

1 Clifton: At this time I'll go ahead and ask the Commissioners if there's a conflict of
2 interest from anyone on the Commission or Community Development that
3 they feel has a conflict of interest on any of the items on the agenda
4 presented this evening. Seeing none.
5

6 III. APPROVAL OF MINUTES

7 1. May 24, 2016 - Regular Meeting

8
9
10 Clifton: We'll move on to Approval of Minutes. Has everybody had a opportunity
11 to review the May 24th regular meeting minutes? Okay. Thank you. Let
12 me get a motion to approve and second, then we can address the
13 comments.
14

15 Gordon: I make a motion.

16
17 Clifton: So moved.

18
19 Ferrary: I'll, excuse me, I'll second.

20
21 Clifton: Okay. A motion and a second. Does any Commissioner have comments
22 or corrections regarding the minutes? Seeing none, we'll go ahead and
23 call a vote. Commissioner Hedrick.
24

25 Hedrick: Here.

26
27 Clifton: Motion to approve the minutes.

28
29 Hedrick: Aye, yes.

30
31 Clifton: Commissioner Muniz.

32
33 Muniz: Approve.

34
35 Clifton: Commissioner Stowe.

36
37 Stowe: Aye.

38
39 Clifton: Commissioner Ferrary.

40
41 Ferrary: Aye.

42
43 Clifton: Commissioner Gordon.

44
45 Gordon: Aye.
46

1 Clifton: Chair abstains as I was not present at the meeting.

2
3 MOTION PASSES.

4
5 Clifton: Okay. Meeting minutes are approved.

6
7 **IV. POSTPONEMENTS**

8
9 Clifton: With that said, we have no postponements or withdrawals on tonight's
10 agenda.

11
12 **V. WITHDRAWALS - None**

13
14 **VI. CONSENT AGENDA**

- 15
16 1. **Case 66504:** An Infill Development Process (IDP) application of Underwood
17 Engineering, Inc. on behalf of E.E. Harrison, D.L. Harrison & Janet
18 Dahlstrom, property owners, for two properties encompassing a total of 0.97
19 +/- acres, zoned C-2 (Commercial Medium Intensity) and R-2 (Multi-Dwelling
20 Low Density) and located at the southeast corner Solano Drive and Colorado
21 Avenue; a.k.a. 805 S. Solano Drive; Parcel ID #02-10336 & 02-10377. The
22 applicants are seeking multiple variances to redevelop the vacant, non-
23 conforming commercial property into a new commercial business. Council
24 District 3 (Councilor Pedroza).
25
26 2. **Case 66895:** An Infill Development Process (IDP) application by Steven
27 Sandoval on behalf of Jose Mendoza and Martha Dominguez, property
28 owners, for a proposed replat of a property located at 909 Espanola St. and
29 zoned R-1a (Single-Family Medium Density). The IDP proposes variances
30 from multiple development standards in order to subdivide the property. The
31 0.25 +/- acre property is located north of Nevada Ave., 330 +/- feet east of its
32 intersection with Solano Dr; Parcel ID # 02-10478. Proposed use: Two
33 single-family residential lots. Council District 3 (Councilor Pedroza).
34

35 Clifton: Moving right along, Consent Agenda. We have two items: Item Number,
36 Case 66504, an IDP, Infill Development Process application of Underwood
37 Engineering, Inc. on behalf of E.E. Harrison, D.L. Harrison & Janet
38 Dahlstrom, property owners; and then Case 66895, another Infill
39 Development case application by Steven Sandoval on behalf of Jose
40 Mendoza and Martha Dominguez, property owners. Are there any
41 Members of the Commission that would like to remove these from the
42 Consent Agenda? Seeing none, are there any members of the public that
43 would like to have these further discussed? Seeing none, can I have a
44 motion to approve the Consent Agenda?
45

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

3
4 Ferrary: I'll second that.

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

7
8 MOTION PASSES UNANIMOUSLY.

9
10 Clifton: Motion approved unanimously.

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

13
14 **VIII. NEW BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11
12 Clifton: Thank you Adam. As a matter of you know kind of making these meetings
13 a little more efficient what I'd like to start doing and kind of go back to the
14 way we used to do things is let's, if we could hold the Commissioners'
15 questions and comments until after the applicant presents, that way it, it's
16 a little more cohesive in the way we approach it from the Commission
17 level, that'd probably be a little more appropriate and it seemed to work in
18 the past quite well. So with that said, does the representative have an,
19 presentation for the Commission?

20
21 Ochoa: Speak into the mic and wait to be sworn in.

22
23 Clifton: Good evening Mr. Magallanez. Could you state your name and address
24 for the record.

25
26 Magallanez: Certainly. My name is Henry Magallanez. I'm with Moy Surveying.

27
28 Clifton: Do you swear to affirm that the testimony you are about to give is the truth
29 and nothing but the truth under penalty of law?

30
31 Magallanez: I will.

32
33 Clifton: Thank you. Sir, your name and address for the record.

34
35 Miller: Chad Miller, 6501 Aldrich.

36
37 Clifton: Do you swear or affirm that the testimony you are about to give us is the
38 truth and nothing but the truth under penalty of law?

39
40 Miller: Yes sir.

41
42 Clifton: Thank you.

43
44 Magallanez: Good morning, I mean good afternoon Members of the Commission. My
45 name is Henry Magallanez and we have been contracted to do the
46 subdivision on this lot. This lot again is bordered by Jefferson, Aldrich,

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

11 Again my client is requesting, or giving up the dedicated right-of-
12 way that is being requested. It's 17 feet on the, on Wilt Street and the,
13 making sure that there's 25 feet or 50 foot for Wilt Avenue. The client of
14 mine is, he inherited this property from his dad. His dad got this piece of
15 property in 1999 which was after the ETZ on there, when it was
16 developed. They have kept it for 16, 17 years and my client has inherited,
17 inherited it and what he proposes to do would be split of the property in
18 half for he can give each child that he has eventually a piece of the
19 property. The, right now he has horses on the property and it's a single-
20 family dwelling. The house when he will sell the property or the, I mean
21 build a home on that, it'll probably be a while still you know but he does
22 want to get his matters into where each, each kid will receive a piece of
23 property that he has inherited. At this point I'd like to turn it over to my
24 client and see if he has any, if you all have any questions where he may
25 expound on this matter a little bit. But all we're asking for is the waiver to
26 the improvements.
27

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

31
32 Clifton: Okay. Thank you very much. All right. We'll go ahead and open it up for
33 Commission discussion and questions. Commissioners.
34

35 Ferrary: Yes. I'd like to know, oh, will you recognize me?
36

37 Clifton: Commissioner Ferrary.
38

39 Ferrary: I'd like to know the guesstimate of the cost for each section, like for Wilt
40 and for Aldrich. Thank you.
41

42 Magallanez: Adam do you have that ...
43

44 Baum: You have to speak right into the microphone.
45

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

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

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

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

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

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

33
34 Miller: Yes sir I do.

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

38 ...

39
40 Miller: Son and daughter. Yes.

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

44
45 Miller: Correct.

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

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

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

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

5
6 Clifton: Okay. Thank you.

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

20
21 Clifton: And I, I think we understand it's part of the Code but I also know that in the
22 past that they have looked at existing improvements and determined, "If
23 you were to improve this road what would it take?" As an example would
24 it just, curb and gutter be adequate, would that bring it into compliance?
25 And I know in some areas of the city they've done that and maybe this is
26 just so far out of compliance that it doesn't matter what asphalt's on the
27 ground but I know that you know that staff has looked at that variation in
28 the past where it's what I called a partial waiver. So just, just as a point
29 that of, I wanted to bring up to the, to you and to the Commission.

30
31 Magallanez: Well thank you.

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

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

1 the City standards much less the other requirements for the waiver. I think
2 we need to get out of the "cutting the baby in half," making political
3 decisions and reach some kind of agreement on what the standards
4 should be. I recommend that, that, that if the P&Z has other ideas about
5 what the standards should be then the applicant, then, then the P&Z
6 basically needs to initiate a text change to the subdivision regulations and
7 draw up some, some regulations that the staff, the City Council, and, and
8 the rest of the residents can, can, can agree upon. Thank you.
9
10 Clifton: Thank you Commissioner. I think we all recognize there's a deficiency in
11 the Code with, that we've been dealing with and staff's been dealing with
12 for some time. With that said I'll go ahead and open it up to public
13 comment. Are there any members of the public that would like to make a
14 comment?
15
16 Donnelly: Hi.
17
18 Clifton: Thank you ma'am. May I get your full name and your address please.
19
20 Donnelly: Yes. My name is Linda Donnelly, D-O-N-N-E-L-L-Y. I live at 4100 Wilt.
21
22 Clifton: Thank you. Do you swear or affirm that the testimony you are about to
23 give is the truth and nothing but the truth under penalty of law?
24
25 Donnelly: I do.
26
27 Clifton: Thank you.
28
29 Donnelly: The picture that you're looking at, the southeast corner is an acre and a
30 quarter. Just to the north of that is another acre and a quarter. That is my
31 acre and a quarter. My husband and I have been on that property for over
32 a quarter of a century. We acquired the property in '89 and we've been
33 there and our daughter grew up there and we too plan on leaving, well first
34 of all we're not leaving at all. We're dying on that property. But we will be
35 leaving it to our daughter too. She still lives here in Las Cruces and my,
36 my, our driveway is on Wilt. No other driveway is on Wilt except the
37 person down on the bottom right, they have a driveway on Wilt. Nobody
38 goes on Wilt. My husband, federal officer for Homeland Security,
39 Customs Supervisor, I'm very proud. I asked him today before he left for
40 work and I said, "How often do you think that you actually," well I, I didn't,
41 don't go by my word cause I stay at home cause I don't go anywhere. And
42 I said, "How often do you come or, when you, when you're coming and
43 going on the road do you have to go past somebody on the road?" And
44 he said, "About once every two weeks." And I realize that's hearsay now
45 cause my husband's not here and I sit home and watch Judge Judy so I
46 know that's hearsay. But that road is not used. It's not used at all. Chad

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

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

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

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

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

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

44
45 Ferrary: I'll second it.

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

1 this case we require 75% of adjacent landowners to sign a petition
2 requesting said name change. The P&Z of course listens to said
3 arguments and makes a recommendation to City Council and City Council
4 will make the final decision.

5 A little history about the road of Tashiro: It was purchased in 1972
6 by the Tashiro family for access to the Tashiro family farm. They owned
7 several tracts in that area, a portion of Legends, which now, Legends
8 West subdivision as well as the Field of Dreams area. This area over time
9 was annexed and of course developed and you know that the subdivision
10 of Legends West and a couple of others are out there, and the Field of
11 Dreams. It's currently a City right-of-way. It is improved, however actually
12 not to City standard. It could be improved a little bit more but it is
13 functioning.

14 The Las Cruces Public School District was actually the landowner
15 in the area that initiated the petition, got all of the other signatories to sign
16 to change the name to Jim Bradley in order to honor the coach. He of
17 course was a successful regional coach. There's a synopsis of his
18 accomplishments that was included in your packet. They've also
19 requested, and this is not in our purview tonight but it's just additional
20 information to rename that sports complex to Rudy Camunez who was
21 also a, a local coach.

22 Resolution 80-337 is also used in terms of naming streets and so
23 we looked to that to determine whether or not this street name change
24 was appropriate. Ultimately the name itself is a policy decision. Staff's
25 pretty neutral on that. However we do want to make sure that it's
26 consistent with the resolution. In this case, this right-of-way, this segment
27 of Tashiro isn't barricaded or offset from the remainder of Tashiro and so
28 in order to be consistent with said policy staff is recommending that the
29 entire length of Tashiro all the way from North Valley to Roadrunner Lane
30 be named one consistent name whether it be Tashiro or Jim Bradley or
31 some other name. It should be noted that that particular segment has no
32 axe, no, none of the lots have direct access from Tashiro. They're all
33 accessed off of other side streets and so there are no addresses that
34 would be affected by extending that name change to the rest of Tashiro.
35 Furthermore having consistent street names is actually easier in terms of
36 emergency response and any other additional addressing that may have
37 to occur.

38 We did send reviews to all the relevant agencies within the City and
39 departments within the City regarding the street name change. Again
40 several did recommend as, as, as we are this evening that there's a
41 condition that changes all of Tashiro. There was a sign posted and notice
42 was sent to all the properties affected by this segment of this petition that
43 was, that was provided to us. If the P&Z agrees that the entire length of
44 Tashiro be changed to Jim Bradley, we would then notice all of those
45 people who are adjacent to that portion of Tashiro for the City Council
46 hearing so that they know exactly what's being proposed.

1 Again staff's recommendation is that the entire of the, entire length
2 of the street be changed in order to be consistent with our resolutions
3 outlining street name changes. Did provide a finding of approval.
4 Ultimately staff did find that it is consistent with Resolution 80-337 and
5 Resolution 80-338 in so long as the condition that the entire road is
6 changed is adhered to. And with that I'm open to any questions.
7 Otherwise the petitioner, the primary petitioner and their representative is
8 here to answer any questions you may have.
9

10 Clifton: Thank you Katherine. Good evening Mr. Elliott. Could you please state
11 your name and address full, for the record, full name please.
12

13 Elliott: My name's Richard Elliott. In Las Cruces I'm known as "Bump" Elliott.
14 Used to be Athletic Director for the School District for a number of years.
15 We live at 797 Frank Maes and we are here representing community
16 people, a community committee. We sincerely want to thank Mr. Clifton
17 and the Commission for allowing us to come before you and we sincerely
18 appreciate the hard work of the, Katherine and the Community
19 Development people for helping us put this application together.
20

21 Clifton: Could I take care of some housekeeping real quick for you?
22

23 Elliott: Yes. I'm sorry.
24

25 Clifton: Do you swear or ...
26

27 Elliott: Oh yes.
28

29 Clifton: Affirm that the testimony you are about to give is the truth and nothing but
30 the truth under penalty of law?
31

32 Elliott: Yes, I do.
33

34 Clifton: Thank you. And we know where you live. We, we have your address
35 now.
36

37 Elliott: Okay, yeah. I'm up here speaking for the landowners and, and, and the
38 committee. The committee that is, has been doing this thing is Jimmy
39 Michael who's sitting back here, Kevin McGrath of Burger Time, and then
40 Gary Moody. Also with us sitting back here, like, turn around so, is Phyllis
41 Bradley, Coach Bradley's wife. Phyllis would you please stand up, and
42 Debbie, Debbie Banegas, Coach Bradley's daughter. And we appreciate
43 y'all coming. Thank you.
44

45 Would like to just clear up one point and, and you all folks can see I
46 get very nervous and I apologize. I'm not a very good public speaker but
my heart's pounding a thousand miles an hour right now. In the original

1 presentation we are doing this in conjunction with Rudy Camunez, but it's
2 not to name the sports complex after Rudy Camunez. It's not to name the
3 Field of Dreams after Rudy but it's to name the Wall of Champions which
4 is inside the Field of Dreams sports complex where all the state
5 championship teams in the history of the Field of Dreams project is
6 recognized and our proposal with, with coming before you folks is to name
7 the, the road after Coach Bradley and then the Wall of Champions inside
8 the complex as a, a, after Rudy Camunez.

9 A little bit about Coach Bradley: Coach Bradley was born in Las
10 Cruces, graduated from Las Cruces High School, graduated from New
11 Mexico State with both his Bachelor's and his Master's Degree. His
12 granddad was the Superintendent of Las Cruces County Schools. His
13 grandmother was a Principal of Grandview Elementary School here in
14 Cruces. His mother was Principal of Grandview Elementary School and
15 later they named the Grandview Elementary School Bradley Elementary
16 School. His father Harry was one of the first Bulldog Football booster
17 clubs when the Presidents, when Rudy Camunez was the head coach.
18 Coach Bradley served in the United States Army. He developed,
19 organized, and helped promote Apodaca Park Baseball Complex. He
20 started little league football here in Las Cruces. He coached summer
21 league American Legion. He was very instrumental in our community of
22 building two football stadiums, not only the Field of Dreams of which he
23 was a Executive Committee member and a Task Force member, but as a
24 head football coach at New Mexico State University, he was also very
25 instrumental in building and developing that plan for Aggie Stadium. He
26 was also very instrumental and influential in developing, organizing, and
27 promoting the Burger Time Golf Tournament with Kevin McGrath the, from
28 the day one Coach Bradley and, supported that project and, and worked
29 with Kevin to get that thing off the ground.

30 He was a very responsible, is, a, 1994 when he came back here
31 very responsible for changing the culture and the environment and the
32 expectations of athletics in the Las Cruces area, southern New Mexico,
33 and really around the state because he came in, number one offering
34 opportunities to a lot of kids but also building, changing the bar from being
35 the average expectations to get them ready for life in terms of improving,
36 increasing their expectations for athletic participation. The result of that I
37 think speaks for itself with the success athletic teams have had in Las
38 Cruces Public Schools, not just football but all sports, your band, your
39 extracurricular activities since Coach got here, back here in 1994.

40 National recognition, the National High School Coaches, Coaches
41 Association, Coach Bradley, Hall of Fame. He was the Football Coach of
42 the Year in 1996 in the whole country and he also received the
43 Distinguished Service Award. The New Mexico High School Coaches
44 Association Hall of Honor in 1990, President, Football Coach of the Year
45 five times, and he was on their Board of Directors eight years and he
46 received the Ralph Boyer Character Award Coach of the Year. New

1 Mexico State University Athletic Hall of Fame Aggie Cornerstone Award,
2 City of Las Cruces proclamation Jim Bradley Day September 21st, 2016
3 and a, somewhat of an unusual recognition, Coach Bradley was inducted
4 into the Albuquerque Athletic Hall of Fame and being from Las Cruces
5 outside the realm of Albuquerque that was very unusual. Now the
6 Albuquerque Athletic Hall of Fame is, is known as the New Mexico Athletic
7 Hall of Fame. Second winningest high school football coach in the state of
8 New Mexico, fourth winningest football coach in New Mexico State
9 University. At Mayfield High School he won five state champion, football
10 championships and he was runner-up four times. At Las Cruces High
11 School where he also coached he was a sate, state champion in baseball
12 and all, coach and also a state championship coach in, in gymnastics. At
13 New Mexico State he was also co-champion of the Missouri Valley
14 Conference as his stint down there. So Coach Bradley's history and his
15 commitment to the Las Cruces community extends over many many many
16 decades and it involves all aspects of all of our lives, not just football, not
17 just Mayfield, but Las Cruces, Mayfield, New Mexico State, and around
18 the state and nationally. So we highly recommend this approval of our
19 request and if you have any questions I try to answer them. And again I
20 apologize for my voice. I hope you could understand it.

21
22 Clifton: Thank you very much Mr. Elliott. Are there any additional members of the
23 public who'd like to speak? No? Okay. Seeing none, Members of the
24 Commission. Commissioner Hedrick.

25
26 Hedrick: I have a quick question for staff. What's the derivation or the history of
27 Tashiro?

28
29 H-Rogers: Mr., the, the Tashiro family, Members of the Commission, Commissioner
30 Hedrick. The, the Tashiro family, I don't know their full history. They were
31 a farm family in town. I believe that they are of Japanese descent, I may
32 be wrong. And they were a farm family here in town and they owned a lot
33 of the land out there. I do believe there are still some Tashiros that
34 actually still live in Las Cruces. I don't, though, that I answered your
35 question but I don't have the full history behind the family.

36
37 Clifton: Okay. Thank you Katherine. Any additional comments? Commissioner
38 Ferrary.

39
40 Ferrary: Following up on that, I take it there wasn't any objection by any one of the
41 Tashiro family.

42
43 H-Rogers: Members of the Commission, Commissioner Ferrary. The only person
44 that is listed as Tashiro, there's one person in town we have not contacted
45 at this point of time. I, I'm actually not entirely positive that that is indeed a
46 descendant of this particular Tashiro. And if there are other family

1 members, of course these are publicly noticed meetings and hopefully
2 they do read the public notice and they would come forward if there were
3 any objections.
4
5 Ferrary: Thank you. I do have one other question, or a statement I guess. I think
6 that this is a really wonderful tribute to Coach Bradley and to have it in
7 such a prominent area going to and from Field of Dreams and near
8 Mayfield High School is really wonderful idea and hope it you know
9 passes.
10
11 Elliott: Thank you.
12
13 Clifton: Any additional comments by the Commission? Okay. We'll close it to
14 public participation and you know lastly I'd just like to make a comment
15 that I believe I'm the only native Las Cruces on the Planning and Zoning
16 Commission and I'm a Mayfield alumni. I did not disclose that cause I
17 have no financial interest whatsoever in the renaming of this street but I do
18 appreciate that Mr. Elliott and the members of Mr. Brad, Coach Bradley's
19 family being here this evening. It will be a nice change and to finally
20 recognize the Coach and all the contributions he made to Las Cruces in
21 putting us on the map again, once again when he went back to Mayfield.
22 Thank you. Okay. If I could get a motion and a second I would appreciate
23 it.
24
25 Ferrary: I'd like to move that we accept the change and the petitions that were so
26 nicely represented by our community to change the name of Tashiro to
27 Bradley and, the name of Jim Bradley Drive excuse me.
28
29 Clifton: Do I have a second?
30
31 Gordon: I second.
32
33 Clifton: Okay we do have a motion and a second. Commissioner Hedrick.
34
35 Hedrick: Aye.
36
37 Clifton: Commissioner Muniz.
38
39 Muniz: Aye.
40
41 Clifton: Commissioner Stowe.
42
43 Stowe: Aye.
44
45 Clifton: Commissioner Ferrary.
46

1 Ferrary: Aye.

2

3 Clifton: Commissioner Gordon.

4

5 Gordon: Aye.

6

7 Clifton: And the Chair votes aye. Congratulations.

8

9 MOTION PASSES UNANIMOUSLY.

10

11 IX. OTHER BUSINESS

12

13 Clifton: Okay. Seeing we are now through the, thank you Bump. Okay. Do we
14 have other business, staff?

15

16 H-Rogers: No other business this evening but I am here to answer any questions. I
17 know there have been some questions about perhaps initiating some
18 zoning text amendments. I'd be glad to discuss that and perhaps that
19 might be a better place at Staff Announcements if you'd prefer to discuss it
20 then.

21

22 Clifton: Would that be related to the road improvement issue or separate?

23

24 H-Rogers: It would be related I believe to the road improvement ...

25

26 Clifton: Okay.

27

28 H-Rogers: Issue and I just was going to provide some guidance in terms of how to, to
29 proceed.

30

31 Clifton: Okay. If you could on next month's agenda, could you include an Action
32 Item for the election of a secretary since we're void of that position?

33

34 H-Rogers: Mr. Chair. Absolutely. We've discussed it earlier this evening and we're
35 aware that does need to be added.

36

37 Clifton: Okay.

38

39 H-Rogers: We will make sure that happens.

40

41 Clifton: Okay. Thank you. Commissioner Gordon.

42

43 Gordon: Katherine you know that, you know my feelings and concerns about
44 property that has been annexed by the City from the County and this
45 problem that we have continually faced especially since I've been on the
46 Commission. I think it's been in four or five times already that the same,

1 it's like déjà vu all over again and I really think that, I don't know what the
2 exact procedure should be as to how we can get the City Council to
3 recognize that we do have this problem. Cause I think what's going to
4 happen in case after case unless there's some very unusual circumstance
5 chances are that the, that the Commission will probably always vote to
6 grant a waiver. I know I've been out to see every one of these sites and
7 when you get out there there's literally nothing. And I can understand
8 what the gentleman said who represented his client that it could be 25, 30
9 years before this could possibly come into play where the road will actually
10 be, have to be done. So I don't know how we go about this. I, I think that
11 I've mentioned it before and I think that Mr. Hedrick also brought it up.
12 There has to be some way that we can initiate some dialogue between the
13 Commission and the City Council or the City Manager to the City Council
14 or however it works, through the Mayor, back to the Council, through
15 Community Development, but I think some, we do have to talk about this.
16 I mean it's going to come up again and again and again and again so I
17 think that this is a matter that we have to resolve so that we're not faced
18 with this. And it, it's a lot of work also for staff to go through all of this,
19 prepare all of this paperwork and meetings and have all these other
20 agencies go through the, the, the hoops to wind up in the same position.
21 It's almost like a waste of time as far as I'm concerned. So I don't know if
22 you could perhaps give us direction as to how this has to be done or how
23 we can do it. I think that I certainly, and I hope that my fellow
24 Commissioners feel the same way.

25
26 H-Rogers: Absolutely. Members of the Commission, Commissioner Gordon.
27 Ultimately I, I think from staff's perspective a, a good place to start would
28 actually be to have a, a work session with all of you, a regular work
29 session to discuss your ideas and concepts regarding this particular issue.
30 It's something that's been brought up at City Council because of course
31 these waivers do go to City Council. So they're fully aware that it is an
32 issue. They have had some small discussions in terms of maybe making
33 some policy changes. They have yet to direct staff to actually enact those
34 changes. But I believe if we could sit down and discuss maybe some of
35 your ideas and concepts during a work session staff could, could try to
36 develop some language that might be suitable and I of course can work
37 with my director to, to spread the word to those above you to, to also be
38 on the radar and, and, and direct staff to continue with that. Of course all
39 of you have the ability to contact your representatives or the Mayor as, as
40 yours is Mr. Gordon to discuss your issues and concerns. And that's a
41 great way to do it, is just to give them a phone call or an e-mail to said if
42 you can, to see if you can schedule a meeting with him to discuss it. But I
43 think the, the starting place would be a work session with all of you to
44 discuss your issues and concerns so that staff can start at least drafting
45 something and get the ball rolling.

1 Gordon: Well I see already from an e-mail I got today that the work session for July
2 has been canceled. So we certainly probably can't do it in July. Perhaps
3 in a very near future however I think that possibly what, is a good
4 suggestion. At least we can at least bounce off some of our ideas and
5 perhaps we can give those back to Community Development and then I
6 don't know whether or not, what your step would be then after that, giving
7 some direction that we might be able to give you as to where we think this
8 thing should go if you know what I'm trying to tell you.
9

10 H-Rogers: No I, I, I fully understand. I think, I think text amendments can be initiated
11 by this group but I don't want it to be fruitless and, and have a lot of hard
12 work without actually having the support of City Council. So I'll work with
13 my director to, to spread the information and get the, try to get some
14 feedback from maybe the mayor to, to move forward. But I think again as
15 a starting place we would like to have at least the work session so that we
16 know what your interests are so that staff can at least provide some
17 direction and begin developing some language that may be suitable.
18

19 Gordon: So for this type of meeting you would suggest that we present you with an
20 agenda as to what our concerns are?
21

22 H-Rogers: I, staff is going to prepare the, the agenda of course but it's going to be an
23 open forum. I, that's, we can, oftentimes City Council will actually sit at
24 this table depending upon the, the topic but it would be nice to have just a
25 round-table discussion during a work session which we can do, just to get
26 everybody's ideas and concepts out there. We would prepare an agenda
27 for you though, but it would be more of a, a, a back-and-forth
28 communication between staff and, and the Commission to understand
29 what your concerns and needs are.
30

31 Gordon: But it was something that we would have to give you in advance as, as to
32 what, like I would give you, I would just present you with something in
33 writing as to what my concerns are and I, my fellow Commissioners would
34 do the same?
35

36 H-Rogers: We can do it that way. Otherwise it can just be a, more of an open
37 discussion during the work session. Staff would be prepared of course to
38 set the agenda and prepare any documentation having to do with the
39 history of, of why these regulations were put in place, kind of the pros and
40 cons about modifying them, that sort of thing but we would be happy to
41 take in any information you want to give us in advance.
42

43 Gordon: Yeah because I, I, the last thing I really want to do is to blindside you and
44 ask you something that would require some time on your part or a part of
45 your staff to go back and do a little research and come back with an
46 answer and a possible solution.

1
2 H-Rogers: Sure. Sure, we understand.
3
4 Gordon: All right. Thank you.
5
6 Clifton: I would, I would suggest though as a matter of transparency that anything
7 that's sent to staff that we openly discuss for the record at the work
8 session and I would also suggest that maybe staff come in with a few
9 options cause I don't know that it's in the purview of this body to sit and
10 write code.
11
12 H-Rogers: No.
13
14 Clifton: And I, I won't allow that and I don't think we should.
15
16 H-Rogers: No.
17
18 Clifton: And also just as a starting point Katherine you guys might want to look at
19 the Subdivision Code Amendment we did back in the, I think the late '90s,
20 early 2000s in, under the Design Standards Article that addressed the
21 planning and platting of right-of-ways and acceptance and that was really
22 geared towards large tract development and future planning for you know
23 selling of large pieces but maybe we could look at something that and
24 possibly approach it from more of a fiscal point of view than a, a design
25 standard point of view.
26
27 H-Rogers: Absolutely. Staff has, it's, because of this issue that's arisen so many
28 times here and at City Council staff has developed some concepts in
29 terms of how to deal with this so that we have fewer waiver requests.
30 Similar to the ETZ we have a "get out of jail free card." When it's never
31 been subdivided before, somebody wants to come in, subdivide, just a
32 two-lot split road improvements aren't required. And so we've thought
33 about several concepts so we would be bringing those to you.
34
35 Clifton: It's a decade-old issue.
36
37 H-Rogers: It is.
38
39 Clifton: Okay. Commissioner Hedrick.
40
41 Hedrick: Yeah, but bear with me as I read to you one sentence out of the Code of
42 Ordinances to perhaps put some of you at ease. Section 2-380: The
43 Planning and Zoning Commission shall review the zoning, planning, and
44 platting of the City, shall investigate any problem relating thereto, and shall
45 make recommendations to the City Council. I totally concur with the
46 workshop approach although I think the participation needs to be

1 broadened to the building community, representatives like you saw, saw
2 tonight and, and the general public. Thank you.

3
4 Clifton: Any additional comments? Commissioner Ferrary.

5
6 Ferrary: I was just wondering if we are going to be somewhat directed towards the
7 redefinition of hardship or if it, is it more of the design standards and the
8 plotting for large developments.

9
10 H-Rogers: Members of the Commission, Commissioner Ferrary. I, I, we could look at
11 both of those options. I think that's what the discussion during a work
12 session would be unless you have some real hard concepts about the
13 direction you want to go or the questions you want to ask beforehand. But
14 I think we can look at all. I think it's important to look, look at it all.

15
16 Ferrary: Thank you.

17
18 **X. PUBLIC PARTICIPATION**

19
20 Clifton: Okay, I'll ask. I don't see any members of the public out there but is there
21 any public participation?

22
23 **XI. STAFF ANNOUNCEMENTS**

24
25 Clifton: Adam, you got anything for us? Any more staff announcements? He
26 does. Mr. Dubbin you okay over there? Okay good.

27
28 Ochoa: Just wanted to let the Commission know we've, we have had in the past,
29 got an e-mail from one, one of our Commissioners asking about you know
30 how past cases here at P, at the Planning and Zoning Commission went
31 forward into the next steps if you will. Not the first e-mail we've gotten
32 where people are asking, "So what happened with this? What happened
33 with that?" and so on and so forth. So I have discussed it with my
34 administrators and we're going to try to put together kind of like a memo if
35 you, if you will to put within your staff reports just basically stating you
36 know, "This case which you heard on this month, this happened. This
37 case which happened on this month, you voted this way, this happened."
38 Just to give you a general idea of what happened with some of the cases
39 you've seen before and since it was a little late unfortunately to get
40 something put together for last month's but I believe we had two cases:
41 The special use permit for the childcare group, child home on Albion, that
42 was not appealed by anybody so it is, was approved and it stayed
43 approved so they got their special use permit for that. And the waiver
44 request is ready to go before, the other waiver request was at that time on
45 Bell Road will be going to City Council I believe middle of July, July 11th
46 for City Council's action, final action on that. But that's essentially it so just

1 keep an eye out for that and if you have any questions on it don't hesitate
2 to give us a call. And just one more announcement: We are at a full
3 Commission now, we do have all seven now. Like to welcome
4 Commissioner LaVonne Muniz for District 2, she's our new Commissioner.
5 So hopefully we'll have seven for a long time just like we did before. We
6 had one for so can have a nice large quorum for these meetings now and
7 a welcome ma'am.

8
9 Clifton: Okay. Thank you staff.

10
11 **XII. ADJOURNMENT (7:12 p.m.)**

12
13 Clifton: Seeing no more comments can I get a motion to adjourn?

14
15 Ferrary: Just one quick, do we need to make a formal request for this work session
16 or you will go ahead and call it for us?

17
18 H-Rogers: Commissioner Ferrary, Members of the Commission. We will go ahead
19 and prepare something and I will work with Kirk as the Chairman to make
20 sure that it's addressing everything that you need.

21
22 Ferrary: Thank you. I move that we adjourn.

23
24 Clifton: Do I have a second?

25
26 Gordon: Second.

27
28 Clifton: All in favor?

29
30 MOTION PASSES UNANIMOUSLY.

31
32 Clifton: Motion to adjourn, unanimous decision. Thank you very much. We are
33 now adjourned at 7:12.

34
35
36
37 
38 Vick M. Clifton 7.26.16
39 Chairperson
40
41