

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION**

**MINUTES**

**MONDAY, APRIL 8, 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, April 8, 2024 at 4:00 p.m.

**INTRODUCTION:**

**ROLL CALL:**

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

**ALSO PRESENT:**

Traci Alvarez, Assistant City Manager  
Angela A. Torres, City Clerk  
Katy Martinez, City Clerk Admin Assistant

**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) March 11, 2024.**

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

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

There were no comments from the public.

City Clerk Torres swore in the participants for the public hearings.

**4. PUBLIC HEARINGS (5 Minute Rule Applies)**

**a) Public Hearing/Discussion/Action: Summary Plat Amendment at 313 W. Riverside.**

Assistant City Manager Alvarez: This is for summary plat amendment at 313 w Riverside. The applicant is requesting to divide their parcel into two separate parcels. It does meet all the required lot sizes. The property is in the R-3 district, and they have summited all required documents, and paid their fees. Both lots will have direct access to city water, sewer, electric trash, and street. In your agenda packet you have the summary plat showing where the division of the lot is. It is virtually all the way down, except for the part around the buildings where there is a bit of a jagged line. You also have parcel maps showing the area where that lot parcel is located. I believe you also have references to the municipal code for your findings of facts and for the public hearing as well. The applicant is in attendance.

Chairman Sisney opened the public hearing.

**Proponents:**

Larry Progreba: We bought the 313 property in 2008. We have lived there since then. We got a chance to buy the place across the street, but it doesn't have any room for any of my big heavy noisy equipment. It also doesn't have much parking, and I don't know if you are aware, but in the last year we've had three cars stolen just in the three hundred blocks of riverside. So, parking out in the street is not a great idea. I just want to keep the west half of the place for my shop space, and we will sell the east side space that has the house and the parking lot.

Vice Chairman Buhler: So, you're going to sell your home and then keep the lot?

Mr. Progreba: We bought the place across the street. So that's our new home. And I don't want to have a rental or another house.

Member Luchini: So, you want to divide this up and then sell it?

Mr. Progreba: The half with the house on it. And the other half I'm going to keep as a shop space. I make knives and build guitars, and all kinds of stuff, so I need a fair amount of shop space. In the shop I have some big heavy noisy tools that I don't want to have to move or subject my new neighbors to. We don't have anyone that it bothers where we are now.

Member Kent: So, when you say shop space, this is your personal shop? You're not running a business? And is there plumbing, sewer, electrical, and everything available on that side for the shop.

Mr. Progreba: Yes, it's a personal shop. Yes, it will be a totally separate piece of property.

Vice Chairman Buhler: So, are you going to build a shop there?

Mr. Progreba: Yes, I have already poured a slab. So, I'll build the shop as soon as I get the ok for that.

Vice Chairman Buhler: Will your neighbors be happy living next door to a shop?

Mr. Progreba: Well Ken and Sally are Buddhist, Chris if he's not a Buddhist he should be.

Vice Chairman Buhler: It is a residential area.

Mr. Progreba: Where I am now, my shop doesn't bother anybody. I wouldn't be right next door to anybody. The guy that owns the property to the west of me has another place out in Williamsburg where he lives. Nobody complains about the noise I make now. I don't do anything noisy first thing in the morning. I wait until ten or eleven o'clock if I have something to do.

Member Kent: If you sell that property to the right the one that was your home. Those people would be very close to the shop. Right?

Mr. Progreba: Well, they would know. There will be a fence.

Member Kent: You will have all the proper facilities in the shop? There will be running water and sewer and everything. You're not just going to put a shed out there?

Mr. Progreba: I don't need that. If I am required to have it, I'll put it in. But we have a house across the street.

Assistant City Manager Alvarez: The municipal code states that each lot must have unobstructed access to city-maintained streets, water, sewer, and electric. Both lots will have unobstructed access. So, they could connect separately, and if for some reason, at some point in time he sells the other lot, whoever the purchaser is could hook up to utilities.

Chairman Sisney: If you get one utility, you get all utilities?

Assistant City Manager Alvarez: Well, no not necessarily.

Chairman Sisney: You could get just electricity without getting water and sewage?

Assistant City Manager Alvarez: Sure, I mean we have people that are doing that when they are in the process of developing their building. They're going to pay for trash if they connect to

electric, and they're going to pay trash if they connect to water. And they're going to pay for sewer if they connect to water.

Chairman Sisney: Ok, so trash comes with it.

Assistant City Manager Alvarez: Either way they can connect to all utilities.

**Opponents:**

There were no opponents.

Chairman Sisney closed the public hearing.

**Chairman Sisney made a motion to recommend approval to the City Commission for a Summary Plat Amendment at 313 W. Riverside. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.**

**b) Public Hearing/Discussion/Action: Variance request at 1007 N. Caballo. Sec. 11-11-6. Recreational Vehicles, Boats, Camping and Travel Trailers, Truck Campers, and Vehicles as Dwellings.**

Assistant City Manager Alvarez: The applicant is requesting to use his RV as a permanent dwelling unit at 1007 N. Caballo. Included in your agenda packet is the municipal code as it pertains to RVs as a dwelling unit, as well as the applicants site plan, and then you have your parcel map showing where the property is located. The applicant is in attendance.

Chairman Sisney opened the public hearing.

**Proponents:**

Lee Uker: I'm requesting a land variance at 1007 N. Caballo Rd. I need a small area to live in, and that is why I am moving in my RV. I'm retired, and that is where I want to retire. I've lived there since June, but I've owned that property for 26 years. I wasn't aware that I needed to have this to live in the RV.

Vice Chairman Buhler: So, you've just been there since June?

Lee Uker: Yes, I have owned that property Twenty-six years.

Vice Chairman Buhler: How old is your motor home?

Lee Uker: It is twenty years old.

Member Kent: Sir, you've had it on the property for the better part of a year.

Lee Uker: Yes, since June 1<sup>st</sup>.

Member Kent: Do you have utilities out there? So, you have it connected to water sewer electric?

Lee Uker: I do. The telephone pole and everything cost me almost \$3,000 for that. I'm hooked up to city water and I have a septic. I can move my motor home whenever I need to.

Vice Chairman Buhler: I was going to ask you if it runs. Does it run?

Lee Uker: Yes.

Vice Chairman Buhler: Are you planning on building anything besides just having the motor home there, because that would be the code, right? How long could you live in a motor home Traci?

Assistant City Manager Alvarez: Well, he would have to make those arrangements with the city, but he is not requesting that. He is requesting a variance from our code. He is not asking to live in a RV to build.

Vice Chairman Buhler: Right, I'm just trying to give him the benefit.

Lee Uker: I don't have very much money. My brother lent me the money to find an RV so I can live in it on my own property. I didn't know there was a code.

Member Kent: Have you considered one of the RV parks in the area as there are many.

Lee Uker: Well, that's why I bought my property so I could retire on it. I just need some place small.

Member Kent: Well, yeah but you could take your RV to a RV park.

Vice Chairman Buhler: I don't know. I think they have restrictions as well. They won't take RVs that are over a certain age. Many RV parks are like that. I personally think that we should table this because I don't know that this sets a good precedent for people being able to live in their RV home. Anybody can have a lot and park an RV on it and say "well, I want to live in my RV now." This is an older RV as well. So, I have big reservations about it.

Assistant City Manager Alvarez: What would be the purpose of tabling it?

Vice Chairman Buhler: Well, then we will deny it. You know if there is a better remedy.

Angela Torres: So, before we do that, we will go ahead and go through the entire process of the public hearing and let everybody speak, and then after that you guys can decide if you want to table it or deny it.

Vice Chairman Buhler: I do have one other question; Traci is that a commercial area?

Assistant City Manager Alvarez: So, his area is right on the verge of the commercial, and R-3 area, but its technically commercial.

Vice Chairman Buhler: Technically, its right by a bunch of homes. I know that.

Paul Johnson: I live at 926 N. Caballo Road. I know the gentleman. I don't know him well. I am just the neighbor and I have a direct view of his property. I think you should consider his dilemma. We all may someday be in it. Some of us are fortunate enough to have homes. Some are not. So, I think you should consider it. He's been there quite a while; he's done a lot of stuff to the property. It was a big mess, and now it's all bladed and there are no weeds. That's the first time it's been that way. I have been the neighbor to that property since 2005, and it's the best it's ever been. I hope you consider it. The trailer is in very good shape. It looks pretty new.

Vice Chairman Buhler: Well, I did notice there is another trailer that appears to not be in very good shape. That has been moved in there too.

Paul Johnson: He's just using that for storage. He's got some hobby, he makes things.

**Opponents:**

Patricia Smithpeter: I don't reside at 1001 Caballo. I'm assuming this might be something that will interfere with the resident there. In the past 20 years, a variance was asked for that property, and turned down by the people that lived there at the time. My grandson is a part time resident at 1001 Caballo. A variance was asked in front of his home before, with the offer of a \$100 for a variance. I don't know who the people were, but it was turned down then. That was before he became the owner of this property. It will go to him at my death. Right now, it is in my name, and I object to any variance in front of his home, because of the utilities which we have pictures of, and we don't want that used for a driveway.

Chairman Sisney: Did you have anything else to say Mrs. Smithpeter?

Patricia Smithpeter: I have one more question. Will this degrade the residential property in that area?

Chairman Sisney: I can't answer that question. What part of the utilities are you worried about being interfered with?

Ms. Smithpeter's family member: Where the meter is. That's the water meter and gas meter.

Chairman Sisney: I see a gas line right here that's disconnected.

Ms. Smithpeter's family member: Its over here. These are my son's properties over here. This is where this gentleman lives.

Chairman Sisney: Right, so is your son is to the right. The next-door neighbor to the right.

Ms. Smithpeter's family member: The variance is going to cut off.

Chairman Sisney: No. All that they are doing is what is allowed to be placed on this property. This property is not going to change at all. It's just what is allowed to be set on it.

Discussion ensued regarding the pictures that were shown by Ms. Smithpeter.

Chairman Sisney: So, Mrs. Smithpeter your only complaint was that you were worried about it changing the lot. Are you aware the lots not changing?

Patricia Smithpeter: The variance in the front. Well, that's in the past.

Chairman Sisney: This is different. This is just for what we allow on this property. Nothing is changing.

Patricia Smithpeter: As long as it doesn't cause the property value to go down too.

Chairman Sisney: That I don't know. It sounds like he fixed it up, and it sounds like it's better than it was.

Patricia Smithpeter: I have not been over to see it, but I have been around a long time, and I've seen a lot of changes.

Chairman Sisney: Let me mention one more thing to you ma'am. You can go and take a look at this on your way home because we don't have the final decision. This will come up to the city council, and if you have an issue then you can show up then.

Chairman Sisney: Mr. Johnson is there something else you would like to say?

Paul Johnson: I would just like to say you need to start checking around town. Because there are several properties right now where there are people living in RVs.

Vice Chairman Buhler: It doesn't make it right.

Paul Johnson: It doesn't make it right because he's been doing it for a year. The city was more than willing to hook him up with power and utilities so what's the problem?

Vice Chairman Buhler: Well, we have rules. That's the problem sir. We do have rules.

Paul Johnson: Well, you need to start driving around then.

Vice Chairman Buhler: Well, it's too bad we don't have an inspector. A housing inspector.

Paul Johnson: I could show you at least one property.

Chairman Sisney: Thank you sir.

Chairman Sisney closed the public hearing.

**Vice Chairman Buhler made a motion to recommend to the City Commission denial of the Variance request at 1007 N. Caballo. Sec. 11-11-6. Recreational Vehicles, Boats, Camping and Travel Trailers, Truck Campers, and Vehicles as Dwellings. Member Kent seconded the motion. Roll call vote was taken.**

**Chris Sisney, Chairman voted nay.**

**Susan Buhler, Vice Chairman voted aye.**

**Esther Luchini, Member voted aye.**

**Lisa Kent, Member voted aye.**

**Motion carried with a 3-1 vote.**

**c) Public Hearing/Discussion/Action: Conditional Use Permit at 909 N. Foch. The applicant is in the R-1 District.**

Assistant City Manager Alvarez: The applicant is requesting to use a shipping container as a storage unit on his property. It's located in the R-1 district at 909 N. Foch. Per the section of the code that's provided in your packet, in order for somebody to use a shipping container for storage, they have to come to the Planning and Zoning Commission and request a conditional use permit. The applicant is not in attendance. You have all the information within your agenda packet if you want to review the code and make a decision. They have a site plan in there of where they plan on placing the container. Like I said, the section of the code that says it's mandated to go for a conditional use permit.



Chairman Sisney: Ms. Alvarez I have a question for you. I don't expect you to have the answer to but, I was looking at this rough drawing he calls the shipping container a boxcar. Is it a boxcar or is it a shipping container?

Assistant City Manager Alvarez: He's referenced it to me as a shipping container, and that's how he has put it on the application. I did notice that, and I'm not sure why he's not in attendance today. He did receive the notification for the meeting. I've been in meetings all day today, so it's possible that I may have a voicemail, but I don't know if he spoke of it as a shipping container.

Chairman Sisney: So, as it written they only restriction on adding a shipping container in your back yard is that you have to put in a request?

Assistant City Manager Alvarez: Yes, that's a new municipal code that we just passed in January of 2022. You have section 11-10-4 in B and it says, "placement of storage units within a residential district is allowed as accessory storage unit as long as they are not used for dwelling purposes and with the following exceptions 1- conditional use permit is required."

Vice Chairman Buhler: Can I ask one question. Do they have any conditions for the condition of these containers and are they required if they have logos are they required to be painted?

Assistant City Manager Alvarez: No, it doesn't look like they have that provision in there.

Vice Chairman Buhler: Does the city require a condition or painting of these boxes?

Assistant City Manager Alvarez: Not of shipping containers. We have a section in our municipal code that pertains to commercial metal buildings, but not in the shipping container code, and not for storage units.

Vice Chairman Buhler: That might be a good idea.

Assistant City Manager Alvarez: The Planning and Zoning Commission is always welcome to review anything within the planning and zoning section of the code and make recommendations to re-draft codes.

Member Kent: There is wall/ fence around the property so it would be enclosed?

Chairman Sisney: Yes, it's all block on that neighborhood.

Assistant City Manager Alvarez: I did notice in the very first sentence of this section that a storage unit/ shipping container does reference a rail as well.

Chairman Sisney opened the public hearing.

**Proponents:**

There were no proponents.

**Opponents:**

There were no opponents.

Chairman Sisney closed the public hearing.

**Vice Chairman Buhler made a motion to recommend to the City Commission approval of a Conditional Use Permit at 909 N. Foch. The applicant is in the R-1 District. Chairman Sisney seconded the motion.**

**Chris Sisney, Chairman voted aye.  
Susan Buhler, Vice Chairman voted aye.  
Esther Luchini, Member voted nay.  
Lisa Kent, Member voted aye.**

**Motion carried with a 3-1 vote.**

**5. REPORTS FROM THE BOARD:**

There were no reports from the board.

**6. REPORTS FROM STAFF:**

Assistant City Manager Alvarez: I would like to clarify what was potentially referenced regarding some other RV living dwelling units. We are aware that this is something that was allowed in the past. It is something that Code Enforcement is addressing. We do have a lot of code violation letters that have been submitted. That doesn't go through planning and zoning and the building inspector. It goes through Code Enforcement. They have a process, and a procedure that they follow with violation letters, and potential citations and court processes. Unfortunately, we also have to be patient because we have one Code Enforcement Officer that is doing Code Enforcement, and the duties of two Animal Control Officers because they are now hiring for that position as well. He is spread pretty thin right now.

Vice Chairman Buhler: Do you have an update from Jay on those trailers that didn't comply.

Assistant City Manager Alvarez: So that item is not on the agenda because I am not allowed to discuss it. If you want to have it put on the next agenda, then we can bring it up, but otherwise I am cautious because I don't want to violate the Open Meetings Act.

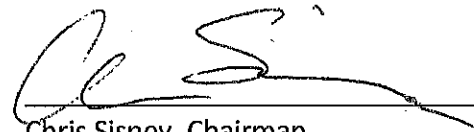
Vice Chairman Buhler: If we could have that, I would like an update on what's going on, on Tin and Platinum.

Assistant City Manager Alvarez: I can update on the 1306 Tin. That one has complied. They have hooked up everything, and they have done what they are supposed to do. So, I can update that.

**7. ADJOURNMENT:**

**Chairman Sisney adjourned the meeting at 4:45 p.m.**

**PASSED AND APPROVED ON THIS 13<sup>th</sup> DAY OF MAY, 2024.**



Chris Sisney, Chairman  
Planning & Zoning Board