

1 utilities, lighting and an urban road section is what it includes, drainage,  
2 sidewalks, curb and gutter.

3 The other thing I was gonna... 'cause you guys had talked about  
4 how would he get reimbursed or if he would get reimbursed is, if we talk a  
5 little bit about the street that just was completed, the one on Engler that  
6 went through that grade separation, the underpass there. The project  
7 budget on that one was \$14 million. That included right-of-way. That  
8 included the bridge. That included all the improvements that you see  
9 there. The construction alone was a little over \$8 million so somewhere in  
10 there somebody bought right-of-way so we're looking at \$6 million. They  
11 did the engineering. They did all the studies that are incorporated with that  
12 so that little piece of road there was quite a bit of money and none of it  
13 came from the City.

14 From what I understand... and I pulled this budget sheet off an  
15 NMDOT website, \$12, 400,000 came from Federal and \$1,938,000 came  
16 from the State and none of it came from the City. So grabbing that money  
17 and throwing it into a kitty it may never get used. This is on the MPO's  
18 Long Range Plan so they're gonna go look for money that's coming from  
19 Federal sources and State sources to build this and so what happens is  
20 Mr. Valverde sells everything and mortgages to pay for this and the MPO  
21 turns out, 'cause they're a good MPO and they're good at grant writing,  
22 they get this grant to pay for the whole thing... does he get reimbursed? I  
23 mean, you can't do that. Once it's in there you can't give it to a private  
24 person anymore so I just ask you if that's fair.

25 Let's see if there was anything else I wanted to talk about... the  
26 right-of-way. I don't know if you guys have come down that road recently  
27 is you come down under the underpass and you look at the light and  
28 there's a house right in front of it. I'm guessing that some of this when  
29 they do go to build this they're gonna have to take the house because it  
30 just doesn't line up. And that's the other thing is the alignment's gonna  
31 have to be studied again when they do it and it may shift a little bit. So  
32 building this road just isn't gonna... it'll get tore up when it gets to be  
33 replaced again. Mr. Chair, Commission, that's all I had. If you have any  
34 questions for me I'll be glad to try and answer them.

35  
36 Crane: What is fresh in my mind, Mr. Montoya, where are the utilities at present?  
37 Are they in place under Kennedy Road? You spoke of gas, water and  
38 electricity. There are no storm drains and there's no sewer, right?

39  
40 Montoya: Correct, Commissioner.

41  
42 Crane: They're in the roadway.

43  
44 Montoya: Yeah. The electricity is overhead.

45  
46 Crane: Uh-huh.

1  
2 Montoya: The water and the gas are underground.  
3  
4 Crane: Okay. So you're taking that relaying of those drains, those two utilities, into  
5 account in your estimate?  
6  
7 Montoya: Yes.  
8  
9 Crane: So I suspect when Valley Drive was done up around Mayfield High School  
10 they were dealing with probably five different pipes.  
11  
12 Montoya: We were dealing with gas, water and sewer. Electric was overhead.  
13  
14 Crane: And storm drains.  
15  
16 Montoya: And storm drains.  
17  
18 Crane: Yeah. And potable water.  
19  
20 Montoya: Yes, which is the City of Las Cruces water, their gas line and their sewer  
21 lines.  
22  
23 Crane: Okay. Thank you. Commissioners? Somebody has a light on.  
24 Commissioner Scholz.  
25  
26 Scholz: Yes. I wanted to thank you for enlightening us about the cost. Now you  
27 said these are ballpark estimates because you're, you know, sitting there  
28 with your calculator and saying, "Okay, it's gonna be a portion of this and  
29 a portion of that." I appreciate your remarks about the realignment,  
30 though. When I was out there, as I said earlier, I noticed that the entrance  
31 to Kennedy was much narrower than the width of Engler and obviously  
32 they did that because it was convenient; but equally, obviously it would  
33 have to be realigned or remade in order to be the same width all the way  
34 through. So anyway I just wanted to comment that I appreciate your  
35 comments on that.  
36  
37 Crane: Yeah, to follow up on that I noticed, looking at the aerial photograph, that  
38 maybe two houses would have to come out. Yes, that one. If you look at  
39 Elks and Kennedy there, if you put in a Major Arterial, I don't know what  
40 120 feet looks like on this; but they're gonna clip those two lots on the  
41 corner.  
42  
43 Montoya: It's really close to this, Mr. Chair. This width here is the public right-of-way,  
44 right east of Elks Drive for that underpass.  
45

1 Crane: Okay, thank you, Mr. Montoya. Anybody else have questions of Mr.  
2 Montoya? Any other member of the public wish to speak?  
3  
4 *(Mr. Valverde speaking from the audience – inaudible)*  
5  
6 Crane: Sir, come up. We can't hear you. You're Mr. Valverde?  
7  
8 Valverde: Yes, sir. Mr. Chairman, my name is Richard Valverde.  
9  
10 Crane: Do you swear and affirm that the testimony you are about to give us is the  
11 truth and nothing but the truth under penalty of the law?  
12  
13 Valverde: Yes, I do.  
14  
15 Crane: Thank you.  
16  
17 Valverde: The only thing I wanted to point out is that I believe the water is up to that  
18 white trailer where it says "Kennedy" to the left. There's a little white trailer  
19 there and it's up to the 6 inch line... right there. The water goes to there  
20 and the rest of it over here is well water or whatever. There's a cap off  
21 there.  
22  
23 Crane: Off to the west, southwest.  
24  
25 Valverde: Yes. And coming in from the Elks Drive, those two houses for sure are  
26 gonna be taken and the rest of those houses are within 3 or 4 feet from  
27 the 60 foot center of the road, which will equal the 120 foot. Another thing I  
28 wanted to point out, by doing this we will only be losing and dedicating the  
29 road to you guys; it's 40 feet. We gave 5 foot seven years ago or  
30 whatever. We're also including the 25 foot arroyo in the back, which was  
31 given as an arroyo so we're losing that, too. That's it.  
32  
33 Crane: Thank you.  
34  
35 Valverde: Thank you.  
36  
37 Crane: Is there anybody else from the public? Then, Commissioners, we'll close  
38 it to public discussion and ... what is your wish?  
39  
40 Scholz: We have to rise from the ....  
41  
42 Crane: Oh, yeah.  
43  
44 Shipley: We have to reinstate the rules.  
45  
46 Scholz: There we go. Thank you. I so move.

1  
2 Crane: One moment. If we have some further discussion among ourselves about  
3 the whole package then we should leave the rules suspension in place for  
4 the moment. Don't you agree?

5 Well, I suppose none of us has any great problem with the idea of  
6 the lot split and I think all of us probably have some problem, I certainly  
7 do, with the requirement that the applicant build so much highway  
8 regardless of the details. It seems to me that everybody else in the  
9 neighborhood lucks into, what in NASCAR they call the "Lucky Dog." In  
10 other words, they get basically a free highway. These people get  
11 penalized because they happen to want to split a lot at this point and I  
12 can't in all conscience see why we should refuse the waiver for them. I  
13 don't see what harm he's done to anybody. Their lot split is not going to be  
14 the death of Kennedy Road, which I'm sure can take another few cars a  
15 day. Anybody else want to comment? Mr. Shipley.

16  
17 Shipley: I would say that this is one of those things where we need to have the  
18 Code modified with regards to a lot split versus a development. If we were  
19 building, you know, a hundred new homes out here in a subdivision that  
20 was going to increase traffic it would be mandatory and this would be the  
21 way to do that because the cost of that could be split up among all of the  
22 50, 100 homes, whatever was going to be done. It is not fair and it should  
23 not be done this way now.

24 The other thing I think is unfair is that the City is the one that's  
25 planning and doing the work to lay out where the streets are gonna go,  
26 where the utilities are gonna go and they are the ones that need to drive  
27 the train on this and they're the ones that need to go and either purchase  
28 or secure the right-of-way from all of the residents at one time as opposed  
29 to trying to do it a little piece at a time. The biggest problem we have in  
30 this community is we piecemeal everything. We do not plan and say,  
31 "We're gonna build five roads this year and we're gonna start from Point A  
32 and go to Point B and everything's gonna be taken of in that Point A to  
33 Point B." If we were to do that and we had a plan that says that in twenty  
34 years this much of the roads would be completed in the city we'd be much  
35 better off because we could do the kinds of things right now. We are a  
36 rural community out in this area so I don't think that this is appropriate at  
37 all.

38 In fact, if I were Mr. Valverde, I think I would be inclined to withdraw  
39 my dedication and say, "Come and pay me for it if you want it. I'd be  
40 happy to let you do that and come pay me." But that's just my personal  
41 thing now. That's not what I would vote for.

42  
43 Crane: Commissioner Scholz.

44  
45 Scholz: We've had, I think, since I've been on the Commission half-a-dozen  
46 similar cases and, with one exception, and that was to a specific

1 developer, I believe, we've made this allowance and we've said, "Okay.  
2 You can divide this lot and you don't have to pay for road all the way as  
3 long as you're giving us the dedication," and then they're willing to do that.  
4 They're willing to give us the dedicated right-of-way.

5 The other thing that I wanted to mention was that at least a year  
6 ago we had a fellow in the audience who spoke at one of the public  
7 sessions at the end of a P & Z meeting who said that we are gonna face  
8 more of these situations where people have a large lot that they want to  
9 subdivide, whether they want to do it for personal gain or if it's for family or  
10 whatever, and we're gonna have to deal with this kind of small subdivision  
11 and there really has to be something in the Subdivision Code which allows  
12 this and I think we have to encourage the Community Development  
13 people to develop this sort of thing and get the City Council to pass it  
14 because we shouldn't have a penalty on some, you know, this is small  
15 potatoes.

16  
17 Crane: I agree and it strikes me a further nail in this coffin is that if the applicant  
18 went ahead and did what is asked of him there will be a very long delay  
19 while planning is done, engineering planning as to where the utilities  
20 would go, and that would have to include, if they're going to bring  
21 everything up to date, storm drains and potable water and that would also  
22 be a burden on the applicant.

23 I don't know quite how to handle this in a parliamentary way but it  
24 seems to me that there have been a couple of other good ideas that this  
25 Commission has had since I've been on it, and that's not my fault. One of  
26 them was about the realtors being given some kind of formal presentation  
27 at intervals by the City as to what is simply the matters of zoning in  
28 residential areas so they don't tell people, "Oh, yes. You can you can stick  
29 a porch on there," which has nailed a number of people who said, "The  
30 realtor said I could do this." Now it may or may not be true but we did  
31 make that recommendation, I believe that got the notice of City Council.

32 I think we should be able to vote on a resolution which I will suggest  
33 Mr. Shipley word that we recommend respectfully to the City Council that  
34 this matter be addressed. Would you care to do something like that? In the  
35 matter of a developer being asked to do something expensive on an  
36 individual mark.

37  
38 Shipley: Well, I really think what we need to do is task Community Development to  
39 come up with a modification to the Development Code that says that for a  
40 small split... and this is basically a lot split. This is not a subdivision. We're  
41 not building 50 homes or 20 homes or whatever. So a lot split that has no  
42 impact on traffic should be able to be done, especially in the rural areas  
43 and we may want to have Community Development put together that word  
44 to take it to City Council because they need to say, "What size lots are we  
45 talking about? Are they half-acre lots? Where are they in relation to the  
46 infrastructure in the city?"

1 We had a lot split last month that was in town and everything was  
2 built-out but basically it was taking one lot and splitting it into two and  
3 there was some objections to that. But, again, that was in the urban area  
4 of downtown and all the streets were laid out and all the utilities were  
5 covered and there was no problem then doing that except for: where do  
6 we locate the driveways and how do we handle the traffic coming out of  
7 those two houses? But this is a little bit different and so I don't know that  
8 we can make a motion to do that. I think what we just do is just make a  
9 recommendation to the Community Development Department to bring us  
10 some language that talks about lot splits in this particular case.

11  
12 Crane: I agree. The Community Development Department is here and is listening  
13 intently will remember this until tomorrow. Right?

14  
15 Ochoa: Yes, sir, Mr. Chairman, I will bring that up to my superiors.

16  
17 Crane: Thank you.

18  
19 Scholz: He was writing things down, too. *(All laughing)*

20  
21 Crane: He wrote it down, too? Okay, I think we can move to...

22  
23 Shipley: Mr. Chairman, at this point I would like to move that we reinstate the rules  
24 and treat these two cases.

25  
26 Crane: You took the words out of my mouth. May I have a second?

27  
28 Scholz: Second.

29  
30 Crane: Seconded by Scholz. All in favor?

31  
32 All: Aye.

33  
34 Crane: Against? None. Thank you. It passes 5-0. So the rules are reinstated. Let  
35 us then proceed to vote on the lot split, the Replat S-12-012. We probably  
36 all had our say. Anybody want to address this issue other than to vote?

37  
38 Shipley: I move to approve.

39  
40 Scholz: Second.

41  
42 Crane: And seconded by Mr. Scholz. Let's start with Mr. Shipley this time.

43  
44 Shipley: Aye, findings and discussion and site visit.

45  
46 Crane: Commissioner Ferrary.

1  
2 Ferrary: Aye, site visit, discussion and findings.  
3  
4 Crane: Commissioner Scholz.  
5  
6 Scholz: Aye, findings, discussion and site visit.  
7  
8 Crane: Commissioner Alvarado.  
9  
10 Alvarado: Aye, findings, discussion and site visit.  
11  
12 Crane: And the Chair votes aye, based on findings, discussion and site visit. This  
13 passes 5-0. Thank you.  
14  
15 Shipley: Mr. Chairman, I move to approve S-12-012W with conditions and I'll read  
16 those conditions.  
17  
18 Crane: Go ahead.  
19  
20 Shipley: Number 1: the construction of all subdivisions, public and private  
21 improvements, within the corporate limits of the city shall conform to all  
22 applicable sections of the City Design Standards. Subdivision Code Article  
23 12, Section 37-360. Number 2: access to lots within a residential  
24 subdivision shall be from a dedicated and accepted improved public right-  
25 of-way, Design Standards Article 2, Section 32-36.  
26  
27 Ochoa: May I interject? I'm sorry. Mr. Chairman, Mr. Shipley, I'm sorry. There are  
28 no conditions on the case S-12-012W. That was a recommendation of  
29 denial.  
30  
31 Crane: Okay.  
32  
33 Shipley: It's just for the denial. I'm sorry. Okay, then I just move for approval.  
34  
35 Crane: Do I have a second?  
36  
37 Scholz: Second.  
38  
39 Crane: Seconded by Commissioner Scholz. I will start with Commissioner  
40 Alvarado.  
41  
42 Ochoa: I'm sorry, sir. One more interjection. Again, since staff did recommend  
43 denial if anybody does vote for approval it'd have to be based on anything  
44 but findings since findings are for denial. Just for clarification, sir.  
45  
46 Crane: You up to there, Mr. Alvarado?

- 1  
2 Alvarado: Yes. I vote aye to allow the waiver based on discussion.  
3  
4 Crane: Mr. Scholz.  
5  
6 Scholz: Aye for the waiver based on discussion.  
7  
8 Crane: Commissioner Ferrary.  
9  
10 Ferrary: Aye for the waiver, discussion and site visit.  
11  
12 Crane: And Commissioner Shipley.  
13  
14 Shipley: Aye for the waiver, discussion and site visit.  
15  
16 Crane: And the Chair votes aye, based on discussions and site visit. So this  
17 passes 5-0. Thank you.  
18

19 **VIII. OTHER BUSINESS –NONE**

- 20  
21 Crane: Any further business, Mr. Ochoa? I think you do have something. Yes.  
22  
23 Ochoa: Yes, sir. Just for clarification we have no other business for you all tonight  
24 and it might not have a meeting next month considering our notification  
25 requirements and so forth. I believe we may not have cases ready for next  
26 month so you all might get the night off. On top of that I also want to  
27 introduce our new Associate Planner. This is Ezekiel. I will let him  
28 introduce himself a little further but he's been with us for a while. He  
29 actually started off with the MPO and we lured him away from the...  
30 uh...dark side, I guess. I dunno. They're pretty nice guys, too. But he is  
31 our Associate Planner now and he is getting trained very well, hopefully,  
32 and he'll be coming forward to the public hearings with his own cases  
33 sometime soon as well.  
34  
35 Guza: Hi. It's very nice to meet you guys. I attended the last meeting also so I'm  
36 starting to get a hang of the procedures and everything and hopefully I'll  
37 be before you guys before not before too long.  
38  
39 Crane: Thank you. We're pleased to be cooperating with you in the future and  
40 you have tough shoes to fill with Mr. Ochoa.  
41  
42 Ochoa: Oh, I'll still be here.  
43

44 **IX. PUBLIC PARTICIPATION**

- 45  
46 None



**COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP**

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

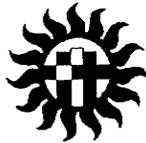
For Meeting of October 21, 2013  
 (Adoption Date)

TITLE:

A RESOLUTION APPROVING A WAIVER FROM THE REQUIRED RIGHT-OF-WAY DEDICATION AND 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)

Purchasing Manager's Request to Contract (PMRC) {Required?}    Yes     No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Alan Alan</i>	528-3204	10/4/13
Department Director	<i>W. Wein</i>	528-3067	10-4-13
Other	<i>[Signature]</i>	541-2078	10/4/13
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2107	10/4/13
Assistant City Manager/COO	<i>[Signature]</i>	-2211	10/9/13
City Attorney	<i>[Signature]</i>	2128	10/9/13
City Clerk	<i>[Signature]</i>	82115	10/11/13



**City of Las Cruces**  
PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 21

Ordinance/Resolution# 14-083

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of October 21, 2013  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

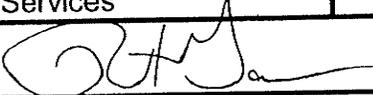
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING A WAIVER FROM THE REQUIRED RIGHT-OF-WAY DEDICATION AND 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:**

Subdivision right-of-way dedication and road improvement waiver request.

<b>COUNCIL DISTRICT: 5</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development/Building & Development Services	<b><u>Phone:</u></b> 528-3204
<b><u>City Manager Signature:</u></b>		

**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 amount of right-of-way dedication and road improvements to all streets adjacent to proposed subdivisions to the nearest paved roadway. The subdivision was approved by the Planning and Zoning Commission on September 24, 2013 by a vote of 5-0 (two Commissioners absent) with the understanding that 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 replat.

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 boundary of the subdivision to Elks Drive. They are also responsible for obtaining the necessary right-of-way from property owners adjacent to Kennedy Road for the construction of the road to Elks Drive (the nearest paved public roadway). The applicants are proposing to dedicate the required right-of-way for Kennedy Road adjacent to the proposed subdivision, but are requesting a waiver of 100% of the required road improvements and are requesting a waiver from the requirement to obtain the necessary right-of-way from property owners adjacent to Kennedy Road. No alternative, including a fee-in-lieu of improvements, is proposed.

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. There was also some discussion on the potential cost of building the required portion of Kennedy Road and the issues of obtaining right-of-way from the property owners adjacent to Kennedy Road. 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 "C" 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 and that the waiver should be approved. No other comments about the proposed waiver were received.

#### **SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Proposed Subdivision.
3. Attachment "A", Waiver Request.
4. Attachment "B", Staff Report to the Planning and Zoning Commission for Case S-12-012 & S-12-012W.
5. Attachment "C", Draft minutes from the September 24, 2013 Planning and Zoning Commission meeting.
6. Attachment "D", Vicinity Map.

**SOURCE OF FUNDING:**

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

**BUDGET NARRATIVE**

N/A
-----

**FUND EXPENDITURE SUMMARY:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval for the proposed waiver request. No road improvements or additional right-of-way shall be required for Kennedy Road, except for the right-of-way directly adjacent to the proposed subdivision, in association with the proposed subdivision known as Elephant Butte Land & Trust Company Subdivision A, Replat No. 37.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. Either road improvements, including any necessary right-of-way or a 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. 14-083**

**A RESOLUTION APPROVING A WAIVER FROM THE REQUIRED RIGHT-OF-WAY DEDICATION AND 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 waive 100% of the required road improvements and a waiver from obtaining any additional right-of-way dedication from property owners adjacent to Kennedy Road for 0.19 ± miles from the proposed subdivision to Elks Drive; and

**WHEREAS**, Kennedy Road is a 20 ± foot wide road surfaced with millings, but 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 Planning and Zoning Commission, after conducting a public hearing on September 24, 2013, recommended that said waiver request be approved by a vote of 5-0-0 (two Commissioners absent).

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

(I)

**THAT** the request to waive 100% of the required road improvements and a waiver from obtaining any additional right-of-way dedication from property owners

adjacent to Kennedy Road for 0.19 ± miles from the proposed replat, as shown in Exhibit "A", to Elks Drive, the nearest paved road 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 \_\_\_\_\_ 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

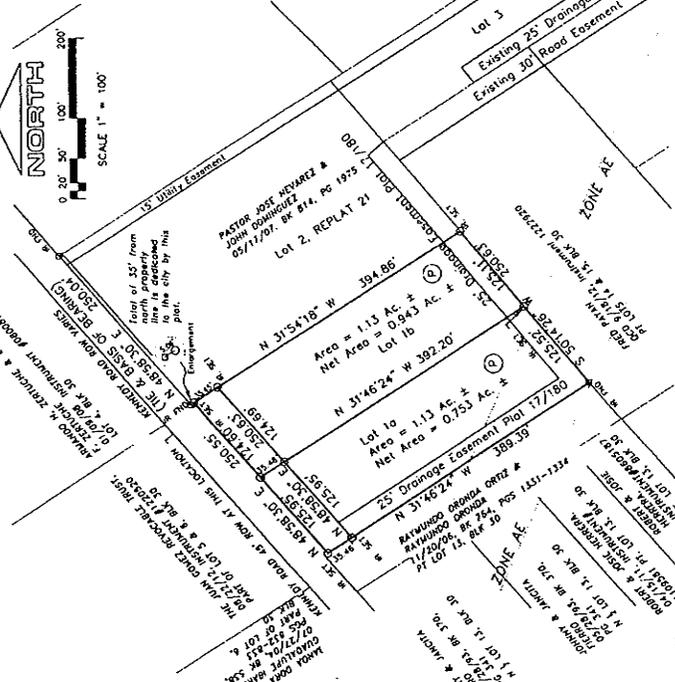
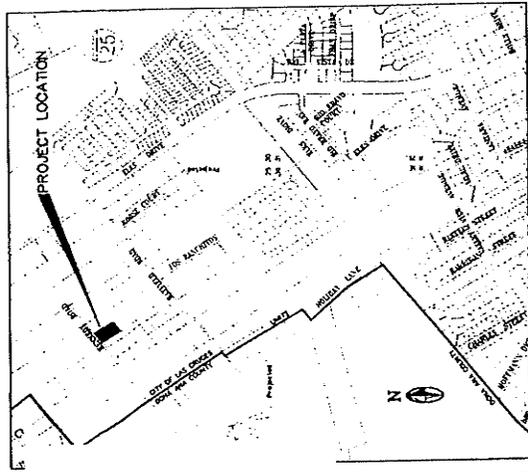
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

# 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

EXHIBIT A



### 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

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 RESERVED TO CITY OF LAS CRUCES. THE CITY OF LAS CRUCES HAS REVIEWED THIS INSTRUMENT AND ALL RIGHTS AND REGULATIONS TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND ALL ORDINANCES AND ZONING REGULATIONS OF THE CITY OF LAS CRUCES SHOWING BELOW ARE GRANTED FOR THE USE AND ENJOYMENT OF THE CITY OF LAS CRUCES AND SHALL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.

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

WE, THE UNDERGROUND OWNERS DO HEREBY SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

RICHARD P. VALVERDE (575) 528-3744  
915 MCGOY  
LAS CRUCES, NM 88007  
INSTRUMENT OF DEDICATION - RICHARD P. VALVERDE & AURORA VALVERDE  
DACA CLERK'S INSTRUMENT NUMBER 1002237, RECORDED ON 1/27/2011.

STATE OF NEW MEXICO | 55  
COUNTY OF DONA ANA | 55  
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 \_\_\_\_\_



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 13067  
1409 SUE CT., LAS CRUCES, NM 88007  
(575) 647-1315 OR (575) 522-0649

UTILITY APPROVALS  
NOTES: THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SCHEDULE 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 AND DESPANNED OVERHEAD ELECTRICAL UTILITIES (UNDERGROUND AND/OR OVERHEAD).

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

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

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
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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:

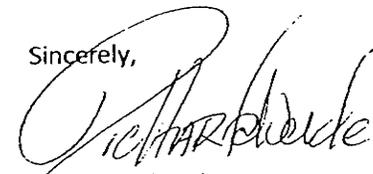
I respectfully request a waiver to the requirements of the City of Las Cruces Design Standards for the improvements to Kennedy Road, a Proposed Principal Arterial as designated on the City of Las Cruces MPO Functional Classification and Thoroughfare Plan. I'm creating a two lot subdivision directly adjacent 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



**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 ± miles southwest of its intersection with Elks Drive

**COUNCIL DISTRICT:** 5 (Councillor Sorg)

**SIZE:** 2.26 ± 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**

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**

Name	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/Agency/Entity	Approved (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**

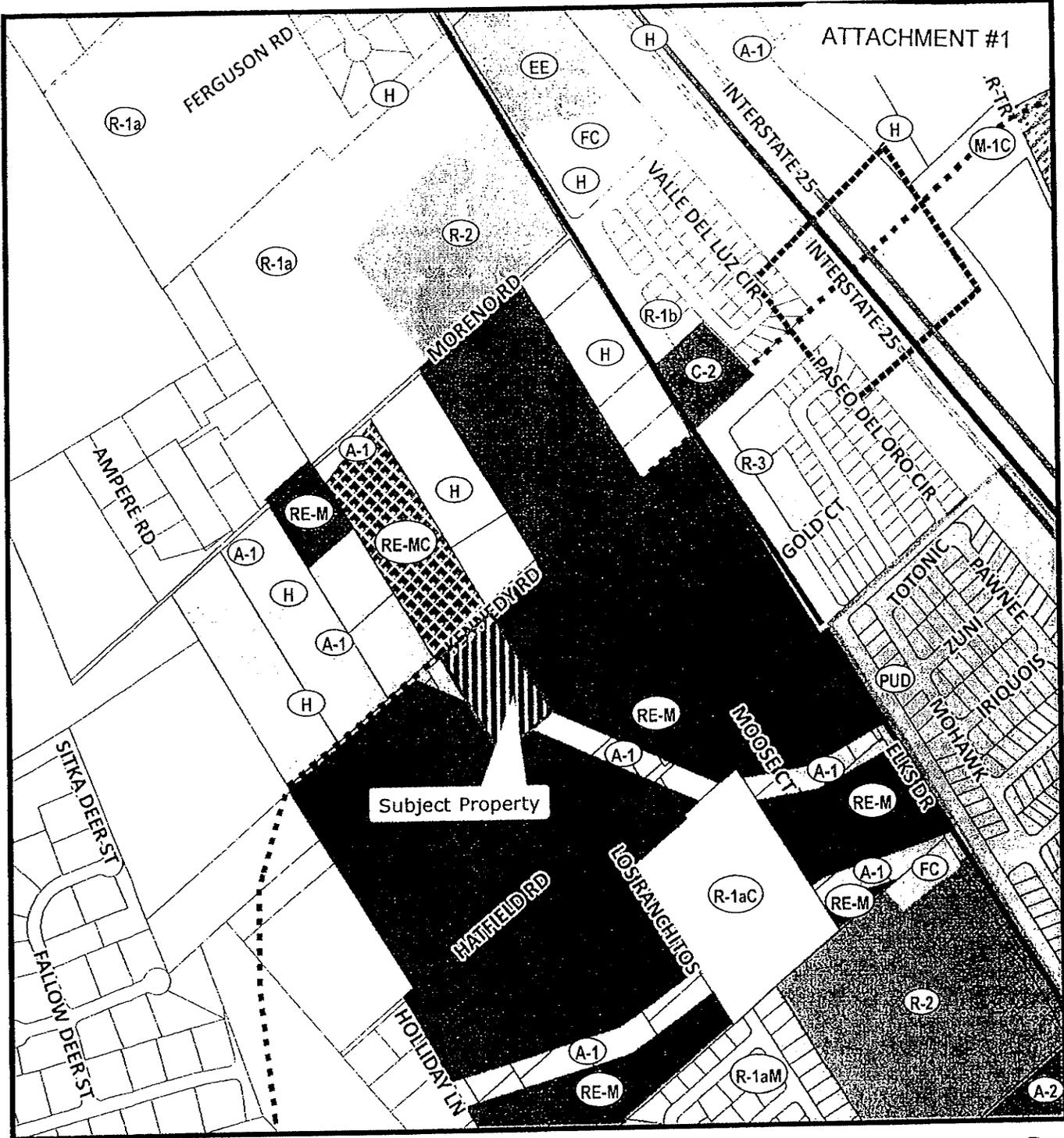
1. Vicinity Map
2. Aerial Map
3. Development Statement
4. Proposed Subdivision
5. Applicant's Waiver Request
6. DRC Minutes dated July 24, 2013
7. Reviewing Department/Agency Comments and/or Conditions

ZONING: REM  
OWNER: RICHARD & AURORA VALVERDE

# Zone Map

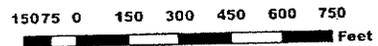
PARCEL: 02-20689  
DATE: 09/09/2013

ATTACHMENT #1



**Legend**

- |                               |                                  |                             |
|-------------------------------|----------------------------------|-----------------------------|
| — EXISTING LIMITED ACCESS     | ■ PROPOSED INTERCHANGE/UNDERPASS | - - - Non Designated Trail  |
| — EXISTING PRINCIPAL ARTERIAL | ■ PROPOSED PRINCIPAL ARTERIAL    | ▬ Proposed Paved EBID       |
| — EXISTING MINOR ARTERIAL     | ■ PROPOSED MINOR ARTERIAL        | - - - Proposed Unpaved EBID |
| — EXISTING COLLECTOR          | ■ PROPOSED COLLECTOR             | □ City Parcel               |
| ■ PROPOSED LIMITED ACCESS     | ■ PROPOSED CORRIDOR              | ▬ Interstates_Highway       |
|                               |                                  | ● EBID Water System         |
|                               |                                  | — Railroad                  |



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

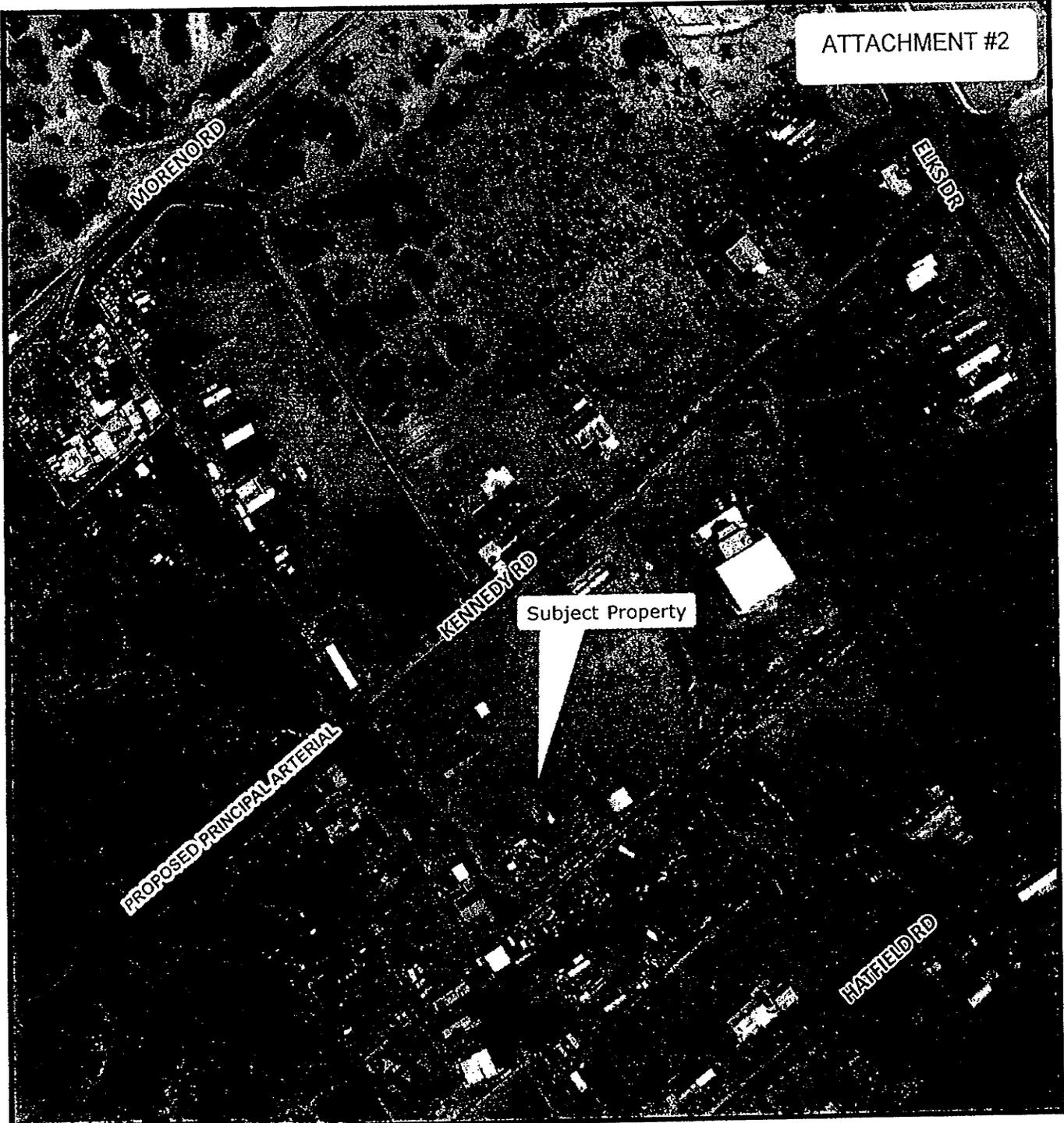
*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

ZONING: REM  
OWNER: RICHARD & AURORA VALVERDE

Aerial View

PARCEL: 02-20689  
DATE: 09/09/2013

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 ECHOA

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 P/AT

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<sup>sq</sup> to 2000<sup>sq</sup>

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 160  
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:

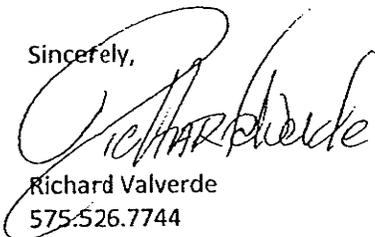
I respectfully request a waiver to the requirements of the City of Las Cruces Design Standards for the improvements to Kennedy Road, a Proposed Principal Arterial as designated on the City of Las Cruces MPO Functional Classification and Thoroughfare Plan. I'm creating a two lot subdivision directly adjacent 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  
 TRAFFIC ENGINEERING  
 LAND MANAGEMENT  
 SURVEYOR  
 CURRENT PLANNING  
 OTHER: ~~NMDOT~~ Addressing

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: [Signature]  
REVIEWER CONTACT NO. 48207

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:  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: 7/16/12 REVIEWER NAME: [Signature]  
REVIEWER CONTACT NO. 73209

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

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: 3/29/13

REVIEWER NAME: [Signature]  
REVIEWER CONTACT NO.: X3204

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

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: 7/1/13

REVIEWER NAME: Adam Ochoa  
REVIEWER CONTACT NO.: 83204

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: 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

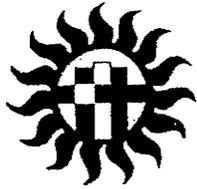
APPROVED WITH CONDITIONS: *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 4/2/12

REVIEWER NAME: Natasha B. Bly  
REVIEWER CONTACT NO. 528-3494

COMMENTS:

*See attached comments.*



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## 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>	<i>S. Fork Moreno Arroyo</i>
Zone AE	(Flood elevation known)	_____	
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 Moreno 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](mailto: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 LCDDC 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 Prilly  
REVIEWER CONTACT NO. 528-3416

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](mailto: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 drgs. for roadway.

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. 2595

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 O. Hernandez  
REVIEWER CONTACT NO. 528-3124

COMMENTS:

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

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 type="checkbox"/> LAND MANAGEMENT	<input type="checkbox"/> COUNTY FLOOD COMMISSION
	<input checked="" type="checkbox"/> SURVEYOR(Rec'd 3/26/12)	<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: 3/27/2012 REVIEWER NAME: Angela Armijo/Scott Farnham, PE, PS  
REVIEWER CONTACT NO. 528-3084/528-3118

COMMENTS:

1. What is your basis of bearing? Label and show on plat.
2. Include all record Vs. measured bearings and distances.
3. Remove improvements before filing of final plat.
4. Include all surrounding property owner information within 100ft.
5. Include all record information for any and all existing easements.
6. For all found and set monuments include size, material, ID, etc.
7. Revise title to show complete name for previous filed plat (Amended May 1992)
8. Is an overhead utility easement needed for the power pole?
9. Add SS to the county and notary acknowledgments.
10. Add city boundary and section lines to the vicinity map.
11. Add utility statement "Subdivider responsible for utility stub-outs and for providing any and all easements necessary to provide utility service to lots contained herein."
12. Please clean up your monument symbols it's hard to tell which are set and found.
13. Please clarify what is meant by Note 4.
14. Update you instrument of record to reflect the correct document.
15. Include the dedicated area in the subdivision boundary.
16. Add "Not to Scale" on the vicinity map.
17. Correct owner names to reflect the way they appear on record document (Richard P. Valverde).
18. For Kennedy Road right of way show where the existing width is.
19. Correct Comcast acknowledgement to Comcast Cable Communications Inc.
20. Verify replat number. Is there already a #22?

298  
CITY SUBDIVISION REVIEW

DATE: July 6, 2012

REVIEW: #2

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 7/10/12)	<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 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 Communications Inc. 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 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

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: <sup>one</sup> Angela Armijo/Scott Farnham <sup>sf</sup>  
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\*\***

CITY SUBDIVISION REVIEW  
300

DATE: June 24, 2013

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: 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 Montoya  
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 <sup>and</sup> 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.*

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: 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: *Ed Ochoa*  
REVIEWER CONTACT NO. 13204

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:  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: 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: Natashia 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: *ma*  
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: Mei Montoya  
REVIEWER CONTACT NO. 528-3525

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: [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.**

**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 24<sup>th</sup> 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 to ask if there are any conflicts of interest on the part of City employees or Commissioners in regard to the item on tonight's agenda. No one is signaling that there is so we will proceed to the approval of the minutes for the August 24<sup>th</sup> meeting.

1 Scholz: Okay. Condition 1: the proposed freestanding sign shall not obstruct the  
 2 sidewalk or any other city facility. Condition 2: the small driveway  
 3 immediately west of the proposed location for the freestanding sign shall  
 4 be closed/blocked off permanently; and number 3, the proposed  
 5 freestanding sign shall be temporary and shall be removed at the  
 6 conclusion of the restoration project.

7  
 8 Crane: Thank you. May I have a second?

9  
 10 Shipley: Second.

11  
 12 Crane: Seconded by Mr. Shipley. Roll call vote. Let me start with Mr. Alvarado at  
 13 this point.

14  
 15 Alvarado: Aye.

16  
 17 Crane: Based on...

18  
 19 Alvarado: Based on staff recommendation and the presentation by the owners of the  
 20 project.

21  
 22 Crane: Thank you. Mr. Scholz.

23  
 24 Scholz: Aye, based on findings and site visit.

25  
 26 Crane: Commissioner Ferrary.

27  
 28 Ferrary: Aye, based on findings, discussion and site visit.

29  
 30 Crane: Commissioner Shipley.

31  
 32 Shipley: Aye, based on findings and site visit.

33  
 34 Crane: And the Chair votes aye, based on findings, discussion and site visit. The  
 35 measure passes 5-0

36  
 37 **3. Case S-12-012:** Application of Richard P. & Aurora Valverde, property  
 38 owners, for a replat known as Elephant Butte Land & Trust Company  
 39 Subdivision A, Replat No. 37 on a 2.26 ± acre lot located on the south side of  
 40 Kennedy Road, 0.19 ± miles southwest of its intersection with Elks Drive;  
 41 1076 E. Kennedy Road; Parcel ID# 02-20689. Proposed Use: A replat  
 42 subdividing one (1) existing single-family residential lot into two (2) new  
 43 single-family residential lots. Council District 5 (Councillor Sorg).

44  
 45 **4. Case S-12-012W:** Application of Richard P. & Aurora Valverde, property  
 46 owners, to waive 100% of the road improvement requirements and the

1 required dedication for Kennedy Road, a proposed Principal Arterial roadway.  
 2 The proposed waiver is for a proposed replat known as Elephant Butte Land  
 3 & Trust Company Subdivision A, Replat No. 37 on a 2.26 ± acre lot located  
 4 on the south side of Kennedy Road, 0.19 ± miles southwest of its intersection  
 5 with Elks Drive; 1076 E. Kennedy Road; Parcel ID# 02-20689. Proposed  
 6 Use: A replat subdividing one (1) existing single-family residential lot into two  
 7 (2) new single-family residential lots. Council District 5 (Councillor Sorg).

8  
 9 Crane: And finally, we have cases S-12-012 and S-12-012W. Clearly these are  
 10 related and I'll ask for a motion from the Commissioners to suspend the  
 11 rules so these can be discussed together and then later we'll restore the  
 12 rules so that we can vote on them separately.

13  
 14 Scholz: So moved.

15  
 16 Alvarado: Second.

17  
 18 Crane: Moved by Mr. Scholz and seconded by Mr. Alvarado. So the rules are  
 19 suspended and Mr. Ochoa... it's you again!

20  
 21 Ochoa: Yes, sir. The last two cases for tonight, case S-12-012 and S-12-012W. It  
 22 is a request for approval for a proposed replat or subdivision known as the  
 23 Elephant Butte Land & Trust Company Subdivision A, Replat No. 37 and  
 24 an accompanying waiver request.

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

34 Again, the property is located on the southeast side of Kennedy  
 35 Road approximately 0.19 miles southwest of its intersection with Elks  
 36 Drive. This property is originally Lot 1 of the Elephant Butte Land & Trust  
 37 Company Subdivision A, Replat No. 21, which was amended and  
 38 approved May of 1992. The subject property is currently zoned REM,  
 39 Single-Family Residential Estate Mobile, and currently encompasses  
 40 approximately 2.26 acres. There is currently one existing single-family  
 41 residence on that lot. A large majority of that lot is currently undeveloped.  
 42 The proposed subdivision would be subdividing the one existing lot into  
 43 two new lots. Lot 1A will encompass approximately 0.753 acres. Lot 1b  
 44 will encompass approximately 0.943 acres. That is net. All requirements of  
 45 the 2001 Zoning Code for the REM Zoning District, all those requirements

1 are being met by the proposed replat. Shown here is that proposed replat,  
2 again, showing those two lots being split up: Lot 1A and Lot 1B.

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

13 With those requirements of the Subdivision Code and the Design  
14 Standards the applicants are required to dedicate the 60 foot wide  
15 segments required for the build-out of Kennedy Road as well as they are  
16 required to actually construct that half of the 120 foot wide road segment  
17 from the actual subdivision for the little under a quarter-of-a-mile to Elks  
18 Drive. So in other words, they are required to dedicate the land on the  
19 subdivision, on their property, as well as obtain the property of their  
20 adjacent neighbors, adjacent to Kennedy Road, and then build that 60 foot  
21 of right-of-way for Kennedy Road to Elks Drive.

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

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

34 The applicants are proposing to dedicate the additional right-of-way  
35 of Kennedy Road along the front property line of the proposed subdivision,  
36 which is approximately 35 feet of additional right-of-way there, they're  
37 dedicating to the City. But they are requesting to waive the remaining  
38 required dedicated right-of-way dedication from their neighbors, if you will,  
39 along Kennedy Drive to Elks Drive and they're also requesting a waiver to  
40 100% of the road improvements required on Kennedy Road, that 60 feet  
41 of right-of-way with asphalt, curb and gutter and sidewalk.

42 The applicants' rationale for the request is that the applicants to  
43 believe that the subdivision is only creating one additional large residential  
44 lot, which the existing road, as it exists now, is decent enough or works to  
45 support that traffic and there's not such a significant increase in traffic that  
46 would actually require the magnitude of improvements that are required of

1 him. The applicant has also stated that the actual design and construction  
2 of the road, being that the applicant has had some background building  
3 rights-of-way and so forth, in his opinion he believes that the design and  
4 construction of the road should essentially be done in its entirety to insure  
5 proper functionality, drainage, actual alignment and so forth and, again,  
6 requiring the applicants to construct and acquire that additional right-of-  
7 way would not only burdensome but impractical at this time, and also  
8 concluding that the actual cost of constructing that 60-foot of right-of-way  
9 for that roughly quarter-of-a-mile length is extremely high for the reason  
10 only to subdivide only one existing lot into two lots, adding one additional lot  
11 on the actual roadway there.

12 Staff did analyze the proposed waiver request and the hardships  
13 expressed by the applicants unfortunately do not demonstrate a hardship  
14 that can approve a waiver that is actually outlined in Article 6, Section 37-  
15 332 of the City of Las Cruces Subdivision Code. It reads that a hardship  
16 must be due exceptional topographic, soil, or other surface or sub-surface  
17 issues that would essentially make the build-out of that road somehow  
18 impossible or impractical and staff does not believe that they meet that  
19 criteria. Based on the intent of the Code, the waiver request is not justified  
20 in staff's opinion.

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

31 On July 24th the Development Review Committee, or DRC, did  
32 review the proposed subdivision and waiver request. After some discuss  
33 between staff and the applicant the DRC recommended approval for the  
34 proposed subdivision and denial for the proposed waiver request. The  
35 Planning and Zoning Commission is a recommending body for the  
36 proposed waiver request to the City Council so this will be moving on to  
37 City Council, the waiver request alone. The Planning and Zoning  
38 Commission has final authority on non-administrative replats as the one  
39 we are looking at today.

40 Staff recommends denial for the proposed waiver request, or case  
41 S-12-012W, based on the findings found in your staff report and staff also  
42 does recommend approval for the proposed subdivision, or in other words,  
43 case S-12-012, based on the findings found in your staff report as well.  
44 Just a point: the applicants will either have to obtain approval of the  
45 proposed waiver request or will have to provide the required right-of-way  
46 dedication and road improvements for Kennedy Road to actually finalize

1 the proposed replat. So that matter of the waiver request would have to be  
2 finalized before the actual replat can be finalized and filed with the County.

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

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

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

22  
23 Crane: Thank you, Mr. Ochoa. Before I ask my fellow Commissioners if they have  
24 any questions, I want to clarify something because I'm confused. Do you  
25 think the applicant, because he wants to split this lot, has an obligation not  
26 only to dedicate some of his land to this Major Arterial width highway and  
27 to build half of the highway out to the centerline; but furthermore, has the  
28 obligation to do the same thing all the way over to Elks Drive?

29  
30 Ochoa: That is correct, sir.

31  
32 Crane: And how is he to get the land from the other people who have not yet  
33 donated it and don't own that?

34  
35 Ochoa: Mr. Chairman, that is correct. He does not own that land but as is with any  
36 developer subdividing in the city of Las Cruces, they are required to obtain  
37 that land by some means, either in purchasing it or them talking the  
38 property owners into dedicating that land and so forth. The obligation is on  
39 them to obtain that land for the build-out of Kennedy Road.

40  
41 Crane: So the applicant has to use charm on his neighbors to ask them to give up  
42 their land so he can do the subdivision?

43  
44 Ochoa: Yes, sir.

45  
46 Crane: Thank you. Okay. Commissioners? Commissioner Scholz.

1  
2 Scholz: Could you go back to that earlier picture. It was like a plan view and it was  
3 a colored map as I recall. There it is. Yeah. Isn't that an arroyo running  
4 across that property?  
5  
6 Ochoa: Mr. Chairman, Commissioner Scholz, no, sir. That arroyo actually runs  
7 along the southwest portion of that property...  
8  
9 Scholz: The map is a little skewed, then. It looked like the arroyo was running right  
10 through the property.  
11  
12 Ochoa: Right. This A-1, which is kind of a flood control, it's an older, from the  
13 19818 Flood Control Zoning District, sir. Actually it was removed from the  
14 property. As you can see it's actually fully purple. I apologize for the hash  
15 and that does make it a little confusing but it was removed as it was  
16 running through the full property because it was actually realigned and it is  
17 in this 25 foot drainage easement that runs along the side and the rear of  
18 the property.  
19  
20 Scholz: Oh, okay. Good. Well, that was my first concern. What would be the cost  
21 to the applicant to do this paving?  
22  
23 Ochoa: Mr. Chairman, Commissioner Scholz, I believe the applicant does have an  
24 answer for that, sir.  
25  
26 Scholz: Okay. I noticed that the entrance to Kennedy from Elks Drive is not 120  
27 feet wide. It's a brand new entrance, you know, that they paved when they  
28 finished Engler and finished the intersection.  
29  
30 Ochoa: Yes, sir.  
31  
32 Scholz: Why wasn't that made 120 feet?  
33  
34 Ochoa: Mr. Chairman, Commissioner Scholz, I believe that was a State project so  
35 I'm not aware of why they didn't do that to the 120 foot. I believe they just  
36 did it to what was the existing road section.  
37  
38 Scholz: Well, that's what it seemed like to me, yes.  
39  
40 Ochoa: Yes, sir.  
41  
42 Scholz: Okay. And to reiterate what you answered Chair Crane, this gentleman  
43 would have to get the approval of the other property owners who live on  
44 the south side of that road in order to do this build-out?  
45

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

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

1  
2 RECONVENED AT 7:25

3  
4 Crane: We are reconvened, ladies and gentlemen. Let me say for the record that  
5 during the ten or fifteen minutes we were in recess there was a  
6 conference between Legal and Fire Department and Mr. Ochoa and  
7 another representative of Community Development. Mr. Ochoa will now  
8 tell us what has transpired.

9  
10 Ochoa: Mr. Chairman, our representative from the Fire Department did bring up  
11 an issue about what the proposed waiver is actually for from the City  
12 Engineer's perspective and he will go ahead and explain what we have  
13 going on for you, sir.

14 Crane: Thank you.

15  
16 Dubbin: Mr. Chairman, Mark Dubbin with the Las Cruces Fire Department. Did you want  
17 to swear me in?

18  
19 Crane: I suppose I should because otherwise there'll be accusations of  
20 discrimination. Do you swear and affirm that the testimony you are about  
21 to give us is the truth and nothing but the truth under penalty of the law?  
22

23  
24 Dubbin: Yes, sir.

25  
26 Crane: Continue.

27  
28 Dubbin: During the recess we reviewed the Subdivision Standards and under the  
29 section of Access Requirements for Subdivisions, it states that the  
30 subdivider's responsible, in this case, to build a half-section of the Major  
31 Arterial that is in front of the property. He would then be responsible to  
32 build a Minor Local to the nearest paved roadway, which would be Elks  
33 Road. It doesn't involve the acquisition of any properties that isn't his and  
34 it would be something that would be coordinated with the Public Works  
35 Department and the Traffic Engineer to transition it. In most of these cases  
36 the City doesn't want a piece of roadway built out in the middle of the  
37 desert or a section of roadway that's not going to be utilized to its full  
38 potential if it's not ready. So the typical solution would be the funds in lieu  
39 of the improvements so that the City could put it towards the project later  
40 on to make the proper improvements.

41  
42 Crane: Does the current piece of Kennedy Road meet those criteria? What was  
43 the term you used? A Local....

44  
45 Dubbin: A Minor Local.

46

- 1 Crane: A Minor Local.
- 2
- 3 Dubbin: I don't believe so. Under this section it calls for, whether it's improved or  
4 unimproved in most cases, but this is actually a special case where it's  
5 addressed that if that road is identified as a Major thoroughfare by the  
6 MPO, which this is, then in those cases the Minor Local roadway would  
7 have to be constructed to the nearest roadway and this does not meet the  
8 standard of a Minor Local roadway for the City.
- 9
- 10 Crane: Well, if the current roadway doesn't meet Minor Local Roadway Standards  
11 there doesn't seem to be much point in having anybody build it up to those  
12 Standards if, a little later, it's going to be torn up and extended into a Major  
13 Arterial.
- 14
- 15 Dubbin: Correct.
- 16
- 17 Crane: Okay. Do you have anything else to say, sir?
- 18
- 19 Dubbin: No, sir. Thank you.
- 20
- 21 Crane: All right, Mr. Ochoa, where does that leave us...? Mr. Scholz.
- 22
- 23 Scholz: I have a question then. Can you give us a dollar figure on what that would  
24 include?
- 25
- 26 Dubbin: I'm afraid not, sir.
- 27
- 28 Scholz: You know, part of our problem here is that we don't know how much this is  
29 going to cost, right? I realize while it's the developer's responsibility to do  
30 this I would appreciate in future cases if you would contact the, you know,  
31 the City Engineer and ask the City Engineer to give us a ballpark figure  
32 and say, "How much is it going to cost to build 60 feet wide in front of the  
33 property and how much would it cost to build up the rest of the road to a  
34 Minor Local?" I think our applicant is going to tell us that or our applicants'  
35 engineer's going tell us that or something. But why doesn't the City  
36 provide this information since they would want it in lieu of building the road  
37 any way, wouldn't they? Just a suggestion.
- 38
- 39 Ochoa: Mr. Chairman, Commissioner Scholz, we'll definitely take that into  
40 consideration for future waiver requests.
- 41
- 42 Crane: Mr. Ochoa, I have a couple other questions. In fact I was on the point of  
43 saying that it seems that some people have already gone by what I take to  
44 be their property line because they have a wall or something, have already  
45 dedicated some land along Kennedy north and south to the roadway but  
46 they did not build the roadway. Bottom line, there is no lot along there that

1 seems to have done what was required them to do. So has everybody  
 2 else who has a lot on that road failed to do what they're obligated to do or  
 3 is this just in this case because these people want to split their lot?

4  
 5 Ochoa: Mr. Chairman, that is correct. They are required to do these improvements  
 6 because they are actually subdividing their property. The other residents  
 7 there who put up rockwalls and so forth, they're just building on their  
 8 property and not required to actually improve the City right-of-way nor  
 9 dedicate either.

10  
 11 Crane: Okay. Well, let's say the current applicant says it's worthwhile to himself to  
 12 run half a Major Arterial and then a Minor ~~access~~ road back to Elks Drive  
 13 and then the City says, "It's time for us to do this Major Arterial." Who is  
 14 going to pay for the Major Arterial? Who is going to pay for the land  
 15 acquisition that, in this case these people had to give up the acquisition of  
 16 land, for these people don't have anything else to donate, and to build the  
 17 highway? My point being and I believe that what Mr. Scholz said is quite  
 18 right: there's an enormous burden being anticipated by these people  
 19 because he's going to split a lot. All the other people on that road,  
 20 because they're not splitting a lot, while they haven't done anything wrong,  
 21 are going to benefit by having what (*inaudible*) to them a free highway put  
 22 in by the City. Do I understand the City would have to buy any additional  
 23 land from the property owners?

24  
 25 Ochoa: Mr. Chairman, when the City would come in to actually develop that 120  
 26 foot right-of-way, yes, they would have to purchase. Whoever built out that  
 27 roadway would have to somehow obtain the right-of-way for the build-out  
 28 of that 120 foot right-of-way. You are correct.

29  
 30 Crane: And it said somewhere in the documents you've given us that there's been  
 31 no suggestion, no request for a payment in lieu of this road building by the  
 32 applicants.

33  
 34 Ochoa: Mr. Chairman, that is correct and then again, going back to their rationale  
 35 for requesting it is they feel that the cost for doing the proposed  
 36 improvements is just too much for a two-lot split.

37  
 38 Crane: Right. But their payment in lieu of does not have to be 100% of the  
 39 estimated cost of the work, does it?

40  
 41 Ochoa: Mr. Chairman, their payment in lieu of has to be the build-out of the road  
 42 adjacent to their property, the 60 feet and the Minor Local roadway to Elks  
 43 Drive. That's what they would have to do a payment in lieu of, sir.

44

- 1 Crane: So they are going to have to get a contract to do work themselves and pay  
2 a million bucks or whatever or they give the City a million and say, "Do it,"  
3 or say, "Here's your million and we want to split our lot."  
4
- 5 Ochoa: Yes, sir. Well, those funds would actually be placed into an account that  
6 the City has for future projects and that money would be used towards the  
7 build-out of that road eventually, sir.  
8
- 9 Crane: But either way they have to meet their cost, either by doing it themselves  
10 or by giving the City the estimated cost...  
11
- 12 Ochoa: That's correct, sir.  
13
- 14 Crane: ... to put in escrow. Okay. Thank you. Commissioners, any other  
15 questions? Mr. Alvarado.  
16
- 17 Alvarado: What would happen... could one of the property owners block the building  
18 of the road to Elks by refusing to dedicate this piece of property?  
19
- 20 Ochoa: Mr. Chairman, Commissioner Alvarado, since they would not have to  
21 actually obtain that right-of-way from the adjacent property owners now to  
22 build out that road the central road, they can't, essentially... although it's  
23 not 100% sure or clear if everybody's already dedicated the required right-  
24 of-way for Kennedy Road as it exists now. So if there is a property owner  
25 there whose property line actually runs to the center of what's considered  
26 Kennedy Road and they decide not to give or allow the City or whoever to  
27 obtain their land then they could block that subdivision, sir. Basically, it  
28 works out... You don't have the right to subdivide, if you will, under the  
29 City of Las Cruces. You have to meet the Standards in order to subdivide.  
30 So if the right-of-way isn't there and nobody wants to hand over the area  
31 for right-of-way then, essentially, that's what happens, sir. It just stops  
32 there.  
33
- 34 Alvarado: Thank you.  
35
- 36 Crane: As I understand, as we have been told by Mr. Dubbin, that the current  
37 applicant does not have to build the Major Arterial all the way back to Elks.  
38
- 39 Ochoa: No, sir, just the Minor Local road. Correct.  
40
- 41 Crane: All right, and there's probably enough land already there if you... well, it's  
42 hard to tell where the property lines are but, okay, I understand. Mr.  
43 Shipley.  
44
- 45 Shipley: Mr. Ochoa, just one question: if the applicant dedicates the right-of-way  
46 now and then the City decides at some future date that they're gonna build

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

1 Crane: I think our discussion might proceed more easily if, as Mr. Shipley  
2 suggests, we hear from the applicant now and get a number of points  
3 cleared up. I believe we were told that the applicant has some estimates  
4 of costs and we also need to have that question about utilities answered.  
5 Please identify yourself, sir, and then I will swear you in.  
6

7 Montoya: John Montoya.

8

9 Crane: Do you swear and affirm that the testimony you are about to give us is the  
10 truth and nothing but the truth under penalty of the law?  
11

12 Montoya: I do.

13

14 Crane: Thank you and continue.

15

16 Montoya: Once again, my name is John Montoya. I'm an Engineer here in Las  
17 Cruces. I've been working here for about 27 years having to give you  
18 some credibility to the numbers I'm gonna throw out at you so that you  
19 understand or at least feel comfortable with the numbers that I give you.  
20 I've done projects such as Valley Drive, which was just completed, and  
21 projects such as the I-10/I-25 Interchange and did the project for New  
22 Mexico DOT and we also did the six-lane, which went from the city limits  
23 to the Texas state line. So that kind give you an idea of what I've done in  
24 the past because I'm gonna throw out some numbers here and I don't  
25 want you to think, "Well, this guy's just shooting in the wind." But I have a  
26 real good familiarity about how to predict numbers on road projects.  
27 Once again, like Adam mentioned and he did a good job, is we're  
28 doing a one-lot split and I think because the City groups it as a subdivision  
29 and it's a one-lot split, they have an Alternate Summary Subdivision  
30 procedure, which I'm not sure how it varies from the regular Subdivision  
31 procedure; and then this one is a replat. This is part of the old Elephant  
32 Butte Land & Trust Subdivisions that were done a long time ago and they  
33 just were poorly planned and so a lot of people have done that, just gone  
34 through and they go through and they split the lots up so that it  
35 accommodates them and their families or whoever.  
36 I'm gonna kind of use your presentation, Adam. There was a figure  
37 here that he showed. Now if you look right there where it says, "Subject  
38 property," see all the lots that are clustered there to the west of Mr.  
39 Valverde's property, and I'm here representing Mr. Valverde. Those were  
40 all done at some point through a Summary Subdivision or through a replat.  
41 So that's all we're trying to do.  
42 And in the dedication, what the applicant has been willing to  
43 dedicate is a quarter-of-an-acre, which in the front right there on Kennedy,  
44 and when this was done back in '92, when it was replatted in '92 he had  
45 already given 5 feet. So now he's gonna give another 35 feet so that you  
46 can have the entire width there in front. So that kind of gives you an idea

1 of what we're asking for, like Adam mentioned is a waiver to any of the  
2 improvements along Kennedy Drive and there's a big reason for not to  
3 because first of all, it's a hardship on him. That's a lot of money to do for a  
4 lot split. The major reason is that if try and go build it right we'll never get  
5 it right, I mean, there's vertical that has to be considered, there's utilities  
6 that have to be considered and then there's drainage. By paving this road all  
7 the way to Elks we'd create a drainage issue which has to be taken care  
8 of so it's not just the road itself.

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

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

28 Now we just heard, because Mr. Dubbin went and looked at the  
29 Code again, and so now we can do a 37 foot path, paved path, all the way  
30 to Elks and then we have to do the 60 foot width road section in front of  
31 the property. So I did some quick numbers there. That comes out to \$142  
32 thousand just for in front of his lot and about \$285 thousand to take it from  
33 there all the way to Elks Drive. There I'm basing it off of Valley Drive and  
34 just because it's very similar in nature as far as width. That includes  
35 utilities, lighting and an urban road section is what it includes, drainage,  
36 sidewalks, curb and gutter.

37 The other thing I was gonna... 'cause you guys had talked about  
38 how would he get reimbursed or if he would get reimbursed is, if we talk a  
39 little bit about the street that just was completed, the one on Engler that  
40 went through that grade separation, the underpass there. The project  
41 budget on that one was \$14 million. That included right-of-way. That  
42 included the bridge. That included all the improvements that you see  
43 there. The construction alone was a little over \$8 million so somewhere in  
44 there somebody bought right-of-way so we're looking at \$6 million. They  
45 did the engineering. They did all the studies that are incorporated with that

1 so that little piece of road there was quite a bit of money and none of it  
2 came from the City.

3 From what I understand... and I pulled this budget sheet off an  
4 NMDOT website, \$12, 400,000 came from Federal and \$1,938,000 came  
5 from the State and none of it came from the City. So grabbing that money  
6 and throwing it into a kitty it may never get used. This is on the MPO's  
7 Long Range Plan so they're gonna go look for money that's coming from  
8 Federal sources and State sources to build this and so what happens is  
9 Mr. Valverde sells everything and mortgages to pay for this and the MPO  
10 turns out, 'cause they're a good MPO and they're good at grant writing,  
11 they get this grant to pay for the whole thing... does he get reimbursed? I  
12 mean, you can't do that. Once it's in there you can't give it to a private  
13 person anymore so I just ask you if that's fair.

14 Let's see if there was anything else I wanted to talk about... the  
15 right-of-way. I don't know if you guys have come down that road recently  
16 is: you come down under the underpass and you look at the light and  
17 there's a house right in front of it. I'm guessing that some of this when  
18 they do go to build this they're gonna have to take the house because it  
19 just doesn't line up. And that's the other thing is the alignment's gonna  
20 have to be studied again when they do it and it may shift a little bit. So  
21 building this road just isn't gonna... it'll get tore up when it gets to be  
22 replaced again. Mr. Chair, Commission, that's all I had. If you have any  
23 questions for me I'll be glad to try and answer them.

24  
25 Crane: What is fresh in my mind, Mr. Montoya, where are the utilities at present?  
26 Are they in place under Kennedy Road? You spoke of gas, water and  
27 electricity. There are no storm drains and there's no sewer, right?

28  
29 Montoya: Correct, Commissioner.

30  
31 Crane: They're in the roadway.

32  
33 Montoya: Yeah. The electricity is overhead.

34  
35 Crane: Uh-huh.

36  
37 Montoya: The water and the gas are underground.

38  
39 Crane: Okay. So you're taking that relaying of those drains, those two utilities, into  
40 account in your estimate?

41  
42 Montoya: Yes.

43  
44 Crane: So I suspect when Valley Drive was done up around Mayfield High School  
45 they were dealing with probably five different pipes.  
46

- 1 Montoya: We were dealing with gas, water and sewer. Electric was overhead.  
2  
3 Crane: And storm drains.  
4  
5 Montoya: And storm drains.  
6  
7 Crane: Yeah. And potable water.  
8  
9 Montoya: Yes, which is the City of Las Cruces water, their gas line and their sewer  
10 lines.  
11  
12 Crane: Okay. Thank you. Commissioners? Somebody has a light on.  
13 Commissioner Scholz.  
14  
15 Scholz: Yes. I wanted to thank you for enlightening us about the cost. Now you  
16 said these are ballpark estimates because you're, you know, sitting there  
17 with your calculator and saying, "Okay, it's gonna be a portion of this and  
18 a portion of that." I appreciate your remarks about the realignment,  
19 though. When I was out there, as I said earlier, I noticed that the entrance  
20 to Kennedy was much narrower than the width of Engler and obviously  
21 they did that because it was convenient, but equally, obviously it would  
22 have to be realigned or remade in order to be the same width all the way  
23 through. So anyway I just wanted to comment that I appreciate your  
24 comments on that.  
25  
26 Crane: Yeah, to follow up on that I noticed, looking at the aerial photograph, that  
27 maybe two houses would have to come out. Yes, that one. If you look at  
28 Elks and Kennedy there, if you put in a Major Arterial, I don't know what  
29 120 feet looks like on this, but they're gonna clip those two lots on the  
30 corner.  
31  
32 Montoya: It's really close to this, Mr. Chair. This width here is the public right-of-way,  
33 right east of Elks Drive for that underpass.  
34  
35 Crane: Okay, thank you, Mr. Montoya. Anybody else have questions of Mr.  
36 Montoya. Any other member of the public wish to speak?  
37  
38 *(Mr. Valverde speaking from the audience – inaudible)*  
39  
40 Crane: Sir, come up. We can't hear you. You're Mr. Valverde?  
41  
42 Valverde: Yes, sir. Mr. Chairman, my name is Richard Valverde.  
43  
44 Crane: Do you swear and affirm that the testimony you are about to give us is the  
45 truth and nothing but the truth under penalty of the law?  
46

1 Valverde: Yes, I do.  
2  
3 Crane: Thank you.  
4  
5 Valverde: The only thing I wanted to point out is that I believe the water is up to that  
6 white trailer where it says "Kennedy" to the left. There's a little white trailer  
7 there and it's up to the 6 inch line... right there. The water goes to there  
8 and the rest of it over here is well water or whatever. There's a cap off  
9 there.  
10  
11 Crane: Off to the west, southwest.  
12  
13 Valverde: Yes. And coming in from the Elks Drive, those two houses for sure are  
14 gonna be taken and the rest of those houses are within 3 or 4 feet from  
15 the 60 foot center of the road, which will equal the 120 foot. Another thing I  
16 wanted to point out, by doing this we will only be losing and dedicating the  
17 road to you guys, it's 40 feet. We gave 5 foot seven years ago or  
18 whatever. We're also including the 25 foot arroyo in the back, which was  
19 given as an arroyo so we're losing that, too. That's it.  
20  
21 Crane: Thank you.  
22  
23 Valverde: Thank you.  
24  
25 Crane: Is there anybody else from the public? Then, Commissioners, we'll close  
26 it to public discussion and ... what is your wish?  
27  
28 Scholz: We have to rise from the ....  
29  
30 Crane: Oh, yeah.  
31  
32 Shipley: We have to reinstate the rules.  
33  
34 Scholz: There we go. Thank you. I so move.  
35  
36 Crane: One moment. If we have some further discussion among ourselves about  
37 the whole package then we should leave the rules suspension in place for  
38 the moment. Don't you agree?  
39 Well, I suppose none of us has any great problem with the idea of  
40 the lot split and I think all of us probably have some problem, I certainly  
41 do, with the requirement that the applicant build so much highway  
42 regardless of the details. It seems to me that everybody else in the  
43 neighborhood lucks into, what in NASCAR they call the "Lucky Dog." In  
44 other words, they get basically a free highway. These people get  
45 penalized because they happen to want to split a lot at this point and I  
46 can't in all conscience see why we should refuse the waiver for them. I

1 don't see what harm he's done to anybody. Their lot split is not going to be  
 2 the death of Kennedy Road, which I'm sure can take another few cars a  
 3 day. Anybody else want to comment? Mr. Shipley.

4  
 5 Shipley: I would say that this is one of those things where we need to have the  
 6 Code modified with regards to a lot split versus a development. If we were  
 7 building, you know, a hundred new homes out here in a subdivision that  
 8 was going to increase traffic it would be mandatory and this would be the  
 9 way to do that because the cost of that could be split up among all of the  
 10 50, 100 homes, whatever was going to be done. It is not fair and it should  
 11 not be done this way now.

12 The other thing I think is unfair is that the City is the one that's  
 13 planning and doing the work to lay out where the streets are gonna go,  
 14 where the utilities are gonna go and they are the ones that need to drive  
 15 the train on this and they're the ones that need to go and either purchase  
 16 or secure the right-of-way from all of the residents at one time as opposed  
 17 to trying to do it a little piece at a time. The biggest problem we have in  
 18 this community is we piecemeal everything. We do not plan and say,  
 19 "We're gonna build five roads this year and we're gonna start from Point A  
 20 and go to Point B and everything's gonna be taken of in that Point A to  
 21 Point B." If we were to do that and we had a plan that says that in twenty  
 22 years this much of the roads would be completed in the city we'd be much  
 23 better off because we could do the kinds of things right now. We are a  
 24 rural community out in this area. So I don't think that this is appropriate at  
 25 all.

26 In fact, if I were Mr. Valverde, I think I would be inclined to withdraw  
 27 my dedication and say, "Come and pay me for it if you want it." I'd be  
 28 happy to let you do that and, "Come pay me." But that's just my personal  
 29 thing now. That's not what I would vote for.

30  
 31 Crane: Commissioner Scholz.

32  
 33 Scholz: We've had, I think, since I've been on the Commission half-a-dozen  
 34 similar cases and, with one exception, and that was to a specific  
 35 developer, I believe, we've made this allowance and we've said, "Okay.  
 36 You can divide this lot and you don't have to pay for road all the way as  
 37 long as you're giving us the dedication," and then they're willing to do that.  
 38 They're willing to give us the dedicated right-of-way.

39 The other thing that I wanted to mention was that at least a year  
 40 ago we had a fellow in the audience who spoke at one of the public  
 41 sessions at the end of a P & Z meeting who said that we are gonna face  
 42 more of these situations where people have a large lot that they want to  
 43 subdivide, whether they want to do it for personal gain or if it's for family or  
 44 whatever, and we're gonna have to deal with this kind of small subdivision  
 45 and there really has to be something in the Subdivision Code which allows  
 46 this and I think we have to encourage the Community Development

1 people to develop this sort of thing and get the City Council to pass it  
 2 because we shouldn't have a penalty on some, you know, this is small  
 3 potatoes.  
 4

5 Crane: I agree and it strikes me a further nail in this coffin is that if the applicant  
 6 went ahead and did what is asked of him there will be a very long delay  
 7 while planning is done, engineering planning as to where the utilities  
 8 would go, and that would have to include, if they're going to bring  
 9 everything up to date, storm drains and potable water and that would also  
 10 be a burden on the applicant.

11 I don't know quite how to handle this in a parliamentary way but it  
 12 seems to me that there have been a couple of other good ideas that this  
 13 Commission has had since I've been on it, and that's not my fault. One of  
 14 them was about the realtors being given some kind of formal presentation  
 15 at intervals by the City as to what is simply the matters of zoning in  
 16 residential areas so they don't tell people, "Oh, yes. You can you can stick  
 17 a porch on there," which has nailed a number of people who said, "The  
 18 realtor said I could do this." Now it may or may not be true but we did  
 19 make that recommendation, I believe that got the notice of City Council.

20 I think we should be able to vote on a resolution, which I will  
 21 suggest Mr. Shipley word that we recommend, respectfully, to the City  
 22 Council that this matter be addressed. Would you care to do something  
 23 like that? In the matter of a developer being asked to do something  
 24 expensive on an individual mark.  
 25

26 Shipley: Well, I really think what we need to do is task Community Development to  
 27 come up with a modification to the Development Code that says that for a  
 28 small split... and this is basically a lot split. This is not a subdivision. We're  
 29 not building 50 homes or 20 homes or whatever. So a lot split that has no  
 30 impact on traffic should be able to be done, especially in the rural areas  
 31 and we may want to have Community Development put together that word  
 32 to take it to City Council because they need to say, "What size lots are we  
 33 talking about? Are they half-acre lots? Where are they in relation to the  
 34 infrastructure in the city?"

35 We had a lot split last month that was in town and everything was  
 36 built-out but basically it was taking one lot and splitting it into two and  
 37 there was some objections to that. But, again, that was in the urban area  
 38 of downtown and all the streets were laid out and all the utilities were  
 39 covered and there was no problem then doing that except for: where do  
 40 we locate the driveways and how do we handle the traffic coming out of  
 41 those two houses? But this is a little bit different and so I don't know that  
 42 we can make a motion to do that. I think what we just do is just make a  
 43 recommendation to the Community Development Department to bring us  
 44 some language that talks about lot splits in this particular case.  
 45

- 1 Crane: I agree. The Community Development Department is here and is listening  
 2 intently will remember this until tomorrow. Right?  
 3
- 4 Ochoa: Yes, sir, Mr. Chairman, I will bring that up to my superiors.  
 5
- 6 Crane: Thank you.  
 7
- 8 Scholz: He was writing things down, too. *(All laughing)*  
 9
- 10 Crane: He wrote it down, too? Okay, I think we can move to...
- 11 Shipley: Mr. Chairman, at this point I would like to ~~move~~ that we reinstate the rules  
 12 and treat these two cases.  
 13
- 14 Crane: You took the words out of my mouth. May I have a second?  
 15
- 16 Scholz: Second.  
 17
- 18 Crane: Seconded by Scholz. All in favor?  
 19
- 20 All: Aye.  
 21
- 22 Crane: Against? None. Thank you. It passes 5-0. So the rules are reinstated. Let  
 23 us then proceed to vote on the lot split, the Replat S-12-012. We probably  
 24 all had our say. Anybody want to address this issue other than to vote?  
 25
- 26 Shipley: I move to approve.  
 27
- 28 Scholz: Second.  
 29
- 30 Crane: And seconded by Mr. Scholz. Let's start with Mr. Shipley this time.  
 31
- 32 Shipley: Aye, findings and discussion and site visit.  
 33
- 34 Crane: Commissioner Ferrary.  
 35
- 36 Ferrary: Aye, site visit, discussion and findings.  
 37
- 38 Crane: Commissioner Scholz.  
 39
- 40 Scholz: Aye, findings, discussion and site visit.  
 41
- 42 Crane: Commissioner Alvarado.  
 43
- 44 Alvarado: Aye, findings, discussion and site visit.  
 45
- 46

- 1 Crane: And the Chair votes aye, based on findings, discussion and site visit. This  
2 passes 5-0. Thank you.
- 3  
4 Shipley: Mr. Chairman, I move to approve S-12-012W with conditions and I'll read  
5 those conditions.  
6
- 7 Crane: Go ahead.
- 8  
9 Shipley: Number 1: the construction of all subdivisions, public and private  
10 improvements, within the corporate limits of the city shall conform to all  
11 applicable sections of the City Design Standards. Subdivision Code Article  
12 12, Section 37-360. Number 2: access to lots within a residential  
13 subdivision shall be from a dedicated and accepted improved public right-  
14 of-way, Design Standards Article 2, Section 32-36.
- 15  
16 Ochoa: May I interject? I'm sorry. Mr. Chairman, Mr. Shipley, I'm sorry. There are  
17 no conditions on the case S-12-012W. That was a recommendation of  
18 denial.
- 19  
20 Crane: Okay.
- 21  
22 Shipley: It's just for the denial. I'm sorry. Okay, then I just move for approval.
- 23  
24 Crane: Do I have a second?
- 25  
26 Scholz: Second.
- 27  
28 Crane: Seconded by Commissioner Scholz. I will start with Commissioner  
29 Alvarado.
- 30  
31 Ochoa: I'm sorry, sir. One more interjection. Again, since staff did recommend  
32 denial if anybody does vote for approval it'd have to be based on anything  
33 but findings since findings are for denial. Just for clarification, sir.
- 34  
35 Crane: You up to there, Mr. Alvarado?
- 36  
37 Alvarado: Yes. I vote aye to allow the waiver based on discussion.
- 38  
39 Crane: Mr. Scholz.
- 40  
41 Scholz: Aye for the waiver based on discussion.
- 42  
43 Crane: Commissioner Ferrary.
- 44  
45 Ferrary: Aye for the waiver, discussion and site visit.  
46

1 Crane: And Commissioner Shipley.

2

3 Shipley: Aye for the waiver, discussion and site visit.

4

5 Crane: And the Chair votes aye, based on discussions and site visit. So this  
6 passes 5-0. Thank you.

7

8 **VIII. OTHER BUSINESS –NONE**

9

10 Crane: Any further business, Mr. Ochoa? I think you do have something. Yes.

11

12 Ochoa: Yes, sir. Just for clarification we have no other business for you all tonight  
13 and it might not have a meeting next month considering our notification  
14 requirements and so forth. I believe we may not have cases ready for next  
15 month so you all might get the night off. On top of that I also want to  
16 introduce our new Associate Planner. This is Ezekiel. I will let him  
17 introduce himself a little further but he's been with us for a while. He's  
18 actually started off with the MPO and we lured him away from the...  
19 uh...dark side, I guess. I dunno. They're pretty nice guys, too. But he is  
20 our Associate Planner now and he is getting trained very well, hopefully,  
21 and he'll be coming forward to the public hearings with his own cases  
22 sometime soon as well.

23

24 Guza: Hi. It's very nice to meet you guys. I attended the last meeting also so I'm  
25 starting to get a hang of the procedures and everything and hopefully I'll  
26 be before you guys before not before too long.

27

28 Crane: Thank you. We're pleased to be cooperating with you in the future and  
29 you have tough shoes to fill with Mr. Ochoa.

30

31 Ochoa: Oh, I'll still be here.

32

33 **IX. PUBLIC PARTICIPATION**

34

35 None

36

37 **X. STAFF ANNOUNCEMENTS**

38

39 Crane: Any other business? Staff announcements apart from that one?

40

41 Ochoa: No, sir. There are none.

42

43 **XI. ADJOURNMENT (8:14)**

44

45 Crane: In that case we are adjourned at 8:14. Thank you.

46

ZONING: REM  
OWNER: RICHARD & AURORA VALVERDE

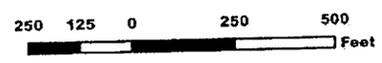
# Zone Map

PARCEL: 02-20689  
DATE: 04/22/2013

ATTACHMENT D



Legend		
EXISTING LIMITED ACCESS	PROPOSED INTERCHANGE/UNDERPASS	Non Designated Trail
EXISTING PRINCIPAL ARTERIAL	PROPOSED PRINCIPAL ARTERIAL	Proposed Paved EBID
EXISTING MINOR ARTERIAL	PROPOSED MINOR ARTERIAL	Proposed Unpaved EBID
EXISTING COLLECTOR	PROPOSED COLLECTOR	City Parcel
PROPOSED LIMITED ACCESS	PROPOSED CORRIDOR	Interstates_Highway
		EBID Water System
		Railroad



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

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Regular Meeting  
October 21, 2013

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**City Council  
of the  
City of Las Cruces**

**Regular Meeting**

**October 21, 2013**

**1:00 P.M.**

**Council Chambers, City Hall**

---

**MEMBERS PRESENT:**

Mayor Ken Miyagishima  
Councillor Miguel Silva, District 1  
Councillor Greg Smith, District 2  
Councillor Olga Pedroza, District 3  
Councillor Nathan Small, District 4  
Councillor Gill Sorg, District 5  
Councillor Sharon Thomas, District 6

**STAFF:**

Robert Garza, City Manager  
Harry (Pete) Connelly, City Attorney  
Esther Martinez-Carrillo, City Clerk

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**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Smith led the Pledge of Allegiance.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Presentation of Certificates of Appreciation/Proclamations.

Councillor Smith presented a Proclamation and declared October 27, 2013 as The Friends of the Community Candy Drop Day.

Mayor Miyagishima, Councillor Sorg and Councillor Smith presented an Award Plaque to Cheryl Rodriguez and Lisa Murphy for The Most Improved Airport of 2013.

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**II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.*

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Councillor Thomas said it's not just about striking the section regarding bylaws; it needs to include a way for us to get the contact information for all these groups. I do like Councillor Small's suggestion of having an "other" category so I think I'd be more comfortable with just bringing this back at the November 4<sup>th</sup> meeting.

Councillor Silva said I have difficulty with us telling groups what their functions are and what they have to do. I think just having them register with the City and giving us their contact information is enough.

Councillor Thomas said we're not telling them what to do; we're just informing them of the process which is already in place.

Councillor Silva said I just think registering with City is enough and I just want to make this as simple as possible.

-----

Councillor Small Moved to Table Resolution No. 14-082 to November 4, 2013 and Councillor Smith Seconded the motion.

-----

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 14-082 to November 4, 2013 and it was Unanimously Approved. 7-0

-----

- (21) Resolution No. 14-083: A Resolution Approving a Waiver From the Required Right-of-Way Dedication and 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)

Councillor Small Moved to Approve Resolution No. 14-083 and Councillor Sorg Seconded the motion.

-----

Mayor Miyagishima said I am going to defer this to Mayor Pro-tem because I think I may still insure this applicant.

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Robert Kyle, Building and Development Services Administrator gave an overhead presentation and said this is a waiver request for the Design Standards associated with the subdivision road improvements for a parcel of property that is located on Kennedy Road. The property currently has one residential home on it and the applicant would like to subdivide the property into two parcels in order to develop the other portion. The Planning and Zoning Commission did recommend approval of the proposed waiver request at their September 4<sup>th</sup> meeting and they didn't believe the improvements and costs for them were warranted for the subdivision of one residential lot into two residential lots. The waiver before you is for not providing any road improvements associated with the subdivision, as well as acquire additional rights-of-way in accordance with the City's Design Standards. So they are required to dedicate their pro-rata share of right-of-way to comply with a major arterial roadway and in this case, they are providing an additional five and a half feet of land which does take care of their right-of-way requirement. They are also required to build half of an arterial roadway that is adjacent to or within the boundaries of their subdivision which they are seeking a waiver to not be required to do those improvements.

John Montoya, Applicant's Representative said through this subdivision my client would dedicate a quarter of an acre. The estimated cost for the improvements is about \$411,000 which would include the pavement in front of the roadway with utilities and drainage from in front of this property all the way to Elks Road. The question we would have is that if he does decide to do these improvements then there is a grant received for those improvements; does he get his money back?

Mayor Pro-tem Thomas asked why do they want to subdivide their property?

John Montoya said there is currently a mobile home on the property and they had sold it to a brother and sister and their intent was to put two homes on the property but when they came to the City they were informed that it wasn't zoned to have two homes on it. My client financed their purchase of the property but one of them defaulted on it so instead of taking the entire property back, he allowed the other one to continue to purchase the property but she can't afford to purchase the entire property.

Councillor Sorg asked how is the drainage going to be addressed?

Robert Kyle said there is a minor waterway going through the property and it cuts across; there is a 25 foot drainage easement that comes down the western side of the property; so, the drainage characteristic of the property aren't really changing and it has been addressed through the provision of the drainage easement.

Councillor Sorg said there are problems there and we haven't had the big rain yet but if we do get a big rain then that whole area is going to be in bad shape.

Councillor Pedroza asked are there others in that area that are pitching into the pot for that road?

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Robert Kyle said this area has lots that are at a minimum of ½ acre sizes so there is the possibility that some of these other lots would subdivide in the future. So even though two lots today doesn't seem like an issue there could be two more later on and then two more later on and so on.

Councillor Pedroza said I think this is a difficult problem.

Councillor Small asked if these road improvements are completed now by this property owner is there a process for reimbursing him?

Robert Kyle said we could do an Assessment District for that area and if or whenever the other properties decide to subdivide then theoretically he could get back his pro-rata share. Historically, those types of Districts have been difficult to administer and it could be decades before any development happens there.

Councillor Small asked what if there is State funding available for widening this into a major arterial; how would he get his pro-rata share reimbursement?

Robert Garza, City Manager said we could do a Development Agreement that would essentially state that we are going to prescribe how and when dedications of rights-of-way are provided for and how and when payment for improvements or improvements are going to be done. The agreement would have to be something that the property owner and the City would have to agree on.

Councillor Small said that sounds like a good step forward here. Is Kennedy Road an important arterial as we move into the future?

Robert Kyle said Kennedy Road is a designated principal arterial on the MPO Thoroughfare Plan so it is an important road.

Councillor Small said then I think we should at least try to have a Development Agreement done in this case.

Robert Kyle said staff is currently working on the revision of the City's Design Standards so the subdivision standards today might be more or less now than they will be in the future. I think staff would just need to sit down with the applicant and discuss this issue.

Mayor Pro-tem Thomas said I think we do need to find a way for these types of cases where we can agree with the land owner that they don't have to make these improvements now but it will have to be done in the future.

Robert Garza said we can have staff start working on a template agreement and make it case specific. I think we need to work on creating a Road Fund which would be funds set aside for building new roads and it needs to be funded by contributions from things like this case.

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John Montoya said in a subdivision like Sonoma Ranch there were about 200 lots that shared the cost but in this case it is just one lot and the estimate I got was about \$411,000 so this one \$30,000 lot now becomes \$440,000. It just needs to be fair.

Mayor Pro-tem Thomas said that's why we need to look at this and see how we can avoid putting the full cost on just one property owner.

Robert Garza said staff will be looking into this so I would suggest that this be tabled indefinitely.

-----

Councillor Sorg Moved to Table Resolution No. 14-083 indefinitely and Councillor Silva Seconded the motion.

-----

Mayor Pro-tem Thomas called for the roll on the Motion to Table Resolution No. 14-083 indefinitely and it was Approved. 6-0 Mayor Miyagishima was absent.

-----

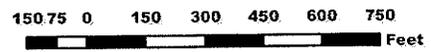
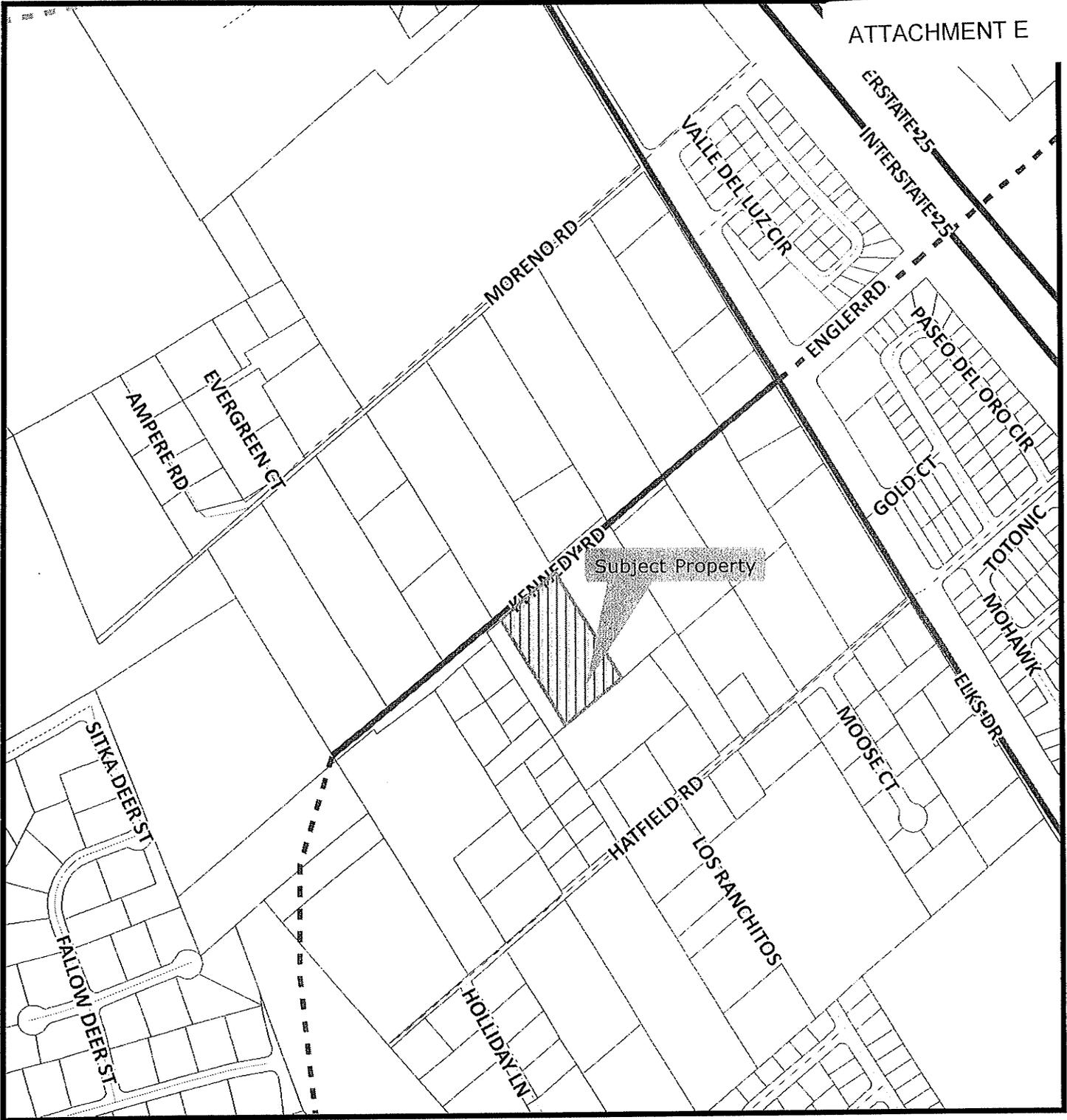
- (22) Council Bill No. 14-012; Ordinance No. 2697: An Ordinance Repealing the Las Cruces Local Economic Development Plan 2004 Adopted by Ordinance No. 2122 and Adopting the Las Cruces Local Economic Development Plan 2013 to Reflect Revised Project Security Requirements Adopted by the New Mexico Legislature in House Bill 352 of the 2013 Regular Legislative Session.

Councillor Smith Moved to Approve Council Bill No. 14-012; Ordinance No. 2697 and Councillor Thomas Seconded the motion.

-----

Elizabeth Vega, Interim Economic Development Administrator gave an overhead presentation and said the purpose of the Economic Development Plan is to encourage job creation in the private sector by providing technical business assistance and outline the City's incentives; this plan exempts us from the Anti-Donation Clause; and it implements the authority of the New Mexico Local Economic Development Act. In 2007, the State Legislature added language for "cultural facilities" which allows assistance for buildings such as the Rio Grande Theater. This update is outlined in Section 13 of the City's Plan. In 2013, the State Legislature added language for "clawback provisions" which allows the City to protect public resources by requiring a security pledge from qualifying entities and if terms of the project participation agreement are not met then the City can take measures to recover the investments. This update is outlined in Section 7 of the City's Plan.

ATTACHMENT E



Community Development Department  
700 N Main St  
Las Cruces, NM 88001  
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