMMENTS:

To facilitate this review please address all comments.

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

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

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than **April 2, 2012**.

APPROVED AS IS: YES NO

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

DATE: 4/2/12

REVIEWER NAME: *MA*
REVIEWER CONTACT NO. X4150

COMMENTS:

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 4/2/2012

REVIEWER NAME: Matt Mondy
REVIEWER CONTACT NO. 528-3525

COMMENTS:

No water right issues - F.O. 3/28/2012

Please add the following note onto the "Notes" section of TRB replat:

"The property owner/applicant/subdivider is responsible for all necessary easements ^{and} the construction of all necessary utility mains and services in compliance with all applicable Las Cruces Utilities requirements."

CITY SUBDIVISION REVIEW

DATE: July 6, 2012

REVIEW: #2
CASE NO.: S-12-012

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Company Subdivision "A"
Replat #22

Please review and return to the Community Development Department no later than July 13, 2012.

APPROVED AS IS: YES NO

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

DATE: 7/9/2012

REVIEWER NAME: Melinda Montoya
REVIEWER CONTACT NO. 528-3525

COMMENTS:

No comments.

322
CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
 Replat #22

Please review and return to the Community Development Department no later than **April 2, 2012.**

APPROVED AS IS: YES NO

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

DATE: 3/28/12 REVIEWER NAME: [Signature]
 REVIEWER CONTACT NO. 2550

COMMENTS:

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012W

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22 (Waiver to Road Improvements)

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 3/27/12 REVIEWER NAME: [Signature]
REVIEWER CONTACT NO. 83204

COMMENTS: - The City of Las Cruces ~~requires~~ Subdivision Code requires improved access and ROW for all new subdivisions. Code requirements shall be followed.

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012W

TO:	<input type="checkbox"/> ENGINEERING SERVICES	<input type="checkbox"/> UTILITIES
	<input type="checkbox"/> TRAFFIC ENGINEERING	<input type="checkbox"/> FACILITIES
	<input type="checkbox"/> LAND MANAGEMENT	<input type="checkbox"/> FIRE DEPARTMENT
	<input type="checkbox"/> SURVEYOR	<input checked="" type="checkbox"/> LAS CRUCES M.P.O.
	<input type="checkbox"/> CURRENT PLANNING	<input type="checkbox"/> ADVANCED PLANNING
	<input type="checkbox"/> OTHER: <u>NMDOT</u>	

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22 (Waiver to Road Improvements)

Please review and return to the Community Development Department no later than **April 2, 2012**.

APPROVED AS IS: YES NO

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

DATE: 4/2/12

REVIEWER NAME: Andrew Wang
REVIEWER CONTACT NO. 3070

COMMENTS:

*Kennedy Rd is connecting to NMDOT
grade separation at I-25 construction
currently under way*

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012W

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22 (Waiver to Road Improvements)

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 4/2/12

REVIEWER NAME: Natasha Billy
REVIEWER CONTACT NO. 528-3476

COMMENTS:

Per LCDC Chapter 32-36, a subdivider is responsible for improvements to ~~ad~~ streets adjacent to the proposed subdivision. The subdivider shall provide improvements or pay the cost of the improvements to the City.

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012W

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22 (Waiver to Road Improvements)

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 4/2/12

REVIEWER NAME: SORTANO
REVIEWER CONTACT NO. 2595

COMMENTS:

WAIVER NOT APPROVED.

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012W

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22 (Waiver to Road Improvements)

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 4/2/12

REVIEWER NAME: *MO*
REVIEWER CONTACT NO. X4130

COMMENTS:

Payment in lieu of.

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012W

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22 (Waiver to Road Improvements)

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: N/A YES NO

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

DATE: 4/2/2012

REVIEWER NAME: Mel Montoya
REVIEWER CONTACT NO. 508-3525

COMMENTS:

Defer to City Transportation Department for review/approval.

CITY SUBDIVISION REVIEW

DATE: March 26, 2012

REVIEW: #1
CASE NO.: S-12-012W

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

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

FROM: Adam Ochoa, Planner

SUBJECT: Elephant Butte Land & Trust Co. Subdivision "A"
Replat #22 (Waiver to Road Improvements)

Please review and return to the Community Development Department no later than April 2, 2012.

APPROVED AS IS: YES NO

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

DATE: 3/29/12

REVIEWER NAME: *M. J. [Signature]*
REVIEWER CONTACT NO. 2550

COMMENTS:

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
September 24, 2013 at 6:00 p.m.**

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BOARD MEMBERS PRESENT:

- Godfrey Crane, Chairman
- Charles Scholz, Member
- Ray Shipley, Member
- Joanne Ferrary, Member
- Ruben Alvarado, Member

BOARD MEMBERS ABSENT:

- William Stowe, Vice Chair
- Charles Beard, Secretary

STAFF PRESENT:

- Adam Ochoa CLC, Planner
- Paul Michaud, CLC, Senior Planner
- Ezekiel Guza, CLC, Associate Planner
- Robert Cabello, CLC, Legal Department
- Bonnie Ennis, CLC, Recording Secretary

I. CALL TO ORDER (6:00)

Crane: Good evening, ladies and gentlemen. This meeting of the Planning and Zoning Commission of Tuesday, the 24th of September, is called to order. Let me start start, as we usually do, by introducing the Commissioners present. My far right is Commissioner Shipley, who represents District 6 and Commissioner Scholz, the Mayor's appointee. Our new Commissioner, Commissioner Alvarado, who is Council District 3. I'm the Chair, Godfrey Crane, and I'm District 4 and I'm pretty sure we are going to have Commissioner Ferrary in a minute and she is in District 5 so I won't introduce her again if she turns up.

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: Our second item of business is to ask if there are any conflicts of interest on the part of City employees or Commissioners in regard to the item on

1 **3. Case S-12-012:** Application of Richard P. & Aurora Valverde, property
 2 owners, for a replat known as Elephant Butte Land & Trust Company
 3 Subdivision A, Replat No. 37 on a 2.26 ± acre lot located on the south side of
 4 Kennedy Road, 0.19 ± miles southwest of its intersection with Elks Drive;
 5 1076 E. Kennedy Road; Parcel ID# 02-20689. Proposed Use: A replat
 6 subdividing one (1) existing single-family residential lot into two (2) new
 7 single-family residential lots. Council District 5 (Councillor Sorg).
 8

9 **4. Case S-12-012W:** Application of Richard P. & Aurora Valverde, property
 10 owners, to waive 100% of the road improvement requirements and the
 11 required dedication for Kennedy Road, a proposed Principal Arterial roadway.
 12 The proposed waiver is for a proposed replat known as Elephant Butte Land
 13 & Trust Company Subdivision A, Replat No. 37 on a 2.26 ± acre lot located
 14 on the south side of Kennedy Road, 0.19 ± miles southwest of its intersection
 15 with Elks Drive; 1076 E. Kennedy Road; Parcel ID# 02-20689. Proposed
 16 Use: A replat subdividing one (1) existing single-family residential lot into two
 17 (2) new single-family residential lots. Council District 5 (Councillor Sorg).
 18

19
 20 Crane: And finally, we have cases S-12-012 and S-12-012W. Clearly these are
 21 related and I'll ask for a motion from the Commissioners to suspend the
 22 rules so these can be discussed together and then later we'll restore the
 23 rules so that we can vote on them separately.
 24

25 Scholz: So moved.

26 Alvarado: Second.

27
 28 Crane: Moved by Mr. Scholz and seconded by Mr. Alvarado. So the rules are
 29 suspended and Mr. Ochoa... it's you again!
 30

31
 32 Ochoa: Yes, sir. The last two cases for tonight, case S-12-012 and S-12-012W: it
 33 is a request for approval for a proposed replat or subdivision known as the
 34 Elephant Butte Land & Trust Company Subdivision A, Replat No. 37 and
 35 an accompanying waiver request.

36 Looking here at the vicinity map, the subject property's located here
 37 kind of in the southeast side of what is Kennedy Road located off of Elks
 38 Drive in the northern section of the city. Just to give you a rough idea of
 39 where it is, pretty close to what is the city limits as you can see here, the
 40 white being Doña Ana County now; the colored area actually being in the
 41 city here. Looking at the zoning map, as you can see, the property is
 42 majorly zoned for Rural Residential, the same type of zoning that exists
 43 here in the Holding designations, the large amount of large lot single-
 44 family dwellings in the property.

45 Again, the property is located on the southeast side of Kennedy
 46 Road approximately 0.19 miles southwest of its intersection with Elks

1 Drive. This property is originally Lot 1 of the Elephant Butte Land & Trust
2 Company Subdivision A, Replat No. 21, which was amended and
3 approved May of 1992. The subject property is currently zoned REM,
4 Single-Family Residential Estate Mobile, and currently encompasses
5 approximately 2.26 acres. There is currently one existing single-family
6 residence on that lot. A large majority of that lot is currently undeveloped.
7 The proposed subdivision would be subdividing the one existing lot into
8 two new lots. Lot 1A will encompass approximately 0.753 acres. Lot 1b
9 will encompass approximately 0.943 acres. That is net. All requirements of
10 the 2001 Zoning Code for the REM Zoning District, all those requirements
11 are being met by the proposed replat. Shown here is that proposed replat,
12 again, showing those two lots being split up: Lot 1A and Lot 1B.

13 The second part of this, of course, is the proposed waiver request.
14 The City of Las Cruces Subdivision Code and Design Standards require
15 all subdividers or people subdividing to provide the necessary amount of
16 right-of-way dedication and road improvements to all streets adjacent to
17 the proposed subdivision to the nearest paved street. This subdivision is
18 adjacent to Kennedy Road, which is a proposed Principal Arterial roadway
19 as designated by the Metropolitan Planning Organization. So essentially it
20 is proposed to be one day a 120 foot wide roadway out there. Currently,
21 just to let you know, the road is paved but just roughly 20 feet in width and
22 definitely not to those standards of what is a Principal Arterial roadway.

23 With those requirements of the Subdivision Code and the Design
24 Standards the applicants are required to dedicate the 60 foot wide
25 segments required for the build-out of Kennedy Road as well as they are
26 required to actually construct that half of the 120 foot wide road segment
27 from the actual subdivision for the little under a quarter-of-a-mile to Elks
28 Drive. So in other words, they are required to dedicate the land on the
29 subdivision, on their property, as well as obtain the property of their
30 adjacent neighbors, adjacent to Kennedy Road, and then build that 60 foot
31 of right-of-way for Kennedy Road to Elks Drive.

32 These are actually the Design Standards requirements for what a
33 Principal Arterial; they say Major Arterial but it is a Principal Arterial
34 roadway. As you can see all of them are 120 feet wide so essentially the
35 applicant would have to build half of this road segment with a paved area,
36 a two-lane paved area, with curb, gutter and sidewalk or bike path,
37 depending on the actual design that would be used for that roadway there.

38 You're looking at an aerial picture of the subject property, as I said,
39 the one dwelling existing on that property now. Kennedy Road would have
40 to be dedicated and improved the entire length of Kennedy Road, the
41 southeastern portion of Kennedy Road to Elks Drive. Here you can kind of
42 see what we're looking at, they are required to do and what they are
43 seeking their waiver for.

44 The applicants are proposing to dedicate the additional right-of-way
45 of Kennedy Road along the front property line of the proposed subdivision,
46 which is approximately 35 feet of additional right-of-way there. They're

1 dedicating to the City but they are requesting to waive the remaining
2 required dedicated right-of-way dedication from their neighbors, if you will,
3 along Kennedy Drive to Elks Drive and they're also requesting a waiver to
4 100% of the road improvements required on Kennedy Road, that 60 feet
5 of right-of-way with asphalt, curb and gutter and sidewalk.

6 The applicants' rationale for the request is that the applicants do
7 believe that the subdivision is only creating one additional large residential
8 lot, which the existing road, as it exists now, is decent enough or works to
9 support that traffic and there's not such a significant increase in traffic that
10 would actually require the magnitude of improvements that are required of
11 him. The applicant has also stated that the actual design and construction
12 of the road, being that the applicant has had some background building
13 rights-of-way and so forth, in his opinion he believes that the design and
14 construction of the road should essentially be done in its entirety to insure
15 proper functionality, drainage, actual alignment and so forth and, again,
16 requiring the applicants to construct and acquire that additional right-of-
17 way would not only burdensome but impractical at this time, and also
18 concluding that the actual cost of constructing that 60-foot of right-of-way
19 for that roughly quarter-of-a-mile length is extremely high for the reason
20 only to subdivide only one exiting lot into two lots, adding one additional lot
21 on the actual roadway there.

22 Staff did analyze the proposed waiver request and the hardships
23 expressed by the applicants unfortunately do not demonstrate a hardship
24 that can approve a waiver that is actually outlined in Article 6, Section 37-
25 332 of the City of Las Cruces Subdivision Code. It reads that a hardship
26 must be due exceptional topographic, soil, or other surface or sub-surface
27 issues that would essentially make the build-out of that road somehow
28 impossible or impractical and staff does not believe that they meet that
29 criteria. Based on the intent of the Code, the waiver request is not justified
30 in staff's opinion.

31 Here are some photos of the existing road. This one here is actually
32 looking southwest along Kennedy Road on the subject property, looking
33 away from Elks Drive. As you can see, that area is an existing paved road
34 there. The pavement does actually continue a fair distance this way. It
35 looks there but it actually looks like it's a runoff, washout from our great
36 weather that we've been having these last couple weeks. This picture here
37 that is looking northeast along Kennedy Road to Elks Drive, you can
38 actually see the new lights that were put up with that new underpass that
39 was put in there under I-10 for what actually east of Elks is known is
40 actually Engler, I believe, out there.

41 On July 24th the Development Review Committee, or DRC, did
42 review the proposed subdivision and waiver request. After some
43 discussion between staff and the applicant the DRC recommended
44 approval for the proposed subdivision and denial for the proposed waiver
45 request. The Planning and Zoning Commission is a recommending body
46 for the proposed waiver request to the City Council so this will be moving

1 on to City Council, the waiver request alone. The Planning and Zoning
2 Commission has final authority on non-administrative replats as the one
3 we are looking at today.

4 Staff recommends denial for the proposed waiver request, or case
5 S-12-012W, based on the findings found in your staff report and staff also
6 does recommend approval for the proposed subdivision, or in other words,
7 case S-12-012, based on the findings found in your staff report as well.
8 Just a point: the applicants will either have to obtain approval of the
9 proposed waiver request or will have to provide the required right-of-way
10 dedication and road improvements for Kennedy Road to actually finalize
11 the proposed replat. So that matter of the waiver request would have to be
12 finalized before the actual replat can be finalized and filed with the County.

13 With that, ladies and gentlemen, your options for case S-12-012W
14 are: 1) to vote "yes" to approve the proposed waiver request; 2) to vote
15 "yes" to approve the waiver request with conditions as seen fit by the P &
16 Z; 3) to vote "no" to deny the waiver request as recommended by DRC
17 and staff, and; 4) to table/postpone and direct staff accordingly.

18 Your options tonight for case S-12-012 are: 1) to vote "yes" to
19 approve the subdivision as recommended by the DRC and staff; 2) to vote
20 "yes" to approve the subdivision with the additional conditions deemed
21 appropriate by the P & Z; 3) to vote "no" to deny the subdivision, or 4) to
22 table/postpone and direct staff accordingly.

23 That is the conclusion of my presentation. Just to let you all know I
24 did receive one phone call from an adjacent neighbor that received a letter
25 for the proposed waiver and subdivision and they had no issues with the
26 subdivision and as they stated, they wanted to remain anonymous but
27 actually did not want to see those types of improvements done on their
28 road. That is what they stated but, unfortunately, staff did not get their full
29 information to disclose who that was. That was the only public input staff
30 did receive. I stand for questions and the applicant is here for any
31 questions and his representative is here as well.

32
33 Crane: Thank you, Mr. Ochoa. Before I ask my fellow Commissioners if they have
34 any questions I want to clarify something because I'm confused. Do you
35 think the applicant, because he wants to split this lot, has an obligation not
36 only to dedicate some of his land to this Major Arterial width highway and
37 to build half of the highway out to the centerline; but furthermore, has the
38 obligation to do the same thing all the way over to Elks Drive?

39
40 Ochoa: That is correct, sir.

41
42 Crane: And how is he to get the land from the other people who have not yet
43 donated it and don't own that?

44
45 Ochoa: Mr. Chairman, that is correct. He does not own that land but as is with any
46 developer subdividing in the city of Las Cruces, they are required to obtain

- 1 that land by some means, either in purchasing it or them talking the
2 property owners into dedicating that land and so forth. The obligation is on
3 them to obtain that land for the build-out of Kennedy Road.
- 4
- 5 Crane: So the applicant has to use charm on his neighbors to ask them to give up
6 their land so he can do the subdivision?
- 7
- 8 Ochoa: Yes, sir.
- 9
- 10 Crane: Thank you. Okay. Commissioners? Commissioner Scholz.
- 11
- 12 Scholz: Could you go back to that earlier picture. It was like a plan view and it was
13 a colored map as I recall. There it is. Yeah. Isn't that an arroyo running
14 across that property?
- 15
- 16 Ochoa: Mr. Chairman, Commissioner Scholz, no, sir. That arroyo actually runs
17 along the southwest portion of that property...
- 18
- 19 Scholz: The map is a little skewed, then. It looked like the arroyo was running right
20 through the property.
- 21
- 22 Ochoa: Right. This A-1, which is kind of a flood control, it's an older, from the 1981
23 Flood Control Zoning District, sir. Actually it was removed from the
24 property. As you can see it's actually fully purple. I apologize for the hash
25 and that does make it a little confusing but it was removed as it was
26 running through the full property because it was actually realigned and it is
27 in this 25 foot drainage easement that runs along the side and the rear of
28 the property.
- 29
- 30 Scholz: Oh, okay. Good. Well, that was my first concern. What would be the cost
31 to the applicant to do this paving?
- 32
- 33 Ochoa: Mr. Chairman, Commissioner Scholz, I believe the applicant does have an
34 answer for that, sir.
- 35
- 36 Scholz: Okay. I noticed that the entrance to Kennedy from Elks Drive is not 120
37 feet wide. It's a brand new entrance, you know, that they paved when they
38 finished Engler and finished the intersection.
- 39
- 40 Ochoa: Yes, sir.
- 41
- 42 Scholz: Why wasn't that made 120 feet?
- 43
- 44 Ochoa: Mr. Chairman, Commissioner Scholz, I believe that was a State project so
45 I'm not aware of why they didn't do that to the 120 foot. I believe they just
46 did it to what was the existing road section.

1
2 Scholz: Well, that's what it seemed like to me, yes.
3
4 Ochoa: Yes, sir.
5
6 Scholz: Okay. And to reiterate what you answered Chair Crane, this gentleman
7 would have to get the approval of the other property owners who live on
8 the south side of that road in order to do this build-out?
9
10 Ochoa: Yes, sir. Of course, there are some properties out there that already have
11 some property dedicated for the existing Kennedy Road. They would have
12 to give up the additional to get them to 60 feet, if you will, for Kennedy
13 Road out there, sir.
14
15 Scholz: Okay. So here's a hypothetical: let's say the County or the City of Las
16 Cruces decided to build-out Kennedy Road, which would be a continuation
17 of Engler, and I understand that's part of the Master Plan.
18
19 Ochoa: Yes, sir.
20
21 Scholz: All right, if they plan to do that how would they go about getting that width?
22
23 Ochoa: Mr. Chairman, Commissioner Scholz, the City typically goes out there and
24 the way it's been done in the past is they purchase that right-of-way from
25 the applicant or get a permanent easement done from that applicant. But
26 typically, as was just seen in the East Mesa, some of those roads that are
27 being built out like Jefferson Road and Cortez, the City actually went out
28 there and obtained it or purchased that land to make it right-of-way, sir.
29
30 Scholz: Oh, I see. Okay. All right, those were my questions. Thank you.
31
32 Crane: I think, just want to follow up on what Commissioner Scholz said: so this
33 applicant has fallen foul of the fact that the City has designated this to be a
34 future Principal Arterial but has not gone about building it. Unfortunately,
35 because he has now decided he'd like to spread his lot, he is now stuck
36 with a quarter-mile of half of the Arterial without the utilities in it, as I
37 believe you told me at a similar time in a recent meeting. So the road
38 which he builds is going to be torn up in order to lay the utilities because
39 he can't have a quarter-mile of utilities at the start. So he's in an
40 unfortunate position, isn't he? Or, perhaps, that calls for opinion.
41
42 Ochoa: Mr. Chairman, unfortunately those are the requirements of the Subdivision
43 Code. Unfortunately it does not differentiate between the family kind of
44 subdivide, one lot into two, or to a developer creating a thousand-lot
45 subdivision. All developers fall within the same category and are required
46 to do those dedications and right-of-way build-outs, sir.

1
2 Crane: Thank you. Commissioner Scholz, are you through? Commissioner
3 Ferrary.
4
5 Ferrary: I was wondering how far into the future are the plans for widening this
6 road?
7
8 Ochoa: Mr. Chairman, Commissioner Ferrary, I cannot answer that question,
9 unfortunately. It is a proposed Principal Arterial roadway now by the MPO.
10 That actually is under the Transportation 2040 Plan so that might give you
11 some idea of the future that they're looking into. But as to any immediate
12 build-out of that road I have no idea what they have planned for that,
13 ma'am.
14
15 Crane: I have some questions, several. Looking at the current road: that piece of
16 asphalt is useless as regards the Plan, the required Plan, for putting half
17 of the proposed Arterial. Right? He's got to build-out to the center of the
18 Arterial right-of-way and provide sidewalks, curbs, gutters and it's unlikely,
19 tell me whether I'm right or wrong, that the existing asphalt is usable, the
20 existing road.
21
22 Ochoa: Mr. Chairman, not knowing what the actual condition or being an engineer
23 to be able to test that road and core it and see if it does meet Standard, to
24 be used for the continuation of the road, I cannot tell you that. Possibly the
25 engineer or the applicant can talk about that, sir.
26
27 Crane: Now I'm prepared to predict that the road will not be located in the correct
28 place, let alone engineered correctly. Now I also noticed that there's a
29 variety of, I'll call them setbacks of the existing properties from the road.
30 Some seem, perhaps, to have dedicated some property to which the road
31 could be expanded and don't know if you have anything that quite shows
32 it.
33
34 Dubbin: Mr. Chairman, if I may request that we take a short, maybe a five minute
35 break to research the Subdivision Code briefly and the road status, if we
36 could.
37
38 Crane: Okay, sir. We are adjourned for... Mr. Ochoa, you have something?
39
40 Ochoa: Mr. Chairman, what we could do also, you could question the applicant as
41 of now and staff could get the research... Would you like the recess?
42
43 Dubbin: Yes, please.
44
45 Ochoa: Okay.
46

1 Crane: So you're not needing the recess, sir?

2

3 Ochoa: Yes, please.

4

5 Crane: You do want the recess?

6

7 Dubbin: Yes, sir, five minutes.

8

9 Crane: Then we are recessed for five minutes and reconvene at 7:17.

10

11

12 **RECONVENED AT 7:25**

13

14

15 Crane: We are reconvened, ladies and gentlemen. Let me say for the record that
16 during the ten or fifteen minutes we were in recess there was a
17 conference between Legal and Fire Department and Mr. Ochoa and
18 another representative of Community Development. Mr. Ochoa will now
19 tell us what has transpired.

20

21 Ochoa: Mr. Chairman, our representative from the Fire Department did bring up
22 an issue about what the proposed waiver is actually for from the City
23 Engineer's perspective and he will go ahead and explain what we have
24 going on for you, sir.

25

26 Crane: Thank you.

27

28 Dubbin: Mr. Chairman, Mark Dubbin with the Las Cruces Fire Depart. Did you want
29 to swear me in?

30

31 Crane: I suppose I should because otherwise there'll be accusations of
32 discrimination. Do you swear and affirm that the testimony you are about
33 to give us is the truth and nothing but the truth under penalty of the law?

34

35 Dubbin: Yes, sir.

36

37 Crane: Continue.

38

39 Dubbin: During the recess we reviewed the Subdivision Standards and under the
40 section of Access Requirements for Subdivisions, it states that the
41 subdivider's responsible, in this case, to build a half-section of the Major
42 Arterial that is in front of the property. He would then be responsible to
43 build a Minor Local to the nearest paved roadway, which would be Elks
44 Road. It doesn't involve the acquisition of any properties that isn't his and
45 it would be something that would be coordinated with the Public Works
46 Department and the Traffic Engineer to transition it. In most of these cases

- 1 the City doesn't want a piece of roadway built out in the middle of the
2 desert or a section of roadway that's not going to be utilized to its full
3 potential if it's not ready. So the typical solution would be the funds in lieu
4 of the improvements so that the City could put it towards the project later
5 on to make the proper improvements.
- 6
- 7 Crane: Does the current piece of Kennedy Road meet those criteria? What was
8 the term you used? A Local....
- 9
- 10 Dubbin: A Minor Local.
- 11
- 12 Crane: A Minor Local.
- 13
- 14 Dubbin: I don't believe so. Under this section it calls for, whether it's improved or
15 unimproved in most cases, but this is actually a special case where it's
16 addressed that if that road is identified as a Major thoroughfare by the
17 MPO, which this is, then in those cases the Minor Local roadway would
18 have to be constructed to the nearest roadway and this does not meet the
19 standard of a Minor Local roadway for the City.
- 20
- 21 Crane: Well, if the current roadway doesn't meet Minor Local Roadway Standards
22 there doesn't seem to be much point in having anybody build it up to those
23 Standards if, a little later, it's going to be torn up and extended into a Major
24 Arterial.
- 25
- 26 Dubbin: Correct.
- 27
- 28 Crane: Okay. Do you have anything else to say, sir?
- 29
- 30 Dubbin: No, sir. Thank you.
- 31
- 32 Crane: All right, Mr. Ochoa, where does that leave us...? Mr. Scholz.
- 33
- 34 Scholz: I have a question then. Can you give us a dollar figure on what that would
35 include?
- 36
- 37 Dubbin: I'm afraid not, sir.
- 38
- 39 Scholz: You know, part of our problem here is that we don't know how much this is
40 going to cost, right? I realize while it's the developer's responsibility to do
41 this I would appreciate in future cases if you would contact the, you know,
42 the City Engineer and ask the City Engineer to give us a ballpark figure
43 and say, "How much is it going to cost to build 60 feet wide in front of the
44 property and how much would it cost to build up the rest of the road to a
45 Minor Local?" I think our applicant is going to tell us that or our applicants'
46 engineer's going tell us that or something. But why doesn't the City

- 1 provide this information since they would want it in lieu of building the road
2 any way, wouldn't they? Just a suggestion.
- 3
- 4 Ochoa: Mr. Chairman, Commissioner Scholz, we'll definitely take that into
5 consideration for future waiver requests.
- 6
- 7 Crane: Mr. Ochoa, I have a couple other questions. In fact I was on the point of
8 saying that it seems that some people have already gone by what I take to
9 be their property line because they have a wall or something, have already
10 dedicated some land along Kennedy north and south to the roadway but
11 they did not build the roadway. Bottom line, there is no lot along there that
12 seems to have done what was required them to do. So has everybody
13 else who has a lot on that road failed to do what they're obligated to do or
14 is this just in this case because these people want to split their lot?
- 15
- 16 Ochoa: Mr. Chairman, that is correct. They are required to do these improvements
17 because they are actually subdividing their property. The other residents
18 there who put up rockwalls and so forth, they're just building on their
19 property and not required to actually improve the City right-of-way nor
20 dedicate either.
- 21
- 22 Crane: Okay. Well, let's say the current applicant says it's worthwhile to himself to
23 run half a Major Arterial and then a Minor access road back to Elks Drive
24 and then the City says, "It's time for us to do this Major Arterial." Who is
25 going to pay for the Major Arterial? Who is going to pay for the land
26 acquisition that, in this case these people had to give up the acquisition of
27 land, for these people don't have anything else to donate, and to build the
28 highway? My point being and I believe that what Mr. Scholz said is quite
29 right: there's an enormous burden being anticipated by these people
30 because he's going to split a lot. All the other people on that road,
31 because they're not splitting a lot, while they haven't done anything wrong,
32 are going to benefit by having what (*inaudible*) to them a free highway put
33 in by the City. Do I understand the City would have to buy any additional
34 land from the property owners?
- 35
- 36 Ochoa: Mr. Chairman, when the City would come in to actually develop that 120
37 foot right-of-way, yes, they would have to purchase. Whoever built out that
38 roadway would have to somehow obtain the right-of-way for the build-out
39 of that 120 foot right-of-way. You are correct.
- 40
- 41 Crane: And it said somewhere in the documents you've given us that there's been
42 no suggestion, no request for a payment in lieu of this road building by the
43 applicants.
- 44

- 1 Ochoa: Mr. Chairman, that is correct and then again, going back to their rationale
2 for requesting it is they feel that the cost for doing the proposed
3 improvements is just too much for a two-lot split.
4
- 5 Crane: Right. But their payment in lieu of does not have to be 100% of the
6 estimated cost of the work, does it?
7
- 8 Ochoa: Mr. Chairman, their payment in lieu of has to be the build-out of the road
9 adjacent to their property, the 60 feet and the Minor Local roadway to Elks
10 Drive. That's what they would have to do a payment in lieu of, sir.
11
- 12 Crane: So they are going to have to get a contract to do work themselves and pay
13 a million bucks or whatever or they give the City a million and say, "Do it,"
14 or say, "Here's your million and we want to split our lot."
15
- 16 Ochoa: Yes, sir. Well, those funds would actually be placed into an account that
17 the City has for future projects and that money would be used towards the
18 build-out of that road eventually, sir.
19
- 20 Crane: But either way they have to meet their cost, either by doing it themselves
21 or by giving the City the estimated cost...
22
- 23 Ochoa: That's correct, sir.
24
- 25 Crane: ... to put in escrow. Okay. Thank you. Commissioners, any other
26 questions? Mr. Alvarado.
27
- 28 Alvarado: What would happen... could one of the property owners block the building
29 of the road to Elks by refusing to dedicate this piece of property?
30
- 31 Ochoa: Mr. Chairman, Commissioner Alvarado, since they would not have to
32 actually obtain that right-of-way from the adjacent property owners now to
33 build out that road the central road, they can't, essentially... although it's
34 not 100% sure or clear if everybody's already dedicated the required right-
35 of-way for Kennedy Road as it exists now. So if there is a property owner
36 there whose property line actually runs to the center of what's considered
37 Kennedy Road and they decide not to give or allow the City or whoever to
38 obtain their land then they could block that subdivision, sir. Basically, it
39 works out... You don't have the right to subdivide, if you will, under the
40 City of Las Cruces. You have to meet the Standards in order to subdivide.
41 So if the right-of-way isn't there and nobody wants to hand over the area
42 for right-of-way then, essentially, that's what happens, sir. It just stops
43 there.
44
- 45 Alvarado: Thank you.
46

- 1 Crane: As I understand, as we have been told by Mr. Dubbin, that the current
2 applicant does not have to build the Major Arterial all the way back to Elks.
3
- 4 Ochoa: No, sir, just the Minor Local road. Correct.
- 5
6 Crane: All right, and there's probably enough land already there if you... well, it's
7 hard to tell where the property lines are but, okay, I understand. Mr.
8 Shipley.
- 9
10 Shipley: Mr. Ochoa, just one question: if the applicant dedicates the right-of-way
11 now and then the City decides at some future date that they're gonna build
12 the 120 foot roadway, Principal Arterial, farther out to the west would they
13 be reimbursed for the cost of the land that they gave up? If they had to
14 buy the land from the other people at market value would these people be
15 given money for the land that they dedicated?
- 16
17 Ochoa: Mr. Chairman, Commissioner Shipley, no, they would not. Since they are
18 subdividing they are required to dedicate that land and provide the
19 required improvements. So they have already given it up to the City so it
20 would just be their property and they could do the improvements as
21 needed, sir. So, no, they would not be compensated for that.
- 22
23 Shipley: So the other question is: so the only utilities out there now is electricity.
24 Everything out there is septic and well? Is that correct?
- 25
26 Ochoa: Mr. Chairman, Commissioner Shipley, let me double check my notes, sir.
27 I'll be right with you, sir, and I'll answer your question. You can continue to
28 ask your question about that. Of course, I believe the applicant could
29 answer that question as well, sir.
- 30
31 Shipley: Mr. Ochoa.
- 32
33 Ochoa: Yes, sir.
- 34
35 Shipley: I would think we should probably hear from the applicant and then if we
36 have any more questions you can research while we're doing that.
- 37
38 Ochoa: That sounds good, sir.
- 39
40 Crane: Well, Ms. Ferrary's light was on a moment ago.
- 41
42 Ferrary: I was wondering along that same line: if credit could be given for the land
43 they donate when there might be assessments later on for improvements.
- 44
45 Crane: Mr. Ochoa?
46

1 Ochoa: Mr. Chairman, Commissioner Ferrary, no, ma'am. Like I said, they've
2 already given up their right-of-way so unless they are requiring additional
3 right-of-way from the property owner then they would be compensated for
4 that. But as a subdivider they are responsible for the current dedication
5 and build-out of the right-of-way there.
6
7 Ferrary: Unless we waive that.
8
9 Ochoa: Correct.
10
11 Crane: I think our discussion might proceed more easily if, as Mr. Shipley
12 suggests, we hear from the applicant now and get a number of points
13 cleared up. I believe we were told that the applicant has some estimates
14 of costs and we also need to have that question about utilities answered.
15 Please identify yourself, sir, and then I will swear you in.
16
17 Montoya: John Montoya.
18
19 Crane: Do you swear and affirm that the testimony you are about to give us is the
20 truth and nothing but the truth under penalty of the law?
21
22 Montoya: I do.
23
24 Crane: Thank you and continue.
25
26 Montoya: Once again, my name is John Montoya. I'm an Engineer here in Las
27 Cruces. I've been working here for about 27 years having to give you
28 some credibility to the numbers I'm gonna throw out at you so that you
29 understand or at least feel comfortable with the numbers that I give you.
30 I've done projects such as Valley Drive, which was just completed, and
31 projects such as the I-10/I-25 Interchange and did the project for New
32 Mexico DOT and we also did the six-lane, which went from the city limits
33 to the Texas state line. So that kind give you an idea of what I've done in
34 the past because I'm gonna throw out some numbers here and I don't
35 want you to think, "Well, this guy's just shooting in the wind." But I have a
36 real good familiarity about how to predict numbers on road projects.
37 Once again, like Adam mentioned and he did a good job, is we're
38 doing a one-lot split and I think because the City groups it as a subdivision
39 and it's a one-lot split, they have an Alternate Summary Subdivision
40 procedure, which I'm not sure how it varies from the regular Subdivision
41 procedure, and then this one is a replat. This is part of the old Elephant
42 Butte Land & Trust Subdivisions that were done a long time ago and they
43 just were poorly planned and so a lot of people have done that, just gone
44 through and they go through and they split the lots up so that it
45 accommodates them and their families or whoever.

1 I'm gonna kind of use your presentation, Adam. There was a figure
2 here that he showed. Now if you look right there where it says, "Subject
3 property," see all the lots that are clustered there to the west of Mr.
4 Valverde's property, and I'm here representing Mr. Valverde. Those were
5 all done at some point through a Summary Subdivision or through a replat.
6 So that's all we're trying to do.

7 And in the dedication, what the applicant has been willing to
8 dedicate is a quarter-of-an-acre, which in the front right there on Kennedy,
9 and when this was done back in '92; when it was replatted in '92 he had
10 already given 5 feet. So now he's gonna give another 35 feet so that you
11 can have the entire width there in front. So that kind of gives you an idea
12 of what we're asking for, like Adam mentioned, is a waiver to any of the
13 improvements along Kennedy Drive and there's a big reason for not to
14 because first of all, it's a hardship on him. That's a lot of money to do for a
15 lot split. The major reason is that if try and go build it right we'll never get
16 it right, I mean, there's vertical that has to be considered, there's utilities
17 that have to considered and then there's drainage. By paving this road all
18 the way to Elks we'd create a drainage issue which has to be taken care
19 of so it's not just the road itself.

20 And the same thing with utilities: we had asked for utilities out
21 there. There is gas, gas is out there, which is City of Las Cruces gas.
22 There is Doña Ana Water, Mutual Water's out there and then El Paso
23 Electric, obviously, and they are on septic tanks in this area here and the
24 size of the lot meets the NMEBD requirements.

25 So I'm gonna talk a little bit about the costs and why it makes it so
26 hard and almost doesn't make any sense why it would be imposed on
27 somebody that's just trying to make a one-lot split. First of all I'm gonna
28 have to improvise here because I'd originally compared it to Valley Drive.
29 Valley Drive is a four-lane, with a median, sidewalks, curb, lighting, all the
30 utilities were replaced on Valley Drive. It has a storm drain system that
31 goes out to Hoagland. That project for a mile, 1.1 mile, was \$6.6 million
32 and that was all funded by Federal. The City provided utility money and it
33 was also funded by State so there was no City money involved other than
34 utilities because the are owned by the City. If I equate that to a quarter-
35 mile, which is the portion from Elks to the west side of this property, that's
36 \$1.5 million. So if I say, "Okay, then now let's do half of that because he's
37 required to do half," that \$750 thousand is what we're saying by Code he
38 would have to produce to make this work.

39 Now we just heard, because Mr. Dubbin went and looked at the
40 Code again, and so now we can do a 37 foot path, paved path, all the way
41 to Elks and then we have to do the 60 foot width road section in front of
42 the property. So I did some quick numbers there. That comes out to \$142
43 thousand just for in front of his lot and about \$285 thousand to take it from
44 there all the way to Elks Drive. There I'm basing it off of Valley Drive and
45 just because it's very similar in nature as far as width. That includes