

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, MAY 3, 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, on Monday, May 3, 2021 at 5:30pm.

CALL TO ORDER: The meeting was called to order by City Clerk, Angela Torres.

ROLL CALL:

Chris Sisney, Vice-Chairman
James Bush, Member – via teleconference
Steven Zeschke, Member
Michael Hogg, Member

ALSO PRESENT:

Bruce Swingle, City Manager
Jay Rubin, City Attorney
Traci Alvarez, Community Development Director
Angela Torres, CMC City Clerk-Treasurer
Dawn C. Barclay, Deputy City Clerk

1. APPROVAL OF AGENDA:

Member Bush made a motion to approve the agenda. Member Hogg seconded. Motion carried unanimously.

2. APPROVAL OF MINUTES:

- a. Regular meeting of Monday, April 5, 2021.

Member Bush made motion to approve minutes. Member Zeschke seconded the motion. Motion carried unanimously.

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

No responses from the public.

4. RESPONSE TO COMMENTS FROM THE PUBLIC:

No responses were made to comments from the public.

5. NEW BUSINESS:

a. Discussion/Action: Re-organization of Chairman and Vice-Chairman.

Vice-Chairman Sisney nominated Member Hogg as the new Chairman. Member Zeschke seconded. Motion carried unanimously.

Member Zeschke nominated Vice-Chairman Sisney to remain as Vice-Chairman. Member Bush seconded. Vice-Chairman Sisney sustained. Motion carried with a 3-0 vote.

6. PUBLIC HEARINGS:

The public hearing began with an opening advisement from Mr. Rubin, City Attorney. Ms. Torres, City Clerk conducted the Battershell oath for Ms. Alvarez, Community Development Director and Ms. Aubin.

b. Public Hearing/Discussion/Action: Summary Plat Amendment - 109 E. 1st Street, Truth or Consequences, NM:

Ms. Alvarez, Community Development Director: Addressed the board with the following statement. The property owner is requesting a summary plat amendment at 109 E. 1st, would like to split the parcel into two separate lots. The property is located in the C-1 Zone, which is our general commercial district. All the required documents have been submitted, all fees have been paid, all certified mailings have been sent to all property owners within a 300 ft. radius, property taxes are all paid. She asked if there were any questions she could answer.

Member Zeschke: Was unclear to what is being split. He asked if the lot with the garage was part of the split. He also noted during his inspection of the area there was an ad-on to the house next to the thrift shop.

Ms. Alvarez, Community Development Director: Made clarification by pointing out the buildings on the aerial view document. She confirmed the house and the thrift shop do share the same lot and are now wanting to be split into separate parcels. She gave the board a utility handout for their review.

Vice-Chairman Sisney: Asked if there was a common wall between the two buildings.

Chairman Hogg: Stated in his opinion this split will not affect the thrift shop.

Ms. Aubin: Answered yes. There are two walls, and the buildings are made out of cinder block.

Member Zeschke: Now understood, it's the house that is being separated from the thrift shop, and the parking area has no bearing on the split.

Chairman Hogg: Needed clarification from Ms. Alvarez, Community Development Director on the different tracts shown on the plat of survey. She was able to assist by physically pointing out the tracks on the plat of survey.

Ms. Aubin: Spoke about the property. The house is made of adobe and cinder block, the addition was made prior to the purchase. Several out buildings were built before she purchased the property in 1997. One of the buildings is now the Thrift Shop. She would like to separate the two buildings into their own parcels. She stated she is more than willing to meet any requirements the City feels would be best for her situation.

Member Zeschke: Made reference to the utility handout. It stated there is no current water or sewer line source to the Thrift Shop.

Ms. Aubin: Reassured the board she was aware of this, and is willing to have the water and sewer connections installed. She would like confirm with the board that her request will be approved prior to investing into an upgrade for new utility service.

Ms. Alvarez, Community Development Director: Interjected and advised, these questions were pertaining to the next agenda item.

Ms. Torres, City Clerk: Asked for any more questions.

Chairman Hogg: Asked if the house zoning would be changed or remain as C-1.

Ms. Alvarez, Community Development Director: Confirmed, the house will remain as Residential unit in the Commercial District which meets City Municipal Code.

Mr. Rubin, City Attorney: Advised the board they may want to hear the second agenda item before making a ruling on the current agenda item being discussed. Getting the full scope of what is being asked by Ms. Aubin will help the board with their final recommendation.

The board as a whole moved forward to hear the "Various Request" before making a ruling on the "Summary Plat Amendment".

c. Public Hearing/Discussion/Action: Variance Request - 109 E. 1st Street, Truth or Consequences, NM:

Ms. Alvarez, Community Development Director: Explained the applicant is requesting a variance from the Municipal Code as this pertains to both lots must be connected to sidewalk, curb and gutter. There is "not existing" in this area at the secondary lot. So we would not request her to install along the entire street to meet DOT standards.

Member Zeschke: Asked if it was only on the house side or both side including the Thrift Shop?

Member Zeschke: Pointed out there are sidewalks on both sides of the street and would like for this spilt to remain consistent with the surrounding properties. He stated, at what point do we upgrade the area for the downtown district for pedestrians to have walking access.

Ms. Aubin: Needed clarification on the procedure of this public hearing. She was concerned if she invested into sidewalks the board would still not approve her request.

Ms. Alvarez, Community Development Director: Reminded the board, if they request a sidewalk install, the install would have to be for the entire block. She would not be allowed to install a partial sidewalk in accordance to NMDOT ADA specifications from corner to corner.

Ms. Torres, City Clerk: Asked if there were any more questions?

Member Bush: Felt Ms. Alvarez, Community Development Director addressed the fact that there are no sidewalks therefore it will not be required. He is ready to make a motion to pass the Amendment and Variance based upon the P&Z Commission "Finding & Facts Checklist".

Ms. Alvarez, Community Development Director: Understood the boards concerns. She went on to say the board has the right to approve or deny this request as it will be presented as a recommendation to the City Commissioners.

Ms. Torres, City Clerk: Closed the public hearing and advised the board to start with the "Summary Plat Amendment", and she will call for a motion, then move on to a roll call vote for each agenda item.

Member Bush made a motion to approve the "Summary Plot Amendment". Chairman Hogg seconded the motion. Ms. Torres asked for a roll call vote.

Chris Sisney voted Nay
James Bush voted Aye
Steve Zeschke voted Nay
Michael Hogg voted Aye

Motion failed with a 2 to 2 tie vote.

Ms. Aubin – Asked Member Zeschke why he voted nay?

Mr. Rubin, City Attorney – Advised the board once they vote they are not required to justify their decision, though, they may choose to do so, if they would like.

Vice-Chairman Sisney: Chose to respond by saying part of the board was not ready to move forward with an approval at this time. He referenced back to the utility department handout which stated the property is not ready.

Ms. Alvarez, Community Development Director: Explained by having the outcome as a tie, means it did not pass. This item will now go the City Commission.

Ms. Torres, City Clerk – Moved onto the next item. She requested a motion for the “Variance Request”.

Member Bush made a motion to approve the “Variance Request” based upon the “Facts and Finding Checklist”. **Chairman Hogg** seconded the motion. **Ms. Torres** asked for a roll call vote.

Chris Sisney voted Nay

James Bush voted Aye

Steve Zeschke voted Nay

Michael Hogg voted Aye

Motion failed with a 2 to 2 tie vote.

Ms. Torres, City Clerk – Stated both agenda items will be presented to the City Commission at the May 12, 2021 meeting, and both items were 2 votes for, and 2 votes against on each item. The Commission will make their final decision at that time.

7. COMMENTS FROM THE PLANNING & ZONING COMMISSION:

Member Zeschke asked if there were any more board applicants. Ms. Torres, City Clerk responded, it is still in the process of being advertised. Mr. Swingle made a recommendation that when the board has all 5 seats filled, the board will be offered some training. He recommended Randy from the Municipal League.

8. COMMENTS FROM STAFF:

Mr. Rubin, City Attorney pointed out, regarding the variance issue, under (Section 15-8, b.) which is a list of required findings. It was not gone through step by step. However, he thinks the minutes will reflect what the concerns were, which would fit within (Sub Section b.) regarding the utility issue, and consistency issue regarding the sidewalks which may fit (b. 7. Impacting Surrounding Properties).

Member Zeschke made a reference to a prior hearing. He voted to approve a variance without the installation of a sidewalk. He noted that this particular request is located in the City, and impacts future development.

Mr. Rubin, City Attorney wanted to make sure the record reflects, looking at the order of required findings. This is what the City Commission will be made aware of. We need to make sure the record reflects that we are looking at the ordinance, and the required findings so the Commission will have a basis of what the ruling was, and the reasons why you made your recommendations.

Member Zeschke stated his decision was partially influenced by the handout information presented, which was not part of the agenda packet.

9. ADJOURNMENT:

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

**Member Zeschke moved to adjourn meeting. Chairman Hogg seconded the motion.
Motion carried unanimously.**

PASSED AND APPROVED ON THIS 7th DAY OF JUNE 2021.



Michael Hogg, Chairman
Planning & Zoning Commission