

**MINUTES**  
**Planning and Zoning Commission**

**Tuesday, September 7, 2010**

**County Administration Building**

**1400 Highway 180 East**

**Silver City, New Mexico**

**Commissioners Present**

Chair David Gershenson

Teri Matelson

Lori Ann Bonomo

Alice Jones

George Lundy

Gillian Sherwood

**Commissioners Absent**

Ken Foster

**Staff Present**

Peter Russell, Community Development Director

Andrew Sauer, Planner

Luan Mitchell, Planner

The regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm by Chair David Gershenson. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum was present.

**Approval of Agenda**

Andrew Sauer reported that item #3 on the agenda, a request for a Conditional Use permit, would not be heard as the applicant had not provided all the necessary information, and the agenda should be amended as such. Commissioner Jones moved to approve the agenda as amended. Commissioner Matelson seconded and the motion was passed unanimously.

**Approval of Minutes**

Commissioner Jones noted a typing error on page one and Luan Mitchell said she would correct it. Commissioner Bonomo moved to approve the minutes as corrected; Commissioner Jones seconded. The motion passed unanimously.

**Public Hearings**

VA 10-05 Request for a Variance to the parking regulations regarding drive-in banking services. It seeks to allow for four stacking spaces per drive-in window instead of the six stacking spaces per drive-in window required in Table 151.073(B) in the Land Use Code. The Property is located on a tract of land addressed as 1221 North Hudson Street, at the corner of North Hudson Street

and East 13<sup>th</sup> Street; Lots 7, 8, 9, 10, 11 & 12 of Block 240 of Fraser's Survey. The applicant is Jerry Palmer, architect for First Savings Bank.

Four people were sworn in for testimony. There was no ex parte conversation or conflict of interest on the part of any commissioner. Planner Andrew Sauer presented the case. Pam Weber of Weber Engineering explained the reasoning behind the variance request. After minor discussion, Commissioner Matelson moved to approve VA 10-05. Commissioner Lundy seconded. The motion passed by unanimous roll call vote.

CU 10-03 Request for a Conditional User permit to allow a child care center in a Residential A zone. Currently, this type of use is allowed in Residential A only with a Conditional Use permit, according to the amended Land Use Code Table 151.031. The property is located on a tract of land addressed as 1129 West Street, at the corner of West Street and 12<sup>th</sup> Street, described as the Northwest ¼ of the North ½ of Cemetery Block, according to Fraser's Survey. The applicant is Robert Rydeski and Blancett's Little Hands, LLC.

Five people were sworn in for testimony. There was no ex parte conversation or conflict of interest on the part of any commissioner. Commissioner Jones stated that she is an employee of Western New Mexico University Early Childhood Program, which also runs a child care center very near the subject site, but she felt no conflict of interest. Peter Russell mentioned that he lives directly across the street from the site of the proposed child care center, but he felt no conflict of interest and would not be voting on the issue.

Andrew Sauer presented the case to the commissioners. Mr. Robert Rydeski, as owner of the building gave testimony, as did William Knuttinen and Tosha Blancett co-owners of Blancett's Little Hands.

Commissioner Jones moved to approve CU 10-03 with the following conditions:

1. Section 151.032(A)(9) in the Land Use Code:
  - a. A zoning permit shall not be issued until the applicant has submitted evidence of a valid certificate of license by the New Mexico Department of Children, Youth and Families. After approval, a copy of an annual report with evidence of continuing certification or licensing shall be submitted to the Community Development Director in January of each year.
  - b. Adequate provisions shall be made for access by emergency medical and fire vehicles.
  - c. Any outdoor play area that is within or adjacent to a residential zoning district or residential use shall be enclosed by an opaque fence of four feet in height or a chain link fence that is six feet in height, with at least one latched gate for an emergency exit.
  - d. Outdoor play equipment must be safe and securely anchored.
  - e. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets.
  - f. Energy-absorbing surfaces shall be installed beneath climbing structures, swings and slides.
2. All requirements of the International Fire Code, 2009 Edition, must be met.
3. The applicant will need to complete a relocation application to change the address of their current business registration to their new address.

4. The applicant shall shroud the exterior lights on the day care center to cast the light downward and reduce glare on surrounding properties.

Commissioner Matelson seconded the motion and it was approved by unanimous roll call vote.

**New Business**

None

**Reports from Staff**

None

**Reports from Commission**

Commissioner Lundy passed out copies of the Town of Silver City organizational chart to the members of the commission and to one member of the audience who requested one.

**Adjournment**

Commissioner Lundy moved to adjourn the meeting. Commissioner Jones seconded and the motion passed unanimously. The meeting was adjourned at 7:47 pm.

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David Gershenson, Chair  
Planning & Zoning Commission

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Approved October 5, 2010