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

Tuesday, October 3, 2006

The Planning & Zoning Commission of the City of Truth or Consequences, New Mexico, held a Public Hearing in the Commission Chambers, 405 W. Third, on Tuesday, October 3, 2006, at 5:30 P.M.

Chairman Adam Polley entertained a motion to go into Public Hearing.

"Yolanda Sepulveda made a motion to go into Public Hearing."

Seconded by Bill Howell
Motion carried unanimously.

Adam Polley, 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, October 3, 2006 at 5:30 P.M., in the Commission Chambers 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

1. Special Use Application – Residence adjacent to Broadway, East part Lot 2, South part Lot 3, Block 104, Original Townsite, 217 – 219 Broadway, T or C – Angela Tese and Michael Milne
2. Variance Application – To reduce one required front setback from 25 feet to four feet, double frontage lot, R-2 Zoning District, Lots 12 – 14, Block B, Brown Addition – 802 Poplar Street – Tracy Ball

Adam Polley, Chairman asked if there was a representative that would like to speak to the Special Use Application for 217 – 219 Broadway.

Ms. Angela Tese Milner approached the podium and was administered the Oath. Ms. Milner stated that she and her husband would like to purchase the building at 217 – 219 Broadway, which is a commercial building with two storefronts. She stated they would keep the one half of the building that is presently rented, rented, and then what they would like to do is in the second half of the building have the front space of the building as an art gallery. She stated that in the back of the building they would like to have a residence for their selves running the art gallery, and they would like to build up to the second floor in the back of the building as well. She stated the second floor addition would probably not be visible from the front of the street. She stated she loves the architecture on Broadway, so it would be a stucco structure that would conform to the second floor buildings that are already on Broadway.

Ms. Tese stated they would have a gallery in Long Island, NY, which they will run in the summer, and the gallery in T or C. She stated that one of their ideas is to have an exchange of artists from the two communities, so they are asking for permission to have a residence in the back half of one half of the space built up on the roof and then have the gallery in front.

Mr. Polley asked if there was anyone else who would like to speak in favor of this application.

There was no response.
Mr. Polley swore in Chris Nobes and asked if, he had any additional information or a recommendation on this issue.

Chris Nobes, Building Inspector stated that this application appears to be in order and they have seen several of these in recent months, because a dwelling unit adjacent to Broadway is a Special Use within a C-1 Zoning District.

He stated that it’s a little strange in that the buildings footprint covers almost the entire property, which does happen in commercial districts. He stated the existing building fills almost the entire parcel, so the proposal to add a second story is in order, and those are building code issues, the separations of the residential from the commercial part of the building.

Mr. Nobes stated his recommendation is to recommend approval of this Special Use Application to the City Commission for their consideration.

Mr. Polley asked if the Commission had any questions on this issue.

Bill Howell asked which building this was on Broadway.

Ms. Tese stated it was the building that had Pesky Pelican in one side and Household Finance in the other side, opposite the Barbecue Restaurant.

Bill Howell asked if they already own this building

Ms. Tese stated no they are in contract.

Mr. Polley asked if there was anyone in the audience to speak against the Special Use Application of 217 – 219.

There was no response.

Adam Polley, Chairman asked if there was a representative that would like to speak to the Variance Application for 802 Poplar.

Ms. Tracy Ball approached the podium and was administered the Oath. She stated she owns the property but her parents live there and she is just trying to see if they can keep the carport up.

Adam Polley asked if the Commission had any questions.

Bill Howell asked how long the carport has been there.

Ms. Ball stated about seven or eight months.

Adam Polley asked if it was put there without knowing what the actual zoning was.

Ms. Ball stated yes they put it up and then was told that it was to close or not far enough away.

Bill Howell asked if it was in front of the house towards Poplar.

Ms. Ball stated it was on the side of the house.

Bill Howell asked if it was going to go to four feet of her property line.

Ms. Ball stated yes, but where the embankment was you can still see
around it and everything, but the main embankment is from the stop sign.

Yolanda Sepulveda asked how far from the road is the actual columns or studs holding the carport up.

Ms. Ball’s mother Josie Ball stated it was about ten to fifteen feet, but it doesn’t obstruct the view at all.

Chris Nobes stated he’s sure that Tracy is telling this Commission her understanding of it, and in fact, her parents live at that house. He stated that in his experience he did visit with the parents, they asked about a carport, and he explained this setback requirement. He stated their existing house just does meet the setback on the two sides. He stated he did explain to her father that this proposed carport would be a violation.

Mr. Nobes stated that she may not have known when they did order it or put it up, but in fact, they went ahead and put it up anyway. He stated he cautioned them about it, they understood that it was not permitted in that location.

Bill Howell asked if this was blocking any view of the traffic.

Chris Nobes stated this structure does not.

Adam Polley asked if there was any safety issue when it comes to traffic.

Chris Nobes stated no.

Yolanda Sepulveda asked where they go into the carport.

Ms. Ball stated they go in through the back off the alley.

Bill Howell asked Chris Nobes how he felt about this.

Chris Nobes stated that as Staff he would recommend denial. He stated there are requests like this quite often, that property owners want to do certain things and the City has codes that prohibit certain things. He stated he tried explaining that there were other options, such as in the back yard somewhere.

He stated that as Staff he would recommend denial of the application.

Bill Howell asked Ms. Ball if they could move the carport.

Ms. Ball stated that if they have to, she would have to move it.

Adam Polley asked Chris Nobes if he can depending on the action of this Commission in regular session, he stated he would feel a little bit more comfortable understanding if he would go out and measure and see if there was any obstruction.

He stated this might be something they might look at a little more closely when these requests come up, but his concern is traffic safety issues, and if it does impede that in any manner.

Adam Polley asked if there was anyone in the audience to speak against the Variance Application of 802 Poplar.

There was no response.

Adam Polley asked if there was any comment from the public on this issue.
Josie Ball stated that if it wasn't for the drop off she could understand it, but since there is a drop off and there is no obstruction of the view.

Adam Polley entertained a motion to close the Public Hearing.

"Yolanda Sepulveda moved to close the Public Hearing."

Seconded by Roger Smith

Motion carried unanimously.

There being no further response Mr. Polley closed the public hearing at 5:50 P.M.

PLANNING & ZONING COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
REGULAR MEETING
Tuesday, October 3, 2006

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 3rd day of October, A.D., 2006 immediately following the Public Hearing.

PRESIDING OFFICER: The meeting was called to order by Adam Polley, Chairman and Hazel F. Peterson acted as secretary of the meeting.

ATTENDANCE: Upon calling the roll the following members were reported present:

Adam Polley, Chairman
Roger Smith, Vice Chairman
Viola Bonner, Member
Bill Howell, Member
Yolanda Sepulveda, Member

Also Present:

Jaime Aguilera, City Manager
Chris Nobes, Building Inspector
Hazel F. Peterson, Deputy City Clerk

Absent:

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

APPROVAL OF AGENDA: Adam Polley, Chairman called for approval of the Agenda.

"Bill Howell moved to approve the Agenda as submitted."

Seconded by Viola Bonner

Motion carried unanimously.

APPROVAL OF MINUTES: Adam Polley, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, September 5, 2006.

"Viola Bonner moved to approve the minutes of the Regular meeting held Tuesday, September 5, 2006 as submitted."
Seconded by Roger Smith
Motion carried unanimously.

Adam Polley, Chairman called for review and approval of minutes of the Workshop held Tuesday, September 20, 2006.

"Yolanda Sepulveda moved to approve the minutes of the Workshop held Tuesday, September 20, 2006 as submitted."

Seconded by Bill Howell
Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

Chari Spears approached the podium and stated she was here regarding the Summary Replat for Marshall Street. She stated she lives at 900 Marshall and she just wants to say what they are doing is expanding their company, putting growth into this town. She stated her husband owns CMC Construction and they are expanding so much they need more property to put his equipment on.

Don Gustin approached the podium and read a letter. (Complete copy attached hereto and made a part hereof.)

SPECIAL USE APPLICATION – TESE & MILNE:

"Bill Howell made a motion to approve the Special Use Application for 217 – 219 Broadway, and submit it to the City Commission for their consideration."

Seconded by Yolanda Sepulveda
Motion carried unanimously.

VARIANCE APPLICATION – BALL:

"Yolanda Sepulveda moved to deny the Variance Application for 802 Poplar because the Ball’s were told the carport could not be placed on the side of the house without first going through the variance application process and submit it to the City Commission for their consideration."

Seconded by Viola Bonner
Bill Howell abstained.
Motion carried.

SUMMARY REPLAT – CITY OF TORC:

Bill Howell asked Chris Nobes if the proposal was that the City wants to sell the Spears 5.732 acres.

Chris Nobes stated yes, the State transferred this 70 + acre parcel from the original Carrie Tingley property to the City and part of that was that it be used for industrial purposes. He stated that this 5 + acre tract was broken out and surveyed back in 1995 and it seemed quite convenient since it adjoins their existing parcel, and already has an existing survey. He stated it was put out to public bid and the Spears offered the highest price for it.

Mr. Nobes stated this does stop here with this Commission, and they can make it a summary replat, which is breaking one parcel off one time from a larger parcel, which can be done with this streamlined process.

He stated there are several easements across the property, and as Staff, he would recommend that if this commission desires to give conditional approval tonight this should go to the Public Utility Advisory Board. He stated that just within the last couple of days they discovered the documentations of those easements and electrical line, water line and some hot water drainage, and they didn’t have time to get it into this packet tonight, but this Commission could recommend approval conditional upon approval by the Public Utility Advisory Board and the proper documentation of those easements.
Adam Polley asked if the sale included those easements and right-of-ways.

Chris Nobes stated yes, they would be maintained, the Veteran’s Home would like very much for them to be maintained.

Bill Howell asked if they have utilities going to their property.

Chris Nobes stated that it’s city power lines, and then there is a well down at the river and it pumps up onto the Veteran’s Home property and that water line is documented as an easement.

Mr. Nobes stated his recommendation is to recommend approval of this Summary Replat conditional upon approval by the Public Utility Advisory Board.

"Bill Howell moved to approve the Summary Replat for 880 Marshall Street with the condition that it would go before the Public Utility Advisory Board for their approval."

Seconded by Roger Smith

Motion carried unanimously.

PROPOSED SIGN ORDINANCE:

The motion to deny the Proposed Sign Ordinance dies for the lack of a second.

"Yolanda Sepulveda moved to approve the Proposed Sign Ordinance with the exception of Page 11, 11-13-2.5 — Off-Premises Signs, A, 3, Distance. “The content of the off-premise sign may be goods, services, or another business that are located no farther than ½ mile from the host building”, be made to read “located no farther than the east boundary of T or C, or the west boundary of T or C, or the north boundary of T or C, and the south boundary of T or C.”"

Seconded by Bill Howell

Motion carried with 3 ayes

Roger Smith voted nay with the raising of his hand.

ADJOURNMENT: There being no further business to come before the Commission, Adam Polley, Chairman asked for a motion to adjourn the meeting.

"Yolanda Sepulveda moved to adjourn."

Seconded by Bill Howell

Motion carried unanimously.

APPROVAL: PASSED AND APPROVED this 7 day of November, 2006, on motion duly made by Yolanda Sepulveda and seconded by Roger Smith and carried.

[Signature]

Adam Polley, Chairman
My name is Don Gustin, owner of Southwest Sign Service.

I stand in opposition to the proposed Sign Ordinance for several reasons

1. The business people attending the previous 3 P&Z workshops wanted the option to increase their signage by 50% if their building fronted on two or more streets, as per the exiting ordinance.
   a. Jamie stated that the extra signage was not necessary.
   b. I can’t think of any business owner who would not like, at least the option, to increase signage for their business.

2. Attendees also stated that they wanted the ability to advertise their business within a 5-mile radius, including businesses located at Elephant Butt.

3. In addition to the 5-mile radius, the attendees stated that they wanted off premises signs to include C-1 zoning, to allow advertising on the major and minor arteries.

4. Any signage that creates traffic through the business district can only benefit the community as a whole.

5. In my opinion, a standard dull brown and white state sign placed on the I-25 business loop would do little to encourage the traveler to visit the downtown district of T or C.

In conclusion, if you, the commissioners pass this ordinance, as is, without changing the zoning for off premises signs and or billboard to C-1 to allow the businesses of T or C to advertise on the major and minor arteries like 3rd and Main streets. Then the business community of T or C, as a whole, will have to hope that the tourist and traveler get lost and make their way to the downtown business district. This ordinance as it stands will not do justice to community of Truth or Consequences.

Thank you, for your time and consideration.