



## MINUTES

### Planning and Zoning Commission

Tuesday, December 6, 2011  
Grant County Administration Building  
1400 Hwy 180 East  
Silver City, New Mexico

#### **Commissioners Present**

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

#### **Commissioners Absent**

None

#### **Staff Present**

Luan Mitchell, Planner  
Jim Coates, Planner

The meeting of the Planning and Zoning Commission was called to order at 7:05 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 Koest moved to change the agenda to have Item #4, ZC 11-05, as the first public hearing on the agenda. Commissioner Clements seconded and the motion passed unanimously.

#### **Approval of Minutes**

Commissioner Lundy moved to approve the minutes of the November 1, 2011, meeting. Commissioner Perrault seconded and the motion passed unanimously.

#### **Old Business**

None

#### **Public Hearings**

**ZC 11-05** A request for a Map Amendment/Zone Change from Commercial to Mixed Use Zone for a tract of land addressed as 1113 Bennett St, Silver City, New Mexico. The applicant is David Horcasitas.

There was no conflict of interest or ex parte conversation on the part of any commissioner. Two people were sworn in for testimony. Luan Mitchell presented the case and read the staff report. The applicant wishes to change the zoning of his property to make it easier to sell. Judy Ward spoke as representative for Mr. Horcasitas who could not be at the meeting due to road conditions in Albuquerque, where he lives. Ms. Ward stated that she believed Findings 2, 4, 5 and 7 could be met; only one finding is required to be met for a Map Amendment/Zone Change. Commissioner Clements asked about the age of the house. Ms. Ward said she did not know but thought it was 50 years old at least.

Commissioner Lundy commented that the new zoning designation of Mixed Use was a good example of government working and moved to recommend approval of the zone change request to the Town Council. Commissioner Koest seconded. The matter was passed by a unanimous voice vote.

**VA 11-05** A request for a Variance to allow a perimeter wall over six feet in height at a tract of land addressed as 1806 N Alabama St, Silver City, New Mexico. The applicant is Robert Eagle.

There was no ex parte conversation on the part of any commissioner. Commissioner Clements recused herself as she is personal friends with the applicant and also owns property in the area concerned.

Jim Coates presented the case and read the staff report. Mr. Eagle is requesting the Variance to help mitigate the noise from traffic on Alabama Street. Most of the wall will be six feet or less, but due to the slope of the land, it may need to be higher in certain areas. In no case will it be higher than eight feet. Mr. Eagle has started construction on the wall and will build it to six feet as is allowed by the Land Use Code. If that eases the noise level, he will not build it higher, but he has installed footings and rebar for a taller wall if necessary.

Commissioners questioned why engineering was not made a condition if the wall goes above six feet, why a height limit was not given and if there would be a sight problem for vehicles backing out of the driveway. Mr. Coates answered that the engineering would be part of the building permit process, there is nothing in the Land Use Code that says a height must be stipulated, and the property is not on a corner so the clear-sight triangle does not apply. Commissioner Seibel doubted that finding #1 could be met as the noise level is the same for all residents of Alabama Street. Mr. Eagle responded that the noise is not the unique problem, but the fact that his house sits nearly 36 inches below the level of the street and he is doubtful a six-foot wall would suffice. Commissioner Seibel thought the neighbors would also have the problem of grade. Mr. Eagle said the houses on either side are not at the same elevation. He also stated that he has talked with city officials and tried to get them to do something to remediate the problem of speeding vehicles and nothing has been done so he has decided to do what he can by himself.

Commissioner Seibel moved to approve VA 11-05 with the condition that the wall be no higher than eight feet on the north and south sides of the property and no higher than six-

feet on the west or Alabama street front side. Commissioner Lundy seconded. The motion passed unanimously with Commissioner Clements abstaining.

There followed much discussion about the problems of Alabama Street with the suggestion that the Planning and Zoning Commission feature a discussion of the problems at a future Community Forum segment of a Planning and Zoning meeting, with Town staff and perhaps a traffic engineer.

**CU 11-03** A request for a Conditional Use Permit to allow an antenna to be placed on an existing wireless telecommunications tower at the Southwest Concrete and Paving facility on Hilltop Road, Silver City, New Mexico. The applicant is Verizon Wireless.

There was no conflict of interest or ex parte conversation on the part of any commissioner. Two people were sworn in for testimony. Luan Mitchell presented the case and read the staff report. According to Table 3.2 of the Land Use and Zoning Code of 2010, telecommunications towers and facilities are only allowed by right in Commercial-Highway and Industrial zoned areas. 1995 Hilltop Road is zoned Rural therefore necessitating the Conditional Use Permit.

Reg Destree, representative for Verizon Wireless, testified that the antennas would be placed on an existing telecommunications pole, with six antennas outside and three antennas inside. The additional antennas are necessary to handle increased usage and demand, and a facility closer to town is necessary to provide better reliability and better capacity for data products being used by Verizon's customers. He stated that as the pole has been in place for several years, the addition of more antennas would not affect the surrounding property values. He noted that the health and welfare of the Town will not be jeopardized by the new antennas, but instead may increase safety and welfare as cell phones are frequently used in emergencies, and further, the use will be in conformity with the town's Comprehensive Plan as the area, while zoned Rural, is adjacent to Commercial zones and it is unlikely they will ever be changed to any type of residential zone. Also, since the tower is already in existence, it complies with the Plan's preference for co-location of facilities.

Chair Jones referred to the new Land Use Code that states telecommunications towers that are visible from Residential A and B areas must be screened or camouflaged. There was some question if that affected the current permit since the pole itself had been there since before the new Land Use Code went into effect.

Commissioner Seibel moved to approve CU 11-03 with the condition that the antennas and radome be painted to blend with the pole. Chair Jones seconded and the motion was passed unanimously.

**ZC 11-04** A request for a Map Amendment/Zone Change from Commercial to Mixed Use Zone for a tract of land addressed as 1400 N Corbin St, Silver City, New Mexico. The applicant is Jeff Reese.

There was no conflict of interest or ex parte conversation on the part of any commissioner. Two people were sworn in for testimony. Luan Mitchell presented the case and read the staff report. Mr. Reese testified that he was requesting the zone change because the use of the property is residential like so many others in the area. He wishes to continue its use a residential without any encumbrances. He stated he felt that Findings #2, #4, #5 and #7 were all met. The commission agreed. Commissioner Perrault moved to recommend approval of ZC 11-04 to the Town Council with no conditions. Commissioner Seibel seconded and the motion was passed by unanimous voice vote.

### **New Business**

None

### **Community Forum**

None

### **Reports from Staff**

Jim Coates explained the difficulties in changing the zoning maps and why progress has not been made on that. Several commissioners commented that they thought the new maps should be made a priority.

### **Reports from Commission**

Commissioner Seibel reported on a Department of Transportation Department workshop that he and Jim Coates attended. One idea in particular was a “woonerf,” which is a street with no sidewalks and no differentiation between uses. One can park, walk, drive, or bike anywhere. He thought 11<sup>th</sup> Street where the new HMS building is being constructed might be a possible place to experiment with a woonerf.

Commissioner Perrault asked about progress on Penny Park. Commissioner Seibel said there has been reluctance by Town officials to discuss the situation and there have been delays with permits, etc. Chair Jones said she had met with the Mayor about the park and came away feeling encouraged about the kind of thinking that is going on about such things as shade structures, water features, and security issues. The mayor also feels that the town needs a performance space but doesn’t think Penny Park is the right place because of limited parking. One site being considered for that is La Capilla.

Commissioner Seibel mentioned that it is council election time and there are three councilors and the mayor up for election. Councilor Thomson has decided he will not run again and he encouraged anyone who has an interest to run for District 2.

### **Adjournment**

Commissioner Perrault moved to adjourn the meeting. Commissioner Seibel seconded and the motion passed unanimously. The meeting was adjourned at 9:30 pm.

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Alice Jones, Chair  
Planning & Zoning Commission

Approved January 3, 2012