

MINUTES
Planning and Zoning Commission

Tuesday, October 5, 2010

County Administration Building

1400 Highway 180 East

Silver City, New Mexico

Commissioners Present

Chair David Gershenson

Teri Matelson

Lori Ann Bonomo

Ken Foster

George Lundy

Commissioners Absent

Alice Jones

Gillian Sherwood

Staff Present

Peter Russell, Community Development Director

Luan Mitchell, Planner

David Farley, Building Inspector

The regular meeting of the Planning and Zoning Commission was called to order at 7:15 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

Commissioner Lundy moved to approve the agenda as written. Commissioner Bonomo seconded and the motion was passed by unanimous vote.

Approval of Minutes

Commissioner Matelson moved to approve the minutes of the September 7, 2010, meeting as written. Commissioner Lundy seconded and the motion was passed unanimously.

Public Hearings

A. CU 10-05 A request for a Conditional Use Permit to allow a child care center in a Residential B zone, (Use Table 151.031 of the Land Use Code). The property is addressed as 1920 Little Walnut Road, Silver City, and described as all that part of the NE ¼ SW ¼ of Section 34, T17S, R14W, Town of Silver City, Grant County, New Mexico. The applicant is Silver City Church of Christ.

Four people were sworn in for testimony. There was no ex parte conversation or conflict of interest on the part of any commissioner. Luan Mitchell presented the case. Catherine Tanner, representative of the

applicant, explained the need for more after school child care centers and how the children would be brought to the church after school. She said the Children, Youth and Families Department had inspected their site and they were just waiting for the Conditional Use Permit to be approved to issue the license. Commissioner Matelson moved to approve Conditional Use Permit CU 10-05 with no conditions. Commissioner Lundy seconded and the motion was passed with a unanimous roll call vote. Chair Gershenson noted that the decision could be appealed with notice given within 15 days.

VA 10-06 – A request for a variance to allow an accessory building larger than 600 square feet (Section 151.032(B)(5)(f) of the Land Use Code). The property is located on a tract of land in a Residential A zone addressed as 1202 Mississippi Street, described as the West 37 ft of the East 70 ft of Lots 10 and 12, Block 202, Fraser’s Survey in the Town of Silver City, New Mexico.

Fourteen people were sworn in for testimony. There was no ex parte conversation or conflict of interest on the part of any commissioner. Luan Mitchell presented the case. Ms. Adams, applicant, explained the reason for the request with a power point presentation. Four people spoke in opposition to the Variance; one spoke in favor of it.

Commissioner Matelson moved to approve Variance VA 10-06 with the condition that the accessory building not be used for residential purposes. Commissioner Lundy seconded. A roll call vote was taken. Commissioner Bonomo voted against approval. Commissioners Foster, Lundy, Gershenson and Matelson voted in favor of approval. The motion was passed four to one. Chair Gershenson explained that the decision could be appealed within 15 days.

New Business

None

Reports from Staff

None

Reports from Commission

Chair Gershenson announced that election of officers should have taken place in July, but since they had not, elections would be held at the November meeting.

There followed considerable discussion of the case, the findings and solar rights. Ms. Adams asked about an appeal and Peter Russell explained the process and agreed to meet with Mr. and Mrs. Adams to go over it in detail.

Community Input

None

Adjournment

Commissioner Lundy moved to adjourn the meeting. Commissioner Matelson seconded and the motion passed unanimously. The meeting was adjourned at 10:15 pm.