

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, SEPTEMBER 9, 2024**

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, September 9, 2024 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member Via Phone

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy City Clerk

1. APPROVAL OF AGENDA:

Vice Chairman Buhler made a motion to approve the agenda. Member Luchini seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) August 12, 2024.

Member Luchini made a motion to approve the minutes. Vice Chairman Buhler seconded the motion. Motion carried unanimously.

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

There were no comments from the public.

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

4. PUBLIC HEARINGS (5 Minute Rule Applies)

- a) Public Hearing/Discussion/Action: Variance request and Special Use Permit for Parcel 3021077414340 for the placement of Shipping Containers.**

Assistant City Manager Alvarez: Unfortunately, the applicant was not able to attend, he is at the state fair. When we schedule these sometimes, we are scheduling 30,60,90 days out. So, we weren't necessarily thinking of his needed attendance at the state fair due to his children showing animals. The applicant is wishing to place shipping containers on the property that parcel number can be used as storage units. The property will be fenced, security cameras and lighting will all be installed. The property is located in the R3 district. With in your packet, I also included a zoning map so that you can see it is next to a commercial district as well. If he was in the commercial district storage units would be allowed and he would just be requesting to be able to use shipping containers for those storages units would be all we would be here about but because it's in R3 he is requesting both the variance and the special use so that they can be placed with in that property. The variance is because we got storage units going in with no main dwelling unit which is what our code says. The special use is to allow the storage units in an R3. We do have an applicant representative here David Bean is part owner of the property.

Chairman Sisney: The shipping containers are they specialized or are they just standard shipping containers?

David Bean Applicant Representative: These will be containers that has individual storage, and they come in 20-foot and 40-foot, but I believe what he is using I might be speaking out of turn here because I am not sure he was leaning towards 20-foot containers which would have a depth, and they are about 8-foot wide.

Chairman Sisney: Can we call these conics is that what we are talking about?

David Bean: It's been called conics, shipping containers it's in the same.

Chairman Sisney: What are they going to sit them on?

David Bean: I believe dirt because they have a floor and skids.

Assistant City Manager Alvarez: He is a partial property owner, so he is approving as property owner not necessarily as the applicant.

Chairman Sisney: We know that lot. I remember when you guys leveled it.

David Bean: Yes, it's been some years. I have owned that property for probably close to 30 years.

Assistant City Manager Alvarez: With in your agenda packet don't forget you do have your findings of facts. What you should be doing is reviewing the request based on those 7 findings of facts.

Vice Chairman Buhler: Will they be new?

David Bean: I'm not sure I know he was leaning towards what we call a one trip unit so they are normally brand new or only been used once. They will not have graffiti on them, they will be painted and look professional. We won't have rusted containers there.

Chairman Sisney: Do you know if they are going to enclose the property?

Assistant City Manager Alvarez: They are going to have fencing.

David Bean: They will probably have controlled access going in. The tenants that are renting will have access.

Chairman Sisney: Do you know if you could see through the fencing is it going to hide the containers?

David Bean: That I don't know.

Lisa Kent: Do we know how many containers?

David Bean: Mr. Bartoo is mostly doing this project there. I think 10 units may be 20. I'm not sure so I can't give you a direct answer to that.

Member Luchini: So, we are going from residential R3.

Assistant City Manager Alvarez: Yes, the property is in R3 but as you can see from the zoning map it's surrounded by commercial buildings.

Chairman Sisney opened the public hearing.

Proponents:

No Proponents

Opponents:

NO Opponents

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend approval to the City Commission for a Variance request and Special Use Permit for Parcel 3021077414340 for the placement of Shipping Containers. Member Kent seconded the motion. Roll call vote was taken. Motion carried unanimously.

b) Public Hearing/Discussion/Action: Conditional Use Permit 808 Maple for the placement of a shipping container.

Assistant City Manager Alvarez: This is a conditional use permit. Per our municipal code, the applicant is requesting permission for a place for personal use shipping container there on the property. We do have the applicant here. As we revised that municipal code it does a conditional use permit is required for the placement of the shipping containers within those following districts, and she is also in the R3 district as well. She is following the process set by the municipal code.

Kim Birdsall Applicant: I am part owner of the property in question. I am here to answer any questions you may have.

Chairman Sisney: Is this the lot that we split?

Kim Birdsall Applicant: You actually merged the parcels.

Assistant City Manager Alvarez: They went through the summary plot process and combined the lots.

Kim Birdsall Applicant: We are planning on building a home on that property and we just need some extra storage in between the moves.

Chairman Sisney: You are on the property?

Kim Birdsall Applicant: Yes.

Chairman Sisney: It looks like there is a container on there now.

Kim Birdsall Applicant: Yes.

Chairman Sisney: Where are you going to place the other one?

Kim Birdsall Applicant: That is the container.

Assistant City Manager Alvarez: The applicant had the container placed there before they realized what the process was.

Chairman Sisney: Is that a 20 foot versus a 40 foot?

Kim Birdsall Applicant: Yes, that is a 20 foot. It is used, it's not exactly what I would call aesthetically pleasing but I do intend on making that happen because I don't like the way it looks myself.

Member Luchini: We appreciate your efforts to do things right.

Kim Birdsall Applicant: I so apologize for that I had no idea.

Member Luchini: I don't think a lot of people do. There are a lot of shipping containers in town.

Assistant City Manager Alvarez: This one is a real positive for the city. It's one that the city abated, and we put a lien on it and obtained it. We then put it up for sale and they purchased the lot, and they have been making improvements to it. That is always nice moving forward.

Chairman Sisney opened the public hearing.

Proponents:

No Proponents

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Vice Chairman Buhler made a motion to recommend approval to the City Commission for a Conditional Use Permit 808 Maple for the placement of a shipping container. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. REPORTS FROM THE BOARD:

No Reports from the board.

6. REPORTS FROM STAFF:

No reports from staff.

7. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 4:18 p.m.

PASSED AND APPROVED ON THIS 7th DAY OF OCTOBER, 2024.



Chris Sisney, Chairman
Planning & Zoning Board