

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
MINUTES  
MONDAY, MAY 13, 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, May 13, 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:**

**Chairman Sisney made a motion to approve the agenda. Vice Chairman Buhler seconded the motion. Motion carried unanimously.**

**2. APPROVAL OF MINUTES:**

**a) April 8, 2024.**

**Member Kent made a motion to approve the minutes. Member Luchini 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: Variance request at 2090 S. Broadway for the placement of Metal Buildings as per Chapter 16 - COMPREHENSIVE PLANNING AND ZONING CODE ARTICLE XIV. - DEVELOPMENT STANDARDS Sec. 11-14-12. - Metal Buildings.**

Assistant City Manager Alvarez: This property is in the C-1 district applicant is requesting a variance from the code for the section that states all metal buildings should have a façade or veneer consisting of the non-structural facing of brick, concrete, stone, tile, wood or lumber, plastic, or other similar approved material on all sides of the structure that face a public street. The applicant is requesting no façade or veneer in your agenda packet you have the attached letter from the applicant as well as your site plan the parcel map your code references as well as the findings and fact check list and applicant is in attendance. Mr. Gary Whitehead is in attendance.

Chairman Sisney opened the public hearing.

Gary Whitehead, Applicant: Thank you members of the committee, it's good to be here in front of you today. We are constructing and requesting a permit approval for a new storage facility on this particular property were installing 22 standard storage units like you would see anywhere. They are metal construction they come in a kit. They are prefab. We have those at 510 S. Broadway, that's our first project that we have. When we started the construction project, we had intended to put the buildings to where the doors faced the outside. Where they would face Broadway but based on setbacks and the design, we needed to use. We decided to face off Mercury was the best way to access. Once we got that understanding we broke the building apart into two sections so we could create a safer environment in the middle of our storage units so we don't have to put a fence you will be able to drive straight. We have a metal electric gate for our customers. Effectively we didn't envision that we would be required to do a façade on the outside of the storage. What I would point out in the area the other thing to kind of tie into the neighborhood Tony if you know him from Tony's Café. He's already put up a white 6-foot fence around his entire property so we ordered our buildings in white and grey so they would at least match the neighborhood. We did that before we had even understood we would have to do a façade. So, at the end of the day, we could say that the building across the street is a metal building without a façade. I don't think Tony has any objections and so we would ask for a variance of the need to put the façade on the building. It's not going to create any safety and not going to create any hazard and it's probably an \$8000 expense with we could use somewhere else on the project. So, I'll stand for questions.

Member Kent: So, these are going to be white metal buildings you said?

Gary Whitehead, Applicant: That's correct.

Member Kent: So, driving down Broadway you would just see the back side?

Gary Whitehead, Applicant: You would see the back side a white metal with grey trim. And then landscaped you've driven by the project we had to bring in considerable fill, so we are going to landscape that, so we don't have any runoff or any issues with that and then get black metal fencing on the Mercury side for gates and drive through.

Vice Chairman Buhler: Will you have lighting?

Gary Whitehead, Applicant Yes. The inside of the facility will be lite. We won't have any exterior lighting but again the inside.

Member Kent: When you say inside between the buildings?

Gary Whitehead, Applicant: Between the buildings are twenty-one feet between the inside the buildings in that space where you would drive in and access your storage units. So, we will light that facility so again customers will feel safe and invited to come in at night. Also provide some security.

Member Kent: When you say you will do landscaping on the Broadway side because you said you had to bring in a lot of fill dirt and stuff and like landscaping are you going to plant anything?

Gary Whitehead, Applicant: No there will be no plan it will be native. It's a pretty good slope so the contractor we are working with suggested that we use the bigger rock that will hold it all and prevent run offs. So, it will be landscaped kind of that way.

Vice Chairman Buhler: What kind of fencing are you putting on it?

Gary Whitehead, Applicant: So, on the front on the Mercury side and on the side up against Tony's it will have a welded 6-foot open slat fence so you can't crawl over and then with an electric gate.

Member Luchini: And on Broadway side?

Gary Whitehead, Applicant: Well, there will be no gate on Broadway you won't be able to get in or see in from Broadway.

Assistant City Manager Alvarez: His building plans have been submitted to the city and they've gone through the engineering because it was an undeveloped site. It was sent all the way up to

our engineer that overseas, and they've done the full review on all of his plan's submittal including the drainage, the landscaping and everything and it's all approved per our municipal code.

Member Kent: Except the façade?

Gary Whitehead, Applicant: We even have approval for the façade I submitted a plan to do a 4-foot wings coat typical on a metal building, and I know that was approved so all we are asking is that we don't have to put that wings coat on it because it would be consistent with our other projects.

Vice Chairman Buhler: I make a motion that we approve. I recommend you not to have a façade and the extra expense. For this I make a motion.

Chairman Sisney: Nothing personal Mr. Whitehead just trying to take care of business. There is no hardship involved here, it's just you're asking not to do what has been put into the code. I'm here to protect it's my job to protect the laws of the City of Truth or Consequences and I'm just curious you're asking without a hardship, and this will set a precedent. So now with a precedent our hands are tied at that point.

Gary Whitehead, Applicant: I would say to you that the precedent is already set sir. Metal buildings have been constructed in the city for more than 25 years and it's become a very known product. They are spread out the city in lots of places and I think in geographical locations where you find that they are already in, and they are not going to affect the neighborhood they are not going to affect the aesthetics. I think you have the ability to say we could get by with that. Now I'll give you a good example which I think you did right. The Family Dollar on top of the hill. It's in a beautiful location, it's in a fantastic spot, it overlooks the city of Truth or Consequences that potentially would not have been as quality of a product if it would have just been a metal building standing out there for the world to see. So, I think you have the ability to protect both, and the precedent is already set. I'm not to be argumentative with all due respect but, I constructed 25 units in 2018 and we were not required to put that façade. So again, I don't know if that was the code in 2017.

Chairman Sisney: So, let me ask a question of Mrs. Alvarez. When did this code come into effect?

Assistant City Manager Alvarez: I didn't look and see. Let me see you guys have the section of the code.

Chairman Sisney: Because I just want to establish weather this will be a precedent or not. If there wasn't a law, then there wouldn't be a precedent until it became a law.

Assistant City Manager Alvarez: So, the city clerk might have it. She has the ability to look it up in the code. I don't have that noted in my stuff.

Chairman Sisney: Well, their looking at that let me ask another question. I'm sorry to interrupt.

Assistant City Manager Alvarez: It might have been in there for some time.

Member Luchini: I will make a comment. That happened to us with H&O Tire and Feed. We did have to put a wood façade on the building that faced Date. We didn't ask for a variance we went ahead and put it.

Chairman Sisney: I was a little confused when you said there was no fence going to be on Broadway. So, the building is going to establish a wall itself?

Gary Whitehead, Applicant: That's correct.

Chairman Sisney: The fences will be up to the buildings?

Gary Whitehead, Applicant: The fences will be on the mercury side. Going north and south. So again, on Mercury that's where the fences will be but on Broadway it will be just the solid building.

Member Luchini: What about on the east side towards Tony's?

Gary Whitehead, Applicant: Tony already has a 6-foot wall and it's not required by the code if we were to do that. It only requires the sides that face a public street.

Member Luchini: But your gate? Your security gates?

Gary Whitehead, Applicant: There will be a security gate on that side as well. Cause we would want the whole interior of the storage to be secure.

Chairman Sisney: So, in reality the only part of the building that would require any façade would be Broadway and this much of the corner of that building that going down mercury cause then it becomes a fence?

Gary Whitehead, Applicant: If we were getting technical, I would say yes but if it is the desire of the committee and the commission for me to put a façade, I would probably have to go down all of Mercury just so it would aesthetically look correct.

Chairman Sisney: But you wouldn't have to do the back side then?

Gary Whitehead, Applicant: I wouldn't have to do the alley it isn't required on the alley side.

Chairman Sisney: Ok

City Clerk Torres: On the code it's not really showing me when it was generated but it looks like it's been here for a while. I don't recall us making any amendments to this portion of the code within the last five or more years. It's kind of an older.

Member Luchini: We are having a workshop, aren't we regarding this kind of topic today? Those were the storage containers.

City Clerk Torres: Yes, the storage containers they are going to do a workshop and they are going to change that. I'm not sure when they are. That won't be the same one that I called you guys on for this morning.

Chairman Sisney: I have another question for you Mr. Whitehead if don't mind. You said these are kits are they roll offs?

Gary Whitehead, Applicant: No, this is a designed mini storage product that we purchased.

Chairman Sisney: So, you pour a slab?

Gary Whitehead, Applicant: It's got a concrete slab.

Chairman Sisney: So, these things are staying.

Gary Whitehead, Applicant: These are permanent structures. They are designed engineered all stamped. They are consistent with any mini storage that you would see in any town and place you would drive you would see they are consistent with that product. Roll up doors you know permanent.

Chairman Sisney: Thank you. I have satisfied my questions if anyone wants to ask a question or continue, I'm done.

City Clerk Torres: I know we don't have anyone else who signed up but just to go through protocol before we move forward with the motion we will go ahead and ask if anybody else wants to speak if they don't then we can close the public hearing and then you guys can do the motion and then we will do that process for each one of the public hearings.

Member Luchini: What was the façade that you had designed so far?

Gary Whitehead, Applicant: We found a product called a wings coat. It's 3 and a half foot I think 42 inches and it's just fake bricks they are Styrofoam looks like there are plenty of products on the market that you could buy, and it attaches to the building it would look ok. It's just a lot of money. But you know again if that is the way you want to perceive it's understandable, I have no problem with it either.

Vice Chairman Buhler: I would like to say one thing. People are building homes now out of metal buildings, and they have their home in it, and they have their shop in it. They have numerous things in them and personally I don't have a problem with it at all. Is it a profile metal to be correct, kind of?

Gary Whitehead, Applicant: Yeah, I think that's what it's called. Again, chairman and vice chair I don't think I would be asking, and I think I would accept it being harder if I was in the middle of downtown T or C. I'm effectively saying I'm in an area that already has used metal buildings where there is not a lot of construction. The neighbor next to me has the same exact product in a 6-foot wall. This building will look no different. So that's why I'm asking for the variance. My façade is not going to make that neighborhood look any better or worse than what it already does. If I do the building right it will be a nice product it will be clean it will look good it will be a nice improvement and little bit of economic development you know all the buzz works but you know I think I'm not asking for something that's outside the scope other than in that particular neighborhood \$5000 in fake brick are going to make us any better or worse. Where if I was building next to Bank of the Southwest downtown. The Bank of the Southwest might say gosh we have a problem with that we spent lots of money you know what I'm saying. So, I feel like that's the only request and again I appreciate the opportunity to speak and understand whichever way we have to go.

Chairman Sisney: Thank you Mr. Whitehead.

**Proponents:**

There were no proponents.

**Opponents:**

There were no opponents.

Chairman Sisney closed the public hearing.

**Vice Chairman Buhler made a motion to recommend approval to the City Commission for a Variance request at 2090 S. Broadway for the placement of Metal Buildings as per Chapter 16 - COMPREHENSIVE PLANNING AND ZONING CODE ARTICLE XIV. - DEVELOPMENT STANDARDS Sec. 11-14-12. - Metal Buildings. 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 nay.**

**Lisa Kent, Member voted aye.**

**Motion died due to a tied vote.**

City Clerk Torres: That was a tied vote. Does anyone else want to make another motion or do you want to just take that motion to the commission.

Vice Chairman Buhler: Well, they are the are the ultimate deciders anyways.

Member Luchini: We are just approving these variances as they come up and the ordinance that are in the book and null and void if we keep approving these variances.

Gary Whitehead, Applicant: I understand and accept it.

Member Luchini: I do believe that you have a quality product that will look nice and the neighbors.

Gary Whitehead, Applicant: Unfortunately, it's one of those it happens to the developer that doesn't read all the codes so its ignorance right when you get your final approval, and you go oh great it's all approved and you read through everything and then it's saying, and you have to put a façade. You know I don't know how we fix that but it's ok.

City Clerk Torres: If I could just make a comment, I think the reason why add a variance request to the code is because there are certain circumstances to where like the property is trashy and it wouldn't look good or something like that then of course those would be reasons for you guys to deny it. But sometimes stuff like this could be a benefit or you know what I mean or if there is no opponent. I'm not trying to sway your vote I'm just trying to explain why they do have variances and I know it seems like we are going against the code but that was the reason behind them adding a variance so you could do it by a case-by-case basis and kind of make a decision on if you wanted to approve it or not.

Assistant City Manager Alvarez: If I could expand on that. That's why included in your packet that every public hearing for planning and zoning commission hears is supposed to be based on the seven findings of facts. That's to help you make a decision for or against.

Member Kent: I mean personally given industrial ness of that area. I mean there is an auto mechanic across the street with fifty cars parked all over the place you can't even drive by half the time. I would rather see a nice new metal building than fake brick. So, I'm not going to push to say you have to put fake brick up. But I get its case by case and everybody has their thoughts.

City Clerk Torres: We could move on to the next one.

Chairman Sisney: You know it goes to city council.

Member Luchini: Well, you know everybody starts with good intentions when they build something. You know I'm sure Hastys across the street didn't intend to have fifty cars outside his business by now, you know twenty or thirty years later. Whether a façade was required at the time he put his building in we don't know. I would say no it was not that was that long ago. I



know we could trust you to have a good product, a clean product, a healthy product, service. So, then it snowballs. One bad apple is going to ruin it for everybody else.

**b) Public Hearing/Discussion/Action: Variance request at 500 N. Date Street for the placement of Shipping Containers as per Section 11-10-4 A (3).**

Assistant City Manager Alvarez: The next two items are applicable to this property, so I'm going to present them together even though you guys have to vote on each variance separately. They are kind of tied into one in the same. The first variance request is for the placement of shipping containers per our municipal code shipping containers are allowed in the commercial district, but they must be subordinate to a main use or structure. The applicant is requesting to use shipping containers for the purpose of storage units so there is no main structure on that property and then similar to the variance request that we just heard they are also requesting a variance for no facade or veneer in the commercial district. You guys have your sight plan in there as well as pictures of what the storage units look like or the shipping containers that are designed to be storage units and all of you supporting documents sight plans, parcel map where these would be located and then as Clerk Torres let us know there was the email that came through that has some questions as well. Applicants are in attendance to answer questions.

Chairman Sisney opened the public hearing.

Laurie Chavez, Applicant: I have 500 N Date St. I'm not really a good speaker but I'm here for whatever it is that you need to ask of me. The shipping containers that we want to place on the property are brand new. They are 10x40 units so there would be four units on each side and the proposal is to set up to units back-to-back to start. Then possibly put two to four more on the property. They are brand new they are a cream color so they will mix in fine. We sit down off Date St.

Vice Chairman Buhler: Is there any flood problem with that property that you know of?

Laurie Chavez, Applicant: Not that I know of.

Assistant City Manager Alvarez: This still has to go through planning and zoning portion. It came to variance first before we went through the whole process of submitting.

Vice Chairman Buhler: Do you plan to have lighting?

Laurie Chavez, Applicant: Yes, on each unit. Each unit has a roll up door and there is going to be a solar motion light in front of each unit.

Vice Chairman Buhler: Can you drive up to your unit? How would you get to your unit?

Laurie Chavez, Applicant: Yes, you will be able to drive up to them.

Vice Chairman Buhler: All of them?

Laurie Chavez, Applicant: Yes.

Vice Chairman Buhler: Ok, that's good.

Member Kent: There will be no security gates on the property?

Laurie Chavez, Applicant: No security gates.

Vice Chairman Buhler: No fence?

Laurie Chavez, Applicant: No fence unless we are told to put one up, we can do that. But they are secure units, they are extremely thick. Dividing units between each are not going to be wood they are going to be actual metal. So, nobody could get into each other's units.

Vice Chairman Buhler: You know they make a box to where you can have the lock in the box where somebody can't get a pair of bolt cutters. You might check into that.

Laurie Chavez, Applicant: It's up to each individual person that rents the unit to put their own lock on there.

Vice Chairman Buhler: Right.

Member Kent: Would you do any landscaping along Date St?

Laurie Chavez, Applicant: We are sitting down below Date St. You're only going to see the tops of the units themselves.

Member Kent: How far down are you? I can't tell on the map.

Laurie Chavez, Applicant: Its where the only Circle C Motel use to be. Right across from the catholic church.

Member Kent: That's probably before my time.

Laurie Chavez, Applicant: The Hot Springs Cannabis is right next door. They have a conic outside.

Chairman Sisney: You stated that they are 10x40 are they 16x40?

Laurie Chavez, Applicant: No, they are 10x40.

Chairman Sisney: The drawing shows each unit being 8x10.

Laurie Chavez, Applicant: Maybe I miss quoted. Maybe they are 8x10.

Chairman Sisney: So, its 16x10? It would be 16 wide, so you get two 8 footers.

Laurie Chavez, Applicant: No, there are four doors on each unit. It's forty-foot conic. It could be an 8x40. But I believe it's a 10x40 I could be wrong.

Member Kent: I think they are usually a 10x40. Witch means these numbers are all off. Cause then it would be 5x10 for each unit.

Member Luchini: So, the conics would be cut?

Laurie Chavez, Applicant: No, it's one shipping container.

Member Luchini: Ok so not cut but sectioned.

Laurie Chavez, Applicant: Its one shipping container brand new with roll up doors. So, there are four roll up doors.

Member Kent: They are roll up doors or they are shipping container doors? I mean shipping container doors have a big heavy hinge you pull two doors out. Ok so it's not shipping container doors.

Vice Chairman Buhler: You're going to add roll up doors to these containers?

Laurie Chavez, Applicant: No.

Member Kent: You're buying them this way?

Laurie Chavez, Applicant: Yes.

Chairman Sisney: What's this picture of?

Vice Chairman Buhler: That shipping container that's a normal door.

Laurie Chavez, Applicant: That's the end.

Member Kent: Those are the ends of your units?

Laurie Chavez, Applicant: Yes, each end has a door that opens.

Member Kent: There are no doors on the side in these pictures.

Laurie Chavez, Applicant: I apologize they are not roll up.

Member Kent: They are sealed, whether out shipping container doors?

Laurie Chavez, Applicant: yes.

Member Luchini: One unit.

Member Kent: Well, they came that way you can see.

Laurie Chavez, Applicant: They are going to be butted up behind each other.

Vice Chairman Buhler: Are you going to be able to enter it through 5<sup>th</sup> St?

Laurie Chavez, Applicant: You can enter it through 5<sup>th</sup> St, or you can enter in through the alley.

Chairman Sisney: Do you know what the elevation is relative to Broadway to the bottom of your lot? I know it's down there. Do you know how tall these containers are?

Laurie Chavez, Applicant: No.

Chairman Sisney: There is railing there now. What's going to happen with that? To keep people from? Are you going to fence that off or anything?

Laurie Chavez, Applicant: No.

Member Luchini: You are putting them in phases?

Laurie Chavez, Applicant: Yes, we were told to just show one phase first. I didn't know how we were going to do it and then we could substantially add a few more.

Chairman Sisney: Are you going to have a dumpster?

Laurie Chavez, Applicant: Probably yes.

Chairman Sisney: Where is it going to go?

Laurie Chavez, Applicant: I don't know yet.

Chairman Sisney: It doesn't look like there is much room left.

Laurie Chavez, Applicant: That just something that's in the planning right now.

Chairman Sisney: Do you know how tall these units are?

Laurie Chavez, Applicant: No, I don't you asked me that already I don't know how tall they are. They might be 12 feet tall, I'm not sure 10 feet tall.

Member Kent: They are probably about 10 feet. We could even look at a standard shipping container.

Laurie Chavez, Applicant: I apologize, I didn't know I was getting up here to speak or I would have better answers for you.

Vice Chairman Buhler: Is it just going to be gravel, dirt? You are just setting them on dirt?

Laurie Chavez, Applicant: Yes Ma'am.

Member Kent: 40 feet long 8 feet wide and 8.6 feet tall. So, they are only 8 feet wide.

Laurie Chavez, Applicant: These are actually taller. These are taller than the normal standards. I think they are either a 9 or a 10 foot.

Member Kent: You don't know how wide?

Chairman Sisney: Right here 9 foot 6 inches says on the door.

Vice Chairman Buhler: Tracy for commercial do these meet all the qualifications for commercial? I know you approved them for people to use them for storage at their home. Are there rules for commercial?

Assistant City Manager Alvarez: In commercial containers may not exceed 46 feet in length and 10 feet in height. They have to be 10 feet from a main structure, but they don't have a main structure there. That's why they are requesting the variance. Also, no less than 5 feet from the property line on the side and rear yards. That's in your section that I included in your packet.

Vice Chairman Buhler: Well, I hope the city will require you to have a fence. Because we have storage units that don't have a fence and people try to break into them.

Laurie Chavez, Applicant: I'll put a fence up if they are wanting a fence put up.

Vice Chairman Buhler: Well, the city would be.

Assistant City Manager Alvarez: That's not a requirement of the municipal code right now.

Laurie Chavez, Applicant: I mean these units are very solid.

Vice Chairman Buhler: I know I have one and its nice that your using new ones.

Laurie Chavez, Applicant: We have a construction company, and we built a shop out of these units and then put a roof over the top if it.

Member Kent: If you don't have a security gate, will you have security cameras?

Laurie Chavez, Applicant: Yes, we will probably put some cameras up.

Member Kent: Also signing indicating as such? So, people aren't enticed to come on the property when they shouldn't be.

Vice Chairman Buhler: The person that sent the letter in that was one of the questions. She wanted to know if the property would be fenced, that was a concern.

Member Kent: Will it interfere with the views?

Laurie Chavez, Applicant: It will not interfere with any views.

Vice Chairman Buhler: Also, they are also worried their property taxes and they are worried about crime. About it bringing crime.

Laurie Chavez, Applicant: There is a lot of crime in this town and that won't bring any extra crime. It will bring security to people to put their stuff in storage.

Vice Chairman Buhler: They also wanted to know if there would be and dirt work with leveling.

Laurie Chavez, Applicant: It would definitely be leveled we are a dirt contracture.

Vice Chairman Buhler: Ok, good.

Chairman Sisney: The way I read that question was, where that going to bring it up to the level of Date St? Which would be like 12 feet, I don't think that's happening that would require all kinds.

Assistant City Manager Alvarez: Just make sure as you guys are asking and get answers to your question. You remember the variance is being requested for allowing shipping containers to be put there without a main structure in there. As well as the second step you will go through will be the variance request for the façade. That is what the public hearing is about.

Chairman Sisney: I don't like hypothetical questions, but I am going to throw one out here. How do you feel about graffiti?

Laurie Chavez, Applicant: I don't like graffiti and if they graffiti it I will spray it and make it match the same color that it was.

Chairman Sisney: Thank you.

**Proponents:**

There were no proponents.

**Opponents:**

There were no opponents.

Chairman Sisney closed the public hearing.

Member Kent: I will make a motion to deny the request primarily and the fact that there will be no security fencing gates whatever you want to call it around the property.

Vice Chairman Buhler: We are only here over the façade.

Assistant City Manager Alvarez: The first one is for placement of shipping containers without a main structure. The second action you guys will take will be the façade.

Member Kent: Is fence façade? Are security gates considered façade?

Assistant City Manager Alvarez: No.

Vice Chairman Buhler: It's the bottom of the building. It's the thing with Gary.

Assistant City Manager Alvarez: there is nothing that requires a fence on that property.

City Clerk Torres: The first action will be on shipping containers. The second action will be for the placement.

Member Luchini: Why does it need a primary building on the premises?

Assistant City Manager Alvarez: That's the way it was written within the municipal code. I think not necessarily the thought process moving forward of the potential of storage units but so that somebody doesn't put a whole bunch of shipping containers on their property to store all of their stuff and not as an actual business of storage allowing people to rent a storage unit.

Vice Chairman Buhler: You guys are going to adopt some rules also about the storage containers is that correct?

Assistant City Manager Alvarez: This is a recent ordinance I haven't heard anything being any direction from the commission on the potential revision of this one. As the planning and zoning

commission, if there are changes you want to make on anything you can put those one the agenda and have that discussion to recommend those changes, then they go through the process through the commission.

Vice Chairman Buhler: She is doing new containers that's a good thing. But if someone where to put up a container with writing all over it in my neighborhood I wouldn't like that.

Assistant City Manager Alvarez: There is a different process for residential versus commercial. Everybody that does the residential has to come to you guys and then you can make those specifications during that approval process.

Vice Chairman Buhler: That's good to know.

Assistant City Manager Alvarez: The first motion would be to approve or deny the variance request for the shipping containers without a main structure.

**Member Luchini made a motion to recommend approval to the City Commission for a Variance request at Public Hearing/Discussion/Action: Variance request at 500 N. Date Street for the placement of Shipping Containers as per Section 11-10-4 A (3). - Vice Chairman Buhler seconded the motion. Roll call vote was taken.**

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

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

- c) Public Hearing/Discussion/Action: Variance request at 500 N. Date Street for the placement of Metal Buildings as per Chapter 16 - COMPREHENSIVE PLANNING AND ZONING CODE ARTICLE XIV. - DEVELOPMENT STANDARDS Sec. 11-14-12. - Metal Buildings. Assistant**

Assistant City Manager Alvarez:

Chairman Sisney opened the public hearing.

Chairman Sisney: Its almost impossible on these to veneer them because of the way the doors are.

Vice Chairman Buhler: It would be very hard. Also, the way it is on the outside.



Laurie Chavez, Applicant: I can tell you that as a business owner in Sierra County my husband is from Sierra County and has been here his whole life. We will maintain that property.

City Clerk Torres: The motion would be to recommend approval or denial of the variance request. As presented if you don't agree with what they are presenting then you would vote against.

**Proponents:**

There were no proponents.

**Opponents:**

There were no opponents.

Chairman Sisney closed the public hearing.

**Vice Chairman Buhler made a motion to recommend approval to the City Commission for a Variance request at c) Public Hearing/Discussion/Action: Variance request at 500 N. Date Street for the placement of Metal Buildings as per Chapter 16 - COMPREHENSIVE PLANNING AND ZONING CODE ARTICLE XIV. - DEVELOPMENT STANDARDS Sec. 11-14-12. - Metal Buildings. Assistant- Member Kent seconded the motion. Roll call vote was taken.**

**Chris Sisney, Chairman voted Aye.  
Susan Buhler, Vice Chairman voted Aye.  
Esther Luchini, Member voted Nay.  
Lisa Kent, Member voted Aye.**

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

**d) Public Hearing/Discussion/Action: Special Use Permit 3500-3710 E. Third Multi Animal Permit– Annual Renewal.**

Assistant City Manager Alvarez: My agenda action form didn't say East Third, but the public hearing notice did. This is just an annual renewal of a multi animal permit for kennel permit. Applicant submitted all applicable documents. Our code enforcement officer who is acting as animal control officer went out and did the inspection and saw no concerns. He has approved both on the code enforcement side as well as the animal control side. Applicants are present if you have any questions.

Chairman Sisney opened the public hearing.

Amanda Forrister, Applicant: I'm here on behalf of my husband for the kennel multi animal use permit for our property. It's just an annual renewal previously approved permit.

**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 a Variance request at d) Public Hearing/Discussion/Action: Special Use Permit 3500-3710 E. Third Multi Animal Permit– Annual Renewal. Assistant- Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.**

**5. REPORTS FROM THE BOARD:**

There were no reports from the board.

**6. REPORTS FROM STAFF:**

Assistant City Manager Alvarez: Reported on Tin St mobile homes she is waiting on city attorney. Will have it on the next agenda.

City Clerk Torres: As I emailed and spoke with you guys this morning, we will have a workshop next Wednesday at 9am to go over combining the boards. You guys will be able to give you input on that.

Vice Chairman Buhler: I won't be here. If there is any kind of vote I give my proxy to Chris.

Assistant City Manager Alvarez: There is no vote at this time. It's just a workshop. They will be reviewing submission of the commission they requested for us to combine those. They are actually cleaning up all the ordinances it pertains to advisory boards. We have some advisory boards listed in there that haven't been active in a lot of years. So, it's the entire advisory board ordinance I think Angela is going to send you all a copy. The workshop is to review, they might make some recommendations on stuff that's in there. Once we go through that workshop process it will have to go back to the commission for approval to publish. Then it will go back to the commission again for final adoption and public hearing. There is lots of time for input if you're not going to be here. I would say take the time to review and if you have recommendations, suggestions or questions send them to Angela in an email. She will make sure that everybody that is in attendance for our commission as well as any of the boards all have a copy.

Vice Chairman Buhler: It would be nice to have a report of what was talked about after the meeting.

City Clerk Torres: There will be minutes. It's also attached in the email I sent this morning.

Vice Chairman Buhler: We hope that we get to stay our own board. It would be nice to have one more member for the planning and zoning. That would be my contribution. Then we would get to finish our terms and maybe if someone wanted to do it again, they could reup. It would be nice to have one more member.

Assistant City Manager Alvarez: Some of our other existing boards have virtually no member, so I know one of the things we talked about is that within that ordinance it does talk about if they can't form a seven-member board. We are looking at what existing board members we have for some of these boards and how we could potentially combine you guys. I don't think there is any thought process where everyone is off the boards, and you have to reapply to be on this one board. There is not very many out there and what we have existing between all of those boards potentially makes a seven-member board then if the commission wants to that route it might be additional duties.

Vice Chairman Buhler: I know our board is different than all the other boards. People have to take an oath.

Assistant City Manager Alvarez: They do at the other boards. We do public hearings on the other boards.

Vice Chairman Buhler: Do you?

Assistant City Manager Alvarez: Yes, we have public hearings done.

Vice Chairman Buhler: Well, I hope we get to stay.

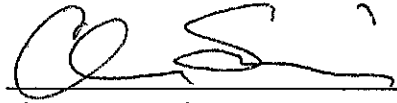
Assistant City Manager Alvarez: Get all of those in an email and send it over to Angela.

**7. ADJOURNMENT:**

**Chairman Sisney adjourned the meeting at 4:53 p.m.**

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

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Chris Sisney, Chairman  
Planning & Zoning Board