PLANNING & ZONING COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
SPECIAL MEETING

Wednesday, January 05, 2011

TIME & PLACE: The Planning & Zoning Commission of the City of Truth or Consequences, New Mexico, met in Special Session in full conformity with the law and ordinances of said Commission, at the Commission Chambers of said City on Wednesday, the 05th day of January, A.D., 2011.

PRESIDING OFFICER: The meeting was called to order by Bill Howell, Chairman. Angela A. Torres acted as Secretary.

ATTENDANCE: Upon calling the roll the following members were reported present:

Bill Howell, Chairman
Joey Perry, Vice Chairman
Lee Foerstner, Member
James Jacobs, Member

Absent:

Also Present:

Dave Weiser, City Manager
Charlie Friberg, Building Inspector
Angela A. Torres, Deputy City Clerk

QUORUM: There being a quorum present the Commission proceeded with the business at hand.

DISCUSSION/RECOMMEND... TO CITY COMMISSION-BRAXTON MERRITT-REVIEW OF ALL DOCUMENTS REQUESTED BY CITY COMMISSION:

Bill Howell, Chairman stated that it is his understanding from talking to Charlie Friberg, Building Inspector, and City Manager Weiser that we do have all documentation that was requested by the City Commission.

Bill Howell, Chairman stated everything that they have done in the past is done with. The only reason they are here tonight is to see if they have all documentation requested by City Commission.

Bill Howell, Chairman stated he would like staff to tell them if they have all needed documentation.

Dave Weiser City Manager stated there is provided e-mail’s for the Planning & Zoning Commissioners from Mayor Lori Montgomery, and Commissioner Frances Luna. The information presented to them is at the request of one of the Planning and Zoning Commission members. The request was for the Planning & Zoning Commissioners to get a copy of the two e-mails.

The other list that they have is... If you remember back at the June 1, 2010 Planning & Zoning Commission meeting Mr. Anthony Gutierrez presented a power point presentation to you, and that is what is presented to you in the packet. Those should go after the June 1, 2010 minutes of the Planning & Zoning Commission. They put these documents as close to chronological order as possible. Some of the documents do not have dates, but most of them do. They’ve searched the folders that Charlie, I myself, and the folders the City Clerk had. Most of the documents were
contained in all three, but there were a couple of things such as the minutes that came from the City Clerks office.

Dave Weiser City Manager stated that the City Commission had concerns regarding the drainage, parking, ingress/egress, sidewalks, dust blowing, road width, etc. They ask for the Planning & Zoning Commission to review the packet to see if they recall any documents that we've missed, and to make sure that this is the information that you have received.

Dave Weiser, City Manager stated there was a question that was asked of earlier about the type of meeting that we are having. We were originally planning for a Planning & Zoning Commission meeting last night to hear a couple of requests that were brought to you in December, we didn't have a quorum so we continued those, the City attorney felt that it was a close call on whether or not we needed to re-advertise notices to the adjacent property owners. When we were looking at the two public hearings, we felt there might not be a lot of time to do those public hearings and to go over all of this information as well. That is why the plan was to have the regular Planning & Zoning meeting last night, and have the special meeting tonight; to go over the documentation for Braxton Merritt. The notices did not get sent out on time so we ended up canceling the regular meeting; we still had the special meeting to go over this issue tonight. Another reason is they had a special City Council meeting last night to go over goals.

Since Joey Perry showed up late to the meeting, Bill Howell, Chairman went over the reason why they were having the special meeting tonight.

He stated that the City Commission did not think they had everything they needed from them, and as it turns out they did but they were not presented with everything. They have an e-mail from Mayor Lori Montgomery to Mr. Weiser, and the Commissioners stating that she's sorry that they didn't think they had everything, but they did have everything it just didn't get to them.

Bill Howell Chairman read Mayor Lori Montgomery's and Commissioner Luna's e-mails to his fellow Commissioners, City staff, and to the public. (Complete copy attached to and made a part hereof)

Bill Howell Chairman stated if everyone feels everything is present for the City Commission meeting they need to make a motion as to how they want to proceed. In the meantime does anyone have any discussion on this matter.

Joey Perry stated she spent the better half of the day reviewing the material, maps, and other information, and she feels they still do not have a complete application. She feels that the maps that were provided are not internally consistent so that creates a real problem. She also stated as far as she knows she still has not received a copy of the variance request application.

Bill Howell Chairman and Joey Perry went back and forth on whether or not the packet they received had all needed documentation.

Joey Perry stated there are inconsistencies in the maps, and asked the Commission if they agree that this could be a problem later when the maps are recorded.

City Manager Weiser stated this is a preliminary plat, and this is essentially what they will follow as they develop the property. Then after the utilities are put in, and any roadways then it has to all be inspected to
make sure that it follows what the plan was. Then when the check list is
taken care of it will go back to the Planning & Zoning Commission and
the City Commission for a final plat.

Joey Perry stated that she would like to point out on page 2 of the final
plat the property line shows 165 ft., and on the grading plan it says 150
ft. for that same boundary. She is concerned that could create problems
later on.

Bill Howell Chairman stated that prior to their final approval it will
come back to them, and it will also go back to the City Commission. Mr.
Howell stated he would like to have a motion to send this back to the
City Commission being as they are happy with what they've done now.

"Lee Foerstner moved that since there is nothing new that they pass this
along to the elected body, and that in the interest of saving the City time,
and money that each of us here on the Planning & Zoning Commission,
and since we already have all of this, donate our packages to the City
Commissioners to prepare themselves for the next meeting, and might I
add to this motion that in the meantime between now, and the City
Commission working on this problem that staff rectify some of these
things with the developer, we don't have the developer here tonight so
obviously they can't answer Joey's questions. He would like staff to work
with the developer on any inconsistencies that Joey Perry is concerned
about."

Seconded by James Jacobs.

Lee Foerstner read aloud verbatim from the ordinance Section 15-8
variances A.:

*Cause:* Where, in the case of a particular proposed subdivision, it can be
shown that strict compliance with the requirements of this Code would
result in a substantial or unreasonable hardship to the subdivider because
of exceptional topographic, soil or other surface or subsurface
conditions, or that strict compliance with this Code would result in
inhibiting the achievement of the objectives of this Code, the Planning
and Zoning Commission may recommend and the City Commission may
approve variances, modification or waivers of this Code's requirements.
No variance shall be granted simply because the subdivider disagrees
with or does not wish to meet the goals, objectives or standards of this
Code. (Complete copy attached to and made a part hereof).

Secondly, and lastly from the letter from Tooley the very last in quote
statement:

The minimum size for all water mains extensions shall not be less than
6" in diameter if serving no more than one fire hydrant”. The fire hydrant
needs to be supplied by a six – inch main line in order to confirm to
NFPA and city code.

Joey Perry read aloud verbatim from the ordinance,
Section 15-20 Plans and design standards:
Section H. Flood plain and terrain management report, Item 2.
Grading and drainage plan: The plan shall include at least the
following:

a. Existing contours for the development with a contour interval based
on mean sea level datum at a minimum two-foot contour interval if the
slope is two percent or less, or a five-foot contour interval if the slope is
greater than two percent;
b. Proposed grades represented as contours and/or spot elevations as necessary to define construction requirements and drainage patterns within the proposed subdivision;

c. Location and elevations of USGS, Bureau of Reclamation, Elephant Butte Irrigation District, State Highway Department and/or International Boundary and Water Commission benchmarks used in determining the location of improvements within the subdivision;

d. A project benchmark, established within or adjacent to the project limits; descriptions of existing irrigation and drainage facilities and structures such as ditches, drainage ways, gutters and culverts, including all pertinent information such as size, slope and material;

e. Overall drainage area boundaries and drainage sub-area boundaries;

f. Proposed drainage improvements designed in accordance with subsection 3, below, including storm drains, open drainage ways, rights-of-way, easements, storm system inlets, gutters, manholes, culverts, erosion control and energy dissipation devices, ponds, and any other required structures or drainage system components which will be constructed within the subdivision;

g. All pertinent drainage information, including drainage flow arrows, flow rates, volumes, proposed inflow and outfall points for runoff from the study area; and,

h. Subdivision limits and individual lots, including setbacks, rights-of-way, easements and proposed street improvements. (Complete copy attached to and made a part hereof).

She stated that she does not see the setbacks listed on the drainage plans.

Joey Perry read aloud verbatim from the ordinance,

Section 15-20 C3 Lot standards:

Lots abutting an irrigation ditch, water course, drainage way, channel or stream, shall have additional width and depth as required to provide an adequate building site, drainage way, easements and afford the minimum useable area required in the Zoning Code for front, rear, and side yards. (Complete copy attached to and made a part hereof).

Joey Perry stated because those are not shown on the grading plan which they were supposed to have been on there. She believes the maps are not complete, and they should be completed before the City Commission looks at them, and before she is willing to make a recommendation to the City Commission on this.

Joey Perry also had concerns regarding driveways, and property lines, and she disagrees that City staff says they do not need the PUAB to review the Braxton Merritt issue before it goes to the City Commission. She also stated that a letter dated November 10, 2010 from the Planning & Zoning Commission signed by Bill Howell, has errors and conflicting information in it, and is not complete. She recommends the letter be revised before it goes back to City Commission. She had also had concerns regarding the fees being waved for the applicant.

Lee Foerstner, James Jacobs, and Bill Howell voted aye.

Opposed Joey Perry.

Motion carried three to one.
ADJOURNMENT:
There being no further business to come before the Commission, Bill Howell, Chairman called the meeting adjourned.

APPROVAL:
PASSED AND APPROVED this 1st day of February, 2011, on motion duly made by [Signature], and seconded by [Signature] and carried.

Bill Howell, Chairman