

Las Cruces Extra-territorial Zoning Authority

Las Cruces Extra-territorial Zoning Commission

CITY OFFICES

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City Hall, 700 N. Main Street
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845 North Motel Blvd.
Las Cruces, NM 88007
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TO: Extra-Territorial Zoning Authority
FROM: Extra-Territorial Zoning Commission
PREPARED BY: Sara Gonzales, Planner
DATE: July 28, 2016
SUBJECT: Replat of Lot 21, Subdivision "C" EBL&T Waiver Request – Appeal

64783A: Replat of Lot 21, Subdivision "C" EBL&T Waiver Request Appeal

An appeal of the decision of the Extra-Territorial Zoning Commission for case 64783W made on July 7, 2016, denying a waiver request for road improvements associated with a proposed subdivision known as Replat of Lot 21, Subdivision "C" EBL&T. The applicant is seeking to waive the required roadway improvements to the 50-foot-wide road and utility easement created by the subdivision, which provides access to the subdivision, that is adjacent to the nearest paved road known as Webb Road. The subject property encompasses 4.92 ± acres, is zoned ER5 and is located on the east side of White Thorn Road, 619 ± feet south of its intersection with Westmoreland Avenue; Parcel ID# 03-30038. Submitted by Moy Surveying Inc., on behalf of Tommy and Sandra Brown, property owners.

BACKGROUND

Staff researched the surrounding area and did not find any additional properties requesting waivers to road improvements.

Replat of Lot 21, Subdivision "C" EBL&T proposes four (4) lots on 4.92 ± acres. The subject property will have access from Webb Road which is comprised of a 60-foot-wide section of right-of-way with a 30-foot-wide paved road along the proposed subdivision line. ETZC made the decision to approve the waiver for the additional road improvements required on Webb Road including sidewalk, curb and gutter.

The ETZ Subdivision Ordinance, Section 4.2A, states right-of-way improvements shall be required of all subdivisions within the ETZ, except those which may qualify under Section

4.2L (Large Land Area Subdivisions). The ETZ Subdivision Ordinance, Section 4.2C states that all subdivisions shall provide one hundred percent of the required road improvements to interior rights-of-way. The subdivider is requesting a waiver to the required roadway improvements to the road and utility easement.

The waiver request for no interior road improvements was not supported by the EDRC (Extra-Territorial Zoning Review Committee) or the Dona Ana County Engineering Department on May 5, 2016. Furthermore, on July 7, 2016, the ETZ Commission considered the waiver request for the subject property for road improvements to the interior right-of-way. The ETZ Commission denied the applicant's waiver request during the July 7, 2016 due to the discussion of the current status of the roadway. The denial is consistent based upon the following findings:

1. The applicant is requesting to waive roadway improvements to the 50-foot-wide road and utility easement.
2. Section 4.2C states that all subdivisions shall provide one hundred percent of the required road improvements to interior rights-of-way.
3. As specified by Section 6.1 of the ETZ Subdivision Ordinance, the applicant did not demonstrate a substantial hardship due to exceptional topographic, soil or other sub-surface conditions that would otherwise inhibit the objectives of the ETZ regulations.

RECOMMENDATION

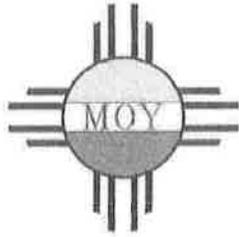
The ETZ Commission convened on July 7, 2016 to consider the proposed waiver request. The waiver request was denied by a 3-3 (one Commissioners absent) vote. Additionally, the EDRC convened on Thursday May 5, 2016 and unanimously recommended denial for the waiver request to the ETZ Commission.

OPTIONS

1. Approve the appeal. This action reverses the ETZ Commission decision of denial. The applicant will not be responsible for roadway improvements for the interior right-of-way.
2. Deny the appeal. This action affirms the ETZ Commission decision of denial. The appellant will be responsible for roadway improvements for the interior right-of-way.

ATTACHMENTS

1. Appeal Letter from Applicant
2. ETZ Commission Meeting Agenda and Minutes
3. ETZ Commission Staff Report and Attachments for Case 64783W, Replat of Lot 21, Subdivision "C" EBL&T Waiver Request
4. Vicinity Map



MOY SURVEYING, INC.

414 N. DOWNTOWN MALL, LAS CRUCES, N.M. 88001

PHONE: (575) 525-9683 – FAX (575) 524-3238

July 12, 2016

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

Re: Appeal on the Extra-Territorial Zoning Commission decision to deny the waiver for road improvements for Case 64783W: Replat of Lot 21 Subdivision "C" EBL&T

Department Sirs;

On behalf of our client we are submitting this letter to formally accept this notice to appeal the decision of the Extra-Territorial Zoning Commission decision of July 7, 2016, to deny the waiver for road improvements for Case 64783W: Replat of Lot 21 Subdivision "C" EBL&T to the City of Las Cruces Municipal Code, Chapter 32 - Design Standards, Article II, Sec. 32-36 - City Streets.

Thank you.

Henry Magallanez LS# 18078
Moy Surveying, Inc.

Las Cruces Extra-territorial Zoning Authority

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EXTRA-TERRITORIAL ZONING COMMISSION AGENDA

The Las Cruces Extra-Territorial Zoning Commission agenda for a public hearing to be held on **Thursday, July 7, 2016 at 6:00 p.m.** in the County Commission Chambers at 845 N. Motel Boulevard, Las Cruces, New Mexico.

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodation for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 48 hours before the meeting by calling 528-3043 (voice) or 1-800-659-8331 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers listed above.

- I. **CALL TO ORDER**
- II. **ANNOUNCEMENTS**
- III. **APPROVAL OF MINUTES – June 2, 2016**
- IV. **POSTPONEMENTS – NONE**
- V. **OLD BUSINESS**

1. **Case 64783W: Replat of Lot 21, Subdivision “C” EBL&T Waiver Request**

A request for approval of a waiver to the required roadway improvements associated with a replat known as Replat of Lot 21, Subdivision “C” EBL&T. The applicant is seeking to waive the required roadway improvements to Webb Road as well as the required access roadway improvements within the proposed subdivision. The subject property encompasses 4.92 ± acres, is zoned ER5 and is located on the east side of White Thorn Road, 619 ± feet south of its intersection with Westmoreland Avenue; a.k.a. 2595 Webb Road Parcel ID# 03-30038. Submitted by Moy Surveying Inc., on behalf of

Tommy and Sandra Brown, property owners.

2. Case 65413W: Margarita's Subdivision Replat No. 1 Waiver Request

A request for approval of a waiver to the required roadway improvements associated with a replat known as Margarita's Subdivision Replat No. 1. The applicant is seeking to waive the required roadway improvements to Calle de Las Margaritas as well as the required roadway improvements within the proposed subdivision. The subject property encompasses 5.181 ± acres, is zoned ER4M and is located on the west side of Calle de Las Margaritas, 809 ± feet south of its intersection with Watson Lane; a.k.a. 3876 Calle de Margaritas; Parcel ID# 03-29734. Submitted by Moy Surveying Inc., on behalf of Manuel & Yolanda Avalos, Olivia Romero, and Lorenzo Villalobos, property owners.

VI. NEW BUSINESS – NONE

VII. STAFF INPUT

1. Monthly Subdivision Report

VIII. COMMISSION INPUT

IX. PUBLIC INPUT

X. ADJOURNMENT

1 Acosta: Commissioner Hearn.

2
3 Hearn: Aye.

4
5 Acosta: Commissioner Best.

6
7 Best: Aye.

8
9 Acosta: Commissioner Townsend.

10
11 Townsend: Aye.

12
13 Acosta: Commissioner Acosta votes aye. And Chairman.

14
15 Villescas: Aye.

16
17 **IV. POSTPONEMENTS - NONE**

18
19 Villescas: Item four, Postponements. There is none from, sorry, are there any from
20 the Commission? None. Are there any from staff?

21
22 Gonzales: No Commissioner.

23
24 **V. OLD BUSINESS**

25
26 1. **Case 64783W: Replat of Lot 21, Subdivision "C" EBL&T Waiver.** A
27 request for approval of a waiver to the required roadway improvements
28 associated with a replat known as Replat of Lot 21, Subdivision "C" EBL&T.
29 The applicant is seeking to waive the required roadway improvements to
30 Webb Road as well as the required access roadway improvements within the
31 proposed subdivision. The subject property encompasses 4.92 +/- acres, os
32 zoned ER5 and is located on the east side of White Thorn Road, 619 +/- feet
33 south of its intersection with Westmoreland Avenue; a.k.a. 2595 Webb Road,
34 Parcel ID # 03-30038. Submitted by Moy Surveying Inc., on behalf of
35 Tommy and Sandra Brown, property owners.

36
37 Villescas: Then we'll go straight into item five, Old Business. Item number one is
38 Case number 64783W, Replat of Lot 21, Subdivision "C" EBL&T Waiver
39 request. Ms. Gonzales.

40
41 Gonzales: Mr. Commissioner and Commissioners there is at least in this case and
42 the second case, I want to bring this up in the beginning only due to our
43 last conversation with our waivers, if they are requesting more than one
44 request on a waiver form, you can separate them out. So you will be able
45 to vote and make a motion to separate them or vote on the case as an
46 entirety.

1 In this instance, you can vote for the road improvements as I've
2 explained. I'll go through them and then I can also give you your options if
3 you choose to actually separate them out.
4

5 Villescas: I'm sorry Ms. Gonzales, so are you saying that both our cases are related,
6 one and two?
7

8 Gonzales: No Mr. Commissioner. Each case is requesting two types of waivers.
9

10 Villescas: I see.
11

12 Gonzales: They are both identified as road improvements, however they are located
13 in separate, separate places within the proposed subdivision. So you can
14 vote to actually separate them out if the Commission chooses to, or you
15 can vote on them as a whole.
16

17 Villescas: I open it up to the Commission, what is the Commissions' pleasure?
18

19 Hearn: Mr. Chairman.
20

21 Villescas: Mr. Hearn.
22

23 Hearn: I think we have to wait until we've gone through the whole thing and, and
24 then make up our minds at the time.
25

26 Villescas: Okay, you want to listen to the presentation first.
27

28 Hearn: I think so.
29

30 Villescas: Okay, let's go with that Ms. Gonzales.
31

32 Gonzales: Okay, so this is Case 64783W for a Replat of Lot 21 Subdivision "C"
33 EBL&T Waiver Request for Webb Road. The property is located on the
34 east side of White Thorn Road. It is approximately 619 feet south of
35 Westmoreland Avenue. It does encompass 4.92 acres. And the applicant
36 is proposing four lots. This is the subject property's aerial. As you can
37 see there are some properties developed, however to the east of the
38 property they are actually undeveloped. Currently the road for Webb is
39 almost to the edge of the applicant's proposal for the property line. So
40 where the yellow line actually meets at the end and intersects with the
41 other yellow line, the road is almost paved up into that area. As for the
42 other line that goes up through the subject property, that is the proposed
43 road and utility easement that would be provided for the four lots.
44

45 This is the proposed subdivision. So as you can see Webb Road is
46 on the very bottom. That is paved, however it does not meet City
standards. There are certain zones within the ETZ code that does

1 reference that you would meet City standards if they are proposed within
2 these zones. This zone is an ER5 so it does propose to be within the
3 zones that meet the City of Las Cruces Design Standards. The access
4 easement is to the east of the property and it goes down that line, so you'll
5 see the 950 feet. That is where the proposal is for the properties to each
6 access.

7 Per each, per the ETZ code for Section 4.2, all subdivisions have to
8 provide road improvements of pavement to access that subdivision. In
9 this case, Webb Road is paved almost to the properties', I guess the
10 subject properties' subdivision line, however it does not meet the cross
11 section that is provided by the City of Las Cruces Design Standards. The
12 requirements would be that it would be a 30-foot paved roadway with curb,
13 curb, gutter, and sidewalk provided. Since the property(road) is already
14 paved, the applicant would only have to do curb, gutter, and sidewalk in
15 front of the subject property subdivision. So it would not continue down
16 Webb Road, it would just be entirely at that subdivision. The second
17 waiver that is being proposed is to not do any improvements except for
18 gravel for the access and road utility easement that is proposed to the
19 east. Any time a subdivision is subdivided and access road utility
20 easement is provided, it is to be improved with a 24-foot, or yeah 24-foot
21 width with a coarse base of pavement. It would not have to meet the
22 highest standards for a paved road. This would be what a street section
23 would look like, so this is what Webb Road would have to look like, but
24 only in front of the actual subdivision that is proposed. You would see
25 curb, gutter, and then sidewalk.

26 The applicant is requesting a waiver from both. They are asking for
27 a waiver from the City of Las Cruces Design Standards for Webb Road,
28 improving it with the additional pavement, curb, gutter, and sidewalk.
29 They are, they are also asking for a second waiver for the road and utility
30 easements provided for each of the four lots for access.

31 This is the current conditions of the roadways out there. As you
32 can see in front of the property there is pavement however after it, it does
33 become unpaved. It is basically just dirt. So almost up to their property
34 line that they are proposing it is actually paved at this point in time. This
35 was the notification map for those who did receive the letters within the
36 300-foot requirement.

37 For ETZ waivers and recommendation we did meet on the 5th of
38 2016 (May) and we did deny the waiver request due to there are no
39 exceptional topographic soil, or subsurface conditions that may modify or
40 be required to waive the improvements for that area. This would be the
41 case. You do have the option to vote "yes" to approve the waiver case for
42 64783W; you can vote "yes" to approve the waiver with conditions; you
43 can vote "no" to deny the waiver; or you can postpone. I'm here with any
44 questions. The applicant is here as well as its representative.

45
46 Villescas: Does the Commission have any question for Ms. Gonzales at this time?

1
2 Best: Mr. Chairman.
3
4 Villescas: Yes, please.
5
6 Best: Was that ER5, the, the, the zoning for the, as it stands now?
7
8 Gonzales: Correct Mr. Commissioner. That is right.
9
10 Best: Okay. What is ER4M like it talks about in table four?
11
12 Gonzales: Oh, I'm sorry, then I misquoted.
13
14 Best: I just want to make sure I'm not confused.
15
16 Gonzales: No, you're okay. Yes. Are you looking at the correct staff report?
17
18 Best: Probably not. Okay, let's see. Never mind.
19
20 Villescas: That was quick.
21
22 Best: That's why I couldn't find the ...
23
24 Villescas: Commissioner Hearn am I premature at this point or do you want to take
25 up the discussion of separating these two, do you wanna wait until we
26 hear from the applicant?
27
28 Hearn: It sounded like we might wait until we've gone through the whole
29 discussion and we're down to the point of considering ...
30
31 Villescas: Okay.
32
33 Hearn: How we want to do it. It's new to me.
34
35 Villescas: Just want, just wanted to ask.
36
37 Hearn: Okay.
38
39 Villescas: Are there any other questions for Ms. Gonzales at this time?
40
41 Hearn: Mr. Chairman.
42
43 Villescas: Yes sir.
44

1 Hearn: It, the, the paving on the, on Webb Road up to the point that it stops being
2 paved, what, what is that? What condition, what type? It, it's not up to
3 code right?
4
5 Gonzales: Commissioner, Commissioner. No I tis not up to code. It is basically a, I
6 believe it is a 20-foot wide paved road. In the City Design Standards do
7 require that it be a 30-foot paved, road cross section with the curb, gutter,
8 and sidewalk.
9
10 Hearn: Right.
11
12 Gonzales: So at this point, not it is not up to code, however we could not bring the
13 entire Webb Road up to code, it would just be in the proposed subdivision
14 area.
15
16 Hearn: Just as a, as a side note, I have been seeing these combined for years
17 and they're always perplexing because in a sense we've got a code but in
18 another sense if we require that that piece of road be built we're putting a
19 massive piece of concrete right out in the middle of nowhere. And you
20 don't know how you get on to it, how you get off of it, how you handle
21 water running, how, how all those things work out and what in the world is
22 going to be the condition of it in five years, ten years, just sitting there.
23 That, that's just a perplexing thing that I have. Thank you Mr. Chairman.
24
25 Best: Mr. Chairman.
26
27 Villescascas: Please go ahead.
28
29 Best: In previous cases we've seen where the applicants have had to improve a
30 road all the way to a specific point. What is different than this, why does,
31 why do they not have to improve Webb Road from Westmoreland all the
32 way like we did in previous cases?
33
34 Villescascas: I can ... we'll go ahead Ms. Gonzales.
35
36 Gonzales: Mr. Commissioner. Based on the actual area map that you're seeing here
37 ...
38
39 Best: Yes.
40
41 Gonzales: Westmoreland is above the property. It does not provide its access.
42
43 Best: Oh, I'm sorry.
44
45 Gonzales: The access is ...
46

1 Best: White Thorn.
2
3 Gonzales: Well because the actual access is from Webb Road, the, the code reads
4 to the nearest paved road.
5
6 Best: Oh.
7
8 Gonzales: At this point in time the road is actually paved, it's just not up to Design
9 Standards.
10
11 Best: Okay.
12
13 Gonzales: So it's normally to the nearest paved road of access if it was there. So if
14 Webb Road was a complete dirt road all the way up to White Thorn, then
15 the applicant would have to actually improve that entire section.
16
17 Best: Thank you.
18
19 Villescas: Yeah. The code reads "paved road," it doesn't, it doesn't read to City
20 standards, it reads to "paved road." It's a good question though.
21 However, on the, on the side there is absolutely no paving there, it's just
22 that gravel road you showed us, correct?
23
24 Gonzales: Mr. Commissioner. That is correct. There is only I would say,
25 unfortunately there's no property pins out there in order for me to identify
26 where the property began or stopped. All I had would be the aerial based
27 model to actually accumulate possibly with our measuring tool, but there's
28 maybe about 20 feet or so that is not paved within the subject property
29 that is being subdivided. If there were property pins I could have
30 measured to decide where that property line ended, or maybe the
31 applicant can at least give more detail to see if it is paved all the way to
32 that end.
33
34 Villescas: Okay. At, at least to your sight when you were out there on the interior is
35 there anything at all or is it just like paths?
36
37 Gonzales: The interior, this was the only picture that I could provide for interior.
38 Basically there's a gate that's there and that's if I'm proposing it as the
39 correct property. As I had stated there's no property pins. When you drive
40 out there it is very exclusive. I had to find the house that was to the north
41 of it to maybe get a dimension of where the property was located. You
42 can't really identify on the street where the property begins or stops.
43
44 Villescas: Now the interior roads to the subdivision are also the full City standard as
45 identical to the exterior roads?
46

1 Gonzales: Mr. Commissioner and Chair. Yes, that is correct. However, in this case
2 City standards and ETZ standards are the same, so even for Dona Ana
3 County standards for an access road, it is still the 24-foot wide double
4 penetrated surface.
5
6 Villescas: Okay, with ...
7
8 Gonzales: So ...
9
10 Villescas: Sidewalk and gutter.
11
12 Gonzales: No sir.
13
14 Villescas: No.
15
16 Gonzales: No sir.
17
18 Villescas: No sidewalk and gutter on those.
19
20 Gonzales: It is, it is just the penetrated surface. They basically just want a 20-foot
21 wide road that fire or any emergency vehicles would have access to if
22 there was an emergency within that property provided.
23
24 Villescas: Any other questions for Ms. Gonzales?
25
26 Hearn: I, I, I guess another curiosity that, the, the road, the interior road I guess,
27 the one that's going down the side, when you mentioned fire access,
28 we've seen in the past that the Fire Department wants to be able to get in,
29 turn around, and get out. And, and is there a provision required or offered
30 to do something like a turnaround or a hammerhead or something at the
31 end of that road?
32
33 Gonzales: Here's the proposed subdivision. As you can see at the very end of the
34 property there is that corner. They have, based on the waiver that was
35 submitted they will meet the required improve, or required roadway
36 easements which are a 50-foot wide, so this will actually be increased
37 cause that was the comments based on Dona Ana County Engineering.
38 So at the edge of that property it should be enough for fire to turn around.
39
40 Hearn: This is the 950-foot road.
41
42 Gonzales: That is correct Commissioner.
43
44 Hearn: Okay.
45

1 Gonzales: Okay. The applicant has just informed me that there's one towards the
2 middle which will be the turnaround of the two lots, and then the one at the
3 very end. So fire will have access to their property.
4
5 Hearn: Okay.
6
7 Villescas: Any other questions for Ms. Gonzales before we bring the applicant up? If
8 not, thank you Ms. Gonzales. I'm sure we'll be calling you back up.
9 Would the applicant care to step forward? If you could state your name
10 and address for the record, Ms. Acosta will swear you in.
11
12 Magallanez: Good, good evening. My name is Henry Magallanez. I'm with Moy
13 Survey, Surveying. I'm in Las Cruces, New Mexico 414 North Downtown
14 Mall.
15
16 Acosta: Sir if you could raise your right hand. Do you swear and affirm the
17 testimony you are about to give is the truth and, and nothing but the truth
18 under penalty of law?
19
20 Magallanez: I will.
21
22 Acosta: Thank you.
23
24 Villescas: Please go ahead.
25
26 Magallanez: Thank you. I am the representative doing the subdivision work for this
27 replat. It's a four-lot split by Ms. Sandra Brown and her husband. And
28 what it basically is, is a family lot split right now. We have provided a 50-
29 foot road easement and turnarounds for the fire on the east side of the
30 property and that easement there actually was provided there before the
31 lot split to the property on lot 17, the south half of lot 17 there's a home
32 there and this is the home of Ms. Brown, but it's a different lot and block.
33 And that easement was in place. It's already been there, been utilized for
34 several years and now with the subdivision of what they're proposing, they
35 are expanding that easement and using the, part of the existing one to hit
36 that lot plus the four lots that are being proposed there. The two lots on
37 Webb Road which is I think three and four, the access would be through
38 basically Webb Road. And the other two, in the middle lots are through
39 the 25-foot, I mean 50-foot road easement. They had, our clients have
40 already have been improving, because they live on the lot 17, they've
41 been improving the roadway and they have spent considerable funds in
42 providing a better gravel type roadway and stuff like this here but we are
43 requesting that the asphalt be waived for that portion of the road.
44 Webb Road, and I believe, I thought it was all the way to the end of
45 the property in terms of it being paved and, but we are requesting on that
46 one is that any sidewalks and/or curbs be waived on that portion of road.

1 At this point I'd like to turn it over to our client, Ms. Sandra Brown and that
2 way you know she can leave, she has some pictures of the actual
3 improvements to the roadway of the 50-foot roadway that she has in that if
4 you'd like to see and stuff like that but at this point I'd like to turn it over to
5 her if you have any questions of the applicant.
6
7 Villescas: If you could state your name and address for the record please, Ms.
8 Acosta will wear you in.
9
10 Brown: Yes, my name is Sandra Brown. I live at 2595 Webb Road.
11
12 Acosta: Ms. Brown, if you can move your microphone to your mouth. Thank you,
13 closer. Thank you. And then raise your right hand for me. Thank you
14 ma'am. Do you swear and affirm the testimony you are about to give is
15 the truth and nothing but the truth under penalty of law?
16
17 Brown: Yes.
18
19 Acosta: Thank you.
20
21 Villescas: Please go ahead.
22
23 Brown: Hello and I would like to just say I'm a retired police detective from Santa
24 Fe. I retired in 2005, former Judge, Municipal Judge. And we moved to
25 Las Cruces, my husband and I to start our, our new life. And when we
26 bought this property it was in hopes that we could grow and split it for our
27 children including for my older brother who actually helped my
28 grandmother raise me. So anyway now it, it's time for me to help him out
29 as well as you know in his older years, but we're, our real, going back to
30 the subject, we'd like to see if we could, we've already done improvements
31 on the road, we did put the base course, the gravel, and, and we'd like to
32 see if we could get a variance for, on it. You know that's pretty much, it's
33 what I have to say. You know the road is like they said, she said earlier, it
34 is, Webb Road is paved. There's no gutters or anything to the side of it,
35 it's just a paved road and it ends just on the other side of our, where our
36 property starts at that, on that, what that, where we're talking about that
37 east side road. It's about, the what we're asking a variance on is about
38 600, about 600 feet where the lots would be split and like Mr. Henry said,
39 he, the two front properties would come off of Webb Road and the two
40 middle ones would come off the private road. Thank you.
41
42 Villescas: Thank you.
43
44 Brown: Yes, I do have some pictures. If I can show you, I'll come up. May I come
45 up?
46

1 Villescas: Sure.
2
3 Brown: AT THE DAIS AND SPEAKING TO MR. HEARN BUT NOT ON
4 MICROPHONE.
5
6 Best: Yeah this is the, is this a road. Isn't there a difference between road and
7 easement?
8
9 Brown: It ends and then it's just gravel and then dirt all the way.
10
11 Hearn: It, it ends right at the, as your property begins. So these pictures that we
12 have here are correct?
13
14 Brown: Yes, it is at the east side of our property.
15
16 Townsend: Out of the easement. For ...
17
18 Brown: This is the, where it is, on the other side of our property
19
20 Townsend: Well and I'm inclined to agree with her, think all in all this all (*inaudible*)
21
22 Hearn: I'm not, I'm not sure I understood does it, does the paving of Web Road
23 goes all the way across the front of your property to the east side.
24
25 Brown: It, it's right there at that, yes. It goes, it around, but we come off the
26 pavement it's more ...
27
28 Townsend: (*inaudible*).
29
30 Hearn: So as it stands right now all the way across the front of your property it's
31 paved just the way it is all the way back. It's, it's all continuous. Webb
32 Road.
33
34 Brown: It just, not it just doesn't, it just stops right there and it ...
35
36 Baum: She's not on the microphones so we're not getting this recorded.
37
38 Hearn: Oh sorry.
39
40 Brown: Okay, sorry I'll go ...
41
42 Hearn: Yeah.
43
44 Brown: Show the pictures just real quick and then just ...
45
46 Townsend: Just, just this right here, (*inaudible*) 20 feet.

1
2 Best: Yeah.
3
4 Villescas: We need to have you on record with any comments.
5
6 Brown: Yes I'll, I'll go back make the comments. There's a, these ...
7
8 Villescas: Okay. Thank you.
9
10 Brown: So what I was saying is yes, like she said the road is paved, Wave Road,
11 Webb Road is paved and just past our property and then we have our
12 private road that we improved with the gravel road that I, the picture that I
13 just showed you all.
14
15 Hearn: Mr. Chairman.
16
17 Villescas: Yes sir.
18
19 Hearn: Can I continue for just a second? If, if I were to go out there driving and,
20 and I came driving sort of east on Webb Road, I'd be driving on a paved
21 road, right?
22
23 Brown: Yes.
24
25 Hearn: And, and, and if I drove all the way to the end of the pavement I would
26 also be at the end of your property on the east side?
27
28 Brown: Yes.
29
30 Hearn: So that ...
31
32 Brown: Pretty much.
33
34 Hearn: The, the, the whole front of your property, the road is paved.
35
36 Brown: Yes.
37
38 Hearn: Okay.
39
40 Brown: Yes sir.
41
42 Hearn: Good. Thank you.
43
44 Brown: Thank you.
45
46 Best: Mr. Chairman.

1
2 Villescas: Yes sir.
3
4 Best: Ms. Brown you mentioned private road. You're not, on this road you're not
5 expecting the City to take over care of, of this property?
6
7 Brown: No.
8
9 Best: Or the, of the road?
10
11 Brown: No, it's just a private road for access to, to our house and to the two
12 pieces of property ...
13
14 Best: Okay.
15
16 Brown: That are there for, for our family.
17
18 Best: Thank you.
19
20 Villescas: Any other questions? Thank you.
21
22 Brown: Thank you.
23
24 Villescas: Ms. Gonzales can, would you come back up to the mic, we ask, I can ask
25 you a question. This map, let's see if that's north, it'd be west, on the east
26 side of the subject property that road with no name on it, is that a public or
27 a private road?
28
29 Gonzales: Mr. Chair, Commissioners. That is an access easement. So it's a road
30 and access utility easement which is still maintained by the property
31 owners. It is their private access. Because there is no roadway
32 connecting through there, it is not required to dedicate any of that land.
33
34 Villescas: Okay. And is the statement that Webb Road is fully paved up to that, let's
35 see that'd be the southeast corner, is that accurate?
36
37 Gonzales: Based on my comment earlier, unfortunately I wasn't able to do property
38 pins, I would say that it is at least close to that property line. From what I
39 could only see based on our aerial maps, there's no pins for me to say that
40 the property started or ended, so unfortunately I couldn't verify that that
41 would be true, however the applicant and the surveyor were out there to
42 survey the property so they would have more of that information. So I
43 would be, I would say that their justification could be correct.
44
45 Villescas: Okay. Any other questions for Ms. Gonzales while she's here?
46

1 Hearn: Mr. Chairman.
2
3 Villescas: Please go ahead.
4
5 Hearn: Does, does the fact that that 950-foot private road or access road or, or
6 whatever, is, is in fact private, change anything about the requirements for
7 what it needs to, to have done to it or the condition that it's brought up to?
8
9 Gonzales: Mr. Chair, Commissioners. It is a lesser requirement for the access
10 easement but it is more for any emergency vehicles, for any of the
11 transportation that has to go out there to help anyone. The road
12 requirements do state that gravel is not an accepted roadway, that it
13 should be 24-foot based double penetrated surface. So if fire were to go
14 out there for an emergency call they would, they would want to have a
15 paved road rather than just a graveled roadway. Since it is only an
16 access, road access easement, that's why it does not require ...
17
18 Hearn: Got it.
19
20 Gonzales: The 50-foot wide cross section with curb, gutter, and sidewalk.
21
22 Villescas: Simply paved. So paved but no gutter, sidewalk, etc. etc.
23
24 Gonzales: Mr. Chair, Commissioner. That is correct.
25
26 Villescas: Okay. Any other questions before we let Ms. Gonzales back down again?
27 Okay, thank you Ms. Gonzales. So at this point we'd like to open it up to
28 the public. Are there any members of the, from the public that would like
29 to come up and make a comment on this case? Please come on up
30 ma'am. Okay, could you come on up to the microphone, state your name
31 and address for the record and Ms. Acosta will wear you in.
32
33 Murkowski: My name is Kathleen Murkowski. I live at 2620 Westmoreland.
34
35 Acosta: Do you swear and affirm that the testimony you are about to give is the
36 truth and nothing but the truth under penalty of law?
37
38 Murkowski: Yes, I do.
39
40 Acosta: Thank you ma'am.
41
42 Villescas: Please go ahead.
43
44 Murkowski: I live off of Westmoreland so actually I live behind the properties that we're
45 looking at there, okay. My comment is simply that if you have rules and
46 regulations for developers and these people are acting as developers and

1 contractors, then I really think the rules should be upheld for everybody,
2 for all contractors, for all subdivisions. Okay my comment is I know the
3 gravel that's on that road, on that easement or driveway or whatever you
4 want to call it. And a lot of that property is fairly hilly and if we really get a
5 good rain and stuff we're gonna have a lot of wash there to start off with.
6 But I would just like to know why we would waive the rules and regulations
7 for these contractors, these subdividers where you don't do it for other
8 ones? Sooner or later Dona Ana County is gonna have to come up to the
9 level of other, other counties and other states and stuff. Right now I think
10 we're pretty far down. So I really think you need to start somewhere and
11 enforce the laws that you have on the books. And that's basically all I
12 have to say. Okay. I don't care if they subdivide that and build houses
13 there, but I would like to see it done right. Thank you for your time.
14

15 Villescas: Thank you ma'am. Is there anyone ... please sir, come on up. Again if
16 you could step up to the mic, state your name and address for the record,
17 Ms. Acosta will swear you in.
18

19 Phillips: My name is Jeremy Phillips. I live at 2600 Westmoreland.
20

21 Acosta: Mr. Phillips do you swear and affirm that the testimony you are about to
22 give is the truth and nothing but the truth under penalty of law?
23

24 Phillips: Yes ma'am.
25

26 Acosta: Thank you.
27

28 Phillips: My property borders that lot 17, what would be on the west side, the
29 entire.
30

31 Villescas: Number 10.
32

33 Phillips: Yeah, yeah, so, yeah you can see my property just like cattycorner ...
34

35 Villescas: Cattycorner. Yeah.
36

37 Phillips: To the point.
38

39 Villescas: Yeah, just to the northwest.
40

41 Phillips: Yeah north, to the northwest side. And so I'm a mortgage lender in Las
42 Cruces. No, no association with the subdivide, or you know with the
43 Browns. But I wanted to vote, or express my opinion of going forward with
44 this subdivision. It'll be good for our neighborhood. New buildings, you
45 know new construction especially with the regulations or, or the covenants
46 in place on this area for the size of homes, it'll really help our property

1 values and so I'm, I'm all for it. The, the variance for the road easement I,
2 I am fully supportive of it. On Westmoreland that entire length of
3 Westmoreland that you can see there and even continuing further down
4 towards Del Rey is all public, or privately maintained, you know red street
5 signs, so that's not paved, it's not County maintained. It, what they're
6 requesting truly does fit what, you know the rest of the you know the, the
7 surrounding area. So having them put curb and gutter in would truly be
8 ridiculous because there's nowhere for that water to go. So I think the
9 double, you know the base course it, it's sufficient and it's typical for the
10 area, so it's not gonna be an eyesore, it's not gonna be a degradation to
11 my property value or anybody else's property value in the neighborhood.
12 That's all I have to say.

13

14 Villescas: Thank you very much.

15

16 Phillips: You're welcome.

17

18 Villescas: Appreciate it. Is there any one else from the public that would like to come
19 up and make a comment on this case? If not, then we'll close it off ...

20

21 Best: There's one left, there's one over there, gentleman.

22

23 Villescas: Please sir come on up.

24

25 Best: Sorry.

26

27 Villescas: No, no. Good. Thank you. Number one pulls it off from the public.
28 Please sir if you could state your name and address for the record, Ms.
29 Acosta will swear you in.

30

31 Fetherlin: Sure. My name is Greg Fetherlin. My address is 5090 Vista Chico Loop
32 which is just south of their property.

33

34 Acosta: Do you swear and affirm the testimony you are about to ... can you raise
35 your right hand for me? Do you swear and affirm the testimony you are
36 about to give is the truth and nothing but the truth under penalty of law?

37

38 Fetherlin: Yes ma'am.

39

40 Acosta: Thank you.

41

42 Villescas: Please go ahead Mr. Sandoval.

43

44 Fetherlin: I'm just here to basically say the same thing. I'm, I'm for it. You know this
45 is coming up and growing neighborhood anyway. We do already have the
46 covenants in place for size, square footage, and all that. Looks like they're

1 abiding by that. The roadways that you all are talking about is just like
2 previous stated, there's a mixture of con, of paved and dirt road through
3 there. There's not too many curbs and gutters in that area to begin with,
4 so it will not affect market value. And I can say that cause I'm a real
5 estate appraiser in this, in this town, so just, here just to give approval on
6 my side as a neighbor.
7
8 Best: Where's your property sir? I'm sorry Mr. Chairman.
9
10 Fetherlin: My properties 5090 Vista Chico Loop. If you look on the, the map up
11 there, if you look to the south I am the third, I'm sorry, the second property
12 down to your left on that loop.
13
14 Best: Okay.
15
16 Villescascas: South of what road?
17
18 Fetherlin: I'm off Webb Road, Webb Road, yes, right where that yellow line is.
19
20 Villescascas: Yeah.
21
22 Fetherlin: If you quick down that ...
23
24 Villescascas: Straight down.
25
26 Fetherlin: Straight down, second house to your left.
27
28 Villescascas: Great. Thank you.
29
30 Fetherlin: Thank you.
31
32 Villescascas: Oh yeah, I see it. Any questions? Thank you Mr. Sandoval.
33
34 Fetherlin: Thank you.
35
36 Villescascas: Appreciate it. Before I prematurely cut it off to the public, is there anyone
37 else that would like to come up and make a statement on this case? If
38 not, then I'll cut it off from the public and open it up to the Commission. Is
39 there any discussion on part of the Commission?
40
41 Hearn: Mr. Chairman.
42
43 Villescascas: Mr. Hearn.
44

1 Hearn: I always seem to get my time. These, these two situations are different to
2 me to be sure. The situation with Webb, Webb Road, could we bring the
3 other picture back up just for a second, the one that was there?
4
5 Gonzales: This one? No.
6
7 Villescas: No. I think ...
8
9 Gonzales: This one.
10
11 Hearn: The, the one that showed the ... that one, there you go.
12
13 Gonzales: Okay.
14
15 Hearn: If, if, if we just think we someday we'd like Webb Road to be a, a nice well
16 paved road up to spec, with curbs and gutters and side, and, and
17 streetlights and sidewalks and all that, that's, that's gonna be a long piece
18 of road that needs to be paved that's that way that's no there. If we
19 require that the piece of Webb Road right across the front of this property
20 be paved that way, we're simply creating a worse situation than is there
21 now. It's a monstrosity that will fail and it won't even be around to become
22 part of the paving of the entire road someday, so that, that seems to me
23 that the variance request there is very reasonable.
24 On the access road, the County right now is full of private roads
25 which are unimproved, they're basically dirt roads. One of the biggest
26 problems with those dirt roads is access by emergency vehicles,
27 especially in bad weather and it's a real serious problem. I can't support
28 not having appropriate paving particularly of the, the sort that's required on
29 this road just to help ensure that there will be adequate access for fire
30 and, and ambulances, and even a way for people to get out in, in times of,
31 of heavy rain. Thank you Mr. Chairman.
32
33 Villescas: Thank you Mr. Hearn.
34
35 Hearn: And I, and I guess I sort of am thinking in terms of splitting this into
36 considering the two requests separately.
37
38 Villescas: I would, you know, as you know I, I cannot make a, a motion as such but I
39 would appreciate it if you would.
40
41 Hearn: Okay. I, I, I ...
42
43 Villescas: Hint. Hint.
44

1 Hearn: I, I move that the two separate pieces of this variance be separated, I'm
2 sorry, I don't have the thing to read and, and we vote on each one
3 separately.
4
5 Villescas: I think that suffices. Do we have a second?
6
7 Best: Second.
8
9 Villescas: Is there any discussion?
10
11 Acosta: Mr. Chair, who second the motion please? Mr., or Commissioner Best.
12
13 Villescas: Do we have any discussion? The motion is and the second to separate
14 the two waiver requests. If there's no discussion, Ms Acosta would you
15 poll the Commission.
16
17 Acosta: Commissioner Allin.
18
19 Allin: Aye.
20
21 Acosta: Commissioner Hearn.
22
23 Hearn: Aye.
24
25 Acosta: Commissioner Best.
26
27 Best: Aye.
28
29 Acosta: Commissioner Townsend.
30
31 Townsend: Aye.
32
33 Acosta: Commissioner Acosta votes aye. And Mr. Chairman.
34
35 Villescas: I vote aye. Since there's no rule on which goes first I guess I'll set it. Let's
36 take the side road first which is the waiver request, and they're not
37 numbered in any way are they Sara, I mean Ms. Gonzales?
38
39 Gonzales: Mr. Chair, Commissioner. No, they are not.
40
41 Villescas: Okay.
42
43 Gonzales: As long as they are separated.
44
45 Villescas: So I am gonna place first the waiver request on the, do I call it an
46 easement road?

1
2 Gonzales: Road and utility easement.
3
4 Villescas: Road and utility easement road, the one that runs on the eastern side of
5 the property. So we'll discuss that one first and call it waiver request "A."
6 How's that?
7
8 Gonzales: Mr. Chair, Commissioner. That would work.
9
10 Villescas: Okay. So waiver request A will be the easement road that runs on the
11 eastern border of the property. Is there any discussion? Well wait a
12 minute we don't have, we have to make a motion on that first, don't we?
13
14 Hearn: Mr. Chairman.
15
16 Villescas: Mr. Hearn.
17
18 Hearn: I move to approve the request for variance A as, as justified for the access
19 road in Case 64783W.
20
21 Townsend: Second the motion.
22
23 Acosta: Mr. Townsend if you go on the microphone please.
24
25 Townsend: I'll second the motion.
26
27 Villescas: So we have a motion. All, for the information for the public all motions
28 have to be done in the affirmative so we have a motion to grant the waiver
29 request in Case number 64783W and we're calling it A which is the
30 easement road property ...
31
32 Gonzales: Road and utility easement.
33
34 Villescas: Road and utility easement road on the eastern boarder of the property and
35 we have a second. Do we have any discussion?
36
37 Townsend: Mr. Chairman.
38
39 Villescas: Mr. Townsend.
40
41 Townsend: Ms. Gonzales if this is done, if the improvements to this road are made by,
42 then does the City or the County take it over and maintain it or?
43
44 Gonzales: Mr. Chair, Commissioner. No the City does, the County will not maintain
45 the road since it is just an access easement that is provided. Since it is a
46 road and access easement it is still part of their property. They are not

1 dedicating it in order for the County to actually have access to maintain
2 that roadway.
3
4 Townsend: Thank you.
5
6 Villescas: Regardless, to echo you know I can't make a motion, I can express an
7 opinion, to echo Commissioner Hearn's statement earlier, I think it is
8 important because the County is full of these roads that can posses, can
9 present a danger to fire equipment, police, and other first responders and
10 for future, you don't know what's gonna happen out there, what's gonna
11 develop out there. I think it is a good start to have that roadway
12 improvement in place. I think we should see more of this happen
13 throughout the County.
14
15 Townsend: That mean we're gonna start enforcing that out behind A Mountain?
16
17 Villescas: I sure would like to see it. I don't see why they're exempt. Are there any
18 other comments?
19
20 Acosta: So Mr. Chairman if I may, so we're approving, if we say yes we're
21 approving to, to grant the waiver correct?
22
23 Villescas: If we say yes we're granting the waiver. If we say no we're enforcing the
24 City code which is improving the roadway, paving without curb and gutter,
25 simply paving to what width Ms. Gonzales?
26
27 Gonzales: Mr. Chair, Commissioner. It would be 24-foot wide double penetrated
28 surface.
29
30 Villescas: Right, it's not the full-blown road it's just ...
31
32 Acosta: Right. Thank you sir.
33
34 Villescas: An easement.
35
36 Townsend: What is a double penetrated surface mean?
37
38 Gonzales: Mr. Chair, Commissioner. It's basically just to where it will hold the weight
39 of an emergency vehicle or something that is heavier. So they will have
40 to, the improvements are basically done by engineering. I'm going based
41 only my knowledge and the sense of it is just a surface that will hold the
42 weight of what our emergency vehicles have.
43
44 Townsend: Would that be asphalt or concrete or?
45
46 Gonzales: It is paving so it is asphalt.

1
2 Acosta: So this would run, Mr. Chairman if I may, I'm sorry.
3
4 Villescas: Please go ahead Ms. Acosta.
5
6 Acosta: So this will run, and, and I shouldn't get into this but I'm going to make the
7 comment any way, so it's gonna run the applicant maybe \$75,000 plus to
8 do something like this give or take, cause that's pretty expensive?
9
10 Gonzales: Mr. Chair, Commissioner. I do not have a cost estimate. The applicants,
11 normally if they were to provide the road improvements or if we have
12 someone who wants us to do road improvements within the City limits we
13 will do in lieu of, but they will have to hire an engineer to give us that cost
14 estimate.
15
16 Acosta: Okay. Thank you.
17
18 Villescas: You know, the double pen is for heavy equipment like a fire truck.
19
20 Acosta: It's pretty, yeah.
21
22 Villescas: It, it's single and then double for the fire truck. Are there any other
23 questions or comments from the Commission? If not then, Ms. Acosta
24 would you poll the Commission.
25
26 Acosta: Commissioner Allin.
27
28 Allin: Aye.
29
30 Acosta: Commissioner Hearn.
31
32 Hearn: No.
33
34 Acosta: Commissioner Best.
35
36 Best: No.
37
38 Acosta: Commissioner Townsend.
39
40 Townsend: Aye.
41
42 Acosta: Commissioner Acosta votes aye. And Chairman.
43
44 Villescas: No.
45
46 Acosta: Three to two. It does not pass.

1
2 Villescas: What was the, what was the count?
3
4 Acosta: Three no's and two yes, excuse me. I apologize. It's three to three.
5
6 Villescas: Three to three, so that one fails. So that waiver request on the eastern
7 part of the property, that one fails. So now we'll go to the one on the
8 Webb Road itself and we'll call that one 64783W B. And that one we need
9 a motion on as well.
10
11 Townsend: Mr. Chairman.
12
13 Villescas: Commissioner Townsend. Move up to the mic please.
14
15 Townsend: I would move that the request for the waiver on Webb Road be approved.
16
17 Villescas: 64783W.
18
19 Townsend: Yeah on Case, what is it? 64783W yes.
20
21 Villescas: We have a second?
22
23 Hearn: Second.
24
25 Villescas: Is there any discussion? If there's no further discussion Ms. Acosta would
26 you poll the Commission?
27
28 Acosta: Commissioner Allin.
29
30 Allin: Aye.
31
32 Acosta: Commissioner Hearn.
33
34 Hearn: Aye.
35
36 Acosta: Commissioner Best.
37
38 Best: Yes.
39
40 Acosta: Commissioner Townsend:
41
42 Townsend: Aye.
43
44 Acosta: Commissioner Acosta votes aye. And Chairman.
45
46 Villescas: No.



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**ETZ Commission
 Staff Report**

Meeting Date: June 2, 2016
Drafted by: Sara Gonzales, Planner *SG*

CASE # 64783W **PROJECT NAME:** Replat of Lot 21, Subdivision "C" EBL&T Waiver Request

APPLICANT/ REPRESENTATIVE: Moy Surveying Inc. **PROPERTY OWNER:** Tommy and Sandra Brown

LOCATION: Located on the east side of White Thorn Road, 619 ± feet south of its intersection with Westmoreland Avenue **SIZE:** 4.92 ± acres

EXISTING ZONING: ER5

REQUEST/ APPLICATION TYPE: Waiver request from roadway improvements

EXISTING USE(S): Vacant/undeveloped

PROPOSED USE(S): Four (4) Single-family residential lots

STAFF RECOMMENDATION: Denial based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
April 19, 2016	Application submitted to Development Services
April 19, 2016	Case sent out for review to all reviewing departments
April 27, 2016	All comments returned by all reviewing departments
May 5, 2016	EDRC reviews and recommends denial of the waiver request
May 15, 2016	Newspaper advertisement
May 18, 2016	Public notice letter mailed to neighboring property owners
May 18, 2016	Sign posted on property
June 02, 2016	ETZ Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is requesting a waiver from the required roadway improvements from the Extra-Territorial Zone (ETZ) Subdivision Ordinance for a subdivision proposal known as Replat of Lot 21, Subdivision "C" EBL&T. The subdivision proposes to split one (1) existing 4.92 ± acre tract into four (4) new single-family lots, which is considered a minor replat and will be processed administratively. The applicant requests that the adjacent roadway and interior road and utility easement improvements for the subdivision access to be waived.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	ER5 Code Requirement
Min. Lot Area	4.92 ± acres	Lot 1: 1.103 ± acre Lot 2: 1.103 ± acre Lot 3: 1.120 ± acre Lot 4: 1.120 ± acre	1/3 acre minimum
Min. Lot Width	330 ± feet	Lot 1: 177 ± feet Lot 2: 152 ± feet Lot 3: 330 ± acre Lot 4: 330 ± acre	80 feet minimum
Min. Lot Depth	950 ± feet	Lot 1: 315 ± feet Lot 2: 315 ± feet Lot 3: 162 ± acre Lot 4: 162 ± acre	80 feet minimum
Min. Building Height	N/A	Lot 1: N/A Lot 2: N/A Lot 3: N/A Lot 4: N/A	35 feet maximum
Road Improvements	<u>Webb Road</u> <ul style="list-style-type: none"> 60-foot-wide graveled roadway <u>Road and Utility easement</u> <ul style="list-style-type: none"> 50-foot-wide proposed graveled roadway 	No improvements proposed	Sec. 4.2 requires adherence to City of Las Cruces Design Standards

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Yes or No	Description
EBID Facilities	N/A	
Other	N/A	

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Zoning Designation
Subject Property	Vacant/undeveloped	ER5
North	Vacant/undeveloped	ER5
South	Single-family dwelling	ER5
East	Vacant/undeveloped	ER5
West	Vacant/undeveloped	ER5

TABLE 5: PARCEL HISTORY

Type	Purpose
------	---------

SUP	N/A
Variance	N/A
Zone Change	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see attached

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	No	No
Metropolitan Planning Organization (MPO)	No	No
CLC CD Engineering Services	No	No
CLC Utilities	Yes	No
DAC Community Development (Planning)	Yes	Yes: If waiver is approved a road maintenance agreement between property owners be in order.
DAC Engineering	No	No
DAC Fire	Declined comments	No
DAC Flood Commission	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

The applicants are proposing a waiver from road improvements that are associated with the subdivision of one (1) existing 4.92 ± acre single-family residential tract zoned ER5 into four (4) new single-family residential lots that meet all development standards of the ER5 zoning district. The Extra-Terrestrial Zone Subdivision Ordinance and Design Standards require all subdividers to provide the necessary amount of road improvements to all streets adjacent and interior access to the proposed subdivision. Those requirements are outlined below:

Webb Road

The proposed replat is adjacent to and has direct access to Webb Road, a Local roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MPO), which is the only adjacent roadway. Webb Road is currently comprised of a 60-foot-wide section of right-of-way with a 60-foot-wide sand road along the proposed subdivision line. The applicant is required to provide a 50-foot street section including curb, gutter, and sidewalk to the nearest paved road following the Las Cruces Design Standards.

Pursuant to Section 4.2A and 4.2B of the ETZ Subdivision Ordinance, all ETZ subdivisions shall be required to provide right-of-way improvements. Roadways designated by the Mesilla Valley Metropolitan Planning Organization (MPO) Major Thoroughfare Plan shall comply with City of Las Cruces Design Standards for right-of-way improvements. This requires the applicant to provide right-of-way improvements to the 50-foot-wide right-of-way section including sidewalk, curb and gutter for the 380 ± liner feet adjacent to the subdivision line to the nearest paved road. The applicant is proposing to provide no right-of-way improvements with this proposed waiver.

50-foot Road and Utility Easement

The proposed replat is creating a 50-foot-wide road and utility easement to provide access for each lot from Webb Road. Pursuant to Section 4.2C, all subdivisions shall provide one hundred percent (100%) of the required road improvements to interior rights-of-way. The applicant is proposing to provide no right-of-way improvements with this proposed waiver.

Pursuant to Section 6.1 of the ETZ Subdivision Ordinance the Extra-Territorial Zoning Commission (ETZC) has the ability to vary, modify or waive requirements of the ETZ Subdivision Ordinance when strict compliance with the requirements would result in a substantial hardship to the subdivider because of exceptional topographic, soil or other surface or sub-surface conditions, or that these conditions would result in inhibiting the achievement of the objectives of the ETZ Subdivision Ordinance. The applicant has not demonstrated the waiver is warranted due to any of the provisions specified by Section 6.1 of the ETZ Subdivision Ordinance.

EDRC RECOMMENDATION

On May 5, 2016, the Extra-Territorial Development Review Committee (EDRC) reviewed the proposed waiver request. Discussion was limited, but it focused on the required roadway improvements required of the applicant and a brief history as to how the roads ended up the way they are now by the Dona Ana County Engineering Department. Furthermore, as areas throughout the County 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 Citizens of Las Cruces for the future improvement to these roadways to rectify their inadequacies. After the discussion, the EDRC voted to recommended denial of the waiver request.

STAFF RECOMMENDATION

Based on the ETZ Subdivision Ordinance, and an unfavorable recommendation from the EDRC, staff recommends **DENIAL** of the waiver based on the following findings:

FINDINGS FOR DENIAL

1. The access roads to the proposed subdivision, Webb Road and the road and utility easement, do not meet the minimum standards required by the ETZ Subdivision Ordinance.
2. Section 4.2 of the ETZ Subdivision Ordinance requires right-of-way improvements for all subdivisions unless otherwise exempted by Section 4.2 M.
3. The applicant is not proposing alternatives to the requirements of the ETZ Subdivision Ordinance.
4. There is no evidence of exceptional topographic, soil or other surface or sub-surface conditions to substantiate a waiver, nor would the requirements result in inhibiting the achievement of the objectives of the ETZ Subdivision Ordinance.

DECISION

The ETZC has the option to approve the waiver request; approve the waiver request with condition(s); deny the waiver request, as recommended by the EDRC; or table/postpone the waiver request.

If it is the will of the ETZC to approve or deny portions of the waiver request, the following alternative have been provided to assist the ETZC in making separate motions for the waiver request. It should be noted that motions should be made in the affirmative, but can be denied with a vote of "No":

1. Approve a 100% waiver from constructing the required road improvements as specified by City of Las Cruces Design Standards for the adjacent access roads known as Webb Road.
2. Request for a waiver from constructing a 24-foot wide double-penetration asphalt surfaced road for the required access to the subdivision, Road and Utility Easement.

ATTACHMENTS

1. Vicinity Map
2. Aerial Map
3. Notification Map and List
4. Waiver Request Letter/ Applicant's Narrative
5. Proposed Replat of Lot 21, Subdivision "C" EBL&T
6. EDRC Minutes from the May 5, 2016 Meeting

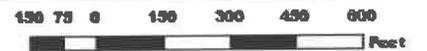
VICINITY MAP

ZONING: ER5

OWNER: TOMMY AND SANDRA BROWN

PARCEL: 03-30038

DATE: 5/3/16



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

AERIAL MAP

ZONING: ER5

OWNER: TOMMY AND SANDRA BROWN

PARCEL: 03-30038

DATE: 5/3/16



150 75 0 150 300 450 600 Feet
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

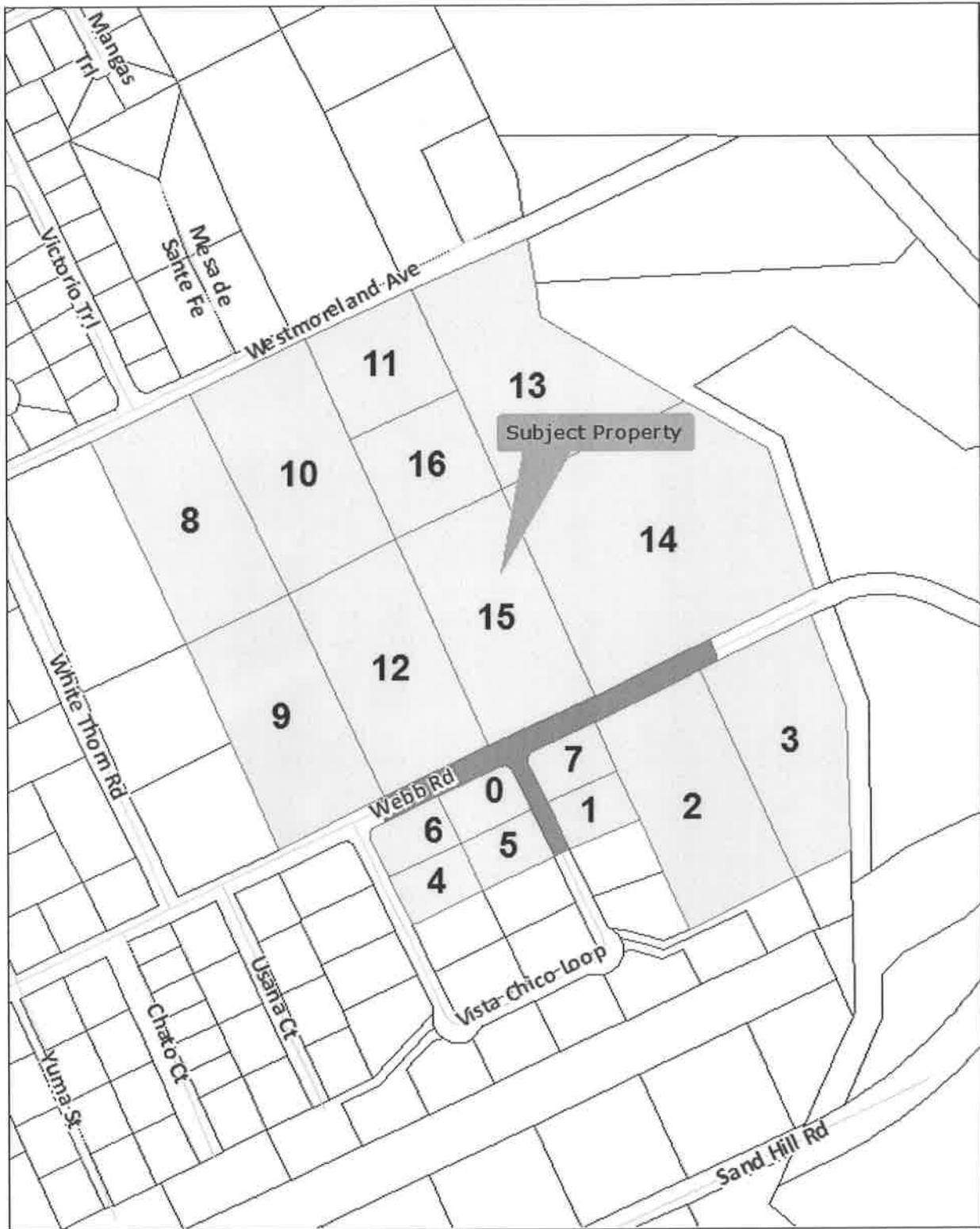
NOTIFICATION MAP

ZONING: ER5

OWNER: TOMMY AND SANDRA BROWN

PARCEL: 03-30038

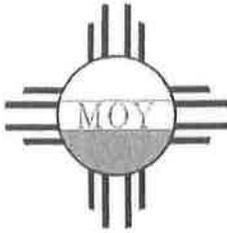
DATE: 5/3/16



100 75 0 150 300 450 600 Feet
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 (870) 828-3043.

NUMBER	NAME	ADDRESS1	CITY	STATE	ZIP
0	COKER JANIE	5098 VISTA CHICO LP	LAS CRUCES	NMI	88012
1	KIERNAN THOMAS D & DENISE M	5095 VISTA CHICO LP	LAS CRUCES	NMI	88005
2	OCOTILLO INVESTMENT LLC	191 RAINBOW DR # 9167	LIVINGSTON	TX	77399
3	BUSH TIMOTHY & YANICK D'HOOGGE-BUSH	2700 WEBB RD	LAS CRUCES	NMI	88012
4	EMBURY MARY JANE & ELDON AYERS	4044 INCA AVE	LAS CRUCES	NMI	88012
5	FETHERLIN GREGORY J & KIMBERLEY L	5090 VISTA CHICO LP	LAS CRUCES	NMI	88012
6	FERRELL JAMES L & JOANN T TRUSTEES	1301 JORNADA	PAHRUMP	NV	89048
7	BERRY M GENE & GLORIA A	5099 VISTA CHICO LP	LAS CRUCES	NMI	88012
8	GOMEZ RIGOBERTO H & ELIZABETH PONCE	4371 KINGSTON	LAS CRUCES	NMI	88012
9	ROBINSON DONALD G SR & JOYCE V	2445 WEBB RD	LAS CRUCES	NMI	88012-7344
10	PHILLIPS JEREMY A	2600 WESTMORELAND AVE	LAS CRUCES	NMI	88012
11	MURKOWSKI LEROY & KATHLEEN	2620 WESTMORELAND AVE	LAS CRUCES	NMI	88012
12	HAMMER HARRY S & GERALDINE A	15115 NIGHTHAWK DR	TAMPA	FL	33625-1519
13	CHECK DANIEL & VIRGINIA TRUSTEES	2630 WESTMORELAND	LAS CRUCES	NMI	88012
14	ALLIN KENNETH F	PO BOX 306	MESILLA	NMI	88046-0306
15	BROWN TOMMY C & SANDRA	4747 ZENO PL	LAS CRUCES	NMI	88012
16	BROWN SANDRA & TOMMY C	2595 WEBB RD	LAS CRUCES	NMI	88012



MOY SURVEYING, INC.

414 N. DOWNTOWN MALL, LAS CRUCES, N.M. 88001

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: Replat of Lot 21, Subdivision "C" EBL&T
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 both proposed Webb Road and the interior road of the Subdivision. Our client is willing to comply to the road dedications, and is requesting a complete waiver to road improvements to Webb Road and the interior road of the Subdivision. Webb is already a paved road and the interior road has been improve base course and gravel roadway The interior road is servicing three lots which are presently all family members. Any improvements would make an costly endeavor to our clients.

For the above mentioned conditions, we strongly feel that no further improvements to Webb and the interior road of the Subdivision is warranted and will not have any negative impact on the immediate neighborhood or community.

Thank you.

A handwritten signature in black ink, appearing to read "Henry Magallanez", written over a horizontal line.

Henry Magallanez LS# 18078
Moy Surveying, Inc.

REPLAT OF LOT 21, SUBDIVISION "C" EBL&T

A PLOT OF SURVEY SITUATED WITHIN THE EXTRA-TERRITORIAL ZONE ON A 4.848 ACRE TRACT BEING LOT 21 IN

BLOCK 12, SUBDIVISION "C" ELEPHANT BUTTE LAND & TRUST CO. AMENDMENT NO. 2 TO BLOCKS 12, 13, 14, & 15 FILED JULY 17, 1987, IN BOOK 10

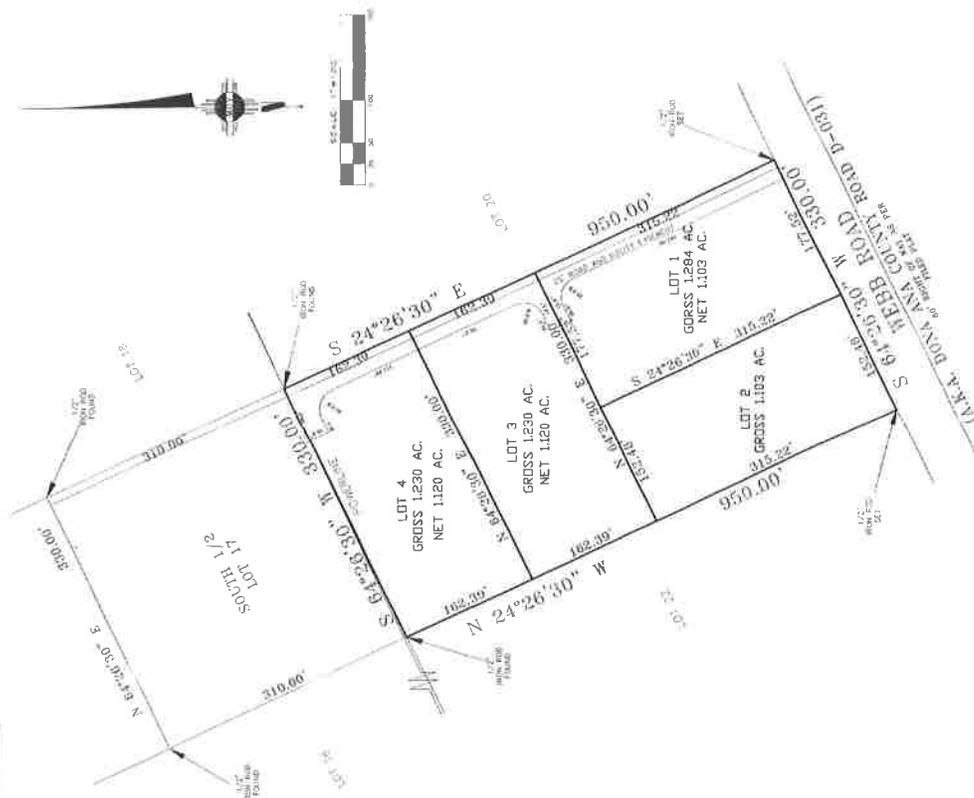
PAGES 10-12, DONA ANA COUNTY RECORDS

NORTHEAST OF LAS CRUCES

DONA ANA COUNTY, NEW MEXICO

JANUARY 2016 SCALE 1" = 100'

4.627 ACRES TOTAL



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

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE APPLICANTS, SHALL BE SUFFICIENT TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF (UNDERGROUND) (OVERHEAD) (UNDERGROUND AND/OR OVERHEAD FEEDER) (UNDERGROUND AND DESIGNATED OVERHEAD FEEDER) ELECTRICAL FACILITIES.

COMCAST COMMUNICATIONS CORPORATION
 BY: _____ DATE: _____
 EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE APPLICANTS, SHALL BE SUFFICIENT TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF (UNDERGROUND) (OVERHEAD) (UNDERGROUND AND/OR OVERHEAD FEEDER) TELEPHONE FACILITIES.

EL PASO ELECTRIC COMPANY
 BY: _____ DATE: _____
 EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE APPLICANTS, SHALL BE SUFFICIENT TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF (UNDERGROUND) (OVERHEAD) (UNDERGROUND AND/OR OVERHEAD FEEDER) TELEPHONE FACILITIES.

QUEST CORPORATION, D/B/A CENTURYLINK CO.
 BY: _____ DATE: _____
 EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE APPLICANTS, SHALL BE SUFFICIENT TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF UNDERGROUND GAS UTILITIES.

EL PASO NATURAL GAS COMPANY
 BY: _____ DATE: _____
 THIS SUBDIVISION HAS BEEN APPROVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AS THE DESIGNATED RIGHTS OF WAY AND EASEMENTS OF AGGREGATE WATER UTILITY WATER COMPANY.

EXTRA-TERRITORIAL ZONING COMMISSION APPROVAL
 THIS PLAT HAS BEEN SUBMITTED TO AND CHECKED BY THE EXTRA-TERRITORIAL ZONING COMMISSION. IT CONFORMS WITH THE EXPANSION OF THE EXTRA-TERRITORIAL ZONING REGULATIONS. IT IS APPROVED FOR FILING AND RECORDING BY THE COUNTY CLERK.

D. E. L. C. A. L. L. O. N.
 THE 1.883 ACRE TRACT OF LAND SHOWN HEREON IS TO BE KNOWN AS:
GENERAL FEASIBILITY SUBDIVISION
 ALL RIGHT OF WAY SHOWN HEREON ARE DEDICATED TO THE PUBLIC. UTILITY EASEMENTS SHOWN HEREON ARE GRANTED TO THE PUBLIC. THE DONA ANA COUNTY, ALL RULES AND REGULATIONS OF DONA ANA COUNTY, ALL OTHER EASEMENTS, EASEMENTS AND RIGHTS GRANTED FOR THE USE INDICATED. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE EASEMENT, AS SHOWN ON THE PLAT WILL BE RECORDED IN ACCORDANCE WITH THE WISHS OF THE UNDERSIGNED OWNERS OF THE LAND SHOWN HEREON.

OWNER OF RECORD: **THOMAS AND SANDRA BROWN**
 4247 2040 PLAZA
 LAS CRUCES, NEW MEXICO 88012
 INSTRUMENT OF OWNERSHIP AS FILED MARCH 21, 2006
 IN BOOK 10525, PAGE 120, DONA ANA COUNTY RECORDS

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

THOMAS BROWN
 4247 2040 PLAZA
 LAS CRUCES, NEW MEXICO 88012

SANDRA BROWN
 4247 2040 PLAZA
 LAS CRUCES, NEW MEXICO 88012

STATE OF NEW MEXICO }
 COUNTY OF DONA ANA }
 I, _____, COUNTY CLERK, DO SOLEMNLY SWORE AND FILED IN THE RECORDS OF THE COUNTY CLERK, DONA ANA COUNTY, NEW MEXICO AND FILED IN THE RECORDS OF THE COUNTY CLERK, DONA ANA COUNTY, NEW MEXICO

NOTARY PUBLIC: _____ SEAL

PLAT NO. _____ RECEPTION NO. _____
 DATE OF _____ 20____, AT _____ AM/PM AND _____ PAGES.
 COUNTY CLERK: _____ SECURITY COUNTY CLERK: _____

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR. THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF LAND SURVEYORS AND LAND SURVEYS. TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PROVOY SURVEYING INC
 414 N. WINTERVIEW BLVD
 LAS CRUCES, NEW MEXICO 88001
 PHONE: (575) 525-0683
 FAX: (575) 524-3238

JOB NO. 15-0714
 DRAWN BY JOHN JACOBO
 CHECKED BY GARY JACOBO
 FILED BY GARY JACOBO
 DATE 1/26/2016 SCALE 1"=100'

1 **ETZ DEVELOPMENT REVIEW COMMITTEE (EDRC)**
 2

3 The following are the minutes of the Extra-Territorial Zone Development Review
 4 Committee meeting held Wednesday, May 5, 2016 at 2:00 p.m. at City Hall, Room
 5 1158, 700 North Main Street, Las Cruces, New Mexico.
 6

7 **DRC PRESENT:** Katherine Harrison-Rogers, Community Development
 8 Andrew Wray, MPO
 9 Rocio Dominguez, CLC Engineering
 10 Robert Duran, DAC Engineering
 11

12 **STAFF PRESENT:** Sara Gonzalez, Community Development
 13 Becky Baum, RC Creations, LLC, Recording Secretary,
 14

15 **OTHER PRESENT:** Steve Peale, Borderland Engineers and Surveyors, LLC
 16

17 **I. CALL TO ORDER (2:03 p.m.)**
 18

19 H-Rogers: All right. This is the EDRC. It is approximately 2:03. We'll go ahead and
 20 bring this meeting to order.
 21

22 **II. APPROVAL OF MINUTES - October 8, 2015**
 23

24 H-Rogers: Approval of Minutes, October 8th, 2015. Were there any modifications?
 25 None noted. With that I'll go ahead and um take a, a vote on those
 26 minutes.
 27

28 Dominguez: I move to approve the minutes as written.
 29

30 H-Rogers: Is there a second?
 31

32 Duran: Second.
 33

34 H-Rogers: All those in favor.
 35

36 **MOTION PASSES UNANIMOUSLY.**
 37

38 H-Rogers: Any opposed? None. So they pass.
 39

40 **III. NEW BUSINESS**
 41

42 1. **Case 65519: Soledad Vista Subdivision Replat No. 13 Waiver Request**

- 43 • A waiver request from right-of-way improvements associated with a
 44 proposed replat known as Soledad Vista Subdivision Replat No. 13.

- 1 • The subject property is currently vacant/undeveloped, encompasses
2 10.045 acres, is zoned ER2, and is located on the northeast corner of
3 Alma Road and Wind Dancer Trail; a.k.a. 9505 Wind Dancer Trail.
- 4 • The proposed replat requires the applicant to provide road
5 improvements to Wind Dancer Trail and Alma Road.
- 6 • The applicant is requesting a 100% waiver to the required road
7 improvements and is not offering alternatives to the full improvements.
- 8 • Submitted by Borderland Engineers and Surveyors, LLC on behalf of
9 Richard and Linda Jacobs, property owners.

10
11 H-Rogers: We'll go ahead to item number three, which is New Business. Case
12 number 65519, Soledad Vista Subdivision Replat No. 13, Waiver Request.
13 I'll go ahead and turn it over to staff to give us a brief synopsis.

14
15 Gonzales: This is a waiver request to the right-of-way improvements that are
16 associated with the replat known as Soledad Vista Subdivision Replat No.
17 13. The subject property is currently vacant and undeveloped and it does
18 encompass 10.45 plus or minus acres. The property is zoned ER2 and is
19 located on the northeast corner of Alma and Wind Dancer Trail. The
20 proposed replat for the applicant does require road improvements to Wind
21 Dancer Trail as well as Alma Road. The applicant is requesting 100%
22 waiver to those required road improvements and has offered no
23 alternatives to those improvements. And was submitted by Borderland
24 Engineers and Surveyors.

25
26 H-Rogers: All right. I will go ahead and see if staff has any other comments. We will
27 go to Engineering Services first, well I guess that would be Building and
28 Development Services. Go ahead Rocio, are there any comments on
29 this?

30
31 Dominguez: Engineering cannot support this waiver because the ordinance calls for
32 the two streets to be developed and I don't remember if it is per County
33 standards or per City standards.

34
35 H-Rogers: This one is per County standards.

36
37 Dominguez: Per County standards. Yeah. They need to, there's no "out of it" on the
38 ordinance so I cannot support the waiver.

39
40 H-Rogers: Very good. And I will look to County Engineering, Robert.

41
42 Duran: We deny the waiver. I think it's also part of a previously filed subdivision,
43 so that's one.

44
45 H-Rogers: Okay. MPO.

1 Wray: We do not support the waiver.
2
3 H-Rogers: All righty. Uh, would the applicants' representative like to add anything?
4
5 Peale: No. That, we're, we'll just.
6
7 H-Rogers: Okay.
8
9 Peale: That's it.
10
11 H-Rogers: Very good. With that I'll go ahead and take a motion.
12
13 Dominguez: I move to approve the waiver.
14
15 H-Rogers: Is there a second on that?
16
17 Gonzales: I second it.
18
19 H-Rogers: All righty, with that all those in favor. All those opposed.

20
21 MOTION DOES NOT PASS, UNANIMOUSLY.

22
23 H-Rogers: And the Chair votes nay. So that fails. And unfortunately we don't have
24 applicants for the other two waivers. I will pose a question to the
25 Committee, do we want to hear those without the applicant present or
26 should we go ahead and delay it until next week?

27
28 Gonzales: I did contact the applicant last week as well as yesterday morning to let
29 them know and remind them that we were here for this meeting at two
30 o'clock.

31
32 Dominguez: I would say let's move forward. I don't feel that my vote will change just
33 because they're present, so I will say let's move forward with the agenda.

34
35 H-Rogers: Okay.
36

37 **2. Case 64783W: Replat of Lot 21, Subdivision "C" EBL&T Waiver Request**

- 38 • A waiver request from right-of-way improvements associated with a
- 39 proposed replat known as EBL&T Replat lot 21.
- 40 • The
- 41 • The subject property is currently vacant/undeveloped, encompasses
- 42 4.848 acres, is zoned ER5, and is located north of Webb Road, 974 +/-
- 43 feet east of White Thorn road; a.k.a. 2595 Webb Road.
- 44 • The proposed replat requires the applicant to provide road
- 45 improvements to Webb Road to bring it up to City standards and the
- 46 road and utility easement within the proposed subdivision.

- The applicant is requesting a 100% waiver to the required road improvements and is not offering alternatives to the full improvements.
- Submitted by Moy Surveying, Inc. on behalf of Tommy and Sandra Brown, property owners.

H-Rogers: I'll go ahead and move forward with it then. Sara can you introduce Case 64783W, this is a replat, this is waiver for the replat of Lot 20, 21 Subdivision "C" EBL&T Waiver Request.

Gonzales: This is a waiver request for road improvements associated with the replat known as EBL&T Replat for Lot 21. The subject property is in a subdivision now so it is currently already subdivided and would like to be reduced as well. The subject property is vacant/undeveloped land. It is encompassing 4.8 acres and is zoned ER5. It is located off of Webb Road about 974 feet east of White Thorn Road, locate, and the address is 2595 Webb Road. The proposed replat does require road improvements to Webb Road and it would need to be brought up to City standards due to the zoning being ER5. There's also requirements for the easement that is proposed for access within those four lot subdivisions.

H-Rogers: All righty. Did you have anything else to add to that Sara at all, aside from your synopsis? Otherwise I'll move onto Engineering. All right. City Engineering, Rocio.

Dominguez: I can, Engineering cannot support the waiver, same reasons as the previous case.

H-Rogers: All righty. We'll go ahead and move on to County Engineering, Robert.

Duran: Deny.

H-Rogers: And Andrew.

Wray: MPO does not support the waiver.

H-Rogers: All righty. Do I have a motion for this?

Dominguez: I move to approve the waiver.

H-Rogers: Is there a second?

Duran: Second.

H-Rogers: With that, all those in favor. All those against.

MOTION DOES NOT PASS, UNANIMOUSLY.

1
2 H-Rogers: And the Chair votes no on this as well. So this particular case also fails.
3

4 **3. Case 65413W: Margaritas Subdivision Replat No. 1 Waiver Request**

- 5 • A waiver request from right-of-way improvements associated with a
- 6 proposed replat known as Margaritas Subdivision Replat No. 1.
- 7 • The subject property is currently vacant/undeveloped, encompasses
- 8 5.181 acres, is zoned ER4M, and is located on the west side of Calle de
- 9 Margaritas, 809 +/- feet south of Watson Lane; a.k.a. 3876 Calle de
- 10 Margaritas.
- 11 • The proposed replat requires the applicant to provide road
- 12 improvements to Calle de Margaritas to bring it up to City standards and
- 13 the road and utility easement within the proposed subdivision.
- 14 • The applicant is requesting a 100% waiver to the required road
- 15 improvements and is not offering alternatives to the full improvements.
- 16 • Submitted by Moy Surveying, Inc. on behalf of Tommy and Sandra
- 17 Brown, property owners.
- 18

19 H-Rogers: Now we move onto case number three, Case 65413W, Margaritas
20 Subdivision Replat Number 1 Waiver Request. Sara.

21
22 Gonzales: Once again we have another waiver request for right-of-way
23 improvements associated with Margaritas Subdivision Replat Number 1
24 which is a previously filed subdivision known as Margaritas Subdivision.
25 The subject property is also vacant and encompasses 5.1 acres. It is
26 zoned ER4M and is located on the west side of Calle de Margaritas and
27 south of Watson Lane. The proposed replat is for a four-lot subdivision.
28 Within that four-lot subdivision road improvements are required for Calle
29 de Margaritas as well as the access road within that subdivision. And the
30 applicant is not proposing any road improvements.

31
32 H-Rogers: Not even internally?

33
34 Gonzales: No. They are asking for 100% waiver for all road improvements from
35 Calle de Margaritas as well as the access easement provided.

36
37 H-Rogers: All right, with that I will go ahead and see if any of the other reviewing
38 parties have comments. City Engineering, Rocio.

39
40 Dominguez: Same thing as the previous two cases, Engineering cannot support this
41 wavier.

42
43 H-Rogers: All right. County Engineering.

44
45 Duran: Deny.

46

1 H-Rogers: MPO.
2
3 Wray: We do not support the waiver.
4
5 H-Rogers: And the Chair would like to point out that without any improvements to any
6 of the lots ultimately each of those individual lots will be creating their own
7 driveway which doesn't really make a lot of sense. So with that, is there a
8 motion?
9
10 Dominguez: I move to approve the, the waiver.
11
12 Duran: Second.
13
14 H-Rogers: All righty. Ohh we did mix it up. All right. With that let's have a vote. All
15 those in favor. All those opposed.
16
17 MOTION DOES NOT PASS, UNANIMOUSLY.
18
19 H-Rogers: Chair votes nay. This also fails.
20
21 **IV. OLD BUSINESS - NONE**
22
23 H-Rogers: There is no old business.
24
25 **V. ADJOURNMENT (2:10 p.m.)**
26
27 H-Rogers: And do I have a motion to adjourn.
28
29 Wray: So moved.
30
31 Dominguez: I second it.
32
33 Duran: Second.
34
35 H-Rogers: So we are adjourned at 10 after two.
36
37
38
39
40
41 _____
Chairperson
42

VICINITY MAP

ZONING: ER5

OWNER: TOMMY AND SANDRA BROWN

PARCEL: 03-30038

DATE: 5/3/16



150 75 0 150 300 450 600

Feet

Community Development Department

700 N Main St

Las Cruces, NM 88001

(575) 528-3222