

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
AGENDA
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
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member
Molly Hammer, Member

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

- a. July 14, 2025

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

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. Assistant City Manager Alvarez
- b. Public Hearing/Discussion/Action: Request for a Special Use Permit Renewal at 3500-3710 E. 3rd for the purpose of a Kennel Permit. Assistant City Manager Alvarez
- c. Public Hearing/Discussion/Action: Conditional Use Permit for 412 Coleman Street for the placement of Shipping Containers as per Section 11-10-4(B-1). Assistant City Manager Alvarez
- d. Public Hearing/Discussion/Action: Special Use Permit & Variance Request for 506 Gray St. per Section 11-9-4(D) and 11-11-5 (D) Assistant City Manager Alvarez
- e. Public Hearing/Discussion/Action: Conditional Use Permit at 303 Jones St for the placement of Shipping Containers as per Section 11-10-4 (A-1). Assistant City Manager Alvarez

5. OLD BUSINESS:

- a. Discussion/Update: Robert's Rules of Order
- b. Discussion/Update: Kennel Permit 412 W Elm Street

6. REPORTS FROM THE BOARD

7. REPORTS FROM STAFF

8. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, JULY 14, 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, July 14, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

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

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) June 9, 2025.

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

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

Scott Valentine: In last month's meeting, June 9th, I came in opposition to a dog kennel license at 412 N Elm, I live at 414. Currently, the kennel is right underneath my living room window. The property line is 9 feet from my house, and the kennel is a foot from that. I did not oppose the kennel if the resident would move it further to the back. We should have defined that, but he volunteered to move the kennel. He suggested that he was going to move the kennel before, but then he said he was happy to. He did not move the kennel. He has a kennel license. We were going to finalize it in tonight's meeting, I don't know how he got the kennel license, but it is not moved and now where he planned on putting it is approximately less than 40 feet from where it exists, so I am downwind of it. I cannot open the windows on the South side of my house, I would hope to be able to open my windows in the evening in the Summertime, but I cannot, and if I do, then my house smells like outside, and I don't want that. So, I oppose the kennel. That's all there is to it. If he says, "Oh, okay, I'll move it now." Because it's an inconvenience to him or something, I don't want it where he wanted to move it anyway. The way the county has set up the ordinance is four pets any combination of dogs or cats. If he has extra animals, they're in cages, they're not being walked, they're languishing in the sun, their shade is broken, I've seen it. You can have hay or whatever to make them comfy, but it is not good for them. The fourth dog that has been at large- I don't get mail right now because of the dog at large. It's not my dog, but now it's in the cage as of July 4th, that was afraid, so he put it in. Anyway, thank you for the time. I am opposed. I like the ordinance the way it's written, and I think it's very reasonable. I don't want to live next door to a dog kennel, that's all there is to it, it needs to be out in the country somewhere. Thank you.

Alice Hutchins: Hello, my name is Alice Hutchins. I live in T or C and run an AirBnb called Magnolia Street Casita. We have hosted over 150 out-of-town guests in the past 18 months with a 5-star rating and Super Host status. I wanted to highlight some of Molly Hammer's points in her excellent AirBnb workup included in your packet. Under "Tourism Without Large Infrastructure" she has two bullet points: "Adds Lodging Capacity", and "Preserves Rural Charm". Excellent points. Hotel chains offer a large capacity, but they do nothing to showcase the unique qualities that make T or C such a special place to live and visit. Almost 100% of our guests are from out of town, they book our space wanting a taste of the southwest, a close-knit community vibe, and a unique hot springs experience. Another point she makes is "Economic Development and Diversification". Under that is: "New Revenue Streams - Hosts can earn income that is often reinvested locally", and under that is: "Property Improvement and Beautification - Incentivizes Upkeep - Short Term Rentals are often required to have better upkeep, curb appeal, and property maintenance." The income we derive from Magnolia Street Casita is funneled right back into paying bills, buying groceries, and home improvement projects. Thanks to this extra income, we've been able to add landscaping, upgrade our curb appeal with new fencing, and we had the resources to re-stucco and paint the casita. All of this

adds value and aesthetic appeal to our neighborhood. Molly also brings up an excellent point under “Missed Opportunity – The City of T or C needs to establish a voluntary tax collection agreement with both booking platforms: AirBnB and VRBO”. A lot of money from our valuable short-term rentals is being left on the table, and Molly has done all the legwork necessary to remedy this. It behooves this committee to move forward with her recommendations. Lastly, I am looking forward to the presentation from the Love’s representative. This is an important project for our community. As you all know, one of the four responsibilities of Planning and Zoning is “Identifying and addressing emerging issues that are not yet reflected in our current municipal code.” Last month, I said that we needed to upgrade codes that will protect our environment and the night sky. It would be foolish to let a project as big as the Love’s Truck Stop move forward without provisions in place requiring night sky lighting and an environmentally friendly parking lot. I am happy to forward information regarding both of these items to the committee. Thank you so much.

Nanetta Landry: I am just here about the property on 1095 East Riverside Drive. The last time we had this meeting, I turned in, it was from 3 of us in the neighborhood, myself, Vicky, and Marlene, and we are all opposed to it. We really have some major issues with it including line of sight, the bank, which is odd, we live on the river, so the bank is very fragile, it’s flooded 3 times this month. We also have personally looked at the plan. We feel, well, if you go forward with it, they need to be required to have a survey on the property because the lines that they’re saying on there are not the true measurements of that property. Trying to put 2 feet between my property and 5 feet on the other side, and putting the same size house that he says he wants in there, would not be possible, which means something has to go, either the size of the house or the setbacks from the property, which are already too close. I’m just here to oppose that, thank you.

4. PRESENTATION:

- a. Presentation/Update: Love’s Travel Stops and County Stores

(attached hereto and made a part hereof)

Member Hammer: Thank you for your presentation, I do have a few questions. As far as the overnight RV spots, have we taken into consideration the perceivable impact on local, family-owned RV parks? Will it redirect that traffic and potential revenue to a corporate company on the freeway that will kind of keep them there, they’re going to eat, sleep, shower, get gas, and probably just get back on the road. I like Love’s, especially as a traveler, whether I am towing a trailer or an SUV, I stop there because it’s clean, it has a few things I need, but I never ever go into the town that it’s at. That’s my personal experience, so that’s one thing I am concerned

about, we are just directing traffic. They stop and then get right back on the freeway, especially since it's on the other side of I-25. They have to get back over the access road and back into town. That's my concern, I feel like this ship has already sailed, this project is already underway, but those are concerns that I would have as a business owner, and representing business owners in town, I want to see more traffic come into town, and I feel like your location will prevent that. Also, your wages, are you pretty much paying minimum wage, or is it higher?

Barbara Peck, Large Developments Engineer: We do a local wage survey before we decide what the wages will be. So, they will be in the market for the area.

Member Hammer: Again, my concern is creating a lot of minimum wage jobs doesn't really help our community. I would like to see them get paid more so they can benefit from a better paying job, because there are not a lot of those here. The dark sky ordinance, we don't have a dark sky ordinance in T or C, do we? Is it in our ordinance?

City Manager Whitehead: It's part of the state law, so it would be a state requirement. Every building that is built requires every contractor that goes through to get a permit would have to be compliant with that.

Member Hammer: Okay, so it's state statute. You can get around our ordinance if it wasn't in there, but you just mentioned that you follow all ordinances and I don't think we have a specific one, but you answered my question, thank you.

Barbara Peck, Large Developments Engineer: We do have to follow the state statute.

Member Hammer: Got it. I think that's it, I don't know if you want to address those, there are a lot of questions, but those would be my concerns as far as the local economy and supporting our population.

Barbara Peck, Large Developments Engineer: Sure. Our experience has been that when we come into a small community, that it brings people into that community rather than taking them out of it. I'm most familiar with certain Alabama locations in that instance, where we have come into the community, and more comes in after us, business-wise as well as customer-wise. We draw them in off the interstate, right now there's not a giant red heart beaconing to people, drawing them off the interstate to Truth or Consequences, so we hope to do that. It's our hope that with some of the other things we are adding to it, which we don't do at all locations, that will also continue that conversation inside the store. With having store team members in there that are from the community, our hope is that they will become very familiar

with the regular drivers that come through the store. So those conversations happen, “Hey, have you tried such and such restaurant in town?” or “Hey, have you seen our hot springs?”, those conversations become the norm, because we do cater to a fleet client. Then, either the drivers will go into town somehow, but those conversations do happen and drivers do come back through with their families, we do see that uptick within the community. So I’m hoping that is exactly what happens here, it would never be our desire to come in and obliterate a business, we don’t want to be the Walmart Supercenter of the 1990’s, 1980’s kind of thing, we want to be a partner in the community and work with the businesses in the community to continue to develop that tourism, those stops, and people coming into town. So we’re happy to work with the chamber or anybody else to help facilitate that as time goes on.

Member Hammer: One more question, is there any other choice besides Arby’s in your fast food selection? It’s kind of a rhetorical question.

Barbara Peck, Large Developments Engineer: I’m afraid that ship has sailed.

Chairman Sisney: Lisa, you have any questions?

Member Kent: No, I had similar concerns about the RV spots, but we addressed them, and I really wish it wasn’t Arby’s too, but it doesn’t matter.

Vice Chairman Buhler: I do have a question, what size, how much land is dedicated to the RV park?

Barbara Peck, Large Developments Engineer: I may have to get that information back to you. It’s around the periphery of the parking lot, and there are 10 spots, but I will have to have my engineer do the math on that.

Vice Chairman Buhler: You know, in New Mexico, for an RV park, 2 acres is the goal.

Barbara Peck, Large Developments Engineer: Those would be the parks where folks come and stay at, though, is that correct?

Vice Chairman Buhler: Well yeah, I think so.

Barbara Peck, Large Developments Engineer: And that is not what we want to be, we don’t want to be some place they come to live. We definitely want to be the place where they come and keep going.

Vice Chairman Buhler: And I like your sign, except for the arrow.

Barbara Peck, Large Developments Engineer: Okay, noted. Thank you for your comments.

Vice Chairman Buhler: Truth or Consequences would be great up on the water tank, and you're very visible so you really wouldn't need an arrow anyway.

Barbara Peck, Large Developments Engineer: That hill's going to hurt, coming off that onramp.

Chairman Sisney: I have a question, you had a thing up there about human trafficking, but you didn't discuss it, I'd like to know what that was about.

Barbara Peck, Large Developments Engineer: There are many times where, because of the nature of the business that we are in, law enforcement works with us very closely to help facilitate ending really horrible things from happening. We work very closely with the Department of Homeland Security, Blue Campaign training for all of our team members, and Truckers Against Trafficking. So, that's an organization that one of our owners was a founding member of. We want to make sure that nothing bad is happening on our properties. We are going to work with every agency that we can find to help make sure that that's the case. It doesn't matter what the crime is, we are going to work with agencies to make sure that it doesn't happen on our property. Our fleet customers don't want to come to a place that's unsafe. They don't want their drivers to be in places that are unsafe. Our automobile customers, they don't want to go to a place that's unsafe. We do everything we can, and work with various different agencies to make sure our staff is trained, our stop is clean and safe, and that the layout and our standards are high enough that in the event something were to breeze through, we would be aware of it immediately and take swift and immediate action.

Chairman Sisney: So there's obviously a need for that. What are the results of your efforts? How often do you catch people trafficking and how often do people get rescued and that sort of thing?

Barbara Peck, Large Developments Engineer: Most of the time it doesn't happen on our sites. We are the first notification, and then the law enforcement agencies move into action as it's going down the road. So, you will hear about things that happen further away. What I can tell you is that every year, we run a crime analysis through a third party contractor, so it's not our opinion of the safety of our sites, it's another company telling us what the data says. Our sites come in at or below the crime percentage of the community that we're in. We're not higher

than it is, we are either at it or we're below it, because of these actions that we take with our staff, with our cameras, and our involvement with law enforcement. Is that kind of the answer to your question? Ask it again.

Chairman Sisney: Well, I was wondering how often do people get rescued because of your efforts?

Barbara Peck, Large Developments Engineer: I don't know the answer to that, and I don't know that it's something we are tracking.

Chairman Sisney: So you're doing this, but you don't know if it's doing anything?

Barbara Peck, Large Developments Engineer: All we can do is try. It's better than doing nothing.

Chairman Sisney: Absolutely. These things are notorious for being with trafficking and all kinds of criminal activities. They have got a pretty good reputation for that. So, the closest Love's Travel Center is up in Los Lunas, right?

Barbara Peck, Large Developments Engineer: In Belen. And then Las Cruces is to the south, it might be closer than Belen.

Chairman Sisney: It is. What kind of wages are you paying in Belen? Where do we start?

Barbara Peck, Large Developments Engineer: I'll have to get that information and bring it back for the next one, I don't have that with me. I'm going to take some notes.

Chairman Sisney: The hookups for the RV's, what type of hookups, is it just electrical or are you doing sewer and water also?

Barbara Peck, Large Developments Engineer: No, the City of Truth or Consequences does not allow the sewer hookups, so we don't have those. There will definitely be power, and then we do the Wi-Fi connectivity for them. I will have to check, because without the sewer, I don't think we do the water either, but let me double check on that as well.

Member Kent: Will there be at least a dump station? Not nothing?

Barbara Peck, Large Developments Engineer: No.

Member Kent: Residents could use that.

Member Hammer: I have one more question, but I'll go after everybody else.

Chairman Sisney: I would like to make the comment that regarding dark skies, not directed at Love's particularly, but if there is a state ordinance working on dark skies, I can see Las Cruces better every night over the years I've been here, so I don't know how well all this dark skies stuff is working. It's getting bright out there, but let me ask you another question. Are you going to have any services for EV's (Electrical Vehicles), any charging stations or anything?

Barbara Peck, Large Developments Engineer: So what we do with EV's is we do plumb for it, and then we work with the EV equipment providers. If they feel like it's a market that would use it, then they come out and we lease the spaces to them. So, they'll bring the equipment out, and that sort of thing, and connect with the infrastructure so it's available for the customers.

Chairman Sisney: Would you make a provision for the future use of rapid chargers, which require a DC converter on-site? Is that part of the plan that you guys can upgrade for when it's time, when you're ready to start servicing EV's?

Barbara Peck, Large Developments Engineer: We make the room for it, but those EV companies will make those decisions on their own, we just lease out the space.

Chairman Sisney: Because it's got to get there at some point.

Barbara Peck, Large Developments Engineer: Sure. That's why we make sure there are spots set aside for it, space for the chargers and the transformers that are required for it.

Chairman Sisney: Okay. Thank you for answering my questions. Molly, you have one?

Member Hammer: I just have one comment on the water tower billboard. My first reaction to that is like, no, I don't want to be Love's T or C town. We have too much charm here, we have too much tourism attractions, like the hot springs, the lake, the river, that really draw people here. I just, I'm not a marketing person, but I have a lot of pride in this town and what we represent, and I would just love to see an effort on Love's part to go, "Hey, turn left here to go to the hot springs." Instead of like, Love's, and T or C. I just would like to see you guys work with us to bring people into town and highlight our features that people can come here for. That's my last comment.

Barbara Peck, Large Developments Engineer: Thank you, I appreciate your comments.

5. PUBLIC HEARINGS (5 Minute Rule Applies)

- a. Public Hearing/Discussion/Action: Special Use Permit and Variance Request for 400-406 Van Patten to develop a 2 spot RV park which requires a SUP.

Chairman Sisney recused himself, Vice Chairman Buhler opened the public hearing.

Applicant: Jessica Logreira & Chris Slate

Proponents: Chris Sisney

Opponents: None

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

Assistant City Manager Alvarez: What you have in front of you today is a request for a Special Use Permit, and also a Variance Request. The property is located in the R3 district and per our municipal code, an RV park is allowed in the R3 district via a Special Use Permit, so, that's why it's being brought to you. She is also requesting a variance, and that would be in regards to the community building that is specified, that is a requirement as an RV park. The applicant will speak a little more on that shortly. A little bit of background on the property, this property first came to you guys as a designated mobile home/RV park. When she purchased the property, she went through a Summary Plot Amendment and split part of the property so she could sell off a section of it, not realizing that when she did that, it cancelled out the mobile home/RV park use that had been designated however many years ago as Petunia's Mobile Home Park. It did come to our attention when she was doing some enhancements to the property, and we reached out to let her know that due to the lot split, it was no longer designated and she would have to go through the Special Use Permit process again. She immediately stopped the enhancements and has submitted and gone through all the required processes. The application has been submitted, certified letters were mailed out, all fees were paid. Within your packet, she has done a really great job of delineating the area for the mobile home park, and providing a breakdown of where things are, and where things are at. With that, I will turn it over to the applicant unless you have any questions for me at this time. We can let her give a little bit of history and talk about what she'd like to do there.

Vice Chairman Buhler: So they have a permit now going forward?

Assistant City Manager Alvarez: No.

Vice Chairman Buhler: Not yet?

Assistant City Manager Alvarez: So, the property, however many years ago, was designated as a mobile home park, Petunia's Mobile Home Park, and per our municipal code, RV's are allowed in a mobile home park. So, you can have a mobile home park and then, unfortunately, put all RV's in it, then it's an RV/mobile home park, that's what the property was. Once she came to you guys and you allowed her to split that property, it then just became 2 residential properties. So it's no longer considered an RV or mobile home park. That's why she's coming back to you now, she has to request that Special Use Permit.

Vice Chairman Buhler: Okay.

Jessica Logreira, Applicant: Hello, I'm Jessica Logreira and this is Chris Slate we own the property that is being discussed right now. Traci mentioned, this property had mobile home/RV spaces and are only going to be using 2. The spaces were divided they had their concrete slab, they had the utilities, and sewage, and all of that. So, when we re-platted and sold it, we did not know that it cancelled it. At the Assessor's Office, we still had it under Petunia's Mobile Home Park. As soon as we found that out, we went to the City and asked what we needed to do to comply, so that's why we're here now. The spaces are 3 and I have photos here, if you'd like to see photos. RV parks across the country require the majority of the RV's to be self-sufficient, so they don't need to have bathroom. We are going to provide showers where the tubs are, each tub will have a shower. So that's why, because of the size and the small footprint, we are asking for a variance so we don't need to include a community building for laundry and bathroom because there are only 2 spaces, it's not really like a 10 space RV park or anything like that. We are already providing the showers in the tub area. We are in an RV park neighborhood, there are 2. There's the Glam Camp across the street from us, and then there's the Artesian on the other side, so they're on the road between Foch and Van Patten. So, we are not doing something new in the neighborhood. We hope to create an aesthetically pleasing environment on our property, and by upgrading our place, we will be improving the surrounding property value. We have the 2 semi-private spaces, each space is divided by fencing, including the hot springs tub that will have its own enclosure. Each RV space is over 3x the minimum size required by the code of ordinance in T or C. It's like 1,250 square feet per space, and we have over 4,000 square feet per space. We are decorating those spaces that are dividing the space with earthy tones so we can blend and use more of the natural environment, and we have pictures of that too. We have a picture of a mural as well.

Vice Chairman Buhler: Are you putting trailers in there, then?

Jessica Logreira, Applicant: No, it's for Short Term Rentals.

Vice Chairman Buhler: Someone will just park an RV in there?

Jessica Logreira, Applicant: Right, yeah.

Vice Chairman Buhler: So really, it's an RV park.

Jessica Logreira, Applicant: Yes.

Member Kent: So, you said short term, so you will not allow for long term. People cannot come live there for a year, 2 years?

Jessica Logreira, Applicant: No.

Member Kent: A couple nights, a week, 2 weeks maybe?

Jessica Logreira, Applicant: Yeah.

Member Kent: A question I have, when you applied for your well permit, did you apply for residential or a commercial permit?

Jessica Logreira, Applicant: I don't remember, that was over a year ago. I presented all the paperwork to the state in Las Cruces, and they approved it. The ownership papers probably say something there. We are R3.

Member Kent: Well that's not the designating factor, though.

Jessica Logreira, Applicant: We are commercial in the sense that we are not going to be renting people to come and soak for an hour, we are not doing that.

Member Kent: It's only for people there.

Jessica Logreira, Applicant: For the people that park there overnight.

Member Kent: In a slip.

Jessica Logreira, Applicant: Yes.

Member Kent: I understand, I'm just asking questions.

Vice Chairman Buhler: Not to single you out by any means, but you know, it is important that if you're going to have a business, that you have a commercial water right. That's what the hotels have. The Glam Camp, I'm not sure what they have. I don't think that they do have one. But I know that the State Engineer's Office should be contacted about this, and this falls on our city, not on you, I'm not saying what you're doing or what you would like to do is good or bad, I'm just saying that the city needs to find out about this because it is going to become more and more important to the hot water district.

Jessica Logreira, Applicant: Are we talking about the hot springs water or treated?

Vice Chairman Buhler: I'm talking about, the rule of thumb with a water right, is that you can have a well, and you can put 1 acre foot of water over your land, I think it's per year. If you have a water right, of course, you have hours. You have so many hours, so it's different for someone that has a water right or a commercial water right. It's different than a domestic well, there's a big difference.

Jessica Logreira, Applicant: When we did - our building is all commercial. We pay everything commercial. When we went to the state they gave us residential, they didn't give us commercial.

Vice Chairman Buhler: Right, it's a domestic well. So, it is something that the city is going to have to - I don't know how, but eventually, you know, they could shut everybody down. The well people down in Las Cruces, that's where our basin is. That's where our engineer, the state engineer, is for water rights, in Las Cruces.

Jessica Logreira, Applicant: I think I know what you're talking about, because when we applied for a second well we need to submit to the state again, and the city to get all the permits, and they said that based on the usage we had, we built a second well because we have a lot of sand and it gets clogged sometimes, and it's hard. We need to get Mauldin with the big rig to come and fix it. So based on the usage we had, we were not even 50% under the maximum, and they

said until we reach this much, then we will have to pay more. So, this is a different property, but it answers the question about the usage basically.

Vice Chairman Buhler: Well I do also have a question about the French drain, did an engineer design that for you, or how did you come up with a French drain for those hot tubs?

Chris Slate, Applicant: We had a contractor.

Member Kent: So you just dug a big hole and filled it with rocks, and the hot mineral water?

Jessica Logreira, Applicant: In the pictures you can see.

Vice Chairman Buhler: I have seen it.

Member Hammer: So basically, that French drain means that you're not putting water back into the sewer, you're not tying into the city sewer, you are putting it on your property and it either seeps back into the ground or it evaporates.

Jessica Logreira, Applicant: Yes, and the tubs are small, they're like 4x6 or something like that. Now, the other day we went when it rained a lot, we wanted to see what it looked like, because it's a lot of sand, so it either goes down or evaporates. I think it just goes down into the sand. That was rain.

Vice Chairman Buhler: Well if you get a permit, you know, we don't make the decision, the city makes the final decision. We just recommend. So, you would still go before the city with your plans of what you would like to do, you'll just get a recommendation basically, that we'll vote on from us today.

Member Kent: So, in terms of your request, the Variance Request, to not have to have a community center, I personally, if this were to be approved and go through, I'm okay with that, as long as you are strict with who you are renting to, that they are 100% self-contained, and that they're not living there for long periods of time. I lived in an RV for a while, and your water pipes and stuff are going to freeze at some point. It's hard to keep them not, so having a community room was very useful for us on certain mornings. But, it being so small, I guess that's not the biggest concern, and if people aren't going to be living there long-term, they can always pull out and leave if they need to.

Vice Chairman Buhler: Well it was residential. It was a permanent home or trailer that was in there before, correct?

Jessica Logreira, Applicant: Yeah, there were several, yes.

Member Hammer: Are there full hookups? So, water, sewer, and is it a 50 amp or a 30 amp on each?

Chris Slate, Applicant: 50 amp.

Member Hammer: So they have a way to get rid of blackwater safely, and greywater, and they're self-contained, so they have their own bathrooms. I guess, you'll have to enforce that somehow.

Jessica Logreira, Applicant: Yeah.

Member Hammer: I'm not sure, that'll be on your questionnaire or something?

Jessica Logreira, Applicant: Well we have rules no pets, no children, no more than the registered guests, and we keep those real straight?

Vice Chairman Buhler: You'd have an age, then, on the RV that would be put in there. Would you have an age on that? I know some of the RV Parks have that.

Jessica Logreira, Applicant: Yeah, on pets, because you don't know if you're going to have a barking dog.

Vice Chairman Buhler: And one other thing I want to mention to you all is that if someone has a lot and they want to put an RV on it, and live in it, they cannot do that. I know someone that has been told that they have to remove it, they cannot use it. So I think that needs to be stated at this meeting, that you can't live in T or C in an RV on your property.

Assistant City Manager Alvarez: Unless you're in an RV park.

Vice Chairman Buhler: Unless you're in an RV Park.

Jessica Logreira, Applicant: Yes, but it's not our intention. We aren't going for that, we don't want a long-term resident. We want short term and as we go through all the steps and get

approval, our next step is going to the city, getting the STR permit, as we have for our Airbnb, and pay monthly all the taxes, convention center, lodger's, all of that.

Vice Chairman Buhler: And you're not going to have a laundry facility?

Jessica Logreira, Applicant: That's why we're asking for the Variance, because it's only 2 spots so we don't want to have to build this building with laundry, bathrooms, and everything, for only 2 RV's at a time. People are not staying there for long.

Member Kent: I mean, the laundry, for me, is the least of my concerns, we have laundromats, or a laundromat.

Vice Chairman Buhler: 1.

Member Kent: Well there's 1 in Elephant Butte, so there's at least 2 in the area.

Jessica Logreira, Applicant: Williamsburg.

Member Kent: Maybe Williamsburg, anyways, they can pop over to a laundromat. But bathrooms are different, right, what happens if your pipes are frozen or whatever and there's no public bathrooms, it's hard to find bathrooms. So I see the need for it to some degree, but as long as it's stated and they know what they're dealing with, and there aren't people living there long-term, and they are able to leave if they have to leave, or get in their car and go somewhere if they have to, maybe, that's okay.

Jessica Logreira, Applicant: Yes. Self-contained.

Member Hammer: So I have a question between short-term and long-term. I think we need to kind of define what denotes long-term. Is it greater than 30 days? Is it 6 months? Is it 12 months? I think that's important because if we have somebody else come to the Planning & Zoning Board with a similar concept or idea, I think we need to have the definition of long-term.

Member Kent: I believe somewhere in all of these codes it does say that greater than 30 days is long-term.

Member Hammer: So that's what we're going by then.

Jessica Logreira, Applicant: I think it is because for short-term, if it's over 30 days, the tax break is different.

Member Hammer: I understand that, the Airbnb stuff, but it can get a little gray with RV's. "Well, we're coming down for the winter", you know, I have a lot of snow birds that stay at my Airbnb's, they want to stay for 3 months, and is that considered long-term? Yes, as far as our code goes. For Short Term Rentals, and that's in our Short Term Rental Ordinance as well, the 29 days.

Assistant City Manager Alvarez: For short-term, yeah, so I guess the gray area on that is per our municipal code, at an RV park, you can live in an RV park as a dwelling unit, full-time. That's allowed in our municipal code, and it's identified for recreational vehicle parks. So, her request is for a Special Use Permit as a recreational vehicle park. Now, she's telling you that she has no intent of those being full-timers there, and what the board has to do is to decide – I mean, that's what she's telling you she can do, and that's definitely her intent in everything that she's brought to me. This is a tourist, coming through, passing through, visiting T or C, like a normal RV park. If you wanted to get into the weeds of it, as a special use RV park, she could make a decision to allow them full-time.

Member Hammer: Or if you sold it, the future owner might go, "Oh, well it's in the code I can rent long-term." Right? Because they didn't ask for a Variance otherwise. Okay.

Chris Slate, Applicant: There's not a bathroom.

Vice Chairman Buhler: Well I'm sure there'll be a bathroom in the people that come to stay with you. They usually have one.

Vice Chairman Buhler: I know you guys have a nice building downtown, and you provided lots of good things for the community. I know you would probably do a good job with this.

Jessica Logreira, Applicant: Yeah, we're trying to make it look pretty.

Assistant City Manager Alvarez: So, Vice Chairman, if the board is all done with their discussion, then the next step would be to open up the public hearing for any proponents or opponents.

Vice Chairman Buhler: Thank you for coming forward and answering our questions as best you could. Chris Sisney.

Chris Sisney, Proponent: Hello, my name is Chris Sisney, and I want to inform everybody that the reason I recused myself from this topic is because I am the person that bought the 2 lots that they divided off from the original properties. Their properties, if we were coming out the – there's Foch, and there's Van Patten [intersecting Foch], so they've got [the Southeast spot of those intersecting streets], [in the northeast section is Glam Camp, next to that is Artesia], and over next to that is a property that has about 5 floaters on it, which are the county's that stayed down before they built this town. I think I'm the only one here that was sent a letter, as a neighbor, that's speaking. But I want to let everybody know that I think they're doing a fantastic job over there, and the only reason I recuse myself is because I bought the lot next to them, so I'm involved, that's my involvement in it. I hope that they are able to continue doing what they're doing because it's a nice-looking property, thank you.

City Manager Whitehead: Madam Chair, Mr. Sisney would need to excuse himself from the room before the board votes on this action, okay?

Vice Chairman Buhler: Okay, you'll have to leave the room, Chris.

Chairman Sisney excused himself from the room for voting.

Vice Chairman Buhler closed the public hearing.

Vice Chairman Buhler: In the matter before us, I guess we are ready to take a vote on whether to grant the Special Permit for the very small RV park.

Assistant City Manager Alvarez: As well as the Variance Request.

Vice Chairman Buhler: Yes, that follows the Variance Request.

Member Kent: I recommend that we approve it. I know they've said the intention is short-term, and I believe them, and that's all good. I don't know what to think down the road, if the property sells and it's designated as an RV park, and now it doesn't have the community center or room, whatever it's called, but I feel like that's a problem, hopefully, that doesn't ever come.

Assistant City Manager Alvarez: I will have to do a review, on a Variance Request, I don't believe it is transferrable once the property sells.

Member Kent: So if it sells, so if we approve this, and they don't build the community room/building, whatever it is, and they sell it...

Assistant City Manager Alvarez: The Variance doesn't go with the property.

Vice Chairman Buhler: That's good to hear.

Member Hammer: So the new owner would have to reapply if they wanted to continue the same business?

Assistant City Manager Alvarez: I think for the Special Use Permit, it potentially goes with the property, but the Variance doesn't go with the property, but I will have to clarify that in our code. I will email it.

Member Hammer: What is the Variance, the laundry room and bathroom?

Assistant City Manager Alvarez: The community building with the bathroom and laundry room.

Member Kent: So if a new person bought it, it would still be designated as an RV park, but to operate, they are not in compliance because there's no community building, so they would have to come get a Variance again?

Assistant City Manager Alvarez: Correct, or bring it to code.

Member Kent: Okay then we will deal with that later. I recommend that we approve this. I've seen the property, I have watched them develop it, they are doing a good job.

Vice Chairman Buhler: So we'll need a motion and a second, and a vote.

Member Luchini made a motion to recommend approval to the City Commission for a Special Use Permit and Variance Request for 400-406 Van Patten. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

6. NEW BUSINESS:

- a. Discussion/Action: Request for Extension of Variance 320 Marr.

Deputy Clerk Martinez: So as I discussed in the email to you guys, because it was already included in a previous packet, we did not include it in this packet.

Chairman Sisney: This is the one behind the Artesian?

Vice Chairman Buhler: Yes.

Chairman Sisney: Okay. Are they here?

Vice Chairman Buhler: No.

Member Kent: I feel like this wasn't that long ago, why are they requesting an extension?

Assistant City Manager Alvarez: The code is a little bit gray as the City Manager and I were looking it over. The way I read it was that an applicant would have 90 days, from the date of receiving the Variance, to get a building permit. Then, 180 days to start the build. That's kind of different from the way the City Manager read it, so we are looking for some clarification on that. But in the meantime, just to ensure that we are in compliance, we are bringing it back because it is just shortly after the 90-day period. As you guys know, you granted the Variance for the build of the small homes. I know we had conversations with the applicant and they were planning to be here, so I am really surprised they are not here. They were going to explain their reason for some of the delays and I think with the applicant not being here, what I'd like to request is for the P&Z board to table this item to see when they can attend the meeting, because I think it's important for you to hear directly from the applicants. I'll reach out to them and make sure they can attend the next meeting. I know one of the reasons they were experiencing delays were due to some health concerns, so I will have to follow up with them.

Chairman Sisney: Before we table it, would we like to have any discussion on it?

Vice Chairman Buhler: No.

Member Hammer: I guess I just don't understand why we can't just approve the extension. Is there additional information needed, or they just need more time?

Chairman Sisney: Things have changed since. From what I read in the packet, they are talking about removing buildings, stuff like that.

Member Hammer: Okay, that's different.

City Manager Whitehead: If I may, in my review of this, I don't think anything has changed on their position of what they are going to do. The concern that we both had is that in the code it

simply says that the Variance is good for 90 days, or they have 180 days to get a permit. That's the gray area. Traci brought it to my attention that they may be out of compliance. They may be expecting they had 180 days to get their building permit, which in that case, to me, that would be the ultimate deadline, 180 days. I know we discussed this when they came previously, and I did present that to the commission to say that they will need some time. 90 days is a short period of time to get the Variance and then go get a permit, and get all those steps completed. The options you would have today is A) to table the item. B) to grant the extension to be in compliance with our interpretation that 90 days, but it would never go past 180 days. If they aren't in compliance in 180 days with a permit, they would then have to come back. So they either need to do it today, or they need to do it in 180 days. But I don't think you could take into consideration any change in condition that they might have unless you think the 90 days is, in fact, the drop dead date for them to be in compliance. I don't know if that helps very much, but my opinion would be that we would show them some leniency, if you will, for the 180 days which is part of the code, because it definitely doesn't say you only have 90 days to be in here, or the Variance is cancelled.

Member Hammer: So would the extension be 30 days, 60 days, 90 days? How much time would they need?

City Manager Whitehead: If we're asking, I would ask it for the whole 90 days to be in compliance with that 180-day part of the code that says they have to have a building permit within 180 days. They either need to be building *or* have a permit within the time limit. That's as far as I would consider that we could go. And tabling the item is certainly okay as well.

Member Hammer: But that means they stop having to do any work, right, so it puts a delay back on them for 30 days? I agree that we should give them leniency, as long as nothing has changed. They're just asking for more time.

Assistant City Manager Alvarez: Correct. They still have to submit all of their stuff through Planning & Zoning. I haven't received that information yet. So, they haven't gone through our process yet.

Chairman Sisney: Thank you, would someone like to make a motion?

Vice Chairman Buhler: I make a motion that we table the Variance Request and Extension for 320 Marr.

Member Hammer: I'm sorry, just process, because I haven't done this before, if I oppose that motion, what is the process? Because I would like to grant an extension instead of table.

City Manager Whitehead: A motion to table would have to be acted on immediately by the Chairman, requires a second, if the motion does not receive a second, the motion to table would die due to lack of a second. But if the motion to table is made and seconded, the Chairman has to act on it immediately.

Chairman Sisney: Is there a second?

Member Kent: Sure, I'll second.

Chairman Sisney: Thank you. All those in favor to table the request?

Vice Chairman Buhler: Aye.

Chairman Sisney: Aye.

Member Luchini: Aye.

Member Hammer: Nay.

Chairman Sisney: There we are on that one. Thank you, everyone.

Deputy Clerk Martinez: What was your vote, Lisa?

Member Kent: Nay.

Member Kent: I think we need to figure this out, though, because here's the next one. Same matter. So we need to know this so we don't do this every Variance.

City Manager Whitehead: Correct.

Vice Chairman Buhler made a motion to table the Request for Extension of Variance 320 Marr. Member Kent seconded the motion. Roll call vote was taken. Motion carried with a 3 to 2 vote

- b. Discussion/Action: Request for Extension of Variance 1095 E Riverside.

Assistant City Manager Alvarez: As you know, the Planning & Zoning and City Commission approved a variance for the bill at 1095 E Riverside. There has been some delays experienced by the applicant with proceeding with getting the building permit. They have gone through all the Zoning approval, and been approved with their building plans, but as far as obtaining the permit goes, there has been some delays. The applicant is here and is requesting an extension for Variance for his build.

Chairman Sisney: Let me clarify, Planning & Zoning did not approve this to pass. City Council did.

Assistant City manager: I apologize, you are correct. It was sent to City Commission and then approved at City Commission.

Chairman Sisney: There has been some things that I learned during the first time he was in here. This property, as it shows up on the city's plat, was never to be built on. How did we get around that?

Assistant City Manager Alvarez: That's information I haven't received, so I'm not quite sure what you're referring to.

Chairman Sisney: I can't remember how it came out, I do remember that it came out. It's in the minutes, I believe. I remember hearing that this was on the record as not to ever be built on because it's an odd lot.

Assistant City Manager Alvarez: I don't have any documentation that says that it can't be, and all of our approvals before somebody goes through the build, to get their construction, they go through County approval at the flood director's as well. I have nothing within the city code that tells me they cannot build on that property. I guess I would ask for directive with the city management on this, the request here is not having anything to do with the build. The build was approved and the request is for an extension of the Variance they received, that's what's being presented to the board.

Chairman Sisney: Right, however, it didn't pass through Planning & Zoning. I distinctly remember at some point that issue came up, that that was never considered a residential lot.

Assistant City Manager Alvarez: But I don't have anything that's been provided to me by anybody that says that, through the County or otherwise.

Chairman Sisney: Can we find it?

Vice Chairman Buhler: I want to bring something up, too, he has a for sale sign on it too.

Assistant City Manager Alvarez: So the applicant is here to be able to speak in regards to the property and his request.

Vice Chairman Buhler: Are you selling the property?

Ambrosio Saiz, Applicant: My name is Ambrosio Saiz, I am the owner of the property at 1095, and it is not for sale. I did consider selling it at one point, due to the fact that my neighbors, the ones that spoke a few minutes ago, have been giving me nothing but beef for trying to build this house on this property. It has been a lifelong dream of mine to live on a property that's surrounded by a river. I have designed and drawn, and I do have the drawings, for the build already. I did go through all the proper channels, and since I bought this piece of property, I have been faced with nothing but police officers coming and trying to get me to move off my property, I was told by [Ms. Logreira] that I couldn't park my RV there, that it was against code. Code Enforcement was out there, I followed every channel. I followed everything properly to get to my build. Now, I understand that you're sitting there saying that it's a non-conforming lot, but I did follow the proper channels, and I did investigate. I certainly can build a house on this property as long as I follow the proper channels.

Member Kent: The request has been approved, I don't see a problem with extending it an extra 90 days, for a max of 180, which we believe is the limit. So I recommend to approve the extension.

Chairman Sisney: I hope that we do not recommend to approve because I do not think this lot should be built on, and I think that it should be dually noted in our records that this lot shouldn't be built on because if you sell the property, you're probably going to sell it and tell people that it's been approved to be built on, when the property wasn't designed to be a residential spot, and it is way below all the ordinances for anything to be built on that lot.

Vice Chairman Buhler: I drove by 2 days ago and your for sale sign was still there.

Ambrosio Saiz, Applicant: I drove by it today and there's no sign there.

Member Kent: I mean, the point is we're not here discussing what he's building. It's been approved. Are we going to let him have an extra 90 days or not?

Chairman Sisney: The fact that it wasn't approve by this board, and then it was approved by City Council leads me to feel that we have unfinished business here, and I'd like to find it on the city maps, that lot, and see the description of it, because from what I remember, it was marked as a lot not to be built on. Not a resident's lot, it was an access point so people across the street could get to the river. That's the purpose of that property.

Ambrosio Saiz, Applicant: Can I say something? There is a 10 foot easement located in that area right there, that is adjacent to my property. That could be used as access [to the river], this property is marked residential on the city maps.

Chairman Sisney: It's in a residential area. It wasn't marked as a residential. From my understanding, and I can't prove this, okay, but I did see it, and I'd like us to find that.

Ambrosio Saiz, Applicant: My question is, why would the realtor take it under his belt, and if he knew that this property wasn't able to be sold as a residential lot and to be built on, I purchased it from a realtor.

Chairman Sisney: Right.

Ambrosio Saiz, Applicant: I was not informed that this was a lot –

Chairman Sisney: That's why I want to get this very clear, so that it doesn't happen to the next person that buys this lot; that they buy something they can't build on.

Ambrosio Saiz, Applicant: So I'll be stuck with it? But I can't build anything on it?

Chairman Sisney: Yeah, you'll be stuck with it, because when you bought it, it was marked as a lot that was not to be built on. You came in for a Variance, and we did not approve it. It got approved through City Council, and now you're back again because it hasn't happened yet, and we do know that you were trying to sell the property.

Ambrosio Saiz, Applicant: I was trying to sell the property because I got angry with the neighbors because they were dumping trash in my property as they built this wall and fence that goes down into the water, which is against the law. You know, I'm at wit's end with you guys, man. I really am, I want to build a house here. I'm a good person.

Chairman Sisney: I understand that, but you have to get a Variance.

Ambrosio Saiz, Applicant: Yeah, you have my Variance, it's been approved.

Chairman Sisney: That's not a lot that you can build on, and it was stated...

Ambrosio Saiz, Applicant: Well I was not informed about it last time, sir? I was not informed of it.

Member Kent: Would that even pull up in a title search? At the time of purchase, there's all a title search.

Vice Chairman Buhler: Did you have a title search?

Ambrosio Saiz, Applicant: Yes I did.

Member Kent: Wouldn't that have come up in the title search if the title company did their due diligence?

City Manager Whitehead: I would want to believe that that would be the case.

Member Hammer: That it's either buildable or non-buildable. There should be some language in there.

City Manager Whitehead: I would think if the title insurance company would have found any issues with the property, they would have disclosed that to the realtor and to the potential owner, because they potentially would not have been able to issue a title policy. If there's a title policy, you could assume, then, that everything with the title would be in order. But again, it's not necessarily this board's condition or responsibility to decide whether or not the title is in good order, that's between the property owner, their title insurance, the realtor, and the person that sold the property.

Chairman Sisney: But the reason that we're here is because you're asking for a Variance to build on a lot that does not meet the requirements to have anything built on it. So that's what we're doing here, I'd like to see proof that this has changed from a non-conforming lot to a residential lot. I'd like to see proof of that.

City Manager Whitehead: Mr. Chairman, I would still, with due respect, again, the City Commission is dually elected, it is their obligation and their right to take the advice from this

council, this committee, and it is their right to make a different opinion and a different decision. Their decision is ultimately the decision that conveys here. Again, with due respect, the issue here today is that per the code, Traci, our P&Z Director, noticed that both of those permits that you've seen have not been ready to build within that 90 days within the code. That is, again, the only request that you're being asked here, is to grant an extension, and forward that extension request, whether you vote no, if you vote 2-2, if you vote 1-4, it still has to go before the Commission to continue to grant the timing. So, to re-litigate the issue, I think, is not relevant, and I think it would not be consistent with the way we would want to interact within the code. That would be my opinion as the manager, that the action has been taken, the Commission has made a decision, we've simply come to a time constraint, one that is confusing within the code, and your decision here today is, do we grant a continued time or not? It's really a black and white issue in question.

Member Hammer: So what happens if we don't for whatever reason?

City Manager Whitehead: The question would still be required to appear on the next Commission agenda, and we would say that we received no input or feedback from the Planning & Zoning Commission.

Member Hammer: And they would vote on it again?

City Manager Whitehead: Yes. The Commission would then make the decision on their own.

Member Hammer: To extend?

City Manager Whitehead: To extend or not to extend.

Member Hammer: So we're just making a recommendation?

City Manager Whitehead: Again, all your actions here are primarily recommendations of the community and the community's opinion on what should happen. This debate could have happened at the last one, but not for this one.

Member Kent made a motion to recommend approval to the City Commission for Request for Extension of Variance 1095 E Riverside. Member Hammer seconded the motion. Roll call vote was taken. Motion carried with Chairman Sisney and Member Luchini opposed. Motion carried on a 3-2 vote.

- c. Discussion/Action: Re-Appointment of member Lisa Kent.

Chairman Sisney made a motion to recommend approval to the City Commission for Re-Appointment of member Lisa Kent. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

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

Chairman Sisney: I don't know what that means.

Deputy Clerk Martinez: So since Lisa's term was up and you guys reappointed her, now we do the re-organization, you can keep it the same if you want, or you can do the re-organization, and it's just who serves as the Chair and who serves as the Vice Chair for the board.

Member Kent: Is that something that's required every time somebody's appointed or reappointed?

Deputy Clerk Martinez: Yes.

Vice Chairman Buhler: I'd like to keep it the same, but if anybody else wants my position, they're welcome to it.

Vice Chairman Buhler made a motion to recommend approval to the City Commission to keep the current positions the same. Chairman Sisney seconded the motion. Roll call vote was taken. Motion carried unanimously.

Chris Sisney: That's all the new business. Oh, I'm sorry we do still have some business to get to.

Vice Chairman Buhler: Mr. Valentine

Deputy Clerk Martinez: So are you wanting to do that as a report from the board? Because you do have your workshop.

Chairman Sisney: We're not ready for the workshop because at the last meeting, we agreed that we were going to revisit this and if certain items were met, then we would revisit it. However, it appears that it was approved without us getting a chance to discuss it. I'm curious how that happened.

Member Hammer: So the permit was issued, is that correct?

City Manager Whitehead: That's correct. We will just do this under reports, just to be courteous, as well. When the City Commission met and listened to your presentation, the Code Enforcement Officer indicated that the permit was, in fact, in order the way it was. The permit would only be allowed to survive for 1 year, it has to be renewed on an annual basis. So the Commission felt that because the neighbor had agreed to move, and the opponent said if they moved then everything was okay, the Commission said they'd just grant the permit for the whole year. That was the action the Commission took.

Member Hammer: So why was the issue even presented to the Commission when our directive was, come back in a month, let's make sure everybody's happy here, make sure that the permit applicant moved per the owner's issues with what was going on, then we would decide and make the recommendation then, it seems like something got missed there.

City Manager Whitehead: I think what got missed, and Traci presented it exactly as you guys described it the way it was presented, but from the Code Enforcement side, their position was, they did not need to request a Variance because they were totally in compliance with the code. Where it's at, it's in compliance, so they wouldn't have to be here to ask for a Variance. With that, and knowing that the permit requires an annual renewal, knowing those 2 things, the Commission said, "Why don't we just approve the permit." That was their decision, that was the conversation amongst the Commissioners, is if it's already in compliance, we couldn't add a stipulation to it, so we would approve it. If it's not built, if it's not correct, it's going to end in a year anyway, they'd have to re-do it every year. Just to be forward-thinking.

Member Hammer: So can Mr. Valentine put in a complaint about another ordinance that they are missing? Noise, smells, and then have something done?

City Manager Whitehead: Absolutely.

Member Hammer: Because I just don't think that's fair to Mr. Valentine when we made the promise, he was willing to approve it, and go forward with supporting it, if it was moved from below his living room window, and that didn't happen. So I don't think it's fair for the applicant to get another year without making any changes to make sure the neighbor...

Scott Valentine: I took down my fence?

Member Hammer: Yeah. If he has recourse to make sure that happens, that's what I would like to see. Whether it's another ordinance or not, I just feel like that's fair.

Deputy Clerk Martinez: So to answer that, he can go to the Clerk's office and file for an appeal. He has 30 days from when the permit was issued to file an appeal.

Member Hammer: When was it issued? Does he have 2 weeks? When was it?

Deputy Clerk Martinez: The 25th.

Assistant City Manager Alvarez: The 25th of June is when the City Commission approved it.

Member Hammer: So he has a week to file an appeal with the Clerk's office.

Vice Chairman Buhler: I'd like to add, too, that both parties, the other party agreed to do all these things here, and that's why we went the route we did.

Assistant City Manager Alvarez: I would definitely recommend that the board take the time out to go on to the City Commission meeting minutes that are posted for the June 25th meeting, and read them over. It was presented as you guys requested, as a temporary permit.

Member Hammer: For a year, though?

Assistant City Manager Alvarez: No, when I presented it, it was presented as a temporary and to come back in a month, is how I presented it to our City Commission.

Member Hammer: But that didn't happen. It is a year-long permit.

Assistant City Manager Alvarez: Correct. The City Commission made a determination to grant the kennel permit as it stood, as the full year.

Chairman Sisney: I have a question, Ms. Alvarez. Was Mr. Valentine notified that it was going before the City Council?

Assistant City Manager Alvarez: Yeah, he would have been notified. I know at the special hearing here, we notify the people –

Chairman Sisney: Right, but he thought he was getting a chance to come back. He didn't get a chance to come back, was he notified that it was coming up at City Council last week?

Deputy Clerk Martinez: Yes.

Assistant City Manager Alvarez: It wasn't at City Council last week. So, we didn't know until we went to the City Commission on June 25th that the Commission was going to make a determination to not have it come back to you guys.

Member Luchini: So they made the final decision, they totally ignored our recommendation and made their own decision without –

Member Hammer: We didn't even make a recommendation. We needed more time.

Member Kent: But we also didn't have to...

Assistant City Manager Alvarez: They had the minutes from your meeting, which are verbatim minutes, so they were able to review, and I can tell you that that was referenced by the Mayor, one of the Commissioners, he thoroughly read the minutes, and read what the presentation as to you guys, both from the proponent as the applicant, and Code Enforcement.

Vice Chairman Buhler: Yeah, because he would have complained, he would have stood up and said "I'm not for this." If he would have known that it was going to be approved.

Member Kent: So it sounds like –

Chairman Sisney: Let me ask a question, excuse me guys, Mr. Valentine, did you know that this came up before the City Council last month?

Scott Valentine: I was told at your meeting on June 10th that he had until the 14th to move the kennels. We agreed that if I moved the fence, he would move the kennels to the back, and it would be fine, that I wouldn't oppose.

Chairman Sisney: Right, but they didn't contact you and tell you that they were going to go ahead and decide this before now, today, which was the day we were supposed to discuss this?

Scott Valentine: Yes.

Chairman Sisney: Okay.

Member Kent: So, you need to go file, what is it, an appeal? Like, tomorrow.

Scott Valentine: Okay. I also want to say, for the record, There is an ordinance that allows for 4 pets.

Chairman Sisney: Mr. Valentine, let me correct you on that. That's not good information, it's 6.

Scott Valentine: Okay, 6. Any combination of dog or cat.

City Manager Whitehead: It's 7.

Deputy Clerk Martinez: It's a kennel permit.

Scott Valentine: I'm not talking about a Kennel Permit, I'm talking about an ordinance.

Deputy Clerk Martinez: But that's what he was granted, he was granted a Kennel Permit.

Scott Valentine: Now there's 8 dogs next door to me. The ordinance states - There's a reason for the ordinance. That's why I am opposed, because I am having to deal with all this stench, the dog dirt, noise, and I mean, I can't open my windows for crying out loud.

Member Hammer: Mr. Valentine, go file an appeal. Let's take next steps, because I think that's the protocol here.

Scott Valentine: Yeah, thank you. I'm taking up everybody's time. But I have been inconvenienced.

Chairman Sisney: Thank you for showing up today.

Scott Valentine: My house that I live in, eat in, whatever, I can't sell right now.

Chairman Sisney: Thank you, sir, thank you for coming to the meeting. Okay, that concludes new business. The rest of the meeting is going to be a workshop and discussion on Tiny Homes, ADU's, and Short-Term Rentals, so if you're not interested in that, that's what we're doing at this point.

Vice Chairman Buhler: I have to leave at 6.

Member Kent: I do too. I was supposed to leave before 6, but...

Member Hammer: Could we table the tiny home for next time, and start on the Airbnb? I did a pretty considerable amount of preparation for this.

Chairman Sisney: We're going to table the tiny homes and move on to Short-Term rentals.

7. WORKSHOP:

- a. Tiny Home/ADU:
- b. Short-Term Rentals:

Member Hammer: So, in our packets, I provided a position paper that is not on the slide deck that just talks about the general benefits of Airbnb's in small towns. So, I'm not going to go over that because it's in your packet and you can read it. It's pretty straightforward. What I wanted to do was, I put together some statistics because I think there's a general feeling that Airbnb's are taking over the world and small towns, and they're pushing people out. Rentals and stuff, and I think that's true for some locations. I'm seeing it on social media in this town, "Oh, Airbnb's are just taking over." I really like making decisions on data and facts, so I went to the Sierra County Assessor, the Housing Authority, and also Airbnb, I finally got somebody on the phone from Airbnb last Thursday, I can talk about that part later, but he was able to confirm some numbers for me. So, I just wanted to kind of go over some statistics to I guess explain my position on Airbnb's and whether or not they're taking over the town. That's the problem statement, right? We have too many Airbnb's and I want to dispel or provide some data to help us navigate that. So, I had Michael Hustin and his assistant give me some information from the Assessor, and in the town of T or C, it's not Elephant Butte, it's not Williamsburg, it's not Sierra County, in the town of T or C, there are 4,700 livable dwellings. That is comprised of single family, mobile homes, multi-family, and then the Housing Authority is separate. I confirmed with the Housing Authority there are 268 doors. I don't know how many people are living in each one, we don't have that. The multi-family, he didn't have a breakdown of how many duplexes, how many triplexes, and how many apartments in an apartment building. What I did, when I'm doing these calculations, I just use a multiplier by 3 of 162 units, because it's rough, and it's not exact science, but I know there's 54 multi-families, I multiplied that times 3, there's probably more, but I think that's conservative and it gives us a number to work with. This is just the same data in a different format, just a funnel chart. I like visuals. I also wanted to point out that we have a lot of subsidized housing here in T or C and it's comprised of the Housing Authority, which is the city-owned and run apartments, and then there's about 168 dwellings that are Section 8 or voucher-based that are owned privately by different landlords across town. So, there's a total of 435 units of subsidized housing in T or C. Which, looking at the 4700 number, that's about 9.2% of our total available housing, and it's about 15% of our population if we take 6,000. Please correct me if you see a number that's really out of whack, that you

have different data on, I just kind of put this together on data that I had gathered. Any questions so far? No? Okay. So, when I spoke with the Airbnb representative last Thursday, he confirmed that there are 109 Airbnb's in the city. That's not Sierra County, that's not Elephant Butte, in T or C. I would go to look, and there's like 149, 179, and it was really hard to get that number. So, he broke it down into 3 categories. Let me start down here. I'm going to go here because this has my numbers. 20% of Airbnb's of the 109 number, are businesses like the Hoozier, Glamp Camp, they've already got a hotel license, and they're doing both. They have a website for direct bookings and they're doing Airbnb. So, I'm not including that in my next numbers because they're already doing business with the city in a different way. They're just including the platform of Airbnb to get more business. Then, the other 40%, it was divided 40 and 40, the 40% is a person's primary home and they're renting out a room, or it's just part-time, but it's not a dedicated yearly around Airbnb. That's what he told me. I'm not exactly sure how he derived this, but that's what he shared with me. So, about 40% or 44 units, are dedicated Airbnb. Based on those numbers, so I'm taking out the hotel type units, and I'm just saying, dedicated and non-dedicated. So there's about 88, I'm taking that number and distilling it down. So, if I divide that by the number of housing units that are available in town, and again, I don't know ownership versus rentals, I don't have that number, I don't even know where to find that, like how many are just dedicated rentals in general. I would like that level of granularity, but I don't even know how I would get that information. What it came down to is 1% of units in the city are dedicated Airbnb's and then 1% non-dedicated, which basically means that the owner lives on-site or they're just doing it part-time. I feel like that's kind of under the danger zone for us, as far as saturation. Getting out of the theory that Airbnb is just taking over the rental market, because I just don't think the data is pointing in that way. It's good to keep an eye on it, it is important to support local residents and long-term rentals, but those are the numbers today. Any questions on that date? Okay. This is something that I'm sure the city's really interested in, the registered versus non-registered, and I'm taking it out of the 109 number. Sorry, the 88, I'm not including the hotels. So, we've got about 67% unregistered Airbnb's in the city of T or C based on the list I got from Angela. She gave me a list and there are about 29 registered. We have an opportunity to enforce compliance for Airbnb's. I want to talk about that in a minute, and Airbnb will help us with that. They can send emails to everybody in the city if we wanted to work on some kind of campaign to get their attention. He also confirmed, this is the stuff I wanted to know, how much money, how much revenue are we bringing into town. From January 2023 to March 2025, Lodger's tax is 126, and 240 on the gross receipts. That's over 27 months, so we are bringing revenue in town besides the re-investment into the city, hiring housecleaners, hiring HVAC, I am supporting local HVAC people and contractors, they're working on my houses, so we're keeping that money in town, and I think that's important to consider. So, the summary here, I don't need to read this, you can, it just summarized everything I just said, the main key points that I wanted to make. These are my

conclusions, I feel like less than 1% are dedicated Airbnb's, I don't feel like we're in the danger zone. He even said, if you were at 3%-5%, that's when things start getting, that's when you need to start paying attention to it, maybe do some more restrictions. I'm sure Chris will agree with me here, we have seen a lot of Airbnb's and from a host's point of view, I'm feeling it. I feel my bookings have gone down in the last 3 years, and everybody I talk to kind of feels the same because there is a glut of Airbnb's, the supply is not matching the demand. I feel like that will start weeding out and filtering out naturally, when you're not making money, you're probably going to go into a different market long-term, or you'll sell. I think there will be a natural attrition. Also, enforcing compliance, I think you'll probably get some people who will drop out, they don't want to deal with it. Through better or worse, you'll get that. With the registration, I want to be careful of this because I don't just want the city to start banging on doors, saying they need to comply. I think there's a nice way of doing this, getting people on board, getting excited about it. Some education, like here's where your lodger's tax goes, we're actually trying to pull in more business into town. The other thing is, and I know we've talked about this ad nauseam, really for the last 3 years, I really would love to have Airbnb and VRBO collect and submit all taxes, because they're not. Airbnb is collecting gross receipts tax, and lodger's tax, but they're not collecting the 1%. Administratively, it's a big pain for a host to have to collect that, and then go write a check for \$10 every month. I just think that if we can get that to be collected by those platforms, it also levels the playing field. So, when a guest goes in and looks around for different reservations, the tax is being collected across the board the same, because it's not now. It's just a barrier to entry, you know, let's encourage people to sign up, register as business with the city, and pay for the Short-Term Rental license. "But, hey, we've got the tax part taken care of, you don't have to do that." and I think that will encourage more people to sign up. Any questions?

Chairman Sisney: So is Airbnb collecting those fees now but on the unregistered people, what's the difference if they're registered or not?

Member Hammer: Yes. So, I have a spreadsheet that shows what VRBO and what Airbnb are collecting and remitting on every reservation or not. Gross receipts is being collected on every reservation no matter if you're registered or not. Lodger's tax is being collected and remitted on every reservation for Airbnb whether you're registered or not. Convention tax is voluntary. Then, VRBO, which is about 20% of my business, obviously none of this is VRBO stats, so there's more. But I think if you're registered for Airbnb, you're also on VRBO, or the opposite way. I don't know of many people who are just doing VRBO instead of Airbnb, they're doing both. So, VRBO, they're collecting and remitting gross receipts on every reservation whether you're registered or not. They are not collecting and remitting lodger's tax and convention tax. My next initiative is to try to get someone on the phone within VRBO so we can try to work with

the city and get a voluntary collection agreement that they collect and submit it on everybody. Because we're leaving money on the table, the city, that also just enforces compliance, it also levels the playing field for hosts, because every reservation will have those line items, instead of some do and some don't. Some people see the taxes and some don't. Does that answer your question?

Chairman Sisney: Yes, thank you.

Assistant City Manager Alvarez: Very nice information, thank you.

Chairman Sisney: Thank you, Molly Hammer. I'd like to make a statement for the record, whether there will be a the record or not, I've been on this board for years and I was not doing Airbnb when I joined this committee, so I'm not here because of that. That came later on, but you know how people talk.

8. REPORTS FROM THE BOARD:

No Reports from the Board

9. REPORTS FROM STAFF:

City Manager Whitehead: I would just say thank you guys. I know it's a difficult day, this was a long meeting, several hours, but just reminding you, Mr. Chair, trying to get you and Traci to be together, so on days that maybe it's a long meeting and you have lots of stuff, maybe workshop isn't on the agenda. She and I talked a little bit about that, the workshop is really here for us, for you guys to use to be respectful of your time and those kinds of things. Not really looking to have special meetings all the time for you either. But if you have a full agenda like today, I ask Traci to say to the Chair, "Hey let's just do the workshop next time and get through our business so you guys are reasonably out of here." We'll get better at this, and let me just conclude by saying there was a lot of information, I make notes, I hear everything, I'm listening. It's a challenge, I want to be fair to you to not sound like it's overwhelming, it's just a bunch. And it'll take a minute to really turn the ship. Even the Variance timing thing, that probably has never come up, where you all the sudden go, "Uh oh what does that code really say?" and I think those are just things we will have to note and fix. We'll continue to look at all those issues that were discussed here today, I assure you.

Chairman Sisney: We appreciate you working with us.

Member Hammer: I'm sorry, I have one more important topic with regards to Airbnb stays, long-term and short-term. It's in the packet. In our ordinance, we enforce taxes to be collected on stays over 29 days unless there's a lease agreement that happens. The problem with that is when somebody comes to me through Airbnb and VRBO, I can't just take them offline, and say we won't have to go through Airbnb and VRBO. What's happening is VRBO and Airbnb are automatically putting Lodger's tax and all the taxes on that reservation for stays longer than 29 days. No one else in the state does this, so I don't know how this got approved or why it was written, but I will get in trouble as a host if I say, "Hey, contact me offline, we'll just take this offline." They will shut me down, Airbnb and VRBO, they don't like that, because it's business for them, so I don't really have the opportunity to create a lease agreement with this person. Technically, it's impossible to do, if the lead comes through Airbnb or VRBO, and I'm on Furnished Finder too, so I can find that offline, that's no problem. But at some point I want to revisit that language in the code because that's what VRBO is doing because they're reading our code, and they're just slapping on that tax automatically, and I just don't think that's fair for long-term. It makes it cost-prohibitive, it's another 15% on their reservation, and it's expensive if they want to stay 3 months, and I want to encourage people to stay long-term. Anyway, I just want to make sure, if we don't discuss it today, I would like that changed as a host.

City Manager Whitehead: Sure.

Vice Chairman Buhler: Good job, Molly.

Member Kent: You know, the whole long meeting thing, we need to timebox these. I just missed an appointment, so you know. Being here 2 hours doesn't really work.

Assistant City Manager Alvarez: I will give the board a heads-up, I know we have at least 2 and possibly 3 or 4 public hearings that will be on the next meeting.

Member Kent: So definitely no workshopping.

Chairman Sisney: If you can let me know before the meeting that someone has a time constraint-

Member Kent: I always do every Monday. I need to be somewhere at 6:00.

Chairman Sisney: Oh, okay. That's good to know.

Member Kent: That's what I'm saying, it would be really nice if these meetings could not go, I mean if we could be done at 5-6 I can run.

Chairman Sisney: You can also leave, I mean we handled everything.

Member Kent: At this point I could have, but then, we've all been here a long time too.

Vice Chairman Buhler: If someone has to excuse themselves, that should never be a problem, we still have enough people to-

Member Kent: Next time I'll walk out.

10. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 6:08pm

PASSED AND APPROVED ON THIS 11th DAY OF AUGUST, 2025.

Chris Sisney, Chairman
Planning & Zoning Board



Truth or Consequences, NM

Presentation



Appreciation

- City Commission
- Traci Alvarez, Assistant City Manager
- Utilities Department Leadership
- Engineer for large developments



About Love's

- Est. 1964 by Tom and Judy Love
- Still family owned and operated
 - Regular Culture Tours with Family
- Second generation led company
 - Third generation have full-time roles
- Headquartered in Oklahoma City
 - 650+ locations in 42 states
 - Nearly 40,000 team members



Quick Service Restaurants

DUNKIN'®



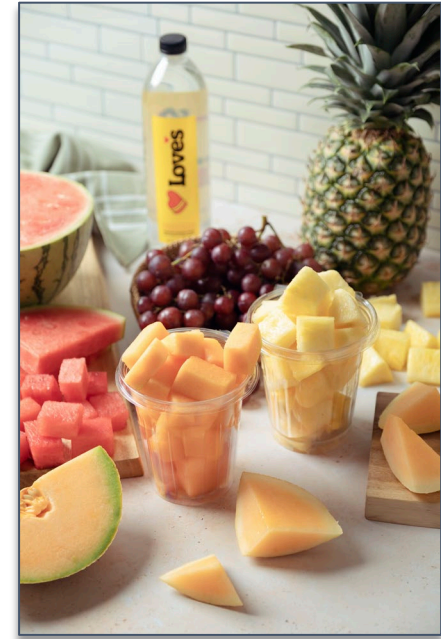
Bojangles'®

 **Carl's Jr.**®



Love's Fresh Kitchen

- Fresh food prepared onsite daily
 - Fresh cut fruit cups and fruit parfaits
 - Veggie trays
 - Salads
 - Sandwiches
 - Tacos
- Range of dietary needs
 - Gluten-free, dairy free, vegetarian, vegan, high-protein options



RV Hookups and Stops

- Book/check-in via Love's Connect App
- Short Term / Traveling Public
- Wi-Fi
- Bulk propane
- Laundry
- Showers



Career Opportunities

- Average of 40 new jobs
 - 75% full-time and 25% part-time
- Eligible for benefits nearly immediately
 - Medical, dental, vision, 401(k), holiday pay
- Conduct local wage surveys
 - Two salary raises per year for first two years, then annually
- Debt-free education program
 - High school diploma, college degree, certificates



Investment in Community

- Average \$20 million investment
 - Committed to maintenance, curb appeal, safety, being good neighbors
- Significant economic contributor to city and county
 - Local taxes support schools, fire and police, and more.
- Tourism End Cap inside the store pointing folks to local attractions
- Expanding and improving infrastructure for future T or C growth at no cost to the city (water, sewer, power)



Donations to Local Non-Profits

- All new stores donate \$5,000 to 501c3
- Annual \$5,000 district giving budget
- Children's Miracle Network Hospitals pin pad donations
 - All monies go to local children's hospital
 - UNM Children's Hospital in Albuquerque, New Mexico



New Store Facts and Services

- 12,012 sq. ft. Building
- 8 gas / 6 diesel lanes
- Parking Spots
 - 63 Truck
 - 58 Car
- Arby's Restaurant
- 10 RV hookups, 3 parking spots
- Dog Park



New Store Facts and Services

Based on inside annual sales projections

- City Sales Tax Revenue estimate \$175,000
- State Sales Tax Revenue estimate \$\$250,000
- Plus any Fuel Taxes levied
- Plus non direct tax revenues generated by additional visitors





Evolution of the Professional Driver

- Reliable and committed to keeping U.S. economy running
- Highly regulated
 - Department of Transportation
 - Federal Motor Carrier Safety Administration
 - Rest time, drug/alcohol testing, maintained trucks



Fighting Human Trafficking

- U.S. Department of Homeland Security Blue Campaign Training
 - All team members trained to recognize indicators
- Truckers Against Trafficking Diamond Sponsor
- Travel Stop layout and higher standard security minimize risk



Security and Preventing Crime

- Crime rates at Travel Stops statistically mirror city and county rates
- Well-lit parking lots with comprehensive security camera coverage
- Daily duties include parking lot and store walks



Love's Dog Park



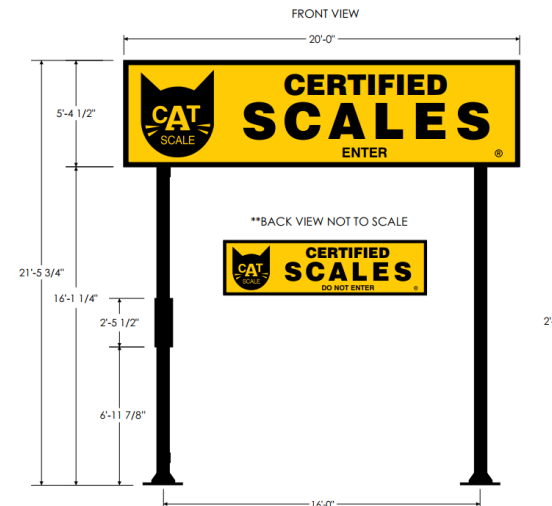
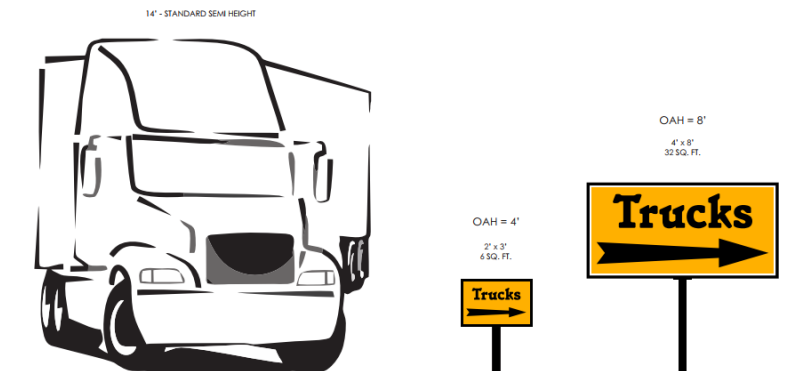
Love's Example



Love's Example



Possible Future Considerations – Signage Considerations



Possible Future Considerations – Shared Billboard





THANK YOU!





CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-11-2025

ITEM:

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

BACKGROUND:

ARTICLE XIII. - SIGN, WALL, AND FENCE REQUIREMENTS DIVISION 1. – SIGNS

Sec. 11-13-2.4. - On-Premises Signs - C. Commercial and Industrial Zones:

2. Freestanding Signage: f - Applicant is allowed 2 signs and is requesting 3 signs

2. Freestanding Signage: d – Applicant is requesting additional signage sf area

All required documents have been received and fees paid. All property owners within 100Ft have been notified

SUPPORT INFORMATION:

Applicants email variance requested

Applicants Supporting documents

Notice of Public Hearing

Applicable section of Municipal Code

Findings and Facts Checklist

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 8-11-2025
E-mail: talvarez@torcnm.org	Phone: 575-952-0565	

From: [Barbara Peck](#)
To: [Alvarez, Traci](#); [Munoz, Johanna](#)
Cc: [REDACTED]
Subject: Sign Height, and Variance Request
Date: Thursday, July 17, 2025 9:09:18 AM
Attachments: [image001.png](#)
[Truth or Consequences, NM #1045 Sign Package - 6.25.25 - Preliminary.pdf](#)
[Semi to Directional sign ratio 3-8" scale - 6 SQ. FT. 4" OAH..pdf](#)
[TorC NM Love's Survey.pdf](#)
Importance: High

Traci, I don't have the form from you but attached is our sign package, survey and example document and below is the description of what we understand we need to ask for:

Decision on sign heights:

We understand that Planning Commission approves all sign heights. With that in mind, we are requesting the following heights: * also indicates a part of Variance Request.

*Interstate High Rise Sign – 95' height needed for interstate visibility (see survey attached for clarity)

Cemetery Road Freestanding Street Sign – 30' due to road topography to ensure visibility

*On site Freestanding Cat Scale Sign – 21.5' it's designed use is to help drivers navigate onto the scale to ensure highway safety compliance.

*On site Directional Sign – 8' - to ensure they can safely see the sign from the truck (see attached rendering of viewpoint).

Variances requested:

Freestanding Sign Quantity:

3 freestanding signs which is one more than what is allowed. These would be the interstate High rise sign, the Cemetery Road sign, and the on-site Cat Scale Sign.

Sign area increases requested to ensure visibility by professional truck drivers both timely and safely:

Interstate High Rise Sign - additional area of 782.63 above the 200sf for Hwy Visibility

On site Directional Sign added area of 32 sf for truck visibility

Let me know if there is a form I need to complete. You mentioned that I needed all this to you today.

Barbara Peck

Real Estate Project Manager

May 1st, 2023

Re: Sign Survey – Truth or Consequences, NM

Property Location: Southwest quadrant of I-25 and Cemetery Road Intersection; Exit 79

Survey Date: April 18th, 2023

Blimp Information: Located on the Southeast corner of the property, 105' OAH
Latitude: 33.154469 / Longitude: 107.255111 / Google Earth Elevation: 4507'

The blimp used in this survey was at 105' OAH located at the Southeast corner of the property. The Hi-Rise sign superimposed in this survey reflects a structure that is 95' OAH located at the spot of the property.

Northbound traffic will have their initial full read on the sign 1.0 mile from the exit. They will continue to have a full read on the sign until they reach 0.3 and 0.2 miles from the exit where the food franchise sign and lower portion of the price sign will be partially hidden by the natural topography of the land. Traffic will have a full read on the sign again as they proceed to the off-ramp exit.

Southbound traffic will have their initial read on the Hi-Rise sign beyond 1.0 mile from the exit, but I included photos that start at 1.0 mile where traffic will have a full read on the sign and will continue to have a full read on the sign until they reach the exit.

The property is located within the City and their sign code is as follows:

Freeway Sign: Must be located within 300' of a freeway ROW. **Height:** The OAH is determined by the City Commission upon recommendation by the PLZ Commission. It's the applicant's responsibility to propose the need for the height of the sign based on visibility from the freeway. **Area:** 200 sq. ft. is permitted.

Freestanding Signs: **Height:** 18' OAH. **Area:** 200 sq. ft. Limited to one per parcel, except where the frontage of the parcel exceeds 600 linear feet. For those, two freestanding signs are permitted, provided 200 feet between signs is maintained.

Wall Signs: 1.5 sq. ft. per lineal foot of wall. No sign may extend more than 12" out from the wall. Buildings with more than one street frontage, only one street frontage shall be used to determine the permitted sign size, height and number of signs. Poster grip panels and Digital displays are considered wall signs.

Directional Signs: 4' OAH and 6 sq. ft. Do not require a permit.

Lighting Provisions: **Distance:** Signs which face residentially zoned parcels having a linear distance of 75' or less from the zone shall not be illuminated. **Dark Sky:** The State of New Mexico Dark Sky Legislation requires that all lighting be shielded in order to prevent the escape of light into the sky. This not only requires the use of shields but also does not allow the use of "up-lighting" or the use of lights in any manner that will cause light to be emitted in an upward direction - will require Planning and Zoning approval.

Exempt: Architectural aspects and painted exterior signs.

The city has a variance process. A variance would be required for the Hi-Rise overall height and total sq. ft. A variance may be required for other signage once the final sign package has been determined.

A preliminary filing with the FAA was submitted and we were given a no-hazard determination for the proposed sign structure's height and location. No additional follow-up will be required, however, any height and/or location change of the structure would require a new filing to confirm compliance with the FAA requirements.

Once you have had a chance to review the information, please let us know if you have any questions.

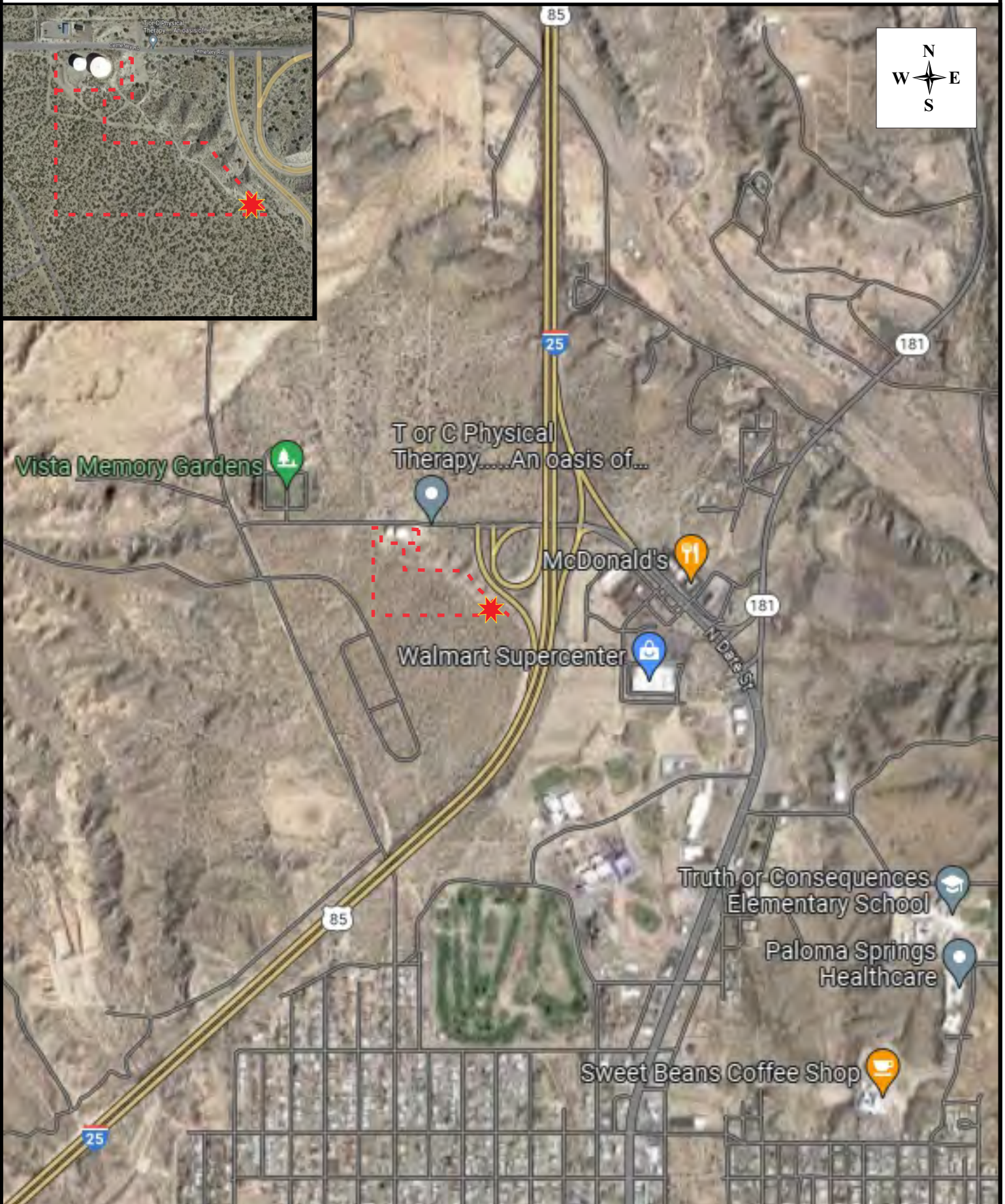
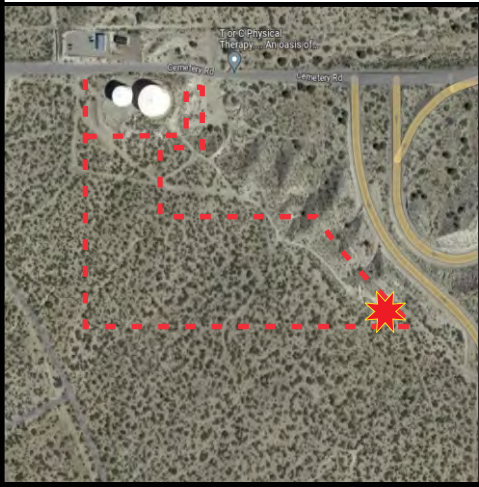
Thank You,

A handwritten signature in black ink, appearing to read "Kevin Keup", is written over a horizontal line.

Kevin Keup
Effective Images, Inc.

Emailed: Greg Love, Chad Bruner, Frank Ille, Barbara Peck, Kari Keup, Betty Torstenson

TRUTH or CONSEQUENCES, NM



★ = BLIMP & RECOMMENDED SIGN LOCATION

**NORTHBOUND
1.0 MILE FROM EXIT**



**NORTHBOUND
0.9 MILES FROM EXIT**



**NORTHBOUND
0.8 MILES FROM EXIT**



**NORTHBOUND
0.7 MILES FROM EXIT**



**NORTHBOUND
0.6 MILES FROM EXIT**



**NORTHBOUND
0.5 MILES FROM EXIT**



**NORTHBOUND
0.4 MILES FROM EXIT**



**NORTHBOUND
0.3 MILES FROM EXIT**



**NORTHBOUND
0.2 MILES FROM EXIT**



**NORTHBOUND
0.1 MILES FROM EXIT**



**SOUTHBOUND
1.0 MILE FROM EXIT**



**SOUTHBOUND
0.9 MILES FROM EXIT**



**SOUTHBOUND
0.8 MILES FROM EXIT**



**SOUTHBOUND
0.7 MILES FROM EXIT**



**SOUTHBOUND
0.6 MILES FROM EXIT**



**SOUTHBOUND
0.5 MILES FROM EXIT**



**SOUTHBOUND
0.4 MILES FROM EXIT**



**SOUTHBOUND
0.3 MILES FROM EXIT**



**SOUTHBOUND
0.2 MILES FROM EXIT**



**SOUTHBOUND
0.1 MILES FROM EXIT**



**SOUTHBOUND
AT EXIT**



Overall Height: 95'
Total Square Feet: 930.5

Love's Hi Rise

effective
images, inc.
Phone: 605.753.9700

Client:
Love's

Location:
Truth or Consequences, NM

Drawing #:
E22750

Date:
5/02/23

Revision:
1 (05/05/23) MP

Drawn By:
TB

Scale:
3/32" = 1'

Sales Order #:
.

8' x 10' Led Heart
(80 Sq. Ft)

1' Separation

9' x 22' Love's
(198 Sq. Ft)

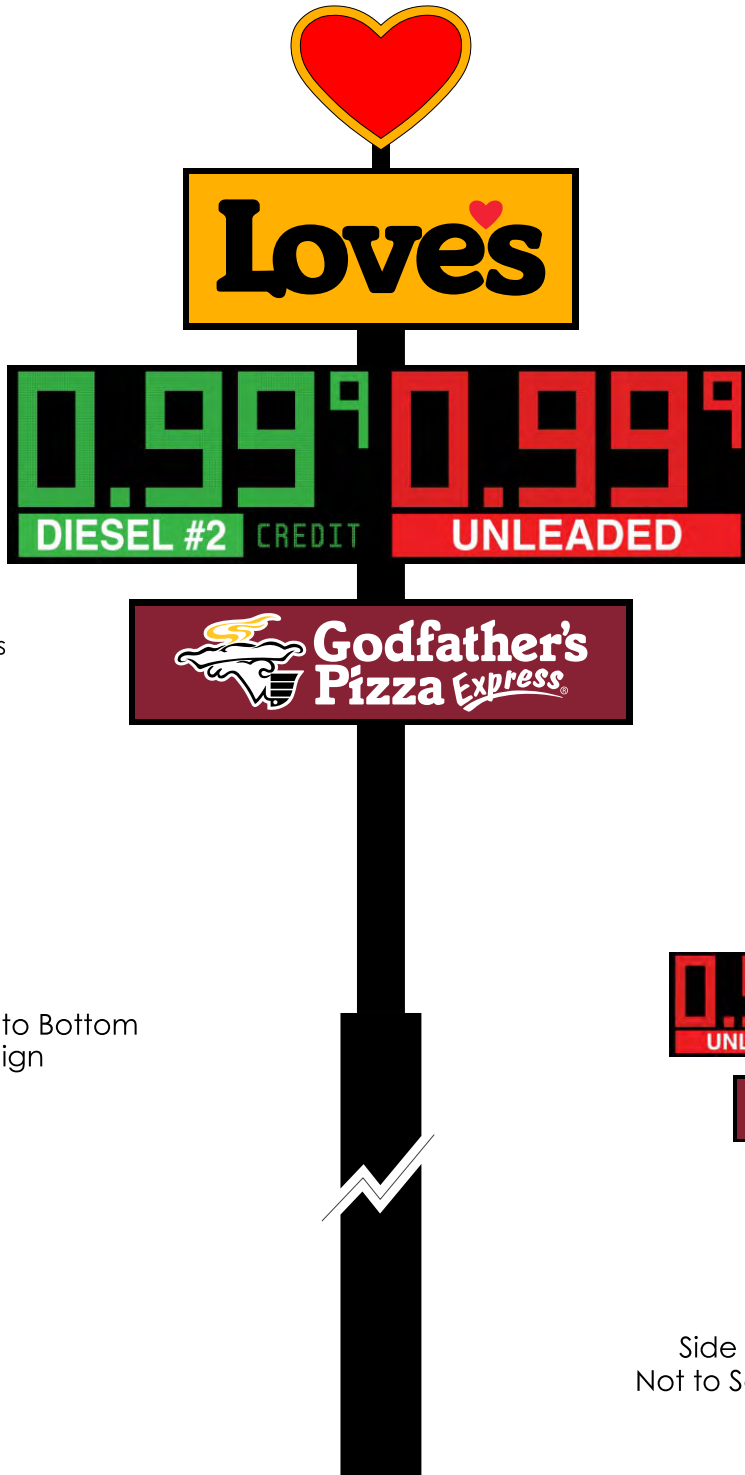
2' Separation

11' x 41' 6" Price
Sign By Sunshine
89" Numerals
(456.5 Sq. Ft)

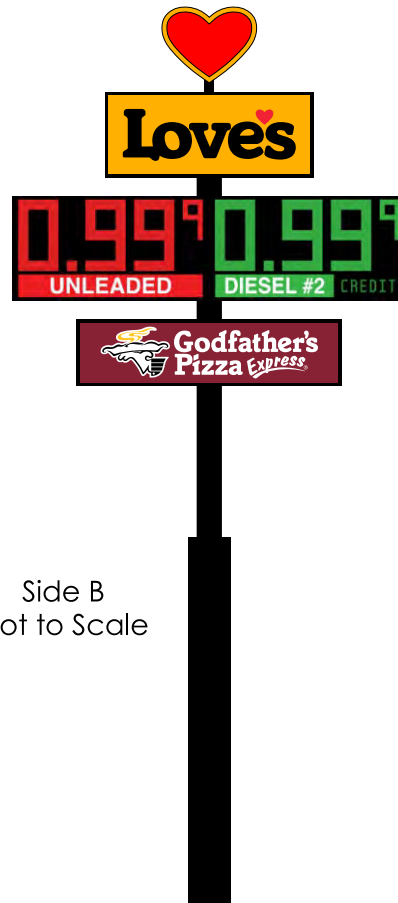
2' Separation

7' x 28' Godfather's
(196 Sq. Ft)

60' From Grade to Bottom
of Godfather's Sign



Side B
Not to Scale



Diesel to be Installed Toward Interstate/Highway

APPROVAL: _____ **Date:** _____

Computer generated colors in this artwork are not an exact match to the finished sign colors. Material samples are available upon request. This drawing is the property of Effective Images. Any reproduction is prohibited.

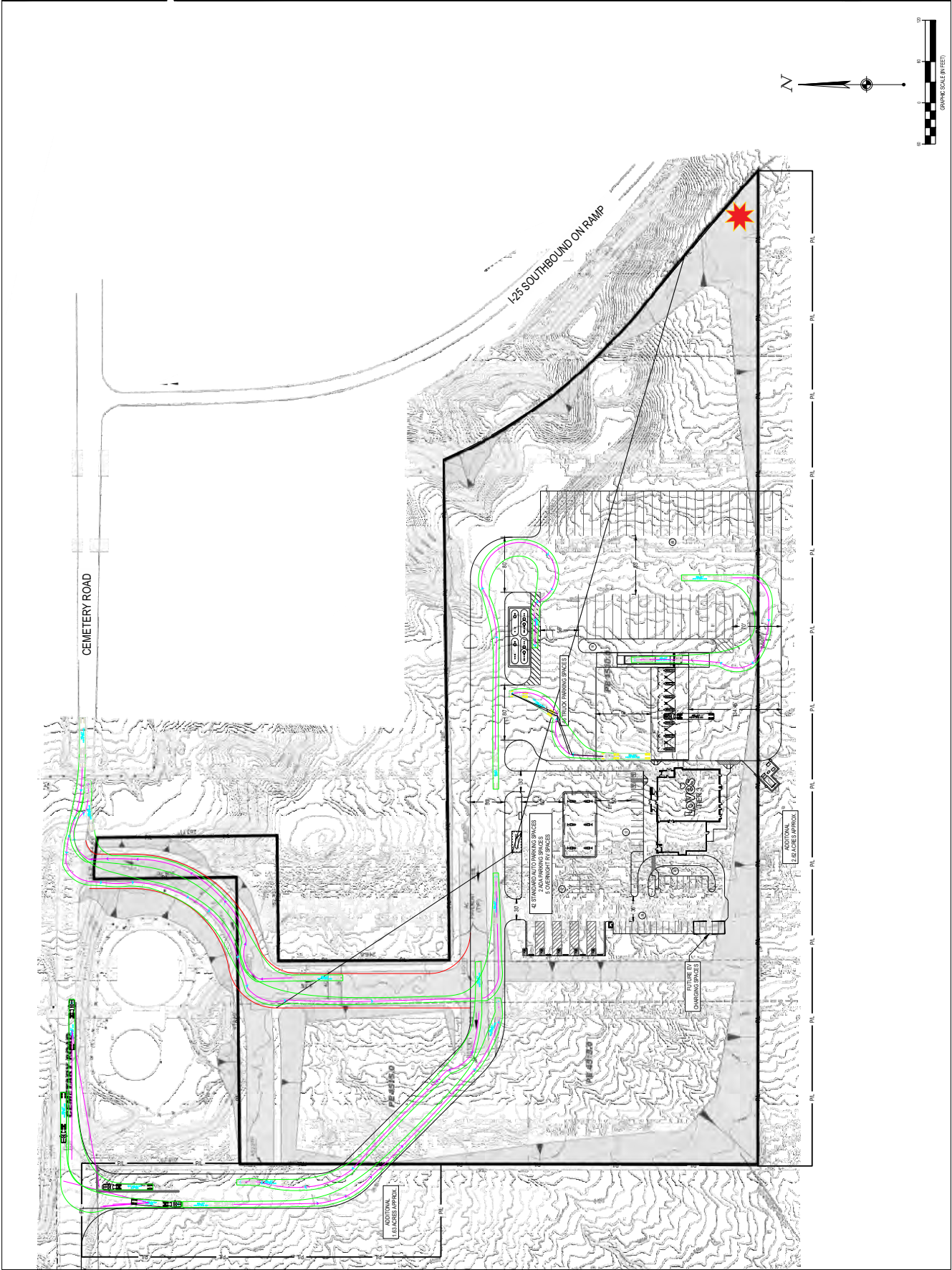


LOVES TRAVEL STOPS
TRUTH OR CONSEQUENCES, NM

CEMETERY ROAD
TRUTH OR CONSEQUENCES, NEW MEXICO 87901

Project Number: 761674
Scale: 1" = 60'
Drawn By: CDR
Checked By: SJH
Date: 10/24/2022
Issue: NOT FOR CONSTRUCTION
Drawing Title: CONCEPT PLAN - OPTION 1

3 OF 3



★ = RECOMMENDED SIGN LOCATION

LOVE'S SIGN PACKAGE - TRUTH OR CONSEQUENCES, NM #1045

		SIGN SQ. FT.
HI-RISE SIGN:	95' OAH	
	8' x 10' Heart - LED	80.00
	9' x 22' Love's	198.00
	15' x 16' 6½" Arby's (B-18)	248.13
	11' x 41' 6" Price Sign - 89" Numeral	456.50
	TOTAL HI-RISE SQUARE FEET:	982.63
STREET SIGN:	30' OAH	
	19' 8" x 10' Loves / Price Sign / Arby's / Enter	196.67
	TOTAL STREET SIGN SQUARE FEET:	196.67
DIRECTIONAL SIGNS:	8' OAH	
	4' x 8' Love's Directional	32.00
		32.00
BUILDING SIGNS:	NORTH ELEVATION:	
	5' x 6' 3½" Heart	31.46
	3' 6" x 11' 8" Love's	40.84
	10" It's the love that drives us.	12.08
	58" x 64" Arby's logo	25.78
	TOTAL NORTH ELEVATION SQUARE FEET:	110.16
	WEST ELEVATION:	
	2' 7-5/8" x 9' 10¾" Arby's Letters	35.67
	TOTAL WEST ELEVATION SQUARE FEET:	35.67
	EAST ELEVATION:	
	5' x 6' 3½" Heart	31.46
	3' 6" x 11' 8" Love's	40.84
	5' 11½" x 7' 6" Heart	44.69
	12-5/8" Driven by love, fueled by you.	17.45
	TOTAL EAST ELEVATION SQUARE FEET:	134.44
	TOTAL BUILDING SIGN SQUARE FEET:	280.27
FUEL CANOPIES:	GAS CANOPY LOGOS:	
	2' 3½" x 10' 2½" Vinyl Logo - North Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - East Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - South Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - West Elevation	23.39
	DIESEL CANOPY LOGOS:	
	2' 3½" x 10' 2½" Vinyl Logo - North Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - East Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - South Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - West Elevation	23.39
	TOTAL FUEL CANOPY LOGO SQUARE FEET:	187.12
CAT SCALE SIGNS:	5' 4½" x 20' Cat Scale Sign	107.50
	2' 5 ½ x 3' ½ Cat Scale Sign	7.48
	TOTAL CAT SCALE SQUARE FEET:	114.98
	TOTAL SQUARE FOOTAGE:	1793.67



1027 5th Avenue NW Watertown, SD 57201 605.753.9700

DATE:		DATE:	BY:		DATE:	BY:
**9/4/24		REV. #1	**9/25/24	JLW	REV. #5:	
		REV. #2	*3/24/25	JLW	REV. #6:	
DRAWN BY:		REV. #3	*4/30/25	JLW	REV. #7:	
JLW		REV. #4	*6/25/25	JLW	REV. #8:	

LOVE'S HI-RISE SIGN ~ TRUTH OR CONSEQUENCES, NM #1045

OVERALL HEIGHT: 95'

TOTAL SQ. FT.: 982.63

8' X 10' LED HEART = 80 SQ. FT.

9' X 22' LOVE'S = 198 SQ. FT.

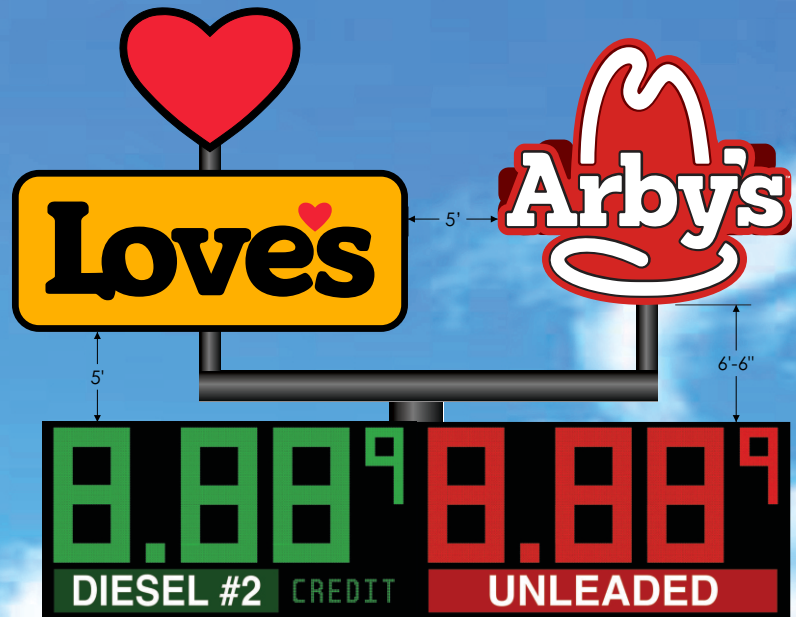
11' X 41' 6" PRICE SIGN = 456.5 SQ. FT.

- 89" NUMERALS

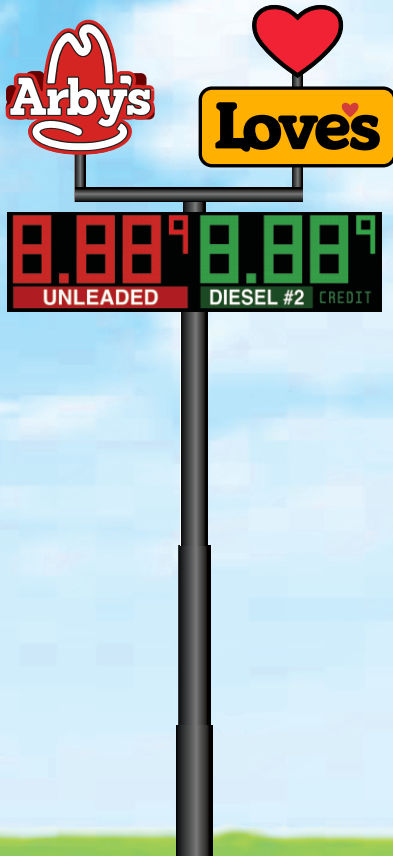
15' x 16' 6½" ARBY'S B-18 = 248.13 SQ. FT.

61' FROM BOTTOM OF PRICE SIGN TO GRADE

LOVE'S & DIESEL INSTALLED TOWARDS
INTERSTATE / HIGHWAY



SIDE B
* NOT TO SCALE



** NOTE: PRODUCT PANEL COPY AND NUMERAL DETAILS TO BE CONFIRMED BY OTHERS.

ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0401	1 - 4/30/25	3/32" = 1'	JLW	
			JLW			

LOVE'S STREET SIGN ~ TRUTH OR CONSEQUENCES, NM #1045

OVERALL HEIGHT: 30'

TOTAL SQ. FT.: 196.67

19' 8" X 10' LOVE'S / PRICE SIGN / ENTER / ARBY'S

5' 10" X 10' LOVE'S

4' X 10' PRICE SIGN - 24" NUMERALS

5' X 10' ENTER

4' X 10' ARBY'S

10' 4" FROM BOTTOM OF DUNKIN' TO GRADE

UNLEADED INSTALLED TOWARDS ROAD

EAST SIDE

WEST SIDE
* SCALE: 1/8" = 1'

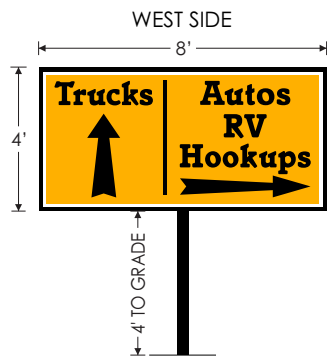


** NOTE: PRODUCT PANEL COPY AND NUMERAL DETAILS TO BE CONFIRMED BY OTHERS.

ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0402	3 - 4/30/25	1/4" = 1'	JLW	
			JLW			

DIRECTIONAL SIGNS ~ TRUTH OR CONSEQUENCES, NM #1045



EAST SIDE

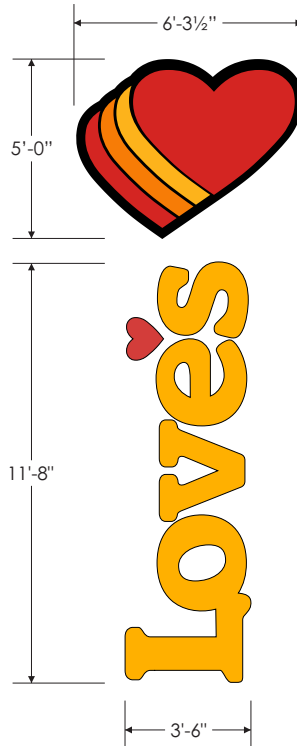


Love's Directional Sign #1
at Auto Entrance
(copy may vary)
LED Illuminated
(32 Sq. ft./sign)

** ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

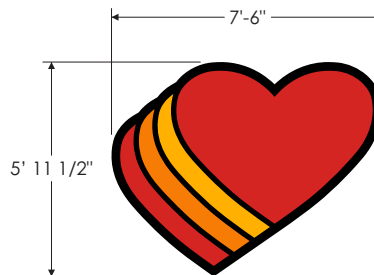
LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0403	1 - 6/25/25	3/16" = 1'	JLW	
			JLW			

BUILDING SIGNS ~ TRUTH OR CONSEQUENCES, NM #1045



Qty (1) North elevation
Qty (1) East elevation
LED Illuminated
(31.46 Sq. ft./sign)

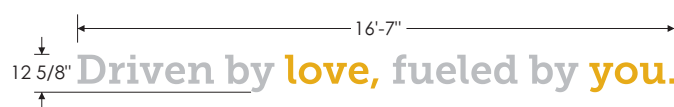
Qty (1) North elevation
Qty (1) East elevation
LED Illuminated
(40.84 Sq. ft./sign)



Qty (1) East elevation
LED Illuminated
(44.69 Sq. ft./sign)



Qty (1) North elevation
(12.08 Sq. ft./sign)



Qty (1) East elevation
(17.45 Sq. ft./sign)

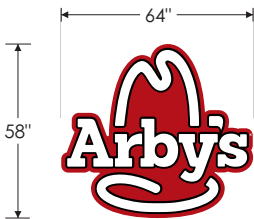
** ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0405	1 - 4/30/25	3/16" = 1'	JLW	
			JLW			

BUILDING SIGNS ~ TRUTH OR CONSEQUENCES, NM #1045



Qty (1) West elevation
LED Illuminated
(35.67 Sq. ft./sign)

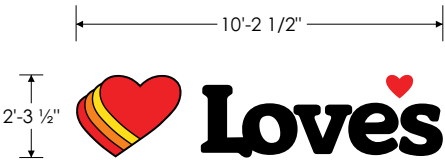


Qty (1) North elevation
LED Illuminated
(25.78 sq. ft./sign)

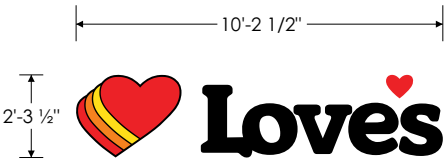
** ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0406	1 - 4/30/25	3/16" = 1'	JLW	
			JLW			

FUEL CANOPY LOGOS ~ TRUTH OR CONSEQUENCES, NM #1045

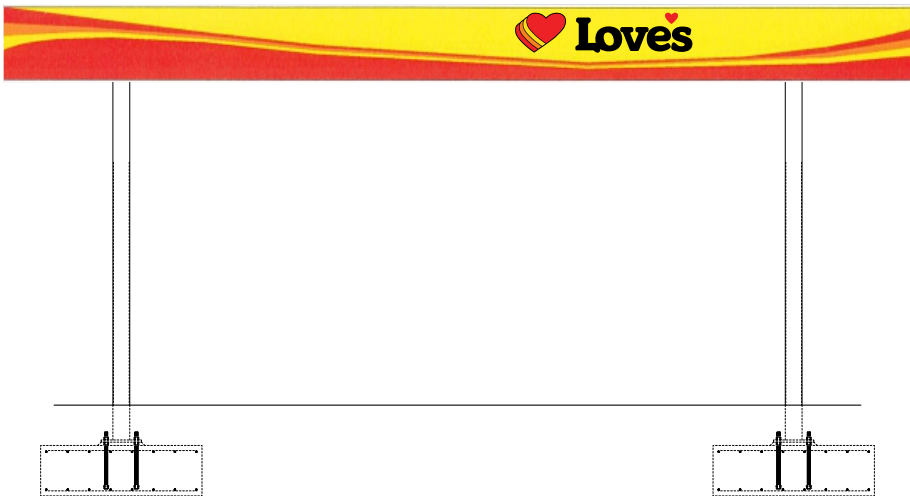


Qty (4) Gas Canopy Logos
(23.39 Sq. ft./sign)



Qty (4) Diesel Canopy Logos
(23.39 Sq. ft./sign)

Gas / Diesel Canopy illustration



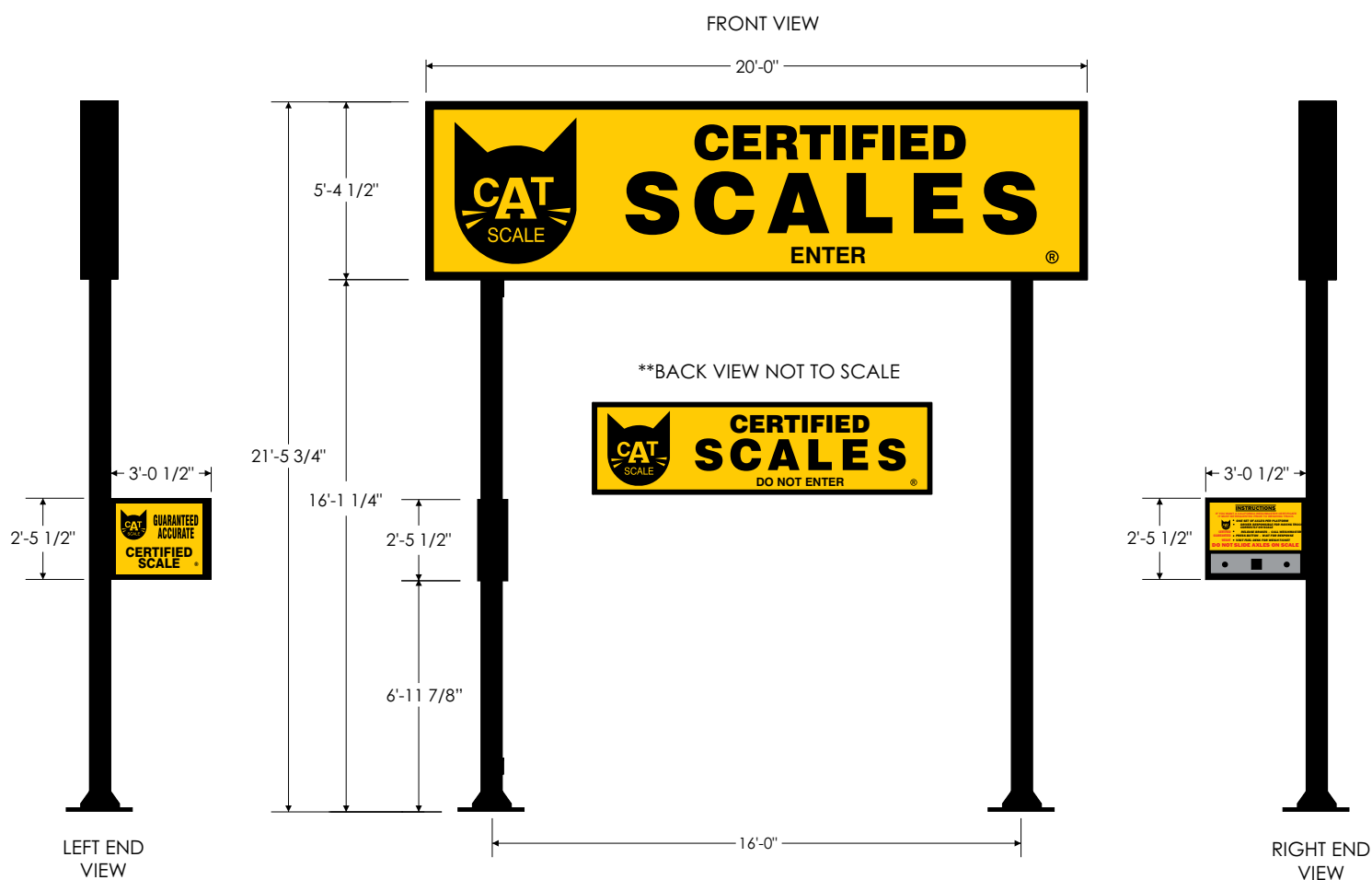
LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0407	0	3/16" = 1'	JLW	
			.			

CAT SCALE SIGNS ~ TRUTH OR CONSEQUENCES, NM #1045

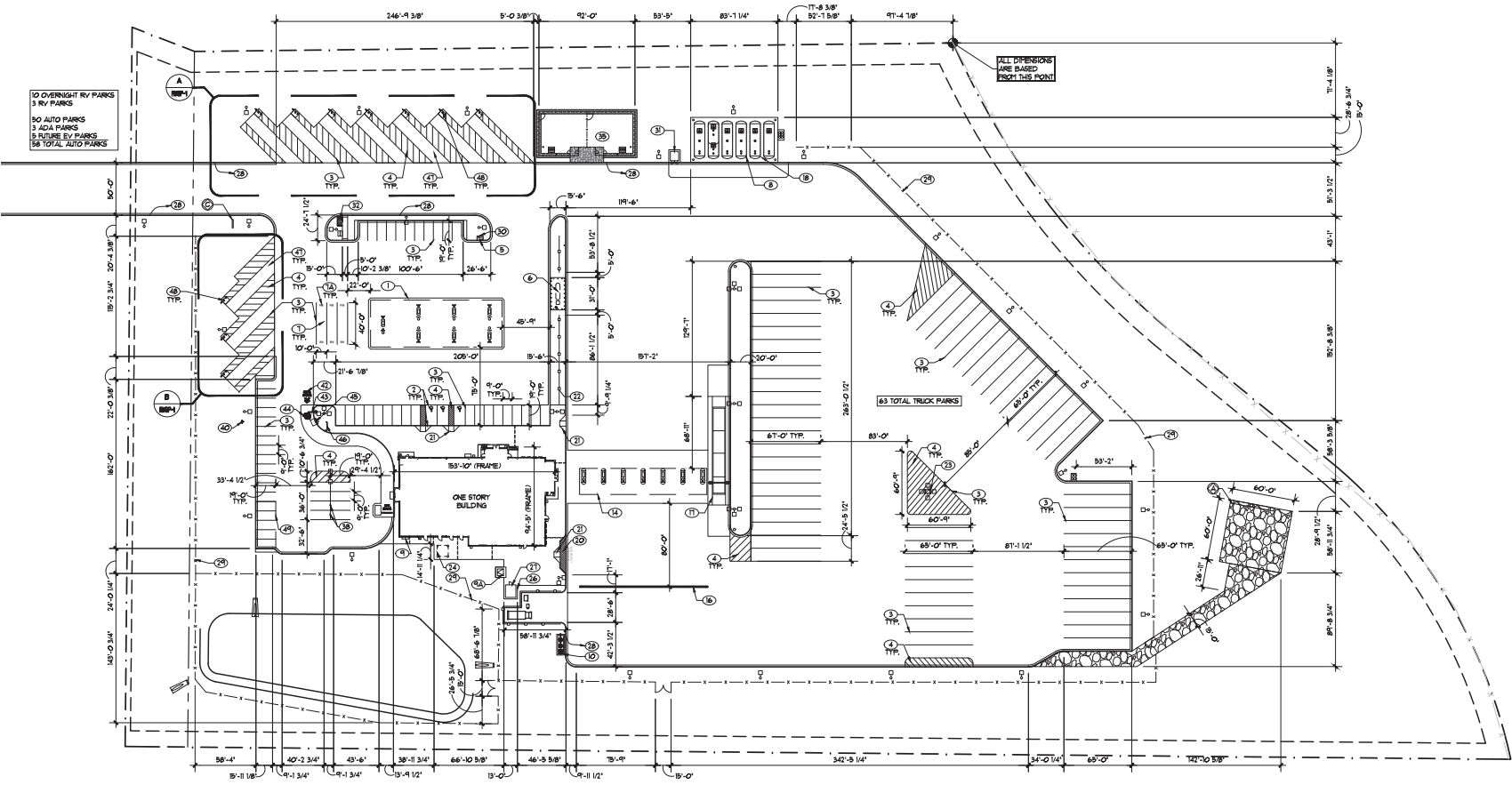
TOTAL SQ. FT.: 114.98

2' 5 1/2" X 3' 1/2" SPEAKER POST SIGN = 7.48 SQ. FT.

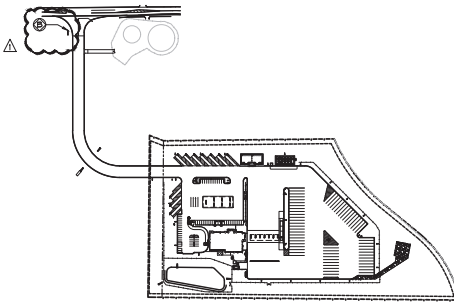
16' 1¼" FROM GRADE TO BOTTOM OF CAT SCALE



LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0408	0	NOT TO SCALE	JLW	
			.			



A SITE PLAN
SCALE 1" = 50'-0"



B OVERALL SITE PLAN
SCALE: NOT TO SCALE

- NOTES:
- ALL IMPROVEMENTS ARE PARALLEL OR PERPENDICULAR TO NORTH PROPERTY LINE
 - THE OWNER'S SIGN CONTRACTOR WILL INSTALL THE FOLLOWING SIGNS AND FOUNDATIONS:
H-RISE SIGN, STREET SIGN, LOVE'S DIRECTIONAL SIGN, BUILDING HALL MOUNTED SIGN, DRIVE THRU DIRECTIONAL SIGNS, THE ELECTRICAL HOOK-UP IS BY G.C.
 - G.C. & SIGN CONTRACTOR TO FIELD VERIFY LOCATIONS & ORIENTATIONS OF FREE-STANDING SITE SIGNS WITH OWNER PRIOR TO INSTALLATION.
 - REFER TO CIVIL DRAWINGS FOR PAVING TYPES.
 - ALL PAINTED PARKING LOT SIGNAGE/STRIPING TO BE VERIFIED WITH LOVE'S FIELD CONSTRUCTION MANAGER PRIOR TO INSTALLATION

KEYED NOTES- SITE SIGNAGE		BY OWNER
1	H-RISE SIGN	
2	STREET SIGN	
3	4" x 8" DIRECTIONAL	
4	HALL BOARD	
5	R.V. OVERNIGHT PARKING SPACES	
6	R.V. UTILITIES HOOK-UPS	
7	FUTURE E.V. CHARGING STATION	
8	NOT USED	

KEYED NOTES:	DETAIL
1	AUTO ISLANDS AND CANOPY RE: SP-2 & SP-2.1
2	HANDICAP PARKING SPACES AND RAMP RE: SP-5/A
3	4" WIDE PAINTED PARKING STRIPES (YELLOW) (TYP.)
4	PAINTED DIAGONAL STRIPING AT 40' O.C.
5	AIR-WATER ISLAND RE: SP-5/E
6	LP GAS TANK PAD RE: SP-4/F
7	R.V. PARKING SPACES 40' x 10' (TYP.) AUTO PARKING SPACES 10' x 9' (TYP.) UNLESS NOTED
1A	R.V. PAINTED LETTERING RE: SP-5/K
8	FUEL UNDERGROUND STORAGE TANKS. RE: FUEL DRAWINGS
9	MDP CABINET RE: ELECTRICAL
10	ELECTRICAL TRANSFORMER RE: ELECTRICAL
11	OIL-WATER SEPARATOR DISSEL BAYS RE: SP-6
12	NOT USED
13	NOT USED
14	NOT USED
15	NOT USED
16	TRUCK ISLANDS AND CANOPY RE: SP-3
17	NOT USED
18	12" WIDE PAINTED FULL-UP STRIPE (WHITE)
19	TRUCK SCALE BY OWNER
20	POWER FOR TANKER TRUCK RE: SP-4/E
21	NOT USED
22	A.D.A. LOADING ZONE RE: SP-5/I
23	8" WIDE RECESSED 3-WAY FLARED A.D.A. RAMP RE: SP-5/C
24	TRUCK SCALE BY OWNER
25	12" BOLLARDS - CITY PER PLAN RE: SP-8/C.1
26	SHOCKERS LOUNGE RE: SP-9
27	NOT USED
28	CONCRETE PAD FOR PRE-MANUFACTURED SHED RE: SP-4/A
29	YARD BUILDING RE: SP-4/A
30	NO PARKING SIGN ON GALVANIZED METAL POST 10'-0" O.C. PAINT "NO PARKING" ON CURB FACE 20'-0" O.C.
31	5'-0" TALL BLACK VINYL CHAIN LINK FENCE
32	AIR-WATER SIGN RE: SP-4/D
33	FUEL ADDITIVE SHED
34	TRASH CAN ENCLOSURE RE: SP-5/G
35	SIDEWALK DRAINS RE: SP-5/F
36	NOT USED
37	DOG PARK RE: SP-10
38	NOT USED
39	RESTAURANT RESERVED PARKING RE: SP-5/G
40	NOT USED
41	FIRE HYDRANT RE: CIVIL
42	NOT USED
43	PAINTED DRIVE-THRU DIRECTIONAL ARROW RE: SP-1/LC
44	"HEAD-ON-CORNER" CLEARANCE BAR RE: SP-1/LA
45	PAINTED FLYING ARROWS RE: SP-1/LD
46	DRIVE THRU CANOPY & ORDER POST RE: SP-1/LH
47	"MENU BOARD" RE: SP-1/C
48	R.V. OVERNIGHT PARKING SPACES RE: RVSP-1
49	R.V. UTILITIES HOOK-UPS RE: RVSP-2/A
50	NOT USED

Pascal Aughtry & Associates, PC

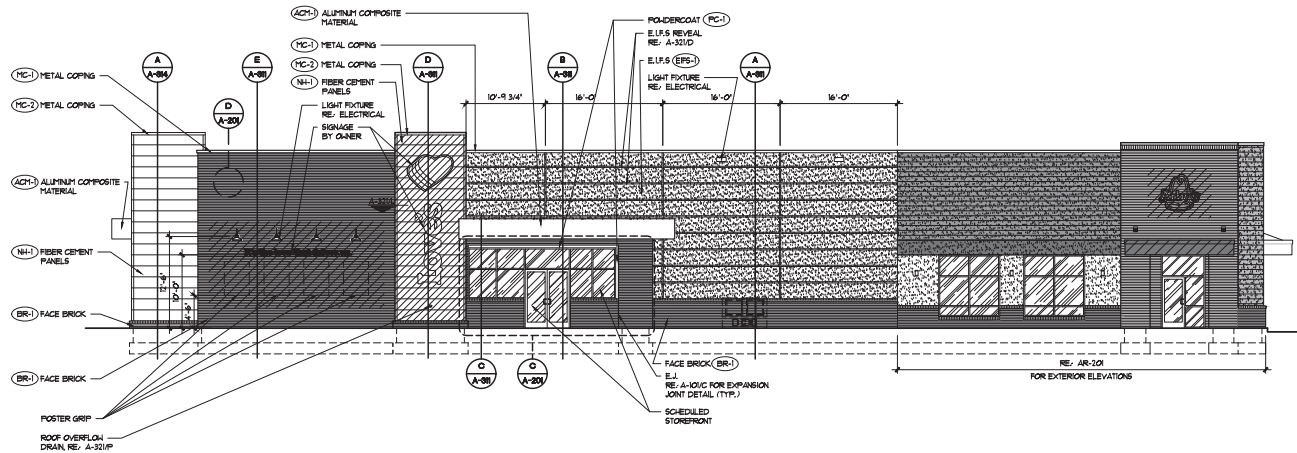
405.463.3450
Fax 405.463.3453
107 East Britton Road
Chickasha, OK 73114
pascal@rah.com

STATE OF NEW MEXICO
PASCAL AUGHTRY
REGISTERED PROFESSIONAL ENGINEER
04425

A NEW TRAVEL STOP
STORE NO. 1045
TRUTH OR
CONSEQUENCES, NM

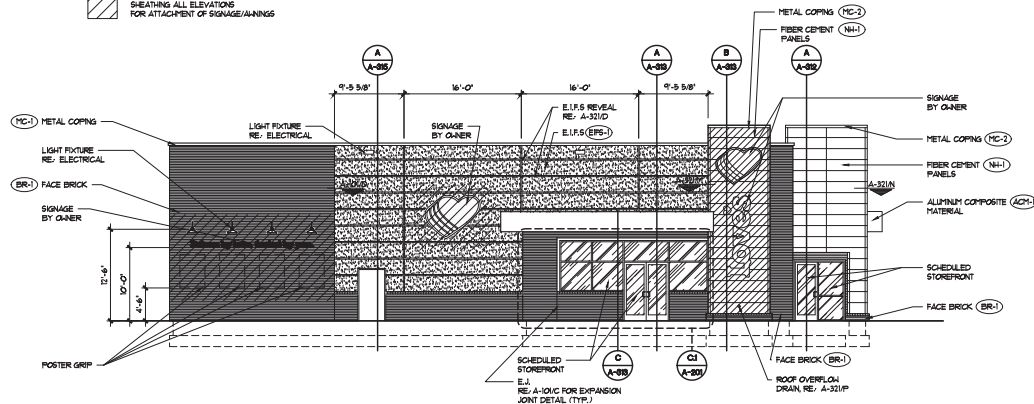
Revisions:
No. Date
1 05-23-25

Project No.: LVS-251045
Date: 05-23-25
Sheet No.:
SP-1
OF 13



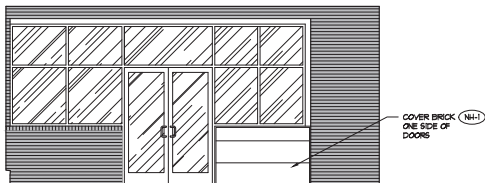
A NORTH ELEVATION
SCALE: 1/8\" = 1'-0"

PROVIDE 3/8\" CDX PLYWOOD SHEATHING ALL ELEVATIONS FOR ATTACHMENT OF SIGNAGE/AWINGS

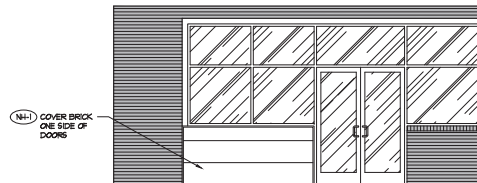


B EAST ELEVATION
SCALE: 1/8\" = 1'-0"

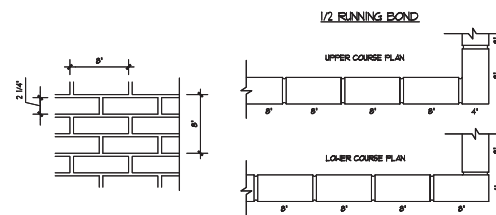
PROVIDE 3/8\" CDX PLYWOOD SHEATHING ALL ELEVATIONS FOR ATTACHMENT OF SIGNAGE/AWINGS



C PARTIAL ELEVATION
SCALE: 1/4\" = 1'-0"



C.1 PARTIAL ELEVATION
SCALE: 1/4\" = 1'-0"



D BRICK COURSING DETAILS
SCALE: 1/2\" = 1'-0"



Pascal Aughtry & Associates, PC

405.463.3493
Fax: 405.463.3493
107 East Butler Road
Chickasha, OK 73114
pascal@arb.com



A NEW TRAVEL STOP
STORE NO. 1045
TRUTH OR
CONSEQUENCES, NM

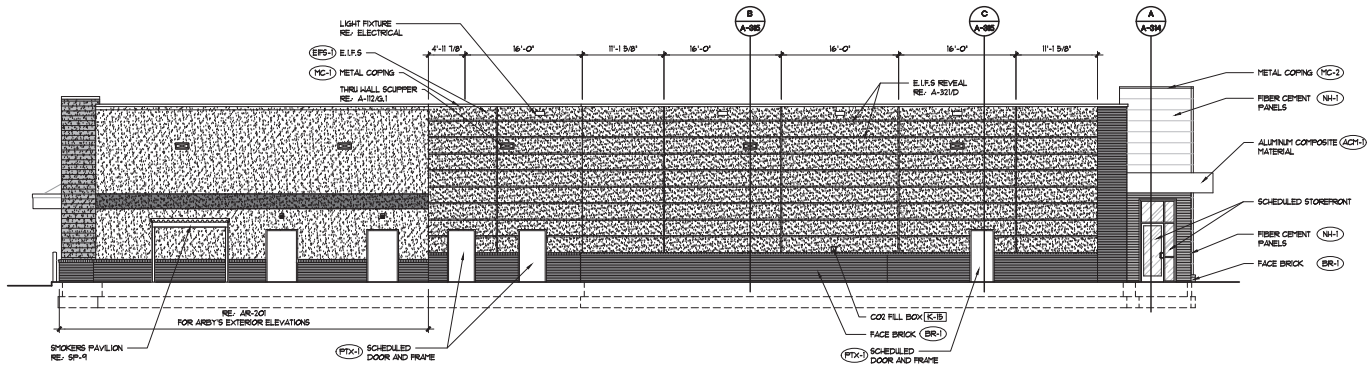


Revisions:	No.	Date
	1	
	2	
	3	
	4	
	5	

Project No.: LVS-251045
Date: 05-28-25
Sheet No.:

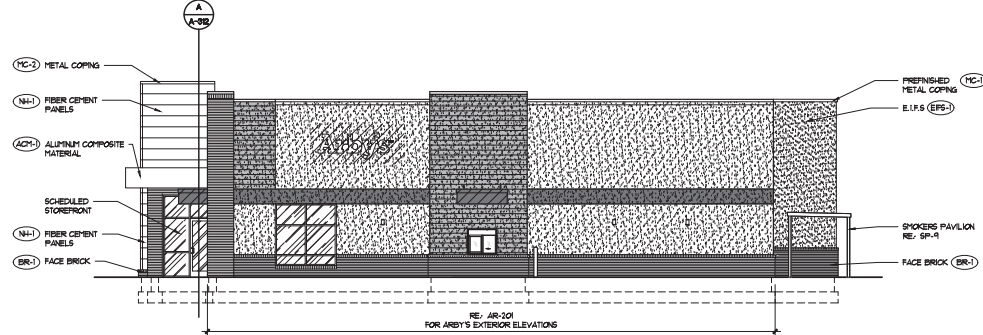
A-201
OF: T OR C LVS

EXTERIOR FINISH SCHEDULE							
CODE	MATERIAL	MANUFACTURER	DESCRIPTION			MANUFACTURER REPRESENTATIVE CONTACT INFO	NOTES
			PRODUCT	FINISH/COLOR	DIMENSION		
ACH-1	ALUMINUM COMPOSITE MATERIAL	ALPOLIC	4"X11" H/LZ ALUMINUM	H/LZ HAIRLINE ALUMINUM	REF CONSTRUCTION DOCUMENTS	MTS/ES&J-ALPOLIC TOP RAILWAY P: 761-286-0361 E: TOPRAILWAY@MTS-ES&J.COM	
BR-1	BRICK	ENDICOTT	MODULAR SIZE FACE BRICK	COLOR: MANGANESE IRONSPOT TEXTURE: SMOOTH	FILL: 3 3/8" X 2 1/4" X 1 5/8"	TRINITY BRICK SALES SEAN HOLT P: 408-490-8487 E: SEAN@TRINITYNET	MORTAR TO MATCH BR-1/ FAIRBORN MATCHCOLOR COLOR: CHARCOAL BLACK 25-A
BR-3	THIN BRICK			ENDICOTT MODULAR SIZE THIN BRICK MANGANESE IRONSPOT SMOOTH 1/2" X 2 1/4" X 1 5/8"			REF: INTERIOR ELEVATIONS
EPS-1	EXTERIOR INSULATION FINISHING SYSTEM	DRYVIT	CONTINUOUS INSULATION SYSTEMS	COLOR: TO MATCH SHERMAN HILLIAMS S4 910 ACER FINISH: L'YRESTONE DPMR	N/A	DRYVIT BOB DAZEL P: 734-738-0404 E: BOB.DAZEL@DRYVIT.COM	
NA-1	FIBER CEMENT PANELS	NCH&A	VINTAGE-DOOD SPRUCE		18" X 18 5/8" PLANKS 18" X 3 1/8" OUTSIDE CORNER	NCH&A FIBER CEMENT CARBIE SHATTUCK P: 678-388-8584 E: LOVES@NCH&A.COM	
MC-1	METAL COPING	TO BE DETERMINED BY CONTRACTOR	22 GAUGE PREFINISHED METAL COPING	COLOR: TO MATCH SHERMAN HILLIAMS S4 1016 CYBERSPACE- MATTE	REF CONSTRUCTION DOCUMENTS	N/A	
MC-2	METAL COPING	TO BE DETERMINED BY CONTRACTOR	22 GAUGE PREFINISHED METAL COPING	COLOR: TO MATCH SHERMAN HILLIAMS S4 119 PRESCO CREAM- MATTE	REF CONSTRUCTION DOCUMENTS	N/A	
PTX-1	PAINT	SHERMAN HILLIAMS	RESILIENCE EXTERIOR ACRYLIC LATEX PAINT	COLOR: S4 1016 CYBERSPACE FINISH: EGGSHELL	N/A	SHERMAN HILLIAMS BRETT C. HUCKLEBURY P: 214-893-3540 E: SHUCKLEBURY@SHERMAN.COM	EXTERIOR MTL DOORS & FRAMES
PTX-2	PAINT	SHERMAN HILLIAMS	RESILIENCE EXTERIOR ACRYLIC LATEX PAINT	COLOR: S4 4101 FORSYTHIA FINISH: EGGSHELL	N/A		ENTRY SOFFIT REF: REFLECTED CEILING PLAN
PC-1	POWDERCOAT	TIGER DRYLAC	EXTERIOR/INTERIOR GRADE POWDERCOAT	COLOR: TO MATCH FMS 101 C FINISH: HIGH GLOSS	N/A	TIGER DRYLAC CUSTOMER SERVICE P: 866-878-1437 E: CUSTOMERSERVICE@TIGER-COATINGS	WINDOW FRAME ACCENT COLOR



A SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

PROVIDE 5/8" COX PLYWOOD SHEATHING ALL ELEVATIONS FOR ATTACHMENT OF SIGNAGE/ANNINGS



B WEST ELEVATION
SCALE: 1/8" = 1'-0"

PROVIDE 5/8" COX PLYWOOD SHEATHING ALL ELEVATIONS FOR ATTACHMENT OF SIGNAGE/ANNINGS



Pascal Aughtry & Associates, PC
405.463.3450
Fax 405.463.3493
107 East Britton Road
Chickasha, OK 73014
pascal@arb.com



A NEW TRAVEL STOP
STORE NO. 1045
TRUTH OR
CONSEQUENCES, NM



Revisions:
No. Date
1 05-28-25

Project No.: LVS-251045
Date: 05-28-25
Sheet No.:

A-202

OF: T OR C LVS

14' - STANDARD SEMI HEIGHT



OAH = 4'

2' x 3'
6 SQ. FT.



OAH = 8'

4' x 8'
32 SQ. FT.



*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org*

*Destiny Mitchell
Commissioner*

*Ingo Hoeppe
Commissioner*

*Gary Whitehead
City Manager*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 11, 2025, to receive input regarding the following:

Public Hearing/Discussion/Action: Variance Request pertaining to proposed Love's Travel Stops and Country Stores – Parcel 2894953670728:

*ARTICLE XIII. - SIGN, WALL, AND FENCE REQUIREMENTS DIVISION 1. – SIGNS
Sec. 11-13-2.4. - On-Premises Signs - C. Commercial and Industrial Zones:
2.Freestanding Signage: f - Applicant is allowed 2 signs and is requesting 3 signs
2.Freestanding Signage: d – Applicant is requesting additional signage sf area*

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, August 8, 2025 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Friday, July 24, 2025

DIVISION 1. SIGNS

Sec. 11-13-2.1. Title.

This Division shall be entitled The Truth Or Consequences Sign Code hereinafter referred to as "this Article".

Sec. 11-13-2.2. Purpose and Scope.

- A. *Purpose:* The purpose of this Article is to permit signs that will not, by their size, location, or construction endanger the public health and safety of individuals, or confuse, mislead, or obstruct the vision necessary for traffic safety. Furthermore, it is the purpose of this Article to maintain property values and to create a more aesthetically pleasing community, through the preservation of the natural beauty, historic amenities, and natural environment of Truth or Consequences, by preventing the over-concentration, improper placement, and density of signs, but keeping in mind the importance of signage to the business and tourism community, is a vital element of the free enterprise system.
- B. *Scope:* The provisions of this Article shall apply to all "signs", as the term is defined in Section 11-13-2.3 of this Article, within the City limits.

Sec. 11-13-2.3. Definitions.

[The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:]

ABANDONED SIGN: An on- or off-premises sign which no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted, or product or service available on the premises where such sign(s) is displayed.

ADVERTISING: The action of calling something to the attention of the public by verbal or visual presentation.

ATTACHED SIGN: Any sign which is fastened to, connected to, or painted on, and wholly or partially supported by a building.

AWNING: A hood or cover which projects from the wall of a building and is composed of rigid or non-rigid materials.

AWNING SIGN: A sign which is fastened to or painted on an awning.

BANNER: A sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

BENCH SIGN: Any sign affixed to or printed on a functional bench.

BILLBOARD: Any off-premises sign directing attention to a business, activity, commodity, service, entertainment, or communication, none of which may be conducted, sold or offered on the premises where the billboard is located.

BONUS: An allowance for additional sign area as an incentive to reduce the legal height permitted, or to remove non-conforming signs.

BUSINESS/SERVICE CENTER: A group of two (2) or more businesses planned, constructed, owned and managed independently or as a total entity, which share access, parking, or landscaping.

CANOPY (OR MARQUEE): A permanent roof-like shelter extending from part or all of a building or independent of a building. It is usually constructed of the same material as the roof on the building; however it may also be constructed of flexible canvas type material with rigid backing.

CANOPY SIGN: A sign attached to or painted on a canopy.

CITY: The City of Truth or Consequences, New Mexico.

CLEAR-SIGHT TRIANGLE: A triangular area of unobstructed vision at street intersections, alleys and at curb cut entrances and exits. A full definition is found in the City Zoning Code.

CODES: Any other applicable City, State, or Federal Codes.

COLLECTOR STREET: A street which collects traffic from local streets and connects with major and minor arterials.

CONSTRUCTION/RENOVATION SIGN: Any temporary sign erected on the premises where construction/renovation is taking place and indicating the names of the architects, engineers, landscape architects, financial institutions, contractors or similar artisans, and the owners, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

COPY: The verbal, visual or pictorial portion of any sign.

CORPORATE: Pertaining to any organization incorporated pursuant to a law.

DECORATIONS: Any display which calls attention to a community organized event or to a State or national holiday.

DEVELOPMENT IDENTIFICATION SIGN: A permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.

DIRECTIONAL SIGN: Any sign erected for the convenience of the public, such as the directing traffic movement, parking or identifying restrooms, public telephones, walkways and/or other similar features or facilities, and bearing no advertising message (excluding those erected by the United States Department of Transportation and the New Mexico Department of Transportation).

DOWNTOWN: The area generally described as lying between Main Street, Austin Street, and the two intersections of Broadway and Main Streets.

FLAG/DECORATIVE: Any rectangular display constructed of lightweight material having no logo or advertising message printed or printed on it.

FREESTANDING SIGN: Any sign attached to, or supported from the ground, and not attached to a building.

GARAGE SALE SIGN: See definition of Private Sale or Event Sign.

GATE ENTRANCE SIGN: Any sign installed or constructed over the entrance to the premises in specific zoning districts as described herein.

GOVERNMENT SIGN: Any sign erected by any City, County, State or Federal agency or its designee, setting forth information pursuant to law.

GROUND SIGN: Any sign which is attached to either the ground or to a footing set flush with the ground.

HOUSE OR BUILDING SIGN OR NAMEPLATE: A sign limited to identifying the street name, building or property number, and/or the name of the owner or occupant of the building or property and pertinent historical information.

ILLUMINATED SIGN: Any sign which is lighted internally, externally (including neon) or by lights directed towards the sign by any light source.

INFORMATION SIGN: Any sign whose purpose is to indicate a business, hours of operation or similar identification information.

LEGAL NOTICES: Any sign required by law or pursuant to a court order.

LOCAL STREET: A street designed to provide access to abutting property and local streets, and to discourage through traffic.

LOGO: An identifying symbol used for advertising purposes.

LOT: A unit of land that is recognized by the City and the County Assessor's Office as having been legally created or having a legal status as unit of land. Said lot may be joined with other lots to create a parcel.

MAINTENANCE: The total upkeep of a sign; structurally and electrically, in terms of safety, and cosmetically, in terms of visual attractiveness.

MAJOR ARTERIAL: A street with access control, channelized intersections, restrictive parking, and which distributes and collects traffic to and from minor arterial streets.

MARQUEE (OR CANOPY): See definition of Canopy.

MARQUEE SIGN: A sign attached to, mounted on or painted on a marquee.

MINOR ARTERIAL: A street with signals at important intersections and stop signs on side streets and which collects and distributes traffic to and from collector streets.

MODEL COMPLEX SIGN: Any sign located on a complex site, limited in time until the complex ceases to be a model complex.

MURAL: A picture or graphic illustration applied directly to a wall of a building or structure which does not advertise or promote a particular business, service or product.

NATIONAL, STATE AND CORPORATE FLAGS: Any rectangular display constructed of lightweight material used to identify a nation, state or corporation.

NON-CONFORMING SIGN: Any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to correct codes or this Article.

OFF-PREMISES SIGN: Sign which advertises or directs attention to a business, product, service or activity which is not available on the premises where the sign is located.

ON-PREMISES SIGN: Sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

PARCEL: A unit of land that is recognized by the City and the County Assessor's Office as having been legally created or having a legal status as unit of land. Said parcel may consist of one or more lots but is recognized as a single unit of land.

PENNANT: A display made of a lightweight material which tapers to a point, having no logo or advertising message printed on it.

PERSON: An individual, company, corporation, partnership, association or any other entity.

POINT-OF-SALE SIGN: Any sign which is located or attached directly to the product to be sold.

POLE SIGN: Also known as Pylon Sign. Any freestanding sign whose primary means of support is one or more poles set into a concrete footing, located at ground level.

POLITICAL SIGN: A sign pertaining to any national, State or local election.

PORTABLE SIGN: A freestanding sign not permanently affixed, anchored or secured to the ground or the building, which may be rolled or moved about.

PRIVATE SALE OR EVENT SIGN: A temporary sign advertising private sales of personal property at garage, yard or estate sales and the like, private fundraising events, such as nonprofit carwash, or food/clothing drive, etc.

PRODUCT IDENTIFICATION SIGN: Any sign used to identify the supplier/contractor of the construction product being used.

PROHIBITED SIGN: Any sign not expressly permitted within this Article, or any sign which is specifically prohibited in this Article (see Section 11-13-2.8 of this Article).

PROJECTION SIGN: Any attached sign that is placed perpendicular to a wall of a building.

PROMOTIONAL DISPLAY (COMMERCIAL): Special advertising for grand openings, anniversaries, special or seasonal events, and which is for a limited time, in addition to the legal signage permitted.

PROMOTIONAL DISPLAY (RESIDENTIAL): Special advertising using pennants, flags, streamers, banners, open house signs and other similar signs, for the duration of an open house or similar showing.

REAL ESTATE DIRECTIONAL SIGN: A sign which advertises or directs attention to real property or properties not available on the premises where the sign is located.

REAL ESTATE SIGN: A sign intended to advertise the financing, development, sale, transfer, lease, exchange or rent of real property or properties.

ROOF SIGN: Any sign which is attached to the roof of a building or structure.

ROOF LINE: The physical edge of a building's roof, this is to include the parapet in the case of a flat roof.

SETBACKS: The distances required from the property line or from other buildings/structures or businesses.

SHOPPING CENTER: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SIGN: Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, attachment or placing of a structure or object on any land, or on any other structure, or produced by painting on, posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

STREAMERS: A display made of light, flexible material, consisting of long, narrow, wavy strips having no logo or advertising message printed or painted on them.

STRUCTURAL REQUIREMENTS: The safety standards which apply to those signs which are governed by the requirements in the International Building Code and other companion documents.

TEMPERATURE/TIME/DATE SIGN: Any sign with the purpose of displaying the temperature, time, date and/or logo/name.

TEMPORARY SIGN: Any sign intended for a limited period of display. Said limited period shall not exceed 30 consecutive calendar days and shall not be allowed more than 4 times per calendar year.

TOTAL FRONT FOOTAGE: The total length of a building which fronts on a public street.

TRADEMARK/LABEL/NAME: Identification applied or attached to each permitted sign to designate the manufacturer and installer.

UNLAWFUL SIGN: Any sign ever erected which does not have a valid permit, or after erection, did not comply with all the applicable provisions of the permit under which it was constructed and erected, or did not comply with all provisions of codes, or which did not meet the necessary requirements to be considered non-conforming.

UNLICENSED COMMERCIAL SIGN: Any sign erected by an individual, group, organization or club for fundraising or other monetary gain.

UNSAFE SIGN: Any sign identified by the Zoning Administrator or his/her designee as being improperly constructed and installed, erected or secured, thereby subject to falling and creating a safety hazard, with supported findings.

VARIANCE: An authorization granted to a property owner to depart from the numerical requirements of the zoning regulations (as applied here, the sign regulations).

VEHICLE SIGN: A sign painted on or attached to either a vehicle, or a trailer designed to be pulled behind a motorized vehicle, which relates to a business, activity, use, service or product.

WALL SIGN: Any sign affixed to or painted upon the wall of any building.

WINDOW SIGN: Any sign that is applied or attached to the exterior or interior of a window or a window frame.

Sec. 11-13-2.4. On-Premises Signs.

A. General Conditions:

1. **Attached Sign:** An attached sign may extend five (5) feet beyond the highest point of a roof line. No attached sign may project beyond the edge of a vertical wall.
2. **Decorations:** Any display shall be removed no later than five (5) days after the event/holiday.
3. **Development Identification Sign (Permanent):**
 - a. Maximum sign area shall not exceed thirty-two (32) square feet.
 - b. Maximum height shall not exceed ten feet (10').
 - c. This sign may be used in addition to any other freestanding sign allowed pursuant to this Article.
4. **Directional Sign:** Directional signs visible from the public right-of-way (i.e., entrance/exit) shall not exceed six (6) square feet in sign area and four feet (4') in height.
5. **Flags:**
 - a. Displays incorporating the identification of a nation, state or corporation shall follow accepted flag protocol. Only one corporate flag will be allowed per parcel.
 - b. Displays used to serve as decoration (exclusive of decorations used in fiestas, community-wide festivals or national holidays) shall have no logo or advertising message printed or painted on them. These may be used in addition to the regular signage allowed per business.
6. **Freestanding Sign:** All signs classified as freestanding are limited to locations along street segments meeting specific zoning criteria further defined elsewhere in this Article.
7. **Gate Entrance Sign:**

-
- a. Said sign may identify the owner, resident or name of a certain parcel of property (i.e., John Doe Ranch, etc.).
 - b. Total sign height (including poles) shall not exceed twenty feet (20'). The sign face itself shall not exceed three feet (3') in height and thirty feet (30') in width.
 8. *Information Sign*: Signs visible from the public right-of-way shall have a maximum size of four (4) square feet in sign area.
 9. *Legal Notices*: The signs are exempt from the requirements of this Article; however, they must comply with provisions of the clear-sight triangle.
 10. *Pennant*: These displays may be used in addition to the regular signage allowed per business.
 11. *Point-Of-Sale Sign*:
 - a. This sign shall limit its advertisement to the product, its price, and/or its manufacturer.
 - b. The cumulative sign area for these signs shall not exceed twenty (20) square feet.
 - c. Each sign shall be no larger than two (2) square feet in sign area.
 12. *Portable Sign*:
 - a. Portable signs, although not incorporating a permanent footing in their design, shall be temporarily securely anchored to the ground to prevent overturning in high winds.
 - b. Portable signs shall be placed on level ground only or leveled during setup.
 - c. Portable signs shall for purposes of this Article be subject to all on-premises provisions governing freestanding signs.
 13. *Product Identification Sign*: Sign shall be placed on the structure and shall not exceed one-third ($\frac{1}{3}$) square foot in sign area.
 14. *Projection Sign*: A Projection Sign may not extend beyond the property line of the building upon which it is attached without an encroachment permit. The sign may be of any size that is allowed for that building, however it may not project more than five (5) feet from the building and it must maintain clearance to the ground greater than eight (8) feet. The method of attachment must conform to requirements of the City's Building Codes.
 15. *Streamers*: These displays may be used in addition to the regular signage allowed per business.
 16. *Wall Sign*: No wall sign may extend more than twelve inches (12") (depth) out from the wall to which it is attached.
 17. *Window Sign*:
 - a. Permanent window signs may be substituted for wall signage with a corresponding reduction of wall signage.
 - b. A window sign does not include merchandise or models of products or services incorporated in a window display.
 - B. *Residential Zones*: The following sign types are permitted: development identification sign, directional sign, garage sale sign, government sign, house or building sign or nameplate, legal notices, model complex sign, national, State and corporate flags, political sign, private sale or event sign, historic designation plaques, real estate sign, and Home Occupation Signs as follows:
 1. One single face sign that identifies trade or services conducted within a residence.
 2. The sign shall not exceed the area specified in Article 11-5-4.

3. The sign shall not be illuminated.
4. the sign shall be attached and parallel with the dwelling.
5. only one sign shall be allowed per dwelling unit.

C. *Commercial and Industrial Zones:*

1. *Attached Sign:* One and one-half (1½) square feet of signage for each linear foot of exterior wall. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning/canopy/marquee (with signage on them) signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.
2. *Freestanding Signage:* These signs must comply with the following conditions:
 - a. Locations which permit freestanding signs are determined by zoning districts along specific segments of streets (see Development Standards).
 - b. Maximum height and minimum setbacks for freestanding signs are determined by street classification. See Appendix 1, Development Standards, Section 11-13-2.11 of this Article.
 - c. Individual freestanding signs shall be limited to those businesses which own direct, unobstructed (on-site) access to the public street.
 - d. Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.
 - e. Size of freestanding signs are determined as follows:

Linear Street Frontage	Size Allowed
0—100 feet	100 square feet
101—300 feet	150 square feet
301—600 feet	200 square feet
>600 feet	200 square feet

On buildings with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height, and number of signs.

- f. Number of freestanding signs is limited to one per parcel, except where the frontage of the parcel exceeds six hundred (600) linear feet. For those parcel, two (2) freestanding signs are permitted, provided there is a minimum distance of two hundred feet (200') between the signs.

Sec. 11-13-2.5. Off-Premises Signs.

- A. *Attached Signs:* Attached sign may be permitted on a building under the following provisions:
1. *Location:* The off-premise sign may only be located on a commercially zoned building.
 2. *Size:* The cumulative square feet of allowable signage for the host building may not be exceeded. The square footage of the off-premise sign shall be added to all other signs on the building in order to ascertain that the total allowable square footage is not being violated.
 3. *Distance:* The content of the off-premise sign may be goods, services, or another business that is located within the corporate limits of the City of Truth or Consequences.

-
- B. *Bench Signs:* With the approval the City Commission, bench signs may be placed in the public right-of-way along bus routes or in areas frequented by pedestrians. Bench signs are exempt from the location provisions for freestanding.
- C. *Billboards:*
1. *General Location:*
 - a. All billboards shall be located only in areas zoned Commercial or Industrial and only along streets designated as major arterials or interstate highways, billboards shall not be located within any other zoning district.
 - b. Billboards must be located along street segments having a minimum of five (5) percent office, commercial and/or industrial zoning.
 - c. No billboards will be erected within the downtown area as defined in Section 11-13-2.3 of this Article.
 2. *Total Sign Area, Spacing, Height, Location, And Setbacks:* Billboards shall be subject to the following requirements:
 - a. Billboards located along interstate highways (also known as "Freeway Billboards") shall not exceed four hundred (400) square feet of total sign area, shall be spaced a minimum of one thousand feet (1,000') apart measured radially and shall not exceed forty feet (40') in height measured from ground level.
 - b. Billboards located along major arterials (also known as "Street Billboards") shall not exceed three hundred (300) square feet of total sign area, shall be spaced a minimum of one thousand feet (1,000') apart measured radially and shall not exceed thirty feet (30') in height measured from ground level. There shall be a minimum clearance of fifteen feet (15') measured from the ground level to the bottom of the billboard face.
 - i. Street billboards may only be located within one (1) mile of the end (as defined by the State Department of Transportation) of an Interstate 25 off-ramp.
 - c. A maximum of two (2) faces, parallel back-to-back is permitted, provided both faces are of the same size and attached to the same pole(s) for support.
 - d. Billboards shall be supported by a maximum of two (2) upright poles.
 - e. Vertical or horizontal stacking of billboards is prohibited.
 - f. Billboards shall be setback a minimum of Five feet (5') from the property line fronting along major arterials and thirty feet (30') from the property line fronting along interstate highways. In each case there shall be a minimum of five feet (5') setback from all other property lines measured from said property lines to any portion of the billboard structure.
 - g. Billboards shall have a minimum sign area of seventy-two (72) square feet.
- D. *Garage, Private Sale Or Event Sign:*
1. Signs may be used to advertise any event listed above provided that the signs are not over three (3) square feet in sign area, and are used only during the duration of the event.
 2. The person erecting the sign and/or the property owner at the sign location shall be responsible for the sign removal and all other requirements concerning signs.
- E. *Government Signs:*
1. Traffic-control and similar signs are exempt from all requirements of this Article.
-

-
2. Building identification signs and similar signs do not require permits; however they must meet the numerical requirements of this Article.

F. *Political Signs:*

1. No individual sign shall exceed thirty-two (32) square feet in sign area.
2. All political signs may be erected no sooner than ninety (90) days before the election to which they pertain and shall be removed within ten (10) days following same election.
3. Advertising on a duly permitted billboard shall be exempt from the size and time limits herein stated.

G. *Vehicle Signs:*

1. A vehicle may have a sign placed upon it if the vehicle is for sale and the purpose of the sign relates to its sale; or
2. A vehicle may have a sign placed upon it if the vehicle is contributing to the legitimate purposes of the business for which it is used; and
3. A vehicle with a vehicle sign may not be parked on or within thirty (30) feet of a public right-of-way for longer than one hour, except if the vehicle is for sale.

Sec. 11-13-2.6. Temporary Signs.

- A. *Construction/Renovation Signs:* The signage shall not exceed sixty-four (64) square feet in sign area, and shall not be erected until a building permit has been secured. The sign shall be removed no later than fourteen (14) days after the issuance of a certificate of occupancy or the building permit expires.

1. Signs less than sixteen (16) square feet in sign area do not require a sign permit and shall not be assessed a permit fee.
2. Signs which exceed sixteen (16) square feet in sign area require a sign permit and shall be assessed the applicable permit fee.

B. *Real Estate Signs:*

1. *Residentially-Zoned Lots Or Parcel:*

- a. *Less than 1 (one) acre:* one sign per street frontage not to exceed four (4) square feet in per sign. Sign(s) shall not exceed seven feet (7') in height.
- b. *1.01 to 5.00 acres:* one sign per street frontage not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- c. *5.01 to 10.00 acres:* two (2) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- d. *Greater than 10.00 acres:* three (3) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.

2. *All Other Zoned Lots Or Parcels:*

- a. *Less than 1.00 acre:* one sign per street frontage not to exceed sixteen (16) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- b. *1.01 to 5.00 acres:* one sign per street frontage not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed ten feet (10') in height.
- c. *5.01 to 10.00 acres:* two (2) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed fifteen feet (15') in height.

-
- d. *Greater than 10.00 acres:* three (3) signs not to exceed sixty-four (64) square feet in sign area per sign or two (2) signs not to exceed one hundred twenty-eight (128) square feet in sign area per sign. Sign(s) shall not exceed fifteen feet (15') in height.
 3. *Real Estate Directional Signs:* These signs shall not exceed six (6) square feet in sign area.
 4. *Model Complex Signs:* These signs shall be located on the project site and conform to the following requirements:
 - a. One sign per complex not to exceed thirty-two (32) square feet in sign area.
 - b. One sign per model not to exceed four (4) square feet in sign area.
 - c. Signs are to be removed when the complex ceases to be a model home complex.
 5. *Removal Of Signs:* Signs shall be removed within 14 (fourteen) days after closing of sale or lease of property.
 6. *Placement Near Public Ways:* No real estate signs shall be erected in the public rights-of-way or in clear-sight triangles.
 7. *Exception To Permit and Fee Requirements:* Signs which do not exceed sixteen (16) square feet in sign area do not require a sign permit and shall not be assessed a permit fee.
 8. *Permit and Fee Required:* Signs which exceed sixteen (16) square feet in sign area require a sign permit and shall be assessed the applicable permit fee.
- C. *Promotional Displays:*
1. *Commercial:* In addition to authorized attached and freestanding signs, occasional events requiring special advertising shall be subject to the following conditions:
 - a. Each business shall be limited to one freestanding and three (3) attached signs. Each sign shall not exceed ten (10) square feet in size.
 - b. Displays incorporating balloons, banners, streamers, flags and pennants will be permitted and are not limited to size and number.
 - c. Each business shall be allowed one permit for a grand opening display during its first six (6) months of operation. The permit for this display shall be for twenty (20) consecutive days.
 - d. Each business shall be allowed six (6) promotional displays during each calendar year. The permit for each of these displays shall be for ten (10) consecutive days.
 - e. Each business shall be allowed one bona fide going out of business display. The permit for this display shall be for sixty (60) consecutive days.
 - f. The applicant shall provide to the Sign Administrator the name and address of the business where the display is to be placed and the first day of the display. No portion of a display (i.e., structure or sign) shall be erected prior to the first day of the event as stated on the permit.
 2. *Residential:* In the event of an open house or other similar showing, the following displays and conditions shall apply:
 - a. Displays incorporating pennants, flags, streamers, banners, open house signs, welcome signs and other like signs will be allowed.
 - b. The sign display may be erected any time on the day prior to the event and must be removed within twenty-four (24) hours following the event.

Sec. 11-13-2.7. Signs Not Requiring Permits.

Accessory use signs:

Change of copy on legally established signs.

Construction/renovation signs (those not exceeding sixteen (16) square feet in sign area).

Decorations for national holidays or community-wide festivals and fiestas.

Directional signs.

Flags/decorations.

Garage sale signs.

Government signs.

House or building signs or nameplates.

Information signs.

Legal notices.

Model complex signs (those not exceeding sixteen (16) square feet in sign area).

National, State and corporate flags following accepted flag protocol.

Pennants.

Point-of-sale signs.

Political signs (except billboards).

Private sale or event signs.

Product identification signs.

Promotional displays—Residential.

Railroad signs.

Real estate broker identification signs.

Real estate directional signs.

Real estate signs (those not exceeding sixteen (16) square feet in sign area).

Streamers.

Vehicle signs.

Sec. 11-13-2.8. Prohibited Signs.

- A. Any sign not expressly permitted within this Article is prohibited.
- B. Any sign constructed to resemble any official marker or sign normally erected by City, State or Federal Government agency or a sign using words, phrases, movement, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
- C. A sign advertising activities that are illegal according to Federal or State laws, rules or regulations and County or City ordinances or resolutions.

-
- D. Any sign erected on, attached to or painted on retaining walls, fences, rocks of natural features. This prohibition shall not include development identification signs placed on walls used for landscaping purposes.

Sec. 11-13-2.9. General provisions.

A. Calculation of Sign Area:

1. The cumulative area of all attached signs shall be used to determine that the total cumulative sign area does not exceed the total sign area allowed for that building.
2. The area of a freestanding sign is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two (2) sides are back to back or separated by an angle of forty-five degrees (45) or less. If the two (2) sides are not of equal size, the larger side shall be measured.

B. Variances:

1. *Administrative Variance:* There shall be no administrative variances issued for any provision addressed in this Article.
2. *Variance allowed:* Any sign variance request must be reviewed and acted upon by the Planning and Zoning Commission in the manner established by the City Comprehensive Planning and Zoning Code.
3. *Design Excellence:* Since it is the goal of the City to promote excellence in design, in addition to the established requirements for the issuance of a Variance, the Planning and Zoning Commission may allow signs that exceed the requirements of this Code if the proposed sign is considered to have a quality of architecture, design or construction that far exceeds normal sign standards. If a sign exhibits an excellence in design and construction the Commission may allow a twenty (20) percent increase in sign area and/or height.

C. Structural Requirements:

1. All signs shall conform to the structural design requirements set forth in the International Building Code and companion documents.
2. Sign permit applications for freestanding signs must conform to the City Building Code requirements.

D. Sign Maintenance And Removal:

1. *Damaged Signs:* When any sign is substantially damaged, destroyed, taken down or removed for any purpose other than copy change or normal maintenance operation, it shall not be re-erected, reconstructed or rebuilt except in full compliance with this Article.
2. *Unsafe Signs:* If, in the opinion of a Sign Administrator or designee, any sign becomes unsecured, unsafe or subject to fall, the Sign Administrator upon supported findings shall give written notice of the sign's condition to the person responsible for the sign (owner or lessee). The person so notified, shall correct the unsafe condition of the sign and within seven (7) working days. The repair or replacement of the sign shall be done in conformance with the provisions of this Article.
3. *Maintenance:*
 - a. All signs shall be kept in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings and supporting frame shall be securely affixed to the support structure or wall and shall be free from insect infestation, rot or other deterioration.
 - b. If the message portion of a sign is not maintained or if it is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such

sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. The subsection shall not be construed to alter the prohibition on the replacement of a non-conforming sign. Nor shall this subsection be construed to prevent the changing of the message of the sign.

4. *Repair, Alteration or Removal of Signs:* Any written notice to repair, alter or to remove a sign will be sent via certified mail by the Sign Administrator to the owner, lessee, or person responsible for the sign. If such order is not acted on within seven (7) days, the Sign Administrator may initiate proceedings contained herein to revoke the permit and remove the sign at the expense of the owner, lessee, or person responsible for the sign.
5. *Unlawful Signs:* If any sign is installed, erected, constructed or maintained in violation of any of the terms of this Article, or the applicable code it was erected under, the City may issue a written warning to the sign owner, lessee, property manager or landowner. This warning shall outline the violation(s) and order the designated responsible party to bring the sign into compliance with this Article and any other applicable codes within fourteen (14) days from the date of the warning. Only one warning per violation will be issued. Said warning shall remain in effect for the duration of the business.
6. *Violations and Penalties:* Any person who shall violate any provision of this Article shall be guilty of an offense and shall, upon conviction thereof, be punished as provided in Section 1-4-1 of the City Code. Each day in which any violation shall occur shall constitute a separate offense. In addition, the City Attorney is hereby authorized to take all actions, both legal and equitable, necessary to ensure compliance with this Article.

E. *Non-conforming Signs:*

1. Subject to the remaining restrictions of this Section, non-conforming signs that were otherwise lawful (i.e. had a lawfully issued permit by the City) on the effective date of this Article may be continued.
2. No person may engage in any activity that causes an increase in the extent of nonconformity of a non-conforming sign. Without limiting the generality of the foregoing, no non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition. Nor may illumination be added to any non-conforming sign.
3. Any change in the use of any building or property on which a non-conforming sign is located, will require that all non-conforming signs on that property be brought into compliance with all applicable provisions of this Article within nine (9) months of said change.
4. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Article. For the purpose of this subsection, "replaced" means the replacing of any or all parts of a sign that would extend the normal life span of a sign. An example is replacing wood pole supports with metal I-beam supports.
5. If a non-conforming sign is destroyed, damaged or in need of repair, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this Article and the remnants of the former sign structure shall be cleared from the land. For purposes of this subsection, a non-conforming sign is "destroyed" if damaged up to fifty (50) percent of the cost of repairing the sign to its former stature or if the cost of replacing it equals or exceeds the tax value (tax value if listed for tax purposes)/sign valuation (as stated on the original permit) of the sign so damaged, whichever is less.
6. The message of a non-conforming sign may be changed so long as this does not create any new non-conformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

-
7. If a non-conforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within ninety (90) days after such abandonment by the sign owner, owner of the property where the sign is located or other person having control over such sign.
 8. If a non-conforming billboard remains blank for a continuous period of ninety (90) days, that billboard shall be deemed abandoned and shall be altered to comply with this Article or be removed by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this subsection, a sign is "blank" if:
 - a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
 - b. The advertising message it displays becomes illegible in whole or substantial part; or
 - c. The advertising copy has been removed.
 9. The City shall reserve the right to remove a non-conforming sign in accordance with State law.
 10. This subsection shall not apply to any benches placed under the terms of any contract in effect on the date of passage of this Article.
- F. *Permits:* Sign permits shall be required for all signs unless otherwise stated in this Article.
- G. *Sign Placement Provisions:*
1. No sign shall be permitted to violate the "clear-sight triangle" as defined in the City Zoning Code.
 2. No sign shall obstruct any door, stairway, fire escape or opening intended to provide ingress and egress for any building or structure.
 3. Signs may not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal or device. A sign shall not be placed at any location where it obscures or interferes with the clear view of any traveler on any street.
 4. No sign shall be constructed within any public right-of-way or sidewalk nor shall any portion of any sign extend onto or over a public right-of-way or sidewalk unless a specific exception is provided for elsewhere in this Article.
 5. No permit for a sign that extends beyond private property onto a public street, public sidewalk or public alley will constitute a permanent easement. Every such permit shall be revocable by the Sign Administrator. The City shall not be liable for any damages to the owner because of such revocation.
 6. No banner shall be erected across any street or sidewalk in the City unless express (written) consent has been granted by the City Commission.
 7. Any sign extending over an area intended for pedestrian use shall not be less than seven feet four inches (7'4") above the finished grade below it.
 8. No sign shall be placed on any property without written consent of the owner(s) or the owner(s)' authorized agent.
 9. No part of any sign may protrude into the setback except in the following instances:
 - a. If the right-of-way extends fifteen feet (15') beyond the back of curb, a sign may be placed on the property line. A written agreement between the City and the property owner shall be initiated to assure that the said sign will be relocated at the owner's expense in the event that the roadway is ever widened at the sign location.

-
- b. Real estate signs may be located within the setback; however, they shall not encroach in any way into the public right-of-way or clear-sight triangles.
 - 10. Every sign shall be identified by a label, nameplate or trademark designating the manufacturer and installer of the sign. Signs not requiring permits shall be exempt from this provision.
 - 11. No sign (temporary or permanent) shall be placed on private property with the exception of signs lawfully permitted. Any unlawful sign found in a public right-of-way or on public property shall be summarily removed by the Zoning Administrator or his/her designee.
- H. *Lighting Provisions:*
- 1. *Shading:* Light from any (light) source intended to externally illuminate a sign shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, and shall not adversely affect any of the surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device.
 - 2. *Types of Lighting:* Any type of lighting may be used to either illuminate a sign or may be the sign itself as long as said lighting meets the requirements of this Article.
 - 3. *Distance:* Signs which face residentially zoned parcels having a linear distance of seventy five feet (75') or less from the zone shall not be illuminated.
 - 4. *Residential Zones:* Signs in residential zones shall not be illuminated with the exception of a house or building sign or nameplate.
 - 5. *Dark Sky:* The State of New Mexico Dark Sky Legislation requires that all lighting be shielded in order to prevent the escape of light into the sky. This not only requires the use of shields but also does not allow the use of "up-lighting" or the use of lights in any manner that will cause light to be emitted in an upward direction.
 - 6. *Movement:* Signs that simulate movement by use of lighting may be allowed at the discretion of the Planning and Zoning Commission. The Commission must make a finding that stipulates that said movement will not cause an undue distraction to motorists and thereby be classified as a traffic hazard.

Sec. 11-13-2.10. Enforcement.

- A. *Offenses:*
- 1. Every violation of this Article constitutes an offense.
 - 2. Each day a violation of this Article exists constitutes a separate offense.
- B. *Enforcement Authority:*
- 1. The Zoning Administrator is authorized to issue citations for violations of this Article and file criminal complaints in Municipal Court alleging violations of this Article.
 - 2. The Municipal Court may impose a fine for each offense, as provided in the City of Truth or Consequences City Code for each day the violation is found to have occurred. In addition to any fines thus imposed, the Municipal Court is authorized to issue orders for removal or other judgments. Failure to pay fines previously imposed shall constitute contempt of court and may be separately punished at the discretion of the Municipal Court.

Sec. 11-13-2.11. Freestanding Sign Development Standards.**Table 1: Maximum Sign Height By Street Classification (In Feet)**

Street Classification	Zone Classification	
	Residential Industrial	Commercial
Local		
12	0	8
Collector		
12	0	12
Minor arterial		
12	0	12
Major arterial		
18	0	18
Freeway*		
26	0	**

* In order for a sign to be considered to be freeway oriented it must be located within 300 feet of a freeway right-of-way and must be visible from said freeway. The maximum square footage per sign shall be the same as that of other signs.

** The maximum height shall be determined by the City Commission upon recommendation by the Planning and Zoning Commission through the Special Use Permit process established by the City Comprehensive Planning and Zoning Code. It shall be the applicant's responsibility to propose the need for the height of the sign based on visibility from the freeway. The City Commission may establish the height of the sign based on information provided by the applicant, recommendation by the Planning and Zoning Commission, public input, or on any other pertinent facts the Commission may deem appropriate.

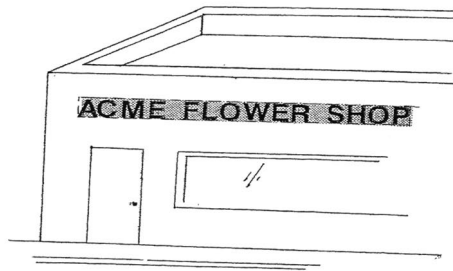
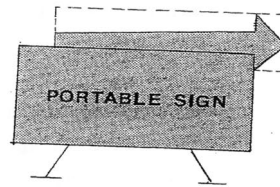
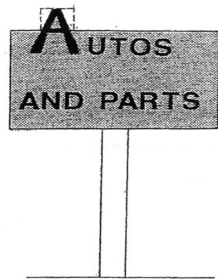
NOTE: Freestanding signs which are allowed by right and erected in the zones listed above shall follow those height requirements enumerated above, unless specific requirements are stated elsewhere in this Article.

Table 2: Minimum Setback By Street Classification

Street Classification Setback	Front Setback	Side
Local		
side yard	10 feet from property line	5 feet
Collector		
side yard	12 feet from property line	5 feet
Minor arterial		
side yard	15 feet from property line	5 feet
Major arterial		
side yard	15 feet from property line	5 feet

The following illustration are to be used only for assistance in applying the regulations contained in this Code, they are for illustrative purposes only.

DETERMINING SIGN AREA

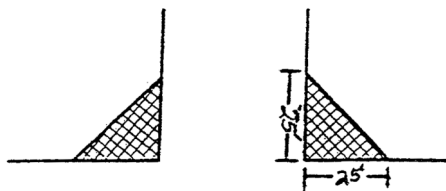


--- Indicates boundary to be used to calculate sign area in the event the applicant does not provide the actual square footage of the sign.



SHADED AREA INDICATES SIGN AREA

DETERMINING SIGN AREA



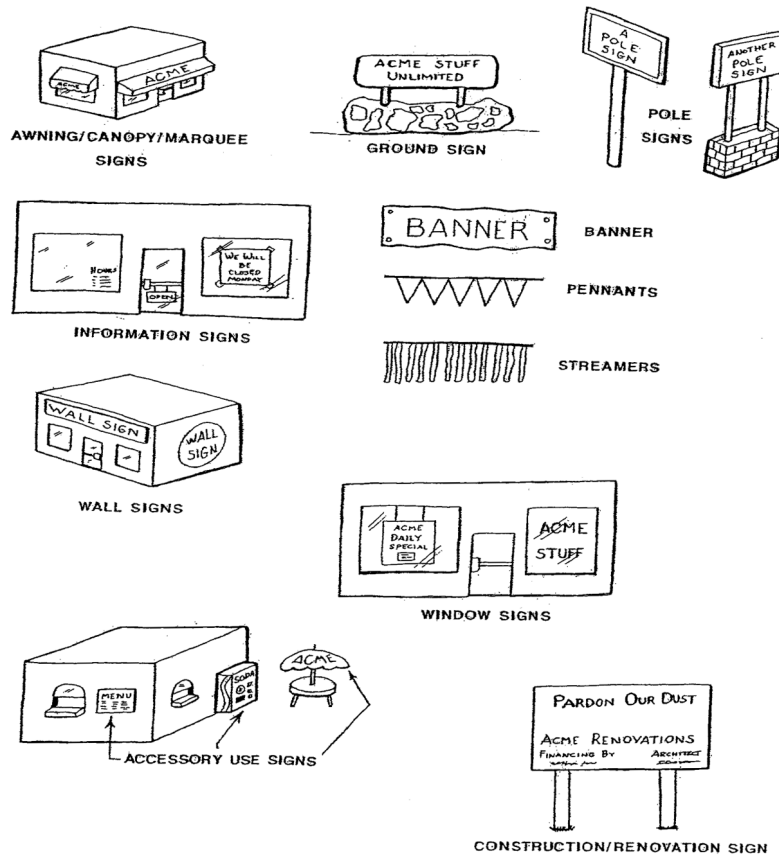
Clear Site Triangle

STREET



CLEAR SIGHT TRIANGLE

ON-PREMISE SIGNS
(FOR ILLUSTRATIVE PURPOSES ONLY)



ON-PREMISE SIGNS

Sec. 11-13-3. Residential Fence and Wall Requirements.

A. HEIGHT.

1. Six (6) foot maximum height above ground surface level shall be permitted on any part of the required front yard, provided such fence is in accord with subparagraph 3 below. A three (3) foot maximum height wall above ground surface shall be permitted on any part of the required front yard.
2. An eight (8) foot maximum height fence or wall above ground surface level shall be permitted on any part of the lot that is to the rear of the required front yard(s), provided such wall is in accord with subparagraph 3 below and is constructed to New Mexico Building Code standards.
3. There shall be no fence, wall or obstruction more than three (3) feet above street curb level within the clear sight triangle, as defined under "Clear Sight Triangle" in Article 8 of this Code, or in the clear sight triangle for entry and exit or off-street multi-parking area.
4. A wall retaining four (4) or more feet of soil must be designed and stamped (signed) by a Professional Engineer, registered in the State of New Mexico.

-
- B. *EXCLUSION FROM PUBLIC RIGHT-OF-WAY.* No wall or fence shall be permitted in a public right-of-way.
 - C. *WALL AND FENCE FOR SWIMMING POOLS.* All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least four (4) feet in height.
 - D. *BARBED WIRE FENCE.*
 - 1. *Security Fences:* Barbed wire is not permitted except when located at least six (6) feet above the highest adjacent ground surface.
 - 2. *Other:* Barbed wire fence other than security fence, described above is permissible only in T-1 District.
 - E. *ELECTRICAL FIELD FENCE.* Electrical field fence is permissible only in T-1 District and shall be only utilized for Livestock fence.
 - F. *EXCEPTIONS.*
 - 1. Tennis courts may have walls or fences a maximum of sixteen (16) feet in height, provided they shall be located in the side or rear yard and shall be seven (7) feet from any property line.
 - 2. Walls and fences may be eight (8) feet in height in the rear yard of double-frontage lots, provided all such adjacent yards between the two intersection streets are also rear yards.
 - 3. Fences or walls eight (8) feet or less in height as measured from the highest directly adjacent ground surface may be permitted on any part of a lot that is as far back from streets and lot lines as minimum required setbacks.

Sec. 11-13-4. Commercial and Manufacturing Fence and Wall Requirements.

- A. *HEIGHT:*
 - 1. A six (6) foot maximum height above ground surface level fence or wall shall be permitted on any part of the required front yard, provided it is in accordance with subparagraph 3 below.
 - 2. An eight (8) foot maximum height above ground surface level fence or wall shall be permitted on any part of the lot that is to the rear and the required front yard(s) in commercial District, and in all yards in a manufacturing District, provided such construction is in accord with paragraph #3 below and is constructed to New Mexico Building Code standards.
 - 3. There shall be no fence or wall more than three (3) feet of total height above street-curb level within the clear-sight triangle as defined under "Clear Sight Triangle" in Article 8 of this Code, or in the clear-sight triangle for entry and exit of off-street multi-parking area.
- B. *EXCLUSION FROM PUBLIC RIGHT-OF-WAY.* No wall or fence shall be permitted in public right-of-way.
- C. *WALLS AND FENCES FOR SWIMMING POOLS.* All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least four (4) feet in height.
- D. *BARBED WIRE FENCES.* Barbed wire is not permitted, except when located above a wall or fence that is at least six (6) feet in height.
- E. *EXCEPTIONS.*
 - 1. Tennis courts may have walls or fences a maximum of sixteen (16) feet in height, provided they shall be located in the side or rear yard and shall be seven (7) feet from the property line.
 - 2. A six (6) foot height fence shall be permitted in the front yard of any apartment complex over twenty (20) units, and for patios or courtyards in townhouses or condominiums, except as otherwise prohibited in the clear sight triangle.

-
3. Walls and fences may be eight (8) feet in height in the rear yard of a double-frontage lot, provided all such adjacent yards between the two (2) intersecting streets are also rear yards.

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date 8-11-2025 Address Location of Proposed Love's Travel Stop

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

*Spot Zoning: The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-11-2025

ITEM:

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

BACKGROUND:

Applicant is requesting approval for their annual renewal for a special use permit for the purpose of a Kennel Permit. Property is located in the C-1 District. Kennels are used for housing working dogs. Site inspection has been completed. No violations or complaints have been received over the last year. Applicant is in compliance with permitting requirements. All required documents have been submitted and fees paid. Applicant is permitted to house up to 16 dogs at one time. Parcel Map shows the parcel the dogs are housed at outlined in yellow, however applicant owns all parcels within the blue outline.

SUPPORT INFORMATION:

Kennel Permit Application
Parcel Map
Findings of Facts Checklist
Applicable Section of Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 8-11-2025
E-mail: talvarez@torenm.org	Phone: 575-952-0565	

CITY OF TRUTH OR CONSEQUENCES KENNEL PERMIT APPLICATION

Date: 5/6/25

Applicant: Lane Forrester

Property Address: 3710 E. 3rd

Phone Number: 361-537-2292 Business license number (if applicable): _____

Initial License _____ or Renewal X

**Email Address: Laneforrester@gmail.com

Purpose of Kennel Permit: House Working Dogs

Applicant Signature: [Signature]

ON SITE INSPECTION (A=Acceptable or U=Unacceptable)

- A Enclosure/fencing type/gates/latches/pens sufficient to prevent escape/proper confinement.
- A Adequate habitat space necessary for each animal's movement.
- A Animal(s) habitat is sanitary, good condition (weatherproofing), ventilated/heated, and accessible.
- A Animal(s) have access to protection from weather.
- A Sufficient fresh clean/sanitary potable water and food/sufficient access for each animal.
- A Property is clean/sanitary and free of hazards/trash/debris and not dangerous to animal(s).
- A Property size is adequate for the number of animal(s) allowing for compliance as noted above.
- _____ Property has the following conditions that require immediate attention: _____

Inspected by ACO: Logan Knell Signature Logan Knell Date 05/25/25

Code Enforcement Signature [Signature] Date 06/25/25

Planning and Zoning Commission Meeting Date: _____ () Approved () Disapproved

City Commission Meeting Date: _____ () Approved () Disapproved

CITY OF TRUTH OR CONSEQUENCES
505 Sims St
Truth or Consequences, NM 87901

DATE : 5/6/2025 4:03 PM
OPER : CL
TKBY : CL
TERM : 9
REC# : R00384884

AMPND ANIMAL POUND FEES 25.00
KENNEL PERMIT- FORRISTER 3710 E THIRD-
H
101-1099-34343 -25.00

Check 25.00 REF:1164

APPLIED 25.00
TENDERED 25.00

CHANGE 0.00

Rolf Hechler
Mayor

Amanda Forrister
Mayor Pro-Tem

Merry Jo Fahl
Commissioner



Destiny Mitchell
Commissioner

Ingo Hoepfner
Commissioner

Gary Whitehead
City Manager

505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 11, 2025 to receive input regarding the following:

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

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact me at (575) 894-6675 or by email at aatorres@torcnm.org.

The agenda may be obtained on Friday, August 8, 2025 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday July 17, 2025

7022 0410 0002 0409 7697

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$

Sent to Jerry Gustin
Street and Apt. No., or PO Box No. 3506 E. 3rd Ave
City, State, ZIP+4® Torr, NM 87901

PS Form 3800, April 2015, PSN 7530-02-000-9047 See Reverse for Instructions

7011 2970 0003 4775 0438

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

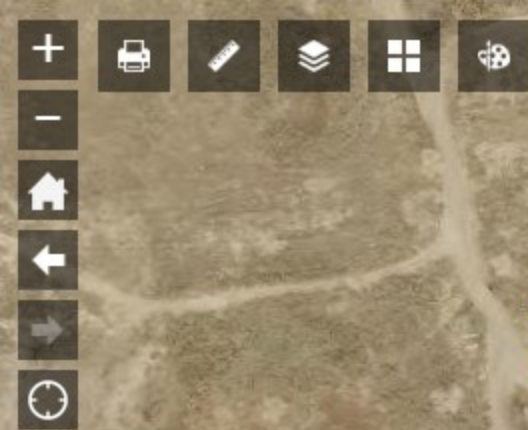
For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage \$
Certified Fee \$
Return Receipt Fee (Endorsement Required) \$
Restricted Delivery Fee (Endorsement Required) \$
Total Postage & Fees \$

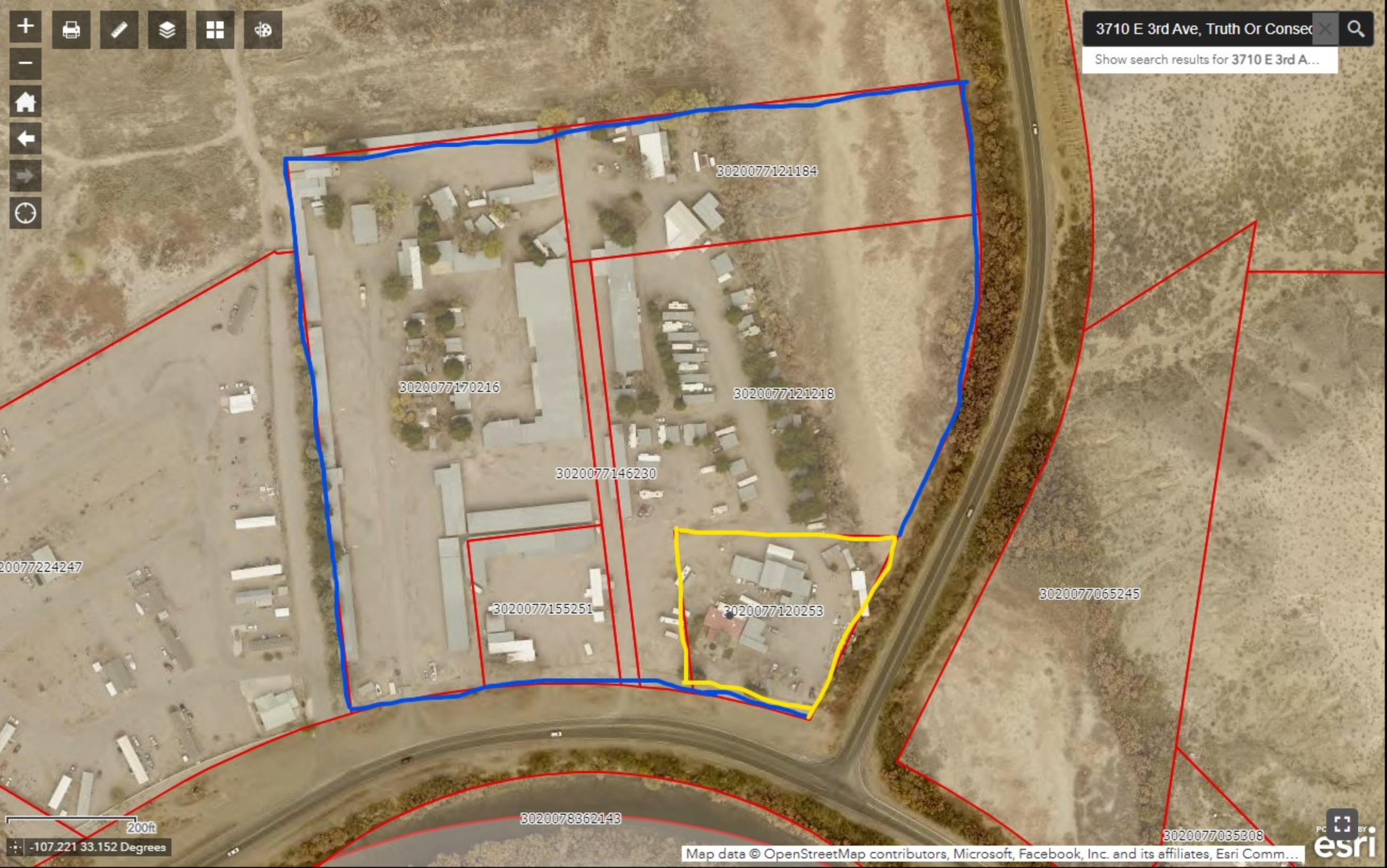
Sent to Lane Ferrister
Street, Apt. No., or PO Box No. 3710 E. 3rd Ave
City, State, ZIP+4® Torr, NM 87901

PS Form 3800, August 2006 See Reverse for Instructions



3710 E 3rd Ave, Truth Or Consec

Show search results for 3710 E 3rd A...



200ft

-107.221 33.152 Degrees

Sec. 3-8.1. Multi-animal site permit and kennel permit.

- (a) It shall be unlawful for a property owner, tenant, lessee, or authorized resident of said property, to possess or harbor more than four animals in any combination thereof, three months of age or older on their residential or business premises without a multi-animal site permit.
- (b) If a business premises is being used for the buying, selling, breeding, training, fostering, rescuing, or boarding of animals, said business shall apply for a kennel permit.
- (c) Animals belonging to visitors who are located within city limits and who stay in a household or lodging establishment longer than 30 days in a calendar year shall be included in the calculation of total animals for said location and the owner of the animal shall be required to comply with all applicable sections contained in this chapter.
- (d) No person shall keep or operate a residential or commercial multi-animal site without a permit issued by the city. All business applicants must have a valid business license issued through the city at the time of application.
- (e) Veterinary hospitals or clinics shall be exempt from the kennel permit licensure requirement of this chapter unless the veterinary hospital or clinic engages in the non-veterinary medical boarding of animals.
- (f) Any person who operates or proposes to operate a residential or commercial multi-animal site shall file an application for a permit with the police department, describing the location of the site, and the purpose for which it is to be maintained. An initial non-refundable fee, established by resolution, for residential or commercial multi-animal sites must accompany any application to defray the cost of processing the request.
- (g) Upon receipt of payment, the police department shall forward the application to the Planning and Zoning Department. All applications for multi-animal site and kennel permits shall undergo a special use permit process pursuant to the procedure detailed in section 11-5-6 of the City's Planning and Zoning Code.
- (h) An onsite visit of the premises shall occur by the animal control and designated zoning official or administrator prior to a hearing before the City's Planning and Zoning Board to verify compliance with this section and/or other applicable zoning regulations. If any provision of this section is in conflict with the provision of any applicable zoning regulation, the provision of the zoning regulation shall control.
- (i) All animals listed on the application three months of age or over must be vaccinated for rabies and possess a city animal license tag.
- (j) All multi-animal residential or commercial site permits and kennel permits must be renewed annually at a fee established by resolution.
- (k) There shall not be more than seven animals in any combination thereof for multi-animal residential or commercial site permits. The maximum animal occupancy for kennel permits shall be determined based upon the recommendation of the animal control officer or designated zoning official or administrator to ensure there is adequate space and adequate shelter to ensure sanitary and safe conditions.
- (l) An application may be denied if the applicant or animal owner shows a history of noncompliance with sections contained in this chapter as evidenced by two or more convictions of violations during the preceding 12 months. Any past city permit or license revocations may be considered in decision making process of whether to approve or deny a permit under this section.
- (m) Multi-animal site and kennel permit holders shall allow the animal control officer, police officer, designed zoning official or administrator or other city official to enter and inspect the premises for compliance with this section and/or any other city municipal code or ordinances during normal business hours.

-
- (n) A multi-animal site permit or kennel permit may be revoked when, in the opinion of the designated zoning official or administrator or animal control officer, any one or more the following conditions exist:
- (1) The premises or enclosures are not maintained in a clean, safe, and sanitary condition and are a health, fire, or public safety hazard or produce noxious odors.
 - (2) The number of animals exceeds the number allowed under the permit.
 - (3) Any other violation listed under this chapter or sections.
- (o) In cases where a multi-animal site permit or kennel permit is revoked, the permittee shall be notified in writing via the mailing address listed on their permit application. The revocation letter shall state the reasons said permit has been revoked and the option to file a written appeal with the City Manager or their designee within ten business days of the date listed on the revocation letter. Written appeals shall be hand delivered to City Clerk's Office within the allotted timeframe. The City Manager or their designee may review the appeal and reverse the decision, modify the decision, or deny the appeal and upheld the initial revocation.
- (p) If a multi-animal site permit or kennel permit has been revoked, said applicant and/or location of where the permit was issued shall not be allowed to apply or obtain another permit within city limits for a period of at least two years from the date of revocation.

(Ord. No. 725, 2-9-22)

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date 8-11-2025 Address 3710 E Third

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

*Spot Zoning: The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-11-2025

ITEM:

Public Hearing/Discussion/Action: Conditional Use Permit for 412 Coleman Street for the placement of Shipping Containers as per Section 11-10-4(B-1).

BACKGROUND:

Applicant is requesting a Conditional Use Permit for placement of a shipping container at 412 Coleman St. Property is in the R-2 District and has a current level 2 home occupation business license for the purpose of Mobile Handyman Services. Container has been delivered to property prior to permit approval due to delivery date scheduling but applicant is aware that permanent placement is pending approval and they could be required to relocate it if permit is not approved. All required documents have been submitted, fees paid, and certified mailing sent to all property owners within 100Ft.

SUPPORT INFORMATION:

Site Plan
Parcel Maps
Public Hearing Notice
Applicable sections of Code
Findings of Facts Checklist

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 8-11-2025
E-mail: talvarez@torcnm.org	Phone: 575-952-0565	













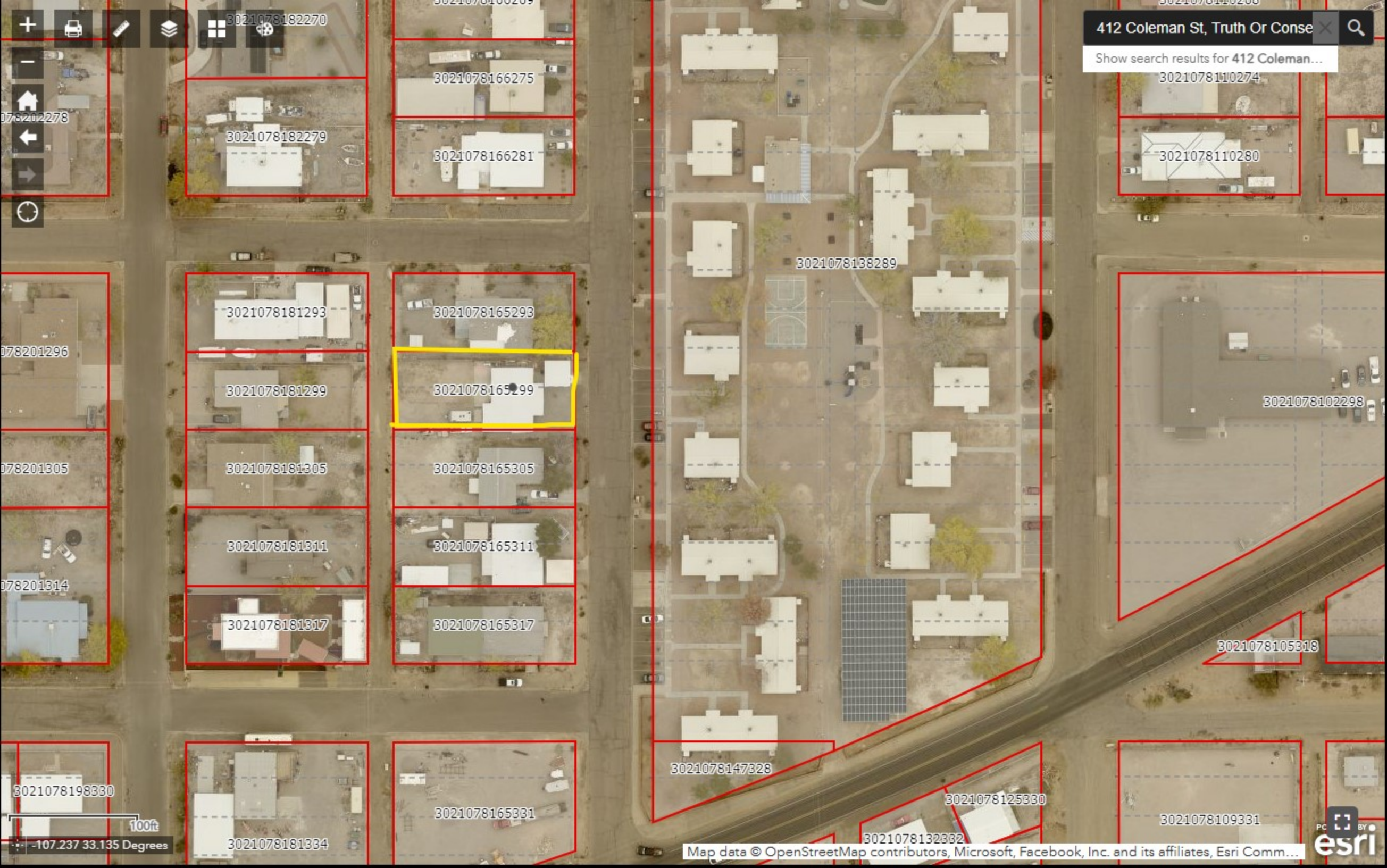






3021078165299

3021078165305



412 Coleman St, Truth Or Conse

Show search results for 412 Coleman...

3021078182270

3021078166275

3021078166281

3021078182279

3021078165293

3021078165299

3021078181293

3021078181299

3021078181305

3021078181311

3021078181317

3021078165305

3021078165311

3021078165317

3021078138289

3021078102298

3021078105318

3021078147328

3021078125330

3021078109331

3021078132332

3021078181334

3021078165331

3021078198330

078202278

078201296

078201305

078201314

100ft

-107.237 33.135 Degrees

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Comm...



*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoeppner
Commissioner*

*Gary Whitehead
City Manager*

*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 11, 2025, to receive input regarding the following:

Conditional Use Permit for 412 Coleman Street for the following:

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-4. - Storage Units/Shipping Containers.
B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org should you have any questions regarding this Public Hearing.

The agenda may be obtained on Friday, August 8, 2025, on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday, July 10, 2025

Sec. 11-10-4. Storage Units/Shipping Containers.

The regulation of storage units/shipping containers within the city limits of the City of Truth or Consequences shall be controlled by and shall conform to the regulations prescribed in this section. A storage unit/shipping container means a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, commercial trucks, or other types of transportation.

- A. Placement of storage units/shipping containers within C-1, M-1 and T-1 districts are permitted as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- C. Temporary placement of storage containers within Conditional Use Areas are allowed through written approval of the Designated Zoning Official as long as they are not used for dwelling purposes for:
 - 1. The purpose of moving household contents in to or out of a house are allowed for up to 30 days in any 12-month period and can only be on the property or driveway.

-
2. The purpose of construction projects are allowed up to 3 months in any 12-month period from the time it's put on the construction site. The designated zoning official or designee may grant an extension but only if it is determined that:
- a. The storage unit/shipping container is located on a site with an active building permit
 - b. The storage container is necessary part of the construction process
 - c. Not be allowed in public right-of-way
 - d. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.

(Ord. No. 731, § 1, 8-10-22)

Sec. 11-5-4. Home Occupation Permit.

A home occupation permit enables a homeowner to pursue specified business or commercial activities that are considered compatible with residential areas within property Districted for residential use. Home occupations shall be categorized into three classifications: Level I, Level II, and Level III.

A. The following conditions apply to all classifications of home occupation:

1. In all cases, the home occupation shall be clearly incidental and subordinate to the primary residential use of the property.
2. Proprietors shall be in complete compliance with this Code and all other current local, state and federal regulations. Failure to comply may result in revocation of the Home Occupation Permit.
3. The proprietor of the business shall be the property owner or a lawful resident of the property where the business is to be located.
4. Any business activity or equipment use shall not adversely affect adjoining properties, impair established property values, or endanger public safety.
5. Only one home occupancy permit will be issued per residence. Multiple businesses or commercial activities will be combined into one permit.
6. Only one vehicle associated with the Home Occupation shall be allowed on the property where the Home Occupation occurs.
7. Any combination of shipments and deliveries will not exceed four (4) times per calendar month. This does not include parcel deliveries by the U.S. Mail, UPS, Federal Express, or other similar services.
8. Commercial vehicles will be of Class VI (AAMA Standard) and below. They will be no greater than single axle, not exceeding either 26,500 lbs., GCVW or twenty-four (24) feet in total length. Vehicles may either be straight trucks or stake-bed trucks. Businesses that require regular deliveries by larger vehicles will not be permitted.
9. Shipping and receiving is permitted between the hours of 10:00 a.m. and 2:30 p.m. only.

B. For Home Occupation Levels I and II Home Occupations, the following additional criteria must be met:

1. Outside storage of business-related materials, inventory, supplies, or equipment is not permitted. Flammable products are prohibited.
2. Business-related signs shall be non-lighted and limited to not more than one square foot in size. Signs are governed by Section 11-13-3.
3. Deliveries and shipments via vehicles greater than 10,000 lbs. and having more than six (6) wheels are prohibited.
4. Approval shall be done administratively by the designated Zoning Administrator of the City, provided the required criteria of the Code are met with respect to the permit.

C. For Level I Home Occupations, which are allowed in all residential classifications, the following additional criteria must be met:

1. Only two persons, residing at the premises where the business is located, may be employed at the business.

-
2. All business-related operation and storage shall be confined to within no greater than five hundred (500) square feet or twenty-five percent (25%) of the floor area of the primary dwelling unit, whichever is less. Accessory structures shall not be used for business-related purposes.
 3. Business-related client visitations on the premises shall be limited to no more than one client visitation at any one time. Hours of visitation shall be between the hours of 6:00 a.m. to 8:00 p.m.
 4. The following businesses shall be permitted as Level I Home Occupations:
 - a. Accountant;
 - b. Answering service;
 - c. Appraiser;
 - d. Architect;
 - e. Attorney;
 - f. Computer services, such as programming, data entry, software development;
 - g. Consultant, planner;
 - h. Direct sales and mail order;
 - i. Dressmaking and tailoring;
 - j. Engineer, surveyor;
 - k. Musical instrument repair;
 - l. Real estate agent;
 - m. Arts, crafts, and leather work;
 - n. Similar uses to the above-mentioned uses, as interpreted by the designated Zoning Administrator.
- D. *For Level II Home Occupations, the following additional criteria must be met:*
1. One employee not permanently residing at the business location may be employed in addition to those residents of the property where the business is located.
 2. Business may be performed either in the primary dwelling or in an accessory structure.
 - a. All business-related operation and storage shall be confined to within no greater than five hundred (500) square feet or twenty-five (25) percent of the floor area of the primary dwelling unit, whichever is less, or
 - b. All business-related operation and storage within one (1) accessory structure shall be confined to within no greater than five hundred (500) square feet within the structure.
 - c. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m.
 3. No more than one client visitation at any time will be permitted during the course of business operation.
 4. Business-related signs shall be non-lighted and limited to not more than four (4) square foot in size. Signs are governed by Section 11-13-3.
 5. The following businesses shall be permitted as Level II Home Occupations:
 - a. Counselor;

-
- b. Music teacher;
 - c. Tutorial services;
 - d. Hairdresser and similar services;
 - e. Watch, clock, and jewelry repair;
 - f. Similar uses to the above-mentioned uses, as interpreted by the designated Zoning Administrator.
 - g. All uses permitted as Level I Home Occupations.
- E. *For level III Home Occupations, the following requirements must be met:*
- 1. A site plan review and approval by the Planning and Zoning Commission is required.
 - 2. The business shall employ no more than two (2) employees not living at the premises on site.
 - 3. Business operations may be performed within either the primary dwelling, one (1) accessory structure, or both.
 - a. Business-related operation and storage shall be confined to within no greater than five hundred (500) square feet of the floor area of the primary dwelling or twenty-five percent (25%) of the floor area, whichever is less.
 - b. Business-related operation and storage within one accessory structure shall be confined to no greater than five hundred (500) square feet of the floor area.
 - c. Hours of operation shall be limited to between 8:00 a.m. and 6:00 p.m., Monday through Friday.
 - 4. Outside storage of business-related materials is limited to four hundred (400) square feet and shall be screened from view by a site obscuring fence or wall that is a minimum of five (5) feet in height. Materials shall not be stacked higher than the fence. Outside storage area shall not be located in the front yard or to the side of the primary dwelling.
 - 5. One non-lighted on-site business sign shall be permitted. The sign shall be a maximum of six (6) square feet, and may be located on the ground or attached to the building, which contains the business. Signs are governed by Section 11-13-3. If located on the ground, it shall maintain minimum six (6) feet front and side setbacks. If mounted on the building, no part of the sign shall be over eight (8) feet high measured from the top of the sign to ground level. All signs shall display a street address. Lighted signs are not permitted.
 - 6. Client visitations shall not exceed five clients at any one time. The business shall provide sufficient off-street parking spaces and a designated loading area, if necessary.
 - 7. The business shall have no more than one (1) business vehicle.
 - 8. The following businesses shall be permitted as Level III Home Occupations:
 - a. Catering, subject to NMED review;
 - b. Child or adult care, with no overnight provisions and subject to local and state regulatory requirements;
 - c. Computer hardware assembly and repair;
 - d. Light welding;
 - e. Photography studio, subject to NMED review;

-
- f. Small appliance repair;
 - g. Small electronics and radio repair;
 - h. Similar uses to the above-mentioned uses, as interpreted by the designated Zoning Administrator;
 - i. Those uses permitted as Level I or Level II Home Occupations.
 - 9. The applicant shall notify all property owners of his/her intent in a manner specified in Section 11-7-2 and shall be subject to a public hearing as specified therein.
 - F. *Business registration.* A Business Registration License is required for Home Occupation business or commercial activity. Approval of a business registration supporting a home occupation or Home Occupation Permit does not nullify any private covenants or deed restrictions that apply to the property upon which the home occupation is based. It is the responsibility of the proprietor to be fully aware of the need to comply with any such agreements.
 - G. *Fee.* A non-refundable application fee as set by City Commission Resolution must accompany each application.
 - H. *Submission requirements.* The application for a home occupation permit shall be in the format stipulated by the City and shall contain plans and other information as required by the City. The completed application for a home occupation permit shall be submitted to the City Clerk for placement upon the agenda of the Planning and Zoning Commission when applicable.
 - I. *Review.* A home occupation permit shall be subject to review on each anniversary following its approval. If it is determined from the review that the current use is significantly different or larger in scale than that originally approved, the Home Occupation permit may be revoked by the Planning and Zoning Commission.
 - J. *Transferal.* Home occupation permits shall not be transferable from location to location, building owner to building owner, or from the applicant to any other party.

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date 8-11-2025 Address 412 Coleman St

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

*Spot Zoning: The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-11-2025

ITEM:

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

BACKGROUND:

Applicant is requesting a special use permit for development of an RV Park at 506 Gray St. Property is in the R-3 District. Recreational Vehicle Parks are permitted by Special Use in R-3. Property currently has 1 mobile home unit on it; property would be developed to allow for 11 RV sites as per the design standards denoted in Sec. 11-11-5 A, B and C.

Applicant is requesting a variance pertaining to Sec. 11-11-5 D. – Streets and Access Standards –
8. Minimum road width is twenty-four (24) feet.

Applicant is requesting to develop the RV Park 12ft single lane roadway

SUPPORT INFORMATION:

Survey Plat

Site Plan

Parcel Map

Notice of Public Hearing

Applicable Section of code

Findings of Facts Checksheet

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 8-11-2025
E-mail: talvarez@torcnm.org	Phone: 575-952-0565	

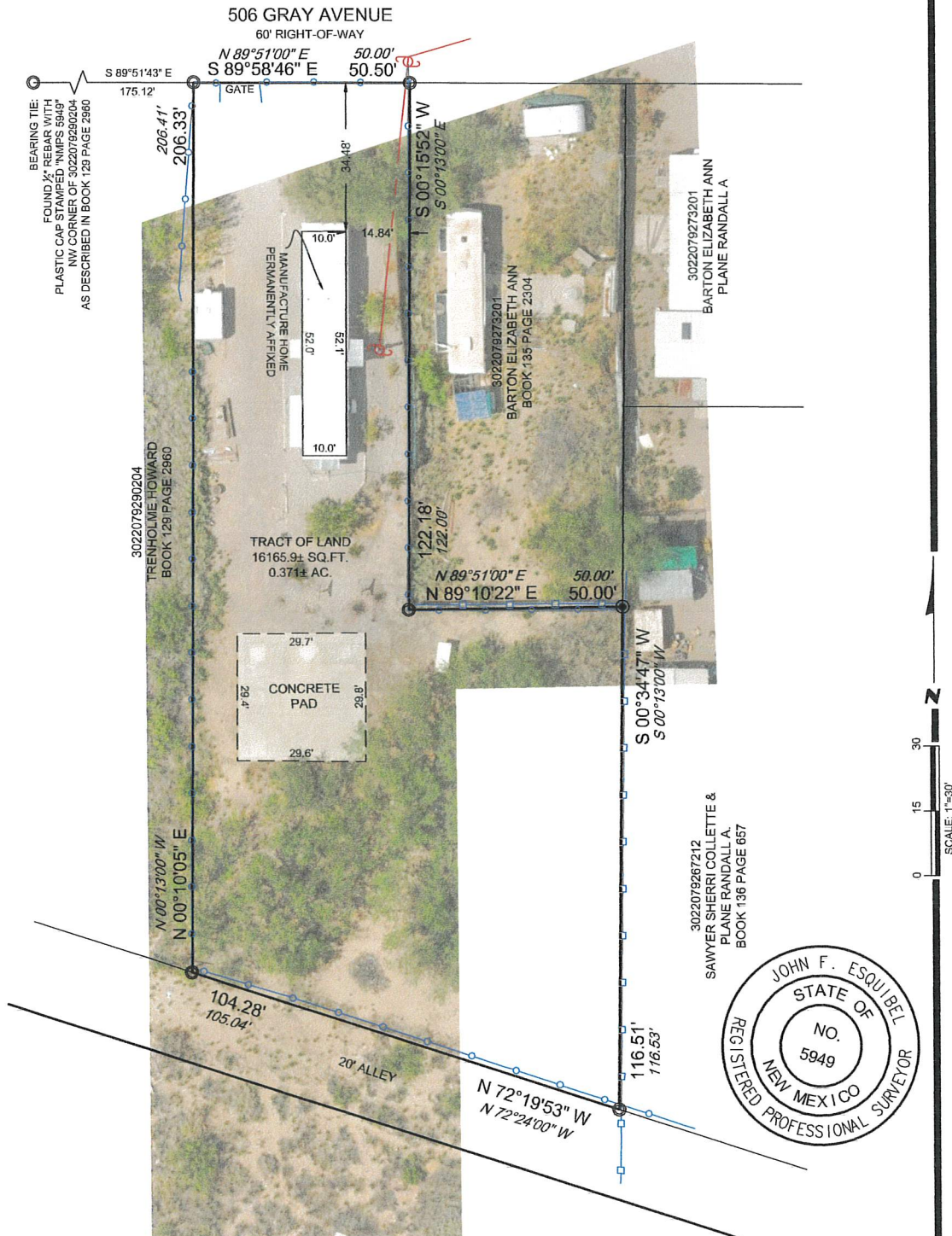
BOUNDARY SURVEY PLAT

SHOWING IMPROVEMENTS ON PARTS OF LOTS 5, 6, 7,
BLOCK 33-A, PALOMAS HOT SPRINGS SUBDIVISION AS
SHOWN ON THE PLAT FILED IN THE OFFICE OF THE COUNTY
CLERK, SIERRA COUNTY, NEW MEXICO, ON MAY 10, 1929.

DATE OF SURVEY: MAY 30, 2025.

- INDICATES 1/2" SET REBAR W/PLASTIC
CAP NMPLS 5949
- INDICATES FOUND 5/8" REBAR WITH CAP
STAMPED "8473" OR AS NOTED
- ⌋ INDICATES UTILITY POLE

OVERHEAD LINES ————
LINK FENCE LINES ————
WOOD FENCE LINE ————
EASEMENT LINE ————



NOTES:

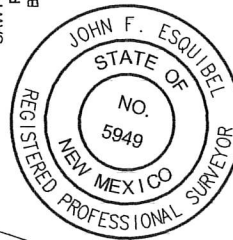
1. RECORD MEASUREMENTS IN *ITALICS*. ALL UNIDENTIFIED AND ACCEPTED MONUMENTS HAVE BEEN TAGGED WITH MY REGISTRATION NUMBER.
2. USE DRAWING SCALE TO DETERMINE MEASUREMENTS WHEN NOT LABELED.
3. PROPERTY SHOWN TO BE IN FLOOD ZONE "AE" (BASE FLOOD ELEVATION DETERMINED) PER FEMA MAP 35007300005G, EFFECTIVE JULY 16, 1996.
4. ORTHORECTIFIED AERIAL IMAGERY CAPTURED ON MAY 30, 2025, AND DEPICTED HEREIN IS USEFUL FOR THE LOCATION OF IMPROVEMENTS TO AN ACCURACY OF 0.5' AT GROUND LEVEL. IMPROVEMENTS NOT LABELED ARE CONSIDERED TO BE SELF EVIDENT.
5. BASIS OF BEARINGS IS NAD83 DATUM, GRID NORTH IN GROUND DISTANCES BASED ON GPS OBSERVATIONS, NM WEST 3003 ZONE PROJECTION WITH THE POINT OF ORIGIN AT 33° 07' 55.92" N, 107° 15' 19.89" W, GRID TO GROUND SCALE OF 1.000181408 FROM THE ORIGIN POINT. ALL COORDINATES SHOWN, IF ANY, ARE LOCAL ONLY.
6. PLAT CERTIFIED TO: CHERYL SHIPLEY.

GEM SURVEYING, 213 W. GRIGGS AVE, LAS CRUCES, NM 88005
TEL: 575-635-0176, FAX: 866-293-0551 WWW.GEMSURVEYING.COM

SURVEYORS CERTIFICATION

I, JOHN F. ESQUIBEL, A NEW MEXICO PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. THIS IS A SURVEY OF AN EXISTING TRACT OF LAND AND IS NOT A SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

John F. Esquibel



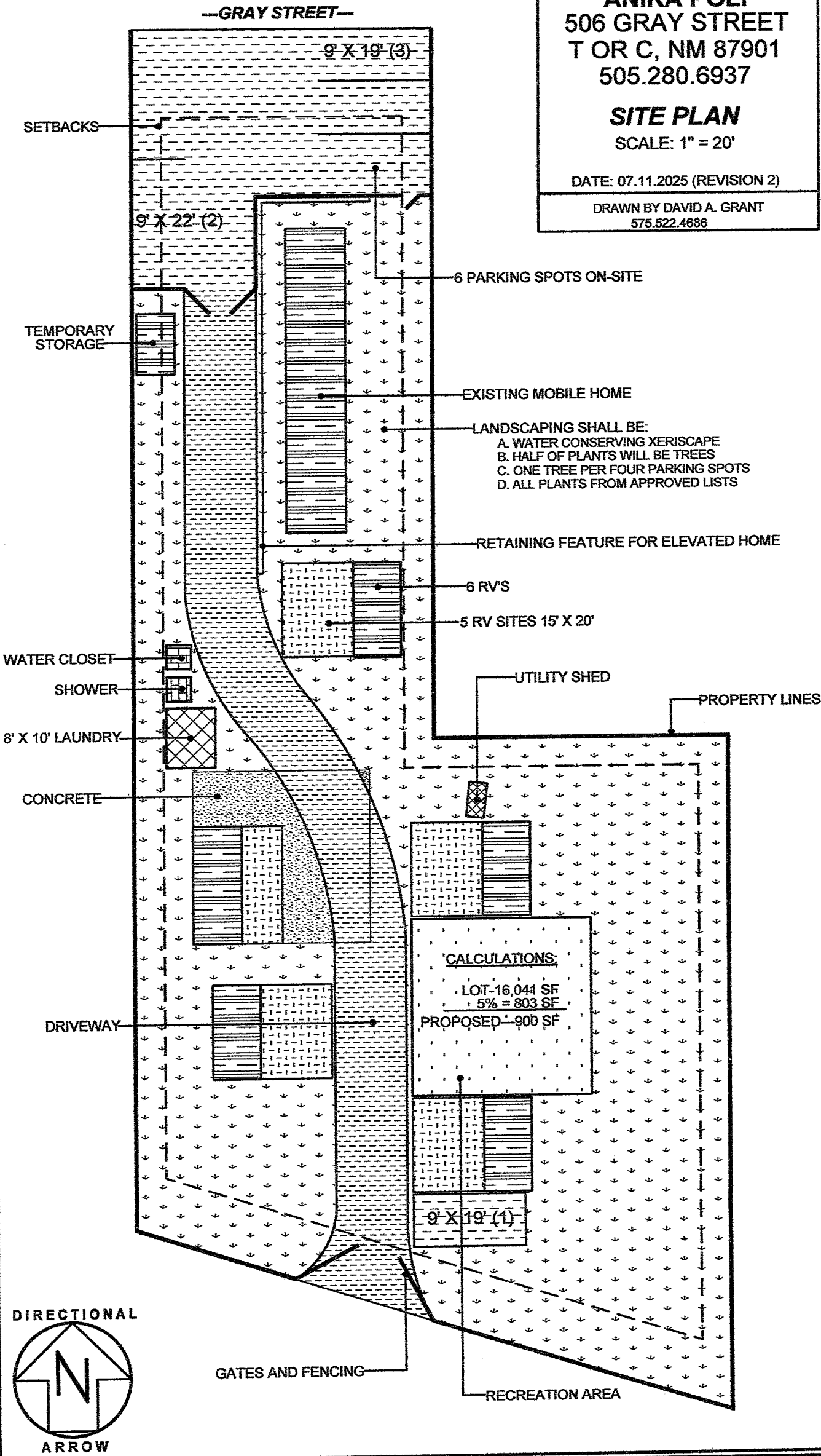
ANIKA POLI
506 GRAY STREET
T OR C, NM 87901
505.280.6937

SITE PLAN

SCALE: 1" = 20'

DATE: 07.11.2025 (REVISION 2)

DRAWN BY DAVID A. GRANT
575.522.4686





Wyona Avenue

Daniels Street

Gray Street

Clancy Street

West Riverside Drive

We encountered an error retrieving one or more WFS layers.

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org*

*Destiny Mitchell
Commissioner*

*Ingo Hoeppe
Commissioner*

*Gary Whitehead
City Manager*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 11, 2025, to receive input regarding the following:

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

Special Use Permit:

**Sec. 11-9-4. R-3 High Density Residential District*

** (D) R-3 Special Uses*

Variance Request:

**Sec. 11-11-5. Recreational Vehicle Parks (RVP'S)*

** D. Streets And Access Standards..*

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, August 8, 2025 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Friday, July 17, 2025

Sec. 11-11-5. Recreational Vehicle Parks (RVP'S).

- A. *PURPOSE.* A special use permit is required for all RVP developments and is intended to provide for the development of recreational vehicle parks at standards consistent with health, safety, and welfare of the community. **Recreational Vehicle Parks are permitted by Special Use in R-3, RR-1, C-1, M-1 and T-1 Districts.**
- B. *DEVELOPMENT REQUIREMENTS.* Development standards and other requirements are provided in Articles X, and XII through XIV. A site plan, landscaping plan and a drainage plan must be approved by the City Commission for any RVP.
- C. *DESIGN STANDARDS.*
1. Swimming pools are permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line home space boundary, and approval from all utilities is required to insure overhead safety. All gates in fences shall be self-closing and equipped with self-latching devices.
 2. A landscaping concept shall be approved by the City Commission for all areas not covered by structures or paved.
 3. Screening the perimeter of a recreational vehicle park by a wall and/or other approved landscaping material shall be required.
 4. There shall be an active, usable recreational area for tenants comprising five percent (5%) of the gross site area, which shall not include required setback areas or similar areas not usable for recreational activities.
 5. There shall be a community building or buildings, which shall provide for the recreational and service needs of occupants of the recreational vehicle park. It shall include restrooms, showers, and a laundry. No dry-cleaners shall be permitted in the RV Park. The community building or buildings may not be included as part of the required recreational area.
 6. Adequate refuse collection facilities shall be provided, constructed, and maintained in accordance with all municipal health regulations, and shall be screened and designated to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.
 7. Lighting shall be provided to illuminate access ways and walkways from the safe movement of vehicles and pedestrians at night.
 8. A means for emptying sewage holding tanks shall be provided and approved by the health department.
- D. *STREETS AND ACCESS STANDARDS.*
1. All RVP's shall have vehicular access from an arterial or collector street.
 2. Each RV space when occupied shall have direct access to an internal street. Direct access to exterior public streets shall be prohibited.
 3. Street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of homes in such a manner as to permit the use of solar energy systems.
 4. No street within a recreational vehicle park shall dead end, except for cul-de-sac streets, which shall have a minimum turning radius of fifty (50) feet at the termination point.
 5. Private driveways shall be designated to increase ease of access, increase privacy, and provide safety.
 6. All spaces and streets shall be designated to insure proper drainage.

-
- 7. One space for automobile parking shall be provided for each RV space.
 - 8. Minimum road width is twenty-four (24) feet.
 - E. *UTILITIES*. All utility placement shall be underground and shall be approved by the City.
 - F. *DESIGNATED ZONING ADMINISTRATOR*. It shall be the right and duty of the designated Zoning Administrator of the City of Truth or Consequences to impose all design standards for Recreational Vehicle Parks in accordance with Standards for Recreational Vehicle Parks and Campgrounds, latest edition, as published by the National Fire Protection Association.

Sec. 11-11-6. Recreational Vehicles, Boats, Camping and Travel Trailers, Truck Campers and Vehicles as Dwellings.

Recreational vehicles, boats, camping and travel trailers, truck campers and vehicles shall not be used as permanent or temporary dwellings or immobile living quarters on any private or city owned property or easement, except in a lawfully operated Recreational Vehicle Parks (RVP's) as approved by special use permit per Sec. 11-11-5. Utility connections are permitted for said units only within recreational vehicle parks (RVP's). The use of said units as temporary living quarters must be approved and permitted by the designated zoning official, may not be permanently connected to sewer lines, water lines, or electrical lines and shall not exceed the timeframe as approved by the designated zoning official and be restricted to a lot upon which a permanent dwelling is being constructed pursuant to 11-3-2 Building Permits and Plans and construction is moving forward in a timely manner. Transit travelers passing through the City may be allowed temporary parking on a commercial privately owned property with property owner or management consent, but such parking shall be limited to a period of not more than 12 hours unless a vehicle emergency maintenance, roadway hazard, medical emergency or inclement weather incident exists where the parking timeframe may be extended to a reasonable time necessary to resolve the incident. Special event attendees may be allowed temporary parking on a public or privately owned property with the consent of the property owner or manager. Said parking may not exceed seven (7) consecutive days and will require written approval by City Management. Special events are defined as: pageants, fairs, carnivals and large athletic events, religious or entertainment events, or large community gatherings that typically have one or more of the following characteristics: outdoor amplified music, a stage or staging, event lighting, tents, additional parking accommodations, traffic restrictions, and other characteristics consistent with larger gatherings that are not consistent with occasional residential parties.

(Ord. No. 726, 3-9-22)

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date 8-11-2025 Address 506 Gray St.

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

*Spot Zoning: The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-11-2025

ITEM:

Public Hearing/Discussion/Action: Conditional Use Permit at 303 Jones St for the placement of Shipping Containers as per Section 11-10-4 (A-1)

BACKGROUND:

Applicant is requesting a Conditional User Permit for the placement of Shipping Containers for storage purposes at 303 Jones St. Property is located in the C-1 Zone within the MainStreet District. *Per Sec. 11-10-4 – subsection A: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.* Per the submitted site plan, applicant meets requirements as defined in Sec. 11-10-4 – subsection A noted below:

2. Containers may not exceed 46 feet in length and 10 feet in height
3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
6. May not encroach in the clear-sight triangle.
7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.

All required documents have been submitted, fees paid and property owners within 100ft notified by Certified mail.

SUPPORT INFORMATION:

Site Plan

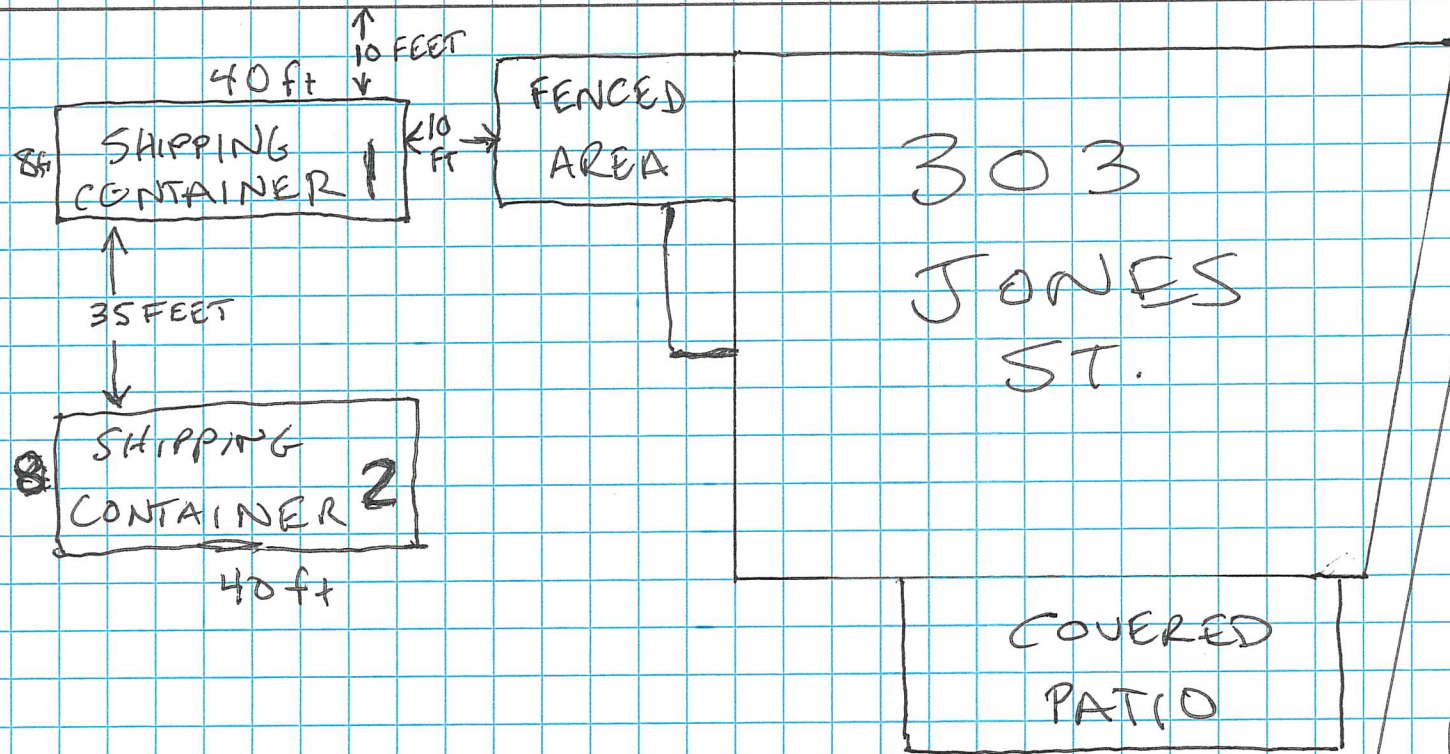
Public Hearing Notice

Applicable Section of Municipal Code

Findings of Facts Checklist

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 8-11-2025
E-mail: talvarez@torcnm.org	Phone: 575-952-0565	

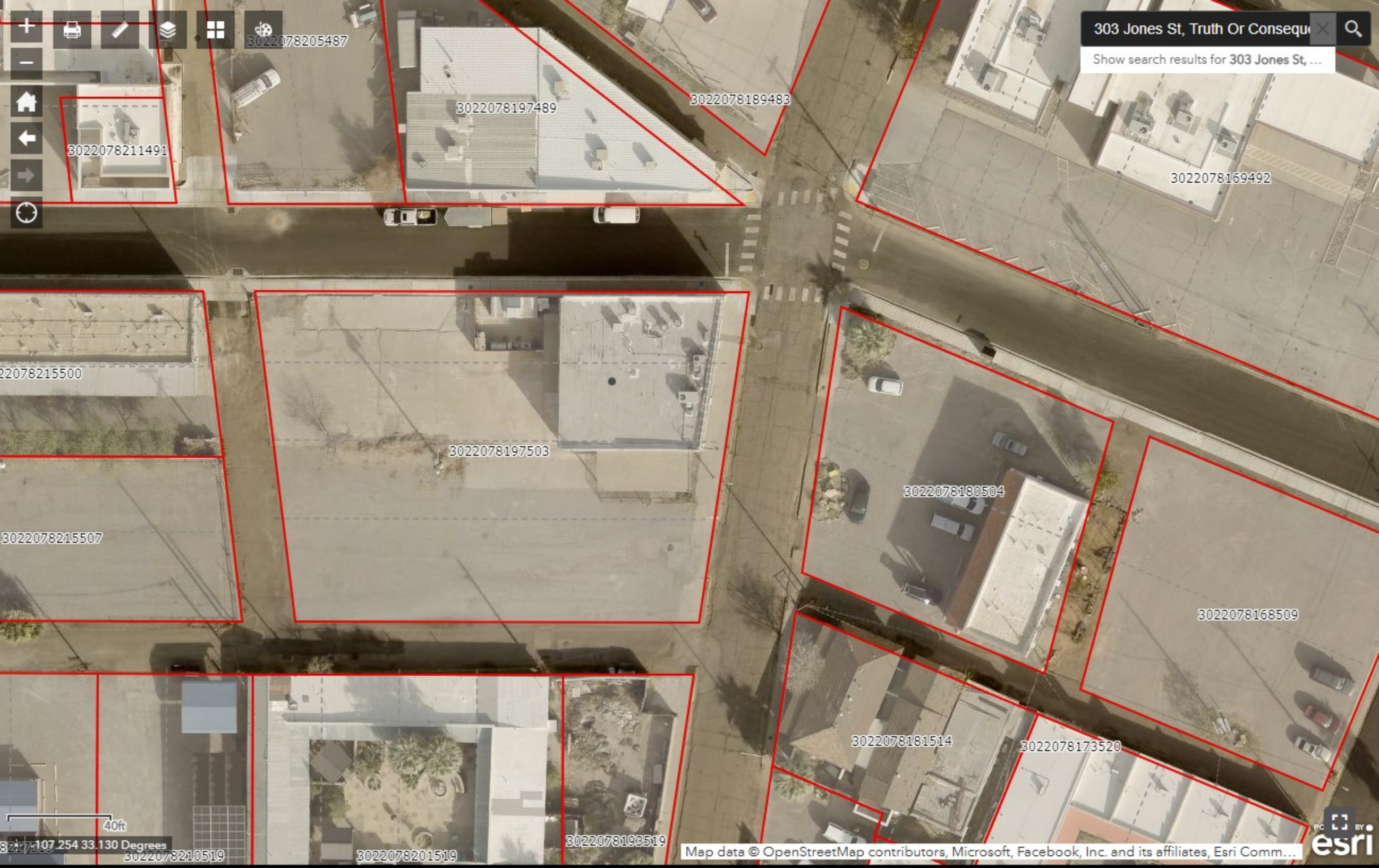
MEADOW



* WE WILL PAINT ALL 4 SIDES
OF BOTH CONTAINERS TO
MATCH EXTERIOR OF BUILDING

PARKING LOT





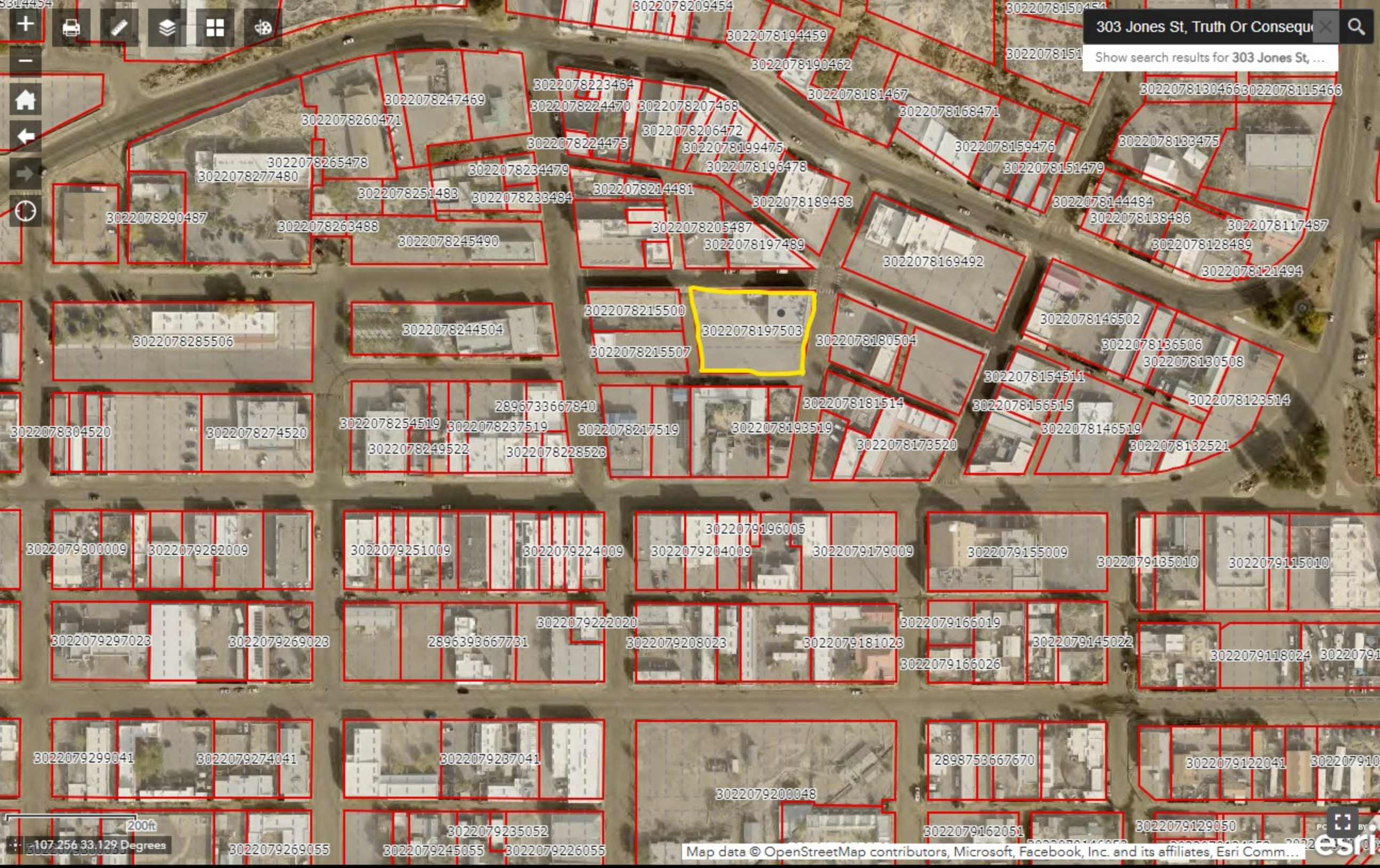
303 Jones St, Truth Or Consequ

Show search results for 303 Jones St, ...

40ft

3022078210519

3022078201519



303 Jones St, Truth Or Consequ...

Show search results for 303 Jones St, ...



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Comm...

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoeppe
Commissioner*

*Gary Whitehead
City Manager*

*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 11, 2025, to receive input regarding the following:

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

Sec. 11-10-4 (B) Storage Units/Shipping Containers: Placement of storage units/shipping containers within C-1, M-1 and T-1 Districts are permitted as accessory storage units, as long as they are not used for dwelling purposes, and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, August 8, 2025 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Friday, July 17, 2025

Sec. 11-10-4. Storage Units/Shipping Containers.

The regulation of storage units/shipping containers within the city limits of the City of Truth or Consequences shall be controlled by and shall conform to the regulations prescribed in this section. A storage unit/shipping container means a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, commercial trucks, or other types of transportation.

- A. Placement of storage units/shipping containers within C-1, M-1 and T-1 districts are permitted as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- C. Temporary placement of storage containers within Conditional Use Areas are allowed through written approval of the Designated Zoning Official as long as they are not used for dwelling purposes for:
 - 1. The purpose of moving household contents in to or out of a house are allowed for up to 30 days in any 12-month period and can only be on the property or driveway.

-
2. The purpose of construction projects are allowed up to 3 months in any 12-month period from the time it's put on the construction site. The designated zoning official or designee may grant an extension but only if it is determined that:
- a. The storage unit/shipping container is located on a site with an active building permit
 - b. The storage container is necessary part of the construction process
 - c. Not be allowed in public right-of-way
 - d. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.

(Ord. No. 731, § 1, 8-10-22)

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date 8-11-2025 Address 303 Jones St.

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

*Spot Zoning: The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.

Sec. 11-5-3. Conditional Use Permit.

A permit may be authorized by the Planning and Zoning Commission for uses stipulated as conditional within specific Districts and as presented in Article IX of this Code.

A. *Provisions for conditional use.*

1. The use must be desirable or essential to the public welfare, safety, health, morals or convenience of the residents in that District.
2. The use must be compatible to the existing uses in that District.
3. The use may be important to the development of an undeveloped area.
4. The applicant shall notify all property owners of his/her intent in a manner specified in Section 11-7-2 and shall be subject to a public hearing as specified therein.

B. *Fee.* A non-refundable application as set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for a conditional use permit shall be in the format stipulated by the City and shall contain plans and other information as required by the City. The completed application for a conditional use permit,, shall be submitted to the City Clerk for placement upon the agenda of the Planning and Zoning Commission.

D. *Review.* A conditional use permit shall be subject to review on each annual anniversary following its approval. If it is determined from the review that the current use is significantly different or larger in scale than that originally approved, the conditional use permit may be revoked by the Planning and Zoning Commission.

E. *Transferal.* Conditional use permits shall not be transferable from location to location, building owner to building owner, or applicant to other party.

Sec. 11-5-5. Variance.

A Variance may be authorized by the City Commission after hearing the recommendation of the Planning and Zoning Commission. The variance shall provide relief from the strict application of dimension, distance, parking or setback requirements of this Code.

A. *Provisions for variance.*

1. The subject property must be irregular, narrow, shallow, or steep or otherwise, have physical conditions where application of the requirements of this Code would result in practical difficulty or unnecessary hardship to the owner in the use of his land or building.
2. The applicant shall notify all property owners of his/her intent in a manner specified in Section 11-7-2 and shall be subject to a public hearing as specified therein.
3. Variance shall not be granted in such cases where it would adversely affect adjoining properties, impair established property values, or endanger public safety.
4. Variances shall not be granted where spot zoning would occur.

B. *Fee.* A non-refundable application fee as set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for variance shall be in the format stipulated by the City and shall contain plans and other information as required by the designated Zoning Administrator. The completed application for a variance, shall be submitted to the City Clerk for placement upon the agenda of the Planning and Zoning Commission.

D. *Revocation.* A variance shall be automatically revoked in the event of building permit for the approved Variance has not been obtained within ninety (90) days, or construction has not begun within one hundred eighty (180) days after the building permit has been issued. The Planning and Zoning Commission may grant ninety (90) days extension if deemed appropriate.

E. *Re-application for variance.* In the event of a denial decision by the City Commission, there shall be no re-application for the same variance for a period of one (1) year after the date of the decision of the Commission.

Sec. 11-5-6. Special Use Permit.

A special use permit may be authorized by the City Commission after hearing the recommendation of the Planning and Zoning Commission. A special use permit is required for a special land use, which is not permitted by right within the District wherein it is requested.

A. *Provisions for special use permit.*

1. In making a decision on a Special Use Permit, the Planning and Zoning Commission and the City Commission shall review the following factors and accord each factor the necessary weight on a case-by-case basis.
 - a. The increase in congestion of streets and other rights-of-way;
 - b. Diminishment of safety from fire, panic and other dangers;
 - c. Diminishment to the health and general welfare of the public;
 - d. Degradation of light and air for all properties in the immediate area of the proposed Permit; increases of overcrowding of land and undue concentrations of populations;
 - e. Adverse affects on provisions for transportation, water, sewer, schools, parks and other public facilities or increases in the effects of natural hazards;
 - f. Increases or facilitation of the unlawful use of structures, buildings or land; and
 - g. Promote the use or waste of energy in the use of structures, buildings, and land.
2. Special Use Permits shall not be granted in such cases where the use will result in negative impacts, which substantially outweigh the positive impacts of the purposed use.

B. *Fee.* A non-refundable application fee to be set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for a special use permit shall be in the format stipulated by the City. There shall be a comprehensive statement included with each application indicating in detail the reason for the request, the purpose and proposed use of the property, all improvements to be made, and a site plan including the following:

1. Location of existing and proposed structures including the dimensions of setbacks;
2. Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way;
3. Location and treatment of open spaces including landscaping plan and schedule;
4. Lighting;
5. Signage;

A drainage plan, site plan and grading plan shall be required for all developments exceeding one (1) acre and to all new and all re-development within the C-1 and M-1 Planning and Zoning Districts, to all manufactured home parks, manufactured home subdivisions, recreational vehicle parks, and to all special and conditional uses in other Districts. For lesser developments when the designated Zoning Administrator determines said plans to be necessary, the designated Zoning Administrator shall so inform the applicant prior to accepting an application.

-
- D. *Public hearing and notice procedure.* A public hearing shall be held by the Planning and Zoning Commission for all special use permits. All property owners shall be notified in accordance with the provisions of Article 7 of this Code.
 - E. *Review and approval.* The City Commission may deny special use permits, or may grant final approval in accord with certain conditions, with right of appeal in accordance with Article VII of this Code. Approval may also be granted with additional conditions imposed, which are deemed necessary to insure that the purpose and intent of this Code is met and to protect and provide safeguards for persons and property in the vicinity.
 - F. *Time limitation and revocation.* If a special use is not initiated within one (1) year following approval or if a special use is discontinued for a period of one (1) year, said permit shall be automatically revoked. The City Commission may impose a different time limitation on a special use permit. All improvements shall be in accord with the development standards of the District except as otherwise authorized by the special use permit. Significant variation from the approved special use and related improvements shall result in the automatic revocation of the special use permit.
 - G. *Re-submittal of application for special use permit.* Application for a special use permit shall not be resubmitted or reconsidered for a period of one (1) year after it has been acted upon by the City Commission except that an application may be made for a different special use permit on the same parcel of land six (6) months after such previous action has been taken.
 - H. *Special use.* Special uses shall not be considered a District boundary change.

Sec. 11-9-3. R-2 Medium Density Residential District—(Maximum of 15 Dwelling Units Per Acre)

- A. *PURPOSE.* The R-2 District is intended for single and multi-family dwellings, residential condominiums, townhouses, and apartment units in which a medium-density residential character is protected and maintained. Manufactured housing is permitted with specific conditions.
- B. *DEVELOPMENT REQUIREMENTS.* Development standards and other requirements are provided in Articles X through XIV.
- C. *R-2 PERMITTED USES.* The following uses are permitted by right in R-2 Districts:
1. Accessory Buildings.
 2. Apartments: Maximum of four (4) attached units.
 3. Boarding Houses.
 4. Condominiums (Residential): Maximum of four (4) attached units.
 5. Construction Yard or Building (Temporary): Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a sight obscuring fence at least six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb level located within the clear sight triangle of a street intersection as defined in Article 8 of this Code.
 6. Dwellings: Maximum of four (4) dwelling units, not to exceed a maximum density of fifteen (15) dwelling units per acre.
 7. Garage or Yard Sale or Similar Use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 8. Greenhouses (Non-Commercial), Garden Sheds, Tool Sheds: When detached from the main dwelling such structures are subject to the provisions of Accessory Buildings.
 9. Home for Physically or Mentally Handicapped, Disabled, or Retired: Subject to requirements of the New Mexico State Statutes, 1978, Section 3-21-1, Paragraph C, as amended. There shall be no more than ten (10) persons in one home, and a minimum of four (4) parking spaces must be provided.
 10. Home Occupation.
 11. Manufactured Homes.
 12. Public Park, Playground, Ball Field or Tennis Court.
 13. Kennel (Private, Residential).
 14. Real Estate Office (Temporary): Permitted only when used in conjunction with a residential subdivision provided such use shall be discontinued upon the completion of the development or within three (3) years from date permit issued, whichever is sooner.
 15. Storage (Recreational Vehicles): Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
 16. Swimming Pools (Private): Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

-
17. All Uses Permitted by Right in the R-1 Zoning District.
- D. *R-1 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission after a recommendation by the Planning and Zoning Commission. Specific conditions and provisions for special uses are described in Section 11-5-6.
1. Athletic Clubs or Bathhouses.
 2. Cemetery: Shall contain at least ten (10) acres and shall provide landscaping, screening and buffering.
 3. Child Care Center: For six (6) or more children.
 4. Church.
 5. Community Building (Public or Private).
 6. Gas Regulating Station (Public Utility).
 7. Golf Course and Country Club.
 8. Manufactured Home Subdivisions.
 9. Nursing or Retirement Home: (Eleven (11) or more residents).
 10. Offices in Historic Structures.
 11. Schools (Primary, Secondary and Parochial).
 12. Swimming Pools (Public, Commercial, Private).
 13. Telephone Exchange Station.
 14. Television and Radio Towers, and all other Free-standing Towers (Public and Private Use): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
 15. All Uses Permitted by Special Use Permit in the R-1 District.

Sec. 11-9-4. R-3 High Density Residential District.

- A. *PURPOSE.* The R-3 District is intended to accommodate multiple family dwelling units and accessory structures and uses. The District is intended to maintain and protect high density residential development that is characteristic of apartment, townhouses, condominiums and manufactured home subdivisions. This District also permits one and two family homes, modular homes, and manufactured homes.
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Articles X through XIV.
- C. *R-3 PERMITTED USES:* The following uses are permitted by right in R-3 Districts:
1. Accessory Buildings.
 2. Apartments.
 3. Boarding House.
 4. Condominiums (Residential and Professional).
 5. Child Care Center, Nursery or Similar Use: Play areas shall be in accord with state licensing requirements and enclosed with a solid wall or fence five (5) feet in height.
 6. Construction Yard or Building (Temporary Use): Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a sight-obscuring fence at least six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb located within the clear sight-triangle of a street intersection as defined in this Code.
 7. Dwellings: Single or multi-family units, apartments, townhouses and condominiums.
 8. Garage or Yard Sale or Similar Use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 9. Greenhouses (Non-Commercial), Garden Sheds, and Tool Sheds: When detached from the main dwelling, such structures are subject to the provisions of Accessory Buildings.
 10. Home for Handicapped, Disabled, Retarded or Retired: Subject to state requirements of the New Mexico Statutes, Section 3-21-1, Paragraph C, as amended. A minimum of two (2) parking spaces must be provided, in addition to one space for each five (5) persons.
 11. Home Occupation.
 12. Manufactured Home Subdivision.
 13. Manufactured Home Park.
 14. Manufactured Homes.
 15. Kennel (Private, Residential).
 16. Private Club or Lodge: Permitted when used in conjunction with non-profit organizations such as Lions Club, Elks Lodge, and the like. Building(s) shall not be located within one hundred (100) feet of an R-1 or R-2 District. Private clubhouses and game rooms are also permitted when used as a part of an apartment, condominium, or townhouse complex, provided such building(s) shall not be located within fifty (50) feet of an R-1 or R-2 District.
 17. Public Park, Playground, Ball Field and Tennis Courts.

-
18. Real Estate Office (Temporary): Permitted only when used in conjunction with a residential subdivision provided such use shall be discontinued upon the completion of the development or within three (3) years from date of permit, whichever is sooner.
 19. Storage (Recreational Vehicles): Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
 20. Swimming Pool (Private): Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
 21. Tennis Courts (Private for residential use).
 22. Townhouses (Maximum of eight (8) attached units).
- D. *R-3 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission after a recommendation by the Planning and Zoning Commission. Provisions for special use permits are stated in Section 11-5-6 of this Code.
1. Athletic Clubs and Bathhouses.
 2. Barber and Beauty Shops.
 3. Bed and Breakfast Inn.
 4. Church.
 5. Community Building (Public or Private).
 6. Gas Regulating Station (Public or Private Utility).
 7. Golf Course and Country Club.
 8. Halfway House and Quasi-Institutional Houses.
 9. Offices in Historical Structures.
 10. Offices: Offices which provide health services such as medical, chiropractic, or rental and certain professional offices which have a low traffic volume such as attorneys or accountants, provided such offices maintain the residential character of the neighborhood where they are located.
 11. Residential Vehicle Park.
 12. School (Public, Private, or Parochial).
 13. Swimming Pool (Public or Commercial).
 14. Telephone Exchange Station.
 15. Television and Radio Towers, and all other Free-standing Towers (Private Use): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.

Sec. 11-9-7. C-1 General Commercial District.

- A. *PURPOSE.* The intent of the C-1 District is to provide for certain commercial/retail uses which serve both transient and local trade. The District is intended for areas surrounding major arterial or collector streets where a wide range of automobile-related service facilities, convenience goods and personal services are desirable and appropriate as a land use.
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Articles X through XIV of this Code.
- C. *C-1 PERMITTED USES.*

• Accountant Office	• Arts and Crafts Studio
• Advertising Services	• Auditoriums
• Animal Hospital and Clinic	• Automobile Parking Lot
• Auto and Camper Sales, Service and Rental	• Gasoline Pumps
• Automotive Equipment	• Gasoline Stations
• Bakery	• Gift Shop
• Banking and Financial Institution	• Glass Cutting and Finishing
• Barber Shop and Beauty Parlor	• Golf Course
• Bathhouse or Spa	• Grocery Store
• Bicycle Sales and Service	• Gymnasium
• Boat and RV Storage	• Hardware Store
• Bookstores and Stationery Shops	• Heavy Equipment Sales
• Building and Other Construction-Contractor: office only	• Hobby Shop
• Business Service Establishment	• Hospital or Overnight Clinic
• Butcher Shop and Meat Sales	• Hotel and Motel
• Catering	• Household Appliance Sales and Service and Repair
• Cigarette and Cigar Shop	• Insurance Services
• Clinic	• Institutions, Public and Quasi-Public
• Clothing Store and Apparel Shop	• Jewelry Store
• Coffee Shop	• Kennel, Commercial
• Columbarium	• Laboratory (medical, dental or engineering)
• Community Center or Public Office Building	• Liquor Store - Taverns and Package Stores
• Convenience Store	• Pet Shop or Grooming Parlor
• Convention or Exhibition Hall	• Photographic Studio and Supply Store
• Country Club	• Plant Nursery
• Dance Hall or Music Academy	• Plumbing and Heating Shop
• Dentist Office	• Pool and Billiard Room
• Department Store	• Post Office
• Dressmaking Shop	• Private Club or Lounge
• Drugstore	• Public Park, Playground and Recreational
• Dry-cleaning and Steam cleaning Establishment	• Radio, Television Broadcasting Studios, Music Store
• Electrical Shop and Electricians	• Real Estate Services
• Farm Machinery	• Restaurant
• Farm and Ranch Products and Supplies	• Retail Sales
• Fast Food Sales including Drive-In Sales	• Roofing and Sheet Metal Shop

• Firewood Sales	• Shoe Repair
• Florist Shop	• Show and Sales Room for Business Products
• Food Store	• Skating Rink
• Frozen Food Locker	• Sporting Goods Store
• Funeral Home, Mortuary (including crematorium)	• Tailoring
• Furniture and Home Furnishings	• Taverns and Cocktail Lounges
• Taxicab Transportation	• Travel Agency
• Telephone Exchange Station	• Upholstery
• Telegraph and Messenger Service	• Variety Store
• Tire Sales and Service	• Warehousing and Storage
• Title and Abstracting Services	• Watch and Clock Sales and Service

D. *PERMITTED USES—WITH CONDITIONS.* The following C-1 uses are permitted in accordance with stated conditions and upon approval by the Planning and Zoning Commission.

1. Adult Entertainment Uses: Uses such as adult bookstores, adult movie theaters, and adult news racks, as defined in Article 8 of this Code, shall be permitted provided such use is located a minimum of three hundred (300) feet from a property line of any:
 - a. School;
 - b. Church;
 - c. Public park or recreational facility;
 - d. Residential District;
 - e. Another adult entertainment facility.

There shall be no public display visible outside of the building. In addition, display of adult pictures of other materials within a grocery store, bookstore, or other retail or wholesale store shall be concealed from public view.

2. Amusement Park or Enterprise: Subject to any other provisions and requirements of the Municipal Code. Temporary amusement enterprises are prohibited within three hundred (300) feet of any residential zoning District. Permanent amusement enterprises are prohibited within five hundred (500) feet of any residential zoning District.
3. Automobile Body and Repair Shop: Not permitted within one hundred (100) feet of any residential District.
4. Bank Drive-up Windows: Stacking lane(s) of one hundred eighty (180) feet by ten (10) feet for each drive-up must be provided and designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial streets as shown on the City Street Plan.
5. Bowling Alley: Subject to approval of site and related plans. Bowling alleys are prohibited within three hundred (300) feet of any residential zoning District.
6. Bus or Motor Freight Terminal: Only when located on an arterial street as designated on the City Street Plan.
7. Car Washes: There shall be no run-off onto neighboring properties or streets resulting from the use. Any discharge into public liquid waste disposal systems shall be approved by the administrator of the system prior to approval of the business. If the subject property is not served by a public waste disposal system, approval from the New Mexico Environmental Department shall be required.

-
8. Child Care Center, Nursery or Similar Use: Play areas shall be in accord with State licensing requirements and enclosed by a solid wall or fence five (5) feet in height.
 9. Christmas Tree Sales: Temporary, not prior to November 15, provided lots are cleaned and removed by December 31.
 10. Church: Only when located on an arterial or collector street as designated on the City Street Plan.
 11. Construction or Contractor's Yard: Yard shall be maintained in a neat and orderly fashion and enclosed by a fence at least six (6) feet in height except that the height shall be limited to three (3) feet above street curb within a clear site triangle as defined in this Code.
 12. Drive-In Theater: Subject to approval of site and related plans.
 13. Firewood Sales: No more than twenty (20) cords stored on site.
 14. Flea Market: Subject to any other requirements of the Municipal Code.
 15. Furniture Assembly (Accessory Use): Permitted only as an incidental or accessory use to retail sales. Maximum floor area for assembly shall not exceed three thousand (3,000) square feet, not exceed thirty percent (30%) of the total business floor area, and shall be within the same building.
 16. Gas Pressure Control Stations: (Public or Private Utility.)
 17. Heavy Equipment Repair (Accessory Use): Permitted only as an incidental or accessory use to heavy equipment sales. Floor area for repair shall not exceed three thousand (3,000) square feet and not exceed thirty percent (30%) of the total gross floor area. Welding is permitted only in conjunction with repair and shall not be used for the purpose of heavy equipment assembly.
 18. Miniature Golf Course: Subject to approval of site and related plans. Not permitted within one hundred (100) feet of any residential District.
 19. Mini Storage Units: Units shall not be used for commercial sales of products, merchandise, service or repair. (This does not preclude a business from using storage units solely for storage of commercial or business related items provide that the actual commercial operation or business is conducted elsewhere, and there is no external evidence of the business at the storage unit.)
 20. School, Public, Private or Trade: Sites shall be located on an arterial or collector street as shown on the City Street Plan.
 21. Shopping Center: Providing site, drainage, and related plans for the entire development are approved.
 22. Storage of Wrecked or Dismantled Vehicles and Parts (Accessory Use): The storage of wrecked and dismantled vehicles and parts thereof shall be permitted only as an incidental accessory use to a vehicle repair establishment or a body shop:
 - a. Storage shall be within an enclosed building or within a sight-obscuring fence at least six (6) feet in height;
 - b. Vehicles and parts stored at the exterior of the building shall be owned by customers of the business and such storage shall be only for the purpose of repair and return to customer;
 - c. Exterior storage of vehicles shall not remain on the premises for a period exceeding three (3) months;
 - d. A maximum of five (5) wrecked vehicles may be stored at the building exterior during any one time;
 - e. Exterior storage shall be a minimum of one hundred (100) feet from a residential District.

-
23. Swimming Pools: Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
 24. Television and Radio Towers and all Other Free Standing Towers (Public and Private Uses): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
 25. Welding (Accessory Use): Welding shall be permitted only as an incidental or accessory use necessary for the repair of vehicles or equipment permitted in the C-1 District. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.
 26. Wrecker Service: In accord with storage of wrecked vehicle provisions of Item D.22 of this Section.
- E. *SPECIAL USES FOR C-1 DISTRICT.* The following uses require approval of the City Commission. Specific conditions and provisions for special use may be referred to in Article V.
1. Dwelling Unit: Special Use Permits are required for dwellings within the C-1 District upon lots or other parcels located directly adjacent to Broadway Avenue, Main Street or Date Street. Dwellings elsewhere within the C-1 District are permitted by right. Manufactured Homes (MH's) are permitted within the C-1 District subject to the provisions stated herein and in Articles 11 and 14.
 2. Apartments ten (10) unit minimum)
 3. Concrete Sales and Ready Mix
 4. Correctional Facilities and Institutions
 5. Heavy Equipment Repair and Service
 6. Kennel (Commercial)
 7. Manufactured Home Park or Subdivision: Subject to the provisions of Articles 11 and 14.
 8. Propane or Liquefied Petroleum Gas Distribution Point: Up to two thousand (2,000) gallons, not be located within three hundred thirty (330) feet of any residential zoning district, or within the area bounded by Date, Main and Austin Streets.
 9. Racetrack
 10. Residential Vehicle Park
 11. Recycle Purchase Center
 12. Stadium: Baseball, Football, Soccer or Track.
 13. Townhouses (R-2 Development Standards apply)
 14. Welding Shop

Roberts Rules of Order – Simplified

Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., "I move that we add a coffee break to this meeting"). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

How to do things:

You want to bring up a new idea before the group.

After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

You want to change some of the wording in a motion under discussion.

After recognition by the president of the board, move to amend by

- adding words,
- striking words or
- striking and inserting words.

You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

You want more study and/or investigation given to the idea being discussed.

Move to refer to a committee. Try to be specific as to the charge to the committee.

You want more time personally to study the proposal being discussed.

Move to postpone to a definite time or date.

You are tired of the current discussion.

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3rds vote.

You have heard enough discussion.

Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3rds vote.

You want to postpone a motion until some later time.

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3rds vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.
 "Call for orders of the day."

You want to take a short break.
 Move to recess for a set period of time.

You want to end the meeting.
 Move to adjourn.

You are unsure the president of the board announced the results of a vote correctly.
 Without being recognized, call for a "division of the house." A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.
 Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.
 Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.
 Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3rd vote is required.

Unanimous Consent:

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- **You may INTERRUPT a speaker for these reasons only:**
 - to get information about business –point of information to get information about rules– parliamentary inquiry
 - if you can't hear, safety reasons, comfort, etc. –question of privilege
 - if you see a breach of the rules –point of order
 - if you disagree with the president of the board's ruling –appeal
 - if you disagree with a call for Unanimous Consent –object

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	√	√	√	Majority	√
Amend Motion	√	√		Majority	√
Kill a Motion	√			Majority	√
Limit Debate	√		√	2/3 ^{rds}	√
Close Discussion	√			2/3 ^{rds}	√
Recess	√		√	Majority	
Adjourn (End meeting)	√			Majority	
Refer to Committee	√	√	√	Majority	√
Postpone to a later time	√	√	√	Majority	√
Table	√			Majority	
Postpone Indefinitely	√	√	√	Majority	√