

**VILLAGE OF CLOUDCROFT NM
OTERO COUNTY
SPECIAL MEETING / PUBLIC HEARING**

Minutes of the Special Council Meeting and Public Hearing of the Governing Body for the Village of Cloudcroft, held on Wednesday, June 8, 2022, at 5:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

CALL TO ORDER:

Mayor Denney called the meeting to order at 5:00 p.m., with the following Council members providing a full quorum: Present/Absent:

Trustee / Mayor William Denney – present
Trustee / Mayor Pro-Tem Tieman – present
Trustee – Jim Maynard – present
Trustee – Gail McCoy – present
Trustee – George Mitchell – present

The following Village staff and guests were present for the Special Meeting / Public Hearing: Barbara K. Garcia, Clerk/Treasurer; Jini Turri, Deputy Clerk; Tammy Schneberger; Karl Campbell; Craig Chapman; Quinn Chavez; Nancy Davis; Kristi Flak; Lori Hoffman; Judy Siebenaler; Deral Bookout; Irma Chavez; Klaus Brosch; Abby Wuersching; Nathan Tompkins and Rusty Hoffman.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance to the United States and New Mexico flags was led by Mayor Denney.

APPROVAL OF AGENDA:

Mayor Denney called for a motion to approve the agenda of the Special Meeting / Public Hearing for June 8, 2022. Trustee Tieman made a motion to the approve the agenda with the revision of taking: P&Z Recommendation/Governing Body Action: Variance Request RVR# 2022-03, Mario & Angelina Chavez for their property located on Sunset, Legal Description: Subd: Sunset #2, Lot: 6, second item under Special Meeting New Business, off the agenda. Trustee Gail McCoy seconded the motion. Vote as follows: Trustee Tieman, for; Trustee McCoy, for; Trustee Maynard, for and Trustee Mitchell, for.

Motion carried unanimously.

SPECIAL MEETING -NEW BUSINESS:

P&Z Recommendation/Governing Body Action: Subdivision Replat for 1100 Chautauqua – Debbie Loper on behalf of Holly McWatters.

P&Z Chair, Nathan Tompkins, presented to the Governing Body that the P&Z Commission, at a Public Hearing held on June 8, 2022, at 9:00 a.m., heard request from Debbie Loper, from Future Real Estate, on behalf of Mumbles, LDM, LLC, Holly McWatters, an Application for Subdivision for 1100 Chautauqua Canyon, Cloudercroft, NM, Legal Summary: Subd: Cloudercroft Resub Addition #3 Lot: 6 Block: 30.

The application was for a request to divide the said lot into two lots. The Commission reviewed the application and proposed replat. Chair Tompkins explained the provisions of Village Code 10-3-4, the “Alternate Procedure” for a request of subdivision consisting of no more than two parcels of land. The application met all the requirements as provided in 10-3-4. Chair Tompkins also explained that the final re-plat would need to meet all requirements in Village Code 10-3-3. A-L. The replat was lacking the requirements of 10-3-3.C, “Name and right-of-way width of each street or other right of way, with the street name continued if it is aligned with an existing street, with street and alleys abutting the subdivision drawn in dashed lines and named”. Also, 10-3-3.D, “Location, dimensions and purpose of any easements”.

Chair Tompkins made recommendation to the Governing Body to approve the replat contingent on the addition of the missing requirements to the replat.

After discussion between all, Trustee Maynard made a motion to approve the subdivision replat of 1100 Chautauqua, contingent on the addition of requirements 10-3-3.C & D to the replat and then final approval of the replat by the Governing Body at a future meeting after meeting all requirements. Trustee Mitchell seconded the motion. Vote as follows: Trustee Maynard, for; Trustee Mitchell, for; Trustee Tieman, for and Trustee McCoy, for. **Motion carried unanimously.**

PUBLIC HEARING:

Presentation/Discussion/Action of Zoning Request RZ#2022-02 to Change Zoning from T-1 to R-3, Quinn & Irma Chavez for their property located at 301 Lynx Ave., Legal Description: Subd: Cloudercroft Resub Addition #3 Lot: 4 Block: 20

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 Quinn and Irma Chavez for their property located at 301 Lynx Ave., Legal Description: Subd: Cloudercroft Resub Addition #3 Lot: 4 Block: 20 in Cloudercroft, 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”.

To begin the Public Hearing, the Village Clerk swore in those who wished to speak; Quinn & Irma Chavez; Tammy Schneberger; Lori Hoffman; Karl Campbell, and Klaus Bosch.

Mr. Chavez presented to the Council that he owned the property at 301 Lynx Ave., Legal Description: Subd; Clouderoft Resub Addition #3 Lot: 4 Block: 20. He stated that the property is currently zoned as T-1 which shall only be used for the purpose of ...”retail facilities catering to transient customers when operated in conjunction with and as an integral part of a hotel, motel or bed and breakfast”, therefore, tourist lodging. Mr. Chavez presented that he was requesting to change the zone to R-3, which shall only be used for the purpose of ...” mobile homes, permanently placed, used as a single-family dwelling”. Mr. Quinn stated that he wished to place a mobile or manufactured home on the property for his family to reside in. He further stated that due to the cost of site built homes, it would be a benefit financially to be able to place a manufactured home on the property instead of building a residence.

The Mayor asked if Council had any questions for the Applicant, there were none.

The Mayor asked if there were any parties who wished to cross-examine the Applicant. Karl Campbell did not have a question, but expressed his opposition to changing the zone for his concern of what kind of mobile or manufactured home would be placed on the lot and how it might affect the values of surrounding property.

There were not any questions from staff.

The Mayor asked Council if they had any questions for the staff, there were none.

Staff reported that 8 letters were sent to surrounding property owners. Of the 8 letters sent, 5 of the certified mail receipts were returned and 3 were not. There was no letters of opposition received.

The Mayor then asked if there were any others that wished to speak, there were none.

Mayor Denney entertained a motion to approve or disapprove the zoning request. Trustee Maynard made a motion disapprove changing the zone from T-1 to R-3. Trustee McCoy seconded the motion. Upon a roll call vote, the following votes were as follows: Trustee Maynard, nay; Trustee McCoy, nay; Trustee Tieman, nay; and Trustee Mitchell. **Motion carried unanimously.**

PUBLIC HEARING:

Presentation/Discussion/Action of Zoning Request RZ#2022-03 to Change Zoning from T-1 to R-3, Judy Siebenaler for her property located at 507 Columbine, Legal Description: Cloudcroft #3 Resub Lt: 7 Blk: 31 Lot: TR 2 Block: 31

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 Judy Siebenaler for her property located at 507 Columbine, Legal Description: Cloudcroft #3 Resub Lt: 7 Blk: 31 Lot: TR 2 Block: 3, 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, Trustee Maynard stated that he went to Ms. Siebenaler’s house and spoke with her about her request as to what it was she was want to do. He did not make any recommendations to her concerning the request. The remainder of the Council members stated that they did not have any ex-parte communication with the applicant.

To begin the Public Hearing, the Village Clerk swore in those who wished to speak; Judy Seibenaler, Deral Bookout, Kristi Flak and Abby Wuersching.

Judy Seibenaler and Deral Bookout, co-owners of the property located at 507 Columbine presented that they have owned the property located at 507 Columbine, Legal Description: Cloudcroft #3 Resub Lt: 7 Blk: 31 Lot: TR 2 Block: 31, for over 30 years and that the property currently has a mobile home with an addition to it, in which they have resided in since they purchased the property. She stated that the property is currently zoned as T-1 which shall only be used for the purpose of ...”retail facilities catering to transient customers when operated in conjunction with and as an integral part of a hotel, motel or bed and breakfast”, therefore, tourist lodging. Ms. Seibenaler and Mr. Bookout presented that they were requesting to change the zone to R-3, which shall only be used for the purpose of ...” mobile homes, permanently placed, used as a single-family dwelling” to allow them to replace the existing mobile home on the property with a newer mobile home.

The Mayor asked if Council had any questions for the Applicant, there were none. Trustee Maynard stated the decision of this issue was whether or not the Village wished to expand the area(s) to allow mobile homes.

The Mayor asked if there were any parties who wished to cross-examine the Applicant. Abby Wuersching and Kristi Flak were concerned that the placement of a mobile or manufactured home would greatly affect the values of surrounding property.

There were not any questions from staff.

The Mayor asked Council if they had any questions for the staff, there were none. The Mayor asked that the P&Z Clerk provide the Council with the zoning of all the surrounding property owners, after doing so it was documented that the majority of the surrounding property owners were T-1.


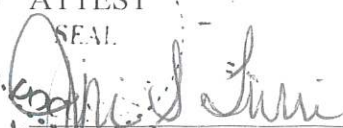
Staff reported that 9 letters were sent to surrounding property owners. Of the 9 letters sent, 6 of the certified mail receipts were returned and 3 were not. There was 1 letter of opposition received.

The Mayor then asked if there were any others that wished to speak, there were none.

Mayor Denney entertained a motion to approve or disapprove the zoning request. Trustee Tieman made a motion disapprove changing the zone from T-1 to R-3. Trustee Mitchell seconded the motion. Upon a roll call vote, the following votes were as follows: Trustee Tieman, nay; Trustee Mitchell, nay; Trustee Maynard, nay; and Trustee McCoy. **Motion carried unanimously.**

ADJOURN:

Trustee Mitchell made a motion to adjourn the Special Meeting / Public Hearing of June 8, 2022, Trustee Maynard seconded the motion. Meeting adjourned at 6:25 p.m.

 ATTEST
SEAL

William S. Turri
Deputy Clerk


William Denney
Mayor