



MINUTES

Planning and Zoning Commission

Tuesday, February 1, 2011
County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Alice Jones, Chair
George Lundy
Alexandra Perrault
Sherry Clements
Nickolas Seibel

Commissioners Absent

Lori Ann Bonomo

Staff Present

Peter Russell, Community Development Director
Luan Mitchell, Planner

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

Approval of Agenda

Luan Mitchell announced a change in the agenda. The presentation by the Mayor's Climate Change Committee was postponed until the March meeting. Commissioner Seibel moved to approve the agenda as amended. Commissioner Lundy seconded and the motion passed unanimously.

Approval of Minutes

Commissioner Perrault moved to approve the minutes of the January 4, 2011, meeting after correction of a small typing error. Commissioner Lundy seconded and the motion passed unanimously.

Old Business

None

Presentation

Chair Alice Jones presented a plaque to former commissioner David Gershenson in recognition of his seven years of service on the commission. She stated that plaques had also been prepared for Doug Abbott, Teri Matelson, Ken Foster and Gillian Sherwood, who were unable to attend the meeting.

New Business

None

Public Hearings

ZC 11-01 Map Amendment/Zone Change request from Commercial to Historic Downtown Commercial for property described as the east 82 feet of lots 13 and 15, Block 65 of the Fraser's Addition and addressed as 505 W Yankie Street, Silver City, NM. The applicants are Ben K and Susan M Sherman.

Three people were sworn in for testimony. There was no ex parte communication or conflict of interest on the part of any of the commissioners. Luan Mitchell presented the staff report, noting that when the zoning maps are redrawn according to the new zone designations mandated in the Land Use and Zoning Code of 2010 the area where Mr. Sherman's property is will most likely be rezoned Historic Downtown Commercial. Mr. Sherman testified about the difficulty in getting a mortgage on a residential property in a commercial zone, and noted that there is a mix of residential and commercial uses in the neighborhood. There was no opposition to the request expressed.

Commissioner Seibel moved to recommend approval of ZC 11-01 to the Town Council, offering finding #4, The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code; and finding #5, The proposed amendment responds to changed conditions, such as changes in assumptions on capital investments, road locations, population trends, land committed to development, density, use, or further studies that have been completed since adoption of the Land Use Code, as having been met. Commissioner Lundy seconded. The motion was passed unanimously. Chair Jones explained that the Notice of Decision must be given within 15 days, after which the application will be heard by the Town Council.

VA 11-01 Request for a Variance to allow a 0-foot setback in an Industrial zone where 50-foot street and rear setbacks are required per Section 3.4.2 of the Land Use and Zoning Code of 2010. The property is addressed as 307 S Bullard Street, Silver City, New Mexico. The applicant is Stuart Egnal, agent for Ray F. Leon, Jr., owner.

Three 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 staff report and Mr. Egnal testified, stating that the variance would make no difference to where or how he conducts his business, but would affect the comfort and well-being of his employees. There was discussion about the necessity of putting slats in the chain link fence or some other sort of screening, and what part of the fencing it should be on. Commissioner Clements noted that since the screening was not for noise abatement or safety, it might not be necessary. Commissioner Jones was of the opinion that removing the barbed wire from the top of the fence would do more to improve the appearance of the site.

Commissioner Seibel moved to approve VA 11-01 with all seven findings having been met, and the condition that the barbed wire be removed from the fence. Commissioner Lundy seconded. In discussion Commissioner Perrault stated her opinion that the proposed condition to remove the barbed wire was not strictly connected to the purpose of the variance and asked for an amendment to the motion. The motion was amended to approve the variance request with no conditions, and was passed by unanimous vote.

Reports from Commission

None

Reports from Staff

None

Adjournment

Commissioner Seibel moved to adjourn the meeting. Commissioner Perrault seconded and the motion passed unanimously. The meeting was adjourned at 8:10 pm.

Alice Jones, Chair
Planning & Zoning Commission

Approved April 5, 2011