

MINUTES
Monday February 22, 2010
Planning and Zoning Commission Special Meeting
County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Chair David Gershenson
Lori Ann Bonomo
Ken Foster
Alice Jones
Teri Matelson
Gillian Sherwood

Commissioners Absent

Doug Abbott

Staff Present

Peter Russell
Alexandra Perrault
Luan Mitchell

The special 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.

Land Use Code Revisions

Chair Gershenson explained the purpose of the special meeting is to take comments regarding the recommended changes to the Land Use Code. He added that the commission may also vote whether or not to approve the changes and forward the document to the Town Council.

Peter Russell recited the background and history of the two and a half years of work on the changes. He highlighted some particular points in the changes and reiterated that public input was taken into consideration when amendments were written.

Commissioner Matelson asked Mr. Russell how the new Mixed Use Zone would affect homeowners in that zone in regard to securing mortgages and refinancing since that is the problem many of them experience now with homes that are in the commercial zones. Mr. Russell explained that the change would mean the homes were no longer non-conforming, which would mean they could be rebuilt if destroyed somehow, as well as no longer being a residence in a commercial zone and that would satisfy lenders.

Commissioner Jones questioned why subsection 1.2.3 that states any time the term “planning and zoning director” is used it is to be replaced with “community development director” was deleted. Mr. Russell explained that that subsection had been inserted when the Planning and Zoning Department became the Community Development Department and that in this revision the term “planning and zoning director” was eliminated, so the direction was no longer necessary.

She then brought up the findings that are required to be met for approval of a Planned Unit Development, particularly finding number four, which the commissioners did not find clear when considering the recent PUD application. The finding states that, “The proposal is not significantly different from surrounding land uses in term of density...” and suggested a radial measurement such as one or two miles to make it clear that not just the area immediately adjacent to the PUD

was to be considered. Within a one-half mile radius was agreed to be an acceptable distance and the change was agreed to by the commissioners.

Commissioner Jones then asked if there were a requirement for sign posting for a PUD. Ms. Perrault said there is a section in the LUC that addresses sign posting for all applications and the PUD is covered in that.

Chair Gershenson said he was rethinking the limitation on sandwich board signs that says they may only be placed directly in front of the business concerned. He would like the restriction on signs on a corner to be considered by the Town Council. A kiosk-type signpost was discussed, with most commissioners in favor of the idea.

Chair Gershenson asked if there were any more comments from commissioners. As there were none, he invited members of the public to speak.

Mr. Tony Morones wanted to talk about the subject of manufactured housing. He questioned whether an older mobile home that is grandfathered as a non-conforming use could be replaced with a newer model. The answer was yes. He then questioned if mobile homes currently being used as an accessory use or additional dwelling unit in any zone could remain. Mr. Russell said whatever is there now legally can remain.

Mr. Morones' next question was regarding additions and other construction on mobile homes. Peter Russell told him the first step if someone wanted to add on to their mobile home would be to contact the state mobile home inspector. He would determine who would need to permit and inspect the renovations, the state, the Town of Silver City, or one of the state inspectors for electric, plumbing or mechanical. He added that all mobile homes being moved in Silver City must have a permit from the town that approves a site plan, which is not to be confused with the permit the state requires for moving a mobile home on the highway.

Next Mr. Morones expressed confusion regarding the difference between mobile homes and HUD approved mobile homes in the Use Table, as both are single-wides. Mr. Russell explained that in the new table there is just one category so the confusion has been cleared. In the section on definitions, Mr. Morones requested that the terms single-wide manufactured home and double-wide, triple-wide or multiple-unit be included where appropriate. It was agreed to make those changes.

A motion was made by Commissioner Jones to approve the recommendations to the Land Use Code, with the amendments regarding mobile homes and the PUD radial measurement discussed and accepted this evening, and to present the recommendation to the Town Council. Commissioner Matelson seconded and the motion was passed by unanimous vote.

Chair Gershenson reminded everyone to take advantage of the work sessions the council will be holding to present questions and concerns.

Adjournment

The meeting was adjourned at 8:25 pm after a motion by Commissioner Bonomo.

David Gershenson

Approved March 2, 2010

Planning & Zoning Commission Chair