



MINUTES

Planning and Zoning Commission

Tuesday, August 6, 2013
Grant County Administration Building
1400 Hwy 180 East
Silver City, New Mexico

Commissioners Present

Nickolas Seibel, Vice Chair
Lita Furby
Carl A. Waterman
John Lawson

Commissioners Absent

Sherry Clements, Chair

Staff Present

Jim Coates, Planner
Jaime Embick, Planner

The regular meeting of the Planning and Zoning Commission was called to order at 7:01 pm by Vice Chair Nickolas Seibel. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum was present.

Approval of Agenda

Commissioner Waterman moved to approve the agenda as submitted. Commissioner Furby seconded the motion. A vote was taken and the agenda was approved as submitted.

Approval of Minutes

Commissioner Waterman moved to approve the minutes of the June 2, 2013, meeting as written. Commissioner Lawson seconded the motion. A vote was taken and the minutes were approved as written.

Public Hearings

ZC 13-04: a request for a Map Amendment/Zone Change from a Residential A zone to Commercial for a tract of land which is addressed as 3201 Ridge Loop Drive, Silver City, New Mexico. The property is described as North Silver Heights Subdivision, Unit 3, Lot 3.

Two people were sworn in for testimony. Jim Coates presented the staff report and 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 Furby asked if the property could be used as a residence if it is rezoned as a commercial property. Mr. Coates answered that the only residential use that would be allowed after the rezoning would be a business residence. Commissioner Furby then asked why the request was made if the physician's office has been closed. Mr. Coates answered that the owner wants to sell the property to another physician for an office.

Commissioner Seibel asked why the property is not being changed to Commercial – Light instead of Commercial. He also asked when the larger scale change will be happening. Mr. Coates stated that this change needed to happen before the large scale change.

Dr. Richard Steinzig presented the case for himself as the property owner. He stated that the problems with the current zoning are related to his closing his practice in February of 2013. He stated that until the closure of his practice, he was "grandfathered" in. He stated that the realtors he consulted encouraged him to change the zoning so that he could sell the property for a medical or dental practice. He currently has the property leased to a nurse practitioner. She has asked how the property is zoned. It would "clarify things if it is zoned commercially".

Commissioner Seibel instructed the applicant to state which finding applied to this case. Dr. Steinzig stated that finding number four applies to this case. He stated that no unnecessary traffic or parking will occur with the change. The building will be maintained in its current state. The commercial zoning will allow it to be sold to a medical or dental professional.

Commissioner Furby asked if the property is rezoned could it be sold to any commercial enterprise. Mr. Coates answered that it has been used for thirty years as a physician's office. He stated that it could be changed to anything that would be allowed under the commercial zoning category. Commissioner Seibel stated that this is one of the reasons that the implementation of the new zoning category of Commercial – Light is important. Mr. Coates stated that none of the neighbors that were contacted by the CDD or the applicant were concerned with the change.

Commissioner Waterman stated that this seems to be an appropriate location for an office and removes the "intrusion of residential into the commercial zone and reduces the irregularity of the boundary between the commercial zone and commercial zone and eliminates the spot zone of the little place across the street". Mr. Coates stated that is one of the reasons for the choice of Commercial instead of Commercial-Light. Mr. Waterman stated that he concurs with the staff's analysis.

Commissioner Waterman moved to recommend ZC 13-04 a request for a Map Amendment/Zone Change from a Residential A zone to Commercial for a tract of land which is addressed as 3201 Ridge Loop Drive, Silver City, New Mexico, 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.

Commissioner Lawson seconded the motion and it passed by a unanimous roll-call vote.

Commissioner Seibel asked when the item will be heard by the Town Council. Mr. Coates answered that it will probably be the second meeting in September.

Old Business

None

New Business

None

Community Forum

None

Reports from Staff

Mrs. Embick asked if the Commissioners would like to move the meeting time to 6pm instead of 7. Commissioner Seibel requested that the meetings remain at 7pm. No other Commissioners stated a preference. The meetings will remain at 7pm.

As there are no items on the agenda for the September 3, 2013, meeting, it will be cancelled.

Reports from Commission

Commissioner Seibel stated that the gross receipts tax ballot deadline is August 19, 2013, and encouraged the public to vote.

Community Input

None

Adjournment

Commissioner Waterman moved to adjourn the meeting. Commissioner Furby seconded and the motion passed unanimously. The meeting was adjourned at 7:40 pm.

Sherry Clements, Chair
Planning & Zoning Commission

Approved November 5, 2013