



MINUTES

Planning and Zoning Commission

Tuesday, June 5, 2018
Grant County Administration Building
1400 Hwy 180 East
Silver City, New Mexico

Commissioners Present

Nickolas Seibel, Vice Chair
Carmon L. Steven
Otto Khera

Commissioners Absent

Sam Castello

Staff Present

Priscilla Arredondo, Planner/Zoning Administrator

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

Approval of Agenda

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

Approval of Minutes

Commissioner Khera moved to approve the minutes of the April 3, 2018 meeting, Commissioner Steven seconded the motion and it passed by unanimous voice vote of 3/0.

Public Hearings

CU 18-01: A request for a Conditional Use Permit for property addressed 2810 Hwy 180 East, Silver City, NM to be used for Manufacturing and Production with indoor/outdoor operations with or without outdoor storage. This use requires a Conditional Use Permit in the Commercial District. The applicant is Ryan Herbon, CEO of Agmechtronix, agent to property owner, Greg Cooper.

Seventeen people were sworn in for testimony. Priscilla Arredondo presented the staff report. The Notice of Decision is attached as Appendix A.

Commissioner Steven motioned to approve CU 18-01 with all four findings being met. Commissioner Khera seconded the motion. The motion was approved by roll call vote of 3/0.

New Business

Commissioner Khera motioned to postpone election of new chair until the next meeting that all Commissioners will be present. Commissioner Steven seconded the motion. The motion was approved by voice vote of 3/0

Community Forum

None

Reports from Staff

None

Reports from Commission

Commissioner Seibel stated that there are openings on Planning and Zoning Commission

Community Input

None

Adjournment

Commissioner Steven moved to adjourn. Commissioner Khera seconded and the motion passed unanimously by voice vote of 3/0. The meeting was adjourned at 6:50 pm.

Nickolas Seibel, Vice Chair
Planning & Zoning Commission

Date

NOTICE OF DECISION

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

Case No. CU 17-01

IN THE MATTER OF:

A Conditional Use Permit for a property addressed 1600 Pope Street, Silver City, NM to be used as an affordable senior housing project. Multiple-family housing units greater than ten units, require a Conditional Use Permit in the Highway Commercial District. The applicant is The Town of Silver City.

BACKGROUND:

The Town of Silver City wishes to donate the property to be used for an affordable senior living community.

A staff report has been submitted by Community Development Department stating that the applicant has submitted a completed application and now requests a Conditional Use Permit for Multi-family housing units greater than ten units. The staff report notes that the parcel in question is located within town limits, is within the Highway Commercial District, and that surrounding neighbors had been notified of the request for the Conditional Use Permit pursuant to the community participation provisions of the Land Use and Zoning Code of 2010.

EVIDENCE:

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

The current zoning of the location for the applicant's request is Highway Commercial. According to Table 3.2 of the Land Use and Zoning Code of 2010, Multiple-family housing units greater than ten units are allowed in the Highway Commercial District only with a Conditional Use Permit.

After departmental review of the application, the Utilities Department, Fire, Police, and Meters Division had no comment. The Lead Code Enforcement Officer recommends extending landscaping shrubbery to shield from view of commercial dumpsters; however this is something for later in the developmental process. Also the Engineering department recommends that future developments will need to include a drainage report with detention designs. The Public Works director recommends that upgrades be made to both entrances and exits to include new paving, drainage improvements and ADA and to also include a traffic impact study. These are also for future development plans, and have no impact on this request for a Conditional Use Permit.

Twenty-nine property owners in the surrounding neighborhood were contacted in writing by the applicant. One property owner stated that he would attend the meeting and had questions as to the type of people this community would house. Another person on behalf of a property owner came to the office to review the file and was happy to see something being done with the property.

Priscilla Arredondo presented the staff report for the Community Development Department.

Mark Shumacher, Director of Acquisitions for Bethel Development stated that it is a twenty five year old development, construction, and property management company and has been in the Town for fifteen years with the Silver Cliff Apartments. He talked about the preliminary allocation they were awarded through MFA and the fact that only three cities in the state had received it. He also stated that as far as the time frame, construction should start first quarter of next year and may take twelve months to complete. Occupancy should be the first quarter of 2019. He said they are an experienced management company and this will be a senior restricted community.

Commissioner Clements asked about the length of time people can visit and how do people apply? Mr. Shumacher replied that the lease has restrictions of time limit family can visit but he did not have the information in front of him. He also said that Fair Housing requires first come first serve at or below \$620 a month with utilities.

Commissioner Clements asked if it was a final drawing, Mr. Shumacher stated that they are as close as they can come at this time since they haven't gone to the developmental stage and this was the last step of the zoning stage. Commissioner Siedentop stated that the design is different than the other apartment buildings, and asked if it was going to be a flat or pitched roof. Mr. Shumacher stated that a pitched roof adds unnecessary height to the building.

Commissioner Clements asked if they would have two entrances, Mr. Shumacher said the goal was to have Juniper Street to be the main entrance and the Pope Street entrance for emergency traffic. Commissioner Clements also asked if a traffic study would be done. Mr. Shumacher said yes there would be and they will work with NMDOT. He also stated that senior housing is super low traffic impact. Often less than half of seniors have a car and Corre Caminos would have a front entrance pick up point.

Commissioner Clements asked what had occurred at the City Council meeting regarding the property. Mrs. Embick explained that the Ordinance that went to City Council was just for the donation of the property. Commissioner Steven asked if the land had in fact already been donated. Mrs. Embick stated that for tax credits it has to occur by November of this year and will only be donated if the project goes through.

Commissioner Steven asked about the financing. Mr. Shumacher explained about the tax credit program from MFA. He stated that it is a highly competitive program and the only realistic vehicle for affordable housing right now. He also said that City Council made the decision to support this project because it may never come down this path again.

Commissioner Steven asked if these tax credits mean that the tax base they would have on the finished property would be subsidized. Mr. Shumacher explained that what the tax credits do is they come to the partnership and they sell them to a larger corporation that needs to offset their federal income tax. He stated that cash comes in to the project as equity, and then reduces their permanent debt so this causes rents to be more affordable.

Commissioner Siedentop spoke about the health and safety in finding number one and asked about EPA clean-up. Mrs. Embick stated that the property is part of the Brownfield clean-up with the EPA and this project is improving the site by clearing the top soil before they can build. Mr. Shumacher spoke of the housing ordinance and studies done by the Town about the lack of affordable housing for the elderly.

Commissioner Clements reviewed the four required findings with the Commission. Finding number four was addressed and Commissioner Clements stated that the Comprehensive Plan encourages infill development and using existing buildings.

FINDINGS OF FACT:

According to the Land Use and Zoning Code of 2010, Multiple-family housing units greater than ten units require a Conditional Use Permit in the Highway Commercial District. The Commission finds that the record provides them with substantial evidence to support the following four findings found in Section 6.3.7.

1. Will not endanger the public health of 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.

CONCLUSIONS OF LAW:

Section 6.3.7 of the Land Use and Zoning Code of 2010 states: A Conditional Use Permit shall be required for those uses that are not permitted in the district 'by right', "A", but denoted as a "C" in the Use Table 3.2 in order to ensure that the use will not be detrimental to the public health, safety and welfare of the community and will not impair the integrity and character of the zoning district in which it is located. The applicant's proposed use is designated as a "C" in the Highway Commercial District.

DECISION:

The Commission hereby grants by unanimous vote, the applicant's request for a Conditional Use Permit with no conditions.

In granting the Conditional Use Permit, the Commission finds that the spirit of the Land Use Code will be observed, that public safety and welfare has been secured, and that justice has been done.

Sincerely,

Priscilla Arredondo
Planner/Zoning Administrator
May 10, 2017

Sherry Clements
Commission Chair

Date