

MINUTES
Tuesday June 2, 2009
Planning and Zoning Commission Meeting
County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Chair David Gershenson
Doug Abbott
Lori Ann Bonomo
Ken Foster
Teri Matelson
Gillian Sherwood

Commissioners Absent

Alice Jones

Staff Present

Alexandra Perrault
Luan Mitchell

The regular meeting of the Planning and Zoning Commission for the Town of Silver City was called to order at 7:00 p.m. by Chair David Gershenson. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum was present.

Approval of Agenda

Commissioner Matelson moved to approve the agenda as written. Commissioner Bonomo seconded the motion. All in favor, motion carried.

Approval of Minutes

Commissioner Abbott moved to approve the Minutes as written. Commissioner Foster seconded. All in favor, motion passed.

Old Business

None

New Business

Public Hearings

- 1 VA 09-5 – request for a variance to allow a 5.3’ setback where a 20’ street setback is required (Table 151.033(B) of the Land Use Code). The property is located on a tract of land in a Residential A zone, addressed as 1507 W. Combs Circle, on Lot 3, Block

9, Section 4 of the Chloride Park Subdivision. The applicants are Duane and Joan Vroman.

There was no ex parte communication or conflict of interest on the part of any commissioner present. Two people were sworn in for testimony. Alexandra Perrault presented the case explaining that the applicant is requesting the variance to the setback requirement in order to construct a carport to keep their car out of bad weather and sun. There is not a lot of room for the carport anywhere on the property but the site they have chosen is on the concrete driveway and close to the house to be convenient for Mr. Vroman, who is handicapped. She stated there had been no opposing comments made to the applicants or the Community Development Department. The Community Development Department recommended approval of the application with the condition that the applicants maintain at least four feet from the curb for a sidewalk. Commissioner Abbot asked how close to the street the carport would extend and was answered five feet, more or less. Mrs. Vroman produced a photograph of a car in the driveway that showed where the carport would be placed.

Commissioner Matelson moved to approve the variance request and was seconded by Commissioner Bonomo. The motion was passed by unanimous roll call vote.

- 2 VA 09-6 – request for a variance to allow 4 stacking spaces for an ATM drive-thru, instead of the 6 that are required (Table 151.073 (B) of the Land Use Code). The property is located on a tract of land in a Commercial zone, addressed as 1110 N. Hudson St., part of Lots 8, 10, and 12, Block 227, Section 3 of the Fraser Survey. The applicant is First New Mexico Bank of Silver City.

There was no ex parte communication or conflict of interest on the part of any commissioner present. There were three people sworn in for testimony. Alexandra Perrault presented the case explaining that the applicant is requesting the variance to the stacking space requirement in order to avoid the need to widen the entrance to the bank from 12th Street, which might cause traffic problems, and to allow more room for more attractive landscaping at the corner of 12th and Hudson. She stated that there had been no opposing comments to the notification letters sent by the applicant or those sent by the Community Development Department. She also stated that all the other parts of the development plans have been approved and are in compliance with the Land Use Code. Commissioner Foster asked if the four stacking spaces would be in addition to the space at the window and the answer was yes. There were no conditions.

Tim Grattan, agent for First New Mexico Bank, said he appreciated Zan's help with the application. Chair Gershenson asked when the grand opening would be. Mr. Grattan said he thought in 10 to 12 weeks. Commissioner Matelson commented that the commissioners rely on Zan's input regarding measurements, etc. and they need to be careful as ATMs are frequently showing up on busy streets and highways. Mr. Grattan

stated they had met with the police department and Chief Reynolds a number of times and it was agreed the entrance from 12th street should not be widened in order to have cars off Hudson Street before they turn into the driveway.

Commissioner Abbott moved to approve the variance request and was seconded by Commissioner Sherwood. The motion was passed by unanimous roll call vote.

- 3 ZC 09-1 - request for a Map Amendment/Zone Change from Commercial to Residential B-Mixed Use for a tract of land approximately 0.2 acres in size, and located on a tract of land addressed as 1421 N. Corbin St., Lot 5, Block 1, Section 34 of the Schadel Subdivision. The applicants are Jeff and Debbie Reese.

There was no ex parte communication or conflict of interest on the part of any commissioner present. Alexandra Perrault presented the case explaining that the applicant is requesting the zone change because the area where the house is located is mostly residential homes and it is harder to sell a house in a commercial zone because a commercial loan with higher interest rates is required. Also, the house is considered a non-conforming use and the owners are not allowed to increase the building by more than 25 square feet, or would not be allowed to rebuild if there was more than 75% damage to the house. She explained that the applicants had requested the zone change to Residential B, but were asked by the Community Development Department to request Residential B/Mixed-use in case the recommended zoning changes in the land use code are approved. The neighborhood the Reeses live in would be prime consideration for a mixed-use zone. The Community Development Department recommended the commission recommend the zone change to the Town Council for approval.

Chair Gershenson stated his concern about approving a zone change to a zone that doesn't now exist. Commissioner Abbott asked if they were just asking the applicants to acknowledge the possibility of a mixed-use zone and if so, it should just be approved at Residential B. Commissioner Foster moved to amend the request from Residential B/Mixed-use to Residential B. Commissioner Bonomo seconded the motion and it was passed by unanimous roll call vote.

Commissioner Abbott moved to recommend approval of the zone change request to the town council and was seconded by Commissioner Matelson. The motion was passed by unanimous roll call vote.

Reports from Staff

None

Reports from Commission

Chair Gershenson noted that there will be changes to the Planning and Zoning Commission. Since there is to be a new joint Silver City/Grant County Extra-territorial

Jurisdiction Commission, it has been decided that future appointments to the Planning and Zoning Commission should all be residents of the Town. Currently two members are residents of the ETJ. Commissioners Matelson, Gershenson and Abbott's terms expire on June 30th and with the new decision, Commissioners Gershenson and Abbott will not be eligible for re-appointment. However, new appointments to the commission will not be made until the revisions to the Land Use Code have been approved by the commission. Chair Gershenson mentioned that he thought the open house presenting the revisions to the public was very well done and Commissioner Bonomo agreed, saying she thought it was easy to read and easy to understand. Chair Gershenson also noted that there is nothing on the agenda for the July meeting and as it is so close to July 4th, perhaps they did not want to meet. The bylaws stipulate that new officers are to be elected at the July meeting, but it was decided to wait to decide if a meeting should be held. Commissioner Matelson commented that early notice to members and the public would be good. Chair Gershenson said that the county has appointed its members of the ETJ commission, but no one from Silver City has applied. Zan Perrault added that no one has applied for the Planning and Zoning Commission vacancies either. Chair Gershenson made a plea to the audience to apply for these positions.

Community Input

None

Adjournment

Commissioner Abbot moved to adjourn the meeting. Commissioner Matelson seconded the motion. All in favor, the meeting adjourned at 8:01 p.m.

David Gershenson
Planning & Zoning Commission Chair

Approved August 4, 2009