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

Tuesday, August 3, 2010

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, August 3, 2010 at 5:30 P.M. in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

1. 1. Preliminary Plat- For subdivision to create a 6 lot subdivision of a 2.123 acre tract of land located in the southwest quarter of Section 34, Township 13 South, Range 4 East on the southwest corner of Joffre and Gold, and extending to Riverside Dr. There will also be 2 variance requests, one for sidewalk standards, and one for road width standards. Application is submitted by Braxton Merritt. (Continued from 7/06/10 Meeting)

Mr. Bill Howell, Chairman stated that as per City Manager Weiser they need to act on the two variance requests first before they go into the other part of the meeting.

Mr. Dave Weiser, City Manager came before the Commission and gave some background on some changes that they instituted with the land use department for the City of Truth or Consequences, and how they’re planning on treating land use requests in the future.

City Manager Weiser also went over the two variances with the Planning & Zoning Commission and the public.

City Manager Weiser stated that he would answer any questions the Commission may have on the two issues.

Mr. Raymond Ruffini, Member asked Mr. Weiser about the technical review committee. He wanted to know who the public would go to, to start the implementation of that.

City Manager Weiser stated they implement the process with the building inspector on land usage whether it’s a variance for a driveway size, or re-zone a piece of property, and anything that would need City response would go before the technical review committee. The committee reviews the proposal and submits their feedback to the proponents as to what they need to satisfy the City’s requirements to go forward with their proposal.

The commission asked Mr. Weiser what is the time line, and who is on the committee.

City manager Weiser stated that the time line is usually within a business week after they receive the proposal, and they call together the technical review committee, and the ones involved on the committee is depending on the proposal to ask or answer any questions that the applicants may have.
Joey Perry, Vice Chair stated she would like to commend Mr. Weiser for taking this step with the technical review committee.

City Manager Weiser asked if there were any questions on the two variances.

Mr. Howell Chairman stated that the commission would need to act and vote on the two variances prior to the public hearing.

City Manager Weiser stated that the two variances were discussed with the technical review committee.

Mr. Howell Chairman asked if there is any discussion on variance number one, relief for sidewalk standards.

Ms. Perry had a question about the relief for sidewalk standards regarding the property facing Joffre, Gold, and Riverside Drive down at the bottom where there is an existing house; does the variance apply to the sidewalk on Riverside as well for Joffre and Gold?

City Manager Weiser replied that he did not know if there was a variance request for that property on Riverside when it was built.

Mr. Howell Chairman asked if there was anymore discussion on the relief for sidewalk standards.

Mr. Foerstner had concerns about the run off onto the properties.

Mr. Foerstner requested that the easement be left in tact, and not to be made into a parking area for the people who are going to have the properties unless they put in sidewalks.

City Manager Weiser stated that there was not going to be any parking along the streets, and Mr. Merritt agreed to put up NO PARKING signs along the street, and that the parking is strictly to be on the property of the home owners.

City Manager Weiser also mentioned that there is going to be an easement behind the curb line, and they are going to install a square curb rather than a roll curb.

Mr. Howell Chairman asked if there was further discussion in regards to the sidewalks.

A member of the public asked the Commission if there was public input regarding the sidewalk variance.

The board agreed that the public could voice their opinion regarding the variances during the Public Hearing.

Mr. Howell Chairman asked whoever would like to speak during the public hearing please come forward to be sworn in.

Mr. Ruffinini had a question of his fellow board members before the public was sworn in.

Mr. Ruffinini was concerned that if there was a public hearing previously at the last meeting July 6, 2010 regarding the Braxton Merritt issue, and they closed the public comment, and postponed the decision then why was there another public hearing being held.

Ms. Perry replied by saying that they are re-opening the hearing due to
the fact that the application was changed to a preliminary plat as opposed to an alternate summary procedure.

Mr. Howell Chairman administered the oath to Neal Weeks, Susan Lynch, Brad Grower, Bill Hudgens, Joyce Hudgens, Byron Stephens, Braxton Merritt, and Anthony Gutierrez.

Mr. Howell Chairman asked if staff had additional presentation.

Mr. Howell Chairman stated that they will give the proponents the opportunity to make their presentation.

Mr. Braxton Merritt approached the podium and made a comment regarding the house on Riverside Drive that the Commission had concerns with.

Mr. Anthony Gutierrez approached the commission, and made a presentation regarding the fire hydrant, and he answered questions that the board had regarding the curbs and gutters, sidewalks, electric, drainage issues, and the home that is on Riverside Drive, and what precautions they are going to take to try and prevent flooding.

Mr. Howell Chairman asked if there were anymore proponents that would like to speak.

No comments were received.

Mr. Howell Chairman stated that they will move on to the opponents.

Brad Grower approached the podium and asked the Planning & Zoning Commission if they are in any way directly connected with the Merritt development outside of being on the commission.

The commission members replied that they have no financial conflict in any way with the Braxton Merritt development.

Susan Lynch approached the podium and expressed her disapproval of the Merritt development.

Neil Weeks approached the podium, and voiced his concerns regarding the Braxton Merritt development.

Joyce Hudgens approached the podium, and voiced her concerns regarding the Braxton Merritt development. Mrs. Hudgens provided the board with information regarding variances. (Complete copy attached hereto and made part hereof.)

The Board had concerns regarding the size of the fire hydrant, and if it had been approved by the Fire Chief.

City Manager Weiser stated that the hydrant is going to a 4 inch, and the location has been approved by the Fire Marshal.

Mr. Howell Chairman asked if there was any member from the public who would like to make a presentation concerning this issue, and no comments were received.

Mr. Howell Chairman closed the public hearing and moved onto the regular meeting with the addition of the two variances being added to the
There was a public hearing held prior to the regular meeting, and the proponents and opponents commented on the Preliminary Plat for Braxton Merritt.
APPROVAL OF MINUTES:  
Bill Howell Chairman called for review and approval of minutes of the Regular Meeting held Tuesday, July 6, 2010.

"Joey Perry moved approval of the minutes as submitted."

Seconded by Lee Foerstner. Motioned carried unanimously.

COMMENTS FROM THE PUBLIC:  
Joyce Hudgens approached the Commission, and asked if they had received a letter from the Fire Chief in regards to the width of the streets.

The commission received an e-mail from Mr. Paul Tooley, Fire Chief regarding the width of the streets.

Braxton Merrit approached the Commission with comments on sidewalk installation on his property, and also commented on the concerns for drainage.

Brad Grower approached the Commission to comment on the engineering.

"Lee Foerstner moved to post-pone the decision on the two variances due to the fact that the city did not give proper notice to the public."

Seconded by Joey Perry.

Mr. Ruffini asked his fellow Commissioners if they think the sidewalk issue is going to change at the next meeting.

Mr. Ruffini was concerned about the Commission postponing the decision on the Braxton Merritt application.

Mr. Howell Chairman stated they have to follow proper procedure.

There was discussion among the Commissioners regarding the delays on the Merritt application for the subdivision.

"Lee Foerstner, and Joey Perry moved to postpone the decision on the two variances."

Opposed Raymond Ruffini.

Motion passes.

Mr. Howell Chairman stated that there would be no point in discussing item #4 since the two variances were postponed.

City Manager Weiser had a few questions for the commission on whether or not the City needed to advertise the public hearing on the project itself or only advertise on the two variances.

Mr. Howell Chairman stated that the only public hearing that needs to be published is the two variances.

Mr. Ruffini and City Manager Weiser had discussion on multi family units.
ADJOURNMENT: There being no further business to come before the Commission, Bill Howell Chairman called the meeting adjourned.

APPROVAL: PASSED AND APPROVED this 3rd day of August 2010, on motion duly made by __________, and seconded by __________, and carried.

Bill Howell, Chairman