



VILLAGE OF RUIDOSO  
Village Hall  
313 Cree Meadows Drive



PLANNING COMMISSION  
REGULAR MEETING  
AGENDA  
June 01, 2010 2:00 PM

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

The meeting was called to order by Chairperson Beth Hood at 2:00 pm. Roll call was taken. Members present were Commissioners Cornelius, Sayers, Flack, Hinz and Wimbrow.

Staff present was Deputy Village Manager William Morris and Staff Planner Jennifer Williams. Village Manager Debi Lee and Building Official Shawn Fort were present in the audience.

**2. CERTIFICATION OF COMPLIANCE WITH RESOLUTION 2010-01**

Mr. Morris stated that we were in compliance with Resolution 2010-01.

**3. APPROVAL OF AGENDA**

**A motion was made by Commissioner Wimbrow to approve the agenda. The motion was seconded by Commissioner Hinz. The motion passed with all ayes.**

**4. APPROVAL OF MINUTES**

**A. Regular Meeting – May 18, 2010**

**A motion was made by Commissioner Sayers to approve the May 18, 2010 Regular Meeting Minutes. The motion was seconded by Commissioner Wimbrow. The motion passed with all ayes.**

**5. PUBLIC HEARING**

Before the meeting started Chairperson Hood asked Mr. Usrey to come to the podium, she has questions to ask him. Chairperson Hood asked Mr. Usrey if he had seen the staff report. He stated that he had not read it but received it just before the meeting started. Chairperson Hood asked Mr. Usrey if he knew that the Conditional Use Permit has time limits. He stated that he was aware that it did have time limits. Chairperson Hood asked Mr. Usrey if he had seen the letter from the neighbors stating their opposition. He stated that he had seen the letter.

Chairperson Hood asked Mr. Morris who prepared the staff report. Mr. Morris responded first by saying that it was Jennifer Williams that prepared the report & that he also review it. Chairperson Hood asked who prepared the checklist. Mr. Morris stated that Jennifer Williams also prepared the checklist.

Chairperson Hood adjourned the meeting temporarily so that Mr. Usrey could read the staff report.

**A. PCU10-002 – Conditional Use Permit – Lot 15A, Block 1, Forest Heights Subdivision;  
Wayne Usrey, Applicant**

Chairperson Hood asked that anyone present who wished to speak needed to stand up and be sworn in. Several people from the audience stood and were sworn in.

Mr. Usrey stated the reasons for why he was asking for a Conditional Use Permit. He stated that mainly they wanted to be able to convert a portion of the building to residential units. He stated

that he and his wife already live within the building. He added that he also intended to get a reverse mortgage. In order for him to obtain a reverse mortgage on a commercial property the property needed to be  $\frac{3}{4}$  residential.

Commissioner Cornelius asked if the apartments were going to be nightly rental or monthly. Mr. Usrey stated that they intend to rent it monthly but if it's vacant then they would consider renting it nightly.

Mr. Usrey described the two units to the Planning Commission. He also stated that one of the units will be wheelchair accessible.

Chairperson Hood asked Mr. Usrey if he and his wife planned to live on site. He stated that they already do live onsite and plan to stay their indefinitely. She also asked if he planned to manage the nightly rentals or would an agency manage the nightly rentals. He stated that he planned to have Condotel manage the nightly rentals.

Commissioner Sayers asked what work was being done when the building official red tagged the applicant. He stated that at first he had intended to just start cleaning up the spaces. He stated that he got carried away and that the actual work that was being done was windows. He stated that in the process of all the removal of the walls and cleaning, they decided to put in a few widows and that is what the red tag was for. Commissioner Sayers asked what other exterior changes would take place? Mr. Usrey stated that really the windows are all that is being changed on the exterior with the exception of possibly moving one door.

Mr. Morris asked Mr. Usrey if he was planning to expand the square footage of the building. Mr. Usrey stated that he did not.

Commissioner Hinz asked Mr. Usrey which residence he intended to occupy. He stated that they presently live in the residence at the north of the building and intend to stay there. He reminded the Commission that he already received a Conditional Use Permit for his residence back in 2002.

Commissioner Sayers asked about an indication on the plan about a sign being removed. Mr. Morris clarified that the plan the Commission received was from the original 2002 Conditional Use Permit application. That was referring to something that had already been removed and was not an issue at this time.

Commissioner Sayers asked if Mr. Usrey had any plans to rent to anyone with children or pets. She stated that since the building was still going to be commercial she had a concern about children and pets having a safe place to play. She asked Mr. Usrey if he had any thoughts on that. He stated that he hadn't really given any thought to that specifically. He stated that the interior would be child friendly. He also added that there is plenty of space behind the building that he could convert to a safe play area for children.

Commissioner Cornelius asked if the change of use would affect his driveway permit that he must have secured for the property. Mr. Morris stated that since the driveway exists that the DOT wouldn't have anything to say about it.

Commissioner Hinz asked what the current zoning where he is allows for. Mr. Morris stated that the property is zoned C-2 and it is very common. C-2 allows for standard community commercial types of businesses. He added that residential is allowed in this area subject to a conditional use permit.

Mr. Usrey asked if he could address the letter from Mr. Shannon. He added that he felt like Mr. Shannon didn't like him for other reasons and that was part of the reason why he filed the objection.

Mr. Morris stated that this project is really an application of change of use on the inside of the building. He stated that the question, is this an appropriate location for a residential use in a commercial zone. He stated that it meets all the requirements because nothing is changing. He added that he would like for the conditions on page 4 of the staff report be applied if the Commission approved the request. Mr. Morris reviewed those conditions.

Chairperson Hood stated that condition number 5 would need to be modified because we need to follow Sections 54-68 F, which advises us that a permit after due process may be revoked. She asked if the Commissioners had any additional discussion.

Commissioner Cornelius asked what the limit on the permit is and what happens. Mr. Morris stated that the time limit in this place is captured by the building permit process. If the applicant is not consistent in getting a building permit or the construction lags, then the building officials can keep track of the project in this way. Chairperson Hood stated that on page 2 of the packet states that "the permit may be issued for a specified period of time unless it is reviewed..." There was continued discussion about time limits among the Commission. Mr. Morris suggested that the solution be that as a condition, the applicant or the current property owner cannot return the use of the building to commercial without first coming back before the Planning Commission for approval.

Commissioner Sayers asked if this was approved would that have any bearing on what uses are happening next to this property. Mr. Morris stated that as long as the use that is listed for that zone is being pursued then those property owners have those rights.

Chairperson Hood asked if anyone in the audience had any comments. Several people approached to stated that they were there in support of Mr. Usrey and to act as character references.

Chairperson Hood asked what the Conditional Use Permit that was issued in 2002 was for. Mr. Morris stated that it was for the residence that Mr. Usrey lives in currently. He added that a Conditional Use Permit is for the particular project and that because he is adding additional residences that he needs to get an approval for an additional Conditional Use Permit.

**Commissioner Sayers made a motion to approve PCU10-002 with the conditions that were recommended by staff with a correction of the addition of 54-68 for condition 5, an additional condition stating that the use cannot be returned to commercial without returning to the Planning Commission and an additional condition that states that a safe place be provided for children to play outdoors. Commissioner Cornelius seconded the motion. A roll call vote was taken and the motion passed with all ayes.**

## **6. REGULAR ITEMS**

Chairperson Hood asked if anyone would volunteer to be an interim Vice Chairperson. Mr. Wimbrow stated that he would do it this one time. She asked that as an item at the first meeting in July allow for selection of a new Vice Chairperson.

## **7. PUBLIC INPUT**

Tom Hiser stated that he wanted to thank the Planning Commission personally for the manner in which they conducted themselves today. He appreciated the time and the care that the Commissioners gave in working on the Planning Commission.

## **8. STAFF REPORTS**

Mr. Morris stated that at the next meeting we will discuss the comprehensive plan again and that he hoped to have the matrix of planning and zoning activities.

## **9. COMMISSIONER COMMENTS**

Commissioner Hinz welcomed Mr. Flack to the Planning Commission.

Commissioner Sayers also welcomed Mr. Flack.

Chairperson Hood reminded staff that the Planning Commission would like to be kept up to date on red tags, changes of use, permits, licenses, code enforcement and land use permits. She stated that she understands that there may not be a lot of activity in those areas at this time but that they would like to be updated when things in these areas occur.

## **10. ADJOURNMENT**

The meeting was adjourned at 3:55 PM