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

PUBLIC HEARING

Tuesday, February 5, 2008

TIME & PLACE:

Bill Howell, Chairman opened the Public Hearing with reading the Legal Notice as follows:

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 5, 2008 at 5:30 P.M. in the Commission Chambers 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:


Bill Howell administered the Oath to Anthony and Laurie Chavez at which time the Chavez’s explained the reason for the Home Occupation.

Bill Howell administered the Oath to Raul Delgado, Bill Rose, John Torres, Chuck Bierner, Gary Sullivan and Richard Francione at which time each individual expressed their approval of the Home Occupation

Bill Howell administered the Oath to Norman Tyree, Gordon Tippetts, Juanita Payne at which time each individual expressed their opposition to the Home Occupation

With no further comments for Item No. 1 the meeting continued with input regarding the following:

2. Variance Request — To set a pre-HUD Manufactured Home as a second residence on a RR-1 lot, 803 N. Riverside Dr., - Donald St Jeor.

Bill Howell administered the Oath to Don St Jeor and Pat Mann at which time they explained the reason for the Variance Request.

With no further comments for Item No. 1 the meeting continued with input regarding the following:

3. Special Use Application — For a 45’ amateur radio tower — 913 Spruce St., R-1 Zoning District.

Bill Howell administered the Oath to Patrick Johnnik at which time Mr. Johnnik explained the reason for the Special Use Application.

Bill Howell administered the Oath to Robert Deal at which time Mr. Deal expressed his approval of the Special Use Application.

Bill Howell administered the Oath to Imogene Stark, Harvey Ruff, Juanita Payne, Mary Graham, at which time each individual expressed their opposition to the Special Use Application.
PLANNING & ZONING COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

REGULAR MEETING

Tuesday, February 5, 2008

TIME & PLACE: The Planning & Zoning Commission of the City of Truth or Consequences, New Mexico, met in Regular Session in full conformity with the law and ordinances of said Commission, at the Commission Chambers of said City on Tuesday, the 8th day of February, A.D., 2008 immediately following the Public Hearing.

PRESIDING OFFICER: The meeting was called to order by Bill Howell, Chairman and Hazel F. Peterson acted as secretary of the meeting.

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

Bill Howell, Chairman
Viola Bonner, Vice Chairman
Lee Foerstner, Member
Joey Perry, Member
Raymond Ruffini, Member

Also Present:
Chris Nobes, Building Inspector
Hazel F. Peterson, Deputy City Clerk

Absent:

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

APPROVAL OF AGENDA: Bill Howell, Chairman called for approval of the Agenda.

"Viola Bonner moved approval of the Agenda as submitted."

Seconded by Joey Perry
Motion carried unanimously.

APPROVAL OF MINUTES: Bill Howell, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, November 6, 2007.

"Joey Perry moved to approve the minutes of the Regular meeting held Tuesday, November 6, 2007 with corrections."

Seconded by Raymond Ruffini
Motion carried unanimously.

"Joey Perry moved to approve the minutes of the Regular meeting held Tuesday, December 4, 2007 with corrections."

Seconded by Raymond Ruffini
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: Paula Green approached the podium and spoke in regard to a special meeting called by the County to discuss the appropriateness of Comprehensive Planning, Zoning Regulations for the County.
REORGANIZATION OF OFFICERS: “Raymond Ruffini moved to appoint Bill Howell as Chairman of the Planning & Zoning Commission.”

Seconded by Joey Perry
Motion carried unanimously.

“Raymond Ruffini moved to appoint Viola Bonner as Vice Chairman of the Planning & Zoning Commission.”

Seconded by Joey Perry
Motion carried unanimously.

HOME OCCUPATION – CHAVEZ:

“Joey Perry moved denial of the Home Occupation submitted by Anthony & Laurie Chaves for the following reasons:

1. Home Occupation permits are supposed to be incidental and subordinate to a residential use. There is no residential use on this property.
2. There are ample vacant zoned land in property which would allow the parking or storage of heavy equipment in the C-1 zone and in the M-1 zone.
3. The M-1 zone does have a category for construction or contractor yards and that is a Conditional Use Permit in the M-1 zone which requires more review and examination by the Planning & Zoning Commission than what a Special Use Permit in a T-1 zone.
4. Because of the traffic, health and noise impacts in the neighborhood and the esthetics impacts to the neighborhood.
5. No site map was provided with the application.”

Motion died from lack of a second.

“Joey Perry stated she really does think the program should be denied, but if it’s going to be approved by this Commission then she thinks conditions should be applied and these are the four conditions that she thinks should be included:

1. Hours of operation should be limited from 8:00 A.M. to 6:00 P.M. Monday through Friday.
2. That there be at least a six foot fence blocking the view of the property. The M-1 and the C-1 zones both require a six foot fence for this type of activity so I think it’s appropriate in the T-1 zone as well.
3. That the construction equipment could only be placed in the property within the setbacks that are allowed within the T-1 zone.
4. The area that the construction equipment will be parked on must be paved or some materials put down to prevent any dust.”

Raymond Ruffini stated he would like to add one think which is a concern to him and that is the loading of the equipment out in the street and it seemed to him when he was there that the lot was large enough that you could load the equipment within the lot itself and that way it would cut down on maintenance costs and also problems to neighbors driving over the roads and things.

Joey Perry stated she would welcome Raymond’s condition as a friendly addition to her motion.

Motion died from lack of a second.

“Viola Bonner moved approval of the Home Occupation submitted by Anthony & Laurie Chavez with the following conditions:
1. Hours of operation should be limited from 8:00 A.M. to 6:00 P.M. Monday through Friday, and changing to 7:00 A.M. to 6:00 P.M. during Daylight Savings Time
2. With a 25' setback
3. Pavement where the vehicles are parked
4. With a 6' fence around the entire property”

Motion died from lack of a second.

“Raymond Ruffini moved approval of the Home Occupation submitted by Anthony & Laurie Chavez with the following conditions:

1. Operation during daylight hours.
2. Six foot covered fencing on the south and north boundaries of the property to protect the view of neighboring residence
3. Hard compacted dirt surface, crusher fine or gravel, etc. for parking vehicles on property
4. Load and unload the equipment within the property”

Seconded by Lee Foerstner

Commissioner’s Howell, Bonner, Foerstner & Ruffini – aye
Commissioner Perry – nay
Motion carried.

VARIANCE REQUEST – ST JEOR: “Viola Bonner moved denial of the Variance Request submitted by Donald St Jeor citing the variance application provision #2 which states “Variances shall not be granted in such cases where it would adversely affect adjoining properties, impair established property values, or endanger public safety”, with the endanger public safety being the part of the provision applicable to this situation and submit it to the City Commission for their consideration.”

Seconded by Joey Perry
Commissioner’s Howell, Bonner, Perry & Ruffini - aye.
Commissioner Foerstner abstained
Motion carried.

SPECIAL USE – JOHNNIK: “Joey Perry moved denial of the Special Use Application submitted by Patrick Johnnik for the following reasons:

1. The ultimate height of the structure is greater than 45’
2. The packet that was presented, there are notes that say the tower should not be installed within falling distance of electric or phone poles and it did appear that the next door neighbors property their phone lines or electric lines were going from the poles to the house that would be within falling distance
3. The tower is located to close to the adjacent property with only about 13’ between the tower and the applicants property line and the adjacent property to the north is within about 13’ also or closer
4. Towers can be installed in various other areas in the city, various locations in town, in the T-1 zone and the M-1 zone and other zones where there wouldn’t be the esthetic issue that there would be in the residential area and submit it to the City Commission for their consideration.”

Seconded by Viola Bonner
Commissioner’s Howell, Bonner, Perry & Ruffini - aye.
Commissioner Foerstner abstained
Motion carried.
VACATION OF A STREET AND ALLEY—MERRICK:

"Lee Foerstner moved approval of the Vacation of a Street and Alley submitted by Ken Merrick with the stipulation that if Mr. Merrick wanted a survey to determine exactly what this land is he is getting vacated it would be at his expense."

Seconded by Raymond Ruffini
Motion carried unanimously.

SUMMARY REplat—Guy:

"Raymond Ruffini moved approval of the Summary Replat submitted by Neva Walker.

Joey Perry stated she would like to ask Mr. Ruffini if he would be willing to amend his motion to include the stipulation that development on this property would have to be subject to a Traffic Impact Analysis.

Seconded by Viola Bonner

"Raymond Ruffini amended his motion to include the stipulation that development of this property would have to be subject to a Traffic Impact Analysis."

Motion carried unanimously.

ADJOURNMENT:

There being no further business to come before the Commission, Bill Howell, Chairman called the meeting adjourned.

APPROVAL:
PASSED AND APPROVED this 6th day of January, 2008, on motion duly made by Lee Foerstner, and seconded by Viola Bonner and carried.

Bill Howell, Chairman