

1 H-Rogers: Approval of Minutes. All of those in favor.

2
3 MOTION PASSES UNANIMOUSLY.

4
5 H-Rogers: All right. And the Chair votes aye. Sorry about that.

6
7 **III. OLD BUSINESS - NONE**

8
9 H-Rogers: Again no Old Business.

10
11 **IV. NEW BUSINESS**

12
13 **1. Case IDP 14-004: Park Ridge Final Plat Guarantee of Performance**

- 14
- 15 • The Park Ridge Final Plat was approved by the P&Z on July 22, 2014,
16 for 9 lots and 5 tracts;
 - 17 • 110+ acres;
 - 18 • The subdivision was revised administratively to include on 6 lots on 34
19 + acres and 4 tracts on the remaining acreage;
 - 20 • Proposed uses include hospital and ancillary services;
 - 21 • Lots range in size from 1.81 to 10.61 acres;
 - 22 • The property is zoned C-3C, R-4C, and R-1a;
 - 23 • Located at the old Las Cruces Country Club, south of N. Main Street,
24 east of Solano, north of E. Madrid;
 - 25 • Site work currently underway;
 - 26 • Construction drawings for roads in process;
 - 27 • Desirous of recording approved plat to transfer land;
 - 28 • In order to record a plat, the subdivider must typically install the
29 infrastructure or enter into a guarantee of performance for the
30 improvements using a bond, letter of credit, escrow account, or other
31 form of surety;
 - 32 • Exception: Section 37-302 (b) (6) Guarantee of performance;
33 An applicant subdividing a large tract of land as deemed
34 appropriate by the development review committee, may with the
35 approval of the subdivision administrator and the legal staff, submit
36 a final plat for approval without providing any form of security if it is
37 noted on the final plat that:
38 a. The City has not accepted the dedications identified on the plat;
39 and
40 b. The applicant and future owners shall notify prospective
41 purchasers in writing that the purchaser will be responsible for
42 providing the necessary improvements and/or security.
 - 43 • If approved, recommended plat note:
 - 44 ○ Individual lot owners are responsible for infrastructure
45 improvements. Rights-of-way adjacent to and/or providing access
to an individual lot from a City maintained roadway shall be

1 improved to City Standards or a guarantee of performance shall be
2 provided prior to the issuance of City Building Permits.

- 3 ○ The City shall not accept the dedicated rights-of-way described on
4 this plat until such time they are improved to City Standards and
5 inspected and accepted by City of Las Cruces.

6
7 H-Rogers: But we do have New Business, IDP 14-004: Park Ridge Final Plat
8 Guarantee of Performance. We're gonna try to call in Paul Pompeo, the
9 engineer of record on this. He is out of town. Do you have that ...

10
11 Bauer: 644-3287.

12
13 Dominguez: 9-644-

14
15 Bauer: 3287.

16
17 Dominguez: 3287.

18
19 PHONE CALL TO PAUL POMPEO. NO ANSWER.

20
21 H-Rogers: We'll go ahead and move forward. I know that we do have a
22 representative here and they can answer questions for us. Excuse me.
23 So everybody's seen this before, it's actually been approved. However,
24 the question on the table is an exception to the guarantee of performance.
25 The Park Ridge Final Plat was approved by P&Z on July 22nd, 2014 for
26 nine lots and five tracts. It's a little over 110 acres. Ultimately this
27 particular project was in litigation for a while, that's all been resolved. So
28 now we're back on track and they would like to move forward with the
29 development. The subdivision was revised administratively to include only
30 six lots on 34-plus acres and then four tracts on the remaining acreage.
31 Again, previously it had nine lots, so it has been reduced. So the lots all
32 got bigger. The proposed uses include hospital and ancillary uses,
33 basically a medical center at this site. Lots are ranging from 1.81 to 10.61
34 acres. And the property is zoned C-3C, R-4C and R-1a.

35
36 PHONE RINGING.

37
38 H-Rogers: We'll go ahead and answer that. Hello.

39
40 Pompeo: Hey Katherine. Is this Katherine?

41
42 H-Rogers: It is. Good morning Paul.

43
44 Pompeo: Good morning Katherine. How are you doing this morning?
45

1 H-Rogers: Doing well. We've got everybody here; Meei, Rocio, Mark, we've got Tom,
2 and of course myself and we'll go ahead and continue.
3
4 Pompeo: Okay, great.
5
6 H-Rogers: All right. This particular property is located at the old Las Cruces, Las
7 Cruces Country Club site. It's south of N. Main, east of Solano, and north
8 of E. Madrid. There is some site work currently underway, some grading
9 and what have you. My understanding is that construction drawings for
10 the roads are in process. We were anticipating submittal early this week
11 but because of some unforeseen circumstances it's my understanding
12 those have not been submitted. Is that correct Paul?
13
14 Pompeo: Yes. What, what it is we're waiting for the check for the permit fees. The
15 drawings are completed. Eight sets have been made and they're ready to
16 be submitted as soon as they get the permit in my hand from the owner.
17
18 H-Rogers: And they do include all of the roads that have been described on the plat,
19 is that correct?
20
21 Pompeo: They include all the roads, the main road coming in, the intersection
22 improvements to El Camino Real and Highway 70, and then on the
23 hospital site itself, the road on the north side of the hospital continuing out
24 to Camino del Rex, the road on the west side of the hospital site, and then
25 also on the southern boundary of the hospital site.
26
27 H-Rogers: All right. Fantastic.
28
29 Pompeo: All inclusive.
30
31 H-Rogers: All right, and does it also include the septic tank work or not yet. I know
32 that you wanted to have some discussions with Utilities about that.
33
34 Pompeo: No the, the, the plans show the removal of the septic tanks and also the
35 sewer line that's to be installed along the southern edge of those 18
36 townhouse properties.
37
38 H-Rogers: Okay. Fantastic. All righty, so in order to record a plat the subdivider
39 typically has to install all of the infrastructure or enter into a guarantee of
40 performance for the improvements using a bond, a letter of credit, an
41 escrow account or other form of surety. There is an exception to this rule,
42 the Subdivision Code, Section 37-302 (b) (6) states that an applicant
43 subdividing a large tract of land is deemed appropriate by the
44 development review committee, may with the approval of the subdivision
45 administrator and the legal staff submit a final plat for approval without
46 providing any form of security if it is noted on the final plat that the City has

1 not accepted the dedications identified on the plat and that the applicant
2 and future owners shall notify perspective purchasers in writing that the
3 purchaser will be responsible for providing the necessary improvements
4 and/or security. The City of course shall not issue any building permits
5 within the subdivision until such time the security in form of those listed in
6 the guarantee of performance section has been provided to the City.
7 Ultimately it's my understanding that the developer intends on building all
8 of those improvements, however wants to record the plat in advance of
9 that in order to actually transfer ownership to the hospital owner, is that
10 correct Paul?
11

12 Pompeo: That is correct. So that the financial group that is lending the money can
13 make one of the, their securities is the actual 16 acres of land that the
14 hospital and the MOB are sitting on.
15

16 H-Rogers: Yes. So nonetheless, staff is recommending a plat note be added to this
17 final plat if it's, if it gets recorded, specifically that individual lot owners are
18 responsible for infrastructure improvements. Right-of-way adjacent to
19 and/or providing access to an individual lot from a City maintained
20 roadway shall be improved to City standards, or a guarantee of
21 performance shall be provided prior to the issuance of City building
22 permits. The City shall not accept the dedicated rights of way described
23 on this plat until such time that they are improved to City Standards and
24 inspected and accepted by the City of Las Cruces.
25

26 So basically what they're, what they're asking for here is really
27 similar to the way Sonoma Ranch has set up several of their plats; where
28 they, they show the right-of-way but that rights of way isn't developed until
29 such time that that parcel is developed. I do know that both our
30 Engineering and our Utilities Departments did have some questions about
31 whether or not they could get specific information prior to any sort of plat
32 being recorded. So I'm gonna go ahead and go around the room and
33 entertain those questions. I'll start with Engineering; Rocio.

34 Dominguez: Hi Paul. This is Rocio Dominguez.
35

36 Pompeo: Yes.
37

38 Dominguez: Aside from the notes, I don't know if we can still add this. Something that
39 guarantees that the roads will be built. We don't, we don't wanna have
40 just it's, yeah, that, that one but also I don't know if we can add it to the,
41 the plat something that if it, if it doesn't get built by the developer it reverts,
42 the obligation of building the road, it reverts back to the original developer
43 or subdivider. Because we the City do not want to build those roads.
44

45 Pompeo: Oh. Absolutely Rocio and we're, and these roads are gonna get built now
46 because the, like I said, the plan sets coming in this week on the roads

1 and utilities and in about 30 days the, the construction drawings for the
2 actual hospital site will be coming in. And so we fully intend on building it
3 so Rocio if you have an idea, I guess Katherine if we need to modify that
4 note, I don't know what we would modify it to, but I, we don't have a
5 problem with it because the roads are going to get, we would hope to get
6 started in construction probably in the next four to six weeks.
7
8 H-Rogers: On that I, you know I don't know that the note needs to be modified, I think
9 it actually covers all the bases because we can't issue a building permit
10 until such time as we either get a guarantee of performance or it's
11 constructed, so I mean ...
12
13 Pompeo: Okay let me ask you this Katherine, is that, are, in talking to our pre-
14 submittal last week ...
15
16 H-Rogers: Correct.
17
18 Pompeo: We'd indicated that the City would allow the permit for the site work.
19
20 H-Rogers: Yes.
21
22 Pompeo: But that the, the City would not issue any building permits for vertical
23 construction until such time as the roads were built or guaranteed.
24
25 H-Rogers: That's correct.
26
27 Pompeo: Okay. And, and the developer and the, and the contractors don't have any
28 problem with, with that at all.
29
30 H-Rogers: Okay.
31
32 Dominguez: And then also for the, the note that we have here where it says that the
33 City maintained roadways shall, shall be improved to City Standards or a
34 guarantee of performance shall be provided prior to issuance of the City
35 building permit. We haven't seen the construction documents for the road
36 so I am assuming that when you build that you're gonna give us a cost
37 estimate in case the, the develop, the developer does not want to, or when
38 you proceed with the development, that way we will assess what will be
39 the guarantee on the performance, the amount of money ...
40
41 Pompeo: Yes.
42
43 Dominguez: That we're gonna get on that.
44

1 Pompeo: Yes and I, we've already prepared the, that cost estimate Rocio and it will
2 be coming in with the construction documents. I can tell you right now it's,
3 it's, right now without the, the actual traffic signal it's about \$1.3 million.
4
5 Dominguez: Okay.
6
7 H-Rogers: Okay. Any other question from Engineering?
8
9 Dominguez: No I, that, that's it. That, I wanted to say that.
10
11 H-Rogers: Okay.
12
13 Dominguez: For the record.
14
15 H-Rogers: And Meei with Utilities Department.
16
17 Montoya: Yes. Hi Paul.
18
19 Pompeo: Hello Meei.
20
21 Montoya: I know we have met a couple of times regarding your proposed utility
22 extension ...
23
24 Pompeo: Yes.
25
26 Montoya: And we also talk about that we are going to kind of, of revise the gas main
27 alignment now from Camino del Rex, but it's gonna come in from the reg.
28 station of Solano. Are you still holding on that plan?
29
30 Pompeo: Yes we, right now on the, on the construction documents Meei we're,
31 we're, we are making a connection off Camino del Rex with the, with the
32 water, with the PRV valve and the gas line, but the up, but the main gas
33 feed will come through the property from the reg. station on Solano and
34 Madrid.
35
36 Montoya: So that, that, that gas main from Solano and Madrid will be included in this
37 submittal you are gonna do soon?
38
39 Pompeo: Yes. The gas line we, I already have it designed Meei and it is, and it will
40 be on the construction drawings ...
41
42 Montoya: Okay.
43
44 Pompeo: That will be submitted this week.
45

1 Montoya: Okay. And then the other thing is I only have one more question, that I
2 know you're gonna put in all sewer line that as part of this submittal, what
3 about the impact fee for those 28 townhome that, will your check coming
4 in to pay the, the review or ...
5
6 Pompeo: Well right now Meei the developer understands, and I told them several
7 times at least right now that the utility director will not sign that plat until
8 that \$28,000 fee is paid, so they're aware of that and it needs to be done.
9
10 Montoya: Paul the utility director already signed the plat.
11
12 Pompeo: Okay.
13
14 Montoya: So ...
15
16 Pompeo: Okay.
17
18 Montoya: That is what my main concern, because I know that I can have, I can
19 comment on your plans so on and so forth and without approving that, but
20 I need to have award and which is actually a condition approving the
21 master utility plan when you know there was a meeting 2014 that the
22 developer understand that he is responsible for the waste water impact
23 fee for, for those townhomes when he removed the old septic tanks.
24
25 Pompeo: That, that is correct Meei. And I thought when we had talked that that was
26 supposed to be done before the plat was signed. I know there were some
27 other discussions with one of the principles of the ownership group about
28 when that would be paid, but I guess at this point in time you know those
29 construction drawings are going to come in for your approval. I guess we
30 can hold it then.
31
32 Montoya: Okay. So you are suggesting for me not to approve that construction plan
33 until you, until somebody pay the impact fee for those townhomes.
34
35 Pompeo: Well I understand that you, you need to have some way, (*inaudible*) to get
36 that money in so I, that's, I guess if Dr. Garcia's already signed the plat
37 then that's the next thing in line would be the approval of those
38 construction drawings.
39
40 Montoya: Okay and I guess that somehow makes sense because if I approve the
41 construction plan, the next thing you would do is to have a contractor go
42 remove those septic tank. So you can remove the septic tank and then I
43 can notify those property owners to come in to the City to sign up for the
44 sewer. And then at that time you will be paid, you know the impact fee
45 will, will you know have been paid so we wouldn't have a problem for them
46 to sign up you know to, to, to sign up as a, you know utility (*inaudible*).

1
2 Pompeo: Okay. Well we can try to do it now with, at the construction drawing Meei
3 if that, if you feel comfortable with that I don't have a problem with that.
4
5 Montoya: Okay, I think I feel okay because the, the leach field would really not be
6 removed until we approve the construction plan for you to build a sewer
7 main in that same location so.
8
9 Pompeo: Oh absolutely. We have to hook up first before we, well my plan
10 (*inaudible*) Meei we need to hook up to the sewer line, and that's when we
11 would take the, the, and then after the sewer line goes active with those
12 connections all hooked up, then we would go back in and remove the
13 septic tanks and the leach fields.
14
15 Montoya: Okay, we just need to be careful the sequence of those because we
16 cannot have a, have a household you know one day with, without sewer
17 going somewhere, so we will cross that bridge when we review the plan.
18 Okay.
19
20 Pompeo: Okay. And then we, I'll make the notes accordingly then Meei after your
21 first review.
22
23 Montoya: Okay, sounds great. Thank you Paul.
24
25 Pompeo: Thank you.
26
27 H-Rogers: Any other questions Meei?
28
29 Montoya: No, that's it.
30
31 H-Rogers: Okay. And I'll go to Fire.
32
33 Dubbin: I don't have any questions.
34
35 H-Rogers: All right, and with that, MPO, Tom?
36
37 Murphy: I have no questions.
38
39 H-Rogers: All right. Any other comments from the applicant's representative Paul?
40
41 Bauer: No comment.
42
43 Pompeo: No just, if anyone has any other questions, I don't have anything else.
44
45 H-Rogers: All right. Fantastic. With that do I have a motion?
46

1 Dubbin: Motion to approve.
2
3 H-Rogers: Is there a second?
4
5 Murphy: Second.
6
7 H-Rogers: All right, with that I'll go ahead and take roll. Engineering.
8
9 Dominguez: Aye.
10
11 H-Rogers: Utilities.
12
13 Montoya: Aye.
14
15 H-Rogers: Fire.
16
17 Dubbin: Yes.
18
19 H-Rogers: And MPO.
20
21 Murphy: Aye.
22
23 H-Rogers: And the Chair votes aye.
24
25 MOTION PASSES UNANIMOUSLY.
26
27 H-Rogers: With that it passes and we'll go ahead and add these notes to the plat
28 Paul.
29
30 Pompeo: Okay. Well I thank you very much. Thank you DRC.
31
32 H-Rogers: All right, thank you. I hope you have a good week.
33
34 Dominguez: Bye Paul.
35
36 Pompeo: All right. Thank you very much.
37
38 H-Rogers: Thank you. Bye.
39
40 Pompeo: Bye bye.
41
42 **V. ADJOURNMENT (9:15 a.m.)**
43
44 H-Rogers: Is there any other business that anybody wants to discuss? No. And with
45 that is there a motion for adjournment?
46

1 Dominguez: So moved.

2
3 H-Rogers: Is there a second?

4
5 Murphy: Second.

6
7 H-Rogers: All right. We're adjourned and it's about 20 after nine.

8
9

10

11

12

13



Chairperson