

Las Cruces Extra-territorial Zoning Authority Las Cruces Extra-territorial Zoning Commission

CITY OFFICES

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Las Cruces, NM 88004
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COUNTY OFFICES

County Planning Department
Doña Ana County Government Center
845 North Motel Blvd.
Las Cruces, NM 88007
Phone: (575) 647-7350
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TO: Extra-Territorial Zoning Authority
FROM: Extra-Territorial Zoning Commission
PREPARED BY: Sara Gonzales, Planner
DATE: July 28, 2016
SUBJECT: Margaritas Subdivision Replat No. 1 Waiver Request – Appeal

65413A: Margaritas Subdivision Replat No. 1 Waiver Request Appeal

An appeal of the decision of the Extra-Territorial Zoning Commission for case 65413W made on July 7, 2016, denying a waiver request for road improvements associated with a proposed subdivision known as Margaritas Subdivision Replat No. 1. The applicant is seeking to waive the required roadway improvements to the 50-foot-wide road and utility easement created by the subdivision, Margaritas Lane, which provides access to the subdivision which is adjacent to the nearest paved road. 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; Parcel ID# 03-29734. Submitted by Moy Surveying Inc., on behalf of Manuel and Yolanda Avalos, Olivia Romero, and Lorenzo Villalobos, property owners.

BACKGROUND

Margaritas Subdivision Replat No. 1 proposes four (4) lots on 5.181 ± acres. The subject property will have access from Calle De Las Margaritas which is a local roadway comprised of a 50-foot-wide section of right-of-way with a 24-foot-wide paved road along the proposed subdivision line. ETZC made the decision to approve the waiver for the additional road improvements required on Calle De Las Margaritas 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 Margaritas Lane.

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 Margaritas Lane. The ETZ Commission denied the applicant's waiver request during the July 7, 2016 due to the discussion of a concerned neighboring property and 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 Margaritas Lane.
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.

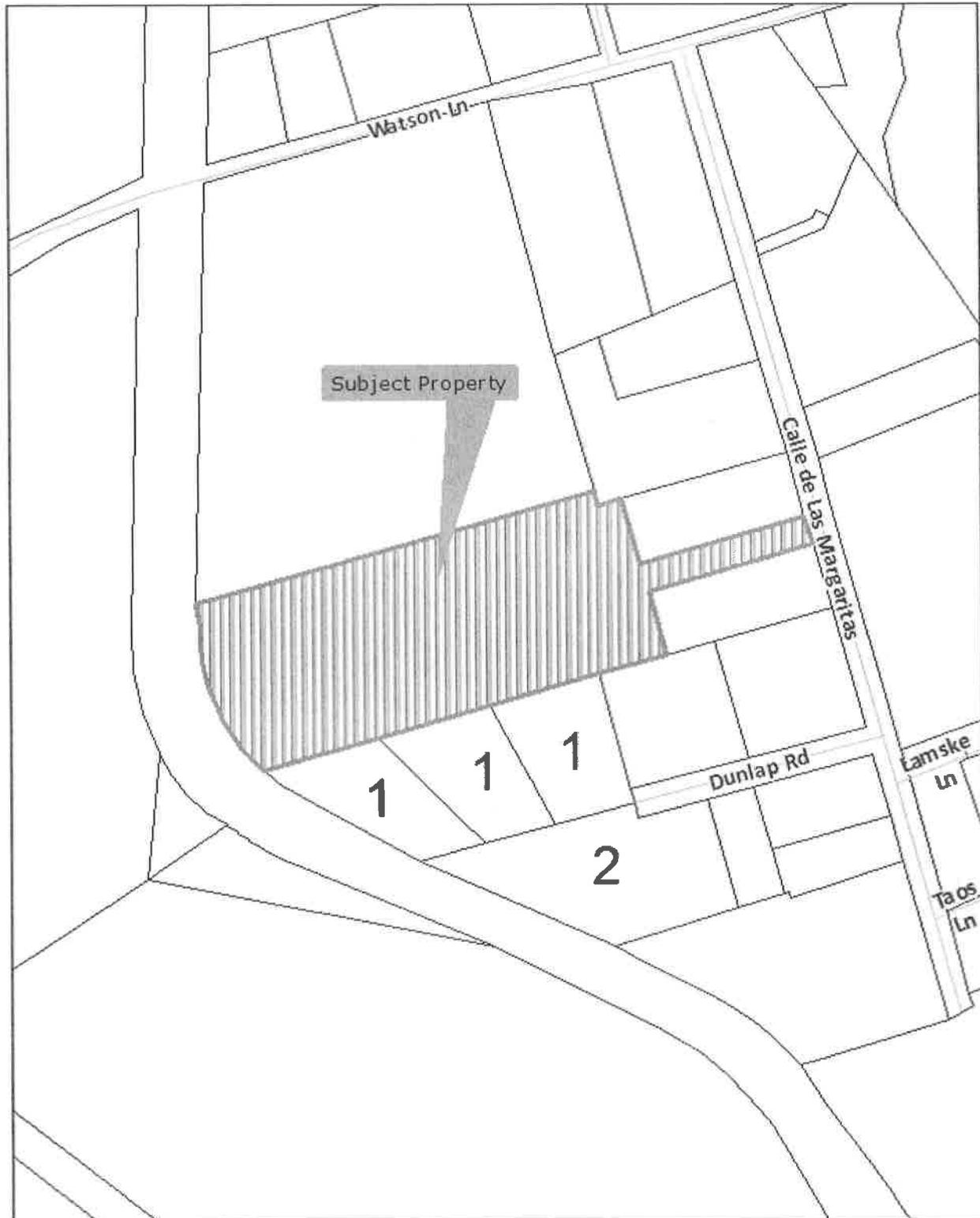
OPTIONS

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 65413W, Margaritas Subdivision Replat No. 1 Waiver Request
4. Vicinity Map

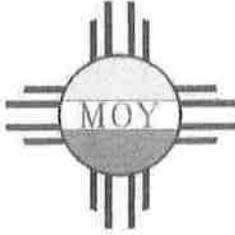
WAIVER REQUESTS



1: Dunlap Summary Sub. No. 2
1986 Prior to Joint Power 1987

2: Dunlap Summary Sub No. 1 Replat No. 2
1990 Waiver approved





MOY SURVEYING, INC.

414 N. DOWNTOWN MALL, LAS CRUCES, N.M. 88001
PHONE: (575) 525-9683 – FAX (575) 524-3238

July 12, 2016

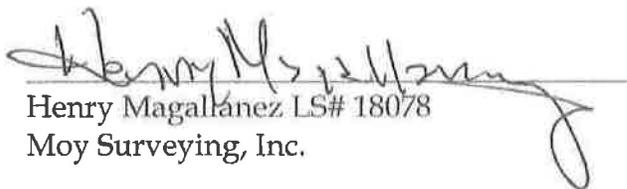
Public Works Dept.
Community Development Dept.
City of Las Cruces
700 N. Main Street
Las Cruces, NM 88001

Re: Appeal on the Extra-Territorial Zoning Commission decision to deny the waiver for road improvements for Case 65413W: Margarita's Subdivision Replat No. 1

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 65413W: Margarita's Subdivision Replat No. 1 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.

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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
2 Acosta: Five to one sir, it passes.
3
4 Villescas: Five to one. So the waiver request is granted on the portion B which is the
5 waiver request on Webb Road. So that waiver request does pass by a
6 vote of five to one. So that is Case 64783W. Our next case is ...
7
8 Acosta: Mr. Chairman if I may interrupt?
9
10 Villescas: Oh, go ahead.
11
12 Acosta: Do they appeal this to?
13
14 Villescas: Yes, this can be, any of our business can be appealed to the ETZA. Am I
15 correct Ms. Gonzales?
16
17 Gonzales: Mr. Chair, Commissioner. That is correct. The applicant does have 15
18 days from tonight's meeting to appeal the case.
19
20 2. **Case 65413W: Margarita's Subdivision Replat No. 1 Waiver Request.** A
21 request for approval of a waiver to the required roadway improvements
22 associated with a replat known as Margarita's Subdivision Replat No. 1. The
23 applicant is seeking to waive the required roadway improvements to Calle de
24 Las Margaritas as well as the required roadway improvements within the
25 proposed subdivision. The subject property encompasses 5.181 +/- acres, is
26 zoned ER4M and is located on the west side of Calle de Las Margaritas, 809
27 +/- feet south of its intersection with Watson Lane; a.k.a. 3876 Calle de
28 Margaritas; Parcel ID# 03-29734. Submitted by Moy Surveying Inc., on
29 behalf of Manuel and Yolanda Avalos, Olivia Romero, and Lorenzo
30 Villalobos, property owners.
31
32 Villescas: Okay, item number two under old business. Case number 65413W,
33 Margarita's Subdivision Replat No. 1 Waiver Request. Ms. Gonzales.
34
35 Gonzales: Mr. Chair this is Margarita Subdivision Replat No. 1 Waive Request for a
36 property that is located at 3876 Calle de Las Margaritas for Case 65413W.
37
38 Best: Mr. Chairman. This is a new case; doesn't she have to be sworn in again?
39
40 Acosta: Yes. Ms. Gonzales can you raise your right hand for me. State your
41 name and address for the record.
42
43 Best: Sorry.
44
45 Acosta: No thank you ...
46

1 Gonzales: Sara ...
2
3 Acosta: Mr. Best, or Commissioner Best. I was working on the tallies here. Go
4 ahead.
5
6 Gonzales: Sara Gonzales 700 North Main Street, City of Las Cruces Planning.
7
8 Acosta: Ms. Gonzales do you swear and affirm the testimony you are about to give
9 is the truth and/or, truth and nothing but the truth under penalty of law?
10
11 Gonzales: Yes.
12
13 Acosta: Thank you ma'am.
14
15 Gonzales: Okay. So this is the location for the case. It is located on the west side of
16 Calle de las Margaritas. It is about 809 feet south of Watson Lane. The
17 property is approximately 5.181 acres and they are also proposing a four-
18 lot subdivision. This is the subject property that is to be subdivided. In
19 front of the property on Calle de Margaritas the access entrance way is
20 only a 50-foot wide entrance. So off of Calle de Margaritas the road is a
21 paved road, however once again we are back to it does have to meet City
22 standards. The zoning for it is the ER4M which does require the City of
23 Las Cruces Design Standards. They are also proposing a waiver from the
24 interior road and utility access easement that is provided for the four
25 interior lots. This is the proposed subdivision. As you can see towards
26 the east side of the property on Calle de las Margaritas it is only 50 feet
27 wide. That will be complete entrance in for the property. So that
28 easement will be utilized for those four lots. Through the center of it which
29 is, we will call it at this point a.k.a. Margaritas Lane, it has not been
30 addressed yet of course. They are providing the 50-foot width but they
31 are asking to only do a gravel surface as well for the easement that is
32 provided for these four lots that will be developed.
33 Once again the ETZ code does require that you do pave to the
34 nearest paved road; in this case the requirements are being met, however
35 they are required to do curb, gutter, and sidewalk only for that 50-foot
36 section, not the entire roadway, not all the way to Watson, but just the 50-
37 foot entrance into their property. The other waiver they are requesting is
38 for section 402., 4.2C which does require that any roadway improvements
39 within an interior lots that are being developed be improved as well. So
40 everything through Margarita Lane since it is an access road and utility
41 easement would need to be improved. This is the picture of what the road
42 would look like, but only for that 50-foot section. Once I show you the
43 pictures for what the area is located, it is a paved road, however this
44 would be towards the middle of these properties. In this case the
45 applicant is requesting two waivers, once again, one from the road
46 improvements for Calle de Margaritas for curb, gutter, and sidewalk, the

1 second would be for the road improvements required for the utility and
2 road access easement provided for the four lots.

3 These are the pictures on the outside of the property. Within the
4 property it is a fenced off area that is basically, you'll just see plants,
5 vegetation, natural state. It has not been graded, it is not changed. The
6 roads to each side of Calle de Margaritas do show that it is a paved
7 roadway. This was the notification map that was sent out for all the
8 properties that were located within the area of the 300 feet that is required.
9 We did attend EDRC on May 5th, however we did propose denial, or
10 recommend denial from staff cause it does not meet any topography or
11 hardships from the soil or subsurface areas.

12 This is the moment where you have to vote; "yes" to approve the
13 waiver request; vote "yes" to approve the waiver request with conditions;
14 vote "no" to deny the waiver request; or postpone. This is a map of the
15 subject property again. And I stand for questions and of course the
16 applicant is here and their representative as well.

17
18 Villescas: Are there any questions from the Commission for Ms. Gonzales?

19
20 Townsend: Fifty feet.

21
22 Villescas: Ms. Gonzales as, as with the other one, there's a difference in the
23 roadway that is a 50 foot to the subject property that goes to Calle de las
24 Margaritas and then the roadway that is within the subject property?

25
26 Gonzales: Mr. Chair. That is correct. The 50 feet that is indicated at the east side of
27 the, or directly on Calle de Margaritas, that section is where you would
28 have road improvements of curb, gutter, and sidewalk only on Calle de
29 Margaritas. Within the proposed subdivision, of the four lots, would be
30 required the 24-foot double penetrated surface for the access utility
31 easement.

32
33 Villescas: Okay. So within the subdivision is what, for reference, similar to what we
34 just had the prior applicants do on their eastern boarder?

35
36 Gonzales: Mr. Chair, Commissioner. That is correct.

37
38 Villescas: Okay. And what is in front of is what we granted a waiver on in front of the
39 subject property which was, I forget the name of the street already.

40
41 Gonzales: Mr. Chair. On Webb Road ...

42
43 Villescas: Uh huh, Webb Road.

44
45 Gonzales: That is correct that it, they are the same similarities of this proposed
46 subdivision.

1
2 Villescas: Okay, difference here is that this 50-foot roadway doesn't, doesn't go, isn't
3 one of those that goes nowhere. I mean this on is definitely going from
4 Point A to Point B.
5
6 Gonzales: Mr. Chair. Correct. That is within the subdivision itself. It will never go
7 out. It has its own cul-de-sac in order for fire and emergency vehicles. It
8 is within the subdivision.
9
10 Villescas: Yeah. Okay. Anyone else have any questions for Ms. Gonzales?
11
12 Best: Mr. Chairman.
13
14 Villescas: Please.
15
16 Best: Just for clarification Mr. Gonzales, that little ...
17
18 Townsend: Bottleneck.
19
20 Best: Top of the, top of the Tequila bottle. Is there anything there now? Or is
21 that undevelop, completely undeveloped.
22
23 Gonzales: This is directly in front of that property. It is basically just a paved roadway
24 and on the sides is the gravel and then the brush that is just grown. On
25 each side, I'm basically standing in the middle of the property when I took
26 the two pictures so you see one side to the left, one side to the right of that
27 subject property.
28
29 Villescas: And this is where the, this is the, the, the shorter section which would be
30 taken up to City code.
31
32 Gonzales: This would be the section that is only 50 feet wide and that's where they
33 would make the 50-foot cross section.
34
35 Villescas: Okay.
36
37 Gonzales: That is correct. Mr. Chair.
38
39 Villescas: Got it.
40
41 Hearn: I thought I understood but I'm not sure I do. Mr. Chairman may ...
42
43 Villescas: Yeah go ahead Mr. Hearn. I, I, I've got it but go ahead.
44
45 Gonzales: Let me see.
46

1 Hearn: Okay.
2
3 Gonzales: Let's go this picture.
4
5 Hearn: That's no helping. Okay.
6
7 Gonzales: This picture.
8
9 Hearn: The, the top of the Tequila bottle, how long is that?
10
11 Villescas: The neck?
12
13 Gonzales: Mr. Chair, Commissioner. The neck of that ...
14
15 Hearn: Yeah.
16
17 Gonzales: Is showing 290 feet based on the survey.
18
19 Hearn: Okay. And that, that, is that the picture that you were just showing us the
20 photograph?
21
22 Gonzales: Mr. Chair. No. We're looking off of Calle de Margaritas. We're looking at
23 the roadway that is directly in front of it, that is adjacent to that bottleneck.
24
25 Hearn: But ...
26
27 Gonzales: Calle de Margaritas is right here.
28
29 Hearn: Right.
30
31 Gonzales: So this is the piece, this little 50-foot, right where it says 50 feet, that is the
32 section in which the applicant would have to improve to curb, gutter, and
33 sidewalk.
34
35 Hearn: But your photographs weren't, weren't of what's there now. That, what,
36 what is there now?
37
38 Gonzales: The photographs that I was taken, that I took, I'm standing in Calle de
39 Margaritas Street, right in front of the property, directly adjacent, in front of
40 it. So what would have to be improved would be the curb, gutter, and
41 sidewalk.
42
43 Villescas: Okay, on Margaritas Lane.
44
45 Gonzales: Margaritas Lane is the access road utility easement.
46

1 Villescas: Okay.
2
3 Gonzales: That is the one that would be improved only to the 24-foot wide double
4 penetrated surface. That's the access easement for just the four lots to
5 access.
6
7 Villescas: Okay.
8
9 Gonzales: The access that it's getting from the main street is Calle de Margaritas.
10
11 Villescas: Okay.
12
13 Gonzales: That's that 50-foot section at the edge of the bottle.
14
15 Villescas: Good question Mr. Hearn.
16
17 Hearn: Still not tracking.
18
19 Villescas: Okay now, actually you just clarified it for me.
20
21 Hearn: Good.
22
23 Villescas: Yeah, so what is going to City Design Standards is 50-feet wide, by how
24 far across is that? Ms. Gonzales.
25
26 Gonzales: Mr. Chair, Commissioner. It's a, it's a local roadway so it would require
27 the 50-foot cross-section.
28
29 Villescas: See from you know what I mean, I, I know it's 50 foot across but how, how
30 long I guess is my question.
31
32 Gonzales: It would be 50 feet wide; 50 feet across ...
33
34 Villescas: Right.
35
36 Gonzales: And then 50 feet wide ...
37
38 Villescas: Oh, okay.
39
40 Gonzales: It's 50 by 50.
41
42 Villescas: Okay.
43
44 Hearn: Curb, curb, gutter, and sidewalk.
45
46 Gonzales: Mr. Chair, Commissioner. Yes.

1
2 Villescas: I see. I see. Okay.
3
4 Hearn: Good. Okay.
5
6 Villescas: And then ...
7
8 Hearn: No wonder I couldn't understand it.
9
10 Villescas: And then Margaritas Lane is how long from Calle Margaritas till the
11 turnaround, the last, the second turnaround, the final turnaround.
12
13 Gonzales: Calle de Margaritas is about 674 feet.
14
15 Villescas: Okay.
16
17 Gonzales: You can see the line that runs directly through the middle.
18
19 Villescas: Uh huh. That one.
20
21 Gonzales: And that's where the other property intersects almost to that cul-de-sac
22 area. So it starts from the edge of the property line and goes into it to the
23 west side. Once it gets to that cul-de-sac area it's about 674 feet to there.
24 So ...
25
26 Villescas: And that ...
27
28 Gonzales: So a few more feet additional for that cul-de-sac.
29
30 Villescas: Okay. And not, not including the, the cul-de-sac since it's 24 foot.
31
32 Gonzales: Mr. Chair. Correct.
33
34 Villescas: Okay. And that's not a, curb/gutter, that's just 24 feet, again not counting
35 the cul-de-sacs.
36
37 Gonzales: Mr. Chair. Correct. It is just for the access of those properties.
38
39 Villescas: Okay.
40
41 Hearn: And there is a request for a waiver for that as well.
42
43 Gonzales: Mr. Chairman. Commissioner. Yes, that is correct. The first waiver is the
44 50 by 50 cross section.
45
46 Hearn: Right.

1
2 Gonzales: The second waiver is for that access so including the, the two cul-de-sac
3 areas, the bubbled out areas, that's the access road easement. They're
4 asking for the waiver there. They would like to just provide the gravel
5 roadway for access.
6
7 Hearn: As opposed to the double penetration which is in the, in the standards?
8
9 Gonzales: Mr. Chair. Correct.
10
11 Hearn: Okay. Got it. Phew.
12
13 Villegas: Yeah. That's why I said it's so similar because I mean different place, but
14 it's a, the 24 foot in this case is down the center whereas in the previous
15 case it was on the side. I think we got it.
16
17 Gonzales: Okay.
18
19 Best: The fact that it was 50 feet.
20
21 Villegas: Commissioner Best you got it.
22
23 Best: Yes.
24
25 Villegas: Okay. Any other questions for Ms. Gonzales? Thank you.
26
27 Gonzales: Okay.
28
29 Villegas: Would the applicant care to come forward? Oh, hang on one second.
30
31 Hearn: We've got to swear you in again sir and I got the duty this time.
32
33 Villegas: Okay, go ahead Mr., Mr. Hearn.
34
35 Hearn: Your name and address.
36
37 Magallanez: Henry Magallanez with Moy Surveying, 414 North Downtown Mall, Las
38 Cruces, New Mexico.
39
40 Hearn: Do you swear or affirm that the testimony you are about to give is the truth
41 and nothing but the truth under penalty of law?
42
43 Magallanez: I will.
44
45 Hearn: Thank you.
46

1 Villescas: Please go ahead.
2
3 Magallanez: Again thank you for the opportunity. Margaritas, I mean this Margaritas
4 subdivision was a three-lot subdivision and what you're looking at is
5 almost like a bottle, is the neck of a bottle and then it's a wide section on
6 there. The two little lots next, next to the neck were separate but part of
7 this subdivision. Those are separate lots. So the only access to this lot
8 was that 50-foot strip of land which is the neck of this bottle that's, it's
9 been referred to here. The only frontage this property has is the 50-foot
10 frontage. It's a 50-foot frontage and again we're, we're requesting the
11 waiver for any, since Margaritas is paved, for any addition of road
12 improvements, sidewalks, curb, and gutter of that nature. Even if you put
13 sidewalks and curb and gutter you're gonna have a pavement of let's say
14 24-feet or 30-feet of pavement that you're having it there which would
15 require, 24-feet will require for the subdivision access, that would give you
16 about a 12-foot section of sidewalk in that particular area. So in this
17 particular case you know Calle de Margaritas does not have any
18 sidewalks at all. There's no sidewalks all along this strip of Calle de
19 Margaritas. There are no sidewalks on this property here.
20 The road easement, the road easement, the private road easement
21 that's in there, it has two cul-de-sacs in there for fire trucks and, of that
22 nature. This would be improved to gravel, base course type roadway.
23 The split of this property here is a group of people bought the property and
24 having all of their names as three ownerships. And that, what they want to
25 do is split up the property to give each of them their actual ownership.
26 The two properties in the south will be one owner, so they'll actually two
27 separate properties and then a third and the fourth would be the two top
28 ones. The, again we are looking at very much like the, the case
29 previously, we are looking for two waivers, one for the improvements to
30 Calle de Margaritas and the other one to the pavement of what we call
31 Margaritas Lane, but this is a private roadway. It's, it's not gonna go
32 anywhere else. This is totally enclosed into this subdivision. The, on the
33 east, west side, excuse me, there's a drain belonging to Elephant Butte
34 Irrigation District and that's gonna be there. And so this is gonna be
35 limited only to these four lots. It's a private road easement again, so we
36 are requesting approval for the waiver. We have the owners here and if
37 you have any particular questions to them and stuff like that I'd like to have
38 them come up. Thank you. I guess I should wait to see if there's any
39 questions of me.
40
41 Villescas: Any questions from the Commission? Looks like we're good. Thank you.
42
43 Magallanez: Thank you.
44
45 Villescas: Please come up. If you could state your name and address for the record,
46 Ms. Acosta will swear you in.

1
2 Avalos: Okay, my name is Manual Avalos and I live on 860 Dunlop, Mesilla.
3
4 Acosta: Mr. Avalos do you, do you swear and affirm the testimony you are about to
5 give is the truth under, truth and nothing but the truth under penalty of
6 law?
7
8 Avalos: Yes I do.
9
10 Acosta: Thank you.
11
12 Avalos: We bought this property about, I would say about a year and a half ago
13 and when we bought this property it was all trashy. It was just a bunch of
14 bushes and dirt and trash from the neighbors. This property is surrounded
15 by trailer parks. Okay, so there's three trailer parks around this property.
16 And this property, these trailer parks, they just have gravel roads. They
17 don't have pavement at all. I live on 60, 860 Dunlop and I have to go
18 through 860 Dunlop to go to my house, it's a, it's all gravel also. I've lived
19 there for 30 years now on that property and we have maintained that
20 property every since I lived there. There's four, four neighbors that we
21 have maintained that road ever since and that's one of the things that we
22 would like to do on this also on this other property, one of the neighbors
23 that's back there, his name is Lorenzo, he upgraded his property not too
24 long ago. He planted like 15 pecan trees and the neighbor, Mauricio also
25 planted 10 of them. I'm the owner of the two properties on the south side.
26 My house is behind the two properties on the south side. And we would
27 really like to get that waiver from you all and, to let you guys know, that
28 properties subdivision doesn't have a name yet but I heard somebody said
29 Tequila Bottle, that's gonna be it, if it's approved. Thank you.
30
31 Villescas: Thank you.
32
33 Avalos: Thank you.
34
35 Villescas: At this point I'll open it up to the public. If there's any members of the
36 public that would like to come forward and comment on this case, please
37 do so. Is there anyone that would like to come forward? Please come on
38 up. If you could state your name and address for the record, Ms. Acosta
39 will swear you in.
40
41 Beal: My name is Jimmy Beal and I own the property directly adjacent to that, to
42 the north of this proposed subdivision. The address there would be, oh
43 there's three addresses; there's 3848, 3850, and 3852 Calle de las
44 Margaritas. Again they're the property directly to the north of this
45 proposed subdivision. I've got several concerns ...
46

1 Acosta: Sir ...
2
3 Villescas: Once sec, we need to get you sworn in.
4
5 Beal: Go ahead. I'm sorry.
6
7 Acosta: So can you say your last name for me once more ...
8
9 Beal: Beal. It's B as in boy, E as in apple, A as in, I'm sorry E as in elephant, A
10 as in apple, L.
11
12 Villescas: Property. Property four.
13
14 Acosta: Okay. Sir could you raise your right hand for me. Thank you. Do you
15 swear and affirm the testimony you are about to give is the truth and
16 nothing but the truth under penalty of law?
17
18 Beal: I do.
19
20 Acosta: Thank you sir.
21
22 Villescas: Please go ahead sir.
23
24 Beal: I am not opposed to the subdivision however, and I'm not opposed to the,
25 to the variance of disallowing the, it just makes common sense of the 50-
26 foot there on Calle de las Margaritas. What I am opposed to is the, the
27 improvements to the lane itself, whatever you want to call that lane. My
28 question would be on the, one of the questions is on the 50 feet that you
29 have there that is on Calle de las Margaritas and maybe staff can clear
30 this up for me, but when you enter into that property and that 50-foot
31 there, who owns the property to, directly to the north and to the south of
32 that?
33
34 Villescas: On, you're talking about on the, on the, on the ...
35
36 Beal: Right where the ...
37
38 Villescas: The bottleneck itself?
39
40 Beal: Yes sir.
41
42 Villescas: The bottleneck.
43
44 Beal: The bottleneck itself. The north and the south lots there that are gonna be
45 created by this four-unit lot subdivision, because ...
46

1 Villescas: It won't be created. They already exist.
2
3 Best: Twelve and 13.
4
5 Villescas: They're, they're on the, the list. Am I allowed to disclose that Ms.
6 Gonzales?
7
8 Gonzales: *(shakes head yes)*.
9
10 Villescas: I am. On one side it's Rudy Chavez, on the other side it's Sapna LLC.
11
12 Beal: Okay, so these are different owners then with respect to, with respect to
13 the owners that are asking for the subdivision, is that correct?
14
15 Villescas: Correct.
16
17 Beal: Okay. So going forward with that then and having the property directly to
18 the north of that that just touches up there on their northeast corner, my
19 concern would be is that a single gravel road there is not going to work
20 guys. We bought this property 30 years ago that is there to the north. I
21 have stuck several vehicles in that lot. It is blow sand. It's not gonna cut
22 it. So that would be one concern there. My other concern would be of
23 course for emergency vehicles to enter into that property and attain it
24 because this property, and it's not really to the south of the property, those
25 are, those are houses. To the north I've got that lot there. To the
26 northwest of that property, that is a mobile home park. I believe it's still
27 named Scotia Mobile Home Park, I don't really know. Directly across
28 Calle de las Margaritas are also mobile home parks. If there is a fire down
29 there that would be cause for safety for everyone there with respect to not
30 being able to get into that property that they're proposing to subdivide to
31 create some sort, some type of fire barrier there between the two parks
32 themselves. I, I, I can just see it, it's, it's, could be a very you know
33 destructive tinderbox there. One of my other concerns would be that
34 having done so with this and not giving legal access there is the utilities
35 that go there. When I subdivided the property to the north, I have to
36 comply with all of that. And one of the reasons it was given for me having
37 to comply with that was because it had directly affects property values and
38 I'm concerned that if we allow this as ETZ and one of their responsibilities,
39 I was around when it was first implemented. One of the responsibilities is
40 to make the properties that come into the City comply with current City
41 rules and regulations. That's my understanding of why that, why that's like
42 that. So I had to bear the cost of improving that. I actually had to give a
43 utility easement to that mobile home park with respect to water utility
44 easement that runs along the north side of my property in order to get
45 Jornada Water down to the subdivision that, where I subdivided. So those

1 are kinda my concerns with respect to that. I appreciate your time. Thank
2 you.
3
4 Villescas: Mr. Beal just for your information, the reason that that 24-foot road is
5 required by the City down the center of the lot is exactly for what you
6 stated, for safety.
7
8 Beal: Absolutely.
9
10 Villescas: For, for fire and that's why it's double pen, and that's why it's, it's required
11 for the City.
12
13 Beal: I don't really have a problem ...
14
15 Villescas: Yeah.
16
17 Beal: With the, with the, you know double permeable base, but, and I'm not an
18 engineer either.
19
20 Villescas: Yeah.
21
22 Beal: But Calle de las Margaritas started off as a gravel road guys. They go in
23 there and in order to get the double permeable base, there's pavement on
24 it now.
25
26 Villescas: Yeah.
27
28 Beal: But that's not really going in there and putting asphalt down.
29
30 Villescas: Right.
31
32 Beal: That's going in there and putting a single aggregate down, tarring the
33 aggregate and then compacting that aggregate to get your double
34 permeable base. It's not really asphalt, so that's kind where I'm headed
35 with this you know with respect to that. I'm not in favor of curb and
36 guttering something that doesn't need to be, believe me.
37
38 Villescas: Yeah.
39
40 Beal: That's, that's, that's kinda not the purpose of ...
41
42 Villescas: But the interior road.
43
44 Beal: Sure.
45
46 Villescas: Like you referred to for fire and safety.

1
2 Beal: I would like to see, I would like to see you know utility access down there
3 and you know make it safe.
4
5 Villescas: Yeah. The other thing you referred to is, is, is cost.
6
7 Beal: Sure.
8
9 Villescas: You know and, and, and like you said you, you bore the cost.
10
11 Beal: We did.
12
13 Villescas: You know and, and to me you know when you subdivide it's, you know if
14 you're gonna subdivide there's, there's cost.
15
16 Beal: The easement wasn't actually, the utility easement to Jornada Water was
17 actually a condition of me being able to just to, to split that property once.
18
19 Villescas: Yep.
20
21 Beal: Not, not four times. Just once.
22
23 Villescas: Yeah. Yeah.
24
25 Beal: So my understand ...
26
27 Villescas: And there's a cost, and there's a cost to it.
28
29 Beal: Sure. There, there was. Yes sir.
30
31 Villescas: Yeah. Yeah.
32
33 Beal: Thank you so much.
34
35 Villescas: All right. Thank you. Is there anyone else from the public that would like
36 to make a comment?
37
38 Magallanez: Again my name is Henry Magallanez, I'm Moy Surveying. There is an
39 easement through that 24, that property in there so there is an easement
40 for sewer, water, whatever utility name be there. Again, a lot of the roads
41 adjacent to this mobile home, I mean the subdivision, are not in private
42 roads and they're not paved, they're gravel roadways and stuff like this
43 here. Again we would like for you to consider the variance for not paving
44 this portion and again for Calle de Margaritas, the 50-foot section. Thank
45 you.
46

1 Villescas: Are there any other members of the public that would like to come
2 forward? If not, we'll close it off to the public and open it up to the
3 Commission.
4
5 Hearn: Mr. Chairman.
6
7 Villescas: Mr. Hearn.
8
9 Hearn: It seemed helpful in the previous case to split it up to talk about each of
10 the requests separately, so I move that in Case 65413W we consider each
11 of the wavier requests separately.
12
13 Villescas: Do we have a second?
14
15 Best: Second.
16
17 Villescas: Any discussion? If not, Ms. Acosta would you poll the Commission.
18
19 Acosta: Commissioner Allin.
20
21 Allin: Aye.
22
23 Acosta: Commissioner Hearn.
24
25 Hearn: Aye.
26
27 Acosta: Commissioner Best.
28
29 Best: Aye.
30
31 Acosta: Commissioner Townsend.
32
33 Townsend: Aye.
34
35 Acosta: Commissioner Acosta votes aye. And Mr. Chairman.
36
37 Villescas: I vote aye. And again since there's no rule on, on which way to order
38 them, I will do so and we'll start with the interior road, that's the 24-foot
39 double pen that goes through the center of the property, we'll call that one
40 65413W A, we'll take that one up first, followed by the one on Calle de las
41 Margaritas which is the City code, curb, gutter, we'll call that one 65413W
42 B. So we shall start with discussion on 65, well, actually we would need a
43 motion first on 65413W A which is the interior road, 24-foot double pen
44 through the interior of the property.
45
46 Hearn: Mr. Chairman.

1
2 Villescas: Mr. Hearn.
3
4 Hearn: I move to approve Case 65413W A for the waiver on the required paving
5 on the access road.
6
7 Townsend: Second the motion.
8
9 Villescas: So we have a motion and a second on 65413W A, that's the interior road,
10 24-foot double pen road through the interior of the property. Do we have
11 any discussion? Not to make myself repetitive, but you all have heard me
12 say case after case after case I am a big proponent of those roads for the
13 purpose of fire trucks, police, safety, I think it's important no matter what
14 the rest of the neighborhood has, that any opportunity we have to make
15 these neighborhoods safe for fire trucks which are quite heavy, to have
16 the ability to go in there and keep the area safe, that we don't pass these
17 opportunities by to put in these roads and you know any time that you
18 subdivide it comes with a cost and I think that's just part of the cost and it's
19 a matter of public safety. So I would like to see this 24-foot double pen
20 road put in place. Any other comments, questions? Ms. Gonzales is, has
21 the podium if anyone has any questions of Ms. Gonzales. If there's no
22 further comments or questions, Ms. Acosta would you poll the
23 Commission.
24
25 Acosta: Commissioner Allin.
26
27 Allin: Aye.
28
29 Acosta: Commissioner Hearn.
30
31 Hearn: No.
32
33 Acosta: Commissioner Best.
34
35 Best: No.
36
37 Acosta: Commissioner Townsend.
38
39 Townsend: Aye.
40
41 Acosta: Commissioner Acosta votes aye. And Mr. Chairman.
42
43 Villescas: No.
44
45 Acosta: Three/three sir. It does not pass.
46

1 Villescas: Okay. That's 65413W A, does not pass. So the waiver request there is
2 denied. Again you can appeal that to the ETZA. Now we'll take up
3 65413W B which is the improvements or the waiver request to Calle de las
4 Margaritas, the 50-foot to City standards. Do we have a motion?
5
6 Hearn: Mr. Chairman.
7
8 Villescas: Mr. Hearn.
9
10 Hearn: Move to approve Case 65413W B, a request for wavier to meeting the City
11 standards on the small piece of road on Calle de las Margaritas.
12
13 Villescas: Do we have a second?
14
15 Acosta: I'll second that.
16
17 Villescas: Do we have any discussion?
18
19 Hearn: Mr. Chairman.
20
21 Villescas: Mr. Hearn.
22
23 Hearn: I guess just this, this seems clearly to me an, another case where putting
24 the curb, gutter, and, and all that pavement right in the middle of that road
25 would, would be a hindrance to traffic safety and all sorts of things. It just
26 doesn't seem to be the right thing to do. Thank you.
27
28 Villescas: Any other comments? I think, you know I was, I was leaning the other
29 way until I heard Mr. Beal who was in a similar situation and did go
30 through a, a great deal of expense and did his due diligence and did his
31 thing, his properties the right way and he didn't have any problem with that
32 waiver and didn't feel it was necessary. I first looked at it and thought, well
33 you know what that's, that's one-sixth of that entire road, unlike the other
34 cases where it was just a tiny portion of a huge road, so I said well you
35 know one-sixth, that's you know like 18%, but I think Mr. Beal swayed me
36 the other way. But anyway, that's just my comments. Anyone else have
37 any comments? If not, Ms. Acosta would you poll the Commission.
38
39 Acosta: Commissioner Allin.
40
41 Allin: Could we have both sides of the question please, restated.
42
43 Villescas: It's the waiver request to get a waiver for paving the portion that's on Calle
44 de las, de las Margaritas to City standards 50-foot curb and gutter. Yeah
45 to approve the waiver, no to deny it.
46

1 Allin: Yeah.
2
3 Townsend: He voted yeah.
4
5 Acosta: Commissioner Hearn.
6
7 Hearn: Yes.
8
9 Acosta: Commissioner Best.
10
11 Best: Yes.
12
13 Acosta: Commissioner Townsend.
14
15 Townsend: Yes.
16
17 Acosta: Commissioner Acosta ...
18
19 Villescas: That's you.
20
21 Acosta: I know but I was stuck. I just lost my chain of thought. So this is where
22 they don't have to put it in correct?
23
24 Villescas: If you vote yes, you, you're granting the wavier and they would not have to
25 put it in.
26
27 Acosta: Okay. Yes. Chairman, Mr. Chairman.
28
29 Villescas: I vote yes.
30
31 Acosta: Five to one sir. It passed.
32
33 Villescas: Okay. At one, that waiver passes
34
35 Magallanez: Six to none.
36
37 Acosta: Six to none, so sorry. I apologize.
38
39 Villescas: Six to, six to zero.
40
41 Gonzales: Yes.
42
43 Magallanez: I'm sorry,
44
45 Acosta: No, thank you it's been one of those nights.
46



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 Community Development Department
 City Hall, 700 N. Main Street
 P.O. Box 20000
 Las Cruces, NM 88004
 Phone: (575) 528-3043
 Fax: (575) 528-3155

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 County Planning Department
 Doña Ana County Government Center
 845 North Motel Blvd.
 Las Cruces, NM 88007
 Phone: (575) 647-7350
 Fax: (575) 525-6131

**ETZ Commission
 Staff Report**

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

CASE # 65413W **PROJECT NAME:** Margaritas Subdivision Replat No. 1 Waiver Request

APPLICANT/ REPRESENTATIVE: Moy Surveying Inc. **PROPERTY OWNER:** Manuel & Yolanda Avalos, Olivia Romero, and Lorenzo Villalobos

LOCATION: Located on the west side of Calle de Margaritas, 809 ± feet south from Watson Lane **SIZE:** 5.181 ± acres

EXISTING ZONING: ER4M

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 07, 2016	Application submitted to Development Services
April 07, 2016	Case sent out for review to all reviewing departments
April 15, 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 Margaritas Subdivision Replat No. 1. The subdivision proposes to split one (1) existing 5.181 ± acre tract into four (4) new single-family lots, which is considered a minor replat and will be processed administratively. The applicant requests that all adjacent roadway improvements and the interior access for each lot of the subdivision be waived.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	ER4M Code Requirement
Min. Lot Area	5.181 ± acres	Lot 3A: 1.415 ± acre Lot 3B: 1.248 ± acre Lot 3C: 1.139 ± acre Lot 3D: 1.379 ± acre	1/2 acre minimum
Min. Lot Width	226 ± feet	Lot 3A: 114 ± feet Lot 3B: 143 ± feet Lot 3C: 137 ± feet Lot 3D: 112 ± feet	100 feet minimum
Min. Lot Depth	714 ± feet	Lot 3A: 384 ± feet Lot 3B: 360 ± feet Lot 3C: 330 ± feet Lot 3D: 384 ± feet	100 feet minimum
Min. Building Height	N/A	Lot 3A: N/A Lot 3B: N/A Lot 3C: N/A Lot 3D: N/A	35 feet maximum
Road Improvements	<u>Calle de Margaritas: (right-of-way)</u> <ul style="list-style-type: none"> 50-foot-wide, 24 foot paved roadway <u>Margaritas Lane: (road and utility easement)</u> <ul style="list-style-type: none"> 50-foot-wide 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	ER4M
North	Mobile Home park	ER4M
South	Single-family dwelling	ER4M
East	Mobile Home park	ER4M
West	Park Drain	ER4M

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	No
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 5.181 ± acre single-family residential tract zoned ER4M into four (4) new single-family residential lots that meet all development standards of the ER4M 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 to the proposed subdivision. Those requirements are outlined below:

Calle de Margaritas

The proposed replat is adjacent to and has direct access to Calle de Margaritas, a Local roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MPO), which is the only adjacent roadway. Calle de Margaritas is currently comprised of a 50-foot-wide section of right-of-way with a 24-foot-wide paved road along the proposed subdivision line.

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 50 ± liner feet adjacent to the subdivision line. 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 Calle de Margaritas. 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 City and 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, Calle de Margaritas 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 road known as Calle de Margaritas.
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 Margaritas Subdivision Replat No. 1
6. EDRC Minutes from the May 5, 2016 Meeting

VICINITY MAP

ZONING: ER4M

OWNER: MANUEL & YOLANDA AVALOS, OLICIA ROMERO,
AND LORENZO VILLALOBOS

PARCEL: 03-29734

DATE: 05-03-2016



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

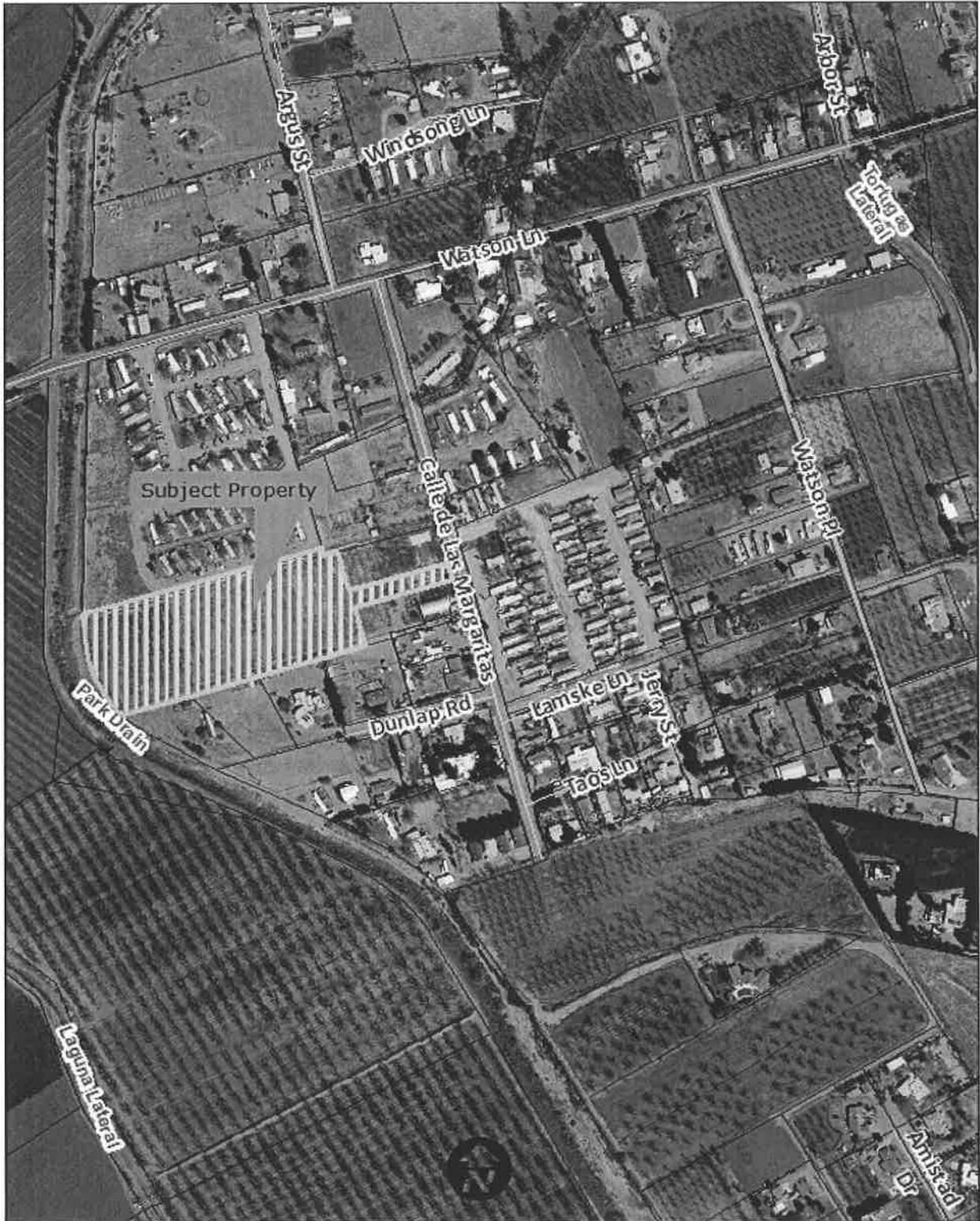
AERIAL MAP

ZONING: ER4M

**OWNER: MANUEL & YOLANDA AVALOS, OLICIA ROMERO,
AND LORENZO VILLALOBOS**

PARCEL: 03-29734

DATE: 05-03-2016



100 200 300 400 500 Feet
 Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

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NOTIFICATION MAP

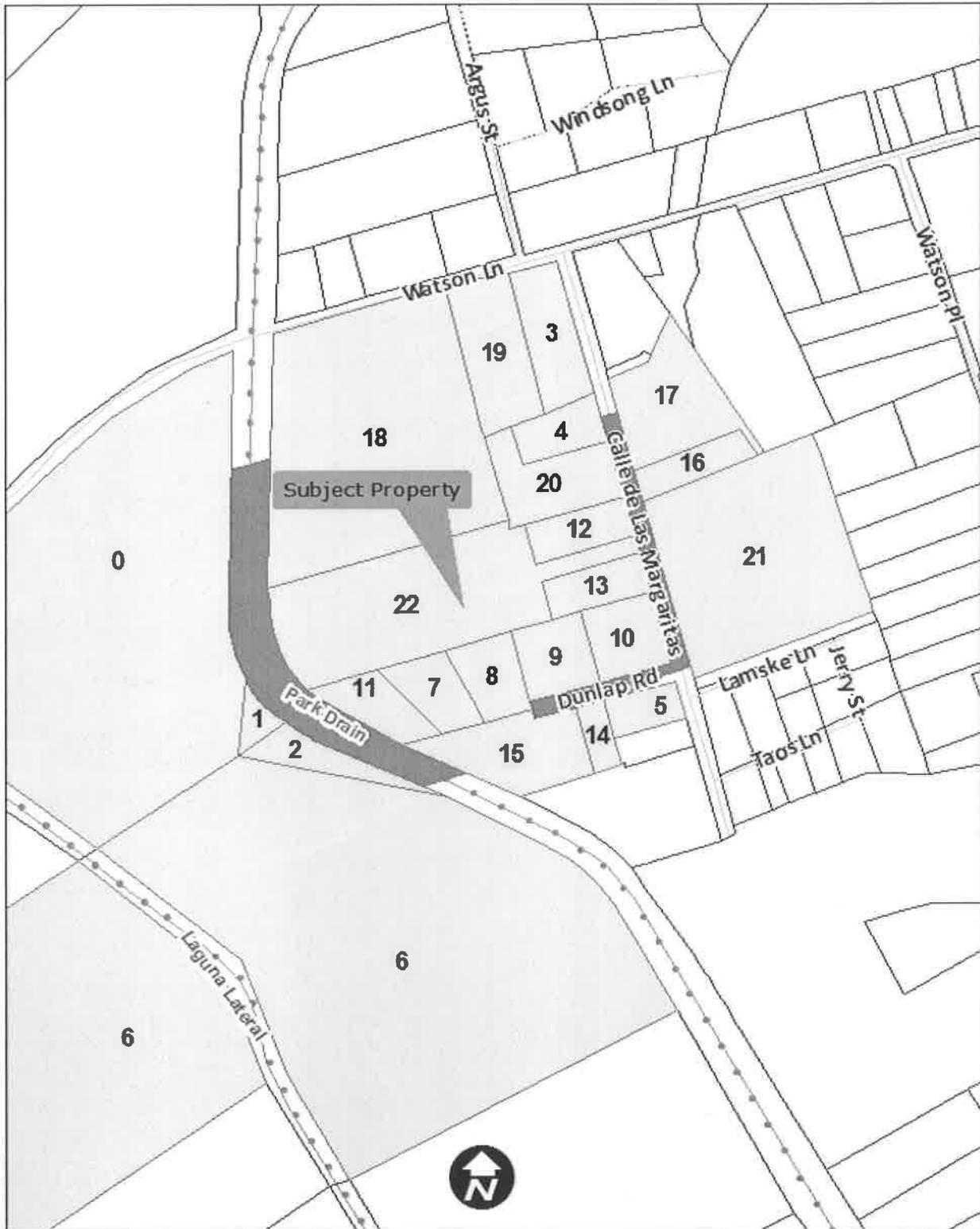
ATTACHMENT #3

ZONING: ER4M

PARCEL: 03-29734

OWNER: MANUEL & YOLANDA AVALOS, OLICIA ROMERO,
AND LORENZO VILLALOBOS

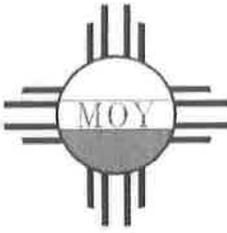
DATE: 05-03-2016



150 75 0 150 300 450 600 Feet
Community Development Department
700 N Main St
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NUMBER	NAME	ADDRESS1	CITY	STATE	ZIP
0	SMITH LAND LLC	PO BOX 1201	MESILLA PARK	NM	88047
1	SMITH WILLIAM B	PO BOX 951	MESILLA PARK	NM	88047-0951
2	EL MANZANAL LLC	3701 S HWY 28	LAS CRUCES	NM	88005
3	RIVAS RALF D & ISABEL F LIV TR	821-1 WATSON LN	LAS CRUCES	NM	88005-3642
4	BEAL JIMMY D	523 SHIRK LN SW	ALBUQUERQUE	NM	87105-7545
5	MENDEZ ENRIQUE	PO BOX 796	MESQUITE	NM	88048
6	EL MANZANAL LLC	3701 HWY 28	LAS CRUCES	NM	88005
7	REY VICTOR G	PO BOX 361	MESILLA PARK	NM	88047
8	AVALOS MANUEL & YOLANDA	PO BOX 285	MESILLA PARK	NM	88047-0285
9	LANLEA CORP	300 MOTEL BLVD	LAS CRUCES	NM	88005
10	HENRY PATRICK L & TERRI L	PO BOX 7844	LAS CRUCES	NM	88006
11	REY JORGE	PO BOX 1575	MESILLA PARK	NM	88047
12	RUDY CHAVEZ	PO BOX 620	MESILLA	NM	88046
13	SAPNA LLC	2585 S VALLEY DR	LAS CRUCES	NM	88001
14	MENDEZ ENRIQUE	PO BOX 796	MESQUITE	NM	88048
15	TORRES BRIAN P & MELISSA L	855 W DUNLAP	LAS CRUCES	NM	88001
16	COUNTRY ESTATES LLC	5501 SANTA GERTRUDIS	LAS CRUCES	NM	88012
17	COUNTRY ESTATES LLC	5501 GERTRUDIS	LAS CRUCES	NM	88012
18	JORGE MERAZ & MARGARITA	3094 N BLYTHE AVE	FRESNO	CA	93722
19	RIVAS RALF D & ISABEL F LIV TR	821 WATSON LN	LAS CRUCES	NM	88005
20	BEAL JIMMY D	523 SHIRK LN SW	ALBUQUERQUE	NM	87105-7545
21	COUNTRY ESTATES LLC	5501 SANTA GERTRUDIS	LAS CRUCES	NM	88012
22	OLIVIA ROMERO & LORENZO VILLALOBOS	3876 CALLE DE LAS MARGARITAS	LAS CRUCES	NM	88005



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: Margaritas Subdivision Replat #1
Waiver to street improvements

Department Directors;

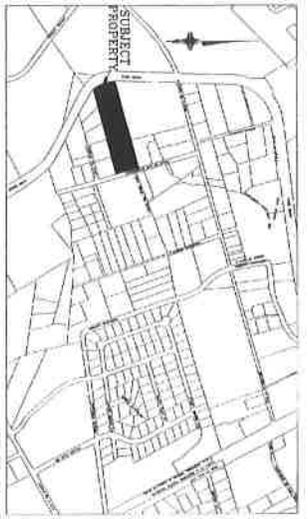
On behalf of our client, , we are submitting for waiver to the City of Las Cruces Municiple Code, Chapter 32 - Design Standards, Article II, Sec. 32-36 - City Streets.

The City of Las Cruces is requesting right of ways improvements to be applied to both proposed Calle de Margaritas 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 Calle de Margaritas and the interior road of the Subdivision. Calle de Margaritas is already a paved road and the interior road a gravel road is been requested to service the four lots any additional improvements would make an costly endeavor to our clients.

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

Thank you.


Henry Magallanez LS# 18078
Moy Surveying, Inc.



MARGARITAS SUBDIVISION REPLAT NO. 1

AN EXTRA TERRITORIAL ZONE SUBDIVISION
 BEING A REPLAT OF LOT 3
 MARGARITAS SUBDIVISION
 FILED SEPTEMBER 7, 2011, IN PLAT RECORD 23,
 PAGE 212, DONA ANA COUNTY RECORDS
 SOUTH OF LAS CRUCES
 DONA ANA COUNTY, NEW MEXICO

LI SEPTEMBER 2015 TOTAL 5181 AC 1±=100'
 N01-1230°E
 19.66'



THIS SUBDIVISION HAS BEEN DESIGNATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNERS OF THE LAND SHOWN HEREON.
 INSTRUMENT #1500282 DONA ANA COUNTY RECORDS
 WE, THE UNDERSIGNED OWNERS, HEREBY SET OUR HANDS AND SEALS
 THIS _____ OF _____ 20____
 OLIVERA RODRIGO LORENZO VILLALOBOS MANUEL AYALOS
 1/3 INTEREST 1/3 INTEREST
 YOLANDA AYALOS
 1/3 INTEREST
 STATE OF NEW MEXICO
 COUNTY OF DONA ANA
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY
 OF _____ 20____
 BY: OLIVERA RODRIGO LORENZO VILLALOBOS, MANUEL AYALOS & YOLANDA AYALOS
 MY COMMISSION EXPIRES _____
 NOTARY PUBLIC _____ SEAL _____
 PLAT NO. _____ RECEPTION NO. _____
 STATE OF NEW MEXICO
 COUNTY OF DONA ANA
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS
 DATE OF _____ 2015, AT _____ AM/PM AND
 FILED IN THE RECORDS OF THE COUNTY CLERK, DONA ANA COUNTY, NEW MEXICO
 COUNTY CLERK _____ DEPUTY COUNTY CLERK _____

1. EASMENTS AND DISTANCES MATCH THAT OF RECORD, UNLESS OTHERWISE NOTED.
2. THE PERCENTAGE IS RESPONSIBLE FOR ALL EXPENSES, NAME SEPARATE UTILITY SERVICES TO EACH LOT.
3. PER PLAN NO. 2010-00003-01 (SEEKING DATE 1/27/10) WHICH SHOWS THE LOCATION OF THE EASMENTS TO BE REMOVED TO BE ON THE SOUTH SIDE OF THE ROAD (SEEKING DATE 1/27/10) TO BE ON THE SOUTH SIDE OF THE ROAD (SEEKING DATE 1/27/10).
4. THE SETBACKS FOR THE PLAT ARE TWO FEET FROM THE FRONT AND TWO FEET FROM THE REAR AND TWO FEET FROM THE SIDE.
5. THE BASES OF EASMENTS FOR THIS PLAT ARE TWO FEET FROM THE FRONT AND TWO FEET FROM THE REAR AND TWO FEET FROM THE SIDE.
6. EASMENTS TO BE REMOVED WITHIN SECTION 101 AND JUST RECORDED BY _____



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

UTILITY APPROVAL

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO COCAST COMMUNICATIONS CORPORATION, ARE SATISFACTORY TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF UNDERGROUND (OVERHEAD) UNDERGROUND AND/OR OVERHEAD (UNDERGROUND AND DISCONNECTED OVERHEAD FEEDER) CABLE/TELEVISION/INTERNET UTILITIES. COCAST COMMUNICATIONS CORPORATION

DATE _____ BY _____

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO GUEST CORPORATION, D/B/A CENTURIA, ARE SATISFACTORY TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF UNDERGROUND (OVERHEAD) UNDERGROUND AND/OR OVERHEAD (UNDERGROUND AND DISCONNECTED OVERHEAD FEEDER) TELEPHONE FACILITIES. GUEST CORPORATION, D/B/A CENTURIA, CO

DATE _____ BY _____

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO JORNADA WATER COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF UNDERGROUND WATER UTILITIES. JORNADA WATER COMPANY

DATE _____ BY _____

EXTRA-TERRITORIAL ZONING COMMISSION APPROVAL

THIS PLAT HAS BEEN SUBMITTED TO AND CHECKED BY THE EXTRA-TERRITORIAL ZONING COMMISSION. IT CONCLUDES WITH GENERAL EXTRA-TERRITORIAL ZONING PLANNING REGULATIONS. IT IS APPROVED FOR PLUNG AND RECORDING WITH THE COUNTY CLERK.

DATE _____ BY _____

DATE _____ BY _____

LOY SURVEYING INC.
 414 N. GARDNER AVE. SUITE 100
 LAS CRUCES, NM 88001
 PHONE: (575) 525-9863
 FAX: (575) 524-3238
 208 NO. 15-0307
 DRAWN BY: DEWEEST E. LAWS
 FILED BY: KENNETH
 DATE: 15-0307 STOKER: 15-0307

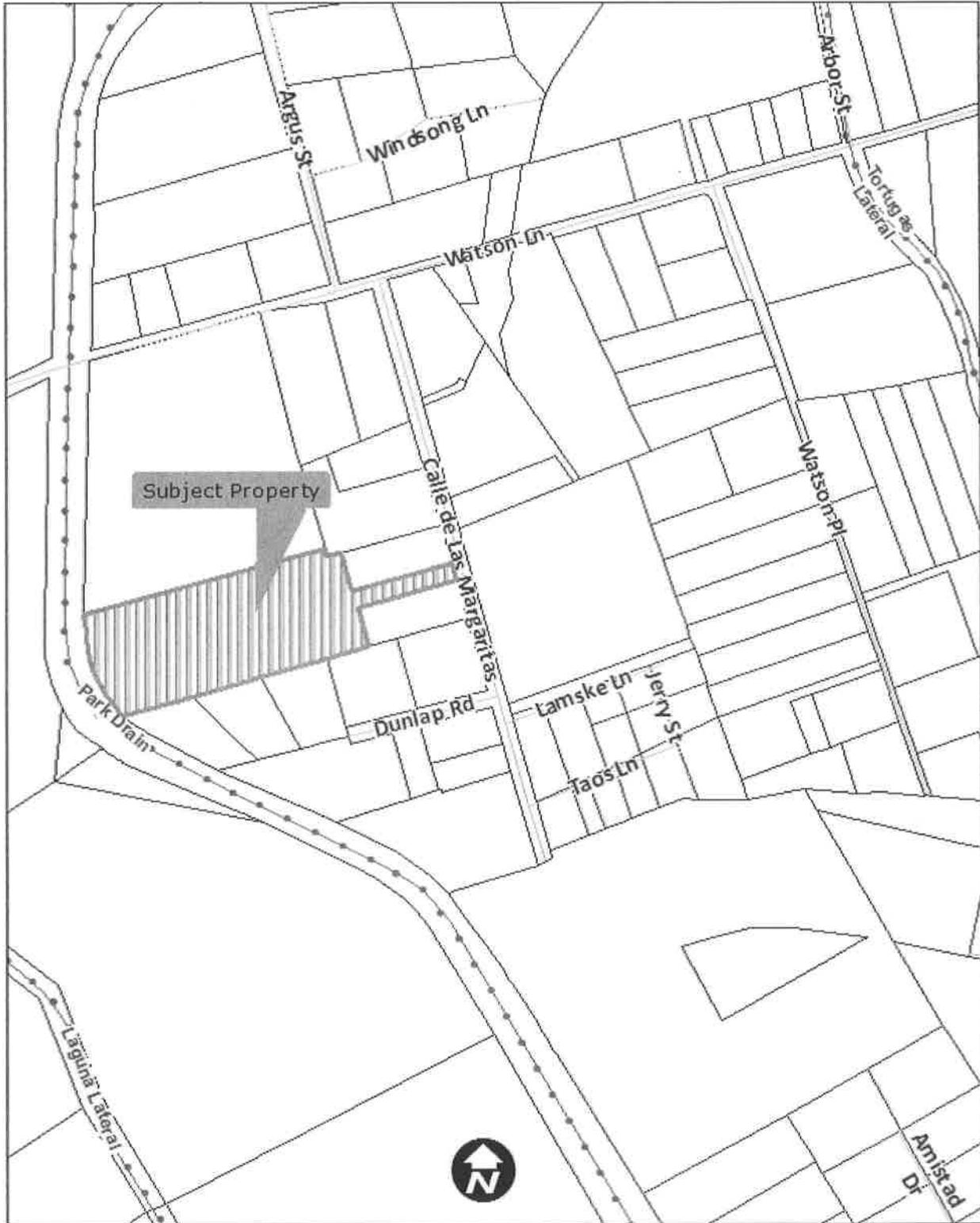
VICINITY MAP

ZONING: ER4M

**OWNER: MANUEL & YOLANDA AVALOS, OLICIA ROMERO,
AND LORENZO VILLALOBOS**

PARCEL: 03-29734

DATE: 05-03-2016



150 75 0 150 300 450 600

Feet

Community Development Department

700 N Main St

Las Cruces, NM 88001

(575) 528-3222