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

Tuesday, April 5, 2005  

TIME & PLACE: The Planning & Zoning Commission of the City of Truth or Consequences, New Mexico, held a Public Hearing in Commission Chambers, on Tuesday, April 5, 2005, at 5:30 P.M.  

PRESIDING OFFICER: Kerry Kent, Chairman opened the Public Hearing with reading the Legal Notice as follows:  

NOTICE is hereby given that the Planning & Zoning Board will hold a Public Hearing on Tuesday, April 5, 2005 at 5:30 P.M., in the Commission Chambers 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:  

1. Special Use Application for a dwelling adjacent to Main Street at 406 Main Street, Wm. Charles Bennett and Marcia H. de Chadenedet.  

2. Variance Application – Permanent amusement enterprise within 500 feet of any residential zoning district, 122 Broadway, PowerHouse! YEO, Inc.,  

SPECIAL USE APPLICATION - BENNETT  

Kerry Kent asked if there was anyone in the audience that would like to speak for this Special Use Application.  

Mr. Bennett approached the podium and stated they were requesting permission from this board to use their commercial property at 406 Main Street as a residence. He stated that right now it is his place of business as well as their residence.  

Mr. Bennett stated he is a freelance writer, he writes for the New Mexico Magazine and other magazines. He stated he asked that copies of the February issue of New Mexico Magazine be distributed to the board, and there is an article in there that he wrote called “Health wealth in New Mexico”, about the history of T or C. He stated he is identified as a writer residing in T or C at the end of that article.  

Mr. Bennett stated they bought the building in March of 2002 and he is using what used to be the show room of the E. H. “English” Frigidaire and Delco light appliance store as his place of business, his writing business, and they are living in the rest of the building. He stated he bought a City of Truth or Consequences Business License and now he will pay in New Mexico Gross Receipts Tax for his writing business.  

Kerry Kent asked if there was anyone else in the audience that would like to speak for this Special Use Application.  

David Packard approached the podium and stated he is the owner along with his partner Paula Maslowski of the new coffee place, “Coffee T or C”.  

Mr. Packard stated he just wanted to say that in his opinion when it comes to a mixed use, personal, private property rights should be a part of the judgment. He stated he feels that what they do with their building is very strongly in his belief they should be able to do what they want. He stated Mr. Bennett has been a good neighbor and bought coffee from him.
Marcia de Chadenedet approached the podium, and stated that she would like to make sure that the Board knows that they have a high regard for the quality of commercial buildings and have no intention of altering the interior from its business purpose use, and have in mind when the business district in T or C becomes more busy they are planning on it available for business, but this is not the long-term final use for the building.

Mr. Kent asked if there was anyone who would like to speak against the Special Use Application.

There being no response Mr. Kent stated they would move on.

Kerry Kent, Chairman stated the board would be tabling the Variance Application so he would close the Public Hearing.

Public Hearing was concluded at 5:45 P.M.
APPROVAL OF AGENDA:  
Kerry Kent, Chairman called for approval of the Agenda as amended.

"Yolanda Sepulveda made a motion to approve the Agenda as amended."

Seconded by Roger Smith.  
Motion carried unanimously.

APPROVAL OF MINUTES:  
Kerry Kent, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, March 1, 2005.

"Bill Howell moved to approve the minutes of the Regular meeting held Tuesday, March 1, 2005 as submitted."

Seconded by Roger Smith.  
Motion carried unanimously.

HOME OCCUPATION LEVEL III APPLICATION - MERTA:  
Kerry Kent, Chairman asked if Mr. Merta was in attendance.

Mr. Merta approached the podium and stated he was a licensed Psychologist, and he was requesting a Home Occupation Permit Level III to continue the practice "Rio Grande Psychological Services", which is basically a family centered behavioral health practice.

Mr. Kent stated he went to this address and asked Mr. Merta where he planned on constructing the restrooms and the offices. He asked if it was along the side where the carport was, toward the street.

Mr. Marta stated no it was actually the opposite direction toward the chain link fence and toward the river.

Further discussion ensued.

"Bill Howell made a motion to approve the Home Occupation Level III Application submitted by Rod Merta."

Seconded by Yolanda Sepulveda.  
Motion carried unanimously.

SPECIAL USE APPLICATION - BENNETT:  
Kerry Kent stated this application was heard in the Public Hearing and he wished everyone would write a letter to the Commission explaining the exact use as this application had, it made things a lot easier.

Mr. Kent stated he feels what Mr. Bennett is doing is in keeping with the realm of what they are wanting to do with the downtown area as far as residency and the public use of the buildings. He stated he is all for people who want to live there, fix them up, and run a business in them.

Discussion ensued.

"Roger Smith made a motion to approve the Special Use Application submitted by Charles Bennett and Marcia H. de Chadenedet and submit it to the City Commission for their consideration."

Seconded by Bill Howell.  
Motion carried unanimously.

VARIANCE APPLICATION - POWERHOUSE! YEO, INC:  
Kerry Kent asked Chris Nobes if item number five, Variance Application submitted by Powerhouse! YEO, inc. needed to be tabled.

Mr. Nobes stated yes because the application was incomplete.
"Kerry Kent made a motion to table the Variance Application submitted by Powerhouse! YEO, Inc."
Seconded by Roger Smith.
Motion carried unanimously.

**VARIANCE OF STREET APPLICATION — PERON:**

Kerry Kent asked if there was anyone present to speak to the issue of the Variance of Street Application.

Sophia Peron approached the podium and stated she and her husband Nicholas are talking about Curry Street, which is on the north side of their property at 411 McAdoo.

Mr. Kent stated he has one question that probably the Public Utility Board would address. He stated there is a utility pole there in the back corner.

Ms. Peron stated the utility pole is not connected to anything. She stated it should actually be removed because it is unsightly.

Further discussion ensued.

"Yolanda Sepulveda made a motion to approve the Variance of Street Application submitted by Nicholas and Sophia Peron and submit it to the Public Utility Advisory Board for their consideration."
Seconded by Bill Howell.
Motion carried unanimously.

**SUMMARY REPLAT — MacROBERT:**

Kerry Kent asked if there was anyone present to speak to the issue of the Summary Replat.

Anthony MacRobert approached the podium and stated he is the son of Gladys MacRobert. He stated the home at 613 Birch was built in the 1930’s and when it was built, it was built on zero point. He stated that when this was built there was not anybody around so they really did not care. He stated it has not been until this past year that the neighbors built a fence that went right up to the wall of the house.

Mr. MacRobert stated the neighbors have three Pit Bull dogs that are right there by the picture window toward the north end of the residence. He stated they asked the next-door residence if they would be willing to sell five feet to create a buffer zone, which they are in agreement with, and that is what they are asking the Commission permission to do.

Mr. Kent asked Mr. Nobes, whenever they buy just a strip of land, unless they are going to make it part of theirs, can they have it just as the south five feet of that lot.

Mr. Nobes stated they would be in affect splitting Lot 18 that is why it has to come before this Commission. They would be re-platting lot 18 and then he assumed the Assessor would assess it along with Lot 17 on the tax rolls, but it would still be represented as the south five feet of Lot 18, it would still keep that designation.

Further discussion ensued.

"Yolanda Sepulveda made a motion to approve the Summary Replat submitted by Gladys MacRobert."
Seconded by Roger Smith.
Motion carried unanimously.
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 3 day of May 2005, on motion duly made by Roger Smith and seconded by Yolanda Sepulveda and carried.

Kerry Kent, Chairman