



MINUTES

Planning and Zoning Commission

Tuesday, July 5, 2011
Town Hall Annex
1203 N. Hudson Street
Silver City, New Mexico

Commissioners Present

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

Commissioners Absent

Staff Present

Peter Russell, Community Development Director
Luan Mitchell, Planner
Jim Coates, Planner

Also Present

Charlie Deans, Community By Design

The meeting of the Planning and Zoning Commission was called to order at 7:03 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

Commissioner Clements moved to approve the agenda as presented. Commissioner Koest seconded and the motion passed unanimously.

Approval of Minutes

Commissioner Perrault moved to approve the minutes of the May 3, 2011, meeting as written. Commissioner Clements seconded and the motion passed unanimously.

Old Business

None

New Business

None

Public Hearings

VA 11-03 A request for a Variance to allow an 1800 sq ft accessory building where a maximum accessory building size is 875 sq. ft. The property is addressed as 4425 Langstroth, Silver City, NM. The applicant is John H. Callahan, owner.

Six people were sworn in for testimony. There was no ex parte communication or conflict of interest on the part of any of the commissioners. Jim Coates presented the staff report that was written by Luan Mitchell, noting that the applicant was requesting a Variance to the maximum allowed square footage of an accessory building. Mr. Callahan's lot is 24,500 square feet, which is more than one-half acre. The Land Use and Zoning Code of 2010 [3.3.2 E) 6] limits the size of an accessory building in a residential zone to a maximum of 50% of the gross floor area of the principal structure on parcels one-half acre or larger. The principal structure on Mr. Callahan's lot is 1,750 square feet, which would only allow him an accessory building of 875 square feet. Mr. Callahan would like to use the building as mother-in-law quarters and shop space for personal use in which light fabrication and personal automotive repairs will be done. He feels 875 square feet would not be enough for his needs and is requesting the variance to allow him to increase the building size by 925 square feet. There is currently a carport in the area where the proposed accessory building will be located. The carport will be removed. A recommended condition for approval of the variance was that a drainage plan must be completed before construction begins.

Commissioner Lundy asked what the term drainage plan means to the Community Development Department. Peter Russell explained that it is a plan describing how water runoff will be managed to protect neighbors when non-permeable surfaces are increased, and that it would be a requirement of the building permit. The Town Engineer would review it and sign his approval on the building permit application.

Mr. Callahan presented his case to the commission, stated the reasons he believed the seven findings could be met, and answered various questions. He said he would build two smaller buildings instead of the one large one if that were necessary, but his intent was to save money on utility construction costs. There was no other testimony in favor of the variance.

Mrs. Dana Nupp testified that she thought the proposed building was too large for the lot and she was concerned that in the future someone might use the shop as a "shade tree mechanic." Mr. Thomas Nupp testified that he is not in opposition to the accessory building, but he believes it to be too big.

Commissioner Perrault moved to approve VA 11-03, with two conditions: 1) a drainage plan must be approved before construction begins, and 2) the structure must be placed where it is shown on the plat or the applicant shall come back before the commission for further review. Commissioner Lundy seconded the motion. In discussion Chair Jones noted that the motion as presented did not include a reading of the findings. Commissioner Lundy moved to amend the original motion to include the seven findings.

The findings were read for the record, and Chair Jones seconded the motion, which was approved unanimously by roll call vote.

A roll call vote was taken on the motion to approve VA 11-03. Commissioners Jones, Lundy, Perrault, Clements and Seibel voted in favor of approval; Commissioner Koest voted against, and the measure passed five to one.

Community Forum

Charlie Deans of Community By Design was in attendance to give a presentation on the Downtown Action Plan, but as CATS was unavailable to tape the meeting, he was asked to return in August for that presentation.

Reports from Staff

Peter Russell commented that there was no town fireworks display on July 4th and no fireworks were sold.

Reports from Commission

Chair Jones asked that reports from staff include notice of decisions made by the Town Council on Planning Commission recommendations, and Jim Coates reported that the Council had approved ZC 11-02 for Kirsten Laney.

In view of the closing of Toy Town and the burning of Penny Park, Chair Jones asked everyone to consider the question, "Are we a child-friendly town?" Commissioner Seibel mentioned that there is a group of young people who are organizing to support a new Penny Park.

Adjournment

Commissioner Seibel moved to adjourn the meeting. Commissioner Clements seconded and the motion passed unanimously. The meeting was adjourned at 8:42 pm.

Alice Jones, Chair
Planning & Zoning Commission

Approved September 6, 2011