



City of Las Cruces[®]

Development Review Committee Agenda

The Development Review Committee (DRC) will consider the following agenda on July 12, 2023 at 9:00 A.M., in Room 1158 located at the City Hall, 700 North Main Street, Las Cruces, New Mexico.

1. Call To Order
2. Approval Of Minutes

Documents:

[06-14-23 DRC MINUTES.PDF](#)

3. Old Business
4. New Business
 - 4.1. Case 23CS0500012: Sierra Del Sol Subdivision Preliminary Plat
 - A request for approval of a preliminary plat, known as Sierra Del Sol Subdivision. A joint project with Tierra Del Sol and the City of Las Cruces.
 - The proposed subdivision currently encompasses 4.48± acres, is zoned R-1a (Single-Family Medium Density), is located at approximately 350 ft from the intersection of Lewis Street and Spruce Avenue, adjacent to Sierra Middle School.
 - The subdivision proposes 18 single-family residential lots with a 0.75-acre lot designated for future development of multi-family residential housing. There are two tracts of land that will be dedicated to the city for drainage and three tracts that will be privately maintained for a multi-use trail to provide a connection from the adjacent neighborhood to the school and open space.
 - The development will follow the Sierra Tract Blueprint as well as the Infill Development Process for the future development of multi-family housing.
 - Submitted by Souder Miller and Associates, Representative.
5. Discussion

6. Adjournment

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Date Posted: 7/6/2023



CITY OF LAS CRUCES

DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the minutes from the City of Las Cruces Development Review Committee Meeting held Wednesday, June 14, 2023, at 9:00 a.m. in Room 1158.

DRC PRESENT: Rocio Nasir, Senior Engineer, Utilities
Mark Dubbin, Fire Projection Engineer
Gary Skelton, Engineer, Public Works
Tony Trevino, Deputy Director, Public Works
Mike Kinney, Plan Review Engineer, Com. Dev.

STAFF PRESENT: Tim Pitts, Deputy Director Building Development
John Castillo, Planner, Community Development
Becky Baum, Recording Secretary, RC Creations, LLC

OTHER PRESENT: Greg Shervanick

1. CALL TO ORDER (9:00 a.m.)

Castillo: All right, so I'm going to go ahead and call, so today we have the Development Review Committee or DRC, on June 14th. I'm going to go ahead and call it to order.

2. APPROVAL OF MINUTES

2.1 April 26, 2023 Minutes

Castillo: Next item on the agenda is we have the approval of minutes of April 26, 2023. Can I get a vote?

Kinney: Motion to approve.

Skelton: Second.

Castillo: So then now we have our Rocio Nasir with Utilities if we can get a vote to have Rocio join us through the video.

Dubbin: So moved.

Kinney: Second. Since the Directors are here should they take over?

Pitts: It's okay. We can all be members, but only votes are the five.

1 Castillo: I'll go ahead and take roll on the motion. Community Development.
2
3 Pitts: Yes.
4
5 Castillo: Fire.
6
7 Dubbin: Yes.
8
9 Castillo: Public Works.
10
11 Skelton: Yes.
12
13 Castillo: That's it.
14
15 Pitts: Utilities.
16
17 Castillo: And utility, but she's voting to bring herself in.
18
19 Pitts: Well the Mayor always voted to bring himself in.
20
21 Castillo: Well that's true.
22
23 Pitts: On Monday or whatever.
24
25 Castillo: All right, so with that, I guess we have the vote to bring in Rocio through the
26 video conference.
27

28 **3. OLD BUSINESS**

29
30 Castillo: So, next item on the list is old business. It doesn't appear that we have any
31 old business.
32

33 **4. NEW BUSINESS**

34
35 **4.1 Case 22CS0500044: EBL & T Subdivision "A" Replat No. 37**

- 36
- 37 • A request for approval of a non-administrative replat, known as Elephant
 - 38 Butte Land & Trust Co. Subdivision "A" Replat No. 37.
 - 39 • The proposed subdivision currently encompasses 2.276 + acres, is
 - 40 zoned REM (Residential Estate-Mobile), is located at 1086 Kennedy
 - 41 Road.
 - 42 • The subdivision proposes to replat one (1) existing residential lots into
 - 43 two (2) residential lots that are 1.023 ± acres in size.
 - 44 • Submitted by the Moy Surveying, Representative

45 Castillo: So we have new business.
46

1 Baum: Point of order. You took a motion and a second for the minutes but you
2 didn't take a vote for the minutes.
3
4 Castillo: Oh, I'm sorry. Can I get a vote for approval of the minutes? Can everybody
5 say "yes" if they approve, "no" if they don't?
6
7 MOTION PASSES UNANIMOUSLY FOR THE MINUTES.
8
9 Dubbin: Rocio Can you hear us okay?
10
11 Nasir: Yes, I can hear you guys very well. Can you guys hear me?
12
13 Pitts: Yes.
14
15 Dubbin: Yes ma'am.
16
17 Nasir: Okay.
18
19 Castillo: All right, so now that we've done that, go ahead and go to new business.
20 We have three items of new business. The first item is going to be agenda
21 item 4.1, Case 22CS0500044, the EBL & T Subdivision "A" Replat No. 37.
22 This is a request for approval of a nonadministrative replat known as the
23 Elephant Butte Land and Trust Company Subdivision "A" Replat No. 37.
24 The property is being proposed to be subdivided into two residential lots,
25 which are currently zoned REM, which is a Residential Estate Mobile. And
26 the property encompasses 2.276 acres. Once subdivided, each lot will be
27 approximately 1.023 acres in size. And it was submitted by Moy Surveying.
28 Does anybody have any questions?
29
30 Kinney: Mr. Chair. Do you have that on the aerial view?
31
32 Castillo: I don't but I can try and get it.
33
34 Nasir: John. I do have a question.
35
36 Castillo: Yes.
37
38 Nasir: It is my understanding that there was a waiver. Was that kind of resolved?
39
40 Castillo: So there was a waiver. It is in the process of going to City Council here next
41 week. Note to also mention, if the waiver doesn't get an approval from City
42 Council, it is more likely that this nonadministrative replat will not go forward.
43
44 Dubbin: Excuse me, Mr. Chair.
45
46 Nasir: Okay.

1
2 Castillo: Yes.
3
4 Dubbin: What is the nature of the waiver? And what is the recommendation?
5
6 Castillo: The nature of the waiver was for 100% roadway improvement to Kennedy
7 Road. During DRC everybody recommended denial. That was provided to
8 the Planning and Zoning Commission, which also is providing a
9 recommendation of denial to City Council.
10
11 Dubbin: Thank you.
12
13 Kinney: Mr. Chair. That's like my request that was kind of what it was based on as
14 to what was going to happen to the required build out of that section of
15 Kennedy Road.
16
17 Castillo: Yes, so right now the applicant as stated before is seeking a waiver to 100%
18 of the roadway improvements. I think currently right now Kennedy has at
19 least a 20 foot wide paved roadway.
20
21 Nasir: Are you waiting? I'm sorry.
22
23 Dubbin: No ma'am.
24
25 Castillo: No, we're waiting on a map.
26
27 Nasir: Okay, because it got quiet and it was like, did they say my name and I didn't
28 hear it.
29
30 Skelton: Technological pause.
31
32 Castillo: So Kenney Road is classified as an arterial roadway through the MPO, as
33 well as a proposed arterial in Elevate Las Cruces's future thoroughfare map.
34
35 Kinney: It's an extension of Engler, right.
36
37 Castillo: Correct. It's an extension of Engler. So the applicant is providing a 40 foot
38 dedication as part of the subdivision. So right now all the waiver is
39 requesting to not build out the roadway.
40
41 Kinney: That waiver was denied.
42
43 Castillo: It was provided a recommendation of denial by DRC and the Planning and
44 Zoning Commission. And we just have to wait to see what City Council is
45 going to determine.
46

1 Skelton: Is that roadway, is it on that property or is it part of, is there half and half of
2 the property across the street.
3
4 Castillo: It's half and half.
5
6 Skelton: Because I wasn't sure.
7
8 Pitts: Were they dedicating right-of-way?
9
10 Castillo: Yes, they're dedicated approximately 40 feet of right-of-way.
11
12 Pitts: Okay. That's where the quarter acre went away.
13
14 Castillo: Yes.
15
16 Kinney: So Mr. Chair.
17
18 Pitts: Are we ready for a motion?
19
20 Kinney: I have a question. So right now is it going to the City Commission?
21
22 Castillo: So right now the waiver is going to City Council on June 20th. So based on
23 the determination by City Council this nonadministrative replat may or may
24 not go forward to the Planning and Zoning Commission.
25
26 Skelton: So this is a cart before the horse situation.
27
28 Castillo: Correct.
29
30 Skelton: Okay.
31
32 Pitts: I would make a motion that we approve this subject to the approval of the
33 waiver by City Council. Otherwise it's denied.
34
35 Trevino: Can I just make a comment from Public Works side? I'm not voting nothing
36 but just, we've done a drainage study for all the South Fork Moreno Arroyo
37 by Parkhill and above. And that drainage study goes all the way down and
38 cuts across this property on the very south end. And a channel will be
39 proposed in the future later to kind of maybe route some of that drainage
40 water through that property and kind of turn it. So that might be requested
41 to them at a later time. So if we don't give them this, we might not get a
42 drainage channel later. But I just wanted to kind of throw that out there
43 because we are going to be requesting some properties from them in the
44 future. But there are other properties there too we can route around. Well,
45 that's where the plan was at. Just throwing it out there, just background.
46

1 Castillo: Thank you. Is there any more questions or items of discussion?
2
3 Pitts: Do we have a second?
4
5 Castillo: Do we have a second on Tim's motion?
6
7 Dubbin: What was the motion?
8
9 Pitts: To approve this subject to the City Council approving, and if City Council
10 denies then we would deny this.
11
12 Dubbin: Just point of order. I'm not sure if we can do that. Because if we approve
13 it, the applicant still has the option of going forward with a subdivision and
14 performing the improvements that are required from the subdivision code.
15 So if we just approve it.
16
17 Pitts: I understand. I withdraw and just say.
18
19 Dubbin: Motion to approve.
20
21 Pitts: Motion to approve.
22
23 Dubbin: I'll second.
24
25 Castillo: All right. Can I go ahead and get a vote. All in favor say "aye."
26
27 Dubbin: Aye.
28
29 Castillo: Public Works'
30
31 Skelton: I guess aye.
32
33 Pitts: Utilities.
34
35 Nasir: I want to be able to understand correctly. The motion is to approve the
36 subdivision, right?
37
38 Castillo: Correct.
39
40 Nasir: Aye.
41
42 Castillo: All right. Any oppose? All right, we have an approval recommendation.
43
44 **4.2 Determination That Once the Applicant has Received Approval for a**
45 **Subdivision, no Additional Modifications May be Requested by City**

1 **Staff or Members of the Public Unless There is a Significant Change**
2 **to the Lot Boundaries, Utilities, and/ or Dedication of Land.**
3

4 Castillo: So the next item on the agenda is 4.2, this is a determination that once the
5 applicant has received approval for a subdivision, no additional
6 modifications may be requested by city staff or members of the public
7 unless there is a significant change to the lot boundaries, utilities, and/or
8 dedication of land. We'll go ahead and open it up for discussion.
9

10 Pitts: Can I ask what significant means?

11
12 Castillo: So from my understanding of the case, I know this was brought forward by
13 Sara Gonzales, our Interim Senior Planner. She wasn't able to attend as of
14 right now. But I'm assuming significant changes mean once we are already
15 at mylars, any changes requested by the members of the public, or city
16 members or staff or members of the public, that there not be any changes
17 once we get an approval from everybody during the review process. And
18 reviewing mylars I believe is where this is coming from.
19

20 Pitts: I would be more willing to accept this if it just was, there was no change
21 from what was approved on paper to what was presented in mylar. Just no
22 change whatsoever. Because I'm afraid of that.
23

24 Kinney: Mr. Chair. I concur with Mr. Pitts. Because we did have a situation recently
25 where the approved plat was approved like in November, and then in April,
26 six months later or thereabouts, when I went to mylars there was a
27 significant change between the approved plat and what was presented on
28 the mylars, that was never approved.
29

30 Dubbin: What was that change?

31
32 Kinney: Dedicating a pond in the City. It was supposed to remain private, and it got
33 dedicated to the City.
34

35 Dubbin: I would call that significant.

36
37 Trevino: Yes.

38
39 Kinney: Yes. I don't know if that has anything to do with.
40

41 Pitts: Yes, I think I guess I sort of see why you might say have some modifier
42 there, because if it's a scrivener's error, or if it's some minor change that just
43 clarifies wording, we probably don't want to hold them back and have to go
44 through another review. But I still worry that "significant" seems, I might
45 modify it maybe to say, "other than minor."
46

1 Trevino: How about something that adversely affects one of the two parties involved.
2 That way we kind of know.
3
4 Pitts: That makes it clear what significant means.
5
6 Trevino: Additional maintenance.
7
8 Castillo: So, as stated before, this is more going towards having to redo mylars. And
9 I understand that, yes, we've had things that have slipped by such as you
10 know the changing of drainage tract information from what was approved to
11 what was submitted. It is something that happens on both sides, but this I
12 think was brought more about of once we're at mylar, why are we now doing
13 another review at this point. and catching things that weren't caught during
14 the first set of reviews or first round of reviews. And then having the
15 applicant redo these mylars, obtain new signatures.
16
17 Trevino: So you're looking at Public Works directly on this so I'll answer to that.
18
19 Castillo: I don't know it's looking at Public Works but we have had other areas.
20
21 Trevino: When we get new surveyors on board, you know our previous surveyor
22 wanted to be more involved in the reviews which he wasn't, so when he
23 caught it he wasn't part of the initial preliminary reviews, he came in and
24 started reviewing the mylars and catch this. So that was an issue that we
25 did have. We tried to address it back then. But we do not have a surveyor
26 no more, so I think that's just a process we have to work out with the
27 transition phase, whatever to kind of get them in the beginning of the review
28 process and then flying through it. I think that's a coordination on both ends.
29
30 Castillo: And it's not just happening in Public Works. And like I said, I'm not the one
31 who brought this forward, but from what I've heard, I think that's more of
32 what the line is. I know there's been other reviewers that have looked at
33 mylars and it hasn't been addressed at that point, but it was approved.
34
35 Trevino: I think having adversely affects kind of says you can you know hey this
36 change that you did is going affect us somehow monetary wise, operational
37 wise, or something. But my two cents.
38
39 Pitts: If I can. Sara had left me a little note. And I remember now talking to her
40 about this, that her concern is especially on things like the ownership, you
41 know that I guess state law requires an ownership be on a plat. But what
42 ownership. Does it have to be the ownership when the City signs or the
43 ownership when the approval is granted? And I think that's what she was
44 asking us to do was to make it so that at approval, ownership was correct.
45 So if you go and sign it later, we don't have to go and correct that again. It

1 was correct at the moment it was approved. I think that's why she's put
2 significant.
3
4 Trevino: Of adjacent properties.
5
6 Pitts: Yes, adjacent property owners.
7
8 Trevino: Yes, that's kind of, they shouldn't have to go through that.
9
10 Pitts: I guess they were asked to do that; several people were. So I think it's just
11 setting a time that this is the time that all City comments are addressed by.
12 And I think there do come other times when you're going to have to say we
13 missed this but this is a significant issue for the City, we can't approve this.
14 There are going to be those times. I don't think that's at all what we're
15 intending to stop. It's the minor change asked for after the approval has.
16
17 Trevino: Yes, that's when they'll probably come, regroup and talk about because I
18 don't think kind a new reviewer comes on board, they're not going to know
19 what's changed or what, why it hasn't got the mylar. So if that issue comes
20 up, I think it's fair to the owners that we do regroup and kind of talk about it.
21 It's good to not jump and make him do right away.
22
23 Castillo: Right, so I guess we make a vote on this. I'm not sure if we make a vote on
24 this.
25
26 Pitts: No motion.
27
28 Dubbin: It's not a, it's just a, well actually that was my question is, was the request
29 for the DRC to make a formal interpretation, because it's not really an action
30 item.
31
32 Castillo: From my understanding, yes, it was for the DRC to make a formal
33 recommendation as to how this should be handled or moved forward with.
34
35 Dubbin: The verbiage, I mean if they're looking for a specific verbiage, I would
36 probably say that there shouldn't be a "material change" to the plat after
37 approval. And the word "material change" in a legal sense more of like what
38 you're saying, where there's an adverse ...
39
40 Pitts: I like that.
41
42 Dubbin: Effect or, because adverse can be kind of subjective also, so "material
43 change" is like ownership or cost or, as opposed to just a typo or correction
44 of, some minor correction that needs to be made. But I don't know who
45 would draft that or issue that.
46

1 Castillo: I'm going to assume that Sara would draft it, but if not it would be our
2 Directors, I'm not absolutely sure who would draft the DRC interpretation.
3
4 Skelton: Assume it's going to be redrafted it would be represented back to the DRC
5 in its form. So I would assume at this time we would, my proposal would be
6 to not accept this interpretation and have it brought back to DRC with ...
7
8 Kinney: New wording.
9
10 Skelton: New wording for the determination.
11
12 Dubbin: Maybe based on today's discussion, someone could draft a formal
13 interpretation of that section and then send it for review then we could
14 wordsmith it and then bring it forward later as to what's a "material change"
15 to the plat.
16
17 Castillo: Okay, so with that I guess we'll move forward.
18
19 **4.3 Determination Between Sec. 32-410, 1, B. And Sec. 32-410, 7, A. of the**
20 **Design Standards in Relation to Local Streets and the Required**
21 **Streetlighting Standards - Types of Poles/Luminaries, Spacing,**
22 **Location, and IES Analysis.**
23
24 Castillo: So the next item on the list is item 4.3, this is going to be a determination
25 between section 32-410, 1, B, and section 32-410, 7, A, of the design
26 standards in relation to local streets and the required streetlighting
27 standards, types of poles/luminaires, spacing location, and IES analysis.
28 Mike, if you'd like to speak about this a little bit more.
29
30 Kinney: Yes, sir, Mr. Chair. Before the start of the meeting I received a copy of an
31 e-mail from Mr. Robert Kyle in 2018 in response to I believe, Mr. Paul
32 Pompeo concerning not having to prepare an IES study for streetlights on
33 local roads. And that's primarily my question and interpretation that I was
34 wanting so it's been interpreted in 2018. So I don't think there's a need now
35 for DRC to make a determination that's been done at the Director's level.
36
37 Castillo: Okay. With that I don't see a reason to make a motion. So I guess we can
38 move on to the next item.
39
40 Kinney: I guess I'm withdrawing the request as it's been answered.
41
42 Nasir: I'm sorry.
43
44 Pitts: Rocio, yes.
45

1 Nasir: Can I just ask the question about what was the determination? Are we all
2 aware of the determination? Because I believe that determination was done
3 when David Maestas was director and he put it in writing. Is that my
4 interpretation of the lightning part?
5

6 Pitts: Rocio. The determination was made by Robert Kyle in 2018, in which he
7 said that the engineer does not need to provide his study but he does need
8 to certify that his lighting plan meets the standards of the IES.
9

10 Nasir: Okay. Thank you.
11

12 **5. DISCUSSION**
13

14 Castillo: So we'll move to Item five, which is discussion. Does anybody have any
15 items of discussion? I see none.
16

17 **6. ADJOURNMENT (9:34 a.m.)**
18

19 Castillo: So we're going to go ahead and move to adjournment. Today's meeting of
20 the DRC ends at 9:34. Can I make a motion to adjourn?
21

22 Dubbin: I make a motion to adjourn.
23

24 Pitts: Second.
25

26 Castillo: Do any oppose? Hearing none. All approve.
27
28
29
30

31 _____
32 Chairperson