PLANNING & ZONING COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
REGULAR MEETING
Tuesday, February 7, 2006

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 7th day of February, A.D., 2006, at 5:30 P.M.

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

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

Kerry Kent, Chairman
Roger Smith, Vice Chairman
Yolanda Sepulveda, Member
Viola Bonner, Member
Bill Howell, 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: Kerry Kent, Chairman called for approval of the Agenda.

"Bill Howell made a motion to approve the Agenda as submitted."

Seconded by Viola Bonner
Motion carried unanimously.

APPROVAL OF MINUTES: Kerry Kent, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, January 3, 2006.

"Yolanda Sepulveda moved to approve the minutes of the Regular meeting held Tuesday, January 3, 2006 as submitted."

Seconded by Roger Smith
Motion carried unanimously.

Kerry Kent, Chairman called for review and approval of minutes of the Special meeting held Wednesday, January 18, 2006.

"Yolanda Sepulveda moved to approve the minutes of the Special meeting held Wednesday, January 18, 2006 as submitted."

Seconded by Viola Bonner
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: None.
Mr. Aldridge approached the podium and stated that the alley has really been a nuisance as an alley. He stated you can’t get a dump truck, no garbage pickup trucks or anything. He stated it’s just a little 20’ wide by about 95° long alley.

Mr. Howell asked if there was any garbage pickup or anything.

Mr. Aldridge stated there is no garbage, water, sewer or anything. He stated he has been attending to that area for about seventeen years now, weeds, goat heads, that’s about it.

Mr. Nobes stated the purpose of this meeting is to determine in terms of zoning, whether the thing is essential to the welfare of the City. He stated after this it would go to the Public Utility Advisory Board, and they would make a decision based on utility usage.

“Bill Howell moved to approve the Vacation of Alley Application submitted by Ray & Doris Aldridge and submit the application to the Public Utility Advisory Board for their consideration.”

Seconded by Roger Smith & Yolanda Sepulveda
Motion carried unanimously.

Mr. Joe Torres approached the podium and stated he is not changing the lot sizes; all he is doing is changing the lots at a 90° angle. He stated the purpose for that is the esthetics of the property so he wouldn’t have to cut up on the hill. He stated he promised neighbors that he wouldn’t take the esthetics of the hill, and also when he filed his SWPPP program with the EPA he kept all the drainage from going into Smith&Co into the second piling.

He stated he has taken the utilities to it including water and everything he had to do as far as the city asking him to do.

Mr. Kent asked Mr. Torres if he was going to dedicate a roadway to these lots.

Mr. Torres stated yes.

“Bill Howell moved to approve the Summary Replat submitted by Joe Torres.”
Seconded by Yolanda Sepulveda
Motion carried unanimously.

Mr. Mills approached the podium and explained what he had been doing was at the Art Hop every month he has a wagon and team of donkeys and they have been hauling people around to the different galleries and they want to keep doing that.

Mr. Kent stated he commends what Mr. Mills is doing; he thinks it’s a great draw. He stated they have some concerns with safety so he has ask the Chief of Police to address the Commission with his concerns.

Chief Peterson approached the podium and stated he received a packet with a lot of information and he was happy to see that somebody has even thought of this idea; however it’s not enough information for him to determine what type of a traffic problem it might create if it does create a traffic problem.
He stated he shared some views with Mr. Kent in regard to that particular area they are talking about, which is all State Highway. He stated he does not have jurisdiction in that area. He stated there was a time when he blocked off a lane while the Baptist Church was knocking down walls and had heavy equipment there. He stated he was asked to close off the one lane to protect the traffic so they would be further away from the heavy equipment of which he did. He stated he was there for about four and one half hours when a State Highway Inspector stopped and began talking to him and asked him what was happening and he explained to him what was going on. He stated the inspector told him that was admirable but where was his permit.

Chief Peterson stated he told the inspector he didn’t realize he needed a permit to protect the people. He stated the inspector told him this was a State Highway not a City road. He stated the inspector was very nice, he didn’t receive anything more than a slap on the hand and was told that if at any time anything was going to impede or block the State Highway he would need a permit.

He stated he would presume that would also pertain to someone who had a business and possibly impeding traffic. He stated all of the cities he contacted in regard to this issue have a right-of-way that a slower means of transportation get into and stay in that, even the big cities with just normal public transit bus route travel up and down roads that you can’t park on, these buses need to be in the slow lane and have the right to stop at any time and if they break down there is this lane that doesn’t impede the traffic.

Chief Peterson stated he has no problems with this, but he has no rights and he doesn’t believe the City has the right to do anything with this. He stated that if they come up with the proper permits from the State Highway Department, his department is willing to jump through whatever hoops the Mayor, the City Commission, the City Manager and this Commission would like them to do in order to keep it safe out there because it’s just one really good idea.

Mr. Howell asked what they do in Hillsboro during the Apple Festival, if they had to get a permit from the State Highway.

Chief Peterson stated yes they do, the same with T or C’s Fiesta, it’s all done with the State’s permission.

He stated a lot of people wonder why everything is yellow curbs instead of red or green. He stated the colors he can enforce are green and red. He stated yellow is pretty and sort of tells everybody to park at their own risk, but there is nothing he can do about it if somebody was to park there. He stated that if they discontinued all of the yellow in the downtown area that he would use as pull-offs and painted it red, then if somebody parked there it would be a color he could enforce.

Chief Peterson stated he thinks there are some things that the State Highway Department would have him do, as fussy as they are with us. He stated that even with funerals on Date Street they look the other way, but he’s not sure they will do that with this project.

Mr. Howell asked what if he had his pick-ups on the side streets; get off by where Amin’s used to be.

Mr. Kent stated they could come up with a route where there are pull-off’s designated just for that.

Chief Peterson stated you could have pull-off’s that are up against the
curbs, then you will have to give his department the right, if somebody
parks there and the store owners not to yell to loud that their taking up
some portion of their parking.

He state he can see parking structure, there’s plenty of area for parking,
where the old theatre used to be, that would be a great place for a nice
parking structure downtown, and there’s a few places on Austin that
might be great for parking structures that would cure some of the traffic
problem.

Chief Peterson stated what he would like to leave them with is that he
thinks this is a great idea and he thinks it’s a good idea for the whole
community to have something to jump on and be able to go around town
and actually see stuff that’s there.

Mr. Nobes stated he agrees with the Chief comments, that he spoke this
afternoon with the permits officer for District I State Highway
Department and he said an enterprise such as this would fall under the
special events permit requirements, and he said typically these are a one
time thing, but if it’s on a regular monthly schedule they could probably
approve it for a year at a time, but they do need to know this other
information, but it sounds as though they’re willing to work with Mr.
Miller.

Mr. Kent stated maybe this item could be tabled, which would give Mr.
Miller time to get a route prepared, get in touch with the State, give our
Chief of Police that route and then come back to this Commission.

"Yolanda Sepulveda moved to table the Conditional Use Application
submitted by William Miller."
Seconded by Roger Smith
Motion carried unanimously.

DISCUSSION/APP
ROVAL—
ZONING
ANNEXED AREA:

Mr. Kent stated that at this time he would ask for a motion to table this
item because the person that was working on this item is not ready to
make his presentation at this time.

"Roger Smith moved to table the Zoning Annexed Area."
Seconded by Yolanda Sepulveda & Viola Bonner
Motion carried unanimously.

ZONING
ISSUES/RE-
ZONING AND
PERMITTED
URBAN
DEVELOPMENT:

Mr. Kent stated this is in reference to doing some rezoning within the
City of Truth or Consequences and asked Jaime Aguilera, City Manager
if he would speak to this item.

Mr. Aguilera approached the podium and stated this issue came up with
the proposed four hundred unit residential and commercial development
on Kopra on the other side of the freeway. He stated that right now the
zoning is T-1 which is essentially a holding zone and the idea behind the
T-1 is that when somebody has something to develop then they come in
and get a zone change to whatever zoning that would allow the type of
development they would propose. He stated that if somebody wanted to
do just a regular subdivision like what’s on the other side of the freeway
on Kopra then they would get an R-1 zoning and that would be the end
of it.

He stated that however the proposal on the one hundred and eighty acres
isn’t a run of the mill subdivision. He stated the proposal is to put in a
golf course, fairway homes, commercial development and possibly some
smaller unit residential and then some larger acreage residential, so it’s a
mix in terms of the types of residential units and there's also commercial involved, and then of course there's the golf course involved.

Mr. Aguilera stated that normally the way cities handle that is they create a zone called a PUD, a Planned Unit Development, and it essentially what the name says, it's a planned development so that the developer from scratch, plans out the one hundred and eighty acres and he says on this end I'm going to have commercial and it's going to have thirty or fifty or sixty acres of commercial and then next to that as a buffer I'm going to have perhaps a road, a large arterial that will separate the commercial from the residential and then I'm going to have some higher density homes there, possibly condominiums or attached housing and then as I move further out and maybe into the higher elevations I'm going to have some larger lots and interspersing through here I'm going to have fairways and the developer essentially plans it all out and we with the PUD, we give them that license to do that.

He stated the difference between a PUD and a normal subdivision is when the City Commission approves a subdivision and the cookie cutter lots, that's it, that's the end of it, you never see it again. He stated the next time they show up they go to Chris's office to get a building permit to put up a house on a cookie cutter lot. With a PUD the City controls every aspect of that subdivision, the size of the houses, where there are going to be located, the size of the streets, because they may be different and in some cases they may propose garages that are headed toward the alley and in some cases they may propose garages that are headed out toward the street. They may propose zero lot line homes which are popular in larger urban cities.

Mr. Aguilera stated that the marketing that's being done for the subdivision is mostly not for locals, the marketing is going to be done for people that are coming in from larger cities, possibly people that are just a couple who don't need a lot of back yard, and a lot of front yard, they just want a place to live in this nice climate.

He stated there possibly could be incorporated a storage yard for RV's and boats, because a lot of the people that will be buying here are going to be traveling out of here or are going to be using our lake.

Mr. Aguilera explained that the idea of the PUD is you allow this flexibility in design and on the other hand because it is different, because it isn't cookie cutter lots we enter into the process of actual designing exactly what those houses look like. Everything from the architecture of the houses and the commercial areas to the size and the types, whether it be single homes or attached homes.

Mr. Howell asked if he was talking about a private golf course or an enlargement of the city golf course.

Mr. Aguilera stated the proposal is that they will build the City Municipal Golf Course, the City will own the golf course but they will have their homes fronting on the golf course fairway.

Mr. Howell asked if it would be the same golf course that is now existing.

Mr. Aguilera stated yes it's still part of the City Golf Course, we still own it and so forth, and it will be the extension of the other nine holes, essentially for a golf course.

He stated all this can be done with one single zoning and that's a PUD, otherwise you'd have to zone something commercial and then something
medium density over here and then something low density and so forth. This gets more cumbersome because it's more difficult to plan that way and we don't get to be involved in the actual design, we just simply say well here's the lots and you've got sixty acres of commercial over there and we'll see what gets built as opposed to we're going to control everything that gets built out there.

He stated that what he has passed out is a zoning document that was created for another city just to give an idea what it looks like in writing and if this Commission agrees what he would propose is that this Commission look over it between now and the next meeting and if they agree then they will message this and whatever changes they want to make to it or additions into a city zoning document and they will add it to their list of zoning designations. He stated right now we only have the old standards that date back to the 50's, that's when most zoning ordinances were created, it's not a very modern zoning ordinance which allows for flexibility, design and controls. The PUD will be an added zone to that that we can use here and we can use in other places that are still zoned T-1 in the future.

Further discussion ensued.

No action taken.

ADJOURNMENT: There being no further business to come before the Commission, Kerry Kent, Chairman asked for a motion to adjourn the meeting.

"Yolanda Sepulveda made a motion to adjourn."

Seconded by Bill Howell
Motion carried unanimously.

APPROVAL: PASSED AND APPROVED this 7 day of March, 2006, on motion duly made by Roger Smith and seconded by Yolanda Sepulveda and carried.

Kerry Kent, Chairman