

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, APRIL 10, 2023**

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 10, 2023 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman - **LATE**
Susan Buhler, Vice Chairman
Esther Luchini, Member

ALSO PRESENT:

Bruce Swingle, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Lisa Gabaldon, Deputy Clerk

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) March 13, 2023

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

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

Chris Devlin spoke about the bridge across the river. He asked if this item would go before this board and if they had any recommendations. He thinks the plans need to be researched more.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

- a. Public Hearing/Discussion/Action: 120 Winston Variance/Special Use permit to allow for a Community Club House/Sound and Video Recording Studio/Gift Shop/Weekly Swap Meets/Special Events. Assistant City Manager Alvarez

Deputy Clerk Gabaldon swore in everyone.

Assistant City Manager Alvarez: Applicant is requesting a Special Use Permit for the purpose of a Community Club House/Sound and Video Recording Studio/Gift Shop/Weekly Swap Meets/Special Events per the provisions of 11-5-6. All property owners within a 300ft radius were notified of public

hearing. Property is located in the T-1 Zone – Commission has been provided applicable code references in your packet.

A special use permit is required for a special land use, which is not permitted by right within the District wherein it is requested.

In making a decision on a Special Use Permit Commission shall review the following factors and accord each factor the necessary weight on a case-by-case basis.

The increase in congestion of streets and other rights-of-way;

Diminishment of safety from fire, panic and other dangers;

Diminishment to the health and general welfare of the public;

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;

Adverse effects on provisions for transportation, water, sewer, schools, parks and other public facilities or increases in the effects of natural hazards;

Increases or facilitation of the unlawful use of structures, buildings or land; and

Promote the use or waste of energy in the use of structures, buildings, and land.

In addition, in considering each request, Commission shall make their recommendation based on the Finding of Facts as to the impacts of the proposal using the criterial listed on their findings of facts checklist.

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 proposed use.

Community Club House – Requires Special Use permit

Sound and Video Recording Studio – Not specified in the Code

Gift Shop – Not specified in code

Special Events — Not specified in the Code

Weekly Swap Meets – Requires Special Use/Potential Variance

T-1 Zone permitted uses include garage or yard sale or similar use. There (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days, applicant is requesting to host weekly swap meets.

With that, I stand for questions. The applicant is on the phone for any questions as well.

Chairman Sisney: And there is no one here to speak on either side, correct?

Assistant City Manager Alvarez: I have not received any proponents or opponents via email, phone calls, and no one has signed up.

Chairman Sisney: Alright, is there any discussion.

City Attorney Rubin: I think you should hear from the applicant. I think you did a good thing by identifying that there is no opposition. I applaud Ms. Alvarez for taking the step of notifying all of the property owners within a 300ft radius which is required by our ordinance. I'm assuming that no one has contacted you no one has indicated any opposition to this. And just for record, you might want to get some testimony from the applicant also and then you can proceed.

Chairman Sisney: Alright, thank you Mr. Rubin. And the applicant is Cindy. Would you go ahead and tell us just for the record so that we have it.

Cindy Bellelli: Sure. We're looking at doing a community club house. It's basically gonna be for a karaoke group with a karaoke system. We wanted to do a little club house for an optional place for people to do karaoke that does not have alcohol. Also a family recording studio that kind of goes with the karaoke so people can record themselves singing, that would be an option. Gift shop; a really small gift shop that would have t-shirts and local made stuff for the tourists. It would a small little area for a small gift shop. The weekly swap meets would be either a Saturday or a Sunday with different people to rent out a table space and it would be a covered area. We have 3600 foot building with 3 big RV doors that we can open

up so that people can have shade. Special events would be maybe having a band; something really small for like a talent show for locals to showcase their talents.

Chairman Sisney: Is there any questions from anyone on the board.

Member Luchini: Is there a noise ordinance for the music and the sound?

Assistant City Manager Alvarez: We do have a noise ordinance.

City Attorney Rubin: I do believe it is called a nuisance ordinance.

Assistant City Manager Alvarez: It could apply to really anything; anybody could call in.

Cindy Bellelli: I plan on wrapping things up early as an afternoon thing. There would be evening events.

Vice-Chairman Buhler: When you're having swap meets, would you be leaving things out from one swap meet to the next or would you be putting things away?

Cindy Bellelli: The swap meet would be held indoors and that would be an option if we did do a 2 day swap meet; the option would be that they could keep the stuff in but I'm probably looking at 1 day a week and everything is all locked up in a huge building.

Vice-Chairman Buhler: So it would be inside then, it wouldn't be outside.

Cindy Bellelli: Correct.

Vice-Chairman Buhler: Ok, thank you.

Member Luchini: You're using buildings that are existing there now?

Cindy Bellelli: Currently, we just bought the property in November. There's a greenhouse attached to one of the buildings, there's an apartment in one of the buildings, other than that, they're pretty much empty. I have heard that they have had multiple types of businesses here before.

Chairman Sisney: Any other questions.

Member Luchini: What is 300 feet in this picture?

Assistant City Manager Alvarez: No, we do it off of the County Assessors site and we do it 300 feet from their property points, not from the center of the property, but from the edges of the property we go out 300 feet to make sure that we get everybody. Otherwise, with a property this large, 300 feet would probably only include the applicant. We go from the edge of the property. I can tell you that all certified mailings went out and were signed off.

Member Luchini made a motion to make a recommendation to allow for 120 Winston Variance/Special Use permit to allow for a Community Club House/Sound and Video Recording Studio/Gift Shop/Weekly Swap Meets/Special Events.

Vice-Chairman Buhler seconded the motion.

Motion carried unanimously.

OLD BUSINESS:

- a. Discussion/Action: Review and recommendation of the adoption of a Planning & Zoning Commission Rules of Procedure

City Attorney Rubin read the draft adoption of Planning & Zoning Commission Rules of Procedure that he created to the board and went over the Battershell procedures with the board and he explained the information to them.

Chairman Sisney asked what a quorum is.

City Manager Swingle added that if they had a 2-1 vote on an item that does not meet the quorum.

City Attorney Rubin explained that it's a 5 person board, you have to have a minimum of 3 people present in order to conduct business. He went on to explain that should an occasion arise where there isn't a unanimous vote, it would go to the City Commission for them to make the ultimate decision.

Chairman Sisney made a motion to recommend the adoption of Planning & Zoning Commission Rules of Procedure.

Vice-Chairman Buhler seconded the motion.

Motion carried unanimously.

5. REPORTS FROM THE BOARD:

Chairman Sisney asked about Chris Devlin's comment about the bridge and why nothing has been brought before the board.

Assistant City Manager Alvarez stated that no plans have been submitted at this time that would come to the commission; as far as any development plans. If it's a subdivision development, it would come to the board; if it's an individual personal property that someone is developing, that doesn't come to planning & zoning. She clarified what a subdivision is to the board.

6. REPORTS FROM STAFF:

Assistant City Manager Alvarez stated that with the board now only having 3 members at this time, until they can solicit and get a couple of members, if one of the members are unable to attend a meeting, that cancels the entire meeting. Any public hearings that are scheduled and there isn't a quorum, it cancels everything for everyone and they have to start all over again. She asked the board to advise the City in advance if they will be unable to attend any future meetings so that they can take the public hearings directly to the City Commission. June 12, 2023 will be the next meeting as they are canceling the meeting for May 2023 due to budget meetings.

City Manager Swingle took the time to introduce Angie Gonzalez as the incoming City Manager.

Deputy Clerk Gabaldon advised the board that she gave the board a copy of the resignation letter from Member Alicea.

7. ADJOURNMENT:

Member Luchini made a motion to adjourn the meeting.

Chairman Sisney seconded the motion.

Motion carried unanimously.

