

**MINUTES**  
**Tuesday February 2, 2010**  
**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  
Alice Jones  
Teri Matelson

**Commissioners Absent**

Gillian Sherwood

**Staff Present**

Peter Russell  
Alexandra Perrault  
Luan Mitchell

The regular meeting of the Planning and Zoning Commission for the Town of Silver City was called to order at 7:05 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 Jones moved to approve the agenda with the addition of an announcement to be made after approval of the Minutes. Commissioner Bonomo seconded the motion. All in favor, motion carried.

**Approval of Minutes**

Commissioner Abbott moved to approve the Minutes of the January 5, 2010, meeting as written. Commissioner Bonomo seconded. All in favor, motion passed.

**Announcement**

Chair Gershenson announced that an open house will be held on Thursday, February 11, 2010, for the public to learn and review proposed changes to the Land Use Code. The open house will be in the lower level conference room of the Town Hall Annex at 1203 N. Hudson Street (Bank of America building) from 4:30 pm to 7:00 pm.

**Old Business**

None

**Public Hearings**

PU 09-1 -Concept plan for a Planned Unit Development for a tract of land approximately 110 acres in size, located on over 200 lots on portions of Blocks 2-14, and part of Sections 2 and 11 of the Rio Vicente Subdivision.. The applicant is Esperanza Hills, LLC.

There was no ex parte communication or conflict of interest on the part of any commissioner present. Eleven people were sworn in for testimony. Alexandra Perrault

presented the case starting with a definition of a PUD and explained that this was the first PUD to be applied for in Silver City. She read the staff report and explained that the hearing tonight is for the concept plan of the PUD and there would be a more detailed plan of infrastructure when the final PUD plan is presented to the P & Z. Peter Russell explained that if and when the PUD is approved, the regular process for approving a subdivision will follow, with a preliminary plat review and then the more detailed final plat, both of which will go to the Town Council if the Planning and Zoning Commission approves them. Zan explained that the area of concern is currently zoned Residential B and was previously approved for a mobile home subdivision called Rio Vicente. Only a few of the proposed mobile homes were moved into the area.

She stated that the applicant had held a neighborhood meeting and that three people had come to the Community Development office. Some concerns were expressed regarding the mixed use, commercial and light manufacturing zones and also about Agave Road as it is a narrow, dangerous road and cannot handle more traffic. After the neighborhood meeting, the applicant had stated that he would address those concerns. Ms. Perrault said the Community Development Department is also concerned about the light manufacturing zoning and would like the applicant to be more specific about what would be included. Staff is also concerned about the positioning of the mixed use zone off Agave Street, not only because of the condition of the road, but also because of the number of existing homes that trucks would have to navigate through. She said the Community Development Department accepts the concept plan with regard to pedestrian and vehicular circulation but cannot recommend approval without seeing the zoning layout changes that the applicant will propose.

Commissioner Abbott asked if the previous Rio Vicente subdivision was still valid and if the PUD is not approved, could the owner still develop the property according to that subdivision plat. Ms. Perrault said that was correct.

Mr. Bruce McKinney, owner and applicant told of his vision for the PUD and that he plans to be one of the first residents. He would like to develop an affordable neighborhood of homes, retail and businesses, with low-impact jobs in the neighborhood. He is currently negotiating with the Town regarding improvements to Mountainview Road. He pointed out the planned areas for multi-family housing, assisted living, single-family homes and commercial areas.

Commissioner Jones asked about workforce housing, what types of homes they would be. She also commented that she did not see common open space in the cluster housing. Mr. McKinney showed where some open space is planned with trails, spots for picnic tables, etc. and noted that those details will be shown when the subdivision application is made. Commissioner Matelson asked how Mountainview Road will be improved. Mr. McKinney said he is talking with the town. The road currently is chip seal and doesn't meet standards as it is. The long-term plan is that it will be paved and widened and he will absorb some of that cost, but the Town does not expect him to bear the full cost.

Charlie Deans of Community by Design, planning consultant for Mr. McKinney, explained that they have gone into more detail than is required in a concept plan because they wanted to know more about their project such as the site analysis, topography, etc.

He noted that they had already had a traffic impact analysis done that will help them with decisions regarding Mountainview Road. He showed the three different zones that will be included – restoration open space, sustainable neighborhood, and mixed use area. He reiterated that they will take in to account the neighbors’ concerns in the placement of these zones. He explained the commercial uses that would be allowed such as a bakery, convenience store, and personal services. They may also prohibit certain uses such as vehicle services and repairs. Mr. Deans requested the commission to recommend approval of the concept plan knowing that they are working on the details which will be presented in the final plan.

Commissioner Jones asked about erosion as it looked like a lot of the building will be on ridge tops. Mr. Deans said he has experience with concepts of drainage and water harvesting from other projects and they would be submitting an extensive drainage plan and those details will be included in the final PUD plan or in the subdivision submittal.

Walter Cook testified that he did not support the development. He said he was afraid it would change the nature of the neighborhood and that most property owners had bought there because of the privacy and quiet and with the understanding that it would be a low impact area. He was also concerned that it would increase traffic on Mountainview Road, which is already dangerous, and questioned fire protection as there have been several fires in that area. He believes there should be egress from the development to the west. He pointed out that there is no gas, water or sewer provided in the area south of the Church of the Nazarene and asked if the taxpayers were going to have to pay to have these utilities extended for the development. He also asked if the developer is bonded and insured.

Community Development Director Peter Russell responded saying that as this was just the concept plan, most of these concerns will be brought up during the subdivision review. He said the Town would ensure that the infrastructure would be adequate to serve the subdivision and that police and fire would address concerns about police response, hydrants and ingress and egress from the site. He added that if utilities are extended to the area, they will be available to existing residents. He pointed out that the area is already platted with for a mobile home subdivision of 300 lots that a developer could develop at any time. It is for high density lots so the appearance of open space is deceiving. He also explained that the Town requires financial guarantees such as letters of credit from banks so that if the developer defaults, the Town can come in and complete the infrastructure.

Fred Jimenez said he believes the development is all about money and that some will benefit, but others will not. He believes Mountainview Road is not adequate to support more traffic and worried about fire. He also wanted to know if properties along Mountainview Road would be taken if it is to be widened. Mr. Russell responded that the subdivision will be built in phases and the Town will not issue building permits until the infrastructure is in, inspected and approved.

Delfina Jimenez testified that the uses described in the concept plan were vague and it appeared that anyone could go in and put in whatever they wanted. She said she felt the developer was planning a city within a city and if she had wanted to live near that, she would have stayed in town. She was against any commercial uses in the subdivision.

Carol Hogan said she did not like the idea of the proposed mixed use zone near her home, but was more concerned about Agave Street as it is a terrible road. She was concerned about truck and construction traffic on it. She also felt that having businesses in the subdivision will take business away from downtown, which is already hurting. She thought the PUD might be a good idea but it's in the wrong place.

Mr. Deans responded by repeating that a lot has to be worked out later and not at the concept stage. He said they are already considering omitting the light manufacturing. He insisted they are not trying to take anything away from downtown, but are in fact supporting the Arts and Cultural District by providing studios within the development that artists could utilize and still show their work downtown. He added that the Mixed Use Zone does not necessarily mean dominantly commercial and the retail uses they are proposing are very limited.

Peter Russell provided a list of uses that the applicant is proposing that would be allowed in the existing Residential B zone with a conditional use permit. He said the only proposed use that would not be permitted either with or without a conditional use permit is the light manufacturing.

Much discussion among the commissioners followed. Chair Gershenson reminded everyone that most of the issues brought up would be addressed at the next stage in the PUD approval process. He felt it would be unfair if the project were stopped at this point and that it should go to the council.

Commissioner Jones questioned finding number four. It states that the request is not significantly different from the surrounding area and she couldn't see how any PUD could meet that finding. Peter Russell's response was that the commission needs to look at the proposal in a broader context and not just the immediate adjacent area. He pointed out that the development would only be about ¼ mile from the downtown business district and that to the west there are active industrial uses.

Commissioner Jones pointed out that the applicant is trying to create a community but that the terrain of the property, with ridges and arroyos would be a hindrance to the sense of community. She suggested actual bridges may have to be built. Commissioner Matelson expressed concern about the density and size of the subdivision and suggested it might be better on a smaller scale. She agreed with the idea that the development should be green, efficient and affordable. Commissioner Foster said he was impressed with the plan and felt that, over time, the idea will be more compatible and acceptable. Commissioner Abbot agreed that he was impressed, but felt that a road to the west should be a requirement. Peter Russell responded that a road to the west is not feasible because there are too many landowners, none of which is the applicant or the Town. He said the applicant is addressing this by improving a bicycle and pedestrian corridor from the development to downtown, which is only ¼ mile away and a 15 minute walk. Commissioner Bonomo said she was having a difficult time deciding on the request as she lives in the area and would be affected by it. She was concerned about how the development could be sustained.

Ms. Perrault pointed out that the applicant is suggesting some changes to the layout and uses that the Commission is not seeing at this time. She suggested the Commission could address that by imposing conditions if they felt it was necessary.

Commissioner Jones said she wanted to hear from the fire marshal about the layout and whether the proposed circulation is adequate in a fire emergency. Peter Russell responded that the fire marshal had reviewed the plan and approved it at the concept stage, as had all other department heads. Delfina Jimenez suggested that the Commission meet with the fire marshal and police chief before making a decision. Mr. McKinney agreed the meeting was a good idea but should be deferred until the Council meeting. Charlie Deans reminded everyone once again that this was just the first step and it is not a “done deal.”

Commissioner Abbott moved to accept the PUD 09-01 concept plan with the condition that the Commission reserves the right at the final PUD review to approve further specificity of the uses as well as the right to make minor changes in the map to include zoning, circulation, and the recommended Sustained Residential buffer shown at the February 2, 2010, meeting. Commissioner Jones seconded. A roll call vote was taken with Commissioner Bonomo being the only no vote. Motion passed.

**New Business**

None

**Reports from Staff**

None

**Reports from Commission**

None

**Community Input**

None

**Adjournment**

The meeting was adjourned at 10:10 pm without motion or second.

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David Gershenson  
Planning & Zoning Commission Chair

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Approved March 2, 2010