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, September 7, 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. Two variance requests- For subdivision to create a 5 lot subdivision of 2.123 acre tract of land located in southwest quarter of Section 34, Township 13 South, and Range 4 east on the southwest corner of Joffre and Gold, and extending south to Riverside Dr. Application is submitted by Braxton Merritt. (Continued from 8/03/10 Meeting)

Mr. Howell, Chairman administered the oath to Neal Weeks, Joyce Hudgens, Sandra Cushman, Bill Hudgens, Byron Stevens, Braxton Merritt, and Anthony Gutierrez.

Mr. Dave Weiser City Manager came before the Commission and went over the staff report dated July 15, 2010. (Preliminary Plat Braxton Merritt), and the staff report dated August 30, 2010 B. Merritt Rezone which went over the two variance requests. Relief from road width standards of 36', and relief from side walk standards. (Complete copy attached hereto and made part hereof.)

The Commission had questions for Dave Weiser, City Manager regarding the staff report, and City Manager Weiser addressed concerns that the Commission had.

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

Anthony Gutierrez approached the podium to address any concerns the Commission might have, and to also address the concerns City Manager Weiser mentioned while presenting the staff report.

Mr. Howell Chairman asked of there were any opponents that would like to speak.

Neal Weeks approached the podium with his concerns of the two variance requests.

Joyce Hudgens approached the podium with her concerns of the two variance requests.

Sandra Cushman approached the podium with concerns regarding the roads not being widened.

Eve Elting approached the podium with concerns of the development causing traffic in the neighborhood.
Mr. Howell, Chairman administered the oath to Brad Grower.

Brad Grower approached the podium with concerns of several promises being made and those promises not being followed through with.

Mr. Howell, Chairman administered the oath to Kim Audette.

Kim Audette approached the podium with concerns regarding appeals.

There being no further comments the Public Hearing was closed.

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

Tuesday, September 7, 2010

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 7th day of September, A.D., 2010 immediately following the Public Hearing.

PRESIDING OFFICER: The meeting was called to order by Bill Howell, Chairman. Angela A. Torres 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

Absent: None.

Also Present:

Dave Weiser, City Manager
Charlie Friberg, Building Inspector
Angela A. Torres, Deputy 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 requested there be a few modifications to the agenda for the September 7, 2010 Planning & Zoning meeting.

Item #5 is listed "For subdivision to create a 5 lot subdivision of 2.123 acre tract of land." And the subdivision has 6 lots. She requested the agenda be changed from a 5 lot subdivision to a 6 lot subdivision.
Joey Perry also requested that on item # 7 the variance for relief from sidewalk standards and the variance for road width standards be taken as separate action items as opposed to having them both together.

City Manager Dave Weiser stated that #5 the discussion action item is not on the subdivision it is on the two variances. One for the street width, and the other for the sidewalks, and # 7 is the discussion on the Preliminary plat.

"Joey Perry moved approval of the agenda with the two changes being made."

Seconded by Lee Foerstner
Motion carried unanimously.

APPROVAL OF MINUTES: Bill Howell Chairman called for review and approval of minutes of the Regular Meeting held Tuesday August 3, 2010.

"Joey Perry moved approval of minutes as submitted."

Seconded by James Jacobs
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: Brad Grower approached the podium, and thanked the commission for being diligent in the process with the Braxton Merritt application.

STAFF PRESENTATION: There was no further presentation from City Manager Weiser than what was presented in the first section of the meeting

DISCUSSION / ACTION VARIANCE REQUESTS: 1st variance request relief from street width standards of 36' road width to a 26' road width.

"Joey Perry made a motion to recommend approval of the variance to a 26' road width to the City Commission as long as the Public Utility Board confirms it."

Seconded by James Jacobs.

Lee Foerstner stated that he agreed with the recommendation made by Fire Chief Paul Tooley in a letter submitted to the Planning & Zoning Board. Fire Chief Tooley stated that he recommend the road be widened to 36' for safety reasons. (Complete copy of Fire Chiefs Paul Tooley's letter attached hereto and made part hereof).

Motion carried with Commissioners Howell, Perry, & Jacobs voted aye
Opposed was Lee Foerstner.

2nd variance request relief from sidewalk standards.
"Joey Perry recommended denial of relief from sidewalk standards due to multiple reasons."

James Jacobs stated that the rest of the neighborhood does not have sidewalks so he did not see the need for sidewalks to only be on Braxton Merritt's property.

Lee Foerstner stated that he would rather have the road widened than have sidewalks put in.

Commissioner Bill Howell stated that although sidewalks would be nice to have he does not see them as being a necessity.

"Lee Foerstner made a motion for approval of the variance for sidewalk standards."

Seconded by James Jacobs.

Motion carried with Commissioners Howell, Foerstner, & Jacobs voted aye

Opposed Joey Perry.

"Lee Foerstner made a motion for approval of the Preliminary Plat to create a 6 lot subdivision."

Seconded by James Jacobs.

Joey Perry stated that she would like to have discussion on the Preliminary Plat.

Joey Perry also stated that she would like to discuss potentially putting in a condition to require installation of a few stop signs on the corner of Gold & Joffre, to help protect public safety.

Commissioner Bill Howell stated that the Planning & Zoning Commission cannot require stop signs be put in, as that has to go through the City of T. or C.

Joey Perry requested that the Board recommend to the City Commission that two stop signs, or yield signs be put in at the City's expense. One on Gold heading south, and the other on Joffre heading west where it intersects with Gold, to slow down traffic.

"Joey Perry also requested that the motion of approval for the Preliminary Plat be amended with the following stipulations:

#1 The Electric Department would like to see the power lines run east on Joffre and south on gold rather than in the easement on the west side of the property.
#2 Retention ponds need to be removed from the easement on the west side of the property.
#3 The Solid Waste Department requires that the 5 vacant lots be supplied with Polly carts for solid waste disposal.
#4 The City would require that NO PARKING signs be erected by the developer.
#5 The City Staff would require that the developer install a fire hydrant at the location identified by the water distribution of fire departments.
#6 Recommendation to the City Commission that the Stop signs, or yield signs be installed.
Lee Foerstner agreed to amend his motion to include the stipulations made by Joey Perry.

James Jacobs seconded the amended motion.
Motion carried unanimously.

Lee Foerstner made a motion to consider the resignation by board member Raymond Ruffini.
Seconded by James Jacobs.
Motion carried unanimously.

Joey Perry made a motion requesting that City staff send a letter to Mr. Ruffini expressing the Boards appreciation for the services that he has rendered to the Planning Commission, and the City.
Seconded by Lee Foerstner.
Motion carried unanimously.

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

PASSED AND APPROVED this 5th day of October, 2010, on motion duly made by Bill Howell, and seconded by James Jacobs and carried.

Bill Howell, Chairman