Bill Howell, Chairman stated he wanted to amend the Agenda to remove the Public Hearing portion of the meeting because it was not necessary to have a Public Hearing on the Summary Replat submitted by J. G. Mims Trust. He stated this matter does not require a Public Hearing.

PLANNING & ZONING COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
REGULAR MEETING  
Tuesday, June 2, 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 2nd day of June, A.D., 2009.  
PRESIDING OFFICER:  
The meeting was called to order by Bill Howell, Chairman. Mary B. Penner acted as Secretary.  
ATTENDANCE:  
Upon calling the roll the following members were reported present:  
Bill Howell, Chairman  
Lee Foerstner, Member  
Joey Perry, Member  
Raymond Ruffini, Member  
Absent:  
Viola Bonner, Vice Chairman  
Also Present:  
Jaime Aguilera, City Manager  
Mary B. Penner, 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 stated she has a question about the agenda because she remembered that at last months meeting they talked about having the item at 811 N. Date Street continued to this meeting. She stated it doesn’t look like there was a notice for Public Hearing and she doesn’t see it on the agenda for today. She asked if they needed to amend the agenda to include that item or do they just not address it at this meeting.  
City Manager Aguilera stated yes he would suggest they amend the Agenda to include that item today. He stated that if this Commission includes something that was not advertised as being on the agenda they can not take action on it, but there is discussion that he would like to have with this Commission about that particular issue. He stated if they would add it as the first item on the agenda so that they can let the applicant on their way, and then they can continue with the rest of the agenda.
“Lee Foerstner moved to amend the Agenda to add the following item as a discussion item only.

Special Use – for two (2) dwelling units adjacent to Date Street – 811 N. Date Street – Honore Hackett.”

Seconded by Joey Perry
Motion carried unanimously.

“Joey Perry moved to approve the Agenda as amended.”

Seconded by Raymond Ruffini
Motion carried unanimously.

Bill Howell stated this item was for discussion only so he would ask for discussion.

City Manager Aguilera stated he would like to give this Commission a report. He stated first off he wanted to say that the Building Inspector is no longer working for the City as of last Friday. He stated that Hazel Peterson as they could see was not present and she has been out because her husband is ill so she has been out quite a bit and because of those two peoples absences they missed the fact that the Commission had requested that this item be on the agenda. He stated he did have a visit from the applicant this morning in which she reminded him about the meeting and he explained to her that the people that were supposed to have put it on there were not available. He stated he told her he would go out and look at the property to see how ready they were and then he might ask this Commission to hold a special meeting since it was not their fault that it didn’t get on the agenda.

Mr. Aguilera stated he went out and did the inspection at about 1:30 today, the owner was there and the owners’ representative was there, and both of them are present at this meeting.

He stated as it turns out they are not ready with the issues that the Commission had brought up at the last meeting and they did not have a problem with waiting to another full commission meeting. He stated Honore Hackett was present and that they have done some work, they’ve cleaned all of the rear property, took all the brush and trees out. They took out the water heater closets and replaced them with rebuilt ones. There’s only one water heater that’s actually out there, they tore down that white building that Commissioner Perry had a question about. They’ve closed off some of the windows on the back and they’re in the process of putting in new doors.

He stated that one of the things that they don’t have is they don’t have a dimension site plan and he also asked them to put the parking spaces they plan to have for that building and then write a written description of what it is that they are requesting which is as he understands is living quarters on the second floor of the front building and living quarters in unit number ten of the hotel type building, and commercial spaces in the rest of them. He stated he will prepare a set of conditions of approval once he gets a copy of the plans and bring it to the next meeting.

He stated the only other thing is he would ask Ms. Hackett to confirm that they are willing to wait thirty days or unless they want a meeting sooner she can request that of this Commission.

Ms. Hackett stated the thirty days would be fine.
Bill Howell, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, May 5, 2009.

“Joey Perry moved to approve the minutes of the Regular meeting held Tuesday, May 5, 2009 with corrections.”

Seconded by Lee Foerstner
Motion carried unanimously.

None.

City Manager Aguilera stated there is one clarification he would like to make first and that is there seems to be some confusion that this might have been a zone change and it is not. He stated it is a division of one piece of land into two pieces of land. He stated it’s being done through the summary replat procedure instead of the normal platting procedure because that’s the way it was filed. He stated he went through the file and he made a copy of the summary replat procedure.

Mr. Aguilera went through this procedure and explained how this item pertains to or does not pertain to this summary replat procedure.

He stated this has been noticed to the property owners surrounding the property and there are people in the audience in response to that, however a summary replat procedures does not require public notice. He stated they received notice and they got the extra than what they normally would have received which is no notice at all except in the news paper.

Mr. Aguilera stated that the meeting could be opened up to comments from the public and not necessarily public hearing comments.

Bill Howell asked if this would leave one parcel land locked without access to public highway.

Mr. Aguilera stated he thinks the applicant needs to prove that somehow that lower parcel does have a point of contact with the state highway.

John Pollard with Donohue Land Surveys approached the podium and stated the first concern about the frontage for the south lot; it does front on Highway 51 at the little portion that jets out at the bottom of the survey. He stated there is frontage for both lots. He stated Tract B fronts on Highway 51 and Tract A fronts at two places on Highway 179.

Discussion ensued.

Joe Torres approached the podium and stated he has property on 3rd Street and he thinks they made it very clear in answering the questions he was asked. He stated that when they go ahead and plat that it’s going to be very simple, if they said the utilities aren’t available then that wouldn’t affect his neighbor and the other neighbors there because there isn’t utility capacity for a big commercial. He stated that is the only thing that he would say.

Neil Brown approached the podium and stated his concern is they don’t have the commercial defined and in the future if they were to say, well we want this much of it to be commercial, since it isn’t defined there’s nothing precluding them doing that. He stated he thinks that needs to be firmed up just exactly what real estate is commercial. He stated he understands it can’t be changed, that it’s already been zoned now but they can put boundaries it.
Mr. Aguilera stated as he said this is not a zoning procedure so it would not be appropriate, but if at any time in the future anyone wants to develop any property whether it’s this property or anything else, and there is a lack of clarity as to where that zoning line is then it’s required to come to the City Commission and the Planning & Zoning Commission to establish where that boundary is, but for what is being done tonight that is not necessary.

“Joey Perry moved approval of the Summary Replat into the two parcels according to the map as described with the following conditions:

1. To record that there are not utilities available and if utilities are made available it would be at the expense of the property owner and would not need approval from the City’s Public Utility Board because this is outside the cities public utilities area.
2. Zoning determination will need to be made before development can occur on this property.

Seconded by Raymond Ruffini
Motion carried unanimously.

BOARD APPOINTMENTS/ RE-APPOINTMENTS: Bill Howell stated there is a memo stating that Viola Bonner is no longer interested in serving on the Board and that Raymond Ruffini and Joey Perry are interested in serving another term.

“Lee Foerstner moved to accept the resignation of Viola Bonner and recognize her ten years of service on the Planning & Zoning Commission.”

Seconded by Joey Perry
Motion carried with Commissioners Howell, Foerstner, Perry & Ruffin voting aye.

“Lee Foerstner moved to re-appoint Joey Perry to serve another term on the Planning & Zoning Commission and submit to the City Commission for their consideration.”

Seconded by Raymond Ruffini
Motion carried with Commissioners Howell, Foerstner, & Ruffin voting aye.

“Lee Foerstner moved to re-appoint Raymond Ruffini to serve another term on the Planning & Zoning Commission and submit to the City Commission for their consideration.”

Seconded by Joey Perry
Motion carried with Commissioners Howell, Foerstner, & Perry voting aye.

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

APPROVAL: PASSED AND APPROVED this 7th day of July, 2009, on motion duly made by Lee Foerstner, and seconded by Joey Perry, and carried.

Bill Howell, Chairman