



City of Las Cruces[®]

Development Review Committee Agenda

The Development Review Committee (DRC) will consider the following agenda on January 25, 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:

[01-11-23 DRC MINUTES.PDF](#)

3. Old Business
4. New Business
 - 4.1. Case 22ZO3000149: Metro Square
 - A request for approval of a Final Site Plan, known as Metro Square, located within the Metro Verde Planned Unit Development (PUD)
 - The proposed subdivision encompasses 7.36 ± acres, is zoned PUD (Planned Unit Development), is located at the southeast corner of Red Hawk Golf Road and the future development of Prospect Lane.
 - The Final Site Plan proposes 72 lots of mixed-use development that include variable housing types and commercial land use. A tract of land that is 2.11 acres in size that will be dedicated to the City of Las Cruces and utilized for drainage. A 0.48-acre tract of land will be dedicated to the City of Las Cruces for a park. The final site plan shall be required to follow all requirements of the Metro Verde PUD Concept Plan.
 - Submitted by Sierra Norte Development Inc., property owners.
 - 4.2. Case 22CS0500107: White Sage At Sonoma Ranch North Phase 1, Replat No. 4
 - A request for approval of a non-administrative replat, known as White Sage at Sonoma Ranch North Phase 1, Replat No. 4.
 - The proposed subdivision currently encompasses 4.014 ± acres, is zoned C-3 (Commercial High Intensity), is located at 4155 White

Sage Arc.

- The subdivision proposes to replat one existing commercial lot into six (6) commercial lots that vary in size from 0.509 ± to 0.974 ± acres in size
- Submitted by the Pillar Engineering LLC, Representative.

5. Discussion

6. Adjournment

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Date Posted: 01/20/2023

1 **DEVELOPMENT REVIEW COMMITTEE (DRC)**

2
3 Following are the minutes from the City of Las Cruces Development Review Committee
4 Meeting held Wednesday, September 28, 2022, at 9:00 a.m. in Room 1158.

5
6 **DRC PRESENT:** Mark Dubbin, Fire Projection Engineer
7 Geremy Barela, Assistant Engineer, Com. Dev.
8 Gary Skelton, Engineer, Public Works
9 Javier Antunez, Senior Engineer Tech, Utilities
10 Mike Kinney, Plan Review Engineer, Com. Dev.

11
12 **STAFF PRESENT:** Adam Ochoa, Building Inspection Supervisor
13 John Castillo, Planner, Community Development
14 Becky Baum, Recording Secretary, RC Creations, LLC

15
16 **OTHER PRESENT:** Ruben Contreras
17 Joseph Fuemmeler

18
19 **1. CALL TO ORDER (9:00 a.m.)**

20
21 Ochoa: I'll go ahead and call this meeting to order of the January 11th DRC. It's
22 9:00 a.m.

23
24 **2. APPROVAL OF MINUTES**

25
26 **2.1 November 23, 2022 Minutes**

27
28 Ochoa: First item up is the approval of minutes from the November 23, 2022 DRC
29 meeting. Does anybody have any changes to those minutes? Seeing
30 none. Can I have a motion to approve?

31
32 Kinney: I can approve.

33
34 Ochoa: So moved by Mike Kinney. Can I have a second?

35
36 Skelton: Second.

37
38 Ochoa: All for approving the minutes say "aye."

39
40 MOTION PASSES UNANIMOUSLY.

41
42 Ochoa: All against "nay." Minutes are approved.

43
44 **3. OLD BUSINESS**

45
46 Ochoa: We have no old business.

1
2 **4. NEW BUSINESS**

3
4 **4.1 Northrise Tract 2b (3324 Northrise Dr.)**

- 5 • The purpose for the discussion item is a request for the DRC to
6 determine the applicability of Section 32-403.2 - Driveway
7 Classifications, and Section 32-404.2.g - driveway distances to
8 adjacent intersections, to the proposed commercial development's
9 one-way exit driveway.

10
11 Ochoa: We just have one item under new business, it's the Northrise Tract 2b,
12 address 3324 Northrise Drive. I guess just reading what it is, the purpose
13 of the discussion item is to request DRC to determine the applicability of
14 Section 32-403.2, which is driveway classifications, and Section 32-
15 404.2.g which is driveway distances to adjacent intersections, to the
16 proposed commercial development, the one-way exit driveway that's
17 shown here. I guess Michael, this was an item that you brought up, I
18 guess would you like to I guess embellish a little bit more of what you're
19 looking for.

20
21 Kinney: Sure. Thank you. In our review for this development, one of the issues or
22 concerns we had was the exit only driveway which runs parallel to
23 Northrise Drive, the distance to the driveway from the centerline of
24 Northrise doesn't meet current code for distance offset of 135 feet.

25
26 This particular roadway here is not a designated or dedicated City street,
27 it's a private roadway although it will be improved to I believe you know
28 City standards, 50-foot wide right-of-way. So that was my first concern on
29 review is that the driveway itself, the offset from the intersection didn't
30 meet code for driveway distances from intersections. And also from the
31 standpoint of traffic coming northbound on Northrise making a right hand
32 turn and exiting traffic here behind them, that's part of the reason for
33 having an offset like that, potential conflict in there. So I wasn't quite sure.
34 In one of the responses, and correct me if I'm wrong, the applicant
35 mentioned it's a private roadway so the driveway offset distance is not
36 applicable. I'm not sure if I quoted you correctly or not.

37
38 Contreras: Well in general we visited with John Castillo and Tim Pitts at a pre
39 application meeting to review this specific requirement and we, well what
40 we were told was if this was maintained as a private drive that the offset
41 requirement would not apply. So we then proceeded with the design as it
42 currently stands, anticipating that we would not run into this issue.

43
44 Ochoa: Okay. So I believe the way the cod reads it's to a public street, correct?
45 So since this is?
46

1 Skelton: I believe so.
2
3 Ochoa: Can you clarify that please?
4
5 Skelton: It says, "driveway distance to adjacent intersection shall meet minimum
6 requirements."
7
8 Ochoa: Nothing about public or private.
9
10 Skelton: It doesn't say anything about public road, private road, or anything like
11 that.
12
13 Ochoa: Okay.
14
15 Skelton: So based upon the code as written it doesn't specify public or private or
16 any of that matter. It says intersection. And with this being, with
17 everything else on the roadway being designed per roadway spec, I don't
18 see how this should be avoided as well. So there is a safety conflict there
19 with people coming off of Northrise and turning onto that. Plus you're
20 going to have, you could end up blocking traffic coming off of Northrise
21 because there's not very much distance, only one car length room before
22 you reach Northrise coming off of the private roadway. Car coming out of
23 that entrance could end up stopping short and blocking traffic coming off
24 of Northrise. So there is a safety concern. There's a moving conflict
25 there. So we would request that you know that the code needs to be
26 followed.
27
28 Ochoa: So that being said, a question would be, just looking at the design of the
29 site right now, would it be more of an issue instead of coming in this way,
30 we turned it around. Would that be potentially an issue would you say?
31 Instead of making the one-way coming up this way, one-way comes in this
32 way and you flip your parking stalls and then you got traffic coming in and
33 our here instead.
34
35 Skelton: Yes, I don't think that would be an issue because the entrance only, not
36 going to be any movement conflict that I can tell.
37
38 Ochoa: Right.
39
40 Kinney: Question would be is the radius is that ...
41
42 Ochoa: The radius.
43
44 Kinney: The radius at the corner to accommodate.
45
46 Ochoa: To accommodate the one-way kind of thing right here.

1
2 Kinney: Yes, one way in. I wasn't looking at from a standpoint of trying to
3 redesign, I just was more concern as my interpretation of the code
4 because the key word seems to be in several of the ordinances or
5 sections is the word adjacent.
6
7 Ochoa: Right.
8
9 Kinney: Adjacent means close to, it's you know, and that's not defined in, the word
10 adjacent isn't defined in the code. Sorry I wasn't here during the pre-
11 submittal process. I did bring this, I believe I did mention this issue in a
12 predevelopment review.
13
14 Ochoa: Pre-submittal.
15
16 Kinney: And one of the issues I did have was that the width of the driveway, the
17 exit driveway wasn't wide enough, but back towards the interior is less
18 than 15 feet, but in talking with Ruben it opens up, the flow of the driveway
19 opens up to more than 15 feet.
20
21 Ochoa: Okay.
22
23 Kinney: But I did express in my predevelopment review, pre-submittal review, my
24 concern about the distance offset from the driveway. The question is, is
25 this applicable to - the roadway would be a private roadway. It's an
26 easement, a utility and a roadway easement.
27
28 Ochoa: Right.
29
30 Kinney: I don't believe it's going to be dedicated to the City.
31
32 Contreras: No it will not be dedicated to the City. It will be maintained privately.
33
34 Kinney: Maintained privately. So depending on what's going to happen to the
35 south at some point in time, it may, I don't know if it's going to be
36 developed into, the properties to the south and to the east, that road will
37 ever be dedicated to the City. But right now it will remain private.
38
39 Ochoa: Right. But I believe what Gary read right there I think that right there kind
40 of seals it just as from any roadway.
41
42 Skelton: And certainly I understand it's a private roadway but the problem is the
43 way that roadway or access is built is going to affect traffic on our public
44 roadways.
45
46 Ochoa: On Northrise.

1
2 Skelton: So that's the concern.
3
4 Ochoa: Understood.
5
6 Kinney: And the curb cut or the actual opening if you will is already existing.
7
8 Ochoa: The one on Northrise is already existing.
9
10 Kinney: The radius.
11
12 Ochoa: Okay.
13
14 Kinney: Is existing.
15
16 Ochoa: Okay. John since you were at the pre-ap meeting do you recall this?
17
18 Castillo: I do recall that we did have this discussion and I do believe it was Tim that
19 had stated that if it was privately maintained it may not be an issue, but I
20 don't recall exactly what was said.
21
22 Ochoa: Okay. All righty. So that being said I guess that is the issue right now.
23 Would the applicant have any issue potentially changing the driveway
24 potentially? Because if we made the one way coming on the north side
25 and then existing on the south and just flipping your angled parking the
26 other way around, would that be something you'd be open to doing
27 potentially? Just to take care of the issue of any potential traffic issues
28 you might be having for people coming in off of Northrise?
29
30 Fuemmeler: I think we'd be open to it. I'd like Mark to weigh in a little bit about the,
31 because coming in I'm not sure if they're going to get that radius. I'd just
32 also like to reiterate, I know we're kind of dealing with the pre-ap meeting
33 and what was said there and I think, I just wanted to kind of emphasize
34 how important it is for us to get information from the City early on.
35
36 Ochoa: Right.
37
38 Fuemmeler: I mean we are six months into this and many dollars. So I just wanted to
39 emphasize that. But I appreciate you guys working with us and we would
40 be open to that.
41
42 Contreras: I would agree. I think we could flip the direction if that's, we're still not
43 going to meet obviously the requirement if we do that because we would
44 still not meet that offset requirement if we flip the direction, but if you guys
45 are willing to make some sort of concession with us to flip the direction of

1 the one-way drive. Obviously, the entrance is still going to be less than
2 the 135 feet requirement.
3
4 Kinney: Yes. Mainly from the standpoint of you reverse direction then eliminate
5 the potential conflict from someone pulling out to turn left on the private
6 road and someone turning right.
7
8 Ochoa: So would staff be open to an engineering variance?
9
10 Skelton: A variance would probably still be required. I'm still a little bit concerned.
11 We don't know what the future of that roadway is going to be. Could
12 potentially have, I don't know what direction it is, north, northeast bound
13 traffic onto the private roadway exiting onto both ways, coming out of, I
14 don't know what road that's going to connect to. Say they're coming
15 northbound approaching and they want to enter that driveway now; they're
16 going to be crossing again very close to the intersection and there could
17 be a potential traffic conflict there.
18
19 Ochoa: Understood.
20
21 Skelton: So it's not an easy solution either way whether it's in or out. Again various
22 process, I'd have to consult with my administrator to see what his thoughts
23 are on that so I can see where we think that is. I would be leaning more
24 towards it being ingress being more acceptable than an egress.
25
26 Ochoa: Right.
27
28 Skelton: But I'm still not sure that making an entrance only is going to necessarily
29 be that much safer.
30
31 Ochoa: Okay.
32
33 Skelton: Because they're still going to be crossing close to the intersection without
34 much warning of someone coming off of Northrise.
35
36 Ochoa: Understood. Yes Mike.
37
38 Kinney: Well the first question that I had and I don't know if this really is under the
39 DRC's purview to be honest with you, is to whether or not is the City
40 statute or City ordinance that deals with driveways offset from a centerline
41 intersection is that applicable to this, because it is a private roadway.
42
43 Ochoa: Well I mean I don't think it's DRC's call really on this because the DRC
44 we're really just here to look at cross section changes and so forth like
45 that. We're not really looking at those types of engineering issues. I think
46 that right there would have to be something where Community

1 Development works with Public Works and Traffic to make sure whatever
2 is being proposed. I think that's more a variance process that needs to be
3 submitted and then that's the way we take care of that. I would say. But I
4 believe a question was raised for Mark. Mark do you have any
5 comments?
6

7 Dubbin: I don't. I think whether it stays in the current configuration or changes the
8 traffic pattern, either way is fine.
9

10 Ochoa: Okay. So that being said I guess probably the next step to do then is
11 potentially just submit an engineering variance application which will be
12 reviewed by Traffic Engineering and our engineering section in
13 Community Development. That way we could just make a final
14 determination as to what would be allowed and what would not be
15 allowed. If the applicants are open to doing that and starting that process.
16

17 Kinney: Okay. As is.
18

19 Ochoa: It's really up to you all.
20

21 Skelton: You can submit it as it if you want to and they'll review it and then based
22 upon the results of that variance whether or not a variance needs to be
23 resubmitted or redesign is required. We just have to follow the process.
24

25 Fuemmeler: Yes, and we're not completely sure what the ramifications in terms of our
26 civil engineering. Like we're at the 99% complete so if we do turn it
27 around the other way, we're going to have to go back to the civil engineer
28 and kind of talk about drainage and that kind of thing. So we're not sure
29 how much work it's going to cost. I mean we're up for it because it's less.
30 I think, you know obviously we're killing the project and making the land
31 completely unusable if we can't get in that way, then this design is
32 completely scrapped. So I guess what I'm saying is maybe it would
33 benefit us to just submit the variance as it is.
34

35 Contreras: I guess my concern is you guys seem to be more accepting to switching
36 the direction of the drive. And if we submit the variance as is I feel like
37 there's a high chance just from what's been said today that that variance is
38 going to be denied. So I feel like that would be a waste of time.
39

40 Fuemmeler: Okay.
41

42 Ochoa: Well I mean like I said you can submit it as is and administrators can get
43 involved as well including Tim and Public Works as well. So it's really up to
44 you all if you'd like to give it a shot as it is right now and get that process
45 going, and then talk to your civil engineer and see what the issue is and
46 potentially if the redesign is possible, then that's something that you could

1 just change the variance application as to what was originally submitted,
2 which is this, to the new potential design. If you're open to that.
3
4 Fuemmeler: Could we do that at the same time? Like I guess, I mean ideally we could
5 get it approved as is. That would be choice A.
6
7 Ochoa: Right.
8
9 Fuemmeler: And choice B would to get it approved with flipping the direction.
10
11 Ochoa: Right, so yes you could kind of be working both ends at the same time.
12 Submit the variance with this as is, and at the same time go back to your
13 civil engineer and see what the issues potentially before you to redesign
14 and I guess change the direction of everything. That way you could be
15 working both at the same time. If you don't get an answer on the original
16 variance that gets submitted, then you could just I guess amend that
17 variance and send up the new design if it turns out that that will work out
18 for you all better. Or if it works out ...
19
20 Fuemmeler: But that would take another review cycle, or how does that work?
21
22 Ochoa: It could be amended, correct?
23
24 Fuemmeler: What's that?
25
26 Ochoa: With that original variance, it could be just amended that for changing the
27 design.
28
29 Skelton: I don't know. I would probably be with the first, if you can submit as is and
30 that would be considered one variance. I don't know if you, based upon
31 the results of the recommendation. Like I said, I may submit it, I can't say
32 for sure what I would recommend or not recommend, but whatever we
33 decide would go to the Public Works Director, make the final call on that.
34 So I can't say, even if I don't recommend, doesn't mean above me would
35 ultimately decide to recommend it. I can't say based upon the outcome
36 what's going to happen. So I would wait until you find out the outcome on
37 whatever your first one is before you proceed on the second one.
38 Because obviously you don't want to waste your time. You can get
39 approval on the first one. Like I said so I can't guarantee one way or the
40 other what's going to ultimately be recommended or approved on the
41 variance.
42
43 Ochoa: Sure. Yes Mike.
44
45 Kinney: For the variance if you were to as is, wouldn't need to have your engineer
46 address the potential conflict between traffic egressing the driveway and
47

1 it's called northbound or eastbound traffic turning right and this conflict in
2 this area in here.

3
4 Fuemmeler: Okay.

5
6 Ochoa: So we get some type of number on that and the potential conflict there,
7 what we're looking for.

8
9 Fuemmeler: Well then and I guess if we go for the variance with a chance. I mean
10 we'd like to get you guys support. I mean we'd like to get your
11 recommendation to say, "Well we made it safer even though we didn't
12 meet that setback for a private drive or whatever we're calling it, at least
13 we did this to make it better." So could we get your recommendation.

14
15 Skelton: Well you explain in the variance, well that's what the variance process is
16 for. I can't, I mean you can maybe work with Mike on you know what you
17 can do to improve that but that's what the variance process is for, is to
18 look at what is there. Like I said if you're working to try to meet the
19 requirement as close to possible and you've got some restrictions that
20 don't allow you to do that, at least if you're trying to work for it I think we'd
21 more apt to you know look towards approving that. But in this case you're
22 off by 40% on the setback requirements and unfortunately it's just too
23 close for us to approve something like that at this time. So but if you're
24 only like 10 foot off the setback a variance can still be required but we will
25 be probably more apt to approve that doing the best you can to abide by
26 the code.

27
28 Contreras: Yes, like I said I think even if we flip the direction of the traffic we're still
29 going to be at the same distance so which is obviously more than the 10%
30 that you just mentioned. So I guess I'm just, what we're just looking for is
31 just for a little assurance that, I mean I know you can't say right now
32 whether or not that's going to be approved, but I guess what Joseph was
33 saying we'd like some sort of support to know that we're not going to go
34 through this whole process just to be denied.

35
36 Kinney: Ultimately the decision's up to the Public Works Director. But the Public
37 Works Director does generally often carefully considers the
38 recommendations from staff, and the staff would be from Community
39 Development then it would be from the Transportation Engineering
40 section. From Community Development staff, from our review I feel more
41 comfortable with it being an entrance from the standpoint of traffic flow,
42 that eliminates that conflict I was talking about. Somebody pulling out of
43 the driveway, unfortunately they can't see behind them to see that
44 potential conflict and that is problematic. So that eliminates that. As far
45 as the offset, you know the requirement, there's times where you can't get
46 to it, you can't get it because of the size of the lot or the shape of the lot

1 which is one of these cases here. An entrance only driveway versus exit
2 only to me is more palatable than an exit only driveway.

3
4 Ochoa: So that being said I guess we'll leave that to the applicants. We'll see
5 what you would like to do next. I will bring this up to Tim Pitts as well
6 about the situation and we can monitor it closely for whatever next step
7 you all want to do. And after speaking to your civil engineer if you do wish
8 to redesign, if you want to send that kind of preliminarily to everybody we
9 can take a look at it and see and then start the variance process if you
10 would after we get like a preliminary look at everything.

11
12 Fuemmeler: Okay.

13
14 Ochoa: All righty.

15
16 Fuemmeler: Sounds good.

17
18 Ochoa: Well no action is required because this isn't really I guess a voting issue.

19
20 **5. DISCUSSION**

21
22 Ochoa: So that being said we'll just go on to next subject. Anything for
23 discussion? Seeing none.

24
25 **6. ADJOURNMENT (09:22 a.m.)**

26
27 Ochoa: Can I have a motion to adjourn?

28
29 Dubbin: Motion to adjourn.

30
31 Skelton: Second.

32
33 Ochoa: All in favor say "aye."

34
35 MOTION PASSES UNANIMOUSLY.

36
37 Ochoa: Opposed, "nay." We are adjourned at 9:22.

38
39
40
41
42
43 _____
Chairperson