

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
MINUTES**

**MONDAY, FEBURARY 1, 2021**

**REGULAR MEETING**

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, via teleconference on Monday, February 1, 2021 at 5:30pm.

**CALL TO ORDER:**

The meeting was called to order by Vice-Chairman Sisney.

**ROLL CALL:**

Chris Sisney, Vice-Chairman  
James Bush, Member  
Steven Zeschke, Member

**ALSO PRESENT:**

Traci Burnette, Grants/Projects/Zoning  
Angela Torres, City Clerk-Treasurer  
Dawn C. Barclay, Deputy City Clerk

**1. APPROVAL OF AGENDA:**

Vice-Chairman Sisney requested a motion to approve the agenda.

**Member Bush made motion to approve agenda. Vice-Chairman Sisney seconded the motion.  
City Clerk Torres asked for a roll call vote.**

**Vice-Chairman voted aye.**

**Member Bush voted aye.**

**Member Zeschke voted aye.**

**Motion carried.**

## **2. APPROVAL OF MINUTES:**

- a. Regular meeting of Monday, January 4, 2021.

**Vice-Chairman Sisney made motion to approve minutes. Member Bush seconded the motion. City Clerk Torres asked for a roll call vote.**

**Vice-Chairman Sisney voted aye.**

**Member Bush voted aye.**

**Member Zeschke voted aye.**

**Motion carried.**

## **3. COMMENTS FROM THE PUBLIC: (3 Minute Rule Applies)**

No response from the public.

## **4. RESPONSE TO COMMENTS FROM THE PUBLIC:**

No responses were made to comments from the public.

## **5. NEW BUSINESS:**

- a. **Acknowledgment: Rick Dumiak Resignation Letter.**

City Clerk Torres advised the board the City was in receipt of Mr. Rick Dumiak resignation letter.

- b. **Reorganization: Chairman and Vice-Chairman.**

The voting for a new Chairman and Vice-Chairman will wait and go through the solicitation process through the City Clerk's office, which consist of posting an adverted request for the vacant position on the Planning & Zoning Commission board.

## **6. PUBLIC HEARING:**

- a. **Public Hearing/Discussion/Action: Summary Plat Amendment 300 N Maple Street.**

**Traci Burnette, Grants/Projects/Zoning:** Good evening Vice-Chairman and Members of the board. What you have before you, is a request from the property owner who would like to split the lot located at 300 N Maple into two lots. In your agenda packet you will find the google map showing the location of the property. There were public notices sent out to all parties within a 300 foot radius. Normally for a summary plat amendment it's only a 150 foot radius, however since we also have the variance on there, the variance requires 300 foot radius. All parties were covered. We also have the section of the Municipal Code showing what the commercial district would allow within the commercial district and you have a section of the Municipal Code letting you know that the standards are within that district as well. Splitting the lot does meet the required lot minimums for both lots, and you were given a utility verification, I apologize it did not make it into the agenda, there was a little delay.



All the utility information has been approved by our electric, water, wastewater, streets and myself. Wastewater did note, from what they can tell, the lot does show a tap and their suggestion is moving forward. If the property owner does vacate the property the owner may want to look at two separate taps at some point. However it's not a requirement, we just make sure that it fits within your "Findings of Facts" which is also included in your requirement packet. They must have an obstructed access to those utilities which they do. With that said, I will stand for the next question for the public hearing.

**City Clerk Torres:** At this time do we have any Proponents that would like to speak?

**Frank Luchini** – I would like to speak.

**City Clerk Torres:** I am going to do the oath. "Do you swear to tell the truth, the whole truth and nothing but the truth"?

**Frank Luchini** – I do.

**City Clerk Torres** – Please begin your presentation Mr. Luchini.

**Frank Luchini:** Thank you. I'm the property owner of 300 N Maple. I have applied for the summary plat and variance. I have met all requirements, I've submitted all my documents as requested by the City of TorC. I do hope it is approved by the Commission. That all I have.

**City Clerk Torres:** Would any of the board members like to speak at this time?

**Member Zeschke:** I was wondering about the sewer, are we going to have two separate water bills now? Two separate fees for the sewer? Because there are two buildings, are there going to be two sewers and two water bills.

**Frank Luchini:** Each dwelling is metered individually on the electric, water and the gas.

**Member Zeschke:** ok, just not the sewer.

**Traci Burnette, Grants/Projects/Zoning:** Vice-Chairman and Members of the board. So what you're looking at is to insure that the property split meets the "Finding of Facts" checklist. Which entails that it has an unobstructed access to water and sewer, which this property has unobstructed access to water and sewer. Whether the property owner decides to have two separate sewer taps, two separate water taps, and two separate electric meters. That is a decision made by the property owner. It doesn't have any bearing on whether or not the lot can be split. It has unobstructed access to all utilities.

**Member Zeschke:** If the property sells, is it still going to have one feed for two separate properties. I thinking he should have to put up some money and be split before we do all this.

**Traci Burnette, Grants/Projects/Zoning:** Vice Chair, Members of the board, I understand your concerns. For the Commission and your ruling on this, it's literally whether or not it meets the standards within the Municipal Code as stated by the "Finding of Facts". What's developed on the property has no bearing as to whether or not it meets the requirements within the Municipal Code the rest of it goes internally at the Planning & Zoning office.

**Vice-Chairman Sisney:** I would like to make a point, to the best of my understanding, the sewer fee is based upon your water usage. It's metered off of fresh water. That's how we base your sewer fee. It doesn't need to be metered on it own, it's included in his water bill.

**City Clerk Torres:** I have a quick question, do you want to do presentations on both of the opponents and proponents and then take action on both of them separately after both presentations or do you want finish with this one, do action, and then move on to the second portion?

**Traci Burnette, Grants/Projects/Zoning:** I can do whatever would make our Commission more comfortable.



**Member Bush:** I listen to all, Traci made a very good point, that it meets all the “Facts of Findings” this request. I am certainly going to say “aye” to this proposed amendment, because it meets the conditions as set forth and we can move forward on the variance. I don’t think there is any problems with Mr. Luchini trying to split these up according our current codes, regulations and the “Fact of Findings” checklist, which I have read and checked off, everything is up to code. There are all “No’s”. That’s my input right now.

**City Clerk Torres:** Would you like to make a motion for approval of amendment.

**Member Bush:** I make a motion to approve this amendment.

**City Clerk Torres:** Do we have a second?

**Vice-Chairman Sisney:** Second the motion, but wanted stated he had a concern about the property being sold in the future with a shared sewer line.

**City Clerk Torres asked for a roll call vote.**

**Vice-Chairman Sisney voted aye.**

**Member Bush voted aye.**

**Member Zeschke voted aye.**

**Motion carried.**

#### **b. Public Hearing/Discussion/Action: Variance Request 300 N Maple Street.**

**Traci Burnette, Grants/Projects/Zoning:** Thanks Vice-Chair and Member of the board. This part of the hearing is for the variance request at 300 N Maple. Our City Municipal Code Section 15-15 8. 2b, says both lots to create must have direct legal unobstructed access to existing city maintained and paved street, with curb, gutter and sidewalk. This street does not have curb, gutter and a sidewalk therefore applicant is requesting a variance. I will stand for any questions.

**City Clerk Torres:** Does anyone have any questions for Ms. Alvarez?

**Member Bush:** I have no questions.

**City Clerk Torres:** Do we have proponents?

**Frank Luchini:** I would like to speak. In that area there is curb but no sidewalk or existing gutter. Do to the surrounding property owner’s, there is no existing sidewalk anywhere else on the block and therefore could cause undue hardship on my part so I do request for this variance.

**City Clerk Torres:** Are there any other proponents that would like to speak? (No one answered). Do we have any opponents that would like to speak? (No one answered). Does our board have any other questions or comments at this time?

**Member Bush:** I have driven by the property and agree with Mr. Luchini. I approve of the variance. I would like to make a motion to approve the variance.

**City Clerk Torres:** Mr. Zeschke would like to make a comment and then we can move forward to make a motion Mr. Bush.

**Member Zeschke:** I spoke with a guy in the area and he doesn’t seem to have a problem with it. Like Mr. Luchini said and Mr. Bush said, that’s fine with me. I approve.

**City Clerk Torres:** Mr. Bush made a motion to approve the variance request. Do I have a second?

**Member Zeschke:** Second.

City Clerk Torres asked for a roll call vote.  
Vice-Chairman Sisney voted aye.  
Member Bush voted aye.  
Member Zeschke voted aye.  
Motion carried.

**7. COMMENTS FROM THE PLANNING & ZONING COMMISSION:**

No comments from the Planning & Zoning Commission.

**8. COMMENTS FROM STAFF**


No comments from the staff.

**9. ADJOURNMENT**

There being no further business to come before the Planning & Zoning Commission.

Vice-Chairman Sisney moved to adjourn meeting. Member Zeschke seconded the motion.  
Clerk Torres asked for a roll call vote.  
Vice-Chairman voted aye.  
Member Bush voted aye.  
Member Zeschke voted aye.  
Motion carried.

PASSED AND APPROVED ON THIS 5<sup>th</sup> DAY OF APRIL 2021.

  
Chris Sisney, Vice-Chairman  
Planning & Zoning Commission