

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

Mtg. Date: May 2, 2023

Project #: ZC 23-01

Request: ZC 23-01: Request for a Zone Change, for one tract of land, **from Residential A to Open Space**, legally described as Quarter: SW S: 34 T: 17S R: 14W PT NEQSWQ Quarter: SE S: 34 T: 17S R: 14W PT NWQSEQ 29.593 AC. The property is approximately bounded on the south by the Silver Cliff Apartments, approximately on the east by Ursa Major and Crestway Drive, and approximately on the west by Little Walnut Rd. **excluding all private property** in Silver City, NM. The applicant is the Town of Silver City.
The applicant is the Town of Silver City.

Analysis: On February 21, 2023, the Community Development Department completed an application for a zone change for the subject property. The application was heard by the Planning and Zoning Commission on May 2nd, where the Commission provided a recommendation to the Silver City Town Council.

The land is currently undeveloped. According to the Land Use and Zoning Code of 2010 Section 3.1.12 “Open Space is intended to preserve and enhance public open space. Purposes served by such lands include recreational uses such as hiking and bicycling, preservation of scenic vistas, preservation of sensitive lands, protection of natural vegetation, wildlife, and land forms, and protection of natural areas for such natural processes as flooding to occur without damaging development.” The use of the area is restricted to operations described in 3.2.6(B) “natural areas and accessory uses, trails, and structures directly incidental to such open space use, protection, and maintenance, such as parking areas, hikers' shelters, and maintenance equipment sheds.”

Town of Silver City Comprehensive Plan of 2017, page 3-24; C. Development Regulations-Zoning; The Town should coordinate land use and community design goals with the goals of other planning elements such as housing, community design, transportation, and economic development. The Town’s development regulations should reflect this integrated approach to planning, ensuring all new development has a beneficial influence on the quality of life to improve future opportunities for the community. The zoning map should be updated to reflect all categories and current uses.

Individual amendments to the Official Zoning Map on a case-by-case basis, like this request, provide the Town and its residents some flexibility in meeting a long-term goal of the Land Use and Zoning Code of 2010. Based on the objectives of the Comprehensive Plan and the Land Use Code, the Town hopes to align the Official Zoning Map with the Land Use Code, the Comprehensive Plan, property owners’ wishes, and the ways that the Town has grown and developed.

After departmental review of the application, the Code Enforcement, Utilities, Fire, Police, Public Works, Engineering, and Meters Division had no comment.

Citizen Participation Report: As required by Section 6.2.11 of the Land Use Code of 2010, The Community Development Department contacted the property owners as identified by Grant County Assessor parcel data, within 300 feet of the affected area by U.S. mail, regarding the proposed Zone Change. The Community Development Department mailed notification letters on June 6th, 2023, and scheduled the meeting for June 27th, 2023. One response was received during the Citizen Participation process. The respondent asked only for clarification on what Open Space Zoning Designation entails. Once informed of the zoning regulations, they were in favor of the proposal and liked the idea of preserving the area.

Findings: When the Town Council provides its decision about the request at hand, it shall, at a minimum, 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 of the goals and policies of the Town's Comprehensive Plan (or it will adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan);
3. The proposed amendment is justified in order to correct a mistake in the Town's Comprehensive Plan (an error in the assumptions about the property, surrounding uses population forecasts, rate of land consumption, or other factors);
4. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code (or it will adversely impact the public health, safety, or general welfare and will not promote the original purposes of the Land Use Code);
5. The proposed amendment responds to changed conditions, such as changes in assumptions on capital investments, road locations, population trends, land committed to the development, density, and use of further studies that have been completed since the adoption of the Land Use Code, (or does not respond to changed conditions);
6. The proposed amendment is necessary in order to respond to state and/or federal legislation.
7. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

Recommendation: It is the recommendation of the Community Development to the Planning and Zoning Commission to approve this Map Amendment/Zone Change as it meets the following findings:

1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan and
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan.
4. The proposed amendment will not adversely impact the public health, safety, or general welfare and will promote the original purposes of the Land Use Code.