



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 14Ordinance/Resolution# 17-029For Meeting of _____
(Ordinance First Reading Date)For Meeting of August 15, 2016
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING A WAIVER FROM 100% OF THE REQUIRED ROAD IMPROVEMENTS TO ALDRICH ROAD AND WILT AVENUE ASSOCIATED WITH A PROPOSED SUBDIVISION KNOWN AS EAST MILLER TRACTS SUBDIVISION ON A 4.294 ± ACRE PARCEL LOCATED AT 6501 ALDRICH ROAD. SUBMITTED BY MOY SURVEYING, INC. ON BEHALF OF STEVE MILLER, PROPERTY OWNER (66370W).

PURPOSE(S) OF ACTION:

Waive subdivision road improvements.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces (City) Subdivision Code and Design Standards, which are part of the Las Cruces Municipal Code, require the construction of road improvements along applicable roadways as part of the subdivision process. A waiver request is necessary whenever the subdivider desires to vary from any related public improvement/infrastructure requirements and it must be submitted in writing. City Council is required to review and take final action on all waiver requests per Section 37-333(E) of the Subdivision Code.

The proposed subdivision known as East Miller Tracts Subdivision is for a single-family residentially zoned tract located on the northwest corner of Aldrich Road and Wilt Avenue in the East Mesa area of the City. The subject property currently consists of a single-family residence and associated accessory structures. The proposed subdivision will split one (1) existing 4.294 ± acre single-family residential tract into two (2) new rural, single-family residential lots. This will create two (2) 1.96 ± acre lots within a REM (Single-Family Residential Estate Mobile) zoning district. One of the new lots will consist of the existing single-family residence and its associated

accessory structures and the other lot will be vacant. Currently there is no proposed use for the vacant lot. The property owner is seeking to subdivide the property for the purpose of leaving a lot to each one of his children under his estate planning.

The proposed subdivision is adjacent to Wilt Avenue, a designated collector roadway, and Aldrich Road and Jefferson Lane, two designated local roadways. Wilt Avenue right-of-way currently varies from 25 to 67.50 feet and a 20 ± foot wide paved roadway that does not comply with City standards. Aldrich Road currently consists of 50 feet of right-of-way and a 26 ± foot wide paved roadway that does not comply with City standards. Jefferson Lane is a fully dedicated and improved roadway. The applicant is responsible for constructing a 42.5-foot wide street segment for Wilt Avenue, including a portion of the street pavement, sidewalk, curb and gutter adjacent to the subdivision. The applicant is also responsible for constructing a full 50-foot wide street section for Aldrich Road, including curb and gutter adjacent to the subdivision. As the lot sizes exceed one half acre, no sidewalk is required per Section 32-37 of the City Design Standards for Aldrich Road. The applicant is requesting a 100% waiver to the required road improvements for Wilt Avenue and Aldrich Road. City Council did approve a similar waiver request to Wilt Avenue for a subdivision known as Sierra Tracts Subdivision located directly east of the subject property on the southeast corner of Wilt Avenue and Jefferson Lane. City Council approved this waiver request on September 4, 2012.

On June 28, 2016, the Planning and Zoning Commission (P&Z) recommended approval for the waiver request by a vote of 4-2-0 (one Commissioner absent). Staff and the Development Review Committee (DRC) recommended denial for the proposed waiver request to the P&Z. During the meeting, the P&Z questioned the need to have the property owner held responsible for the roadway improvements since the subject property was annexed into the City limits in the 1980's and the road concerns should have been addressed sooner. Please see Attachment "C" for a more detailed summary of the discussion that took place at the P&Z meeting. Staff received no comments from the public about the proposed waiver request.

Staff and the P&Z have discussed the potential for finding a resolution to the number of waiver requests submitted to the City. There has been discussion of amending the Subdivision Code to either allow for some exemptions or alternatives to the required road improvements for subdivisions such as this one. The actions of the P&Z pertaining to these cases have ranged from recommending approval, recommending denial, requesting a payment in lieu of road improvements, requesting a development agreement, and requiring a pro rata share of the required improvements. The vast majority of the waiver requests are then approved by City Council. Staff and the P&Z are seeking direction from the City Council, if any, to provide guidance as to how subsequent issues should be dealt with, such as granting staff administrative authority, pro rata share, etc.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Proposed subdivision.
3. Attachment "A", Waiver request.
4. Attachment "B", Staff report to P&Z for Case 66370W.

- 5. Attachment "C", Draft minutes from the June 28, 2016 P&Z meeting.
- 6. Attachment "D", Vicinity map.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the P&Z recommendation for approval of the proposed waiver request. No road improvements shall be required for Wilt Avenue and Aldrich Road in association with the proposed subdivision known as East Miller Tracts Subdivision.
2. Vote "No"; this will reverse the recommendation made by P&Z. Either road improvements or a payment in lieu of road improvements for Wilt Avenue and Aldrich Road shall be required in association with the proposed subdivision known as East Miller Tracts Subdivision.
3. Vote to "Amend"; this could allow the City Council to modify the Resolution by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow the City Council to table/postpone the Resolution and direct staff accordingly, such as requiring a pro rata share of the required improvements.

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



City of Las Cruces®

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of August 15, 2016
 (Adoption Date)

TITLE:

A RESOLUTION APPROVING A WAIVER FROM 100% OF THE REQUIRED ROAD IMPROVEMENTS TO ALDRICH ROAD AND WILT AVENUE ASSOCIATED WITH A PROPOSED SUBDIVISION KNOWN AS EAST MILLER TRACTS SUBDIVISION ON A 4.294 ± ACRE PARCEL LOCATED AT 6501 ALDRICH ROAD. SUBMITTED BY MOY SURVEYING, INC. ON BEHALF OF STEVE MILLER, PROPERTY OWNER (66370W).

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		528-3085	7/15
Department Director		528-3067	7/15
Other			
Assistant City Manager /CAO Management & Budget Manager		341-2078 541-2107	7-18-2016 7-19-2016
Assistant City Manager/COO		541-2271	7-22-16
<small>acting</small> City Attorney		x 2128	7-25-16
City Clerk		x 2115	8-5-16

RESOLUTION NO. 17-029

A RESOLUTION APPROVING A WAIVER FROM 100% OF THE REQUIRED ROAD IMPROVEMENTS TO ALDRICH ROAD AND WILT AVENUE ASSOCIATED WITH A PROPOSED SUBDIVISION KNOWN AS EAST MILLER TRACTS SUBDIVISION ON A 4.294 ± ACRE PARCEL LOCATED AT 6501 ALDRICH ROAD. SUBMITTED BY MOY SURVEYING, INC. ON BEHALF OF STEVE MILLER, PROPERTY OWNER (66370W).

The City Council is informed that:

WHEREAS, Moy Surveying, Inc. on behalf of Steve Miller, property owner, has submitted a request to waive 100% of the required road improvements for Wilt Avenue and Aldrich Road associated with the proposed East Miller Tracts Subdivision; and

WHEREAS, Wilt Avenue and Aldrich Road currently do not meet City Design Standards; and

WHEREAS, pursuant to Chapter 37 (Subdivisions), Article XII (Construction Standards) and Chapter 32 (Design Standards), Article II (Standards for Public Rights-of-Way) of the Las Cruces Municipal Code, 1997, as amended, road improvements are required on streets adjacent to a proposed subdivision; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on June 28, 2016, recommended that said waiver request be approved by a vote of 4-2-0 (one Commissioner absent) based on the findings outlined in the staff report.

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 to Wilt Avenue and Aldrich Road associated with the proposed subdivision and as shown in Exhibit "A", and attached hereto, be approved.

(II)

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

DONE AND APPROVED this _____ day of _____ 20__.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

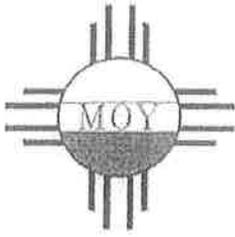
Seconded by: _____

APPROVED AS TO FORM:

City Attorney

VOTE:

Mayor Miyagishima:	_____
Councillor Gandara:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Eakman:	_____
Councillor Sorg:	_____
Councillor Levatino:	_____



MOY SURVEYING, INC

414 N. DOWNTOWN MALL, LAS CRUCES, N.M. 8: ATTACHMENT A
 PHONE: (575) 525-9683 – FAX (575) 524-3238

April 7, 2016

Public Works Dept.
 Community Development Dept.
 City of Las Cruces
 700 N. Main Street
 Las Cruces, NM 88001

Re: Miller Tracts, a Subdivision in the City of Las Cruces
 Waiver to street improvements

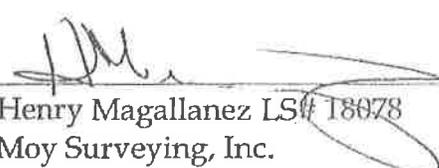
Department Directors;

On behalf of our client, , we are submitting for waiver to the City of Las Cruces
 Municipal
 Code, Chapter 32 - Design Standards, Article II, Sec. 32-36 - City Streets.

The City of Las Cruces is requesting right of ways improvements to be applied to the following roads, Aldrich Road, Jefferson Road and Wilt Road surrounding the Subdivision. Our client is willing to comply with the road dedications, and is requesting a complete waiver to road improvements of the roadways. Access to the lots will be from Jefferson Road for the north lot and Aldrich Road for the south lot. Both of these roadways are paved. Wilt Road has is an unimproved roadway with provides access to the land owners on the east. This road is servicing at least one lot at present. Any improvements for this roadway would make an costly endeavor to our clients.

For the above mentioned conditions, we strongly feel that no further improvements to Jefferson and Aldrich and Wilt Roads is warranted and will not have any negative impact on the immediate neighborhood or community.

Thank you.


 Henry Magallanez LS# 18078
 Moy Surveying, Inc.



**Planning & Zoning
Commission
Staff Report**

Meeting Date: June 28, 2016
Drafted by: Adam Ochoa, Planner

CASE # 66370W **PROJECT NAME:** East Miller Tracts Subdivision Waiver Request

APPLICANT/ REPRESENTATIVE: Moy Surveying, Inc. **PROPERTY OWNER:** Steve Miller

LOCATION: The northwest corner of Aldrich Road and Wilt Avenue; 6501 Aldrich Road **COUNCIL DISTRICT:** 6 (Councillor Levatino)

SIZE: 4.294 ± acres **EXISTING ZONING/ OVERLAY:** REM (Single-Family Residential Estate Mobile)

REQUEST/ APPLICATION TYPE: Request for approval for a waiver from the corresponding road improvements for a proposed subdivision known as East Miller Tracts Subdivision

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

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

DRC RECOMMENDATION: Denial of the waiver based on findings for case 66370W

TABLE 1: CASE CHRONOLOGY

Date	Action
May 4, 2016	Application submitted to Development Services
May 6, 2016	Initial review sent out for review to all reviewing departments
May 13, 2016	Final comments returned by all reviewing departments
June 1, 2016	DRC reviews and recommends denial for the proposed waiver request
June 12, 2016	Newspaper Advertisement
June 9, 2016	Public notice letter mailed to neighboring property owners
June 10, 2016	Sign posted on property
June 28, 2016	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is proposing a waiver to road improvements associated with a proposed alternate summary subdivision known as East Miller Tracts Subdivision that will split one (1) existing 4.294 ± acre tract into two (2) new single-family lots. The subject property is adjacent to Aldrich Road, Wilt Avenue and Jefferson Lane. The City of Las Cruces Subdivision Code and Design Standards require the dedication of right-of-way along applicable roadways as part of the subdivision process. The applicant is also required to provide all required road improvements to the adjacent roadways as required by the City of Las Cruces Design Standards. The applicant is proposing to dedicate the necessary right-of-way fronting the proposed subdivision along Wilt Avenue as required by Code. No additional right-of-way dedication is required for Aldrich Road and Jefferson Lane. The applicant is requesting to waive 100% of the required road improvements to Aldrich Road and Wilt Avenue. No alternative, including a fee-in-lieu of improvements, is proposed. No roadway improvements are required for Jefferson Lane.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Code Requirements
ROW Improvements	Aldrich Road: 26 ± foot wide paved roadway Wilt Avenue: 20 ± foot wide paved roadway	No improvements proposed	Aldrich Road: 42.5-foot wide street segment w/ sidewalk, curb and gutter adjacent to the subdivision Wilt Avenue: 50-foot wide minor local street segment adjacent to the subdivision

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 (Single-Family Residential Estate Mobile)
South	Vacant/undeveloped	N/A	H (Holding)
East	Single-family residences	N/A	REM (Single-Family Residential Estate Mobile)
West	Single-family residences/vacant	N/A	REM (Single-Family Residential Estate Mobile)

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance	N/A
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	No	No
Metropolitan Planning Organization (MPO)	No	No
CLC CD Engineering Services	No	No
CLC Traffic	No	No
CLC Fire & Emergency Services	No	No
CLC Utilities	Yes	Yes – The Utilities Department has no issues with the waiver request, but supports the decisions of the other City departments
CLC Parks	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS**Analysis**

The applicant is proposing a waiver from road improvements associated with the subdivision of one (1) existing 4.294 ± acre single-family residential tract zoned REM (Single-Family Residential Estate Mobile) into two (2) new single-family residential lots that meet 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. Those requirements are outlined below:

Wilt Avenue

The proposed subdivision is adjacent to Wilt Avenue, a proposed collector roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MPO). Wilt Avenue is currently made up of 25 to 67.50 feet of right-of-way adjacent to the subject property and a 20 ± foot wide paved roadway. The applicant is proposing to dedicate the required additional right-of-way for Wilt Avenue along the subdivision boundary. The applicant is also responsible for constructing the 42.5-foot wide street segment for Wilt Avenue including sidewalk, curb and gutter adjacent to the subdivision. The applicant is requesting to waive 100% of the required road improvements.

Aldrich Road

The proposed subdivision is also located adjacent to Aldrich Road, a designated local roadway. Aldrich Road is currently made up of 50 feet of right-of-way and a 26 ± foot wide paved roadway. The applicant is not required to provide any additional right-of-way for Aldrich Road. The applicant is responsible for constructing the 50-foot wide street segment for Aldrich Road adjacent to the subdivision to minor local roadway standards. The applicant is requesting to waive 100% of the required road improvements.

Jefferson Lane

Jefferson Lane is a fully improved roadway and no additional right-of-way or improvements are required.

Conclusion

The applicant has stated that the proposed new lots will not be utilizing Wilt Avenue for access and therefore, roadway improvements are not justified for this proposed subdivision. The applicant's representative added by stating that the required roadway improvements to Wilt Avenue and Aldrich Road are not warranted for simply subdividing a large single-family residential tract into only two new single-family residential lots and that the subdivision and the additional traffic of one additional single-family lot will not negatively impact the traffic of the surrounding roadways.

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

DRC RECOMMENDATION

On June 1, 2016 the Development Review Committee (DRC) reviewed the proposed waiver request. The DRC reviews subdivisions from an infrastructure, utilities and improvement standpoint. After some minor discussion, the DRC recommended denial for the proposed waiver request. Please refer to Attachment #6 for more details about the discussions that took place at the DRC meeting.

STAFF RECOMMENDATION

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

FINDINGS FOR DENIAL

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

ATTACHMENTS

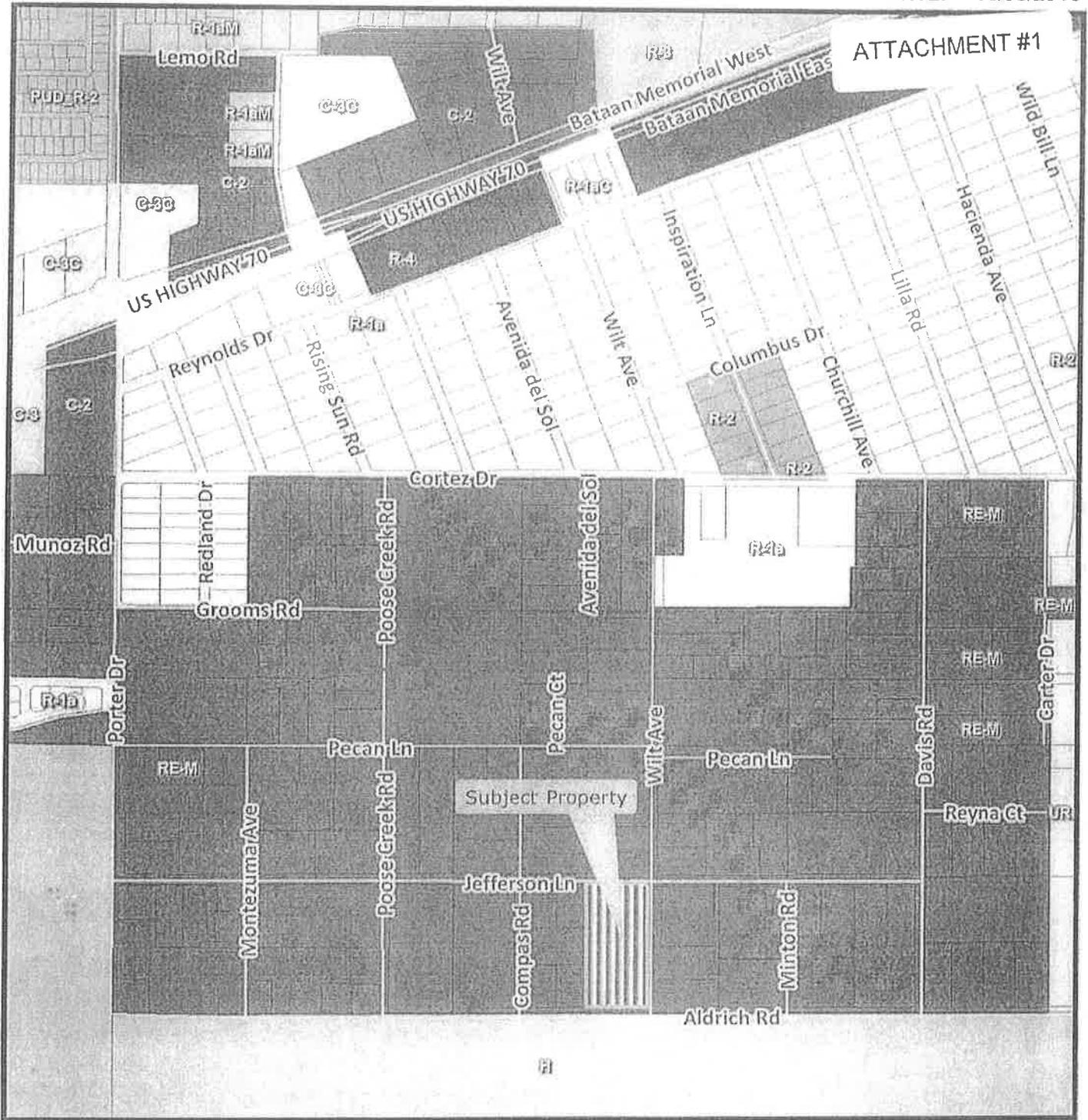
1. Vicinity Map
2. Aerial Map
3. Development Statement
4. Proposed Subdivision
5. Waiver Request
6. DRC Minutes dated June 1, 2016

ZONING: REM
OWNER: STEVE MILLER

VICINITY MAP

PARCEL: 02-19359
DATE: 06/06/2016

ATTACHMENT #1



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

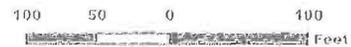
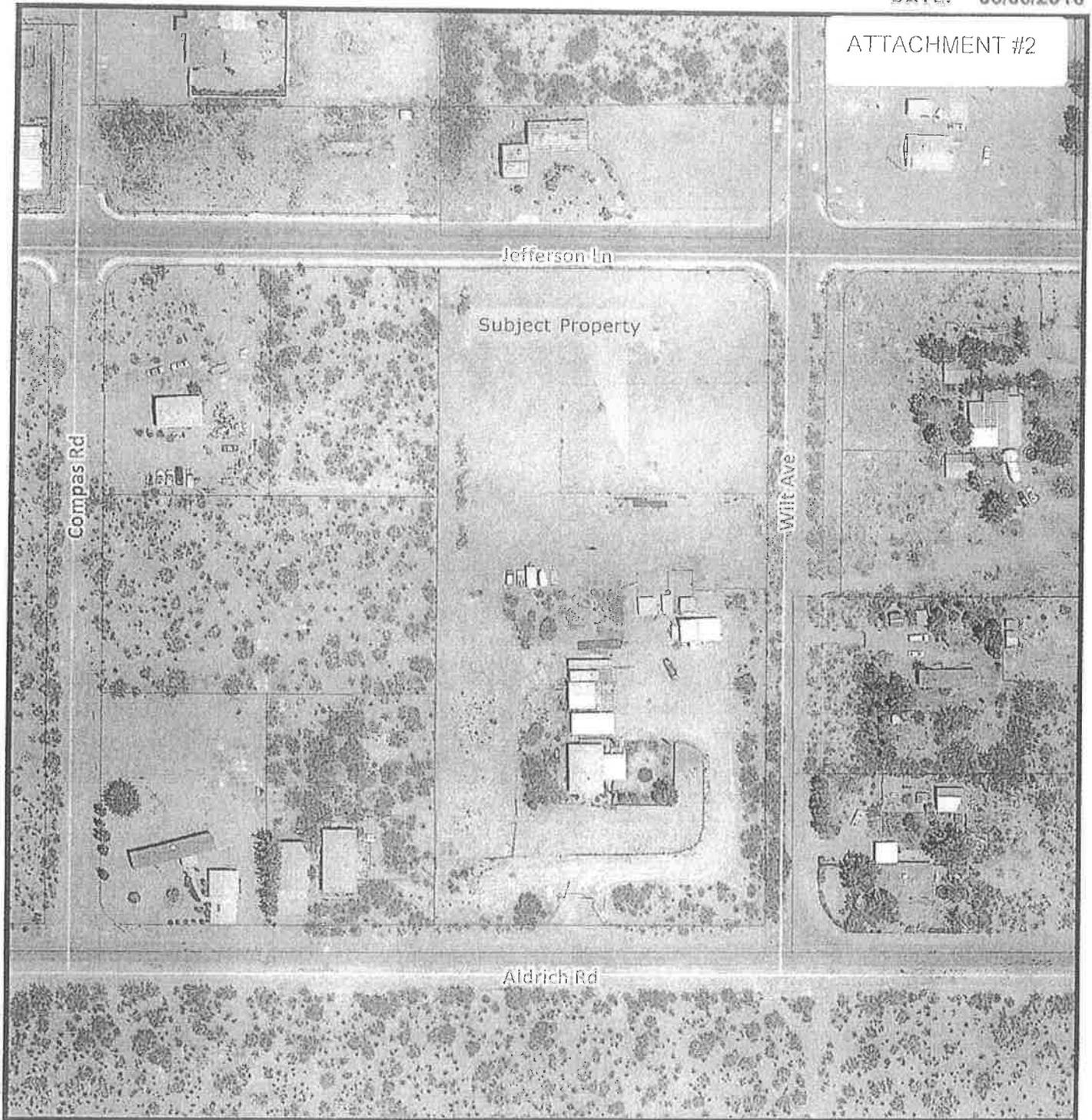
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

ZONING: REM
OWNER: STEVE MILLER

AERIAL MAP

PARCEL: 02-19359
DATE: 06/06/2016

ATTACHMENT #2



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

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DEVELOPMENT STATEMENT for City Subdivision/Zoning Applications

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

Applicant Information

Name of Applicant: CHAD MILLER
Contact Person: _____
Contact Phone Number: _____
Contact e-mail Address: _____
Web site address (if applicable): _____

Proposal Information

Name of Proposal: MILLER TRACTS.
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

Location of Subject Property 6501 ALYRICH 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: 5 AC

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

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

Zoning of Subject Property: _____

Proposed Zoning (If applicable): _____

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

Proposed square footage range of homes to be built from _____ to _____

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

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

Anticipated traffic generation _____ trips per day.

Anticipated development schedule: work will commence on or about _____

and will take _____ to complete.

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

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). _____

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: MILLER TRACTS
Name of Subdivision

Gross Area of Subdivision 5 Acres Property located within _____ Zone(s)

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

Dwelling Units / Acre _____ Acres for Residential _____

Acres for Streets _____ Acres for Other _____

Request for Waiver(s) (Written justification is required): _____

The legal description for the total area in this plat is as shown in Deed Book 204,
Page(s) 1358-1359, filed on the 15 day of DEC., 1999.

Applicant's Surveyor: HENRY MAGALLANEZ 414 N. DOWNTOWN MALL 525-9683
Name Address Phone No.

Applicant's Engineer: _____
Name Address Phone No.



VICINITY MAP

DETAILED SITE PLAN

N.T.S.

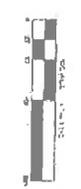
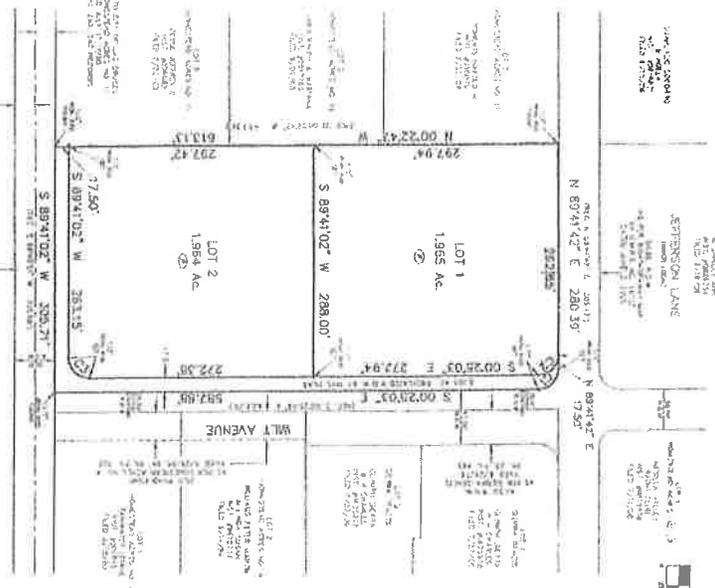
ALL RIGHTS OF WAY AND PUBLIC UTILITIES SHOWN HEREON ARE DEEMED TO BE THE PROPERTY OF THE CITY OF LAS CRUCES. THE CITY OF LAS CRUCES HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE CITY OF LAS CRUCES ZONING ORDINANCES AND REGULATIONS. THE CITY OF LAS CRUCES HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE CITY OF LAS CRUCES ZONING ORDINANCES AND REGULATIONS. THE CITY OF LAS CRUCES HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE CITY OF LAS CRUCES ZONING ORDINANCES AND REGULATIONS.

EAST MILLER TRACTS

A SUBDIVISION SITUATED WITHIN THE CITY OF LAS CRUCES
IN SECTION 24, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS
DONA ANA COUNTY, NEW MEXICO
DECEMBER, 2015
SCALE 1"=100'

4.294 ACRES TOTAL

TRACT	AREA (ACRES)	TOTAL AREA (ACRES)
LOT 1	1.985	1.985
LOT 2	1.984	3.969
RESERVE	0.325	4.294



1. THE CITY OF LAS CRUCES HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE CITY OF LAS CRUCES ZONING ORDINANCES AND REGULATIONS.
2. THE CITY OF LAS CRUCES HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE CITY OF LAS CRUCES ZONING ORDINANCES AND REGULATIONS.
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LIBBY SURVEYING INC.
414 K. BOBBERS WALK
LAS CRUCES, NEW MEXICO
PHONE: (505) 524-0663
FAX: (505) 524-0239

DATE: 12/28/15



MOY SURVEYING, INC.

414 N. DOWNTOWN MALL, LAS CRUCES, N.M. 88 ATTACHMENT #5
 PHONE: (575) 525-9683 – FAX (575) 524-3238

April 7, 2016

Public Works Dept.
 Community Development Dept.
 City of Las Cruces
 700 N. Main Street
 Las Cruces, NM 88001

Re: Miller Tracts, a Subdivision in the City of Las Cruces
 Waiver to street improvements

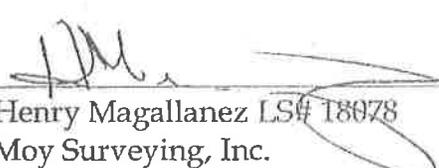
Department Directors;

On behalf of our client, , we are submitting for waiver to the City of Las Cruces
 Municipal
 Code, Chapter 32 - Design Standards, Article II, Sec. 32-36 - City Streets.

The City of Las Cruces is requesting right of ways improvements to be applied to the following roads, Aldrich Road, Jefferson Road and Wilt Road surrounding the Subdivision. Our client is willing to comply with the road dedications, and is requesting a complete waiver to road improvements of the roadways. Access to the lots will be from Jefferson Road for the north lot and Aldrich Road for the south lot. Both of these roadways are paved. Wilt Road has is an unimproved roadway with provides access to the land owners on the east. This road is servicing at least one lot at present. Any improvements for this roadway would make an costly endeavor to our clients.

For the above mentioned conditions, we strongly feel that no further improvements to Jefferson and Aldrich and Wilt Roads is warranted and will not have any negative impact on the immediate neighborhood or community.

Thank you.


 Henry Magallanez LS# 18078
 Moy Surveying, Inc.

DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the minutes from the City of Las Cruces Development Review Committee Meeting held Wednesday, June 1, 2016 at 9:00 a.m. at City Hall, Room 1158, 700 North Main Street, Las Cruces, New Mexico.

DRC PRESENT: Robert Kyle, Community Development
 Mark Dubin, Fire Department
 Meei Montoya, Utilities
 Rocio Dominguez, Engineering Services
 Mark Johnston, Parks & Recreation
 Jeremy Barela, Engineering
 Lorenzo Hernandez, Engineering
 Tom Murphy, MPO

STAFF PRESENT: Adam Ochoa, Development Services
 Sara Gonzales, Development Services
 Katherine Harrison-Rogers, Community Development
 Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (9:01 a.m.)

Kyle: All right. I'm gonna go ahead and call this meeting of the DRC to order. It's approximately, it's approximately 9:01 on June 1st. It's already June.

II. APPROVAL OF MINUTES - May 4, 2016

Kyle: First item of business is Approval of Minutes. We have minutes from the May 4th, 2016 DRC meeting. Are there any corrections to that for the record?

Montoya: No.

Dominguez: No.

Kyle: Seeing none. I'd entertain a motion to approve the minutes.

Dominguez: Moved.

Dubbin: Second.

Kyle: It's been moved and seconded. All those in favor please signify by saying "aye."

MOTION PASSES UNANIMOUSLY.

1 Kyle: Any opposed? Seeing none, the minutes are approved.

2
3 **III. OLD BUSINESS - NONE**

4
5 Kyle: There is no old business on the agenda.

6
7 **IV. NEW BUSINESS**

8
9 **1. Case 66370W: East Miller Tracts Subdivision Waiver Request**

- 10 • A request for approval of a waiver to the required road improvements
11 associated with a proposed alternate summary subdivision known as
12 East Miller Tracts Subdivision.
13 • The proposed subdivision requires the applicant to provide the required
14 road improvements to two adjacent roadways; Aldrich Road and Wilt
15 Avenue.
16 • The applicant is proposing a 100% waiver to the required road
17 improvements and is offering no alternatives to the full improvements.
18 • The subject property encompasses 4.294 +/- acres, is zoned REM
19 (Single-Family Residential Estates Mobile) and is located on the
20 northwest corner of Aldrich Road and Wilt Avenue; a.k.a. 6501 Aldrich
21 Road.
22 • Submitted by Moy Surveying, Inc. on behalf of Steve Miller, property
23 owner.

24
25 Kyle: We have one new business item, Case 66370W, East Miller Tracts
26 Subdivision Waiver Request. I would like to note that the applicant or their
27 representative are not here at this time. They were advised of the
28 meeting, is that correct staff?

29
30 Ochoa: That is correct.

31
32 Kyle: All right. Um, at, at this time I'd like to just go ahead and at least discuss
33 and, and take action on this waiver request. If the applicants wish to have
34 the DRC rehear it when they are present then we can do so. Staff will you
35 give us a briefing.

36
37 Ochoa: Sure thing. This is a proposed waiver request to a proposed alternate
38 summary subdivision known as the East Miller Tracts Subdivision. It is a
39 proposed subdivision of an existing about, little more than four and a
40 quarter acre parcel. Uh existing, essentially it's located south of Jefferson
41 Lane, west of Wilt Avenue, and north of Aldrich Road, so it has frontage
42 along three roadways out there. The applicant is proposing to subdivide
43 the, the existing tract. They were previously subdivided tract into two lots,
44 each measuring just under two acres in size. With the proposed
45 subdivision they are required to provide all adjacent roadway dedication
46 and improvement requirements that are required by the Design Standards.

1 Jefferson Lane is completely built out I believe, that was built out by the
2 City and dedicated, so nothing's required there. The two roads that are in
3 question; that would be Wilt Avenue which is a proposed collector
4 roadway and Aldridge Road as well. So they would be required to provide
5 uh all roadway improvements and dedication requirements. The applicant
6 is proposing to do all dedication requirements as required by code but is
7 requesting the waiver to the road improvements to the adjacent property
8 for Aldridge Road which is about, about 263 feet in length and Wilt Avenue
9 which is uh about almost 500, about, almost, almost 600 feet of linear area
10 along Wilt Avenue. Uh, the reason or this is the applicant is just stating
11 that you know building these out uh would be a great cost just to do a two-
12 lot subdivision essentially. Other than that the, the waiver request did go
13 out for review. All reviewing departments did deny the request, except for
14 utilities with the condition that they would support whatever uh other
15 departments would, excuse me, would a, would accept. Other than that,
16 that is essentially it.

17
18 Kyle: Okay. On the subdivision, is it just proposed two-lot subdivision? Do we
19 have a proposed use on it or are they just subdividing it?

20
21 Ochoa: Um, the property is zoned REM, single-family residential estate mobile.
22 There is an existing home on the, that would be on the southern lot, the
23 northern lot which is the one fronting Jefferson and Wilt would essentially
24 allow for single-family home as well. That's a single, or a mobile home or
25 manufactured home, but nothing's being proposed for an additional home
26 as of now.

27
28 Kyle: Okay. All right, well we'll go around the room. Utilities, any new
29 information?

30
31 Montoya: No. Just like what Adam has, has said that we does not have issues with
32 this waiver, however we will support the recommendation from other City
33 Departments.

34
35 Kyle: MPO.

36
37 Murphy: No additional comments.

38
39 Kyle: Las Cruces Fire.

40
41 Dubbin: I think the Subdivision Code is very clear. I think that the road
42 improvements, utility improvements need to be made if the subdivision is
43 to go forward.

44
45 Kyle: Engineering and Technical Services.

46

- 1 Dominguez: No additional information and I, I don't believe we will support the waiver.
2
- 3 Kyle: Okay. Um, just to note for the record on the southeast corner of Jefferson
4 and Wilt there was a subdivision, a property, a two-lot split proposed,
5 Sierra Tracts. At that time those applicants were requesting a waiver for
6 their pro rata share of improvements as well. At that time the DRC did
7 recommend denial of the waiver. Ultimately that waiver was approved by
8 the City Council on that two-lot subdivision. They did provide their
9 necessary right-of-way though. I just wanted to frame that for the context
10 of this area, that there has been and continues to be future development
11 in the area along those major roadways with no improvements being
12 made. Um as the applicant is not here, anybody else, any other
13 comments? Then I would entertain a motion to approve or recommend
14 approval of the proposed waiver request for right-of-way and um
15 improvements.
16
- 17 Murphy: Move to approve the requested waiver.
18
- 19 Dominguez: Second.
20
- 21 Kyle: Okay, it's been moved and seconded to recommend approval of the
22 requested waiver. All those in favor please submit by saying "aye."
23
- 24 NO RESPONSES.
25
- 26 Kyle: None noted. All those opposed.
27
- 28 MOTION PASSES UNANIMOUSLY.
29
- 30 Kyle: It's recommended to deny the request. The case will then proceed
31 forward to the Planning and Zoning Commission for their commendation to
32 City Council. Adam do we have an estimated date on that?
33
- 34 Ochoa: Yes, that should be going before City Council in June, I'm sorry, Planning
35 and Zoning Commission on June 28th I believe is the next Planning and
36 Zoning Commission meeting. City Council then a month or so after that.
37
- 38 Kyle: Very well.
39
- 40 **V. ADJOURNMENT (9:08 a.m.)**
41
- 42 Kyle: Any other business before the DRC today? Seeing none. I'd entertain a
43 motion to adjourn.
44
- 45 Murphy: So moved.
46

1 Dominguez: Second.

2

3 Kyle: It's been moved and seconded. All those in favor please signify by saying
4 "aye."

5

6 MOTION PASSES UNANIMOUSLY.

7

8 Kyle: We are adjourned. It is 9:08.

9

10

11

12

13

Chairperson _____

14

DRAFT

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
June 28, 2016 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

- Kirk Clifton, Chairman
- Joanne Ferrary, Member
- Harvey Gordon, Vice Chair
- Roger Hedrick, Member
- LaVonne Muniz, Member
- William Stowe, Member

BOARD MEMBERS ABSENT:

- Ruben Alvarado, Member

STAFF PRESENT:

- Katherine Harrison-Rogers, Senior Planner, CLC
- Adam Ochoa, Planner, CLC
- Sara Gonzales, Planner, CLC
- Mark Dubbin, CLC Fire Department
- Chris Mount, CLC Fire Department
- Thomas Limon, CLC Legal Staff
- Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:02 p.m.)

Clifton: Good evening fellow Commissioners, members of the public. Welcome to the June 28th, 2016 Planning and Zoning Commission. I'd like to go ahead and introduce our Commissioners here this evening with us. On the far right is Commissioner Hedrick; our newest addition Commissioner LaVonne Muniz, District 2 I believe, Councilor Smith's district?

Muniz: District 2.

Clifton: Thank you. Commissioner Stowe, Commissioner Ferrary, Commissioner Gordon, and myself Commissioner Kirk Clifton, the Chair of the Planning and Zoning Commission.

II. CONFLICT OF INTEREST

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

1 Gordon: I make a motion that we approve the Consent Agenda for Cases Number
2 66504 and 66895.

3
4 Ferrary: I'll second that.

5
6 Clifton: We have a motion and a second. All in favor.

7
8 MOTION PASSES UNANIMOUSLY.

9
10 Clifton: Motion approved unanimously.

11
12 **VII. OLD BUSINESS - None**

13
14 **VIII. NEW BUSINESS**

15
16 1. **Case 66370W:** Application of Moy Surveying Inc. on behalf of Steve Miller,
17 property owner, to waive 100% of the road improvement requirements for
18 Aldrich Road and Wilt Avenue. The proposed waiver is associated with
19 improvements required for a proposed alternate summary subdivision known
20 as East Miller Tracts Subdivision on a 4.294 +/- acre tract located on the
21 northwest corner of Aldrich Road and Wilt Avenue; 6501 Aldrich Road; Parcel
22 ID# 02-19098. Proposed Use: Two (2) new rural single-family residential
23 lots. Council District 6 (Councilor Levatino).

24
25 Clifton: Okay. Moving right along, New Business. Before we begin, just to set the
26 ground rules for the public if there is discussion what will occur is staff will
27 give a presentation, the applicant will follow up with their presentation,
28 then members from the public may speak for three minutes, no more than
29 three minutes regarding the case and their particular comments. The first
30 case under New Business, Case 66370W: Application of Moy Surveying
31 Inc. on behalf of Steve Miller, property owner, to waive 100% of the road
32 improvement requirements for Aldrich Road and Wilt Avenue. The
33 proposed waiver is associated with improvements required for a proposed
34 alternate summary subdivision known as East Miller Tracts Subdivision on
35 a 4.294 +/- acre tract located on the northwest corner of Aldrich Road and
36 Wilt Avenue; 6501 Aldrich Road; Parcel ID# 02-19098. The proposed use
37 for the property are two new rural single-family residential lots, and this is
38 within Council District 5, Councilor Levatino's Council District. Thank you
39 staff. Adam.

40
41 Ochoa: Thank you sir. Just a correction on that, my apologies. It's a, it is actually
42 District 6, Councilor Levatino's, so that minor correction on that. The first
43 case we have tonight is Case 66370W. Is it a, it is a request, it's a waiver
44 request for a proposed subdivision known as the East Miller Tract
45 Subdivision for a property located at 6501 Aldrich Avenue.

1 Subject property shown here, call that as the subject property. As
2 you can see here located generally south of US-70, Bataan Memorial
3 East, essentially this large rectangular property here south, located south
4 of Jefferson Lane, west of Wilt Avenue, and north of Aldrich Road.
5 Subject property encompasses 4.294 acres and currently it consists of an
6 existing single-family residence and accessory structures. Subject
7 property is zoned REM, single-family residential estate mobile, and as I
8 stated before it fronts Aldrich Road which is currently a 26, roughly about
9 a 26-foot-wide paved roadway, Wilt Avenue was, my apologies, and to
10 add to that Aldrich Road is the designated local roadway, following the
11 City standards for a 50-foot roadway. Wilt Avenue is a designated
12 collector roadway, currently is a total of 20 feet in width of, of a paved
13 roadway, and Jefferson Lane, another local roadway which is currently
14 fully improved and dedicated right-of-way. This subject property that we're
15 looking at has never previously been subdivided at all.

16 Showing the aerial here, the home and accessory structures
17 located to the south on the property, majority of the northern property,
18 everything else is, is, is vacant along Jefferson Lane.

19 Here are a couple pictures of the adjacent roadways that we will be
20 talking about tonight for the proposed waiver. Aldrich Road shown here to
21 the left, on the left side of the screen and Wilt Avenue here on the right-
22 hand side. Again Aldrich Road, a local roadway which is currently 26 feet
23 wide, Wilt Avenue which is a collector roadway currently only 20 feet wide
24 of pavement.

25 So essentially the applicant is proposing to subdivide the existing
26 tract into two new residential lots. One lot encompassing 1.965 acres will
27 be the vacant portion to, on the north end; Lot 2 encompassing 1.964
28 acres will be the southern portion which, where the existing dwelling is.

29 Under our current City of Las Cruces Design Standards of the
30 Section 32-36 states that the subdivider is responsible for all necessary
31 dedication and, improve, dedication and improvements to all adjacent
32 roadways to a subdivision, stating that the applicant is required to provide
33 the dedication and improvements for half of a street section for a collector
34 roadway which, which what Wilt Avenue is which is about 42 and a half
35 feet which includes curb, gutter, and sidewalks. The applicant is also
36 required to provide a full street section or 50 feet wide of a local roadway
37 for Aldrich Road which is what it's designated. No additional road
38 improvements or dedications are required for Jefferson Lane to the north
39 of the property.

40 The applicant is proposing to actually dedicate all the required
41 adjacent right-of-way that is required but is proposing to provide no
42 roadway improvements. That's what the waiver is for essentially. The
43 applicant has stated that his waiver is justified based on the fact that the
44 two lots will not be utilizing Wilt Avenue for access. Each lot will be either
45 accessing Jefferson Lane to the north or Aldrich Road to the south,
46 basically saying that that's why road improvements are not required for

1 Wilt Avenue at this time. The applicant has also stated that the required
2 road, roadway improvements are not warranted for simple subdivision of a
3 large single-family residential tract into two still relatively large single-
4 family residential lots. Subdivider believe, I'm sorry the, the applicant
5 believes that the subdivision and the additional traffic of one additional
6 single-family lot in the area will not negatively affect the traffic of the
7 surrounding area and warrant the required roadway improvements.

8 Here is a, my apologies for my blurry example of what that
9 subdivision would look like with the two lots, one to the north, one to the
10 south here. And here is a quick little kind of a depiction of what it is that
11 we're requesting. Again, Jefferson to the north in the orange, no
12 additional improve, improvements are required. Wilt Avenue to the east
13 here for a 588 feet long, that subdivision is required to be a 42 and a half
14 foot wide street segment made up of pavement, curb, gutter, and
15 sidewalk. And the southern portion here which is Aldrich Road, roughly
16 about 263 feet in length is, would be a required 50-foot roadway meeting
17 the standards of a, a local roadway, a rural local roadway. Here are the
18 examples of the roadways that would have to be provided. As I said this
19 is what the minor local would have to look like for Aldrich Road and a
20 collector roadway, half of this would have to be built for Wilt Avenue
21 essentially.

22 When staff took a look at this we basically look at it from the
23 hardship standpoint, the hardships expressed and we believe that the
24 hardships expressed, excuse me, by the applicant do not demonstrate a
25 substantial hardship as outlined in Section 6, Article 37-33.2 of the
26 Subdivision Code. It basically states a hardship must be due to some type
27 of exceptional topographic, soil, or other surface or subsurface conditions
28 which would essentially make the construction of roadways impossible for
29 the proposed subdivision. Since the applicant has not demonstrated that,
30 we believe they do not provide the required definition of a hardship to
31 allow the waiver request. Staff did send this out for review to all reviewing
32 parties and did send out all the required public in, noted, notification to
33 adjacent property owners. Staff received no public input for the proposed
34 waiver request.

35 On June 1st, 2016 the DRC did meet to review the proposed waiver
36 request. And the DRC is a reviewing body which reviews subdivision from
37 an infrastructure, improvements, and utilities standpoint. After some minor
38 discussion at the DRC meeting, DRC did recommend denial for the
39 proposed waiver request.

40 With that ladies and gentlemen based on the City of Las Cruces
41 Subdivision Ordinance, City of Las Cruces Design Standards, and the
42 unfavorable recommendation made by the Development Review
43 Committee, Design Review Committee, pardon me, staff recommends
44 denial of the waiver request based on the findings found within your staff
45 report. Planning and Zoning Commission is a recommending body to City
46 Council for waivers where they will have final action on all waiver

1 requests. Here are those four findings that are found in your staff report
2 and these findings again are for denial. With that your options tonight is:
3 1) to vote "yes" and recommend approval of the waiver request to City
4 Council; 2) to vote "yes" and recommend approval of the waiver request
5 with conditions deemed appropriate by the Planning and Zoning
6 Commission; 3) to vote "no" and recommend denial of the waiver request
7 as recommended by staff; and, or 4) table and postpone and direct staff
8 and the applicant accordingly. The applicant's representative and the
9 applicant are here if you have any questions for them and I stand for
10 questions.
11

12 Clifton: Thank you Adam. As a matter of you know kind of making these meetings
13 a little more efficient what I'd like to start doing and kind of go back to the
14 way we used to do things is let's, if we could hold the Commissioners'
15 questions and comments until after the applicant presents, that way it, it's
16 a little more cohesive in the way we approach it from the Commission
17 level, that'd probably be a little more appropriate and it seemed to work in
18 the past quite well. So with that said, does the representative have an,
19 presentation for the Commission?
20

21 Ochoa: Speak into the mic and wait to be sworn in.
22

23 Clifton: Good evening Mr. Magallanez. Could you state your name and address
24 for the record.
25

26 Magallanez: Certainly. My name is Henry Magallanez. I'm with Moy Surveying.
27

28 Clifton: Do you swear to affirm that the testimony you are about to give is the truth
29 and nothing but the truth under penalty of law?
30

31 Magallanez: I will.
32

33 Clifton: Thank you. Sir, your name and address for the record.
34

35 Miller: Chad Miller, 6501 Aldrich.
36

37 Clifton: Do you swear or affirm that the testimony you are about to give us is the
38 truth and nothing but the truth under penalty of law?
39

40 Miller: Yes sir.
41

42 Clifton: Thank you.
43

44 Magallanez: Good morning, I mean good afternoon Members of the Commission. My
45 name is Henry Magallanez and we have been contracted to do the
46 subdivision on this lot. This lot again is bordered by Jefferson, Aldrich,

1 and Wilt. All these roads are paved, as Adam had mentioned. There is
2 an axis apron on Jefferson as well as on Aldrich. Aldrich doesn't have any
3 curbs and gutters at all from Porter Street all the way to the end and then
4 Wilt has been designated as a collector and so they're requesting 85 feet
5 of roadway. This four parties involved in this here, on the northeast
6 quarter, corner of Wilt the people have dedicated the road needed for their
7 portion of right-of-way but they did get a variance on road improvements.
8 The bottom two, it's an easement so there's no, been no dedication. The
9 split may have been done years ago without having to do any dedications
10 or anything like that because it's only still 25-foot road easement on there.

11 Again my client is requesting, or giving up the dedicated right-of-
12 way that is being requested. It's 17 feet on the, on Wilt Street and the,
13 making sure that there's 25 feet or 50 foot for Wilt Avenue. The client of
14 mine is, he inherited this property from his dad. His dad got this piece of
15 property in 1999 which was after the ETZ on there, when it was
16 developed. They have kept it for 16, 17 years and my client has inherited,
17 inherited it and what he proposes to do would be split of the property in
18 half for he can give each child that he has eventually a piece of the
19 property. The, right now he has horses on the property and it's a single-
20 family dwelling. The house when he will sell the property or the, I mean
21 build a home on that, it'll probably be a while still you know but he does
22 want to get his matters into where each, each kid will receive a piece of
23 property that he has inherited. At this point I'd like to turn it over to my
24 client and see if he has any, if you all have any questions where he may
25 expound on this matter a little bit. But all we're asking for is the waiver to
26 the improvements.

27
28 Miller: I don't really have much to expand on. I was set up well from my father by
29 getting the property inherited from him and I'd like to do the same for my
30 kids so.

31
32 Clifton: Okay. Thank you very much. All right. We'll go ahead and open it up for
33 Commission discussion and questions. Commissioners.

34
35 Ferrary: Yes. I'd like to know, oh, will you recognize me?

36
37 Clifton: Commissioner Ferrary.

38
39 Ferrary: I'd like to know the guesstimate of the cost for each section, like for Wilt
40 and for Aldrich. Thank you.

41
42 Magallanez: Adam do you have that ...

43
44 Baum: You have to speak right into the microphone.

45
46 Magallanez: I'm sorry. *(inaudible)*

- 1
2 Baum: It's still not picking up.
3
4 Ochoa: Mr. Chairman, Commissioner Ferrary. Staff did a quick quasi-calculation
5 which, what our Public Works Department uses for doing this. Total cost
6 for it you, you're looking at I believe, well part of be, because their
7 calculations are based off just a local roadway but you're looking at
8 anywhere between about \$50,000 to about \$80,000 for those two
9 roadways.
10
11 Ferrary: And do you know who paid for the development of Jefferson?
12
13 Ochoa: Mr., Mr. Chairman, Commissioner Ferrary. That was a build-out by the
14 City of Las Cruces. City of Las Cruces actually paid for the build-out of
15 Jefferson Lane through federal grants I believe. And that was done
16 actually not too long ago it was, it was actually done.
17
18 Ferrary: Okay.
19
20 Clifton: Thank you. Commissioner Hedrick.
21
22 Hedrick: Yeah. I have a, a question for the applicant. You don't want to pay for the
23 improvements as I understand it. At some future point in the, a time when
24 the property is prime for full development somebody's going to have to
25 develop that road. Who, who do you think should pay for those
26 improvements?
27
28 Miller: When, when we initially moved out there we moved out there to kind of get
29 away from the city and, and, and have, we have BLM across the street
30 from us which was, has been annexed by the City but the, the roadways
31 are sufficient for the traffic that, that comes through there. I mean I hope
32 at some point it's not fully developed into something that, that has houses
33 all crammed on top of each other. I'd like to see it stay the way it, way it
34 is.
35
36 Hedrick: You really haven't addressed the question. I, this is in, within the City of
37 Las Cruces. The Development Standards require a paved road. That
38 standard's probably is never going to go, go away. So who should pay for
39 those improvements is the question.
40
41 Magallanez: Member of Commission. The road is paved. It, the, what we don't have is
42 the curb and gutter for Wilt Avenue and Jefferson like I said is fully
43 improved. And Wilt Avenue which is, borders my client and then it borders
44 the State of New Mexico and then, so they're asking the full improvement
45 of that roadway. The roadway is paved. I mean there's no question about
46 there's being paved on there. Again what they're asking for is the curb

1 and gutter for that type of improvement. So I mean I feel that the, the City
 2 with their tax money should be able to pay for it. You know if they sell the
 3 property or doing stuff like that, it increases the tax base a little bit. I'm not
 4 saying that's going to be enough for that roadway but if they get a grant for
 5 like they did on Jefferson that's great. But the reality of improving Wilt
 6 Street, it's going to be 25 years, 30 years. You know it's not going to be
 7 tomorrow. It's not going to be the day after tomorrow. It's not going to be
 8 in a, in a year, okay. The, but so the time that it happens before any type
 9 of improvement goes on there, it's going to be 20, 30 years from now. It's
 10 not going to be tomorrow like I said. The Wilt Avenue, again the two
 11 properties down on the southeast corner, they've been, it's, it's an
 12 easement only. You have to acquire that land. If they don't develop it
 13 then the City is required to go out there and get, get that land when they
 14 go out there and, let's say for example they get money so they want to
 15 improve it and stuff like this here, they're going to have to go get monies to
 16 pay for that process of land. You already have, our client and the client on
 17 the northeast corner already give you the right-of-way. They already gave
 18 you the right-of-way for Wilt and, but the, you're, you're not going to get
 19 the right-of-way from the other two lots and they already the, divided.
 20 Unless when the City goes out there and says, "I'm going to take this land
 21 here cause I need it to improve it so I'm going to have to buy it from you."
 22 So the City's going to have to buy that portion if they don't divide it. And
 23 the only way they're going to get the land is if they wind up dividing these
 24 lots and these lots are already small so that's not going to happen. At
 25 least from my opinion.

26
 27 PERSON IN THE AUDIENCE SPEAKING, NOT AT THE MICROPHONE.

28
 29 Clifton: Ma'am please. Okay Commissioners, any additional questions?
 30 Commissioner, please.

31
 32 Gordon: Mr. Miller do you currently live on the property?

33
 34 Miller: Yes sir I do.

35
 36 Gordon: Okay. And will you continue to remain there and, or until your, I don't
 37 know you, you're talking about giving the property to your sons, plural. I

38 ...

39
 40 Miller: Son and daughter. Yes.

41
 42 Gordon: All right. So right now there will, there will be two lots. Will you remain on
 43 one of them and the other lot is going to go to your son or your daughter?

44
 45 Miller: Correct.

46

1 Gordon: And then what will happen if, if let's say for example your son gets it and
2 then your daughter would like to have a lot, you going to move off?
3
4 Miller: It, it just depends. I mean my, they could move away, they could ...
5
6 Gordon: I understand.
7
8 Miller: Go to school, do their thing, I would ...
9
10 Gordon: But, but this is going to stay in the family.
11
12 Miller: Yes. That, that's the, the sole point of ...
13
14 Gordon: Okay.
15
16 Miller: The entire thing.
17
18 Gordon: And when, when this land was originally purchased by your father I
19 assume that, I understand that it was part of the County.
20
21 Miller: I believe so.
22
23 Gordon: Right. I've been out there and I've looked at the property and I've looked
24 at the surrounding area and I mean there is just nothing out there. I mean
25 it's just a lot of double-wides and I don't even remember seeing any
26 homes, any structures. And I sort of happen to agree with what you would
27 like to do. You, so you have no intent in the future to, to sell this then to,
28 to another person, to an outsider?
29
30 Miller: Not at all.
31
32 Gordon: You want to keep this in the family.
33
34 Miller: Correct.
35
36 Gordon: And how old are your children, how many years will it be before you think
37 they would be able to take this piece of property?
38
39 Miller: Fifteen years or so.
40
41 Gordon: All right. So they're youngsters.
42
43 Miller: Yes.
44
45 Gordon: Okay. Well thank you.
46

- 1 Miller: Thank you.
2
- 3 Clifton: Commissioner Ferrary.
4
- 5 Ferrary: I have a concern that there isn't an urgency right now either to subdivide if
6 this is something that your children are going to inherit. So taking care of
7 this now, I don't see the impetus for that.
8
- 9 Miller: My primary reason of doing it now, I lost both my parents very young so I'd
10 like to do, get my affairs in line before anything happens, so.
11
- 12 Ferrary: So most likely you are not really going to subdivide it now, you would just
13 have that available for them.
14
- 15 Miller: Correct.
16
- 17 Ferrary: Okay.
18
- 19 Miller: Have the, the wills done and all that. Yes.
20
- 21 Ferrary: Okay. Thanks.
22
- 23 Clifton: Yeah I, Members of the Commission I don't know that it's really our
24 purview to discuss the state planning with the applicant. They simply want
25 to try to subdivide the land with a waiver request to not do road
26 improvements. Henry I do have a quick question for you.
27
- 28 Magallanez: Yes.
29
- 30 Clifton: How many acres of land are you dedicating to the City for future roadway
31 expansion?
32
- 33 Magallanez: It, it's almost like half an acre I believe, if I remember correctly. It's 17 feet
34 on the Wilt side and then on the, the, I would have to get my drawing.
35 Then we're at, they're giving an (*mic cut out*) 17 feet by 700 feet so it's
36 about like a half an acre or so.
37
- 38 Clifton: Okay. So are, are you being compensated by the City for that right-of-way
39 dedication?
40
- 41 Miller: No.
42
- 43 Clifton: And do you have an approximate valuation on that right-of-way dedication
44 even based on the County Assessor's valuation of vacant land in that
45 area?
46

- 1 Magallanez: We, we did not consider the valuation. We, we could look at the valuation
2 what the property is in now. What is the price of your acreage?
3
- 4 Miller: I know on Jefferson ... *(inaudible)*
5
- 6 Clifton: Please speak into the microphone. Thank you.
7
- 8 Magallanez: On Jefferson this ...
9
- 10 Miller: They paid like \$5,000 for that 300-foot *(inaudible)* ...
11
- 12 Baum: Please get on the microphone.
13
- 14 Magallanez: Okay. I'll let Mr. Miller.
15
- 16 Clifton: Thank you.
17
- 18 Miller: When they did the Jefferson improvement they paid us a, just a rough
19 estimate of \$5,000 for that easement. So if you double that going from
20 300 feet to 700 feet you'd be looking about \$10,000 in the property value
21 that we'd be giving up.
22
- 23 Clifton: Okay. Thank you. I mean it, it is understood that it's part of the
24 subdivision process there are required right-of-way dedications but it
25 should be noted for the record that you're not receiving compensation for
26 those dedications and you are seeking a 100% waiver. And it's actually
27 not necessarily a 100% waiver as written. It's more of a partial waiver.
28 Would that be correct Adam, since there is existing pavement? It's not like
29 we easily see where it's just a vacant, dirt road, no infrastructure
30 whatsoever.
31
- 32 Ochoa: Mr. Chairman. I, I, I, guess you're, you are correct when it comes to that.
33 The, the biggest reason we'd still call it a 100% waiver is because they are
34 providing no road improvements, that essentially why we caught, but you
35 are correct there is an existing roadway, paved roadway now there.
36
- 37 Clifton: And at the DRC level was it discussed that there is a, I don't want to say
38 tradeoff but there is, because of roadway dedications, you know the roads
39 are currently improved to a standard, not the City standard but to a
40 standard that that was an acceptable trade. I mean was there any
41 acknowledgment that, "Yeah, we're getting right-of-way out of this. We
42 know there's pavement. At a later date this could be further subdivided."
43
- 44 Ochoa: Mr. Chairman. That was not discussed essentially because the Code flat-
45 out says the, whoever's subdividing, any subdivider, the Code does not
46 differentiate between somebody splitting one tract into two or somebody

1 doing a 500-lot subdivision. A subdivider is responsible for providing all
2 roadway, adjacent roadway improvements and dedication requirements.
3 So based off of that, that is how staff looks at, it's by the book if you will
4 sir.

5
6 Clifton: Okay. Thank you.

7
8 Magallanez: Mr. Chairman. If I may, may make a note on that. Through my
9 experience with waivers and the DRC and stuff like that, they
10 automatically deny. They take the application and they say, "No. The
11 Code says that you have to pay, pave the road. Code says that you have
12 to give the dedication." And they deny the waiver application. It's just a
13 automatic denial. I mean they do not discuss it. They do not, they do not
14 make, say, "Oh yea, this is fine." They just deny it and they bring it up to
15 the Board here and then it's up to you guys to make a determination if it
16 gets approved or not. The, so, you know, I mean would I like to see that
17 change? Sure. You know and in other words each individual engineering
18 or department says, "I think this has merit." But all of 'em from the County
19 staff, everybody says automatically, "No."
20

21 Clifton: And I, I think we understand it's part of the Code but I also know that in the
22 past that they have looked at existing improvements and determined, "If
23 you were to improve this road what would it take?" As an example would
24 it just, curb and gutter be adequate, would that bring it into compliance?
25 And I know in some areas of the city they've done that and maybe this is
26 just so far out of compliance that it doesn't matter what asphalt's on the
27 ground but I know that you know that staff has looked at that variation in
28 the past where it's what I called a partial waiver. So just, just as a point
29 that of, I wanted to bring up to the, to you and to the Commission.
30

31 Magallanez: Well thank you.

32
33 Clifton: Any additional comments by the Commission? Yes Commissioner
34 Hedrick.

35
36 Hedrick: Mr. Chairman, Commission. This request just seems to be a, what, what I
37 see as a broken record and an emotional appeal for approval. I, I, I feel
38 very uncomfortable making up the rules as, as we go along relative to you
39 know how it meets the waivers. You know it's, it's very clear to me that
40 there has to be some cost-sharing here just like in any other development,
41 just like any other homebuilder, any residents pays their fair share of the
42 costs of improvement. It's also clear to me that, that, that the lines seem
43 to be drawn. The staff is obligated pretty much to follow the law of the
44 Design Standards. The applicant's representative, knowing the outcome,
45 doesn't participate in the DRC meeting, doesn't complete all the forms
46 requested. I concur with staff that the application does not comply with

1 the City standards much less the other requirements for the waiver. I think
2 we need to get out of the "cutting the baby in half," making political
3 decisions and reach some kind of agreement on what the standards
4 should be. I recommend that, that, that if the P&Z has other ideas about
5 what the standards should be then the applicant, then, then the P&Z
6 basically needs to initiate a text change to the subdivision regulations and
7 draw up some, some regulations that the staff, the City Council, and, and
8 the rest of the residents can, can, can agree upon. Thank you.
9

10 Clifton: Thank you Commissioner. I think we all recognize there's a deficiency in
11 the Code with, that we've been dealing with and staff's been dealing with
12 for some time. With that said I'll go ahead and open it up to public
13 comment. Are there any members of the public that would like to make a
14 comment?
15

16 Donnelly: Hi.
17

18 Clifton: Thank you ma'am. May I get your full name and your address please.
19

20 Donnelly: Yes. My name is Linda Donnelly, D-O-N-N-E-L-L-Y. I live at 4100 Wilt.
21

22 Clifton: Thank you. Do you swear or affirm that the testimony you are about to
23 give is the truth and nothing but the truth under penalty of law?
24

25 Donnelly: I do.
26

27 Clifton: Thank you.
28

29 Donnelly: The picture that you're looking at, the southeast corner is an acre and a
30 quarter. Just to the north of that is another acre and a quarter. That is my
31 acre and a quarter. My husband and I have been on that property for over
32 a quarter of a century. We acquired the property in '89 and we've been
33 there and our daughter grew up there and we too plan on leaving, well first
34 of all we're not leaving at all. We're dying on that property. But we will be
35 leaving it to our daughter too. She still lives here in Las Cruces and my,
36 my, our driveway is on Wilt. No other driveway is on Wilt except the
37 person down on the bottom right, they have a driveway on Wilt. Nobody
38 goes on Wilt. My husband, federal officer for Homeland Security,
39 Customs Supervisor, I'm very proud. I asked him today before he left for
40 work and I said, "How often do you think that you actually," well I, I didn't,
41 don't go by my word cause I stay at home cause I don't go anywhere. And
42 I said, "How often do you come or, when you, when you're coming and
43 going on the road do you have to go past somebody on the road?" And
44 he said, "About once every two weeks." And I realize that's hearsay now
45 cause my husband's not here and I sit home and watch Judge Judy so I
46 know that's hearsay. But that road is not used. It's not used at all. Chad

1 and his wife may come that way sometimes but I'm sure most of the time
2 they go the other way because Wilt is 25 miles an hour and Aldrich is 30
3 miles an hour so people don't go out of their way. The UPS and the
4 FedEx guys, they'll use Wilt to cut across the neighborhood you know for a
5 shortcut. But we're on the very edge of the desert and we're halfway
6 through that neighborhood. We're halfway in the neighborhood. People
7 go out that way, some people on Aldrich will come down Aldrich but if they
8 live much further up Aldrich they're going out Dunn because Wilt doesn't
9 go to the highway. Dunn goes to the highway there's, where you can get
10 on and off and if you go down to Porter you can get on and off the
11 highway. But well, I don't know. Oh and I did want to make one more
12 point really fast. I know my three minutes are probably up. The top half,
13 the top half on the right-hand side, that was subdivided just two, three
14 years ago and they indeed did have to give away part of their land. But
15 they were waived. It's a, it's a, it's a Las Cruces Police officer. And they
16 waived all of the improvements for him and that was just a couple years
17 ago. I was here for him then. So now I'm here for Chad. I just have the
18 most wonderful neighbors ever where I am. All of my neighbors all around
19 are just wonderful, hardworking, good people which doesn't matter but it
20 was, you can look it up but it was only a few years ago that you waived all
21 those improvements on Wilt for that police officer. So I don't know, I'm just
22 saying. Thank you folks.

23
24 Clifton: Thank you ma'am. Any additional comments from the public? Seeing
25 none, we'll now close it, open it up to additional Commission discussion
26 then if we could have a vote please. Commissioner Ferrary.

27
28 Ferrary: I agree that you know we've talked about redefining the hardship and
29 making it so that improvements don't have to be made when doing a
30 patchwork of improvements on a road as you know different homeowners
31 are making their improvements or subdividing, and that we have asked the
32 City Council to make these changes so that we don't have to confront this
33 all the time. I think it's an interesting concept that we propose that
34 ourselves as a body, as Commissioner Hedrick has suggested. So at this
35 point I think we don't have a really good alternative than to approve the
36 waiver.

37
38 Clifton: Any additional comments? Seeing none, can I have a motion?

39
40 Gordon: I'll make a motion. I move that we approve the waiver for Case Number,
41 well I will put my glasses on, 66370W.

42
43 Clifton: Can I have a second on the motion?

44
45 Ferrary: I'll second it.
46

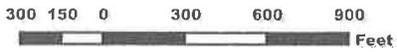
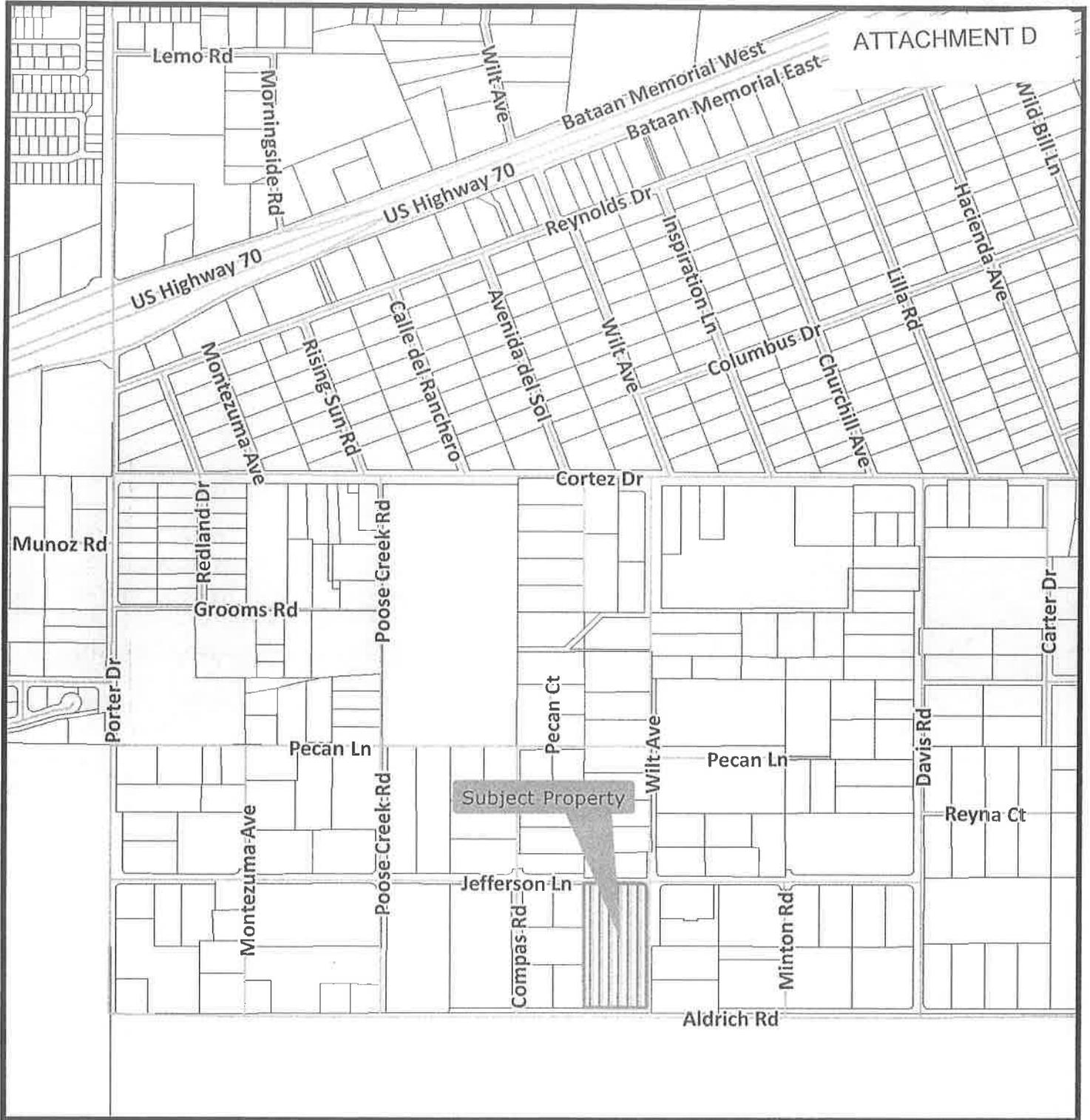
- 1 Clifton: Seconded by Commissioner Ferrary. Okay. Commissioner Hedrick.
 2
 3 Hedrick: No.
 4
 5 Clifton: Commissioner Muniz.
 6
 7 Muniz: No.
 8
 9 Clifton: Commissioner Stowe.
 10
 11 Stowe: Yes based on discussions this evening.
 12
 13 Clifton: Commissioner Ferrary.
 14
 15 Ferrary: Yes based on discussion and site visit.
 16
 17 Clifton: Commissioner Gordon.
 18
 19 Gordon: I vote yes based on discussion and site visit.
 20
 21 Clifton: And the Chair votes yes based on the fact that they are dedicating existing
 22 right-of-way and this you know really should be looked at at a staff level a
 23 little more carefully and the presentation that was made by both staff and
 24 the applicant. Thank you. Motion passes. Thank you.
 25
 26 MOTION PASSES.
 27
 28 2. **Case 66691:** A petition by adjacent property owners for a street name
 29 change for a portion of Tashiro Dr. between N. Valley Dr. and Motel Blvd. to
 30 the name of Jim Bradley Dr. Council District 4 (Councilor Eakman).
 31
 32 Clifton: Okay. Moving right along, let's go to Case 66691: A petition by adjacent
 33 property owners for a street name change for a portion of Tashiro Drive
 34 between North Valley Drive and Motel Boulevard to the name of Jim
 35 Bradley Drive. This is within Councilor District 4, Councilor Eakman.
 36 Thank you. Staff.
 37
 38 H-Rogers: Good evening Members of the Commission. I'm Katherine Harrison-
 39 Rogers with the City. This is Case Number 66691. The City received a
 40 petition by property owners on that portion of Tashiro between North
 41 Valley Drive and North Motel Boulevard. It should be noted that the City
 42 does own a large portion of property. However, they were not part of the
 43 petition as we don't normally sign petitions such as these unless the City
 44 Council actually votes "yes" to a name change. So the City excluded
 45 themselves from that 75%. Resolution 80-338 dictates how street name
 46 changes occur within the city. Ultimately there are a couple of ways but in

ZONING: REM
OWNER: STEVE MILLER

384
VICINITY MAP

PARCEL: 02-19359
DATE: 06/06/2016

ATTACHMENT D



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