



CITY OF ELEPHANT BUTTE ZONING COMMISSION
NOTICE OF REGULAR MEETING
Tuesday, February 4, 2025 – 10:00am
103 Water Street, Elephant Butte, NM 87935

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Commissioner Lee Morris called the meeting to order, and Vice Chair Logan led the pledge of allegiance.

2. ROLL CALL/IDENTIFICATION OF VOTING MEMBERS

- Chairman Lee Morris – Present
- Vice-Chair Christine Logan – Present
- Commissioner John Masce – Present
- Alternate Commissioner Matt Casas – Absent
- Alternate Commissioner Mike Finlay - Absent

City Clerk Cobleigh conducted a roll call and declared a quorum.

3. APPROVAL OF AGENDA - Declaration of conflict of interest

Vice-Chair Logan made a motion to approve the agenda as submitted. Commissioner Masce seconded the motion. 3-0. Motion Carried.

4. PUBLIC COMMENT

*The Open Meetings Act is in effect and there is a 3-minute limit per speaker on all non-agenda items.

None Submitted.

5. PUBLIC HEARING

- a. Amendment & Extension Request – DM Storage – Case Number 25-012

Chairman Morris requested a roll call to enter the public hearing.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Present
Vice Chair Christine Logan – Present
Commissioner Mike Masce – Present

Chairman Morris introduced the hearing for 705 Butte Blvd. DM Storage as case number 25-012. DM Storage is requesting an amendment and an extension to meet the conditions set forth on August 6, 2024. Chairman Morris stated that City Staff will present the matter and then the applicant would have a chance to add any additional evidence needed.

Chairman Morris addressed the Commission in asking if they had received any ex parte communications of case number 25-012.

Chairman Lee Morris – No
Vice Chair Christine Logan – No
Commissioner Mike Masce – No

Chairman Morris addressed the Commission in asking if they had any interest in the matter of case number 25-012.

Chairman Lee Morris – No

Vice Chair Christine Logan – No

Commissioner Mike Masce – No

Chairman Morris swore in all parties as a group who wish to testify at this public hearing.

Lindsey Cobleigh, Land Use Administrator, presented this case to the commission as case number 25-012 705 Butte Blvd., DM Storage. The applicant is applying for an extension and amendment of the conditions set forth at the public hearing on August 6, 2024. This property is registered as a storage facility business, 698 DM Storage.

CODE REVIEW PROPOSED USE FOR PROPERTY:

1. Applicant is applying for an amendment and an extension to the conditions set forth by the Zoning Commission on August 6, 2024.
2. This property is currently registered as a storage lot under DM Storage, #698.
3. Code Requirements:
 - Solid 6' Wall or Fence // Metal, Wood, Block. – *Currently this property has chain link fencing with a rolling gate. The applicant has installed black privacy link on the chain link fencing to create a solid fence appearance. The gate has been painted black to match the fencing.*
 - Storage facility lots must be landscaped consistent with the requirements found under division (H) herein, except that the total area landscaped for storage facility lots must be equal to or greater than 20% of the lot.. – (There is no survey on file, only the plat maps.) *The lot is approximately 32,518sf.. 20% would be 6,503sf. of landscaping. 25% of the required 20% would be 1,625sf. required to be trees, shrubs, and or cacti species. The applicant is proposing to utilize the area outside of the fenced storage area for landscaping between the fence and the walking path.*
 - Located on an Arterial Street – *Butte Blvd*
 - Adequate Refuse Collection // Provide trash receptacles within the storage facility for renters to dispose of their trash. Regular weekly pick-up or disposal is required. As per code 155.033 K 7 *Garbage must be stored in tightly covered containers. The garbage container capacity must be adequate to store the garbage from one collection date to the next to prevent a nuisance.*
 - Code currently requires that Storage Facilities include a concrete apron and driveway as well as curb and gutter. This property is located on Butte Blvd with the walking path and city easement between the property and Butte Blvd. Other properties along Butte Blvd have installed driveways without interfering with the walking path. – *Applicant has provided an estimate for the concrete apron from in the proposal packet.*

INFORMATION ABOUT THE PROPERTY

- Size of Lot: Front 159', Sides 215', Rear 143'
- There is a platted 20' utility easement at the rear of the property. This easement runs directly behind lots 1, 2, 3. (By mapping it appears lots 1, 2, and 3 have all developed into the 20' utility easement over the years.)

CONDITIONS SET FORTH AT AUGUST 6, 2024, PUBLIC HEARING:

1. Install a Solid 6' Wall or Fence // Metal, Wood, or Block. Code Ref. 155.033 G 28 a
2. Gates must remain as see-through. Code Ref. 155.033 G 28 c i
3. Fence/Wall to be inset a minimum of 12' from the property line to allow for ease of entering and exiting and not interrupting traffic as well as allowing for the front landscaping. Pre-existing signs may remain in place. Code Ref. 155.033 G 28 c v.
4. Install Landscaping equal to 20% of the total lot square footage. Code Ref. 155.033 G 28
5. A minimum of 25% of the required landscaping must consist of trees, shrubs, and cacti plants. Code Ref. 155.033 H6
6. Install a paved driveway from the entrance of the RV Storage to Butte Blvd. Driveway to abut the Walking Path not to be paved over the top of the path. Code Ref. 155.033 G 28 c iii.
7. Applicant to apply for all zoning permits needed for the installation of the fencing, landscaping and driveway & apron.
8. All conditions have been set with a timeframe of six months (6) to bring this property into code compliance with 155.033 G28.
9. Deadline for completion: *February 6, 2025.*
Driveway & Apron, Landscaping, and Fencing.

CONDITIONS MET SINCE PUBLIC HEARING ON AUGUST 6, 2024:

1. Installation of black privacy link fencing along front facing perimeter fence.
2. Gate remains see-through.

Applicant's Presentation:**Derek Bean, Owner of DM Storage.**

I have been a resident of Sierra County for my entire life. With my family having operated a business in this region for over three decades, I am enthusiastic about embarking on my own entrepreneurial journey. For the past 15 years, I have served as a teacher and coach in our cherished community, and I have been fortunate to make a financial investment in my future here in Elephant Butte. Recently, I acquired a parcel of land located at 705 Butte Blvd, which has historically functioned as RV and boat storage, and I intend to continue this operation. I am writing to you today to present my plans for the future of this property. Upon inspection, you will notice that I have designated 46 storage spaces, each measuring 10 feet by 40 feet. Additionally, there is a business sign and access to water at the entrance. You will also find a dump station with a concrete pad to prevent waste from contaminating the soil in the central area of the property. While I am currently addressing some minor repairs along the fence line, I have procured black privacy slats for the fencing. Furthermore, I have applied a fresh coat of paint to my business sign and gate to coordinate with the privacy slats, thereby enhancing the visual appeal from the main road. The lot has been well-maintained and will continue to be kept in a clean and safe manner. You will not encounter overgrown weeds or litter either outside the fence or within the property. In addition to the improvements to the fence, I plan to incorporate a decorative rock around the perimeter. I am hesitant to introduce living plants, as this would necessitate additional water usage, which is a valuable resource in our area. As a business owner, my objective is to fully optimize my property. Therefore, I kindly request that you reconsider the proposed relocation of my fence. As previously mentioned, this adjustment would eliminate four parking spaces and expose my water line and business sign to potential vandalism and misuse. Such a change would lead to increased costs and a reduction in profits, which would be detrimental to my business. The distance from the edge of the highway to my gate is over 30 feet, allowing ample space for vehicles entering and exiting the property. In addition, I have advised my clients to utilize the turning lane on the highway to minimize traffic delays. With the presence of a crosswalk at the entrance, this will enhance safety for pedestrians crossing the road. Lastly, I would like to propose an alternative for the entrance paving. After reviewing the installation quote, I am suggesting using attractive gravel that will complement the existing landscaping and provide a stable surface in all weather conditions. Thank you for considering my requests, as I aspire to contribute positively to our community's future and I look forward to developing my role as a young leader within it.

Derek Bean requested an amendment to the conditions set forth of inseting the fence 12' and paving the

driveway. Bean stated that by insetting the fencing he would lose four storage spaces, and it would expose his pre-existing sign and water faucet. Bean requested the use of gravel or crusher fines in lieu of concrete or asphalt for his driveway.

Chairman Morris closed the public hearing and requested a motion on this hearing. Chairman Morris stated that any motion made shall include that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case.

Vice-Chair Logan made a motion to approve case number 25-012 DM Storage 705 Butte Blvd. with the following conditions set forth; Fencing can remain as it is currently chain link with black privacy slats, Driveway to be compacted crusher fines covered with contrasting colored gravel, Driveway edge to be clearly marked from the roadway and walking path for pedestrian traffic. Landscaping shall be permitted in front of the fence between the fence and the walking path as requested. The applicant has three (3) months from the approval of the public hearing. Staff is to prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case. Commissioner Masce seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Yes
Vice Chair Christine Logan – Yes
Commissioner John Masce – Yes
Motion Carried.

For the record the case 25-012 was approved for the amendments on the fencing, landscaping, and driveway as presented with three (3) to complete all items.

6. REGULAR ITEMS

a. Discussion/Possible Action: Zoning Definitions

Chairman Morris opened this discussion with the commission and staff regarding the currently adopted definitions within the zoning code. Chairman Morris stated that he feels there are definitions that are lacking and there are some that need to be taken out. City Clerk Cobleigh agreed that the definitions are an area of the zoning code that needs reviewed and amendment suggestions. Chairman Morris asked the commission to review the city's definitions as well as the lists of definitions he had provided from Dona Ana and Las Cruces.

The commission and staff continued to have an open discussion on the importance of proper definition within the zoning code and how much easier it will make it on property owners and staff alike.

No Action Taken.

7. COMMISSIONER COMMENTS & REPORTS

Commissioner Masce – No Report

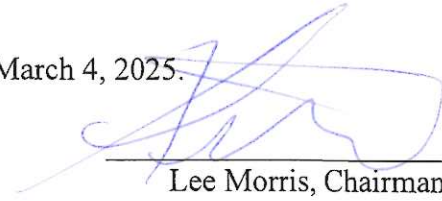
Vice-Chair Logan – No Report

Chairman Morris let the commissioners know he will be attending the city council meeting on February 12, 2025, to go over moving to a five-member board and updating the council on what they are currently working on.

8. ADJOURNMENT

Chairman Morris adjourned the meeting.

Minutes approved and adopted at the Zoning meeting on March 4, 2025.



Lee Morris, Chairman

ATTEST:



Lindsey Cobleigh, City Clerk

