



MINUTES

Planning and Zoning Commission

Tuesday, June 5, 2012
Grant County Administration Building
1400 Hwy 180 East
Silver City, New Mexico

Commissioners Present

Sherry Clements, Chair
Alexandra Perrault, Vice-Chair
George Lundy
Nickolas Seibel
Lita Furby

Commissioners Absent

John Tafoya

Staff Present

Peter Russell, Community Development Director
Jim Coates, Planner
Jaime Reading, Planner

The regular meeting of the Planning and Zoning Commission was called to order at 7:04 pm by Chair Sherry Clements. 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 Perrault seconded the motion. A vote was not taken.

Approval of Minutes

Commissioner Seibel moved to approve the minutes of the May 1, 2012, meeting as written. Commissioner Perrault seconded the motion. A vote was not taken.

Old Business

In reference to CU 12-01, Commissioner Perrault stated that she had concerns about the safety of the people who would install the antennas on the telecommunications pole.

Public Hearings

ZC 12-05 A Zone Change request for numerous tracts of land in the Silver City and Chihuahua Hill historic overlay districts. The request is to amend the Official Zoning Map for the following properties from their current zoning to the Historic Downtown Commercial zoning district. The map amendment/zone change includes:

- all of Blocks 8, 19, 20, 31, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 91, 92, 93, 94, 95, 96, 97, 98, 105, 106, 127, 128, 141, 142, 163, 164, 179, 180, and 200 of the Fraser Survey of the Town of Silver City;

- Block 9, exclusive of the vacated portion of Bullard Street, of the Fraser Survey of the Townsite of Silver City;
- the south half of Blocks 99, 100, 101, 102, 103, and 104 of the Fraser Survey of the Townsite of Silver City;
- the east half of Blocks 7, 10, 18, 21, 30, 104, 129, 140, 165, 178, and 201 of the Fraser Survey of the Townsite of Silver City;
- the north half of Blocks 26, 27, 28, 29, and 30 of the Fraser Survey of the Townsite of Silver City;
- the northwest quarter of Block 178 of the Fraser Survey of the Townsite of Silver City;.
- those parcels in the southeast portion of the rezone area, within an area of the Fraser's Survey of the Townsite of Silver City delineated on the north by Spring Street, on the west by Bullard Street, on the south by a line extending from the south side of San Vicente Street, and on the east by a line extending from the east side of Main Street, such parcels being those with the following Grant County, NM, Property Codes: 3-081-103-198-375, 3-081-103-192-377, 3-081-103-202-379, 3-081-103-208-382, 3-081-103-202-384, 3-081-103-205-388, 3-081-103-196-399, 3-081-103-206-401, 3-081-103-196-412, and 3-081-103-193-425;
- all of Blocks 1 and 44 of Black's Subdivision; and
- the south half of Blocks 2 and 45 of Black's Subdivision.

The applicant is the Town of Silver City.

Commissioner Seibel stated that he had been present in Mr. Coates' office when a property owner was discussing the zone change. No other commissioners had any ex-parte communication or conflict of interest. Two people were sworn in for testimony. Jim Coates presented the case and staff report.

Bruce McKinney has submitted a counter-proposal to the Town's rezoning proposal. Commissioner Furby asked for clarification of the residential areas added by Mr. McKinney's proposal. Mr. Coates presented a map of the proposal submitted by Mr. McKinney to clarify the residential areas proposed by Mr. McKinney. Commissioner Seibel asked what would become of the jail facility on Black Street. Mr. Russell answered Commissioner Seibel by stating that it is county owned property and not subject to zoning. Mr. Russell also explained why the zone lines run mid-block instead of in the street. Commissioner Lundy stated that the rezoning project needs to have "some parameters" in order for the project to remain manageable.

The staff also received another letter from a property owner who wanted to be excluded from the zone change and have his property converted to Residential B. Mr. Coates stated that the property owner was concerned that residences would not be allowed in the new zone. Mr. Coates has explained to the property owner that residences were allowed in the new zone and the property owner has not contacted the Community Development Department further.

Commissioner Lundy asked for clarification about the number of property owners contacted for the meetings. Mr. Coates explained that the 399 property owners have received two letters; one for the Open House and one for the Planning and Zoning Commission Meeting. Mr. Coates also stated that seventeen people attended the Open House at the Silco Theater.

Commissioner Perrault asked for clarification on the petition that may result in an additional application. Mr. Coates explained that the Community Development Department has contacted the property owners who signed the petition and requested deeds for the application and to discuss the issue further. These properties are not included in the current zone change proposal.

Commissioner Lundy asked how many “person weeks of work” went into the zone change. Mr. Coates stated that it took approximately eight to ten person weeks of dedicated time for the project. Commissioner Perrault asked how many signs were posted. Mr. Coates answered that it was prohibitive to place a sign on each piece of property that was affected. Flyers were produced, notice was placed in the newspaper and letters were sent to the property owners in the zone and within a 300 foot radius outside the zone change.

Commissioner Seibel asked what the next step would be in the process. Mr. Coates stated that the Mixed-use district on the east side of Hudson would be the next project as well as the edges of the Historic Downtown Commercial District. Mr. Russell stated that the department is beginning with the areas that have had several zone change requests by individual property owners. He stated that there are four commercial categories that will be implemented. Commissioner Seibel asked how the properties along the edges of the boundaries will be handled. Mr. Russell stated that the Town will work with the individual property owners to adjust them. The fee has been waived for this type of application temporarily.

Commissioner Perrault had concerns about the zone boundaries being drawn within the blocks instead of down the street. She stated, “Having the buffer of a street in between the two zonings would make more sense.” Mr. Russell stated that this initiative was correcting the portions of the Town that were already zoned commercially. He also stated that the zones do not have to use the middle of the block. Mr. Russell stated that the issue between the mid-block or street line borders could be dealt with in the editing phase. Commissioner Seibel stated that the mid-block border helps to “dictate the character of a neighborhood”. Chairperson Clements agreed with Commissioner Seibel that the mid-block line helps maintain the “feel” of the street. Commissioner Lundy stated that most of the mid-block changes run along the rear of the properties. He stated, “A sense of place is achieved by what you are driving through, or what you are riding your bicycle through or what you are walking through not what’s happening across rear fences.” He supported the idea of the lines running across the rear of the properties.

Chairperson Clements asked if property owners could change a group of properties with one application. Mr. Russell stated the Town would work with properties either individually or in groups to adjust the edges as requested.

Mr. Coates testified it is the Staff’s opinion that the application meets the following findings;

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 Lundy moved to approve ZC 12-05 and make a recommendation for approval to the Town Council as it meets the following findings;

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. He recommended no additional conditions. Commissioner Seibel seconded the motion and it passed by a unanimous voice vote.

New Business

None

Community Forum

None

Reports from Staff

Jim Coates thanked Chairperson Clements for recruiting new commissioners and thanked Commissioner Furby for joining the commission.

Reports from Commission

Commissioner Lundy stated that this would be his last meeting as a commissioner. Chairperson Clements presented Commissioner Lundy with a recognition plaque for his years of service. Commissioners Perrault and Seibel also thanked Commissioner Lundy for his service.

Community Input

A member of the community stated that he wanted to meet with Staff after the meeting for more clarification on the terminology.

Adjournment

Commissioner Perrault moved to adjourn the meeting. Commissioner Clements seconded and the motion passed unanimously. The meeting was adjourned at 8:30 pm.

Sherry Clements, Chair
Planning & Zoning Commission

Approved September 4, 2012