January Roberts, 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 7, 2013 at 5:30 P.M. in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

January Roberts, Chairman, administered the oath to Bobby Middleton, Don Gustin, Jeff Lawlis, Sara Roybal, Yarrow Dankert, and Dean Brock.

1. Los Arcos Steak House – Variance Application to reinstall damaged billboard that is 1.3 miles from I-25, Exit 75 off ramp.

Bill Slettom, Community Development Director, gave his staff presentation regarding the Los Arcos Variance Application.

Proponents:

Bobby Middleton approached the Commission, and explained why he submitted the Variance Application for the Los Arcos Steak House billboard.

John Saridan asked, on the NMDOT sheet that was submitted to the Commission, it reads that the billboard is located at .323 South, of mile post 0, shouldn’t it read 1.3 miles?

Bill Slettom, Community Development Director, stated if it’s .323 miles from mile marker 1 than its .3 plus the 1 mile.

John Saridan stated it reads mile post 0.

Bill Slettom, Community Development Director, noted that the property Mr. Saridan is referring to is the Milton Teston property, not the property that is being discussed at tonight’s meeting. The letter Mr. Saridan is referring to is a letter to one of the adjacent property owners of Mr. Middleton’s property.

Jeff Lawlis stated, under the ordinances, there is not another ordinance in the State of New Mexico that has an arbitrary distance from anything, 1 mile concerning signs, or any other business enterprises. The 1 mile is arbitrary toward businesses that happen to be within the mile opposed to the businesses that are out of range of a mile.

Now, in the City ordinance, under section 1, it states: Street billboards may only be located within 1 mile of the end as defined by the State Department of Transportation of an Interstate ramp. On the section from the State, which is adopted from the Federal and State in 1963 on Section 18-21-5-16 the most distance you have to allow on any interchanges, or intersections is 500 ft. There is nothing in any ordinance from the State, or Federal Beautification Act that has 1 mile. Mr. Lawlis believes billboards help business, the community, and they also bring in revenue.
Opponents:

None

2. William Howell, President of Land, Inc.; Special Use Permit to make a partial living quarters in the Commercial Building at 407 N. Broadway.

Bill Slettom, Community Development Director, gave his staff presentation regarding the Special Use Permit.

January Roberts, Chairman, asked if they are able to address the Special Use Permit if Mr. Howell is not present.

Juan Fuentes, City Manager, noted that it is to the P & Z Commission’s discretion whether or not they will allow the presentation to proceed without Mr. Howell being present. If they decide to postpone the Special Use Permit, then we will be able to carry it on to next month’s meeting.

January Roberts, Chairman stated that she feels Mr. Howell should be present at the meeting due to the fact that the commercial building is his property. She also stated she would like to postpone the Special Use Permit until next month’s meeting, so that Mr. Howell can be present.

Proponents:

Sara Roybal stated she is leaving town, and is not going to have her business in T or C anymore, and will be leaving by the end of the month.

Opponents:

None.

3. Yarrow Dankert—Special Use Permit to make a partial living quarters in the commercial building at 400 N. Broadway.

Bill Slettom, Community Development Director, gave his staff presentation regarding the Special Use Permit for Yarrow Dankert.

John Saridan asked if there was parking in the alley.

Proponents:

Yarrow Dankert stated that she is requesting to put up a partition wall to create a living quarter in her building. She has two people partially interested in purchasing, or renting her building since she closed her business, and both are interested in having a residential space in the back of the building. As far as parking goes, there is a patio in the back of the building, and it’s a relatively small space that has a large sliding gate of which you can pull a car into.
James Jacobs asked if the public will have access to the bathrooms.

Ms. Dankert stated if they have to put a new bathroom in front of the residential wall they will, but as of now they are only required to have a bathroom if you have a restaurant with a certain number of tables. As of now the current bathroom will have a shower/bath added at some point in time, but that will be up to the individuals that live there and/or have the commercial space to allow the public to use the bathrooms.

January Roberts, Chairman, stated that Dr. Dean Brock is on the title so they need to confirm that he agrees with the changes that will be made to the property.

Dr. Dean Brock stated he owns the business next to the 400 N Broadway building, and he has an owner finance contract with Yarrow. Dr. Brock stated that he is all in favor of the changes if it helps promote the sale of the building.

January Roberts, Chairman, stated they will now close the Public Hearing, and move onto the Regular Meeting.
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 May, 2013.

The meeting was called to order by January Roberts, Chairman, and Angela A. Torres acted as Secretary.

Upon calling the roll the following members were reported present:

January Roberts, Chairman
James Jacobs, 2nd Vice-Chairman
John Saridan, Member

Absent:

Joey Perry, Vice-Chairman

Also Present:

Juan Fuentes, City Manager
Bill Slettom, Community Development Director
Robbie Travis, Building Inspector
Angela A. Torres, Deputy City Clerk

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

January Roberts, Chairman, called for approval of the Agenda.

"John Saridan moved approval of the Agenda as submitted."

"James Jacobs moved approval of the Agenda with the removal of item #7."

"James Jacobs moved that they close the first motion to exclude item #7 from the agenda, and proceed with the second motion."

Seconded by John Saridan
Motion carried unanimously.

"John Saridan moved approval of the Agenda with the removal of item #7 until next month's meeting."

Seconded by James Jacobs
Motion carried unanimously.
January Roberts, Chairman called for approval of the Minutes of the P & Z Workshop Tuesday, March 19, 2013."

"James Jacobs moved approval of the Minutes of the P & Z Workshop Tuesday, March 19, 2013 as submitted".

Seconded by John Saridan
Motion carried unanimously.

Rhonda S. Brittan, of Black Cat's Books & Coffee approached the podium and expressed why she is in favor of business owners living in the same residence as their businesses.

Bill Sletton, Community Development Director, gave his staff presentation regarding the Alternate Summary Procedure to rectify the problem of 314 Kopra having been built on the property line with 820 W. 4th St.

"James Jacobs moved to recommend to City Council that they approve the Alternate Summary Procedure submitted by Rhonda S. Brittan, and Jay J. Ellerbroek."

Seconded by John Saridan
Motion carried unanimously.

January Roberts, Chairman, stated that one of the things that the Planning & Zoning Commission learned in a training they recently attended is that if they are voting on a subject matter they are able to go into a closed executive session to deliberate together as a Board.

January Roberts, Chairman, stated that the Planning & Zoning Commission, and Robbie Travis, Building Inspector, will be moving to the 'Red Room' for a Closed Executive Session.

"John Saridan moved that the Commission go into Closed Session for the Los Arcos Steak House Variance Application."

Seconded by James Jacobs
Motion carried unanimously.
January Roberts, Chairman re-opened the Regular Meeting.

January Roberts, Chairman, called Bobby Middleton, and Don Gustin to the podium.

January Roberts, Chairman, stated that the issue the P & Z Commission has, is that in the application form, item number 2, it states: Variances shall not be granted in such cases where it would adversely affect adjoining properties, impair establishments, property values, or endanger public safety. They understand the new sign is going to be stable, but they are concerned about the house next to the sign.

January Roberts, Chairman, asked if Mr. Middleton was willing to move his sign 20-25 ft. from the property line, taking it away from the house, and making it a little bit safer for the neighbors.

Bobby Middleton asked if it is in the code that he moves his sign.

January Roberts, Chairman, stated that Mr. Middleton is within code.

Bobby Middleton stated that it will devaluate his property if he moves the sign.

January Roberts, Chairman, stated that they understand that, but they are concerned of the neighbor’s safety.

Don Gustin of SW Signs asked if the Commission’s concern was that the sign may to fall onto the neighbor’s house.

January Roberts, Chairman, stated that Mr. Middleton is in compliance with all of the setbacks, but they have to be fair to the property behind him, because there is a residence there.

Bobby Middleton asked if there were any complaints about his sign.

January Roberts, Chairman, stated they didn’t come tonight to object to the matter, but that’s a concern that they have.

Bobby Middleton stated if the property owner was at tonight’s meeting to make a complaint about the sign, then he would consider moving it, but he does not want to ruin his property to possibly protect his neighbor’s property. When the sign fell down the first time, it did not damage the neighbor’s home.

“James Jacobs moved to approve the Variance Application as written.”

“James Jacobs voted aye”
“January Roberts, Chairman, voted aye”
“John Saridan voted nay”

Motion carried.

Recorded by January Roberts
SPECIAL USE PERMIT - YARROW DANKERT - SPECIAL USE PERMIT to make a partial living quarters in the commercial building at 400 N. Broadway.

DISCUSSION/ACTION - Yarrow Dankert — Special Use Permit to make partial living quarters in the commercial building at 400 N. Broadway.

"John Saridan moved to approve the Special Use Permit for Yarrow Dankert to make partial living quarters at 400 N. Broadway."

Seconded by James Jacobs
Motion carried unanimously.

EXPIRATION OF BOARD MEMBERS:
January Roberts, Chairman, stated that Joey Perry has resigned from the Planning & Zoning Commission, and they are accepting her resignation.

Juan Fuentes, City Manager asked that Chairman Roberts, and Mr. Jacobs, submit a new application if they wish to continue to serve another term on the Planning & Zoning Commission, and then those applications will be submitted to the City Commission for approval.

OLD BUSINESS: None.

NEW BUSINESS: January Roberts, Chairman, stated that the City had sent John Saridan, Joey Perry, and herself to a Workshop last Thursday in Albuquerque, and it was taught by Randy VanVleck. They learned a lot, and they are going to be practicing some new procedures during the Planning & Zoning meetings. The Planning & Zoning Commission will be doing site visits at the beginning of regular meetings, and they will also be utilizing closed sessions.

ADJOURNMENT: There being no further business to come before the Commission, January Roberts, Chairman, called for a motion to adjourn the meeting.

"John Saridan moved to adjourn the meeting"

Seconded by James Jacobs
Motion carried unanimously.

APPROVAL: PASSED AND APPROVED this __________ day of __________, 2013, on motion duly made by __________________, and seconded by __________________, and carried.

January Roberts, Chairman