



MINUTES

Planning and Zoning Commission

Tuesday, August 5th, 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/Community Development Director
Ms. Hickle, Planning/Mapping Technician

The regular meeting of the Planning and Zoning Commission was called to order at 6:03 pm. The Pledge of Allegiance was recited. A roll call was taken among the commissioners, and a quorum was present.

Approval of Agenda:

Commissioner Mittelstadt motioned to approve the agenda for August 5th, 2025. Commissioner Moody seconded the motion. The agenda was approved unanimously by roll call, 5/0.

Approval of Minutes:

Commissioner Mittelstadt motioned to postpone the approval of the minutes from the regular meeting scheduled on July 1, 2025, to the next scheduled meeting on September 2, 2025. Commissioner Balas seconded, motion approved by a unanimous roll call vote, 5/0.

Reports:

None

Community Input:

None

Public Hearings:

CU 25-02: Conditional Use request for a short-term rental within the Commercial Highway Zoning District. The property is legally described as: Subd: FRASER Block: 209 Lot: 1 AND:- Lot: 3 THRU:- Lot: 6 AND:- Lot: 8 AND:- Lot: 10 AND:- Lot: 12 PT LOT 1, PT LOT 3, PT LOT 4, ALL, PT LOT 6,

PT LOT 8, PT LOT 10, PT LOT 12 .703 AC, LYING NORTH & EAST OF CENTER OF ARROYO AKA TRACT B, JOINT TENANTS, addressed as 1001 N. Pope St. The applicant is Edwin Garland.

The Chair stated this was a quasi-judicial process. The Chair asked if any of the commissioners had any financial connection to the application or had any ex parte communication; the commission unanimously answered no. Questions and answers were to be directed through the chair. Ms. Olea, Ms. Hickle, Ms. Stinar, and Mr. Garland were sworn in to the hearing.

Ms. Hickle presented the staff report. A short-term rental within the Highway Commercial District requires a Conditional Use Permit per the Town of Silver City's Land Use and Zoning Code of 2010. Mr. Garland submitted a Conditional Use Application to the Community Development Department on June 16th, 2025. This was the first step in the proposed development of his commercial property. If the applicant receives a Conditional Use Permit, they may move forward with the Commercial Development Review process. After a departmental review of the application, the Code Enforcement, Fire, Police, and Public Works departments had no comment. The Engineering department had observed that the structure is in a special flood hazard area known as a floodway. The Utilities and Meters Department noted that the additional residential use of the property would require additional fixture fees and a possible additional waste meter. The Planning and Zoning Commission would apply and make all four of the following findings relevant to the request at hand:

1. Will not endanger the public health or safety,
2. Will not injure the value of adjoining or nearby properties,
3. Will be in harmony with the area in which it is located, and
4. Will be in conformity with the Town's Comprehensive Plan, or other plans officially adopted by the Town.

The Community Development Department staff recommended that this request be approved, as it meets the four findings as required.

Mr. Garland began his presentation to the commission. He stated this short-term rental would bring in additional medical personnel to the community, which would enhance the community. He noted that previous medical personnel who attempted to stay in Silver City had struggled to find adequate housing for themselves and their pets. He then stated the short-term rental would not injure the value of the adjoining properties but should enhance the value as he regularly maintains the property as well as the adjacent trail used by pedestrians. He explained that the property would be in harmony with the area in which it is located because of the planned upgrades to the building's appearance with a terracotta design. He originally planned to create a 90-day rental agreement; however, to conform with the Town's Comprehensive Plan, he changed the rental agreement to a 30-day lease with a 30-day extension upon request. He then concluded his presentation with an explanation that the previous business venture was a medical marijuana facility; by changing to a short-term rental, it would also comply with the Town's Comprehensive Plan.

Ms. Stinar began her testimony by stating her relationship to the project, as part-owner of the medical office, a block from the proposed development. In her words, Mr. Garland had done a very good job of keeping the property clean. Then, stating how it would be extremely valuable to the community to have that property in use with someone who maintained it well. She noted that when commercial

property sits empty for years, it degrades the value of all the property around it. The Chair asked if members of the commission wanted to speak either in favor of or in opposition to the application. The commissioners indicated they have no comments.

Commissioner Mittlestadt moved to approve the application. Commissioner Moody seconded the motion, and it passed unanimously as a roll call, 5/0.

The Chair then explained the process for appeal and the timeline, which would begin when the decision is mailed. If one were to appeal, one must have stated their interest in the case. It could be related to the property or a financial interest in the application. If one is made, it would then go to the Town Council. Ms. Olea added that any appellants would also have to specify any errors made by staff in the Community Development Department or the Planning and Zoning Commission.

The hearing was closed.

Continued Business:

None

New Business:

The Chair introduced the next topic for discussion, the formation of a new subcommittee. This would consist of at least two members of the commission and be used to organize and establish a date and time for an open house, for the collection of input from the community on the Land Use and Zoning Code update. The Chair and Ms. Olea recommended that the commission should only focus on a few key issues to craft better solutions; rather than attempting to complete all issues, which may increase the chance of error. The Chair then gave previous notice of an amendment to the previously adopted bylaws. Section 1.9: meetings and hearing schedules, the amendment would insert a section "D" which would add each year in January, the commission would identify from the commission itself, the Community Development Department, or the Town Council areas of concern and would select one or more areas and develop solutions resulting in a textual amendment to the Land Use and Zoning Code for presentation to the Town Council for adoption. The Chair moved to create a subcommittee to update the land use code, plan an open house, and establish a date and time. Commissioner Stone seconded. The commission went into debate, and Ms. Olea offered advice from the consultant company Southwest Sites LLC. The expanded focus on updating the Land Use and Zoning Code beyond those that which covers affordable housing, by way of opening the topic to public comment, would produce additional costs for the Town. The Chair offered to reintroduce the action of creating the subcommittee to a later date when the commission may deem it necessary. The members of the Commission expressed an interest in the creation of an open house; however, upon the vote for the creation of the subcommittee, the roll call vote failed 1 to 4.

The Chair then introduced the next action item on the agenda: the creation of a subcommittee to conduct zoning research along Highway 15 and the Penos Altos corridor. To better understand the opinions of the residents within this neighborhood, this subcommittee would consist of at least 2 members. This subcommittee would assist the Community Development Department in contacting individuals within the specified area. Both Commissioner Moody and Commissioner Balas volunteered to help the Community Development Department. Commissioner Mittelstadt moved to create the

subcommittee for zoning research along Highway 15/Pinos Altos Rd corridor, and Commissioner Moody seconded. A roll-call vote failed unanimously 0/5 because the issue was resolved with two volunteers.

Community Input:

None

Reports from Staff:

Ms. Olea noted that the submission of Resolution 2025-02 to the Town Council regular meeting scheduled for August 12th might warrant a legal notice to the public, as Commissioners might be present at the meeting. The Chair agreed that the legal notice would be preferable.

Reports from Commission:

None

Adjournment:

Commissioner Balas moved to adjourn the meeting. Commissioner Moody seconded the motion, passing by a unanimous roll call 5/0. The meeting was adjourned at 7:02 pm.

Simon Wheaton-Smith, Chair
Planning & Zoning Commission

Date