

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, JUNE 10, 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, June 10, 2024, at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

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

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) May 13, 2024.

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

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

Kyle Smith: I just have to speak about something I want you guys to start thinking about. This city desperately needs to put some kind of regulations limits on short term rentals. Cities all over the world have done this. Tiny towns have done this to huge place like Sydne Australia, Barcelona Spain. Where I moved from in Colorado Manitou Springs in 2012 passed rules one its Air BnB's. It is making rentals and living prices skyrocket, housing prices are skyrocketing simply because of this. When you have time type in on you google Air BnB city regulations and a million things will pop up dating from 10 years ago when it started being noticed up until now where its still being debated heavily. It's a heavily debated issue in tiny towns all across the country. They become very heated very emotion for good reason because people start showing up to these meetings. Prices are going up. There is a sign I just saw in town that says eff your Air Bnb's. This is going to happen. I just read in the newspaper that enrollment at the high

school had gone down. Can families afford homes here? It's a serious question. I bought a home here 5 years ago and it's easily doubled in value. You can find statistics on it whatever you want but we all can talk to people and know that just in the past few years rental prices here have skyrocketed and so has housing and a large part of that is because a share of the market is dominated by investment buyers from out of state who are buying Air BnB's. Atlanta Georgia passed regulations saying I mean they went full out you could only own 1 Air BnB, limited number all together that could be in town, and they said you have to be a resident of Atlanta to own that Air BnB and you have to live there permanently. I appreciate what the P&Z board tries to do. I don't know how we could address this I am just saying we need to address this. Look at some examples, so many cities have done this. If you go into Vice, there is a really good documentary about Crested Butte Colorado. It's from like 6 years ago. Type in Crested Butte Vice documentary about secondary housing. You can see it's a contentious issue, but we need to get the reins on it and restore it. This is a family community; neighborhoods are actually emptying. On the Air BnB website alone it shows you on a map how many are in a certain section. There are over 55 just in the bath house and those are the registered ones. Air BnB is just one, there are all sorts of other short term rental apps. It's something I encourage you to think about for the sake of maintaining this as a family town.

City Clerk Admin Assistant Martinez swore in the participants for the public hearings.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

- a) Public Hearing/Discussion/Action: Summary Plat Amendment at 471 E. 4th Street, Truth or Consequences, New Mexico. Applicant wishes to split their lot. Assistant City Manager Alvarez

Assistant City Manager Alvarez: The applicant is here in the audience he wishes to amend plot at 471 E 4th split the single parcel into 2 parcels. The property is located in the C-1 district. Both proposed parcels do meet the minimum required size of lot required. They have uninterrupted access to all city utilities and city-maintained roads. All the required documents have been submitted and all the fees have been paid. The applicant is here they aren't the property owner however they have submitted the required documents for them to act on behalf of the property owner. Public hearing notice has been sent. There are no opponents or proponents they have contacted city offices, and no proponents or opponents are here in attendance. I stand for any questions. In your packet I do have the plot. I also did an arial view showing lots in that same area and how they been split as well.

Applicant Nate Stephens: I just purchased this property. We have completed a remodel on the existing resident. We feel that a 150-foot by 110-foot lot for a single resident is a little extreme. Our plan is to split the lot so that we can put another residence on the land that is there currently.

Chairman Sisney: I am looking at the photograph from above are you familiar with this set up? It doesn't look like the offset is there.

Applicant Nate Stephens: The offset from?

Chairman Sisney: From the center. Where you would be putting the new lot line.

Applicant Nate Stephens: It is. Its 5 feet is what it is. It's 5 feet from the current structure.

Chairman Sisney: Mrs. Alvarez can I ask you if that is correct for this zoning?

Assistant City Manager Alvarez: I do believe so, but I will verify. It's a residence in a commercial.

Chairman Sisney: That is why I ask. I get confused on all these.

Assistant City Manager Alvarez: Yes 5-foot side set back is allowed.

Chairman Sisney: What are you going to put there?

Applicant Nate Stephens: I am not sure if we will build there or possibly put another modular home. More than likely, it will be a place building something in the future. We are getting ready to put the residence that is there now back on the market. That is the reason we are doing the lot split now.

Vice Chairman Buhler: It looks like part of the lot has a little bit of a ravine through it.

Chairman Sisney: I see that.

Vice Chairman Buhler: My question would be about that.

Applicant Nate Stephens: The ravine runs right next to our property. The reason that we split it the way that we did we gave 78-feet to the one side so that way there will be plenty of room to meet the setbacks in the future and stay away from the flood zone right there. The first lot will be 71.53 feet, and the second one will be 78.47 feet. You would have additional space on that second lot so that we could stay away from the flood danger.

Assistant City Manager Alvarez: I can direct you in your packet as well to the last page this is your Planning and Zoning Commission findings of facts checklist.

Chairman Sisney: As this is drawn. I don't know if everything is accurate then. It's showing the lot line going into the alley next to it if you were to take another 4 foot off and make that 71 feet per the drawing then the lot line would be right up against that present building. Is that correct? I have a feeling the overlay is off.

Assistant City Manager Alvarez: I think it probably just the opposite more than likely we developed our alley way just sort of as a natural dirt that probably ran through the original parcel. The exterior survey that's the way its already registered. All he is doing is splitting that in the middle.

Chairman Siney: Right, but he just mentioned that its not going to be in the middle is going to be 71 on one side and 78 on the other.

Assistant City Manager: What I am trying to tell you is on the lot line the exterior survey that is already an existing parcel. The alley way that you see we unfortunately in a lot of circumstances is just sort of a natural drive that encroaches sometimes on people's parcels due to maybe the way vegetation grows. Technically if the property owner wanted, he could request that we clear further and make our alley outside his lot line.

Chairman Sisney: Do you see the point I was making though. On the drawling they are both 75-foot and with that line going down the middle of it there is a 5-foot set back but if you were to make that lot 71-feet and the one next to it 78-feet it would be 79 actually. Then that would move this line over to that building it would move it right up against the building itself.

Assistant City Manager Alvarez: I do understand what you're saying. He is not required to do that if they don't want to. As long as his lots meet the minimum size. Per our code each lot has to only be 60-feet wide.

Chairman Sisney: With the set back? The property line is now 4-feet closer to the building than it is on this drawling. Is that making sense Nate are you following me on this.

Applicant Nate Stephens: Yes, and I'm not sure if the overlay like what you said is just different on here the way it looks. We purposely went 5-foot from the existing structure and then that storage building that is shown that is actually getting moved off the property completely. We will be 5-feet from the existing structure to meet the setbacks.

Proponents:

There were no proponents.

Opponents:

There were no opponents.

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend approval to the City Commission for Summary Plat Amendment at 471 E. 4th Street, Truth or Consequences, New Mexico. Member Luchini seconded the motion. Motion carried.

5. NEW BUSINESS:

- a) Discussion/Action: Request to Revoke Variance at 1401 Platinum. Assistant City Manager Alvarez

Assistant City Manager Alvarez: You guys are very familiar with this property. The city staff has tried to work tremendously with this applicant after you and the city commission approved the variance request at 1401 Platinum, unfortunately the applicant is unable to meet the requirements due to the financial situation. She is unable to get the taps, and the water and sewer connected. She is unable to at this time even meet any of the minimum requirements such as skirting around the mobile home or anything like

that. I have spoken both with her and the property owner. They do know that this is coming to you guys for recommendation to go to commission to have the variance revoked. If you guys recommend it and the city commission approves it, they will be issued a notice a letter from our legal giving them 30 days to either bring the property compliant or to remove the mobile home. If it is not removed within that time frame, then the city will go through the resolution abatement process and the city will then be responsible to remove or demo the mobile home and we would put a lean against the property for the cost of that. At this time, we are requesting approval to proceed forward with the recommendation to request to revoke the variance.

Member Luchini: The applicants are aware of the fees that they are responsible for?

Assistant City Manager Alvarez: The applicant and the property owner yes. Ultimately it will be the property owner that will be responsible. They do have another property here in town. The applicant told me that she was not going to be able to make it work and that she actually had the mobile home up for sale and that somebody that was interested in purchasing it and lived in the Village of Williamsburg and so they were going through the process that's required at the village to potentially move it over that way. When I spoke to the property owners that was the first they had heard about that. I think one way or another either the property owner will take possession of it and potentially bring up to required code or have it removed from the property themselves because they definitely don't want to lose their property.

Chairman Sisney made a motion to recommend approval to the City Commission for Request to Revoke Variance at 1401 Platinum. Vice Chairman Buhler seconded the motion. Motion carried.

6. REPORTS FROM THE BOARD.

There were no reports from the Board

7. REPORTS FROM STAFF.

Assistant City Manager Alvarez: No, Chairman unless you wanted to update the board on the workshop that was held with the City Commission pertaining to looking at combing the variance boards.

Chairman Sisney: Did you want me or you?

Assistant City Manager Alvarez: That is why I was asking. You were in attendance, so I wasn't sure if you wanted to update the board.

Chairman Sisney: I was there, so was Esther. The city council did bring it up and they decided to table the matter. At this point I don't have much to say about that. How about you, Mrs. Alvarez.

Assistant City Manager Alvarez: No, you are correct. I think the commission did a good job listing the board members that attended and listened to their concerns and their questions. At this time, they are tabling the combing of the PUAB and the Planning and Zoning. I think they are looking at a different

route for potentially Airport but that will come into the works later. You guys are a pretty full board you are just missing one member and so they did task the advisory boards to really try and recruit people onto the boards. It is still a possibility that in the future we may have to look at it if we can't get any board members for our Utility Advisory Board. We are very much lacking there but at this time it's tabled, and we will move forward until the commission directs otherwise.

Chairman Sisney: Thank you for the update.

8. ADJOURNMENT:

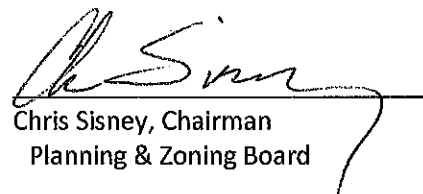
Member Luchini made a motion to adjourn.

Chairman Sisney seconded the motion

Motion carried unanimously.

Chairman Sisney adjourned the meeting at 4:22 p.m.

PASSED AND APPROVED ON THIS 12th DAY OF AUGUST 2024.



Chris Sisney, Chairman
Planning & Zoning Board