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

DRC PRESENT:  
David Weir, Chief Planning Administrator  
Rocio Nasir, Senior Engineer, Utilities  
Tony Trevino, Engineering Administrator, Public Works  
Hector Terrazas, Engineer, Public Works  
Mike Kinney, Project Manager, Community Development

STAFF PRESENT:  
John Castillo, Permit Tech, Community Development  
Steve Pacheco, Senior Engineer, Public Works  
Vincent Banegas, Planner, Community Development  
Becky Baum, Recording Secretary, RC Creations, LLC

OTHER PRESENT:  
Mike Johnson, Souder Miller  
Brice Ortiz, Souder Miller

1. CALL TO ORDER (9:02 a.m.)

Weir: Okay, well it's 9:02. So if you don't mind, I'll call the meeting to order. We have a, I'm not exactly sure how we have a quorum, but we do have a quorum of the DRC.

2. APPROVAL OF MINUTES – None

Weir: So we don't have any minutes ready for today.

3. OLD BUSINESS - None

Weir: And we don't have any old business.

4. NEW BUSINESS

4.1 3497 Northrise - Design Standard Variance  
- A request for approval of a variance from the design standards for underground storm water storage  
- Applicant is proposing to include storm water capacity created by utilizing stone aggregate located beneath underground storage chambers.

Weir: So the first business is the 3497 Northrise. There was a request for design standards variance to the onsite stormwater drainage. So Mr. Kinney can you give an overview of what's being proposed and if you have any other comments you want to make.
Kinney: Yes sir. This is the request for Section 32-103.6.1 and 6.1A I guess. Has to do with underground storage. So the code reads there is no credit given for rock voids. This particular system that was proposed by Souder Miller is an AVS StormTech system called MC-4500 chamber. They don't call it tanks; they call it chamber. And the system is kind of a, for lack of a better description, to me is like a hybrid between storage tanks and a French drain, percolation system. And as part of the design of the actual system, I called AVS and talked to them. In their cut sheet they were indicating that they have what's called minimum installed storage, which is greater than the volume of the chambers, which the installed storage includes the fill, which is a stone between the chambers and the end caps which has a 40% stone porosity. Section 32-103.6.1A talks about no credit for the rock voids. And so I suggested having a DRC meeting to discuss this because it's not, typically it's kind of like I said a hybrid between underground storage and also a percolation system, which includes the storage capacity includes the rock voids 40% of the rock voids. And from that design if they just had to go with straight chambers with no credit, they wouldn't be dealing with 67 or 68.

Johnson: Correct.

Kinney: Of those chambers and including the voids they can reduce it down to 40 to 41, which will reduce the overall … will the footprint still be the same?

Johnson: Similar. Yes, I think it'd just be kind of (inaudible) somewhere so probably might lose some of the outer chambers.

Kinney: And significantly reduce the cost. Significantly.

Weir: Does anyone have any questions of Mike?

Johnson: Let me kind of backup and kind of just be full transparent here. When this subdivision was originally designed it was a pond. The owner at the time came, and the reason that the capacities are so great for such a small lot is because it's also taking into account the private roads that are running between Wendy's to the north and then Mister Car Wash to the south.

Trevino: Okay, so this isn't just the volume from the site.

Johnson: It's not just post minus pre that we have to … right. So it is this.

Weir: So Mike Johnson you want to give an overview.

Johnson: Well I mean Mike pretty well hit it on that. So we were asked several years ago by the owner to make this a developable tract. Take it from a
tract to a lot to be developed. And we did that at the time, Geremy, I think it was Geremy required us to give examples of how we would make it a developable lot and still maintain the ability to retain the ponding on the site. And so we gave him a couple options, quite frankly, and being fully transparent, what's happening now wasn't one of the options. It is being fully utilized more so than we had anticipated. So we've been asked to come in and design this at this point. We took that through, we were able to make it a developable lot. Refile the plat. So now we're at the point where we're trying to put a two story building that's going to be a pharmacy on the site. Being tasked with, take care of all the drainage. Needless to say the owner when he saw what we were doing, came pretty well unglued, I guess just for lack of a term, because these chambers are about $1,500.00 each, not including installation, construction, so 68 of them is easily over $100,000.00 just to buy your materials.

Trevino: So that's why this makes it, so this was supposed to be the ponding planning for that whole subdivision right there.

Johnson: For lot 2 pretty much, yes.

Trevino: And then so develop it. Okay, so nothing's going to be discharged off the lot. Everything stays there.

Johnson: Yes. And so we would like to come, and Mike described it pretty well, right now the design we have for 68 chambers is just accounting for the chamber's capacity not the rock stone void that come up in between when you look at some of these designs for the area. So having done that, and using the online calculation as well as doing them in longhand, Brice in our office, we come up with similar results where we can potentially reduce it to 41, if we can get concurrence of the committee.

Weir: Mr. Terrazas.

Terrazas: Mike Johnson. Yes, because I was going to ask, this for the whole development, right? I know your guys are proposing to develop for the east, lot 3.

Johnson: It's not for lot 3.

Terrazas: Okay. So that's not going to be in the long game.

Johnson: No. It's basically for the roads you see, not for the road that would potentially come back between Dutch and Mister Car.

Terrazas: And those are developed. (inaudible).
Johnson: That drainage will go somewhere else.

Terrazas: Okay.

Johnson: It's just this road, this road coming into here.

Trevino: And does that road accept anything from the Wendy's or the …

Johnson: No. They're still responsible just like any other commercial development to keep their ponding on site.

Trevino: Okay.

Kinney: And the Dutch Brothers.

Johnson: There is an easement right here, a utility easement. The water comes down this road and kind of comes in at that point.

Kinney: And Dutch Brothers has a separate pond.

Johnson: Yes.

Trevino: That's just, there's nothing, that's extra, there's nothing kind of (inaudible) to those basins right there.

Johnson: No. Not from Bataan or for Rinconada or Northrise.

Trevino: As long as you put fillable fill around it, around the chamber so the rock doesn't get into it. Just joking.

Terrazas: And that's a follow up question I had, as far as maintenance because I think that's what ends up being like, how do we maintain it? It is going to be private property. It's a French drain like kind of thing. How does the City not become liable when this sediments (inaudible) in two years, three years?

Pacheco: Well, we'd like to see is some kind of O&M that would run with the land that would say you know this is our maintenance schedule so you can have the, whoever owns it in the future take it to them and say this is you know part of that lot and you're required to maintain this schedule.

Trevino: Are those roads private or City.

Johnson: They're private.

Trevino: Okay.
Pacheco: They're private.

Trevino: Right, so that way when it comes back to us in the future, *(inaudible)* everything it goes to that lot, they're going to be responsible for all that drainage from the roadways.

Johnson: Now I know that I'm trying to think how would we do that.

Trevino: That would be …

Johnson: Well, there's some kind of agreement with the owners on the roadway.

Trevino: Covenants.

Johnson: Yes, I don't know if it quite called a covenant, but I think there's something there that …

Weir: Is there joint use on the parking lots and maintenance of those?

Johnson: Well I think each of the owners are responsible for their share of maintaining the roads in some form. I'd have to go back to, if it's an HOA agreement or I don't know, I'd have to go back to Dr. Padila and see. But maybe we could add that to that.

Nasir: It was included on the plat note that each one of them is responsible for the road. Not necessarily, I don't think it's specified on the plat how it will be maintained, but definitely I believe on the plat it was shown to be private and …

Johnson: Right.

Terrazas: For right now, there's nothing on the plat that says, for the pharmacy the new platted one that went through maybe a month ago. It doesn't say anything about maintaining that right.

Johnson: I don't think so, no.

Terrazas: So I think that's what Steve and Tony and everyone's kind of alluding to. We're going to have some kind of agreement that that owner is going to maintain it even though he's getting water from all these other private developments.

Trevino: Yes, or if it's *(inaudible)* or whatever. But it's going to be in the best interest, that places the whole right there so if those things aren't infiltrated
more they're going to be underwater. Then it can be discharged anywhere, just (inaudible).

Nasir: That's what's happening there on we're Texas Roadhouse is happening. So we get a phone call every so often that we need to go and clean it out and then we let them know that that's private property and they have to do it. So they actually have gone in and cleaned it up every so often whenever they realizes there's, when the property owner is from California. Whenever they flood their own parking lot, because it doesn't come out of the parking lot.

Trevino: Right. Yes, so like hey we're in a foot of water here. That's yours, it's not our stuff.

Nasir: Yes.

Trevino: That makes them want to clean up faster so I don't have an issue. And I think …

Johnson: We could add that to the plat. I mean we've added easements to plats just by legal description, so I'm sure you could add something saying.

Trevino: Mike I guess.

Weir: Or you could file it as a separate, just make it a …

Johnson: That's what I meant.

Weir: We have record on it.

Trevino: I'm just surprised that this is the first time I've seen this, because this was always my fight with the City when I was in private.

Johnson: What's that? Because of that.

Trevino: The volume (inaudible). That was a constant fight. So, yes, no, I have, I think that's the way it should be. It's already developed around that area. And I think we should start utilizing this system the way it's designed to be by the manufacturers. I mean we never have, we never allowed them to do private. But that's how these systems work and with the maintenance, I think before with the fast development to the west, to east, whatever, all the dirt clogging up. I think we get some kind of agreement there, they're in hole, are they going to (inaudible). I think that's something we should probably add to the design standards where that's accommodated for, if there's maintenance and everything and allow it moving forward.
Nasir: That's probably something that we need to keep an eye on with the rewrite that we're having. Because I know that the original standards were written before all of this new technology is coming along. Because they wanted to make sure that it doesn't get clogged and then you know with the old systems. You're right with the new systems, yes, but the design standards have never been changed.

Trevino: We revised that verbiage for this. Yes, so that way we don't.

Johnson: I seem to remember there was some arguments about it at the time. Was it with Robert? Yes, so okay, my brain's not going too bad.

Trevino: It was always going to you guys in Public Works up there.

Johnson: Yes.

Trevino: Wait did, but you always said no way. And now you're asking for it. It was your department wasn't it?

Johnson: I stand corrected. Yes sir. See I remember people coming to me and arguing about that.

Trevino: What was your answer?

Kinney: I have one question.

Johnson: We had a discussion but I guess it stayed, right.

Kinney: I have a question.

Johnson: Yes sir.

Kinney: Mr. Johnson. In the event that there is some sort of say storm greater than 100 years, what provisions are for overflow?

Johnson: Well, the way it's been described to me is if this system is full that that the water will just pass, it bypass it.

Kinney: Bypass.

Johnson: Yes.

Kinney: So where will it go? Will it stay on the lot or?

Johnson: It's going to be designed around to here, to there. I mean, if you have a greater than 100 year flood.
Trevino: The whole thing is …

Johnson: It's going to flow. Yes.

Kinney: Yes. So there's provision for discharge for.

Johnson: Yes, I would say so.

Kinney: Emergency discharge.

Trevino: Over the curb and into the road.

Kinney: 100 year flood, we've got better things to worry about.

Trevino: But, and that's a difference Mike, because when they are just holding what's the post, the pre, then on the bottom they'll have a discharge to kind of commit that. This is just one holding pond. This is no (inaudible) near. So it's in a hole so.

Kinney: Yes.

Trevino: So greater than 100, it's just going to fill up. At that point everything's going to be underwater.

Pacheco: And it floods them out. That's private. Not our responsibility.

Kinney: So and then roadside swale that's along, that's going to go away, or it'll still be there?

Johnson: I don't think that's going to be, that's our landscaped area. So I'd say it's probably still going to be there. We're not getting into it with any tanks or anything.

Weir: So I have a procedural question for all the DRC members. Are you comfortable acting on this today or would you like to see how the agreement's going to be put together and table this to a future DRC meeting? Or are you comfortable?

Terrazas: Mr. Chair. I would want to postpone it until we get something in place. That way we can all review it and make sure that's all, operation manual but I think we are in agreement kind of that we can move forward with this once that's all.

Johnson: Not really because we're going to have to redesign it anyway.
Terrazas: More a clear direction.

Johnson: When you say, you just want to say, they're responsible to maintain this, create some kind of a schedule, twice a year.

Trevino: Whatever manufacturer recommends.

Johnson: Okay. All right. We can put that.

Trevino: But it needs to run with the land not the owner.

Johnson: Right. Well, we can put it, *(inaudible)* what to put on plats. We can put it on the plat.

Weir: Also do a deed right and transfer.

Johnson: Yes.

Terrazas: And the other thing is, if you can find out any information about, this pond was going to service five lots, something like that. Because then if it becomes an issue later.

Johnson: What's servicing the road, basically.

Terrazas: No, I know that but, you say you're going to look to if there's a covenants about sharing all this pond and maintenance of the pond. I don't know how that pond's maintained now.

Kinney: It's got the drainage basins shown.

Johnson: Yes, I see what you're saying if there's something that exists.

Terrazas: Yes, like right now if that pond, let's say we didn't do this, if that pond needs to be maintained, who's maintaining it?

Johnson: Right. Okay.

Pacheco: Give us a history of it.

Johnson: Yes. That'll work.

Trevino: So how can you, just a question. And I'm just kind of just from the standpoint to kind of help them out. Is that going to postpone you guys another month to come over here and then resubmit it again? Or is that something you can work out with Mike in the meantime. Because that's just some informational areas that Mike can look at. I don't know.
Terrazas: Two weeks Tony. We do it every two weeks, DRC.

Nasir: No actually it's every week now.

Terrazas: There you go.

Trevino: You can come back next week and get this, so it doesn't slow down. Okay.

Johnson: No that's fine. Like is say we're going to have to redesign and we can move on with the fact that we can go with the lesser tanks.

Trevino: So you work on the design you can bring the agreement in and just have that agreement come to DRC while he's talking to design.

Johnson: No, that's fine. We got a rider amendment for the work so you guys add a little more work, we add a little more cost.

Terrazas: Either pay you or pay (inaudible).

Johnson: You know we just eliminated 27 tanks too so, that's a lot of money.

Kinney: All right so the consensus of the DRC is for approval, but we want some additional information, documentation.

Weir: Okay. If that's the case, you don't have anything else. You don't want to discuss it anymore; I'd entertain a motion to postpone until the March 9th DRC meeting.

Johnson: How about could I call and tell you when.

Weir: Sure.

Johnson: I appreciate the quickness but I'm just not sure I'm going to get.

Trevino: I don't want to hear you guys, we're slowing you down, nothing. I know you developers say the City does this and does that.

Terrazas: Mr. Chair.

Johnson: Let's go ahead do March 9th and I'll call you and let you know for sure.

Weir: Okay.

Johnson: I'll let you know for sure if it's not going to work.
Weir: I have a motion to table from Mr. Terrazas. Do I have a second?

Kinney: Second.

Weir: I have a second from Mr. Kinney. All those in favor?

MOTION PASSES UNANIMOUSLY.

Weir: All those opposed? Okay, we're currently postponed until March 9th. So we'll see you next Wednesday, if not sooner.

Johnson: You got it. At least maybe then I can bring you what the covenants say in the subdivision. Something we can talk about other than (inaudible).

Weir: And thank you all for coming on short notice. We've had some staff absences and Mike and I were really scrambling to get this agenda together Friday.

5. ADJOURNMENT (9:20 a.m.)

Weir: Meeting adjourned.

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Chairperson