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

Tuesday, November 1, 2005

TIME & PLACE: The Planning & Zoning Commission of the City of Truth or Consequences, New Mexico, held a Public Hearing in Commission Chambers, on Tuesday, November 1, 2005, at 5:30 P.M.

PRESIDING OFFICER: Kerry Kent, Chairman opened the Public Hearing with reading the Legal Notice as follows:

NOTICE is hereby given that the Planning & Zoning Board will hold a Public Hearing on Tuesday, November 1, 2005 at 5:30 P.M., in the Commission Chambers 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

1. Variance Application – to reduce size of lot required for horses in RR-1 zoning district from 1 acre to .734 acres, Armandaris Grant No. 33, Blk 2, Mims Subdivision, No. 4 – Section 11-9-6 (C) 7 City Zoning Code – 1614 N. Riverside, T or C – Thomas Neukirch.

Kerry Kent, Chairman asked if there was anyone who would like to speak against this variance?

Lucille Bjorkman approached the podium and stated her objection is if you redo this for one person, and he might only want one horse or one mule or whatever he’s planning on having, but if he sells and moves out the next person moves in and might want six or seven in there. He moved into the city knowing the city rules. She stated she doesn’t think it’s fair to the ones who have lived here all this time and put all the money into property improvements and you know as well as I do farm animals doesn’t upgrade property it brings it down. She stated she thinks Riverside could be one of the prettiest streets in the city. She stated they have the Rio Grande there, which is a protected river, and it is the forth-largest river in the United States, and they should want to improve it more than bringing it down.

Mr. Kent asked if there was anyone else that would like to speak against this variance. There being no response he asked if there was anyone who would like to speak for the variance.

Mr. Tom Neukirch approached the podium and stated that when his wife purchased the property 2 ½ years ago there was a misunderstanding. She asked because it was RR-1 zoning, rural residential, she had asked if it was allowed to have animals, and he said yes, but it probably wasn’t clarified or she wasn’t clear. He stated they didn’t understand there was a one-acre limitation.

Mr. Kent asked who it was she asked.

Mr. Neukirch stated it was Chris Nobes. He stated they talked to Chris about it and he explained to them the situation so they said okay we have to go through a variance to achieve what we are trying to achieve.

He stated he and his wife are mountain burro packers and they are really only asking for a variance for the two burros, that’s all they really want. He stated they don’t want horses, they don’t think the property is really big enough for horses. He stated two burros they can handle quite readily.
He stated they started constructing the corral and grading off the area and then they went down to talk to Chris about some other subject and this came up and they realized they had to get a variance so they just stopped everything, went around to their neighbors and asked them if they would concur an ordinance code as was required, and they did that.

He stated their situation right now is they are just waiting to see what the Board will decide for them, and hope they get their two burros, that’s all they are really asking for.

He stated in addition he has some adjoining neighbors with him that would like to reaffirm their concurrence.

Mr. Adam Sanchez approached the podium and stated he and his wife live right next to this place and they do not object to this. He stated that in fact they think it would be nice because they have kids and they like to look at animals and things like this. He stated he has been raised in the west, in fact he was raised up to the time he was eighteen here in this town. He stated he went to school here when this was a choir room for the high school, and he is used to animals, and horses, burros are not dirty animals, in fact in his opinion dogs a lot of times are more of a nuisance than animals like burros or horses. He stated he himself keep dogs so he’s not trying to pull down dogs or anything but he does not think that it would devalue the neighborhood or in any way cheapen it.

He stated that area is listed for animals if you have one acre. He stated that just because they are a little short of that, that should not limit them from keeping what others can, and there are other neighbors and other people on Riverside that have either horses or goats and those goats he thinks are a lot more destructive than burros would ever be. He stated if they are allowed he doesn’t see why the burros shouldn’t be allowed.

Mr. Herbert Fowler approached the podium and stated he lives across the street from Thomas and he has no objection to animals being there and as he drives down Riverside Drive, he has noticed that some of the people do have horses closer to Tom and he likes animals, and he has no objections to it.

There being no other comments Mr. Kent closed the Public Hearing at 5:45 P.M.
ATTENDANCE:

Upon calling the roll the following members were reported present:

Kerry Kent, Chairman
Roger Smith, Vice Chairman
Viola Bonner, Member
Bill Howell, Member

Also Present:

Hazel F. Peterson, Deputy City Clerk

Absent:

Yolanda Sepulveda, Member
Chris Nobes, Building Inspector

QUORUM:

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

APPROVAL OF AGENDA:

Kerry Kent, Chairman called for approval of the Agenda.

"Bill Howell made a motion to approve the Agenda as submitted."

Seconded by Roger Smith
Motion carried unanimously.

APPROVAL OF MINUTES:

Kerry Kent, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, October 4, 2005.

"Viola Bonner moved to approve the minutes of the Regular meeting held Tuesday, October 4, 2005 as submitted."

Seconded by Bill Howell
Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

None.

VARIANCE APPLICATION – NEUKIRCH:

Kerry Kent, Chairman asked Mr. Neukirch to approach the podium.

Mr. Kent stated the one-acre limit was set in the ordinances for a reason. He stated whenever they wrote the ordinances they talked to livestock people, and they recommended that if they were going to allow livestock, people should have a one-acre minimum.

He stated they have denied other applications less than one-acre. He stated burros bray, he can hear the ones from across the river all the time.

Mr. Kent stated he would like to get some input from the other board members on this, their feelings.

Mr. Howell stated personally he feels if they are going to maintain the integrity of the city and its ordinance he thinks they need to stick to that one-acre zoning code.

Ms. Bonner asked if he had a fence right now that made him think that he had it maybe for animals, did it appear like it to him when he bought the place?

Mr. Neukirch stated they actually had an original corral and there apparently was a misunderstanding when she bought the property 2½
years ago, she was under the impression they could have animals, which they can, but they can’t because they don’t have an acre, but in that rural residential area if you have one acre you can, so there was a miscommunication there.

“Bill Howell made a motion to deny the Variance Application to reduce size of lot required for horses in RR-1 zoning district from one-acre to .734 acres submitted by Thomas Neukirch.”

Seconded by Roger Smith
Motion carried unanimously.

Mr. Kent explained to Mr. Neukirch that if he wished he could take this before the City Commission at their next meeting if he wished to appeal this decision.

Mr. Neukirch asked if he could ask a point of clarification. He asked if he has available, an acre or more even though it’s not his particular property, but it’s adjoining his property, would that qualify.

Mr. Kent stated no.

Mr. Neukirch stated then it has to be an acre or more.

Mr. Kent stated yes.

Mr. Neukirch asked if he could lease ground of an acre or more and put burros on it.

Mr. Kent stated that if it was an acre or more he believes he would in the right to do that. He stated he believed he would have to check with Chris on that, but he believes if it is an acre or more then he would fall within the ordinance.

Mr. Neukirch stated then if he was leasing the ground, it’s not his, he’s leasing it...

Mr. Howell stated he personally feels that they probably needed to consult with the City Attorney concerning that. He stated he thinks the purpose of the ordinance was that they were supposed to own that acre, because that was just a way to get around that ordinance.

Mr. Kent stated they have the proposed ordinance from the City Attorney and this Board has been asked to change it from 20,000 to 15,000 pounds, and with the wording of “commercial” in there, that still allows the motor homes and private RV’s.

He stated the reason for this was that there were a lot of commercial vehicles that were under the 20,000 pounds and they could have gotten away with it.

Mr. Howell stated it makes total sense.

“Mr. Howell made a motion to amend the weight restriction in the proposed ordinance “Commercial Vehicle Restricted Access to Residential Streets.” Paragraph B from 20,000 pounds to 15,000 pounds and return it to the City Commission for their approval.”

Seconded by Roger Smith
Motion carried unanimously.
Mr. Kent stated this item was tabled at last month's meeting. He asked if everyone had thought about this over the last month.

He stated he sees that this is a benefit to the city. He stated he went around the city and looked and there are quite a few trailers, trucks, vehicles that are sitting on city streets that haven't been registered in three or four years.

"Roger Smith made a motion to submit this proposed ordinance Regulating the Parking of Vehicles on City Streets, Alleys, and Easements to the City Commission for their consideration."

Seconded by Bill Howell
Motion carried unanimously.

Mr. Kent stated he has a disc that Kerry gave them last meeting, and Roger was going to burn copies for everyone. He stated it's very informative. He asked everyone to remember this is from an airports viewpoint. He stated zoning of the airport is to keep it safe but also to benefit the city.

He stated he asked the City Manager if he would check into something about whether they need to actually have the property in the cities possession before it can be zoned or not. He stated he has been told that in one instance, because it's state property our zoning doesn't work, so they are going to get clarification on that.

Mr. Kent stated they might look at a zoning such as an overlay, instead of coming up with new zoning, maybe having a light industrial aviation commercial where all aspects of it will require a special use so everything done out there will be brought before the Planning & Zoning Commission. So we aren't just blanketing one set item because we’ve got permitted uses in every zoning. If they could come up with some wording and a zoning that will cover the whole area where everything comes before the Planning & Zoning Commission.

Doc Lanford approached the podium and stated he has with him his adjacent leases, his state leases, and maps of all the proposed annex, and information so they can fill the gap. He stated they will be able to understand by looking at the grazing allotments that he encompasses completely around the airport.

He stated there are two separate grazing leases, one that encompasses around the airport and then the annexation where it takes it to exit 89, he also has that lease.

Discussion ensued.

There was no action taken.

There being no further business to come before the Commission, Kerry Kent, Chairman asked for a motion to adjourn the meeting.

"Bill Howell made a motion to adjourn."

Seconded by Roger Smith
Motion carried unanimously.
APPROVAL: PASSED AND APPROVED this 20th day of December 2005, on motion duly made by Bill Howell and seconded by Larry Smith, and carried.

Kerry Kent, Chairman