

**VILLAGE OF CLOUDCROFT, NM  
PUBLIC HEARING – NOVEMBER 16, 2021  
OTERO COUNTY**

Minutes of the **ZONING REQUEST / PUBLIC HEARING** of the Governing Body for the Village of Cloudcroft, held on Tuesday, November 16, 2021, at 5:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor William Denney called the meeting to order with the following Council members present:

John Tieman – Mayor Pro Tem  
Bruce Smaga - Trustee  
George Mitchell – Trustee  
Jim Maynard - Trustee

The following guests were present for the Zoning Request / Public Hearing: Justin Munoz; Steve Pepper; Jessica Beach; Mark Horton; Matt Yanda and Kolby Jones.

The pledge of allegiance to the US and NM flags was led by Mayor Denney.

**APPROVAL OF AGENDA**

Mayor Denney entertained a motion to approve the Agenda for the Public Hearing of November 16, 2021. Trustee Smaga made such motion, Trustee Maynard seconded the motion and upon vote of Trustees Smaga, Maynard, Tieman and Mitchell all voting “aye” the motion passed.

**PUBLIC HEARING PROCESS EXPLAINED**

Mayor Denney informed the Council and those in attendance that the Public Hearing would be for the purpose of approving or disapproving a zoning request submitted by Justin and Marianne Munoz for their property located at 202 and 204 James Canyon Hwy in Cloudcroft, NM, and that the Public hearing would be conducted under procedures mandated by the NM Court of Appeals, in *Battershell v. the City of Albuquerque*; he also read the rules of conducting a Public Hearing. Mayor Denney asked each of the Council members in attendance if they personally had any “conflicts of interest” regarding the zoning request, and they all stated “no”. Mayor Denney asked each of the Council members if they have had any “outside or ex-parte communications” concerning the request and they all stated “no”. The Village Planning & Zoning Clerk swore in Justin Munoz (property owner); Kolby Jones (representing Allsup’s Gas & Convenience Store); Matt Yanda (representing CESO, Inc.); and Mark Horton (concerned citizen).

**PRESENTATION OF INFORMATION REGARDING ZONING  
REQUEST CZ#2021-02**

Tom Blessum, Chair of the Village Planning & Zoning Commission presented to the Governing Body that the zoning request before them is part of a future project, being the expansion of the current Allsup's facility. Chair Blessum explained that the property of the zoning request is part of a proposed "real estate sale" between Mr. Munoz and Allsup's. Purchase of the property would allow Allsup's to expand their current facility.

**PRESENTATION OF ZONING REQUEST CZ#2021-02**

Justin Munoz made a presentation to the Council requesting that C-7 zoning be added to his property at 202 James Canyon Hwy and a northern portion of the lot at 204 James Canyon Hwy which is currently zoned as C-1.

Matt Yanda, representing CESO an Architect and Engineering firm representing Allsup's, presented to the Council a plat / re-plat, showing the current lot owned by Allsup's and the two lots owned by Mr. Munoz, east of the current Allsup's facility, being 202 and 204 James Canyon Hwy. Mr Yanda explained that the proposed "real estate sale" would involve platting all three lots into one lot with the exception of a southern portion of 204 James Canyon Hwy., the current legal description being: Subd: CLOUDCROFT Lot: TR IN Block 1A. (The legal description of the lot after the re-plat, will be attached to the "final" Findings of Fact & Conclusions of Law and Judgement for the Zoning Request #CZ-2021-02). Mr. Yanda stated that the zoning request would result in the three lots to be owned by Allsup's as C-7 and the portion that will still be owned by Bear Den, LLC, would remain as C-1.

Staff (Planning & Zoning Clerk) presented to the Governing Body that thirteen letters were mailed by certified mail to the thirteen surrounding property owners and that all thirteen return mail receipts were received. Staff reported that one letter of opposition was received from the Church of Christ.

The Governing Body did not have any questions pertaining to the zoning request.

There were not any parties who wished to cross-examine the Applicant.

There were not any questions from staff.

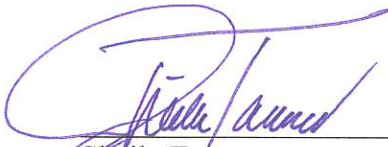
Mark Horton, elder for the Cloudcroft Church of Christ, expressed that Cloudcroft's distinctive historic downtown area would be affected by the zoning request and expansion of the current Allsup's facility and wished that the project could be re-located to a site outside of the downtown area. He also stated that the project would cause even more congested parking issues than the Village already has in that area.

After detailed discussion between members of the Governing Body, Mayor Denney entertained a motion to approve or disapprove the zoning request. Trustee Maynard made a motion to approve C-7 zoning for 202 James Canyon Hwy and for the north portion of the lot at 204 James Canyon Hwy., contingent on completion of the real estate sale between Allsup's and Bear Den, LLC. Trustee Mitchell seconded the motion and upon roll call vote of Trustees Maynard, Mitchell, Tieman and Smaga all voting "aye" the motion passed.

**ADJOURNMENT**

Mayor Denney stated that having reached the end of the Agenda, the Public Hearing of November 16, 2021, be adjourned at 5:50 p.m.

The minutes of the Public Hearing of November 16, 2021, were approved during the Regular Meeting of December 14, 2021.



Sheila Tanner  
Village Deputy Clerk



William Denney  
Mayor

