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, May 5, 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. Special Use – for two (2) dwelling units adjacent to Date St., 811 N. Date St. – Honore Hackett
2. Zone Change – From R-3 to R-1 for lots 18, and 70 through 75, Sierra Vista Addition, W. Sixth Street – City of Truth or Consequences

Dwaine Solana, Building Inspector explained to the Commission that Item No. 2 needed to be removed from the agenda due to the Public Hearing Notice being incorrect. He stated the Zone Change should have read “From T-1 to R-1”, therefore needed to be removed.

Steve Dougherty approached the podium and explained why he was requesting a Special Use Application.

Dwaine Solana stated that due to transition he was not aware this was going to be on the agenda so he went out today to look at the property and see what was actually there. He stated he took some pictures that are not in the packet because he just took them today.

He stated the only issues he really saw was the back alley was in pretty sad shape as far as weeds, trash, and the units where the hot water heaters are supposed to go. He stated he did not go inside the property, but there are some issues as far as clean-up.

He stated he would make recommendations that the property be cleaned before any special use permit is issued.

Mr. Dougherty stated this property has been empty since July of 2008 and he got the word to get it all cleaned-up and he will have it done by this weekend. He stated the hot water closet closures are going to be latched shut because only two of the hot water heaters were going to be in use, and asked if he needed to dismantle them or just lock them up.

Mr. Solana stated they needed to be taken down because even the structures that they are in are almost a fire hazard, they are not built out of the correct material, they haven’t been maintained and they are really a safety issue.

He stated he would like to see the ones that are going to be used be rebuilt or brought up to some kind of code because he’s not sure but he thinks they could be a fire hazard.

Mr. Solana stated the conditions he would recommend is that the property be cleaned, the units where the hot water heaters are installed be removed because they are falling apart and are a fire hazard.

He stated he would also like to do an inspection of each of the units before a special use permit was issued.
Joey Perry asked of the entire property was up to code, if there were any code violations on the property other than the weeds and what was earlier identified. She stated she saw in the alley a white building or attachment that looked like it was to close to the alley and she wasn’t sure if it was in the set-backs of the alley or what the purpose of the white building was or whether it needs to stay there or not.

She stated she also had concerns about the application, because it seemed to her that the application wasn’t complete. She stated the application submission requirements say they need to have dimensions of the property and there are no dimensions on this application.

Ms. Perry stated the application says parking needs to be identified, and she doesn’t see in the rough drawing of the building any parking or anything.

She stated vehicle circulation; she doesn’t know what’s going on with vehicles. She stated she knows either previous owners or maybe this owner, but the prior manager had said that they wanted to allow vehicles in there but right now it’s kind of fenced off and there’s other stuff in there that doesn’t make it look like its set up for vehicles.

She stated the submission requirements also say that there needs to be a lighting plan, signage plan, drainage, site, and a grading plan. She stated that since it’s already developed she doesn’t think they really need a grading plan, the drainage plan probably not either but she is not certain about that so that’s something the building inspector would know more about than she would.

She stated she thinks they need to have at least a more detailed site plan than what they had that does list dimensions and identifies parking and she would be curious about lighting as well and the signage.

Ms. Perry stated she was concerned because it didn’t seem to her that they had a correct, a complete submission. She stated that additionally the special use permit application just says that the reason that they were applying for it is “Special Use Application.” She stated that’s not a description of the project, to her a description of the project would say, “to convert two unit within this complex to residential.” She stated that would be more of a description of the project.

She stated that she noticed that with the special use there are three different types of dwellings or residential units that could be allowed, or special permits requested for, one is called a “Dwelling Unit”, that item number one under the special use permit section under C-1, the other one is apartments, with a ten unit maximum, and then the third one is for town houses in which the R-2 zoning requirement apply. She stated it wasn’t clear to her from the application which one of these special use applications they were requesting.

Ms. Perry stated she was asking for a more complete application and clarification on making certain that the property doesn’t have any code violations in addition to the ones that have already been identified and she was specifically concerned about the white building in the back and how it might be to close to the alley.

After discussion of the Commission it was decided to continue this public hearing item for a Special Use Permit to the June 2, 2009 regular meeting to give the building inspector, and the applicant an opportunity to address the above mentioned concerns.
Bill Howell, Chairman stated the second item on the public hearing is not going to take place this evening so he will close the Public Hearing.

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

Tuesday, May 5, 2009

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 5th day of May, A.D., 2009 immediately following 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:

Dwaine Solana, 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.

"Viola Bonner moved to approve the agenda with the following amendments.

1. Remove Item Number 4 and continue it with the public hearing to the June 2, 2009 meeting.
2. Remove Item Number 5 because the public hearing on this item was cancelled."

Seconded by Lee Foerstner
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, April 7, 2009.

"Joey Perry moved to approve the minutes of the Regular meeting held Tuesday, April 7, 2009 as submitted.

Seconded by Viola Bonner
Motion carried with Commissioners Howell, Bonner, Foerstner, Perry & Ruffini voted aye.
COMMENTS FROM THE PUBLIC:

None.

SUMMARY REPLAT - ASHBAUGH CONSTRUCTION CO, INC:

Randy Ashbaugh approached the podium and explained to the Commission that he was asking for the Summary Replat to make an adjustment in the survey which was done in error.

Dwaine Solana, Building Inspector stated that Staff recommends approval of this summary replat and stated this does not affect any utility connections and both properties have road frontage.

Discussion ensued.

"Lee Foerstner moved approval of the Summary Replat submitted by Ashbaugh Construction Co. Inc., and submit it to the Public Utility Advisory Board for their consideration."

Seconded by Raymond Ruffini

Joey Perry stated she just remembered what the City Manager asked them last month that when they make motions if they could identify some of the reasons for making their motions and she thinks it's especially important that they make them when they go to the City Commission, and this one doesn't, but she would refer this Commission to Page 5 of the City Zoning Code that identifies the seven different things that this Commission is supposed to look at. She asked if this Commission wanted to look at her seven different things or just refer to them so that Hazel can put them into the notes. She asked if this was appropriate.

Lee Foerstner stated he would say that since there was a mutual agreement between Randy and the school system and that staff doesn't have objections to it in fact approves of it, all the safety requirements and easements have been honored, and that this Commission go ahead and approve it.

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

SUMMARY REPLAT - BARTOO SAND & GRAVEL, INC:

Robert Montgomery approached the podium and explained to the Commission he was asking for the Summary Replat to enlarge the property at 1907 S. Broadway.

Dwaine Solano, Building Inspector stated that they have met all the requirements and Staff recommends approval.

Discussion ensued.

"Lee Foerstner moved approval of the Summary Replat submitted by Bartoo Sand & Gravel, Inc., and submit it to the Public Utility Advisory Board for their consideration."

Seconded by Raymond Ruffini

Motion carried with Commissioners Howell, Bonner, Foerstner, Perry & Ruffini voted aye.
ADJOURNMENT: There being no further business to come before the Commission, Bill Howell, Chairman called the meeting adjourned.

APPROVAL: PASSED AND APPROVED this _____ day of __________, 2009, on motion duly made by __________, and seconded by __________ and carried, as follow(s): 

Bill Howell, Chairman