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**City of Alamogordo  
Planning and Zoning Commission  
Regular Meeting**

**Minutes  
April 7<sup>th</sup>, 2016**

**MEMBERS PRESENT:** Ms. Pamela Lee, Chairman  
Mr. Andrew "JR" Gomolak, First Vice-Chair  
Mr. Arthur Alterson, Commissioner  
Mr. Darron Williams, Commissioner  
Mr. Eddie Kemp, Commissioner

**STAFF PRESENT:** Ms. Maggie Paluch, Assistant City Manager  
Mr. Stephen Thies, City Attorney  
Ms. Stella Rael, P&Z Administrator  
Ms. Melissa Walker, Recording Secretary

1. **Call to Order:** The Planning and Zoning Commission is meeting today for a Public Hearing on ONE (1) item and to continue discussion on several other assorted items. The Planning and Zoning Commission will also make recommendations to the City Commission to either approve or deny the requests for variance, zoning and subdivision cases. The final decision for this request will be scheduled before the City Commission at its next meeting of April 26<sup>th</sup>, 2016 or a later date to be determined.
2. **Introduce newly appointed Board Member Eddie Kemp:** Chairwoman Lee welcomed Eddie Kemp to the Planning and Zoning Board as a newly appointed Commissioner. Ms. Lee explained that Commissioner Kemp previously served on the Planning and Zoning board and has been reappointed.
3. **Approval of Minutes:** Ms. Lee asked if everyone has had an opportunity to review the minutes. Ms. Lee asked if there were any comments or changes. First Vice-Chair Gomolak motioned to approve minutes as written. Commissioner Williams second the motion. Motion passed 5-0-0
4. **V-2016-0001(A)-1218 15<sup>th</sup> St.  
OWNERS: Tommie C. Herrell and C. Josette Herrell  
Trust U/AD May 2, 2002 and Isaiah T. Montoya:**

Ms. Rael began by welcoming back Commissioner Kemp. Ms. Rael then presented a slideshow and stated that the applicant is requesting a variance from Section 29-03-050 of the City of Alamogordo Municipal Code to reduce the width at the building setback line from sixty feet (60) wide to fifty eight feet three inches (58.3) wide. Ms. Rael said that she received the application on March 4<sup>th</sup>, 2016. After analyzing the application, Ms. Rael stated that the application met the criteria for an Administrative Variance. The legal ad ran in the Alamogordo Daily News on March 16, 2016 and 45 (forty five) letters were mail by first class to all property owners within 200 square feet of 1218 Fifteenth Street. Nine (9) letters of opposition were received from property owners within the 200 square foot radius. Per section 29-01-080 if protests are received from adjacent or abutting property owners or total ten (10) percent or more of the land within the protest area, the

variance application shall be referred to the city commission for public hearing. Legal ad of public meeting ran in the Alamogordo Daily News on April 3, 2016 and forty five (45) letters were mailed by first class to all property owners within 200 square feet of the property located at 1218 Fifteenth Street.

Ms. Lee asked Ms. Rael for clarification on which direction the lot line was moving. Ms. Rael explained what was being proposed and pointed it out on the plat. There is much more discussion on where the lot line currently is and where the proposed lot line will be.

Ms. Lee asked Ms. Rael what staff's rationale is in accepting this request. Ms. Rael answered that approving this request would bring both lots closer to the width size required per current ordinance.

Mr. Kemp asked if the Variance is approved, if it will still meet the five foot fire code. Ms. Rael answered yes.

Mr. Alterson asked why they are not making them an even 60 feet for each lot making it a total 120 feet in width. Ms. Rael answered that the two combined lots equal a total of 118 feet in width. There is further discussion on where the proposed lot line will be.

Ms. Lee asked Ms. Rael to go through each point in the staff analysis again for justification for the record.

Mr. Kemp then asked if the property had been properly surveyed to distinguish the exact location of the lot lines. Ms. Rael answered by stating that a survey of the lots had been completed by Alamotero Land Surveys.

Ms. Lee opened the floor for public comment. Mr. Antonio Francesco Blancaniello is sworn in and he begins by stating that he is in opposition of this request, not because of the Variance but because of the issues with the alley in that neighborhood and the amount of traffic that comes through the alley to that property. Mr. Blancaniello stated that he does not want this Variance approved if it will allow more traffic flow.

Ms. Lee asked Mr. Blancaniello to clarify that what he said in the beginning was that he is not opposing the actual Variance but that what may come of it later if approved. Mr. Blancaniello concurred and then stated that he did not want a Habitat for Humanity home to be built on the vacant lot. Ms. Lee said they are only dealing with the request at hand and nothing else. Mr. Blancaniello stated that he did not receive the letter in the mail with sufficient time to respond. Ms. Lee thanked Mr. Blancaniello for his testimony.

Mr. Villabencio was sworn in and began by stating that the neighbors are afraid that a Habitat for Humanity House will be placed in the vacant lot, because the previous Habitat for Humanity House that was built in the neighborhood has brought nothing but trouble. He said they have talked to Code Enforcement and APD (Alamogordo Police Department). He spoke of the alley being a problem as well. Mr. Villabencio mentioned the fire hydrants and the back up from the sewer that is causing problems. Mr. Villabencio also spoke of his concerns with fire safety and access.

Mr. Alterson asked Mr. Villabencio if his main concern was traffic and if he felt that the Variance would cause more traffic in the alley way. Mr. Villabencio answered yes.

Mr. George Mirabal was sworn in and began by speaking about the alley way and the traffic that goes through there as well. He mentioned that there are several people who live in the house at 1218 Fifteenth Street. He stated that he is tired of cleaning up the alley and he is not going to do it anymore. He stated he is against the Variance. Ms. Lee reminded everyone that the Planning and Zoning Commission is not the final authority on this request. Ms. Lee thanked him for his testimony.

Ms. Delia Mirabal was sworn in and began by speaking about the problems with the proposed property. She spoke about the children who are running around the yard and junk in the yard. She stated that she has reported it several times. She also spoke about the traffic in the alley at all times of the day. She said she did not want this Variance due to what may come from it. Ms. Mirabal said the property is currently used for drug trafficking and is afraid the Variance will cause it to get worse. She also spoke about the problem with the sewer. Ms. Mirabal also mentioned that she was not notified with sufficient time to respond.

Ms. Lee stated that she understood that everybody has concerns that are important, and she has given more that sufficient time for everyone to speak their concerns, however she said we need to stay focused on the task at hand and that is the request for the Variance.

Mr. Williams asked Ms. Rael if the property at 1218 is currently zoned as two separate lots. Ms. Rael answered yes. He asked Ms. Rael to explain what can be built in an R-1 Zone (Single Family Dwelling). Ms. Rael answered a single family dwelling. Mr. Williams asked if APD had in fact been contacted about the issues that were mentioned. Ms. Rael answered that she did not contact APD since that is not an issue our department handles.

Ms. Lee then addressed the issue that was mentioned about not being given sufficient notice. Ms. Rael said that sufficient notice was given, the first publication was on March 16<sup>th</sup>, 2016 that this case was being handled as an Administrative Variance, and then when it changed to have to bring before the Planning and Zoning Commission it was ran again for publication on April 1<sup>st</sup>, 2016. Ms. Rael stated that in addition to that, she took the liberty of emailing the property owners who had responded initially and had provided an email address and also personally called the property owners who had provided telephone numbers to inform them of the change.

Mr. Alterson then asked if the home that is currently on the lot is a single family dwelling. Ms. Rael answered by stating that it was built as a single family dwelling. Mr. Alterson then verified that the two lots are currently two buildable lots and that no Variance is needed. Ms. Rael concurred.

Ms. Lee stated that she is deeply saddened by the situation that the surrounding residents/property owners are in. However, she said unfortunately what is before them tonight does not relate to the specifics of the concerns that were addressed. But that they have been heard and she hopes that these issues are resolved to their satisfaction somewhere, sometime, but that it would not be tonight. Ms. Lee said they can only address the one issue that has been brought before them tonight and that is the Variance request. She then asked for a motion.

Mr. Williams asked if since the issue is advising in a motion to support or deny the Variance and based on the testimony brought before them tonight, can it be sent to the City Commission along with the request for the Variance proposal. Ms. Lee said she has no objection to that, but she does not know if that is possible or not. Mr. Thies, City Attorney stated that the testimony should be recorded in the minutes for Commission review. Mr. Williams asked if it should just be assumed that City Commission will review the minutes. Ms. Lee stated either way, the minutes are not done verbatim, it is just a summary.

Ms. Lee entertained a motion. Mr. Gomolak motioned to approve the request. Mr. Williams seconded.

Mr. Alterson asked for discussion. He stated that he cannot vote on this item due to the testimony that was brought forward, the fact that the applicant is not here to represent the request, and that it was made clear that the Variance is in fact not needed. Motion failed. 3-2-0

Mr. Alterson moved for denial. Mr. Kemp seconded.

Mr. Gomolak stated that granting this Variance would bring the lots closer to code.

Ms. Lee stated that she feels it is a very narrow issue and fundamentally is a simple issue. She said it has been complicated by testimony beyond the scope of what has to be addressed. And that as a result of that, she feels this board is making the wrong decision *and moving in the wrong*

direction, making recommendations to the Commission and for that reason, she will vote against the motion for denial. Ms. Lee asked for roll call vote for the motion for denial. Ms. Lee voted nay, Mr. Gomolak voted nay, Mr. Alterson voted yes, Mr. Williams voted nay, Mr. Kemp voted yes. 3-2-0

Mr. Williams explained that he has voted both ways standing on the fact that a Variance is not required. In addition, the issue with the validated concerns of the testimony presented does not afford an opportunity as a Planning and Zoning body to do anything about those concerns which ultimately affect the neighborhood as a whole. Ms. Lee stated that the Planning and Zoning body cannot make a recommendation to City Commission on this item.

Mr. Alterson suggested a third alternative; that the case be continued to give the property owner and applicant an opportunity to stand up and hear what these neighbors have to say. Ms. Lee said that they have addressed the issue tonight, spent a great portion of their time on it, and there are other important matters to attend to and that this is the decision of this body Ms. Lee asked if anyone had any objections to her conclusion.

Mr. Kemp stated that for the record, because staff stated that a Variance is not needed it should not be recommended for approval.

Ms. Lee again stated that Planning and Zoning Commission is not making a recommendation and thanked everyone for coming.

5. **Approval of change in meeting date for May:** Ms. Rael explained that she is requesting a change in meeting date because she will be attending the NMLZO conference May 4-6, 2016 and would not be available for the scheduled May 5, 2016 Planning and Zoning meeting. Meeting date was changed from May 5, 2016 to May 12<sup>th</sup> 2016 at 6:00 pm.

6. **Update on White Sands Beautification:** Ms. Lee stated that she and Mr. Williams appeared on City Commissioner Nadia Sykes radio show this past Monday April 4<sup>th</sup>, 2016 to speak about the WSBI (White Sands Beautification Initiative). Ms. Lee said she also spoke at the Main Street meeting that evening and then again the next day on Tuesday April 5<sup>th</sup>, 2016 at the Democrats meeting, which went very well and then the next day Wednesday April 6<sup>th</sup>, 2016 at the Republican Women's meeting. She said she will speak at the April 12<sup>th</sup>, 2016 Commission meeting to inform them of the public meeting for the WSBI being held at the Willie Estrada Civic Center from 6:00 p.m. to 8:00 p.m. She said they will also speak at the Rotary on April 13<sup>th</sup>, 2016 at noon and then again on April 14<sup>th</sup> at noon to get the word out some more.

Mr. Williams reminded everyone of the public meeting being held for the WSBI at the Willie Estrada Civic Center from 6:00 p.m. to 8:00 p.m. to solicit input, participation and ideas on how to bring this to fruition. He spoke about how White Sands Boulevard has been broken into four different districts to address a combination of issues that will hopefully lead in time to a much more presentable appearance to the Boulevard as a whole so as to make it look less like a junk yard and more of a proper city Boulevard. He said that he and Ms. Lee have been working very diligently to get the word out so they can get the real movers in the process, which are the property owners and the business owners and city staff since it includes some public lands to include Alameda Park Zoo. Mr. Williams said the final presentation will be presented on the 18<sup>th</sup> and invited everyone to attend.

7. **Update on Main Street USA:** Ms. Lee gave an update. She said we are now listed first on the Main Street website. She reminded everyone that the Main Street meetings are held every first Monday of the month at 5:30 p.m. at the Washington Federal Bank. Ms. Lee stated that Main Street has a lot of state support. One of the projects that are currently being looked into is a new projector system at the Flickinger Center. She said is it on hold, but is being looked at for funding.

8. **Otero County Liaison Report:** Mr. Gomolak said there is nothing to report.

9. **Holloman Air Force Base Report:** Mr. Gomolak reported that the arrival of the F16's is well underway. Mr. Gomolak also said that the solar electric generating project is moving forward. Ms. Lee asked about the German Air Force. Mr. Gomolak said that the German Air Force will be gone by 2019. Ms. Lee asked what the level of disembarkment is. Mr. Gomolak said he hasn't heard that part yet. Mr. Williams said at the retired chiefs Association breakfast, one of the German Chief Master Sergeants got up and spoke about that issue and stated that they have to be gone by the deadline and so we can anticipate they will begin to move out in pieces and will likely be complete well before the deadline. They were not given a proposed time frame, but the exit plan is actually being built now and should begin seeing them start moving out in 2017 in smaller parts ramping up to a much larger movement in 2018. He said this was both monetary but mission oriented decision to go home.

Mr. Alterson suggested that as a Planning and Zoning Commission, we should be planning for this huge change. Ms. Lee said that she agrees and that is why we are doing things such as the Main Street Program and White Sands Beautification Initiative etc. so that we can stand on our own two feet.

10. **Unscheduled Public Communications:** Harvey Hamilton asked why some time ago a Variance case went straight to City Commission and did not go through the Planning and Zoning Commission at all. This particular case had to do with the city sidewalks in a certain area. He then inquired about why the new Wal-Mart Market that is going up on Indian Wells and Crescent Drive does not have a 5 foot sidewalk and would like to know who he can talk to about that. Ms. Lee said maybe he can get some answers after tonight's meeting.

Ms. Lee added that she loves our Air Force and wants the City of Alamogordo to keep our Air Force Base and firmly believes that our Air Force base is a great treasure that we have here and we want to keep it, but that we as a City need to improve our city.

Mr. Alterson asked for the Ordinance change that was requested by the City Attorney at last months meeting to be put on next months meeting for discussion.

Mr. Williams reminded everyone about the "Dry Run" for the WSBI at City Hall on April 11<sup>th</sup>, 2016 at 4:00 p.m. and the Public meeting on the 18<sup>th</sup> at the Willie Estrada Civic Center at 6:00 p.m.

11. **Adjournment:** Ms. Lee entertained a motion to adjourn. Mr. Williams motioned to adjourn. Mr. Gomolak seconded. Motion Passed 5-0-0 Meeting adjourned at approximately 7:49 p.m.

APPROVED:

May 12, 2016  
(Date)  
Pamela R. Lee  
Chair

ATTEST:

Melissa Walker  
Melissa Walker, Recording Secretary

Copies of the recorded Planning and Zoning meeting audio may be obtained at no cost to Commissioners. A fee will be charged to the public.