

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, AUGUST 11, 2025**

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, August 11, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman - Absent
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member
Molly Hammer, Member

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy Clerk
Abigail Rieth, City Clerk Admin Assistant
Amanda Forrister, Mayor Pro-Tem

1. APPROVAL OF AGENDA:

Member Luchini made a motion to approve the agenda, with the removal of item 4-C. Member Kent seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) July 11, 2025.

Member Kent made a motion to approve the minutes with the corrections. Member Hammer seconded the motion. Motion carried unanimously.

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

There were no comments from the public.

Deputy Clerk Martinez swore in the participants for the public hearings.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Public Hearing/Discussion/Action: Variance Request pertaining to proposed Love's Travel Stops and Country Stores – Parcel 2894953670728 Article XIII Sec. 11-13-2.4 subsections 2F and 2D.

Vice Chairman Buhler opened the public hearing.

Proponents: None

Opponents: None

Assistant City Manager Alvarez: Before you today, we have a request for a Variance pertaining to the proposed Love's Travel Truck Stops signs. Per our city ordinance, on freestanding signs, the applicant is allowed two signs and they are requesting three within one area, and another section, the applicant is requesting additional signage square foot of an area in height. Within your documents, you have the sign ordinance as well as a presentation and visuals of the signs that are being proposed. All required documents have been submitted to the city, and we have received all the fees. All property owners within 100-foot radius have been notified. Applicant is in the audience to present as well.

Barbara Peck, Large Developments Engineer: My name is Barbara Peck, I represent Love's Travel Stops on this item. In your packet, there are some visual demonstrations of the various signs, as Assistant City Manager Alvarez mentioned. I was going to talk about each one individually, if you will. I'd like to start with the smallest sign, I think it's going to be the very last page of our item, you will see an image like this one.

Vice Chairman Buhler: What page might that be on?

Barbara Peck, Large Developments Engineer: It looks like it's page 86 of the packet. So, what we're demonstrating here is our request, and [The small sign on the left of page 86 of the packet] is the ordinance for directional signs within the property, and the challenge that our primary customers have with these signs is by the time they get close enough to them where they need to be reading them, they're beneath their level of being able to be read. So, we like to do the 4x8 signs, there is only one of these on the premises that would be required, and if you go back a couple of pages, it looks like this (page 78 of the packet). This is exactly the language that would be on the signs, it directs the trucks to go forward, and the cars where they are to turn so that they don't mingle in the fueling dispensers. It gives them the safety and directional knowledge of where to go within the site. This is not on a roadway, this is within the driveway confines of the site, so it's actually interior to the site. So that is one of the requests for the Variance there, is in the area of that direction sign. The next one that we'll take a look at is the cat scale sign (page 82 of the packet). This is the third freestanding sign, the one that would be for the Variance. This is also within the interior of the site, I'd be happy to show you where it is on the site plan, it's at the end of the diesel fueling canopy, and the sign height and breath helps the truck drivers to drive the truck into the scale that they have to weigh on to be in compliance for DOT standards, before they leave our site. So that's kind of how that sign is designed, is to help them guide their truck into that space in the proper fashion so that they can get weighed in and stay in compliance. You'll see several pages with multiple pictures, it looks like you're driving down the interstate (pages 65-72 of the packet). In those photos you will see,

if you look very closely, the rendering of the high-rise sign that we're proposing for the site, the high-rise sign is 95 feet tall, and it is approximately, I believe it says 982 square feet, the ordinance is 200 square feet. As you can see from those renderings, though, because of the distance from the interstate, which we are in compliance with the 300 feet from the interstate, but when they're coming down the interstate, we want them to see it above elevation of the bridge and the hills and that sort of thing, and time to make safe maneuvers to take the exit in time. So that's how those images are rendered, the digital one's probably easier to look at, because you can zoom in on it, but that would be the other Variance that we're asking for, and we're asking for that sign height of the 95 feet, to clear those, the bridge, I believe, and the hills coming from the other direction. I'm happy to answer any questions you might have.

Vice Chairman Buhler: I did have one question, are they all electric? Are they electric, or are any of them solar? The signs.

Barbara Peck, Large Developments Engineer: They are electric.

Member Luchini: Is gas really 99 cents a gallon?

Barbara Peck, Large Developments Engineer: If only, we are all hopeful. And you will see on the high-rise rendering that is in the packet on a different page (page 73 of the packet) that it was still showing the Godfather's that we mentioned many moons ago. If you look later in the packet, it has the correct high-rise sign that has the Arby's listed on it.

Vice Chairman Buhler: I'll open this up for discussion. Is there any discussion in regard to the signs?

Member Hammer: I know we did have one constituent come to speak at a couple meetings, she was concerned about the dark skies' stipulation, and I see that there is a provision here saying that these will have shields to prevent them from uplighting, I guess that's a concern with the dark skies.

Barbara Peck, Large Developments Engineer: Yes, Ma'am.

Member Hammer: You won't be seeking a Variance on that?

Barbara Peck, Large Developments Engineer: We are not seeking a dark skies Variance.

Member Kent: This picture (page 76 of the packet) is what it'll look like with the Love's over on the left, and this giant Arby's hat on the right? Not like, down here [under the gas prices]?

Barbara Peck, Large Developments Engineer: That's correct.

Member Kent: So what, okay, now I'm getting confused. So what's this sign (page 77 of the packet)

Barbara Peck, Large Developments Engineer: So that sign is at the entrance to the property on Cemetery Road.

Member Kent: Ok thank you I just saw that.

Barbara Peck, Large Developments Engineer: Yes. I really appreciate the opportunity to present this to you guys, I think we're really getting close to the finish line and we're very excited to continue to move forward, and we just would respectfully ask for your approval.

Member Hammer: I think most of these signs promote safety for your truck drivers, so they know where to go and they don't pass a sign and they don't know where to turn around, and I see that that would be really confusing and possibly dangerous, especially in the middle of the night if they don't know where they're going. So, I'm for additional signage for that reason. I don't have any further comments I guess, on this.

Member Kent: I'm curious, well, I guess it doesn't really matter, I mean, there are those blue highway signs as you get near places that'll say "Food Available" and there'll be signs of what food, it'll say "Gas Available" and each place can put their thing there, so are you using those in any way, or you're just going with these giant lit up?

Barbara Peck, Large Developments Engineer: We will try to secure the blue signs as well if there's places remaining on them, but that is entirely up to the DOT so we do try to do our own signage, and it is generally, we hope, visible at a distance that gives the drivers time to react, whereas the blue signs are usually very close to the exit most of the time, sometimes far enough out, but sometimes not. So we do try to secure those as well.

Member Luchini: I have no questions.

Member Hammer: I'm finished too.

Vice Chairman Buhler: Can we have a motion?

Assistant City Manager Alvarez: Vice Chair, if I could interrupt for a moment, if we could open up the public hearing, if there's any proponents or opponents first?

Vice Chairman Buhler: Okay, we'd like to open up the public hearing, if there are any proponents or opponents that would like to speak?

Deputy Clerk Martinez: We have nobody signed up.

Assistant City Manager Alvarez: Then you can close it.

Vice Chairman Buhler closed the public hearing.

Member Hammer made a motion to recommend approval to the City Commission for a Variance Request pertaining to proposed Love's Travel Stops and Country Stores – Parcel 2894953670728 Article XIII Sec. 11-13-2.4 subsections 2F and 2D. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

b) Public Hearing/Discussion/Action: Request for a Special Use Permit Renewal at 3500-3710 E. 3rd for the purpose of a Kennel Permit.

Vice Chairman Buhler opened the public hearing.

Proponents: None

Opponents: None

Assistant City Manager Alvarez: The applicant is requesting approval for their annual renewal. We did approve this permit a year ago, so she's come back to have it renewed. The property is located in the commercial district, kennels are used for housing of the working dogs, a site inspection has been completed, there has been no violation or complaints, she's in compliance with all permitting requirements, applicant is here, as well as Code Enforcement. Because they're the ones that have been out there on-site, I'm going to let Tyler speak first.

Code Enforcement Officer Knull: Good afternoon, as Traci stated, this is a renewal for a kennel permit. The site is in very good condition, the kennels are very well-built, the dogs all have good housing, the dogs all have access to a great amount of water, the dogs are taken care of, and we see no reason to not renew this, it's in perfect compliance of what we ask.

Assistant City Manager Alvarez: And you'll notice, as part of a kennel permit application, it's Code Enforcement or Animal Control that designates how many animals can be allowed, that they can have up to, by reviewing the site, so this particular kennel permit, Tyler said she could house up to 16 dogs at one time. The applicant is here as well, if you'd like to hear from her.

Member Hammer: Officer Knull, I have a question about adequate space for movement, what does that mean?

Code Enforcement Officer Knull: It's honestly very vague, and we're looking at changes on that, but that's beside the point. We look at it as allowing the dogs to lay down, walk, stand, sit, and move around using natural motions to make sure that they're not just tied up in a kennel where they can't move at all. These dogs definitely have room to jump up onto their dog houses, onto a second level of a kennel, and move around, lay down, stretch out and have a nice comfortable space.

Member Hammer: Okay, I understand these are working dogs, so they're taken out into the field to get exercise and out in the county, and whatever they're used for. So, I guess my

concern, they're not in the kennel the whole time, they are getting exercise and so on and so forth?

Code Enforcement Officer Knull: That's correct. Yes, these dogs look extremely healthy, and if we had any concerns that there was any sort of mistreatment because there's not enough space or necessities for the animals, then we wouldn't have approved the kennel permit these animals get quite a bit of exercise, so that's not a worry for us at all.

Member Hammer: Thank you.

Code Enforcement Officer Knull: Of course.

Vice Chairman Buhler: Amanda, you want to say anything?

Amanda Forrister, Applicant: Not unless you guys have any questions. But yeah, they're out quite often exercising, we have cow dogs and hound dogs both.

Vice Chairman Buhler: Any other questions from the board?

Member Hammer: No questions.

Vice Chairman Buhler: Can I have a motion?

City Manager Whitehead: Wait, Madam Chairman, we should ask if anybody else has anything.

Vice Chairman Buhler: We apologize. Is there anyone else who needs to talk or say something regarding this permit?

City Manager Whitehead: Now.

Vice Chairman Buhler closed the public hearing.

Member Kent made a motion to recommend approval to the City Commission for a Special Use Permit Renewal at 3500-3710 E. 3rd for the purpose of a Kennel Permit. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

c) Public Hearing/Discussion/Action: Conditional Use Permit for 412 Coleman Street for the placement of Shipping Containers as per Section 11-10-4.

Vice Chairman Buhler opened the public hearing.

Proponents: None

Opponents: None

Assistant City Manager Alvarez: So, placement of a storage or shipping container per our municipal code, within a residential district, is allowed as an accessory storage unit as long as they're not used for dwelling purposes and with the following exceptions: one of which is that they have to go through a conditional use permit in front of Planning & Zoning in order to have it. Containers may not exceed 46 feet in length, or 10 feet in height. They must be subordinate use to a main structure that is there, located on the same lot with the principle use building, no less than 10 feet from the main use or structure, and no less than 5 feet from the property line on either side or rear yards. For lots with more than one street frontage, which this doesn't pertain to because they're in the middle of a roadway and there are no side roads there, it would need to be no less than 10 feet as well, and 5 feet from the property lines without the street frontage. It can't encroach in the clear sight triangle, and shall not create unsanitary or hazardous premises as outlines in our municipal code. The property is located in the R2 District, they do have a current level 2 home occupation business license for the purpose of mobile handyman services. The container has been delivered prior to the property permit approval. However the applicant is aware that permanent placement is pending your approval. It was a matter of scheduling the delivery of the truck with the scheduling of the conditional use permit, and public hearing sometimes takes a bit of time. All required documents have been submitted, fees have been paid, and all certified mailings have been sent out. Within your packet, as a free-standing document, you guys do have a reference to a code which is the conditional use permit, and I wanted to make sure that you guys had that, I don't know that we've gone through a conditional use permit yet as a Planning & Zoning board. The purpose of that is, that it is conditional use, it's an annual renewal, it has to be reviewed every year, and it is not transferrable if the property owner leaves or sells the place. The conditional use does not go with the next person. So those are some items I wanted to make sure that the board was aware of. I think that is all, the applicant is here as well, so with that I'll stand for any questions or opening of the public hearing or hearing from the applicant.

Member Hammer: Is there anyone else that wants to speak from the public about this before we ask our questions?

Deputy Clerk Martinez: There's nobody signed up for it.

Member Hammer: Okay thank you.

Vice Chairman Buhler: Do you want to come up? Is there something you would like to say before we talk to you about it? I noticed it is in front of the house.

Jason Maddox, Applicant: Yes ma'am, it's easier to work with in the front than driving in the alley with big semi's to deliver materials.

Member Hammer: What kind of material are you having delivered?

Jason Maddox, Applicant: Dry materials, shower inserts, dry wall, piping, construction materials. All chemicals I would keep in my own outside chemical bay.

Member Hammer: It says "one or two containers" here, I drove by today, I always like to look at the property with my own eyes, and it says, you're asking for two or one?

Jason Maddox, Applicant: Just one.

Member Hammer: Just one, okay.

Jason Maddox, Applicant: I did purchase brand-new, so it looks good on the front, I didn't buy like an old rusted one.

Member Hammer: It does look new. I guess I have a comment about it being right in the front yard. I drove down that street, it looked clean. A lot of blocks in T or C, there's always one house that's trashy or whatever, it just seems very clean and well-kept, so I guess my concern, if I was your neighbor, just having a shipping container in the front, just for street appeal. You know, we have to look at property value and so on and so forth. I drove on the alleyway, and it looked like you have a pretty sizeable backyard. I understand your concern about delivery with an 18-wheeler, but I'm just wondering if there's any way you could put it in the backyard, and then it's just not in front for that street appeal.

Jason Maddox, Applicant: Yeah, we could do that. Just got to pick it up and move it around.

Member Hammer: Right, so that would be my concern if I'm representing the neighborhood and representing your street, that would be my concern.

Jason Maddox, Applicant: It is a nice neighborhood, too.

Member Hammer: Yes, it is, it's a nice clean street.

Jason Maddox, Applicant: I also had a bunch of material in my driveway that I'm trying to get out of there, so it's another reason.

Member Hammer: Okay. I didn't see that for some reason.

Jason Maddox, Applicant: I already got it in there.

Member Hammer: Okay.

Assistant City Manager Alvarez: And I will reference, per the municipal code, it doesn't mandate that it has to be in a side or rear yard. Our code does allow for it as stated right now, for it to be in the front.

Member Hammer: Yeah, I understand. It's just an aesthetic thing for me.

Jason Maddox, Applicant: And I guess that's why they sent the mail out, too. To get any of my neighbors to come in.

Member Hammer: Right, and they're not here, so maybe that's not an issue for them.

Jason Maddox, Applicant: I did set it 10 feet from the house, 5 feet from the fence line, and 5 feet from the curbs.

Member Hammer: I saw that. Thank you.

Member Kent: I realize the code does not mandate that they must be in the backyard or anything, we have had requests like this before and, at least the ones I was part of deciding on, it was always that it would be in the back, behind a privacy fence, as to not see it. You don't have a privacy fence in the back, maybe that's not as critical if your neighbors are not objecting, but I do think I kind of had the same concerns as Molly, having it sitting in the driveway in the front. If it were in the back, I personally would not mind if I was the neighbor.

Jason Maddox, Applicant: I have no problem moving it to the back.

Vice Chairman Buhler: We appreciate that.

Jason Maddox, Applicant: And I do have a picture of it on-site right now too.

Vice Chairman Buhler: We have it.

Member Kent: Yeah, I saw it.

Member Luchini: It seems like it would be, if it were in the backyard, it would be more conspicuous and maybe less likely to be – they lock up very tight, and I'm sure there's no issue of it being broken into, but maybe tagged with spray paint or something, I agree with them. I'm sorry. It's a well-kept neighborhood and it's a well-kept yard, and it does look like you have plenty of room in the back.

Jason Maddox, Applicant: Yeah.

Vice Chairman Buhler: This is one of these situations where the code – we really need to visit our codes and make some changes that are more beneficial to the neighborhood. You know, if everybody had a pod in their yard like you have, in the front yard in front of their house, I don't think anyone would want to buy there.

Jason Maddox, Applicant: I'd think so, I think you're right.

Vice Chairman Buhler: And if you get one, then other people will be entitled to have one too. So, I really do believe that this is something that we need to work on with in the code, to develop some structure to where it's not so hard for us when people come to get permission for things.

Jason Maddox, Applicant: Right.

Member Hammer: So, Traci I have a question about just the ordinance and about the Planning & Zoning position versus putting this in front of the City Commission, because we're not making the choice, we're just making a recommendation at this point, and then it goes before the City Commission and they make the final choice. So, seeing that putting it in the backyard is not in the code, that legally, within our ordinance right now, he can leave it where it is, we can make the recommendation but we can't enforce that at this point.

Assistant City Manager Alvarez: Correct.

Member Hammer: So this feels a little ambiguous, we're trying to put the voice on the neighbors and do the best for the community, and for property values, and that's what our position is, but then how do we enforce that? Besides changing the ordinance, which we're not going to do today.

Assistant City Manager Alvarez: I mean, you do have the 7 findings and facts. You could review the 7 findings and facts and see if there's anything that applies there.

Member Hammer: The 7 findings and facts, one of the line items is property values of that street, so I think that would be my primary position, putting that forward in front of the City Commission, like, please consider this for the entire street. Where are the other ones, was there another one that this would apply to? I know you have a couple copies in here.

Jason Maddox, Applicant: It would be better for me to get it approved in the back, so that way I just move it to the back and leave it because next year you'll probably just have me move it to the back.

Member Hammer: It's number 7. Well, number 5. "Unreasonably impair established property values within the surrounding area" that would be my primary concern, and then number 7 "Constitute a spot zone, and therefore adversely affect adjacent property values."

Assistant City Manager Alvarez: If you look down at the bottom, it'll give you a definition of a spot zone, so it does not constitute a spot zone. That has to do with districting.

Member Hammer: Okay, so number 5. Because I don't see anything else here that I would be concerned about. Maybe there will be an increase in traffic because you're getting deliveries but you're probably not doing that every day

Jason Maddox, Applicant: Once a week, a big semi.

Member Hammer: Okay.

Member Kent: I guess this is part of where I don't understand how we proceed forward, if we want to say we recommend approval conditionally based on the conversation we've had about him moving it, how do we present that to the commissioners?

Vice Chairman Buhler: Just like that.

City Manager Whitehead: I think just like that.

Member Kent: And it needs to get to them that way and not be presented-

City Manager Whitehead: Remember your obligation here is to conduct the best public hearing possible and then make the best recommendation along those lines of those findings and facts. So, if you find that having this will adversely affect the property values in the street, I think you're entitled to say, "We think based on number 5 that the permit should not be allow the container to be put in the front, and in this case, we recommend moving to the back." Ultimately, you have to accept and understand that the City Commission is the final determination, it's their decision, they can make a different decision which they might, in this case, say, "They are compliant, the code isn't clear on that, it doesn't give directions, so we're going to grant the conditional use permit, and they can put it anywhere." But I think you have the right and the obligation to express your concerns and what's important to you as members of the Planning & Zoning Commission.

Vice Chairman Buhler: Thank you.

City Manager Whitehead: And I would add, based on a comment here, it might be in the property owner's best interest to put it in the backyard, because if we change the code, as he commented, next year when he reapplies for the permit, it might be different.

Jason Maddox, Applicant: I might as well move it now.

City Manager Whitehead: Might as well move it, and you have a willing participant, that's the best part about this conversation.

Member Hammer: I have a quick question about the protocol for changing the code. This is bringing up a topic that we would like to discuss, maybe not having shipping containers in the front yards, we would want to change that. What is the protocol for making a recommendation that we change the code in the future? Is there a committee, is there a steering committee that does that like once a year, we kind of look at that, look at the priorities.

City Manager Whitehead: You're it.

Member Hammer: So, at this point, should I recommend that on the next agenda we talk about this code particularly?

City Manager Whitehead: I think we have taken on a path this year to try to find these nuances within the code that create this moment to catch your breath. Try to group those together, so we're not doing one every month, it's hard to do. I think you should take this and make a note after this and say, "Shipping containers ought to be something that we put on, that we deal with, and we go look at a little deeper, period."

Member Hammer: Like once every 6 months or something, or once a year?

City Manager Whitehead: Well, I think if we're going to handle this code and code changes responsibly, it would be ongoing. This may be one, this one's pretty simple, it's really something that could happen pretty quick, you could make a recommendation, and we could put it on for that ordinance. I'm still envisioning that in January or February we're going to present the City Commission with a set of changes that we'd like to make within the zoning code. So, this could be part of that.

Member Hammer: So, we need to start tallying a list to present at that time?

City Manager Whitehead: Correct. We've already started.

Vice Chairman Buhler: We need to make the motion.

City Manager Whitehead: Madam Vice Chair, if you would please call and make sure nobody else wants to speak for or against.

Vice Chairman Buhler: Is there anyone else in the gallery that would like to speak on this matter? Okay, we need to make a motion.

Vice Chairman Buhler closed the public hearing.

Member Hammer made a motion to recommend approval to the City Commission for a Conditional Use Permit for 412 Coleman Street for the placement of Shipping Containers as per Section 11-10-4, contingent upon the applicant moving it to the backyard, based on the finding of fact #5 (possibly impacting nearby property values) Member Kent seconded the motion. Roll call vote was taken. Motion carried unanimously.

d) Public Hearing/Discussion/Action: Special Use Permit & Variance Request for 506 Gray St.

Vice Chairman Buhler opened the public hearing.

Proponents: Jimmy Plane

Opponents: None

Assistant City Manager Alvarez: The first thing I'd like to do is make a quick correction on my agenda request form, I noted that the property is being requested to develop to allow for 11 RV sites, it's actually 5. I've had multiple conversations with this not only this applicant, but various applicants. Upon reviewing my site plan here where it showed, it looked like it was showing 5 RV and then 6 sites total. The reference within that site plan is actually 6 sites, 5 of those being RV's and one of them is an existing mobile home on the site. I would like to make that correction first. They are requesting a Special Use Permit for the development of an RV park. The property is in the R3 district, per our municipal code, recreational vehicle parks are permitted by special use in R3. The property currently has one mobile home on it, and then they would develop an additional 5 sites for RV's. Per the design standard, as noted in the section 11-11 A, B, and C, that's our recreational code, the applicant is requesting a Variance from the streets and access standards. The minimum road width is supposed to be 24 feet, and they're requesting 12 feet. Applicant is here to present, and if the commission is okay with it, I would like to ask Anica to come up and speak about it.

Anica Poli, Applicant: Good afternoon I'd like to introduce myself, my name is Anica Poli, and first I'll start with a little background on who I am and what I'm doing, and then go into the permits I'm applying for, my plans for the property, and then I would welcome your questions. I'm a native New Mexican, I grew up outside of Albuquerque, I love New Mexico, it's my home. I went to school in Socorro, that's when I first spent a lot of time in Truth or Consequences, it was a lovely place for me to come and unwind, and when I had the opportunity to move here and purchase property, I jumped at it. I found this property at 506 Gray Street, fell in love, and saw an opportunity to do something really special with it. That's why I'm in front of you today. I'm here to request a Special Use Permit for a recreational vehicle park, along with a Variance for the driveway access. I should note, this property, like Traci said, is already zoned R3 for higher-density residential. This would actually allow for multiple units at a higher density and size than what I'm asking for. I chose the RV park route because I really want to preserve as much of the natural character of the property as possible. As you can see on the site plan, this approach allows us to maintain a large recreational area and lots of existing tree coverage. The property has these really beautiful native screwbean mesquite trees. I want to save those and keep as many as possible. When I purchased this property, it already had a mobile home and a small recreational trailer on the property. The small one is kind of off to the side now, and we're fixing up a new mobile home. My proposal is to add an additional 5 RV sites, again, for a total of 6 units, there is that correction that Traci said. There was a mistake made with the initial packets but it's 6 units total. I have worked closely with the city to ensure compliance. I'd like to thank Traci and Gary for their guidance throughout this process. I also hired a professional landscape designer to create a thoughtful site plan that carefully follows your code, and our plan meets all the RV park requirements, including proper setbacks and spacing, utility access, and underground placement, a recreational area that's 5% of the gross site area, ours actually goes beyond this, community facilities, restroom, shower, and laundry, adequate

refuse collection with weekly removal, we already have this service in place, and if I need to upgrade it I'll coordinate with the city to make sure that's done. We'll include proper lighting for vehicle and pedestrian safety, we'll do perimeter screening and landscaping, there'll be full hookups for all sites, that's water, sewer, and electric. There's that one code requirement we cannot meet, which is the driveway requirement, that's numbers 4 and 8 under section D. So, the code calls for a 24-foot-wide driveway with a 50-foot turn radius. With the way this property is shaped, and the existing placement of the mobile home, the entire property would be a driveway. We did come up with a solution, which is to have a one-way 12-foot-wide driveway, and there's an alley at the back boundary of the property that would allow for this one-way access through the property. We are requesting a Variance to install a gate connecting the property to this alley, so this will be pull-through access for the RV movement. This provides superior access to the cul-de-sac turn around, no one is trying to turn around on the property, and it's just a one-way street through. This maintains safety and functionality while working with the property's natural constraints, that allows me to save a lot of those trees, while maintaining a driveway that's functional. I would like to note I am committed to working with the city to develop this property responsibly and in accordance with your standards. I'd like to thank Traci for her valuable help and insight throughout this process, and I'd also like to thank all of you. I know you're volunteers who want what's best for the city. I'm happy to answer any additional questions about this, I would be very grateful if you could recommend approval of both the Special Use Permit, and the driveway Variance. Thank you.

Member Kent: I do have a question about the driveway, so it'll be one-way?

Anica Poli, Applicant: It will be one-way.

Member Kent: They'll come in off the street and they would have to exit out the alley? Currently that alley is not exactly existing.

Anica Poli, Applicant: It's sort of functional.

Member Kent: You get about halfway down, you can barely get to your property, and then you back out, at least, coming from the road. What are your plans to make that more accessible if there are going to be RV's driving through?

Anica Poli, Applicant: There's not going to be a lot of RV's driving through, I don't know if any of you drove by the property.

Member Kent: Yes.

Anica Poli, Applicant: I have a little recreational vehicle called the Gypsy Wagon, that's mine, I keep that there. I have a few others I'd like to add to the property. I'll be the one moving them. It'll be a more permanent thing, they'll be set. I don't have plans to rent them out.

Member Kent: But you're looking to purchase the RV's and put them on the property and rent them?

Anica Poli, Applicant: Exactly.

Member Kent: So, this would be like an Airbnb situation? Are you going to do long-term rentals?

Anica Poli, Applicant: Just to rent them.

Member Kent: Long-term, short-term, which?

Anica Poli, Applicant: It's to rent them.

Member Kent: So, people would not be coming in for a night, 2 nights, a week, and then pulling through.

Anica Poli, Applicant: No, people would not be pulling through, I would be the one, or my crew. I'd have drivers that would be pulling through, and it would be very infrequent.

Vice Chairman Buhler: Would these be permanent RV's?

Anica Poli, Applicant: I'd follow whatever the codes are for the RV.

Member Kent: Well, no RV is permanent, it's on wheels.

Anica Poli, Applicant: They're on wheels, yeah, so I'd follow the RV park code requirements with them. But I don't expect a lot of movement in and out of the property.

Member Kent: Well, I think that was a significant fact that was not presented, is that this is not something where people are going to be rolling in and out all the time.

Anica Poli, Applicant: No, and it's not going to be random people of the public. And I will help make sure we have good signage on it, where the entrance is. If you look at the site plan, a lot of the parking for personal vehicles is at the front of the property.

Vice Chairman Buhler: This property is clearly in the flood plain.

Anica Poli, Applicant: It's in the 100-year flood plain.

Vice Chairman Buhler: Well, it's by the river, it's very close to the river, and it is in the flood plain. Now, there are base elevations for any permanent structures. Traci, you want to expand on that?

Assistant City Manager Alvarez: I'm going to defer to the City Manager on this.

City Manager Whitehead: The property does not fall within the FEMA flood plain map.

Member Kent: How is that possible?

City Manager Whitehead: I don't know how it's possible if you're asking me. The FEMA flood plain map was changed many years ago, with the addition of the Morgan Street project, and the project that you see run from behind the old Monet building all the way down, so this property did not appear in the FEMA flood plain map.

Vice Chairman Buhler: Well, the properties on the river, they have to build 4 feet up.

City Manager Whitehead: If they're within the flood plain map, they would. This particular property is not. It doesn't mean that they shouldn't build, and it doesn't mean that they shouldn't address potential drainage problems, but again, it did not appear in the flood plain management. That would require you to have flood insurance, if you were taking out a loan or any of those conditions.

Member Kent: Do we have a flood plain map?

City Manager Whitehead: I didn't bring one.

Member Hammer: I have a couple of questions. Thanks for your presentation and your well thought out map. Where's the community center on this map?

Anica Poli, Applicant: This is a recreational vehicle park, so we have the recreation area, you'll see the calculations there, where it shows the lot square footage. So that's the recreation area, and then we have the laundry, shower, and bathrooms on the far left side if you're looking at it with North facing up.

Member Hammer: Just so I'm understanding, there's not a legend on here, so the kind of lined objects, like the trailer, those would represent the RV's, and then what's in front?

Anica Poli, Applicant: That's the site. So, the site is bigger than the RV.

Member Kent: Like a concrete path?

Member Hammer: Like a concrete pad or gravel?

Anica Poli, Applicant: It'll be gravel.

Vice Chairman Buhler: Now this was a homesite, correct?

Anica Poli, Applicant: This is zoned R3, so I guess I'm confused by that question.

Vice Chairman Buhler: It was a homesite.

Anica Poli, Applicant: There was a mobile home on it, and there was also an RV on it when I purchased it, that came with the property.

Member Kent: It's just the mobile home that's still there.

Member Hammer: You are prepared to invest 5 additional 30- or 50-amp poles for these RV's?

Anica Poli, Applicant: Yes, I've been working with the electrician and talking to the city about that, putting together a good plan to pull the correct permits to do that.

Member Hammer: And water, and then tie into the city sewers, all that?

Anica Poli, Applicant: Yes, I met with plumbers this week.

Member Hammer: It's a big investment.

Anica Poli, Applicant: It's a big investment, yes. It'll be worth it, though.

Member Kent: Each of these sites, where the RV's will be, will have the sewer?

Anica Poli, Applicant: Full hookups.

Member Luchini: About what size are these units?

Anica Poli, Applicant: They vary, so I'll refer again to the code for the RV park. But the one I have there now is 8x20, and it's not hooked up, it's just parked there. Until we get our permits, I'm not doing anything with it other than just the construction and infrastructure.

Vice Chairman Buhler: What size is this lot, too?

Anica Poli, Applicant: It's .37 acres, it's approximately 3 city lots.

Member Hammer: I thought the minimum was an acre.

Anica Poli, Applicant: It is, that's why we're asking for the Special Use Permit. Traci, can I defer to you on this, isn't there a line in the code that says in R3 if it's less than an acre, you can do a Special Use Permit?

Assistant City Manager Alvarez: Correct.

Member Hammer: And obviously, you sent out mailers, otherwise you wouldn't be here? Did you talk to any of your neighbors?

Anica Poli, Applicant: I talked to 2 neighbors, one was concerned because on the mailers that went out, it said 11 sites and he was worried about that, because he was concerned about the trees, he wants to keep those, and I said absolutely, these are beautiful, this is part of why I purchased this property, we're maintaining that, and I'm asking for 6 sites, I don't have plans to develop all of them right now. I'll run the utilities, but I don't have plans to put structures or RV's on them right now.

Member Kent: I mean, you will have to take some trees down.

Anica Poli, Applicant: We've had to take one down for the driveway access.

Member Kent: Yeah, that, and some of these paths, at least, when I try to line up these two drawings, there's trees.

Anica Poli, Applicant: The landscape designer did his best to figure out where we can do them, that's why the spacing is the way it is. We might have to lose a few, but we'll keep as many as we can.

Member Luchini: The parking for the renters is not at the unit?

Anica Poli, Applicant: No, it's at the front.

Member Kent: So, they'll never be driving in?

Anica Poli, Applicant: No. There's one parking spot you'll see because we couldn't fit all 6 at the front and we are required to have one parking spot per RV site, and the one at the back would be mine.

Member Kent: Way back here, you're saying?

Anica Poli, Applicant: We were calling it VIP or Princess Parking.

Vice Chairman Buhler: Is there any handicap requirement for this type of a park?

Assistant City Manager Alvarez: Not that I've noticed in the municipal code.

Member Kent: And you'll be living on this property?

Anica Poli, Applicant: We'll see. I want to get it fixed up and set up. Right now, I'm back and forth between here and Phoenix, I split my time.

Member Kent: I mean, will there be any kind of like, if you're not here there's going to be a manager or somebody?

Anica Poli, Applicant: Yes, right now, I have a handyman who's staying on the property, he's there full-time.

Member Kent: So, keeping the bathrooms clean, if there are plumbing issues, whatever kind of things come up?

Anica Poli, Applicant: Yes absolutely, we'll make sure there's really good management.

Member Luchini: Will the rentals that you'll be renting be new?

Anica Poli, Applicant: It'll be recreational vehicles.

Member Luchini: You're providing them?

Anica Poli, Applicant: The plan is that I will provide them and maintain them, so I would be the one moving them onto the property.

Member Luchini: Do they need to be manufactured within a certain year?

Assistant City Manager Alvarez: The city doesn't regulate inside private property, similar to mobile homes. So, we have a regulation within our code that says if you're going to put a mobile home on a city lot, it has to be less than 20 years old, unless it is in a mobile home park. We do not regulate within the private property or within the park itself, per our code.

Anica Poli, Applicant: I promise they'll look nice. I'm big into aesthetics, preserving the neighborhood. As I talked to my neighbors, I said that we're going to do a good job. We're also putting up a privacy fence, but my goal is to make it a really beautiful, nice place. That's part of why I purchased the property, I fell in love with the views, the nature, I want to preserve that, and I'm not going to plop something ugly on there.

Vice Chairman Buhler: Well, this is cropping up, we've had other people come before us, not as large as yours, but to do a similar type of investment with their property.

Member Hammer: There's also a gray area here because they're going to be permanently, well they're not permanent because they're on wheels, but you know, we were talking about the tiny homes also, so I feel like there's some overlap here with tiny homes and RV parks. I guess one of my concerns, I like your vision, but one of my concerns is if we provide a Variance for this property on 1/3 of an acre, when there's a minimum of an acre for an RV park, that's pretty small, then we're opening the door to other property owners in the area, we would have to agree and approve their Variances as well, and is that what we want to do on an overall planning vision, I guess?

Anica Poli, Applicant: Can I speak to that?

Member Hammer: Sure.

Member Hammer: I poured through the code, I feel like I'm a code geek at this point, I could actually develop it, put 8 apartments on there, big apartments, without coming to you guys. I'm asking to put 6 very small units on there and keep a lot of my tree coverage.

Member Kent: Yeah, I just, I'm curious why you went down this road, you know, we have a ton of hotels here, we have other RV parks, we have Airbnb's, I mean, why do you want to get into, what appears to me, the short-term rental market of T or C?

Anica Poli, Applicant: I'm just going to be renting them out, I have a business plan for it.

Member Kent: But you're not saying short or long term?

Anica Poli, Applicant: I'm really committed to hospitality and housing, so I don't know how much you want me to speak on my background, but I've done both long and short term rentals, I've been a landlord before, and I know that there's a housing issue in this community, and I actually have a different property that I've invested in that's a Section 8 complex. My thing is, for every Airbnb unit that I have, I will make sure I maintain a long-term affordable housing unit too. And I don't know the exact plan because I don't even have all the units for this yet. But I may have someone living there longer term on-site, maybe even a couple people living there longer term on-site, and then Airbnb out a few units, I like the flexibility, that's why I'm keeping it vague, saying I'm going to rent it.

Member Luchini: Will the units be skirted for pipe protection, water freezing?

Anica Poli, Applicant: I'm looking into that, we're going to figure out what makes the most sense, I've talked to my contractors. For aesthetics, I would like them to be skirted, but then I also like the flexibility, that they are on wheels and I can move them if I need to. I'm open if you have a preference on that, I'm all ears.

Member Hammer: I think you should just be more concerned about frozen pipes more than moving. I've lived in a trailer here, my travel trailer, for a temporary time, and in the winter, it was a big concern.

Anica Poli, Applicant: Okay, so skirting's probably a good idea.

Member Kent: Yeah, well that or make sure you've got heated tape underneath your trailers, or you will have frozen pipes.

Anica Poli, Applicant: Okay thank you.

Member Luchini: Skirting's removable.

Anica Poli, Applicant: Skirting it is.

Vice Chairman Buhler: The rule is, too, that you can't live in a motor home on your lot.

Anica Poli, Applicant: Unless it's in a designated RV park.

Vice Chairman Buhler: Right. I can see more of these types of facilities cropping up, maybe across the street from you.

Member Kent: Yeah, we're going to have a lot of RV parks in town.

Member Luchini: Do you have hot water rights on the property?

Anica Poli, Applicant: That's a whole other can of worms, and I am in talks with the state, also the engineer, on that, since they regulate that part of it. Right now, there's city water, sewer, trash service, and electric service, so that's what I'm working on.

Member Hammer: Is your plan to drill a hot water well?

Anica Poli, Applicant: There's an old well on the property, and that's a down the line process. I'm working on just getting the utilities and getting the units in right now, and I'll go through the proper permits and everything if I do pursue that.

Member Luchini: Does a hot water right go to the city first?

Anica Poli, Applicant: State office of the engineers is who regulates them, so I would apply for water permits and then if I needed to drill a new well, I would apply for a permit for that.

Vice Chairman Buhler: You'd have to go to Las Cruces.

Anica Poli, Applicant: Yep, I've already been there once.

Vice Chairman Buhler: Okay, any other questions?

Assistant City Manager Alvarez: Vice Chair, if the board doesn't have any more questions for the applicant, you can open it up for any opponents or proponents.

Vice Chairman Buhler: Is there anyone else who would like to speak here today about this subject?

Jimmy Plane, Proponent: My name's Jimmy Plane, and I'm the son of the neighbor she talked to this morning. We were really impressed with what she told us this morning. I will say that her lot is one of the largest in that area, ours is probably the next largest. So as far as other people coming to you for this kind of thing in that area, it is probably not going to happen that much because, like I said, her's is the largest, probably in the area. That's all I've got to say.

City Manager Whitehead: I would also add, for the record, in reference to the Planes and their property, I did speak with that particular landowner, I know Jimmy's here representing, but he brought two concerns: the flood plain map; so he was concerned about flooding and he wanted to make sure that if they did address flooding, that obviously it didn't move onto their property, they didn't create a trespass, which we know, that movement of water in New Mexico requires that you not dump water on your neighbors and those items, so that's certainly covered under state statute; and then his concern was the trees, so in that alleyway, there are some old trees that have been there for a long period of time, but it sounds like the property owner is committed to maintaining those. So as we look at that alley, if we have to work with that, I've not been in a situation or seen where, because it is a public right of way, as I expressed to Mr. Plane, if we needed to use it, it is a public right of way, the trees might have to go because it is a public right of way and we'd have to deal with it, but we would work diligently to see if we could open access, just to what would be to the west. I would just add those two comments to the record.

Member Kent: Which part are you referring to as a public right of way?

City Manager Whitehead: The alley, the alleyway in the back.

Member Hammer: Which is totally overgrown, by the way.

Anica Poli, Applicant: I walked the property with the gentleman that submitted this, and the trees that he's concerned about are nowhere near where I would be pulling through, and nowhere near where I would need to exit the alley, they're on the totally opposite side, so for my purposes, they could be left untouched.

Member Kent: Yeah, the trees weren't so much in the alley, but on your property.

Anica Poli, Applicant: The trees on my property, we're keeping as many as we can.

Vice Chairman Buhler: Well through the permit process, she'll have to also speak with the fire chief, is that not correct?

Assistant City Manager Alvarez: For development of the property, yes.

Vice Chairman Buhler: For her egress, for her one-way egress, basically.

Assistant City Manager Alvarez: That information goes through Planning & Zoning which goes through all utilities including flood and fire.

Vice Chairman Buhler: Okay good, thank you.

Member Hammer: And how long is this Special Use Permit valid for? One year?

Assistant City Manager Alvarez: The Special Use Permit is permanent.

Member Hammer: Until she sells, and if the new owner, they would have to re-apply?

Assistant City Manager Alvarez: Special Use stays with the property, so it's similar to the previous one where it would have transferred with the property owner, had they not split their lot.

Member Kent: We have a Special Use *and* a Variance request. The Variance request, what happens with that?

Assistant City Manager Alvarez: That's a good question, let me see if that's designated. I believe the Variance also goes with them as well, I don't think it's an annual renewal, it's only a Conditional Use and our Kennel Permitting that's annual renewal. It doesn't state in the municipal code. I would gather that in this situation it would transfer with the Special Use, because if the property is developed and then it's sold after development, you wouldn't necessarily request of a new property owner that they would have to then totally re-develop their property.

Member Hammer: Right.

Vice Chairman Buhler: I have one question. Who prepared this, your site plan?

Anica Poli, Applicant: His information is on there, David A Grant, he's a professional landscape designer with 26 years of experience, he's out of Las Cruces, I tried to hire someone local, couldn't find someone to do it, he came and walked the property with me, we went through multiple iterations of this, it's all to scale, submitted it with Traci, if you have any concerns about it I'm happy to address those.

Vice Chairman Buhler: I would like to see a better site plan because a landscaper is not a qualified, someone like Kieth Whitney.

Anica Poli, Applicant: I was told I could submit a hand-drawn site plan for this. So, is there something specific that you're concerned about?

Assistant City Manager Alvarez: Our municipal code does allow for a hand-drawn site plan. When it comes to, even, our zoning approval for brand new builds, we don't necessarily get

engineered plans, I get hand-drawn plans for building because we're only doing a zoning approval and so as long as the dimensions are identified and the setbacks, it doesn't have to be to scale other than identifying all the dimensions of existing structures, lot line, lot size. Once it gets past me, and it has to go to the state, I don't know what their requirements are.

Vice Chairman Buhler: Well, it'll be an engineer, I'm sure.

Anica Poli, Applicant: Did you have a concern about the site plan? Is there something I can address?

Vice Chairman Buhler: Well not really other than it's just, you know, I didn't think it was an engineer who had designed it. You know, a landscaping person is not an engineer.

Anica Poli, Applicant: Totally understand, I was working with whom I could find that would do it for me.

Member Hammer: I have one, I guess, one concern. So, I know your intention with an RV park is to place RV's semi-permanently, and have people come and stay with them, they're not going to be going in and out. Therefore, the 12-foot access makes sense. But in a real RV park, if you did change hands, if we lose that width of a road, I don't know how much you've driven trailers or RV's but that is really tight to be moving in and out of.

Anica Poli, Applicant: Yeah, it's really tight.

Member Hammer: So, I feel like if this changed hands, we would need to revisit how the RV park is being used, because if it's a normal function of having RV's in and out, either on a daily or weekly basis, this wouldn't work. This would be really hard.

Anica Poli, Applicant: I understand that.

Member Hammer: I guess that's one of my concerns, if you sold the property, the new applicant wouldn't need to re-apply for the Variance, that would concern me.

Anica Poli, Applicant: We could probably put a stipulation on the permit, or something to that effect?

Assistant City Manager Alvarez: I don't know if there's anything within our code that allows that.

Anica Poli, Applicant: I don't have any plans on selling this. I fell in love with this property.

Member Hammer: Things happen. Life happens. So, you know, I have to think about the future and how this is being used. That would just be one concern, and I know we don't have anything in the ordinance, unless we do, that that Variance would be reviewed at that time. Plus, the

park is already developed at that point, they're not going to want to come in and re-design the park, I think that would be too expensive. So, that would be one concern. I also feel like we really need to look at our tiny homes and RV park ordinances for little "villages" like this, this is becoming more popular, even nationwide, I do want to support more dense housing, I think it's important, but we've got to build something in our code that has some requirements. We've talked about this a few times in this meeting, I think we need a comprehensive view, because this is going into kind of a tiny home village in my eyes, even though it's on wheels. So, you probably don't know this, but we're having a separate conversation about, how do we change our ordinance to allow tiny homes and what does that look like.

Anica Poli, Applicant: I worked a lot with Traci to figure out how to work within your code, and I want to follow the code, I really want to be in compliance with your code, I want to work with you guys.

Member Hammer: I like supporting innovation, I like supporting business, but I also feel like I'm addressing Traci and Gary, I would really love to look at the ordinance, and with the Commission, to look at how we can look at this comprehensively and wholistically, to make sure we can support these requests moving forward. Because I feel like these one-offs are getting, someone mentioned, shooting holes in our ordinances, you know? We can allow this applicant to build, and then if somebody else comes and wants to do the same thing, but it doesn't make sense, we could get in trouble, you know, with allowing one and not allowing the other. Is there, do you want to comment? You're shaking your head. Amanda.

Amanda Forrister, Mayor Pro-Tem: That's why they come for Variances, because you can say yes or no.

Member Hammer: I understand, but if you get into many, many, many Variances, you really need to look at your ordinance comprehensively and update it, so it makes sense, otherwise why are you having an ordinance, you know? Yeah, I guess that's my concern.

Member Kent: Have you at all considered doing something where the structures would be on a foundation and permanent, not easily towed in and out and moved?

Anica Poli, Applicant: I looked at a couple different options, and what I submitted to you was the best option.

Member Hammer: Is that from a financial point of view? Logistics?

Anica Poli, Applicant: I talked to some builders and some developers, logistics, and again, with your code, because your minimum square footage is 450 square feet per unit, and that's a little bit bigger than I'd need for the units, and this is what made the most sense for what I wanted to do.

Vice Chairman Buhler: Any other questions today?

Member Luchini: How big to you anticipate your units be?

Anica Poli, Applicant: The one that I've purchased now is 8 feet by 20 feet, so about 160 square feet.

Member Luchini: Is that about the size you're looking for?

Anica Poli, Applicant: Yeah, probably about. They're considered recreational vehicles and then that's regulated, MVD has them registered and titled and all that.

Vice Chairman Buhler: The whole size of the vehicle is 100 and how many square feet?

Anica Poli, Applicant: 120 square feet, that's just the one that I, it's an RV, so they're not large.

Vice Chairman Buhler: People could be living in them. You did state that you hadn't really decided yet. If you were going to Airbnb them or have people live in them.

Anica Poli, Applicant: Yeah, I will be renting them out.

Member Hammer: But if it's an RV park, they are allowed to live in them, right?

Anica Poli, Applicant: Or I might live in one. It's an RV park, that's why I'm here in front of you.

Member Hammer: Yeah, no understood. We've had a lot of talk about the tiny home situation.

Member Kent: I think for me, when I look at this my biggest concern is just the access of this one-way road. You're saying all the cars will stay parked up front, like no one's going to want to drive their car back to park next to their RV when they have things to unload and for convenience, if they have a kid...

Anica Poli, Applicant: It's not a far walk.

Member Kent: You say that.

Anica Poli, Applicant: Yes, I understand. Have you seen the property? It's very tight if you do try to drive back into it. I don't even like bringing my car back there.

Member Kent: That's why I still can't even envision this plan. So, you'll be able to ensure that there's not traffic going through, then, even if it's just the cars and not RV's?

Anica Poli, Applicant: Yes, there's going to be a gate at the front, there's two gates at the front of it, and one of those is the driveway one, that's going to be closed, and then there's a pedestrian access on the far side.

Member Kent: When you say closed, closed or locked?

Anica Poli, Applicant: Closed and locked.

Member Kent: How does that work in the event of a fire or any other emergency?

Anica Poli, Applicant: We can set it up so it can be emergency unlocked very easily, maybe something where it opens from the inside.

Member Hammer: I think glamp camp has a similar policy, they don't allow people to park, or they used to I'm not sure about the new owners, they don't allow people to park their cars next to their trailers, and they can bring their own, they have a combination of fixed and mobile, and you have to walk into your spot. They might provide carts and stuff.

Anica Poli, Applicant: Wagons or something like that.

Member Luchini: I really like your idea.

Anica Poli, Applicant: Thank you, I appreciate it. A lot of thought and effort went in.

Member Luchini: I'm just concerned about the size and access.

Anica Poli, Applicant: I understand. Yeah, 12-foot wide, for one-way, it works. Two-way wouldn't happen, but again, we will have signage and I would be the one that would be moving things in and out.

Member Hammer: How many RV's have you procured?

Anica Poli, Applicant: I've procured three. Two are in Phoenix waiting until I get my permits to come out, and then the one that's here now.

Member Hammer: The Gypsy Wagon? That's the one I saw.

Anica Poli, Applicant: The Gypsy Wagon.

Member Hammer: Are they all like that?

Anica Poli, Applicant: They're all very nice like that. Yeah, one is a little bit different, it's more Frank Lloyd Wright style, a bit more modern, and then the other one, we're calling the fairy cottage, it is small and cute.

Vice Chairman Buhler: I do have one last question, could a fire truck get in there if there were a fire? With a 12-foot easement?

City Manager Whitehead: It's a tough question, because a fire on any home on that street, the fire department wouldn't drive onto the property, they would stage in the street, so the street would be adequate for staging of the firetruck.

Member Hammer: What about an RV park?

City Manager Whitehead: Same situation, they technically would stage in the street, they wouldn't drive into the property that I'm aware of. Obviously, the fire chief would probably make decisions based on the situation at hand, but I think their general concern is being able to stage in the street, having adequate water.

Vice Chairman Buhler: Anyone want to make a motion here? Thank you very much.

Member Kent: I do appreciate you putting a lot of thought into this, not everyone does, so that does help. I don't know that we need more RV parks, but that's my personal opinion. However, based on rules and regulations and ordinances, and what is allowed in the city, assuming there's no concern with the one-way, I do worry about this sale down the road, because they may not want to keep them staged in there, you know? It could be a problem later, and that honestly is my one big hangup on this plan because when I first saw this I assumed it was going to be an RV park where I just come rolling into town for the weekend and I'm going to be like, "Oh, hey, there's this cute RV park, I'm going to bring my RV in." and the way it's accessed in the alley and the single lane, I was like, no way. I look at this and think this is great the way you're presenting it now, because you're going to bring your own RV's, they're going to be as fixed as an RV ever is, and people will come to live and rent, but then what happens down the road? That is my biggest hangup when I look at this because the alley's not accessible, if I lived there, I would not want the exit traffic of an RV park going down my back alley all day long, which is what's going to happen to the people who live there, there's no avoiding it, so I'm really stuck on that one, I don't know.

Member Luchini: I think calling it an RV park is misleading. It's basically a tiny home village. We're having issues and want to create a more followable tiny home code. I think we're moving ahead without getting that code and policy in place. I love your idea, I think it's great, but I think, I don't know, and you have spent a lot of time.

Member Hammer: Gary, what is the timeline on the tiny home discussion, and village, I know this has come up a few times in the last few meetings, is this on the priority list for the commission?

City Manager Whitehead: I would say as it relates to this issue, it's irrelevant.

Member Luchini: The timing or?

City Manager Whitehead: The timing of when the code could change is irrelevant to this particular decision. You need to make your decision based on the current code that you have in front of you, and your recommendation needs to be such. I think, to be fair to you, because you're working hard, as I said earlier, January or February is the timeline I'd like to present some changes to the code for the Commission for the beginning of a new ordinance. It'll take 60 days to go through the process, to get those heard, make sure we don't have any concerns with that. That would be my shortest answer to when it could happen, but in this particular case, when the code's going to change is irrelevant to the decision in front of you.

Member Hammer: Understood.

Member Kent: This is an RV park, this is not a tiny home village, these are RV's.

Member Hammer: Totally, it's just bringing up lots of topics that are hot right now. I'm sorry, I just have one more question for clarity. We cannot put a condition on this approval, that if it changes hands, well, it's already developed, I share the same concern that we are approving a Variance based on the expectation that these RV's are fixed and not going in and out and I, personally, don't believe that 12 feet is wide enough for a regular RV park that functions as a regular RV park with in and out traffic, that's my concern. Again, I love the idea as well, I really do, and I like how much thought you put into this, I think that's kind of my one hinging concern.

Member Luchini: Why can't you put a contingency or a condition on it?

Assistant City Manager Alvarez: I don't see anywhere in the code where it allows for that, but I will I'll defer to the city manager.

City Manager Whitehead: I would echo the same, one of the things that seems to get lost, and certainly the code has some issues, but the code represents a right, a property right, each side is entitled to rights, they're entitled to the rights that we've identified in the code, that we want to implement. If the particular landowner is meeting all the conditions that we have set forth, we wouldn't be allowed, and the code really does not say in a Variance that the Variance can be conditioned, it's just clear. You would make a recommendation, the City Commission ultimately decides whether or not they want to move forward and allow for that.

Anica Poli, Applicant: I think, functionality-wise, if down the line I did sell the property, that whoever bought it would quickly realize that you can't move super large things down this 12-foot wide driveway, it's fine for moving small things in and placing them, but not for everyday traffic, so I think that kind of would take care of it.

Member Kent: One would hope.

Member Hammer: If they do their due diligence.

Member Kent: I mean, ultimately, if RV's were coming in and out of this, there'd have to be a size limit.

Anica Poli, Applicant: I'd be open to putting a size limit on what comes in.

Member Hammer: Well, we can't enforce that.

Anica Poli, Applicant: But if there's anything I can do to help address this, please let me know.

City Manager Whitehead: I would add, not to sway your decision, but if an individual takes a property and develops it in a manner that's consistent with the code, if they plan on selling it, they will do a quality job on such product, so the buyer of that product is probably going to be more interested in how it's functioning, than what they would want to do to change it to be different. I think that's a consideration that you should look at too. If this is a great property, it works well, it's doing well, if it had to be sold, the chances of it remaining as you granted it today, if you did, would be consistent, I wouldn't change it. That's as much of a consideration as, if someone bought it, would they *want* to change it, it's a 50/50 proposition.

Member Kent: Sure, but are you selling it with the fixed RV's on the property or not because if you're not, then they'd think, "Great I just bought an RV park. Come bring your RV's."

City Manager Whitehead: I'm not deciding whether or not you would, I'm just saying that if my product that I developed is a good product and it was quality, and somebody wanted to buy it, they would want to buy it based on its revenue generation, its ability to function, what it did, what they liked about it. That's as much of an opportunity as not, that's all I'm pointing out.

Member Hammer: We're also setting a precedent if we approve this, that we can build RV parks in this zone with 1/3 of an acre, basically, is what we're saying.

Anica Poli, Applicant: That's already in the code.

Member Hammer: Anyway, that's just something to think about because if all the other conditions were right, we would be required to approve RV parks on 1/3 of an acre in the future, you know?

Vice Chairman Buhler: Okay, so now we have to vote to either recommend or not. We need somebody to make a motion one way or the other.

Member Kent: I make a motion to approve this, because you have put a lot of time and effort into it. I really hope you're truthful with everything you're saying, with the aesthetics and what you're planning to do with this because I would much rather see this than some other things I see in town.

Member Luchini: I do see the point of, if the property changed, and the business changed owners, that obviously it's not functional for full-size in and out RV's, and I wish you well.

Member Hammer: Are you seconding?

Member Luchini: I guess so, I was thinking of that motion.

Vice Chairman Buhler closed the public hearing.

Member Kent made a motion to recommend approval to the City Commission for a Special Use Permit & Variance Request for 506 Gray St. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

- e) Public Hearing/Discussion/Action: Conditional Use Permit at 303 Jones St. The applicant is in the C-1, M-1 and T-1 Districts.**

This item was removed from the agenda.

5. OLD BUSINESS:

- a) Discussion/Update: Robert's Rules of Order**

Tabled

- b) Discussion/Update: Kennel Permit 412 W Elm Street**

Code Compliance Officer Knull: It is still currently compliant with all of our codes, the applicant has moved the kennel as you guys had requested, we are just awaiting an inspection date to go do a follow up inspection, make sure it still follows code. However, nothing in the code says that he needs another inspection, that the Kennel Permit or Multi-Animal Site Permit has already been approved, there's nothing that says it has to come back for renewal until it expires. The applicant has requested that we just go do another inspection, we are just waiting to schedule it with him and see where we're at with that.

Member Hammer: The kennel was physically moved towards the rear of the property, by volunteer?

Code Compliance Officer Knull: The previous opponent to the permit has since moved away from the location, they are no longer there. But the kennel has been completely moved to a different location in the yard.

Member Hammer: Did he sell the house?

Code Compliance Officer Knull: As far as I'm aware, it's vacant, yes.

Member Hammer: Well, he still owns it? What happened with the appeal?

Code Compliance Officer Knull: I'm not sure.

Member Hammer: He appealed, so what's the process now?

City Manager Whitehead: There really is no process for an appeal. The question was brought forth, as we said before, one area that was potentially missed in this was that you had the opportunity to table it, make sure the applicant moved, then you would have been looking at it and it would have been compliant. In this particular case, I would say the applicant did what was asked even though it wasn't required. There wasn't really a formal appeal process, there was a step where the Commission could have decided to withdraw that, however, when we look through the code, I called in the police chief and Tyler, we went through the code, we read through it completely. The only way that any permittee with a kennel could lose their permit would be if they were found guilty of some violation within the code. In this particular case, or in any other ones, they're not. So just a simple complaint from the neighbor is not enough within the structure we have for us to withdraw the permit.

Vice Chairman Buhler: So now it's between the two parties, basically?

City Manager Whitehead: That would be correct.

Member Hammer: So, sorry, the appeal that I was talking about was the neighbor who was opposing, he filed an appeal when he learned that the permit had been issued.

City Manager Whitehead: Correct.

Member Hammer: What happened to that appeal? Nothing happens?

City Manager Whitehead: Nothing happens, there's no opportunity within the code, there's no process, and there's no violation of the code. The individual that asked for the permit has, again, performed within the code, has done all that they were supposed to, and they actually went a step further, which was to comply with what they had agreed to, which was to move the kennel, so there's no violation. If during the inspection, we were to find a violation, if he was to be cited, he would then go to court. If he went to court and was found guilty of the violation, then the Commission could decide to revoke that permit, but that's the only requirement of the code.

Member Hammer: Understood. So, your understanding was that the opposing neighbor moved away?

Code Compliance Officer Knull: That's my understanding of the current situation.

Deputy Clerk Martinez: If I may, he stated that at the meeting, he stated, and it's reflected in the minutes, that he does leave in August.

Member Hammer: Temporarily because he works somewhere else, but I was wondering if he actually moved.

Deputy Clerk Martinez: Right, but then he also stated that he was fixing the property and he could flip it.

Member Hammer: Okay. That's irrelevant to this conversation, but I just wanted to, sorry...

City Manager Whitehead: None of that is relevant to the conversation, what's relevant is, the applicant applied for his permit, he's beyond compliant, he's also accepted the conditions that you placed on him even though there was a misunderstanding between the Planning & Zoning board and the Commission. That's our update. Thank you.

6. REPORTS FROM THE BOARD:

7. REPORTS FROM STAFF:

Deputy Clerk Martinez: I just have one, we've discussed it, so if you guys would like to have somebody representing your board at the commission meetings to speak during, because of course the public hearings will go the City Commisi.

Member Hammer: If there's a P&Z topic being discussed at the meeting. We did talk about that.

Deputy Clerk Martinez: Correct.

Member Kent: On an ongoing basis?

Member Hammer: Yeah.

Deputy Clerk Martinez: If it's something you want to discuss in the future.

Vice Chairman Buhler: It wouldn't have to be every meeting.

Member Hammer: Maybe we can kind of rotate instead of just one representative, whoever's available. And again, it's only if a Planning & Zoning topic is being discussed at the commission meeting. It just came up as a suggestion so that we could speak to it.

Deputy Clerk Martinez: So if you guys would like, we can put it on the next agenda.

Member hammer: Can we?

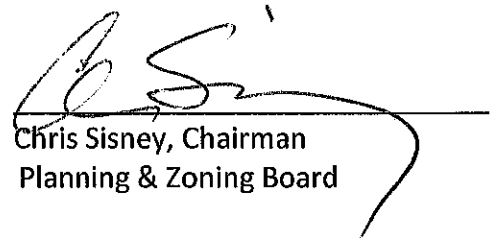
Deputy Clerk Martinez: Yes.

Member Hammer: Thank you, thanks for bringing that up.

8. ADJOURNMENT:

Vice Chairman Buhler adjourned the meeting at 5:32 p.m.

PASSED AND APPROVED ON THIS 8th DAY OF SEPTEMBER, 2025.



Chris Sisney, Chairman
Planning & Zoning Board