



MINUTES

Planning and Zoning Commission

Tuesday, May 1, 2012
Grant County Administration Building
1400 Hwy 180 East
Silver City, New Mexico

Commissioners Present

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

Commissioners Absent

John Tafoya
Rodger Koest

Staff Present

Jim Coates, Planner
Jaime Reading, Planner

The regular 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

Public Hearing CU 12-02 was removed from the agenda. Commissioner Lundy moved to approve the agenda as amended. Commissioner Perrault seconded and the motion passed unanimously.

Approval of Minutes

Commissioner Perrault requested the sentence, on page 3, under Public Hearing DA 12-01, "The commissioners were pleased with the new development on the property", be removed. Commissioner Lundy moved to approve the minutes of the April 3, 2012, meeting as amended. Commissioner Clements seconded and the motion passed unanimously.

Old Business

None

Public Hearings

CU 12-01 is a request for a Conditional Use permit to allow telecommunications antennas to be attached to an existing pole in a Rural zone. Telecommunication facilities

are allowed in Rural zones only with a Conditional Use permit, according to the Land Use Code Table 3.2.

Three people were sworn in for testimony. Jaime Reading presented the case and read the staff report. Mrs. Natalie Chadborn spoke as the representative for Sean Milks and T-Mobile.

Mrs. Chadborn testified that the application meets all four findings required by the Land Use Code of 2010. The pole will not be increased in height or width. The value of neighboring properties will not be affected because the pole is in the correct zone and already in place.

Chairperson Jones requested further information on the structural analysis of the monopole. She questioned; the wind rating, the lack of twist and sway data, the fact that deflection and rotation were not considered and the amount of additional weight added to the pole. Chairperson Jones also stated that the anchor bolts were close to their maximum capacity and questioned adding additional weight to the pole.

Mrs. Chadborn stated that she could contact Mr. Milks by telephone to answer Chairperson Jones' questions. Commissioner Seibel moved to table CU 12-01 until later in the meeting. Commissioner Clements seconded and the motion passed unanimously.

ZC 12-03: A request for a Map Amendment/Zone Change for a tract of land addressed as 101 N. Bayard Street, Silver City, NM. The request is to amend the Official Zoning Map for that property described as the East part of Lots 1 and 3, Block 62 of the Fraser's Survey of the Townsite of Silver City. The request is to amend the Official Zoning Map from Commercial District to Historic Downtown Commercial District. The applicant is Leslie D. Rubin.

Three people were sworn in for testimony. Jim Coates presented the case and presented the staff report. Ms. Sylvia Mikes spoke as the applicant's representative.

The property is under contract for sale and the lender requires that the property be zoned for residential use.

Commissioner Seibel questioned the progress of the rezoning process and the public input that has been obtained. Mr. Coates stated that one public meeting has been held and the response was "primarily overwhelmingly positive responses." The larger map change will be before the Commission at the June meeting and the Town Council in July. The block the residence is located on will be included in the proposed area to be changed to Historic Downtown Commercial. Commissioner Perrault questioned the lenders' satisfaction with the zone changes. Ms. Mikes stated as long as the property "is a multi-use they will accept it because it is not just strictly commercial." Ms. Mikes stated that in this case, the area is mostly residential and that finding number seven applies.

Commissioner Seibel moved to approve ZC 12-03 as it meets finding 7 presented by staff: The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

Commissioner Perrault seconded the motion. The matter was passed by a unanimous voice vote.

Commissioner Seibel moved to re-open Public Hearing CU 12-01. Commissioner Clements seconded. Chairperson Jones stated a preference to complete the second zone change first. Commissioner Seibel withdrew his motion and Commissioner Clements withdrew her second.

ZC 12-04: A request for a Map Amendment/Zone Change for a tract of land addressed as 608 West Yankie Street, Silver City, NM. The parcel is described as all of the East 36.50 feet of Lots 2, 4, 6, and 8, and part of the West 35.00 feet of Lots 1, 3, 5 and 7 of Block 97 of the Fraser's Survey of the Townsite of Silver City. The request is to amend the Official Zoning Map from Commercial District to Historic Downtown Commercial District. The applicant is Carmon Steven.

Three people were sworn in for testimony. Jim Coates presented the case and read the staff report. Carmon Steven spoke as her own representative.

Ms. Steven stated that finding number seven best fit her case. She stated that she would have waited for the major zone change but needed to lock-in her mortgage rate.

Commissioner Clements moved to approve ZC 12-04 as it meets findings 1, 2, 4 and 7 presented by staff:

1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan;
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan;
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;
7. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

Commissioner Seibel seconded the motion. The matter was passed by a unanimous voice vote.

Commissioner Seibel moved to re-open CU 12-01. Commissioner Clements seconded and the motion passed unanimously.

Mrs. Chadborn stated that Sheet A-4 of the included drawings showed that both the antennas and coax cable will be inside the monopole, not on the outside. Because of this, the twist and sway information is not applicable. The monopole was built to handle four carriers at one time and was built to federal guidelines. T-Mobile will be the third carrier on this pole. Mrs. Chadborn also stated that the twist and sway applies to self-supporting poles. Monopoles are a "solid, single stack" and will not have the twist and sway of a self-supporting pole. The engineer certified the existing pole for four carriers. Mrs. Chadborn addressed the four required findings stating that all four were met by the proposed Conditional Use application.

Commissioner Perrault moved to approve CU 12-01 with all four required findings:

1. Will not endanger the public health or safety
2. Will not injure the value of adjoining or nearby properties
3. Will be in harmony with the area in which it is located, and
4. Will be in conformity with the Town's Comprehensive Plan, or other plans officially adopted by the Town.

Commissioner Seibel seconded the motion. He also pointed out that the proposal did not add an additional cell tower to the community, but "used existing infrastructure to provide better service." The matter was passed by a unanimous voice vote.

New Business

The Commission held an election of officers. Chairperson Jones nominated Sherry Clements for Chair. She stated that Commissioner Clements has shown "a dedication, studiousness and temperamental qualities that are important in a Chairman."

Commissioner Lundy seconded the motion and it passed by unanimous voice vote.

Commissioner Perrault nominated Commissioner Seibel as Vice-Chair. Commissioner Clements seconded the motion.

Chairperson Jones nominated Commissioner Perrault as Vice-Chair. Commissioner Seibel seconded the motion.

Commissioner Perrault was elected as Vice-Chair by a unanimous voice vote.

Community Forum

None

Reports from Staff

Jim Coates reported that Commissioner Koest has resigned from the Commission. Mr. Coates also reported that the changes to the Zoning Map are going forward and will be presented at the June meeting.

Reports from Commission

Chairperson Jones stated that there are additional vacancies on the Commission and encouraged community members to apply.

Commissioner Lundy presented an award to Chairperson Jones for her years of dedicated service to the commission. Commissioner Perrault also read a statement thanking Chairperson Jones for her service. Commissioner Seibel also thanked Chairperson Jones for her service and contribution to the Planning and Zoning Commission.

Commissioner Jones thanked the Commissioners for their statements.

Community Input

None

Adjournment

Commissioner Seibel moved to adjourn the meeting. Commissioner Clements seconded and the motion passed unanimously. The meeting was adjourned at 8:17 pm.

Sherry Clements, Chair
Planning & Zoning Commission

Approved June 5, 2012