

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

Tuesday, July 2, 2013

January Roberts, Chairman opened the Public Hearing with reading the Legal Notice as follows:

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 2, 2013 at 5:30 P.M. in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

1. William Howell, President of Land, Inc. -Special Use Permit to make a partial living quarters in the Commercial Building at 407 N. Broadway.

Robbie Travis, Building Inspector, gave his staff presentation regarding the Special Use Permit, stating that all fees have been paid, adjacent property owners have been notified, a letter from Sara Roybal explaining the reasoning for the special use permit is attached to the application, a floor plan of the shop is also included in the application, and notification procedures were followed.

January Roberts, Chairman, administered the oath to Bill Howell.

Proponents:

William Howell stated that Sara Roybal came to town about 3 or 4 months ago. He stated that several down town businesses have trouble in supporting individual housing, along with running a business, and making a profit. In the past several variances have been granted and he feels that it is good to have people down town at all time to limit the number of burglaries in the local shops.

Ms. Roybal is on a tight budget, and the only way she can afford to exist down town is by living in her shop, and he understands that she will be installing a shower into the bathroom should you approve this Special Use Permit.

Opponents:

None

January Roberts, Chairman, stated they will now close the Public Hearing, and move onto the Regular Meeting.

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

Tuesday, July 2, 2013

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 2nd day of July, 2013.

PRESIDING OFFICER: The meeting was called to order by January Roberts, Chairman. Angela A. Torres acted as Secretary.

ATTENDANCE: Upon calling the roll the following members were reported present:

January Roberts, Chairman
James Jacobs, 2nd Vice Chairman
John Saridan, Member

Also Present:

Juan Fuentes, City Manager
Bill Sletton, Community Development Director
Robbie Travis, Building Inspector
Angela A. Torres, Deputy City Clerk

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

APPROVAL OF AGENDA: January Roberts, Chairman, called for approval of the Agenda.
“John Saridan moved approval of the Agenda with the change of the date of the Minutes from May 7, 2013 to June 4th, 2013.”

Seconded by James Jacobs
Motion carried unanimously.

APPROVAL OF MINUTES: January Roberts, Chairman, called for approval of Minutes of the Regular meeting held Tuesday, June 4, 2013.

“John Saridan moved approval of the Minutes of the Regular meeting held Tuesday, June 4, 2013 as submitted.”

Seconded by James Jacobs
Motion carried unanimously.

COMMENTS FROM PUBLIC: Paul Tooley, City of T or C Fire Chief, stated that there is an issue with individuals living in their businesses, and he believes it has to do with the City of Truth or Consequences Fire Code. The only time an occupant is allowed to live in the same building as their business is if they get approval from the Planning & Zoning Commission. One of the things that the Fire Department needs to know is if occupants are in their

business after hours. Chief Tooley recommended that the business owners put a logo on the door (or somewhere on the business) showing that there are occupants in the buildings after hours, so the Fire Department knows that there may possibly be occupants in the building. Several buildings that were constructed many years ago do not meet fire code standards, and don't necessarily have to because they are pre-existing structures. If a building has a common wall, the Fire Department needs to know that in case they have issues when a major fire breaks out, and they have to go through the entire block to figure out how they can suppress what they have to do and try to save as much property and lives as possible.

January Roberts, Chairman, stated that after her Special Use Permit was approved, she took a note to the Fire Department and to the Police Department notifying them that she was now living in the back of 420 Broadway.

Sid Bryan came before the Commission with comments regarding the City Fire Codes, stating that Petaluma CA. observes the Fire Code, but they go even further in the way they interpret a live/work space. As far as fire walls are concerned each unit owes a protection to its neighbors, but you don't have to have the 3 hour separation like if you would if you had a bed in one part of the building. It is just as safe if not preferable to have a partition in between the building so if someone is in the back they will be able to smell the smoke, hear the smoke detectors, and be able to alert someone.

Claudette Felts came before the Commission with comments regarding the building her and her husband are currently occupying, noting that in the past she lived in a loft in Denver, and Denver has a loft law that allows artists to live in commercial and industrial spaces to perform work. The loft they lived in was a big open space it did not have a door in between the area that they used as their living space, and the area that they used as a studio space. Having a space where people can live, and work helps bring up the value of those places, and brings people into the community.

Ms. Felts asked Chief Tooley what constitutes a renovation in the Fire Departments mind.

Paul Tooley, Fire Chief, responded that it has to do with how much of a building is being renovated. He would have to look it up in the Fire Code, but when renovating a building once you get to a certain percentage you have to look at it as a new structure, and not an existing structure.

Dave Felts came before the Commission with comments regarding the building he and his wife are leasing, stating that the building was once a retail area in the front with residential area in the back. He and his wife have done minimal changes to the building, and he is unclear as to what steps they need to take, because they are leasing the space. He stated that he needs a concise clear agreement among the City, something on paper to take to his landlord stating what they have to do.

Paul Tooley, Fire Chief stated that they are working with the State Fire Marshall, to learn exactly what the code requires. Several issues, when it comes to fire, also have to do with the building code. That is why the State Fire Marshall tries to have all of the agencies involved on the same page so that they are not contradicting each other.

William Howell came before the Commission stating that he remembers 15 or 20 years ago when they were trying to get everyone to update the electrical to the outside of their properties, and they did that as occupancies changed. Every time he has remodeled a building he has always adhered to what the current code is at that time, regarding plumbing, electrical wiring sewer and whatever else that is required.

Pamela Suarez came before the Commission stating that she would like to bring it to the Commissions attention that there are occupants living in the back of Second Hand Rose.

**DISCUSSION/ACT
ION- SPECIAL
USE PERMIT- 407
N. BROADWAY:**

William Howell, President of Land, Inc. - Special Use Permit to make a partial living quarters in the Commercial Building at 407 N. Broadway.

John Saridan noted that he is concerned with Mr. Howell's tenants living in the building illegally, and he believes that the tenants should have waited until after the special use application process was approved to move in to the building.

"James Jacobs moved approval of the permit at 407 N. Broadway."

January Roberts, Chairman, stated that she agrees with Commissioner Saridan, that the fact that people are just going in, and doing this illegally is not ok, they need to go through the proper procedures.

Motion died for the lack of a second.

Juan Fuentes, City Manager noted, just for clarity he wanted to point out since there was no second to the motion, Mr. Howell's application will go directly to the City Commission for their consideration/approval.

**CONSIDER
APPOINTMENTS
TO THE
PLANNING &
ZONING
COMMISSION:**

Bill Slettom, Community Development Director, stated under the Planning & Zoning guidelines there is no mention of what the procedure is supposed to be for the appointment of new Commissioners; except that they are appointed by the City Commission.

January Roberts, Chairman, reviewed the names, and qualification of the applicants that wish to serve on the Planning & Zoning Commission.

No action was taken regarding the appointments to Planning & Zoning Commission.

OLD BUSINESS:

None.

NEW BUSINESS:

January Roberts, Chairman, stated that the next Planning & Zoning Commission Workshop to discuss the Truth or Consequences Sign Ordinance will be held on Tuesday, July 16th in the City Commission Chambers.

ADJOURNMENT: There being no further business to come before the Commission, January Roberts, Chairman, called for a motion to adjourn the meeting.

“John Saridan moved to adjourn the meeting.”

Seconded by James Jacobs
Motion carried unanimously

APPROVAL: PASSED AND APPROVED this _____ day of _____, 2013, on motion duly made by _____, and seconded by _____ and carried.

January Roberts, Chairman