

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

Tuesday, May 1, 2007

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 1st day of May, A.D., 2007 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
Roger Smith, Vice Chairman
Bill Howell, Member

Also Present:

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

Absent:

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.

"Roger Smith moved to approve the Agenda as submitted."
Seconded by Bill Howell
Motion carried unanimously.

APPROVAL OF MINUTES: Adam Polley, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, April 3, 2007.

"Bill Howell moved to approve the minutes of the Regular meeting held Tuesday, April 3, 2007 as submitted."

Seconded by Roger Smith
Motion carried unanimously.

INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT: Chris Nobes, Building Inspector distributed and discussed a map, which showed the area around the T or C Municipal Airport.

Mr. Nobes stated that since the cities annexation, which was completed in July 2003 this area, has been within the city limits, but has not been zoned. He stated there has been talk about proposed development and interest in this area so it seems time now to take a proactive approach and work on some zoning.

He introduced Joey Perry and stated she is a very distinguished planner from California and has extensive experience in airport zoning and she has volunteered to work with the city. She has put in a lot of hours for

the city trying to bring all of this together.

Mr. Nobes stated that what Staff would hope is that by the end of this meeting if this board is comfortable with the presentations and where we are that they might possibly recommend approval and recommend this proposed Industrial PUD to the City Commission for review.

Mr. Nobes stated that there are sections around the annexed area, which are BLM to State. He stated that is part of the proposed land swap. BLM is in the process of swapping property of equal value with the State in order to consolidate the holdings. Once that swap is completed, which could take place this year, then all that property would be under the control of the State, and then the State would deal with this entity in terms of a lease or whatever the next step would be. Basically, they are just trying to clean up the ownership and control of these parcels.

He started that six sections in fact are outside our annexed area, and this is something no one could anticipate back in 2003, we really didn't anticipate what has come about now, but the city does intend to request annexation of those parcels and bring them within city limits so that the entire project would in fact be within city limits.

Joey Perry approached the podium and stated that as Chris pointed out they have been working on this Industrial PUD for a while and they are doing it in part because the existing Comprehensive Plan has goals that ask them to do this. One of the key findings in the City Comprehensive Plan is that the recently annexed areas were absent of zoning designations so this is the first step to get at least part of that recently annexed land zoned.

She stated that Goal 3 of the Comprehensive Plan asked them to facilitate the development, particularly industrial and warehouse uses of the recently annexed area.

Objective A of Goal 3 says to address land use and zoning issues for recently annexed areas, Objective B says that they should maximize potential for future industrial and warehouse development and Policy 2.6 of part of Goal 3 is to encourage master planning efforts for the recently annexed area and to implement that we amend the zoning map to provide commercial and light industrial zoning on publicly and privately owned parcels adjacent to the airport.

Ms. Perry stated this is the first step in doing that, this Industrial PUD.

Further explanation and discussion ensued.

Roger Smith asked about the aircraft approach at the airport.

Ms. Perry stated that is a part of what would need to be maintained, or protected, and that's part of what the airport zoning would address, and that would primarily limit height of the buildings, noise problems particularly on the approach zones, and then also in certain areas around airports, around runways you don't want to have large groups of people because if a plane did crash it's going to be hard to evacuate everybody.

She stated that within the Industrial PUD for the most part they wouldn't be permitted because it would be industrial uses and you generally don't have assemblies of people in those areas.

Ms. Perry stated that other issues would be wildlife attractants, so they need to make sure that whatever industrial uses there are don't attract wildlife, birds especially can interfere with airplanes, lighting, and bright

light stadium type lighting can interfere. She stated the other thing would be electrical interference, interfering with the navigational aids of the radio. This is the reason they want the Industrial PUD so that they have an opportunity to look at each individual project that comes in as opposed to the regular zoning. She stated that with the PUD you would be able to look at what it is they are planning on doing and make sure that their activities don't interfere with communications between the airport and the airplanes.

Discussion ensued.

Adam Polley stated that this may be a difficult question to answer but as Chris has handed out it seems like that at least between the BLM and the State there might be an opportunity to put in a racetrack. He asked Ms. Perry in her opinion how will this effect the airport?

Ms. Perry stated that maybe Chris would be a better person to answer that question.

Mr. Nobes stated again the same restrictions in terms of density of assembly. The worst case scenario which could never happen but would be to say have grandstands or bleachers at the end of the runway and have ten thousand people watching the motor event, and that's not going to happen.

Bill Howell asked how close the racetrack was going to be to the runways.

Mr. Nobes stated he's not sure, he has the minutes from the February 7th Airport Advisory Board meeting and at that meeting the City Manager explained some of the proposed uses that this organization is discussing. They are actually in negotiations with two different aircraft manufactures, one from Canada and one from Brazil who are looking to relocate in the Southwest, they are actually in negotiation with these people. They are also in negotiation with a custom RV manufacture who takes orders, custom builds the machine, and then the clients fly in and drive off in their new motor home.

He stated that's the industrial component. There's a recreational component, which again would not be under this Industrial PUD, but it would be in this future planning which we will bring to this Commission. There is also the racetrack and he really can't answer any specifics, he doesn't know the exact dimensions, the scope of it.

Further discussion ensued.

Adam Polley stated he would like to change his question, not necessarily the racetrack in relation to the airport, but the racetrack in relation to this proposal.

Ms. Perry stated their understanding is that the racetrack could come in using this IPUD as a template that they would use to define their development. And their actual development proposal would be much more detailed, much more specific than the PUD would be.

She stated they would hope that when they do come up with their proposal, if they do want racetracks close to the airport that they wouldn't put them at the very end of the runways. And they would plan to do the airport zoning that would prohibit that type of use. She stated it could be adjacent to the runway and if they're off the runway a thousand or two thousand feet that's not a problem; it's only if they're at the end of the runway.

Ms. Perry stated there's going to have to be some careful coordination, some very organized coordination between the development that's being proposed and the airport issues. We need to maintain the airport as viable and if too much activity interferes with airport operations the FAA could actually close down the airport, so we don't want that to happen, we need to save the airport, we need to protect the airport and the city will do what it can to do that.

Discussion ensued.

Ms. Perry stated one of the reasons why the FAA actually requires the city planning efforts and the regional planning efforts to coordinate with the airport planning efforts so that we make sure that if the airport is going to expand we have land uses around the airport that are appropriate for those territories and maybe the airport will expand so we want to make sure that our zoning is flexible enough to account for that, but definitely protecting the airport is something she is very adamant about and will be pushing for very hard, because she knows they need to do that.

She stated while there might be other interests in the region that are really pushing for economic development they need to have that protection for the airport, so ideally they will figure out ways to accommodate both of those needs.

Further discussion ensued.

Ms. Perry stated that after the IPUD the next thing she would be working on is getting a draft of the airport zoning by the end of next week, and bring it back to the Planning & Zoning Commission probably in June.

Adam Polley stated he would make his desires known in relation to the airport. He stated the majority of the discussion here today evolved around the airport and he's confused as to why they don't have an airport PUD instead of an Industrial PUD if it's the airport that's of concern.

He stated he would throw out the idea for the ability to have both of them so they could see how they would interact with each other.

Mr. Polley stated he still has a concern, even though he may be the only one there, making sure that the folks that are engaged with the racetrack have the ability to look at this and to tell this board that "yes they can live within these parameters."

He stated the other wild card there is the State. He stated it's been his experience in the past that the State really doesn't pay a lot of attention to what the city says. He stated that if they're going to issue a use permit, a rental agreement, or a lease agreement that is not in compliance with any of these through the city then we may have to have a discussion with the State.

He stated he thinks the state has been quite liberal in issuing lease permits without consulting anybody, they just do that because mostly it's within their jurisdiction and the State Constitution can do whatever is best for state land, and that really doesn't have much bearing on what the city wants.

Dan Dickson stated he thinks Mr. Polley is exactly right and he would like to see, because they don't have really anything in writing, no precedence to go by, he thinks they need to do exactly what Mr. Polley said, they really need to come up with something concrete on the airport and then build the outlining area around that.

The State as you mentioned, they're not really stepping in, but he has talked to both the State and the Feds, and they're leaving it up to the City. If the City allows this to come in and it happens then the Feds and the State will pull our grants for the airport, our grants for runways, taxiways, aprons, these all rely on our grant assurances. They're not going to step in and say "you can't do this or allow anybody to put a racetrack in or a Hilton", they're going to step back and let the City make their own choice and if the City allow it and it's to close then they're going to say "no, you're not getting your grant."

Further discussion ensued.

Adam Polley stated he appreciates that but he would at least express that during this period of time that both the State and Federal Aviation participate in a willing manner. He stated he knows Dan may have the feeling they may not want to do that, but he thinks it would be advisable now to tell them, "you WILL participate," and he thinks the City and maybe the County might participate and tell them that they WILL be here at the table and tell us before hand if there's anything that's going to cause problems with funding for the airport.

Further discussion ensued.

Mr. Polley stated the only thing he wants, is he wants a representative from each one of those to say, "yea, we understand our own regulations and what you're going to do is within those guidelines." He stated he doesn't want them coming back later on and saying "oops we made a mistake", and "no, you're not going to get your funding because we interpreted our rules wrong." He stated that needs to come to an end from both of those agencies, from the Federal and from the State.

He stated we need those players at the table when we sit down to plan.

Further discussion ensued.

Adam Polley stated he would still say that since the concern is the airport, is that they really need to start to develop that PUD and perhaps maybe both of them together might be a little bit more palatable to the City, especially the Commissioner's, because they're probably going to start looking at this also, and saying, "well if it's the airport, then let's get the airport..."

Bill Howell stated he agrees with that, there should be an Airport PUD first before you can figure out what you're going to do beside the airport.

Chris Nobes stated that Joey just reminded him, part of the agenda, this zoning, the existing city limits and then as it goes north toward the airport, this PUD tonight was presented partly as, you ask if there was an urgency or not. He stated that another thing where there's a clock ticking is on the Sexually Orientated Business ordinance. He stated that right now it's designed that they can be placed in the M-1 Zoning Districts.

He stated that what Staff was thinking was that if this could be applied to this lower southern part of this annexed area then that M-1 could be deleted from the ordinance and this IPUD could be substituted in the SOB ordinance and that would satisfy that requirement, we have that clock ticking in terms of allowing a zone for those businesses.

Mr. Nobes stated he thinks that's part of the agenda here was to come up with a use which was flexible enough to fit in with the future airport use, which that is forthcoming, we've said we'll try to have it for this Commission by next month, but he thinks part of the urgency is starting

to designate a zoning district where they could place those SOB if that comes about.

Ms. Perry stated that at this point they have not identified land that the IPUD would be assigned to, so that would be another step that they would have to take and perhaps one of the recommendations this Commission could make would be, "the IPUD would be okay but they don't want it to be close to the airport, keep it in those sections south of the airport to accommodate the SOB," for example.

Chris Nobes stated there is a natural break, the Sections 3, 4, 5, & 6 going to the west and then 31, 32, 33 & 34. That's a Township break; it breaks from Township 13 to Township 12 up north. If the Commission has had time to review this proposed IPUD, you might possibly consider a break, recommend approving that for that area, from the existing city limits at the bottom of Section 20 up through Sections 4 & 5, and that would leave a full mile buffer up to the airport. He stated those sections obviously each section represents a square mile, so there's that sort of natural break in terms of mapping. He stated it would be easy enough to define just in terms of section-by-section.

Bill Howell asked Chris Nobes what the City wanted this Commission to do that this point.

Chris Nobes stated Staff would, if the Commission felt comfortable, and having had time to review this, Staff would like to see this Commission recommend this or something very similar to the City Commission for review to apply to part of this annexed area.

Bill Howell asked Adam Polley if he felt it was too early to make that recommendation until they could review the airport PUD.

Adam Polley stated his desires are to see both the PUD's at the same time and carry them through at the same time, for both that area around the airport and the entire mix here.

Bill Howell asked if he thought that would make sense to the City Commission.

Chris Nobes stated he could see the reasons behind this decision.

Adam Polley stated this Commission was put in a bad spot with the SOB's with the urgency, but they are talking about thirty days here for a proposal for an airport, he hopes, and he knows they are all volunteers there, but thirty days to put together an Airport PUD and carry them together so that they are not wondering what one is in relation to the other and then that way they kind of have the whole picture for the City Commission to look at instead of piecemealing it out. He stated he's afraid if they piecemeal this thing out the Commission may not say, "let's just wait for the whole thing," like we're doing.

Joey Perry stated she thinks that the original thought behind doing these as a separate issue is that the IPUD doesn't necessarily involve the airport. She stated they added the piece about the airport just in case it did get applied close to the airport.

Adam Polley stated he's willing to take that chance, and to sit there and hopefully at the next meeting see an Airport PUD and then progress forward with both.

"Roger Smith moved to table the Industrial PUD until they get the Airport PUD/Zoning document."

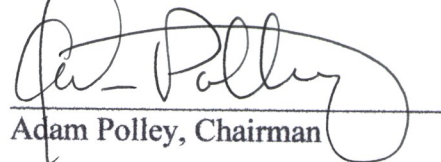
Seconded by Bill Howell
Motion carried unanimously.

COMMENTS
FROM THE
PUBLIC:

None.

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

APPROVAL: PASSED AND APPROVED this 5 day of June,
2007, on motion duly made by Bill Howell, and seconded
by Viola Bonner and carried.


Adam Polley, Chairman