



City of Elephant Butte
Planning & Zoning Commission

City Hall - 103 Water Street, Elephant Butte, NM

Official Meeting Minutes

Tuesday, September 29, 2015 Special Meeting

- I. **Call to Order** - Chairman Chuck Looney called the special meeting to order at 9:04 a.m.
Roll Call - City Manager Andrew Finzen took roll with Chairman Looney, Vice-Chair Cathy Vickers, Commissioner Nathan LaFont and Commissioner Sheridan Fuss present. Commissioner Rick Harrison provided advance notice of his absence. Mayor Eunice Kent and Mayor Pro-Tem Kim Skinner were also in attendance.
- II. **Minutes** - Approval of the minutes for June 25, August 4, and August 18 were delayed until later in the meeting due to printing issues. Motion was made at 9:40 a.m.

Motion: To approve the June 25, August 4, and August 18 meeting and workshop minutes as submitted.

Made: Commissioner Fuss *Second:* Commissioner LaFont *Vote:* Carried 4-0

III. **Public Hearing Action Item -**

A. Conditional Use - Case #CU-15-03: Bentley's Plumbing & Heating

Establishing a construction yard.

Elephant Butte Estates Unit 13/Block 1/ Lot 1; 701 Butte Blvd; C-2 zoning

Applicant/Owner: Mr. Gary Bentley

Vice-Chair Vickers, a notary public, swore in Mr. Finzen, Mr. Bentley, as well as attendees Neal Harper, Janet Harper Rutledge, Debra Fisk, Timothy Yanaga. Mr. Finzen then presented the case report, a copy of which is made as part of the case record and attested that all public notice requirements had been met. As part of his report, Mr. Finzen conveyed that the Applicant proposed to open a plumbing and heating retail facility and contractor's yard at 701 Butte Blvd, housing retail items and tools within the 2,000 square foot building. Mr. Finzen discussed the property's parking and found it suitable for the volume of vehicles.

Vice-Chair Vickers inquired about the access gate on Mr. Bentley's property. According to the site plan presented, the gate to enter and/or exit the contractor's yard portion is located at the east side of the fence. It was discovered that this gate location meant incoming and outgoing traffic would have to travel through another owner's property in order to properly use the gated area. Commissioner LaFont noted that this is problematic for both property owners, as a neighbor could easily erect a fence and entirely block off access to the gated area.

Chairman Looney opened the hearing to public comment. Janet Harper inquired if the purpose of this meeting was to change the zoning designation of the area. Commissioner LaFont explained that this was not the purpose of the meeting, and proceeded to explain what a “conditional use” entails and why Mr. Bentley is required to receive approval from the Commission. Mr. Timothy Y. stated that he is a residential property owner in the area and that in the past he has had issues with the previous owner at 701 Butte Blvd about the discharging of firearms on the property, which is against City code. The Commission and Mr. Bentley reassured everyone that such actions would not be going on at the property going forward.

Hearing no further public comment on the case, the Commissioner Looney entertained a motion to approve the application subject to the following conditions:

1. Hours of operation should not extend beyond the City’s established “quiet hours” of 9:00 p.m. – 7:00 a.m. per §90.05 unless a separate temporary/special use or conditional use is submitted.
2. Primary access to the property shall be from the proposed driveway fronting on Butte Blvd. Mr. Bentley must submit a revised site plan showing a relocation of his gate to allow for access that would not require the use of another person’s property.
3. 4 parking spaces shall be provided in the front parking area and shall be provided with at least 9 feet x 20 feet and accessed by a 24-foot wide aisle. These 8 spaces shall include the provision of at least 1 handicap accessible space per §155.033(I)(6).
4. All equipment and materials shall be contained neat and orderly onsite within the existing fenced yard. Certain scrap and hazardous materials should also be stored within an enclosed container or building after business hours.
5. A fence 6 feet in height shall be provided around the rear construction yard area in accordance with §155.033(G)(8).
6. A Final Landscaping Plan and Schedule shall be provided to the City Manager prior to final issuance of the conditional use and zoning permit. The Final Landscaping Plan and Schedule shall detail the number and general types of landscaping elements including approximate area coverage and meet any buffering or screening requirements located along the street frontage, northwest lot line and portions of the southern lot line as indicated on the Site Plan.
7. All applicable State and Federal permits shall be obtained and furnished to the City prior to operations commencing – including any CID and NMED permits.


Motion: *Based upon the foregoing findings of fact per §155.006(C) and §155.006(F) and in accordance with §155.033 of the City Code, I move to approve the application in Case #CU-15-03 with the conditions as outlined in the Case Report.*

Made: Vice-Chair Vickers 9:40 a.m. **Second:** Commissioner Fuss **Vote:** Carried 4-0

- IV. **Staff Report** - City Manager Finzen informed the Commission of the upcoming Planning & Zoning Meeting to be held on October 13 at 9:00 a.m.
- V. **Public Comment** - Mayor Eunice Kent and Mayor Pro-Tem Kim Skinner updated the Commission on personnel changes that have taken place with the City. Mayor Kent notified the Commission that for the time being, City Manager Finzen will take over all Planning & Zoning responsibilities previously handled by the City Planner.
- VI. **Adjournment** - **Motion:** To adjourn the special meeting at 10:57am.
Made: Commissioner LaFont **Second:** Commissioner Fuss **Vote:** Carried 4-0

Minutes Approved:

Respectfully prepared and submitted:


Charles Looney
Chairman


Andrew Finzen
City Manager

