

VILLAGE OF CLOUDCROFT

Minutes of the **ZONING REQUEST / PUBLIC HEARING** of the Governing Body for the Village of Cloudcroft, held on Tuesday, August 16, 2022, at 4:30 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor William Denney called the meeting to order at 4:030 p.m. with the following Council members present:

John Tieman -- Mayor Pro Tem
George Mitchell - Trustee
Gail McCoy -- Trustee
James Maynard -- Trustee

The following guests were present for the Zoning Request / Public Hearing: Jon Swartz; Cheri Hass; Roger Brown; Howard Neal; Phillip Hughes; Justin Munoz; and Greg Benjamin.

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 with a change to remove the Golf Course & Shop from the agenda for the Public Hearing of August 16, 2022. Trustee Tieman made such motion, Trustee McCoy seconded the motion and upon vote of Trustees Tieman, McCoy, Maynard and Mitchell all voting "aye" the motion passed.

ZONING REQUEST

Mayor Denney informed the Council and those in attendance that the Public Hearing would be for the purpose of a zoning request submitted by Apache Peak, LLC, for the Lodge Resort located at 703 Corona Pl., the Retreat located at 600 Corona Pl., and the Pavilion located at 199 Curlew Pl., 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".

To begin the Public Hearing, the Village Clerk swore in Cheri Hass, General Manager of the Lodge Resort, Retreat and Pavilion; Roger Brown, (not a surrounding property owner); Jonathan Schwartz, Greg Benjamin and Phillip Hughes (all surrounding property owners).

Cheri Hass, representing Apache Peak, LLC, as General Manager for The Lodge Resort presented to Council that the current zoning history for the Lodge Resort, does not reflect C-2 and C-8 zoning with the existing zoning of R-1 and T-1; does not reflect C-8 to the existing zoning of t-1 for the Retreat and does not reflect C-8 zoning to the existing zoning of T-1 for the Pavilion. Ms. Hass stated that the Lodge Resort, Retreat and Pavilion have been using the premises under the allowed uses of C-2 and C-8 to the applicable properties for 30 plus years and requested that the zoning history of the Village reflect such. She stated that the Lodge Resort, Retreat and Pavilion were not requesting zoning that would allow "new" services, only what has been the continuing use for 30 plus years.

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, there were none.

The Mayor asked Council if they had any questions for the staff. The Council stated "no".

Staff reported that:

Ten (10) notices of the proposed zoning request for the Lodge Resort were mailed by certified mail to surrounding property owners. Nine (9) return receipts were returned; one (1) was not.

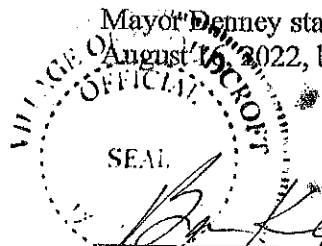
Five (5) notices of the proposed zoning request for the Retreat were mailed by certified mail to surrounding property owners. All five (5) return receipts were returned.

Fifteen (15) notices of the proposed zoning request for the Pavilion were mailed by certified mail to surrounding property owners. Eight (8) return receipts were returned; seven (7) were not returned; and that no letters of opposition were received.

Mayor Denney entertained a motion to approve or disapprove the zoning request. Trustee Tieman made a motion to approve and Trustee Mitchell seconded the motion. The Mayor called for a roll call vote and upon vote of Trustees Tieman, Mitchell, Maynard and McCoy all voting to approve the motion passed. The zoning request was approved.

ADJOURNMENT

Mayor Denney stated that having reached the end of the Agenda, the Public Hearing of August 16, 2022, be adjourned at 5:15 p.m.



Barbara K. Garcia
Village Clerk/Treasurer

William Denney
Mayor