



MINUTES

Planning and Zoning Commission

Tuesday, July 1st, 2025
Grant County Administrative Building
1400 US Hwy 180 E.
Silver City, New Mexico

Commissioners Present:

Simon Wheaton-Smith, Chair
Susan Z. Mittelstadt
Susan Moody
John Balas
Dave Stone

Commissioners Absent:

Staff Present:

Ms. Olea, Assistant Town Manager
Ms. Hickle, Planning/Mapping Technician

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 pm. The Pledge of Allegiance was recited. A roll call from commissioners was taken, and a quorum was present.

Approval of Agenda:

Commissioner Moody motioned to approve the agenda for July 2025. Commissioner Stone seconded the motion. The agenda was approved by a unanimous vote of 5/0.

Approval of Minutes:

Commissioner Balas moved to approve the minutes of the June 2025 meeting with the amendments regarding redefining the regular meeting to a special meeting, as well as an amendment regarding a reference to the director of the Grant County Chamber of Commerce rather than the full chamber of the commission. Commissioner Stone seconded the motion, and the motion passed by a unanimous roll call 5/0.

Reports:

None

Community Input:

None

Public Hearings:

ZC 25-01: A zone change request for one tract of land from a Commercial Highway District to a Mixed-Use zoning district. The Property is legally described as Subd: MOORE'S #4 Lot: 13 THRU:-

Lot: 15 E 5' OF LOT 15 0.241 AC and addressed at 2240 Pinos Altos Rd. The applicant was Kent Allen Kelley, represented by Erin Palmer, Century 21 Hacienda Realty.

The Chair inquired if the commission had any ex parte communication or had any financial connection to the application; the commission unanimously answered no. The Chair stated that this is a quasi-judicial process. Questions and answers were directed through the chair. Ms. Olea and Kent Allen Kelley were sworn in to the hearing.

Ms. Olea presented the staff report. According to the 2010 land use code, section 3.1.8 states that the Highway Commercial District is intended to accommodate a broad mix of commercial uses serving residents and visitors, including businesses that are highly accessible by vehicles. This district is intended for employment activities and uses that may be more intense than in the historic downtown commercial and light commercial districts in terms of traffic, noise, and lights. Higher-density residential buildings and mixed-use buildings containing residential units that do not front on the highway are appropriate. The use of a household living in a single-family detached home in the commercial highway zone is not allowed in the land use code of 2010. Due to this home's construction occurring before the adoption of the 2010 code, this home is considered nonconformity and regulated by article 7, section 7.1.1.

Ms. Olea stated when the planning and zoning commission makes a recommendation to the town council about the request at hand, it shall make at least one of the following findings:

1. The proposed amendment is in substantial compliance or not in substantial compliance with the town's comprehensive plan.
2. The proposed amendment will not adversely affect the implementation and goals and policies of the town's comprehensive plan, nor will it adversely affect the implementation and goals of and policies of the town's comprehensive plan.
3. The proposed amendment is justified to correct a mistake in the town's comprehensive plan. An error in the assumptions about the property surrounding usages, population forecasts, rates of land consumption, and other factors.
4. The proposed amendment will not adversely impact the health, safety, or welfare and will promote the original uses of the land use code, or it will adversely impact the public health, safety, and general welfare and will not promote the original purposes of the land use code.
5. The proposed amendment responds to changes in conditions, such as changes in assumptions on capital improvements, road locations, population trends, lands committed for development, density, and other uses of further study that have been completed since the adoption of the land use code, or it does not respond to changing conditions.
6. The proposed amendment is necessary to respond to state and federal legislation.
7. The proposed amendment provides additional flexibility in meeting the objectives of the land use code without lowering the standards of the land use code.

It was the recommendation of the community development department to the planning and zoning commission to recommend the map amendment/zone change to the town council, as it met the following findings. The proposed amendment was in substantial compliance with the town's comprehensive plan. Goal **one**: Prioritize safe housing for residents in Silver City. Chapter 5, page 36 of the town's comprehensive plan of 2017 and policy. Ensure the town of Silver City pursues all

avenues for a mixture of fair and affordable housing for all income levels. Chapter 5, page 36, towns of Silver City Comprehensive Plan of 2017. Additional findings, goal **two**, the proposed amendment does not adversely affect the implementation and the goals of the policies of the town's comprehensive plan. The change does not constitute a spot zone since the mixed-use regulations comply and are consistent with the surrounding residential and commercial uses. Finding **four**, the proposed amendment will not adversely impact public health, safety, welfare, and general welfare, and will promote the original purposes of the land use code. And finding **seven**, the proposed amendment provides additional flexibility to meet the objectives of the land use code without lowering the standards of the land use code.

Kent Allen Kelley affirmed the findings presented, confirming that the proposed map amendment/zone change to mixed use would alleviate the issues associated with unconformities and create a lower initial cost to potential investors. Should the property be sold, it would provide a primary dwelling unit as well as an opportunity to start a business on the same property as allowed in a mixed-use zone under the 3.2 use table. The Chair asked if anyone wanted to speak either in favor or in opposition to the application. Commissioners indicated they had no comment.

Motion: Chair Wheaton-Smith moved for an executive session under the provisions of NMSA7810-15-1H3, explaining that during that executive session, the commission is limited to only discussing issues that have been brought forth in the hearing so far. And secondly, no decisions can be made. Commissioner Stone motioned to approve, and Commissioner Moody seconded the motion. The motion passed with a unanimous roll call 5/0.

A unanimous roll call was taken once they returned from the executive session, confirming that only information provided in the record was discussed and no decisions were made. The Chair asked the councilors for any further comments or questions for staff or the applicant, but none were raised.

Motion: Commissioner Balas motioned to approve ZC:25-01, the recommendation to the map/zone change to the city council based on the findings of goal **one**: that this request is in substantial compliance with the town's comprehensive plan, and because goal **four**: the proposed amendment will not adversely impact the neighborhood, and goal **seven**: the proposed amendment provides additional flexibility in meeting the objectives of the land use code without lowering the standards of the land use code.

The Chair called for a second on the motion, Commissioner Stone seconded, and the motion passed with a unanimous roll call 5/0.

The Chair announced that the recommendation would be forwarded to the Town Council for adoption. The Chair stated the decision that the commission made was subject to appeal, and that anyone who has standing can appeal. There's a very rigid timeline. To appeal, you must state why you have standing, and secondly, you must state the grounds for the appeal to show a flaw in the commission's understanding. Anyone who wishes to do that should contact the community development department director to verify when the appeal timeline opens and for how long.

The hearing was closed.

Continued Business:

None

New Business:

None

Community Input:

None

Reports from Staff:

None

Reports from Commission:

The Chair discussed the potential of a subcommittee within the Planning and Zoning Commission for two things.

- Collect public input for the land use and zoning code update.
- To investigate a mass zone, change along the Highway 15/PA road corridor, it is identified that the non-conforming uses are showing to be somewhat of a detriment to property owners who own residential property. We would like to investigate if property owners within that corridor would be interested in getting a zone change to be able to have their property come into conformity with the land use code

Committees will be placed on next month's agenda.

Adjournment:

Commissioner Balas moved to adjourn the meeting. Commissioner Stone seconded the motion, and it passed by a unanimous roll call 5/0. The meeting was adjourned at 6:51 pm.

Simon Wheaton-Smith, Chair
Planning & Zoning Commission

Date