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

Tuesday, December 5, 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 5th day of December, A.D., 2006 at 5:30 P.M.

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
Bill Howell, Member
Yolanda Sepulveda, Member

Also Present:

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

Absent:

Roger Smith, Vice Chairman
Viola Bonner, Member

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 Yolanda Sepulveda
Motion carried unanimously.

APPROVAL OF MINUTES: Adam Polley, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, November 7, 2006.

Chris Nobes stated that on Page 3 Paragraph 7 lines 2 & 5 the word "ridged" should be "rigid."

"Yolanda Sepulveda moved to approve the minutes of the Regular meeting held Tuesday, October 3, 2006 as corrected."

Seconded by Bill Howell
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: None.

FINDINGS OF FACT – VARIANCE APPLICATION – BALL: Bill Howell stated he understands from reading the Findings of Fact that Chris does not consider this to be a hazard in anyway to anybody or anything.
Chris Nobes stated that almost invariably the response would be positive.

Discussion ensued.

Yolanda Sepulveda stated she has a problem with the way this was all done. She stated the carport was built and then they asked for a variance and she has a problem with that.

Adam Polley stated right now their only issue was the Findings of Fact and not the variance, but he would also like to add to Yolanda’s comments that he believes that should be one of the Findings of Facts, because they did go to Chris and discuss that issue and he told them what the process should be.

He stated he thinks there is a concern that at least he has and he hopes he shares with Yolanda that the process wasn’t adhered to and he thinks that is very important in a Find of Fact is that everybody agreed that the process wasn’t followed. He stated that even the landowner and the people who put up the carport agreed the process was done wrong.

Mr. Polley stated he thinks what this document does for them is establishes what those facts are so that they can present them to the City Commission and they can make a decision.

He stated that his question to the other two members is do they want to add item #8 on the Findings of Fact that the process was not followed.

“Bill Howell moved to accept the Findings of Fact submitted by Chris Nobes with the addition of item #8 which would consist of the fact that the property owner was spoken to by Chris on several occasions prior to the building of the carport, and submit it to the City Commission for their consideration.”

Seconded by Yolanda Sepulveda.

Motion carried unanimously.

PROPOSED CHANGES TO THE ZONING CODE:

Chris Nobes stated that in 2001, a grant was obtained under the aegis of SCCOG and they had a consultant working with the Planning & Zoning Commission at that time and they basically went through the City Zoning Code and added, changed, and deleted certain sections. He stated that one change, which was made at that time, was changing the minimum setbacks for accessory buildings from an average of three feet from a various side or rear property line to match the required setbacks for primary structures, such as the house itself. He stated that there was a little bit of discussion at the time, but in fact, that change did pass and became a part of the new ordinance.

He stated that in the years since then it’s caused some discomfort with property owners trying to use various areas in their yards, and based on experience in these five years since that change it’s the Staff’s recommendation that this Commission consider perhaps reverting to that previous smaller setback for an accessory building.

Discussion ensued.

Adam Polley stated that his only concern with this is not necessarily by residential zoning but more on the terms of the ability to have the proper transportation ways and the ability for T or C to look at that and modify those transportation ways as needed as infill occurs overtime. He stated he guesses the proper way of saying it is the ability for the City to expand that road in width if it’s necessary overtime so that we can handle the volume of traffic. He stated that’s where he sees the real concern.
Further there. instances close Ms. Yolanda accepted. He set back the city Chris way. Yolanda time immediate recommendations Bill public them for done. recommendations this the this and Chris experience from traffic. lot they here, they's. They had some narrow roads and the city boxed themselves in there and they had to actually go out and either purchase or condemn which took a lot of time and money and actually take peoples property so that they could expand the roadways so that they could handle the volume of traffic.

He stated he doesn't know if this would be a great idea to do with residential zoning or in the alternative to look at roadways and perhaps maybe have some future planning about which ones are going to be major arterials and which ones are just going to be feeders.

Further discussion ensued.

Chris Nobes stated that these proposes are from Staff to this Commission and the scenario would be if this Commission feels they can discuss it at this meeting and propose an ordinance to be heard in public hearing at the next meeting. He stated that would be the procedure basically or if this Commission wanted another month to look at these recommendations and come up with their own or discuss it, that could be done. He stated that one scenario is either accepting these or modifying them to some degree and then proposing them as a proposed ordinance for the next meeting and there would be a public hearing at that time with public input and then based on that public hearing and the meeting it could be forwarded to the City Commission.

Bill Howell stated he feels they should go along with these recommendations at this time because he doesn't think this is an immediate threat for at least three generations if that, and as long as the property owner know he's property could be condemned at some point in time and paid fair market value he doesn't see a problem with it.

Yolanda Sepulveda asked Mr. Nobes if there was a reason it went all the way from twenty-five and twenty feet to three feet.

Chris Nobes stated that it was three, and the Consultant had some big city experience and he felt he was helping us reduce the possibility of congestion. He seemed to think we needed to maintain these large setbacks and there wasn't any opposition so that proposal passed.

He stated he was a little uncomfortable at the time with it but it was accepted.

Yolanda Sepulveda asked if there was a chance of it going to ten feet.

Mr. Nobes stated that this Commission can decide whether they want to go all the way back to three feet or a greater distance, it was totally up to them.

Ms. Sepulveda stated she thinks she agrees with Mr. Polley about how close three feet is to the road and how things can change rapidly in some instances and she thinks there needs to be just a little bit more property there.

Further discussion ensued.
"Bill Howell moved to table the proposed ordinance and for Chris to go back to Staff and discuss changing from three feet to five feet and to take the proposed ordinance to the Public Utility Advisory Board for their opinion of utilities."

Seconded by Yolanda Sepulveda
Motion carried unanimously.

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

PASSED AND APPROVED this _February_ day of 2006, on motion duly made by _Bill Howell_ and seconded by _Roger Smith_ and carried.

APPROVAL:

[Signature]
Adam Polley, Chairman