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 3rd day of June, A.D., 2008.

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

Upon calling the roll the following members were reported present:

Bill Howell, Chairman  
Viola Bonner, Vice Chairman  
Lee Foerstner, Member  
Joey Perry, Member  
Raymond Ruffin, Member

Absent:

Also Present:

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

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

Bill Howell, Chairman called for approval of the Agenda.

"Viola Bonner moved approval of the Agenda."

Seconded by Raymond Ruffini  
Motion carried unanimously.

Bill Howell, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, May 6, 2008.

"Lee Foerstner moved to approve the minutes of the Regular meeting held Tuesday, May 6, 2008 as submitted."

Seconded by Raymond Ruffini  
Motion carried unanimously.

Bill Howell, Chairman called for review and approval of minutes of the Special meeting of Tuesday, May 20, 2008.

"Viola Bonner moved to approve the minutes of the Special meeting held Tuesday, May 20, 2008 as submitted."

Seconded by Lee Foerstner  
Motion carried unanimously.

Tom Rowe approached the podium and stated he represents a lot of the kids growing up in town that are participating in motor cross racing. He stated they have 26 that are actually involved in it right now and they are traveling a couple hundred miles every time to go to different events. He
stated they were wondering if our local complex was going to put something in that they can call a home base and race here.

He stated he knows they want to make money and there is quite a bit of money made at these things. He stated they pay twenty five dollars per race, most kids race more than one class, they pay a fifteen dollar entry fee, a twenty dollar practice fee, and spectators pay five dollars per day so it can be a very lucrative business and they would love to have one here.

Mr. Rowe stated Socorro is the closes track and politically it got shut down. He stated the track was actually doing very well financially. He stated he is good friends with the owner and he would love to come here and try to promote and help out with one here.

He stated everything that he has read in the paper doesn’t mention motor cross and we really need stuff to keep the kids busy, which range anywhere from eight to thirty who are participating in this.

Steve Faykus approached the podium and explained that the reason for the summary replat was to pull the 2.7 acres and get rid of the adjoining house that is on one acre. He stated that he would like to cut off one acre with the house on it so the house could be sold. He stated the rest of the acreage has been converted into a pomegranate farm.

Joey Perry asked Chris Nobes if this was a Type I or a Type II Summary Replat. She asked if it was the section that applies, Alternate Summary Procedures Section 15-15.

Chris Nobes stated correct and it’s a parcel that has not been previously sub-divided.

Ms. Perry stated then that would be Option 2, sub-division of previously unsub-divided land. She stated that it looks like the requirements there say that in order to use this procedure both lots created have to have direct legal unobstructed access to an existing city maintained approved street with curb, gutter and sidewalk. She asked if Turtleback Avenue was existing paved with curb, gutter and sidewalk.

Mr. Nobes stated it is not paved, it is an existing right-of-way, but no there is not pavement, curb or gutter.

Ms. Perry stated that Item C says that both lots to be created have direct unobstructed legal access to existing city water, and wastewater lines and the applicant indicated that they were on septic.

Mr. Nobes stated private well, that is correct.

Ms. Perry stated that Item D says the person that files needs to file with the City a letter of credit for funds adequate to pay to connect both lots to the cities water and wastewater lines or pays the city funds for connecting both lots to the cities water and wastewater lines. She asked if they were doing that, and if they’re not then how can this be a summary replat.

Mr. Nobes stated that this is a case where not every one of those conditions applies and we have seen these in the past. He stated these requirements were written anticipating a typical city setting with paved streets, blocks, and divided into lots. He stated there would have to be some interpretation if you wanted to apply this section, but you see the boundary survey plat, there is a small dashed line across the south portion of each of the lots which in fact represents a correction which,
again that would be in fact a part of the decision this evening. He stated that somehow the street itself and with the new survey it was found that the boundary line did not line up with the street itself so the surveyor moved that south boundary of both lots to adjoin the public right-of-way.

Ms. Perry asked if the surveyor could do that unilaterally.

Mr. Nobes stated that nothing counts; this is just a piece of paper until it’s recorded, and it won’t be recorded unless they have the approval from this Commission, so it’s just part of the application basically. He stated that any of these plats are just simply pieces of paper until they’re approved and recorded. He stated that if this Commission wished to approve this boundary adjustment would be included.

Ms. Perry asked if there was some other procedure besides the Summary Replat procedure that could be used for this split.

Mr. Nobes stated we do have and this Commission has seen sort of a mini sub-division where a parcel has been divided in the past and didn’t qualify for this one time split and you do in fact seen two lot sub-divisions. He stated that if they needed to they could reconfigure their application and apply as a sub-division with two lots in it that would be the other alternative.

Lee Foerstner asked Chris Nobes what the city’s position was along Turtleback Avenue, have the Commission approved splits like this before on city property, or overall in the city.

Mr. Nobes stated that throughout the city yes this Commission has approved these summary replats in the past. He stated that we are all aware of the condition of the road over there, it’s not particularly wide and it’s probably unsafe slow fire response time. He stated there are some issues with the road over there, there’s no question of that.

Mr. Foerstner stated that what he is concerned about is the sub-division down the way, the neighbors around there if we allow this. He stated he wouldn’t be voting tonight because he’s not objective here, he travels that road once or twice a day and manage three properties down the way from the Faykus’ about a mile, and he is concerned about what’s going on over there and what the stance of the city is. He stated that if this Commission allows this will this then open the door to anybody else on Turtleback Avenue to expect to split their properties.

He stated that what he is concerned about is the condition of the road and until the bridge gets put in and the city paves that, the safety of that road with the extra traffic along it.

Steve Faykus stated he didn’t see the difference with one more house.

Mr. Foerstner stated that one more house today is…

Mr. Faykus stated that house has been there for years, and it has had a family in it before, it’s not a new deal. He stated all he wants to do is cut it off from his farm.

Mr. Foerstner asked Mr. Faykus if the acreage he has is it going to keep that in farming.

Mr. Faykus stated that is all agriculture, that’s what it is.

Mr. Foerstner asked if they put a stipulation on the other acreage, the 1.7 acres that it should stay agricultural then that would be alright.
Mr. Faykus stated that was kind of a weird stipulation but he doesn’t care this Commission can put on it what they want, it doesn’t matter to him. He stated he just doesn’t want the house on his farm.

Further discussion ensued.

“Raymond Ruffini moved approval of the Summary Replat submitted by Joseph, Patricia and Steve Faykus as submitted.”

Seconded by Viola Bonner
Commissioner’s Howell, Bonner, & Ruffini - aye
Commissioner Perry – nay
Commissioner Foerstner – abstained
Motion carried.

ELECTIVE PRE-APPLICATION
PROCEDURE – HOT SPRINGS LAND DEVELOPMENT:

Greg Neal from Hot Springs Land Development gave a presentation and power point on the Hot Springs Land Development, Subdivision Master Plan Conceptual Land Use Plan.

Discussion ensued.

“Raymond Ruffini moved approval of the Subdivision Master Plan Conceptual Land Use Plan submitted by Hot Springs Land Development as submitted.”

Seconded by Viola Bonner
Motion carried unanimously.

BOARD MEMBER TERM EXPIRATION:

“Joey Perry moved to reappoint Bill Howell and Lee Foerstner to another two year term on the Planning & Zoning Advisory Commission and submit to the City Commission for their consideration.”

Seconded by Raymond Ruffini
Motion carried unanimously.

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 July , 2008, on motion duly made by , and seconded by and carried.

Bill Howell, Chairman