



## MINUTES

### Planning and Zoning Commission

Tuesday, February 3, 2015  
Grant County Administration Building  
1400 Hwy 180 East  
Silver City, New Mexico

#### **Commissioners Present**

Sherry Clements, Chair  
Nickolas Seibel, Vice Chair  
Susie Sientop

#### **Commissioners Absent**

Carmon L. Steven  
Lita Furby

#### **Staff Present**

Jaime L. Embick, Planner/Zoning Administrator  
Traci Burnsed, Planning Technician

The regular meeting of the Planning and Zoning Commission was called to order at 6:04pm by Chair Sherry Clements. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum of three commissioners was present.

#### **Approval of Agenda**

Commissioner Seibel moved to approve the agenda as submitted. Commissioner Sientop seconded the motion and it passed by unanimous voice vote of 3 to 0.

#### **Approval of Minutes**

Commissioner Seibel moved to approve the minutes of the October 7, 2014 meeting as written. Commissioner Sientop seconded and the motion was approved by unanimous voice vote of 3 to 0.

#### **Introductions**

Commissioner Clements asked for Mrs. Embick to introduce Traci Burnsed, new Planning Technician for the Town. Commissioner Clements then introduced Susie Sientop, new Planning and Zoning Commissioner, and solicited further applications from CATS viewers.

#### **Public Hearings**

**ZC 15-01** Map Amendment/Zone Change from a Rural District to a Commercial District for a tract of land which is addressed as 3901 Hwy 90 South, Silver City, New Mexico.

The Notice of Decision is attached as Appendix A.

Commissioner Seibel moved to approve Map Amendment/Zone Change ZC 15-01 from a Rural District to a Commercial District for a tract of land which is addressed as 3901 Highway 90 South, Silver City, New Mexico with the following finding; The proposed amendment is in substantial compliance with the Town's Comprehensive Plan.

The motion was seconded by Commissioner Sientop and passed with a roll-call vote of 3 to 0.

Commissioner Clements then explained that the application will now go to the Town Council meeting in February.

**New Business**

None

**Community Forum**

There was some discussion of inviting speakers for a community forum and which meetings.

**Reports from Staff**

Mrs. Embick introduced Traci Burnsed as the Town's new Planning Technician.

**Reports from Commission**

Commissioner Seibel presented more ideas for speakers for the community forum. He also looked up the sunset clause on billboards in the land use code and asked why some billboards had been asked to be removed and then others had not. Mrs. Embick replied that the sign had probably not come up, but said to contact code enforcement and his town councilor.

Commissioner Sientop asked about manufactured housing being no older than 1978 in town. Mrs. Embick replied that all new manufactured homes that are moved into the town must have a HUD seal and that program began in approximately 1979 and that all homes prior to the adoption of this land use code are grandfathered in.

Commissioner Seibel had one more item to remind the public that Town council elections are coming up March 3<sup>rd</sup>. Commissioner Clements followed up to remind the audience that school board elections have 25 minutes remaining to vote.

**Community Input**

None

**Adjournment**

Commissioner Sientop moved to adjourn the meeting. Commissioner Seibel seconded and the motion passed unanimously by voice vote. The meeting was adjourned at 6:37 pm.

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Sherry Clements, Chair  
Planning & Zoning Commission

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Date Approved

## NOTICE OF DECISION

**PLANNING & ZONING COMMISSION  
TOWN OF SILVER CITY**

**Case No. ZC 15-01**

### **IN THE MATTER OF:**

A request for a Map Amendment/Zone Change from a Rural District to a Commercial District for a tract of land which is addressed as 3901 Highway 90 South, Silver City, New Mexico.

### **BACKGROUND:**

The applicant, MasterCraft Properties, LLC owns the property located at 3901 Highway 90 South and has applied for a Map Amendment/Zone Change under Section 6.3.2 of the Land Use and Zoning Code of 2010. The company also owns the adjoining property which was re-zoned to a Commercial district as well.

A staff report has been submitted by the Community Development Department stating that the applicant has submitted a completed application and now requests a Map Amendment/Zone Change from Rural to Commercial. The staff report notes that the parcel in question is located within Town limits, is within the Rural district, and that surrounding property owners had been notified of the request for a Map Amendment/Zone Change pursuant to the Community Participation provisions of the Land Use and Zoning Code of 2010.

### **THE EVIDENCE:**

The Commission reviewed the application, deed, staff report, and other supporting documentation along with sworn testimony given at the public hearing, all of which show the following:

The applicant submitted a Map Amendment/Zone Change request to re-zone the Rural property to Commercial. The property is currently undeveloped.

The Rural (Ru) District as defined in Section 3.1.1 of the Land Use Code, “is intended to provide for annexed areas that will accommodate agricultural, ranching, and natural resource uses and very low-density residential uses, until such time as other development is appropriate”. Interim Commercial (C) Zoning in Section 3.2.7 of the Land Use Code states, “In the interim time period until the C-Hwy, C-LT, C-HD zone districts are designated on the official zoning maps, the Commercial (C) District shall continue to exist. The use and dimensional requirements for the existing C district shall be as established herein for the C-Hwy zoning district. After the C-Hwy, C-Lt, C-HD zone districts are designated on the official zoning maps, the Commercial (C) District shall be extinguished.

Three property owners in the surrounding neighborhood were contacted in writing by the applicant. No response was received.

The Community Development Department also contacted the three property owners. No response was received.

Jaime Embick presented the staff report for the Community Development Department.

Commissioner Clements asked if any of the property in the vicinity is being used as Rural. Mrs. Embick stated there was no rural use that she knew of. The property has not been served with Town water service yet and the property has only recently been addressed. It has previously been undeveloped.

Commissioner Siedentop asked if the property taxes are higher with the property zoned commercially. Mrs. Embick stated that the County Assessor would have that information.

Commissioner Seibel asked if the owner of the adjacent property to the northeast wanted to re-zone their property at this time. Mrs. Embick stated that the three surrounding property owners were contacted about the hearing and they did not contact the Community Development Department or the applicant.

Floyd McCalmont presented the case for MasterCraft Properties, LLC. He stated that he felt the application best met required finding number 1; the proposed amendment is in substantial compliance with the Town's Comprehensive Plan. He stated that most of the uses from Cooper Street to Dickson Road are commercial.

Commissioner Clements asked if the current business will be expanding into this parcel. Mr. McCalmont stated they will be building a similar structure on this parcel.

Commissioner Seibel asked if there is a structure on the parcel. Mr. McCalmont stated that there are no structures on the property but a primitive road does exist.

Commissioner Clements asked if there will be room for parking on the site and if Dickson Road will still be used for access. Mr. McCalmont stated that highway access is possible but is expensive. Mrs. Embick stated that the parking plan will be reviewed when the applicant submits commercial development plans.

Commissioner Clements asked if customers will be accessing the property. Mr. McCalmont stated that it will be similar to their current property, they do not have many walk-in customers.

Commissioner Siedentop asked if the road access is already there. Mr. McCalmont stated that it is.

Commissioner Seibel asked if Mr. McCalmont contacted Blair Turner to ask if they were interested in re-zoning. Mr. McCalmont stated that he sent them a letter and had no response. Mrs. Embick stated that the Town is in the process of updating the zoning map and the creation of the Historic Downtown Commercial District is an example of this. This re-zone will allow the owner full use of their property in the interim.

Commissioner Seibel asked why it was being zoned to the interim category. Mrs. Embick stated that the other commercial categories have not been implemented yet. At the time of the larger scale re-zoning, the neighbors will have another opportunity for input. This category will have the least impact on the neighbors at this time.

**FINDINGS OF FACT:**

The applicant requests a zone change for the property zoning to be changed from a Rural District to a Commercial District.

The Commission has found that the proposed amendment: is in substantial compliance with the Town's Comprehensive Plan. This finding fulfills the requirements stated in Section 6.3.2 of the Land Use and Zoning Code of 2010.

**CONCLUSIONS OF LAW:**

Section 6.3.2 of the Land Use and Zoning Code of 2010 provides a means for changing the Official Zoning Map.

**DECISION:**

The Commission, with a unanimous roll-call vote of a quorum of three commissioners, hereby recommends to the Silver City Town Council that the Applicant's request for a Map Amendment/Zone Change be approved. The recommendation will be made to the Town Council when the request is heard for a final decision.

Sincerely,

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Jaime L. Embick  
Zoning Administrator  
February 13, 2015

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Sherry Clements  
Commission Chair

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