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

Tuesday, August 4, 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 4th day of August, A.D., 2009 at 5:30 P.M.

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
Joey Perry, Vice Chairman
Lee Foerstner, Member
James Jacobs, Member
Raymond Ruffini, Member

Absent:

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.

"James Jacobs moved to approve the agenda as submitted.

Seconded by Raymond Ruffini
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: None.

APPROVAL OF MINUTES: Bill Howell, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, July 7, 2009.

"Lee Foerstner moved to approve the minutes of the Regular meeting held Tuesday, July 7, 2009 as submitted.

Seconded by James Jacobs
Motion carried unanimously.

Bill Howell, Chairman called for review and approval of minutes of the Special meeting held Thursday, July 16, 2009.

"James Jacobs moved to approve the minutes of the Special meeting held Thursday, July 16, 2009 as submitted.

Seconded by Lee Foerstner
Motion carried unanimously
Variance – Sierra County Administration Office.

Bill Howell, Chairman opened the Public Hearing for a Variance Application – to install an 8' x 12' non-illuminated aluminum face sign, 16" to bottom at 855 Van Patten, T or C – Sierra County Administration Office and stated anyone wishing to make a presentation would be sworn in.

Bill Howell administered the Oath to Don Gustin at which time Mr. Gustin stated he would make his presentation after staff presentation as the representative for Sierra County.

Bill Howell asked Mr. Aguilera if he had a presentation.

Mr. Aguilera stated there is an application by the County of Sierra, who has moved into a new set of offices and they have a need to advertise their location and they have requested a local sign company to prepare the variance because the sign is higher than allowed in that zone. He stated the maximum height in that area to the top of the sign is 12 feet, the sign is 16 feet to the bottom of the sign plus the 8 feet to the top so it is much higher than allowed in the zone, however there are extenuating circumstances which is what's required by the code. He stated the code requires that extenuating circumstances be present which in this case happens to be the topography of the area. He stated there is topographical difference between the street, which is where they would want to advertise to, and the location of the property, and that alone is a good reason for granting of a variance.

He stated there is a Planning & Zoning Resolution which indicates again that topography of the property is located several feet below the street level and therefore a sign as allowed by the city codes would not have similar visibility as other signs in the same zone which means that because of the property topography if we enforce the code, which is 12 foot high the sign would not be visible and therefore this property would be at a disadvantage compared to other properties in the area.

Don Gustin from Southwest Sign Service approached the podium and stated he believes they established this as a major street which is 18 feet to the top.

James Jacobs stated it is 12 feet, the address is Van Patten, it's 16 feet to the top, he stated he's the new guy so he did his homework.

Mr. Aguilera stated in either case it would be to low.

Mr. Gustin stated the building is 14 foot to the eave of the building and they wanted to set it close to the building and put it a couple of foot higher so it's not right on the building itself. He stated they are going to keep it within about 4 foot of the corner.

Discussion ensued.

Bill Howell stated there were no opponents present so apparently the neighbors were okay with the sign.

Bill Howell, Chairman closed the Public Hearing and stated they would move on to deliberation and discussion of the Variance Application.

Variance – Sierra County Administration Office.

"Lee Foerstner moved approval of the Variance Application, Resolution No. P&Z 02-09/10 submitted by the Sierra County Administrative Office
and submit to the City Commission for their consideration with the correction of "to be 23 feet high" to read "to be 24 feet high."

Seconded by James Jacobs
Motion carried with Commissioners Howell, Foerstner, Jacobs, Perry and Ruffini voted aye.

Jaime Aguilera discussed two resolutions one being the existing resolution and one being the proposed resolution and he tried to make it as easy to follow as possible by redlining some additions and he would go through the redlined version.

Review and explanation of each of the changes ensued.

Discussion ensued.

"Lee Foerstner moved approval of the proposed changes of a resolution establishing appropriate fees for miscellaneous zone ordinance permits as allowed by Ordinance 570 and repealing Resolution Number 32-06/07 with the correction on page 2 "Copies of Minutes on Tape" to "Copies of Minutes" and submit to the City Commission for their consideration."

Seconded by Joey Perry
Commissioners Howell, Foerstner and Perry voted aye
Commissioners Jacobs & Ruffini voted nay
Motion carried.

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

APPROVAL: PASSED AND APPROVED this 6th day of October, 2009, on motion duly made by James Jacobs and seconded by Lee Foerstner and carried.

Bill Howell, Chairman