



VILLAGE OF RUIDOSO
Village Hall
313 Cree Meadows Drive
PLANNING COMMISSION
MINUTES
October 6, 2009, 2:00 PM



1. **CALL TO ORDER & ROLL CALL**

The meeting was called to order by Chairman Glen Barrow at approximately 2:00pm. Roll call was taken. Members present were Commissioners Barrow, Barnett, Hood, Dutton, Alborn and Hirschfeld. Commissioner Williams was absent.

Staff present was Village Attorney Daniel Bryant, Planning Administrator Robert Decker and Staff Planner Jennifer Williams.

2. **CERTIFICATION OF COMPLIANCE WITH RESOLUTION 2009-01**

Mr. Decker certified that all required postings were done within the time limits required. He added that we have also begun posting the entire packets online. Adding that this time around, the posting didn't work but that we are working on it and will have it posted for next month's meeting.

3. **APPROVAL OF AGENDA**

Chairman Barrow suggested that the agenda be modified to move Public Hearing items B & C to after the Regular Items.

A motion was made by Commissioner Dutton to approve the agenda as modified. The motion was seconded by Commissioner Barnett. The motion passed with all ayes.

4. **APPROVAL OF MINUTES**

A. **Regular Meeting - September 1, 2009**

A motion was made by Commissioner Hood to approve the minutes of September 1, 2009 as presented. The motion was seconded by Commissioner Barnett. The motion passed with all ayes.

B. **Special Meeting - September 15, 2009**

A motion was made by Commissioner Dutton to approve the minutes of September 15, 2009 with Commissioner Alborn's name spelled correctly. The motion was seconded by Commissioner Barnett. The motion passed with all ayes.

Commissioner Alborn stated he was unhappy with the way that he was quoted in the Commissioner Comments section. He also added that in a comment made by Chairman Barrow, the word "we" was used. He wanted to know who "we" was. He added that there is still a health, safety and welfare issue regarding the pedestrian traffic that crosses Sudderth near School House Park.

Commissioner Hood also asked that the minutes be signed by whoever wrote the minutes.

5. **PUBLIC HEARING**

A. **PV09-010 Variance Request – Lot 868A, Skyland Subdivision; Darryl Kirbo & Bruce Stewart, Applicants – Eagle Land Surveying, Agent**

All who were going to speak were sworn in. Darryl Kirbo approached the podium and presented his case. He stated his address and explained to the Commission the layout of the back yard. He explained that they brought in a lot of dirt and leveled the area where the deck is to be built. Gilbert Gonzales was also present to discuss the project.

Chairman Barrow asked Mr. Gonzales if the project was already under construction. Mr. Gonzales stated that the project was under construction but was quickly stopped. Commissioner Alborn asked who the contractor was. Mr. Gonzales stated that the owners were doing the job themselves. Commissioner Hirschfeld asked if the project was red-tagged and Mr. Gonzales confirmed that it was. Commissioner Dutton asked if the penalty will be in place when they apply for the building permit. Mr. Decker stated that the fee would be double when the applicants picked up their permit. Commissioner Alborn asked if that double fee was common knowledge among the contractors in town. Chairman Barrow stated that he believed it was in the ordinance. Mr. Decker confirmed that it was.

Attorney Bryant asked Chairman Barrow to address the structural integrity of the structure. He added that he looked at the property and was concerned with the integrity. Chairman Barrow asked if the building inspector had looked at the project. Mr. Decker stated that if this variance is approved, then the applicants will have to comply with the requirements set forth by the building inspector. Chairman Barrow stated that since the applicants brought in fill that there may be a compaction issue. Commissioner Hirschfeld wanted to confirm that if this variance is approved, it's not permission to continue construction but rather permission to get a building permit. Mr. Decker stated that was correct. Mr. Gonzales stated that the applicants have meet with the building inspector and that they understand that they are going to have to make some changes in order to comply, as discussed at the meeting.

Chairman Barrow asked what specifically the variance was being asked for. Mr. Gonzales stated that the variance is so that they can utilize the flat area of the back yard and to utilize that area they will be encroaching into the setbacks.

Commissioner Hood stated that she looked at the property. She stated that she felt like the deck was in a good place. She stated that the slope down to Robin was really steep and that something needs to be done to ensure that nothing is going to slide down that hill. She also stated that she liked all of the letters from the neighbors. Commissioner Dutton stated that he was impressed by the detail of the packets as well.

Chairman Barrow stated that he was concerned about the slope more than anything else. He asked if perhaps an engineering report could be done. Commissioner Dutton stated that he believed that would be addressed with the building inspector. Mr. Decker stated that if the building inspector felt like it was necessary, he would require an engineering report and the applicants would have to comply.

Commissioner Dutton made a motion to approve the variance with conditions set forth by the Planning staff. Commissioner Hirschfeld seconded the motion. The motion passed with all ayes.

- B. Discussion and possible action regarding changes to C-1 Neighborhood Commercial District regulations in the Village of Ruidoso municipal code of ordinances

There was continued discussion regarding the Comprehensive Land Use Plan update and how changes to ordinances fit into the approval of the plan. Mr. Decker updated the Commission on the public input from the public. He added that staff hoped to have an updated draft of the Plan available for review at the next regularly scheduled meeting.

Attorney Bryant urged the public to look at the Comprehensive Land Use Plan Update and to offer comments and participate so that the plan represents what the Community wants.

The Commission began discussion on the goals and objectives of the changes that they would like to see to the zoning code. Mr. Decker stated that C-1 is one of the less intense zones which is why he chose it to begin reviewing.

The Commission discussed the Upper Canyon and making it a specialty zone and ways in which the area is unique.

Mr. Decker stated that the Commission was provided with a list of all of the current definitions that are in the code. He added that there are a lot of definitions that need to be added & that the list needs to be cleaned up a lot. Jennie Dorgan asked if any of the definitions that were discussed at the last meeting were listed. Mr. Decker stated that they were not and he agreed that an update to the definitions was definitely necessary.

Chairman Barrow asked if a discussion item could be placed on the next agenda to actually discuss the definitions. He added that he wasn't sure that the Commission should spend a lot of time going over the ordinances until the Comprehensive Land Use Plan Update is complete.

- C. Discussion and possible action regarding changes to Site Plan Requirements in the Village of Ruidoso municipal code of ordinances

No discussion on this item took place.

The planning commission reserves the right pursuant to NMSA 1978 §10-15-1 H.(3) to close the meeting to conduct an executive session for deliberations and receipt of legal advice on any item for which a public hearing has been conducted, and testimony, exhibits or other evidence considered.

6. REGULAR ITEMS

- A. PSD09-008 Site Plan Review – Lots 10 & 11, Block 2, Riverside Addition; Fox Guinn, Applicant – Eagle Land Surveying, Agent

Gilbert Gonzales of Eagle Land Surveying approached the podium. He presented the site development plan. He stated that the applicant would like to build 5 cabins on the property. He added that there is an existing home on the property that will be torn down to make room for the development. Commissioner Alborn asked if these were

going to be about the size of the little cabins at the end of Butler. Mr. Gonzales stated that he thought that the cabins were going to be a little bit bigger, about 300 square feet. Fox Guinn, the applicant, stated that the cabins will be built onsite. Commissioner Dutton stated that he went by the property. He added that the street was very narrow but that he thought the project would actually improve the neighborhood & that it was keeping with what is there now. Commissioner Dutton asked Mr. Guinn what the exterior of the cabins was going to look like. Mr. Guinn stated that the exterior would be log siding. Commissioner Dutton commented that he liked the fact that it was within walking distance of the down town area. Mr. Decker stated that it really doesn't change the character of the neighborhood at all. Chairman Barrow asked if these were permanent or nightly rentals. Mr. Guinn stated that they were nightly rentals. Commissioner Alborn asked if the property would be managed by Mr. Guinn or if he would hire someone to manage the property. Mr. Guinn stated that he would hire someone. Commissioner Dutton asked Mr. Guinn if he planned to abide by all of the nightly rental policies. Mr. Guinn stated that he would. Commissioner Hood asked if the plan included the Wingfield property. Mr. Guinn stated that he was not including the Wingfield property in this plan. Commissioner Hood asked how tall the buildings were going to be. Mr. Guinn stated that the cabins were going to be one story.

Commissioner Dutton made a motion to approve the site plan review as presented. Commissioner Barnett seconded the motion. The motion passed with all ayes.

- B. PL&FP09-001 Preliminary and Final Plat – Lots 36,37,38, Block 3, Camelot Mountain Tracts; Robert Hass, Applicant – DT Collins, Agent

Eric Collins of DT Collins & Associates approaches the podium. He stated that the request is three lots of property on very steep hill. The owner would like to sell the property. Mr. Collins explained that the applicant decided to look at the building sites and then to build the lots around those sites. He added that the lots were zoned R-3 presently and that they would like to make the lots R-1 at some point.

Mr. Collins stated that there is platted access on the back of Lot 1, which is in the rear of Tracts 36A & 36B. He stated that was how the tracks would be accessed. The properties would not be accessed off of Warwick Drive. Mr. Collins stated that the properties meet the requirement of access of 70 feet on a public road. Each one of the lots has the required frontage to a public road, which is Warrick Drive. Mr. Collins stated that there is established access on Lot 1; it has already been filed as a road easement which will access the two lots. Chairman Barrow said that the easement seems like a very long easement. He asked Mr. Collins if there are any turnarounds on the easement. Mr. Collins stated that there are no requirements to have turnarounds on a private driveway. Commissioner Hirschfeld asked if the driveway was of any concern to the neighborhood or for fire access. Mr. Collins stated that the grade of the road is probably between 12% and 15%, although he hasn't actually measured the grade. Mr. Hirschfeld asked if that grade was a concern. Chairman Barrow stated that 12% was the maximum grade for the Fire Department. Mr. Decker stated that a short run beyond 12% is okay but a longer run could be more difficult.

Chairman Barrow asked why the Commission was receiving the application as a combined preliminary and final plat. He stated that he thought the Commission wasn't going to see applications together anymore. Mr. Decker stated that because there was no additional road frontage then the applications can be combined.

Chairman Barrow asked how the conditions that are in the staff review are going to be addressed. He wanted to know if the conditions are just going to be placed on the plats. Mr. Decker stated that the conditions could be added to the plat.

Chairman Barrow asked if the plan is approved, are the new land owners then going to have to come in and get a variance in order to build their house. Mr. Collins stated that he couldn't say that no one would come in and do that but that as the plans stand now, they won't need to.

Commissioner Hirschfeld asked if the Fire Department had a problem with the length of the private driveway. Mr. Decker stated that the driveway is an accessible driveway. Commissioner Hirschfeld wanted to confirm that we weren't creating a problem for the future. Mr. Decker stated that staff would make sure that the Fire Department approved of the design.

There was continued discussion among the Commission and staff as to what the standards are for turnarounds. There was also discussion as to what the difference is between a private driveway and a road and when a turnaround is required. There was a consensus of concern regarding the driveway, access, etc.

The suggestion was made that the item be postponed until next meeting so that the Fire Department could be consulted. Mr. Collins agreed to return at the next regularly scheduled meeting.

Jennie Dorgan approached and asked if the project was a sub-division within a sub-division? Chairman Barrow stated that the project was a re-subdivision. Ms. Dorgan stated that she just wondered if this was the appropriate process for this particular project. Attorney Bryant stated that he needed some time to look at the code and determine some answers to some of the questions.

Commissioner Dutton made a motion to postpone the item until the next regularly scheduled meeting. Commissioner Hirschfeld seconded the motion. The motion passed with all ayes.

7. PUBLIC INPUT
8. STAFF REPORTS
9. COMMISSIONER COMMENTS
10. ADJOURNMENT

The meeting was adjourned at 4:30PM.

ADJOURNMENT

Meeting was adjourned at 2:21 PM

These minutes prepared October 16, 2009

Jennifer Williams, Staff Planner

These minutes approved and accepted November 3, 2009

Glen Barrow, Planning and Zoning Commission Chairman