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

Tuesday, April 7, 2009

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, April 7, 2009 at 5:30 P.M. in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

1. Variance – Historic neon sign over a public sidewalk, 410 Austin Street – C-1 Zoning District – Blackstone Hot Springs

Rob Wheeler approached the podium and explained why he was requesting the Variance.

Gina Kelley, Director of Tourism approached the podium and spoke in favor of the Variance.

There were no opponents in attendance.

Chris Nobes stated the application was complete and Staff had no problem with the application.

Bill Howell, Chairman closed the Public Hearing.

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

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

Absent:

Also Present:

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

"Joey Perry moved approval of the Agenda."

Seconded by Viola Bonner
Motion carried with Commissioners Howell, Bonner, Foerstner, Perry & Ruffini voted aye.

APPROVAL OF MINUTES: Bill Howell, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, March 3, 2009.

"Joey Perry moved to approve the minutes of the Regular meeting held Tuesday, March 3, 2009 with a correction on Page 5, first paragraph, third line which should read "sixteen meetings".

Seconded by Raymond Ruffini
Motion carried with Commissioners Howell, Bonner, Foerstner, Perry & Ruffini voted aye.

COMMENTS FROM THE PUBLIC: None.

VARIANCE – BLACKSTONE HOTSPRINGS: Joey Perry stated she was curious about the purpose of the variance, and she heard Mr. Wheeler say that the variance was because it extends over the sidewalk. She stated she just wants to confirm with Staff that that is the only reason for the variance, it’s not because of the sign or the location or the height or the lighting or anything else.

Chris Nobes stated that is correct, the section from the Zoning Code says "no sign shall be constructed within any public right-of-way or sidewalk, nor shall any portion of any sign extend onto or over a public right-of-way or sidewalk unless a specific exception is provided for elsewhere in this article."

Discussion ensued.

Mr. Nobes read from Section 11-13-2.9 B and stated Staff would recommend that they consider that section allowing a variance for design excellence as well.

Further discussion ensued.

"Joey Perry moved approval of the Variance submitted by Blackstone Hotsprings with the following findings of fact to the City Commission for their consideration:

1. That the variance does not impair an adequate supply of light and air to adjacent property, and does not unreasonably increase traffic in public streets, and does not increase the danger of fire or endanger the public safety, and does not deter the orderly and phased growth and development of the community, and does not unreasonably impair established property values within the surrounding area, and does not in any other respect impair the public health, safety and general welfare of the City, and does not constitute a spot zone and therefore adversely affect adjacent property values, and;"
2. That the sign is in keeping with the historic nature of the
downtown and age of the hotel, keeping with the neon from the
era of the original apartments, and;

3. That the sign will be a benefit to tourists, and visitors to the
community so that they can very easily see the location of the
sign which will help promote tourism and positively impact the
community, and;

4. That the sign will be within the parameters required by the
Zoning Code and the Sign Code, and;

5. That the sign will be at least eight feet above the sidewalk
level.

Seconded by Lee Foerstner
Motion carried with Commissioners Howell, Bonner, Foerstner,
Perry & Ruffini voted aye.

"Joey Perry moved approval of Resolution #35-08/09 recognizing
Building Inspector Chris Nobes."

Seconded by Raymond Ruffini
Motion carried with Commissioners Howell, Bonner, Foerstner,
Perry & Ruffini voted aye.

RESOLUTION
#35-08/09
RECOGNIZING
BUILDING
INSPECTOR
CHRIS NOBES:

Bill Howell presented the resolution to Chris Nobes and wished him
well, and thanked him for all his service to the Planning and Zoning
Commission and to the City of Truth or Consequences.

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

APPROVAL:
PASSED AND APPROVED this 5 day of ____________,
2009, on motion duly made by Joey Perry, and
seconded by [______] and carried.

Bill Howell, Chairman