



**PLANNING COMMISSION
SPECIAL MEETING AGENDA**

**ZOOM/ YOUTUBE ONLINE MEETING
313 Cree Meadows Drive, Ruidoso, NM 88345**

Thursday, August 13, 2020 – 2:00 pm

Attendance: In response to the Governor’s declaration of a Public Health Emergency and ban on large public gatherings, the Planning Commission meeting on Thursday, August 13th will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through Zoom and YouTube.

Zoom meeting website:

<https://us02web.zoom.us/j/86937151734?pwd=eIBQUWx5djlUSmpNWmlRM0tXN2NmUT09>

Meeting ID: 869 3715 1734

Passcode: 068362

Telephone: +12532158782,,86937151734#,,,,,0#,,068362#

YouTube at <https://www.youtube.com/channel/UCiI01gVEgmVcl-vZLOxTN0w/featured>. The YouTube channel can be streamed using this address from most smartphones, tablets, or computers.

Public Comment: The Commission will take general public comment and comment on the meeting’s specific agenda items in written form via email at: stephaniewarren@ruidoso-nm.gov or by mail: 313 Cree Meadows Drive, Ruidoso, NM 88345. These comments will be distributed to all Commissioners for review.

1. CALL TO ORDER, ROLL CALL, AND DECLARATIONS OF CONFLICT OF INTEREST

2. CERTIFICATION OF COMPLIANCE WITH RESOLUTION #2020-01

3. APPROVAL OF AGENDA

4. PUBLIC INPUT (*Limited to items not on Public Hearing Agenda and up to 3 minutes per speaker*) **Public Input must be submitted by email to StephanieWarren@Ruidoso-NM.gov or by fax at 575-258-4367 before August 13th at 10:00 AM. In addition, anyone wishing to speak during the meeting can do so by joining the meeting via zoom.**

I certify that notice of the Public Meeting has been given in compliance with Section 10-15-1 through 10-15-4 NMSA 1978 and Resolution 2020-01. Agendas are available at Village of Ruidoso City Hall, 313 Cree Meadows Drive, Ruidoso, NM 88345. If you are an individual who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at Village of Ruidoso City Hall at least



6. QUASI-JUDICIAL PUBLIC HEARING *(all parties with standing shall have an opportunity for cross-examination.)*

- a) **Conditional Use Approval Case CU 2020-0550-** Tyler and Tamera Stucky are requesting to place mobile vending stand in conjunction with Tall Pines Beer and Wine Garden to provide food to customers at 2213 Sudderth Dr. Block 2 Lots 12, 13, 14 of the Riverside Addition, Ruidoso, New Mexico.

7. ADJOURNMENT

I certify that notice of the Public Meeting has been given in compliance with Section 10-15-1 through 10-15-4 NMSA 1978 and Resolution 2020-01. Agendas are available at Village of Ruidoso City Hall, 313 Cree Meadows Drive, Ruidoso, NM 88345. If you are an individual who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at Village of Ruidoso City Hall at least one week prior to the meeting or as soon as possible.



Planning Commission

Village Hall- 313 Cree Meadows Drive, Ruidoso, New Mexico 88345

Case Report – Conditional Use Request #CU-2020-0550

Subject Property: 2213 Sudderth Dr
Zoning: C-3 Midtown Commercial District
Subdivision: Riverside Addition

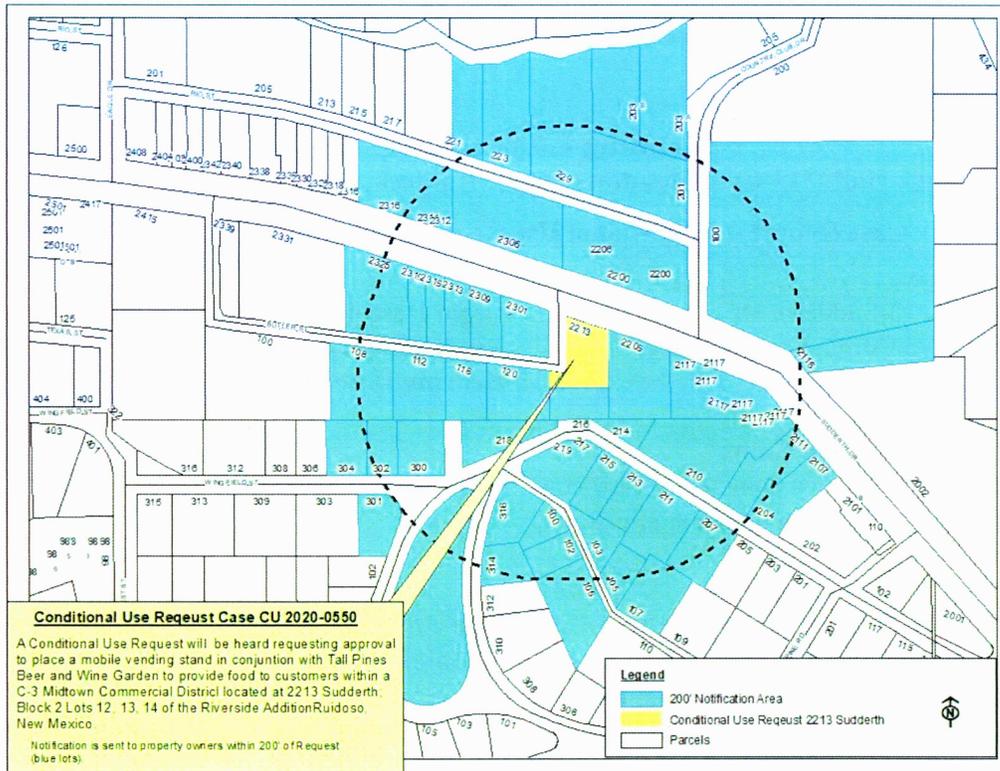
Legal Description: Block 2, Lots 12, 13, 14
Applicant: Tyler and Tamera Stucky
Hearing Date: August 13, 2020 at 2:00 p.m.

Applicable Sections of Village Code:

- Sec. 54-101. - C-3 Midtown Commercial District.
- Sec. 54-68. - Conditional use permit approval.
- Sec. 54-150- Approved Structures

- I. **REQUEST:** The applicant is requesting Conditional Use approval to place a mobile vending stand in conjunction with Tall Pines Beer and Wine Garden to provide food to customers at 2213 Sudderth Drive. "We would like to have the food truck in operation Friday-Sunday. Starting ASAP -through Labor Day to help make up finances lost due to our restrictions with COVID-19. We would rotate having the food truck between both of our locations the one here then our location in Alamogordo. The truck would be in Alamogordo most of the time. We would like to have the truck for holiday weeks such as Thanksgiving, Christmas, Spring Break in Ruidoso since the town is busy here those times and give our locals/tourists other options especially in the evening hours when alot of restaurant's closed and operating at a 50% capacity. Hours of operation would be 11:30 am-9 pm. We would offer a variety of food from Asian, Mexican, Italian, American styled foods. The menu would rotate weekend to weekend. As far as waste goes we have a dump station we use in Alamogordo every week. We would appreciate your consideration with this as we are trying to keep our head above water during this difficult time as a small business owner."

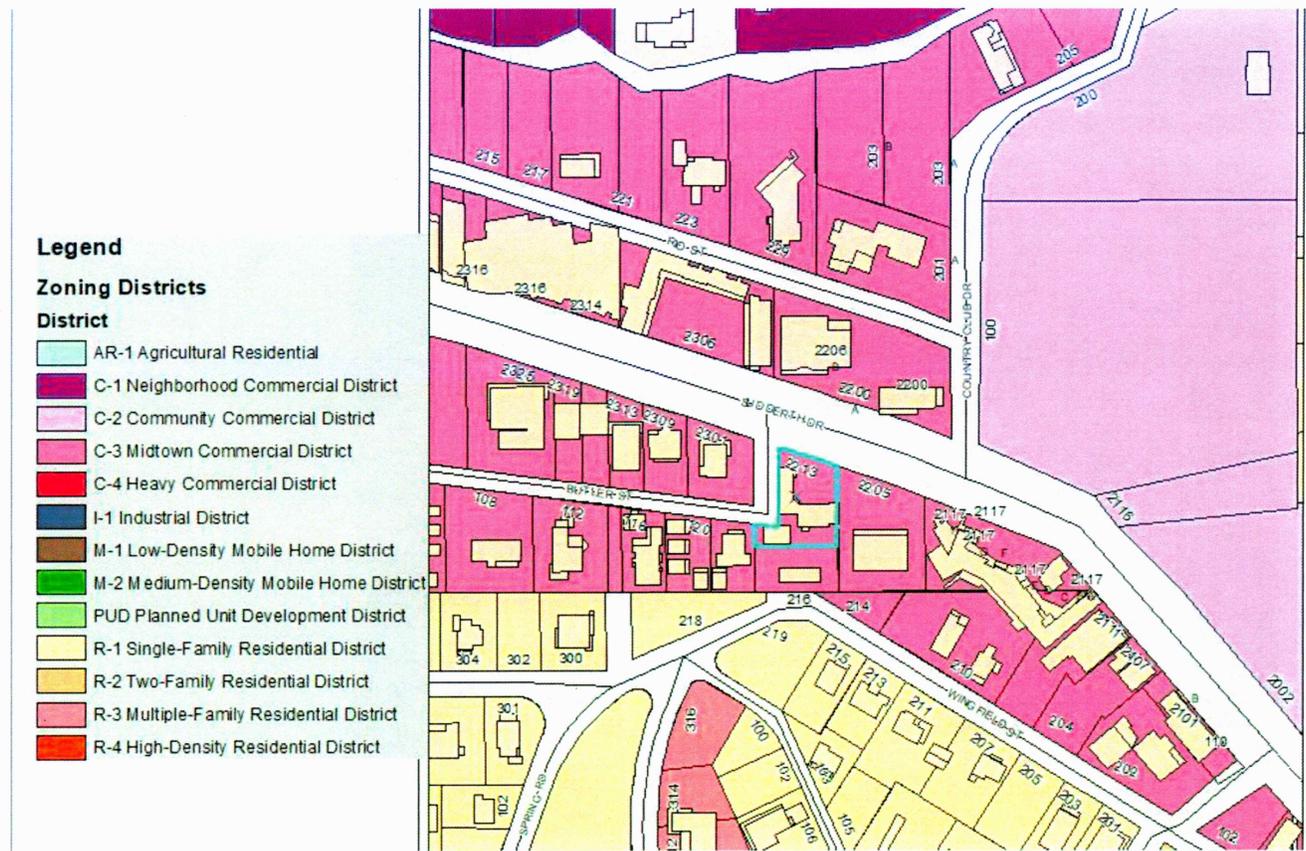
II. NOTIFICATION AREA MAP



III. SITE DATA

| Direction | Zoning | Existing Land Use |
|-----------|--------|---|
| North | C-3 | Midtown Commercial District- Commercial Retail |
| East | C-3 | Midtown Commercial District- Real Estate Office |
| South | C-3 | Midtown Commercial District- Residential Homes |
| West | C-3 | Midtown Commercial District- Commercial Retail |

IV. AREA ZONING MAP



V. Current Structure Street View

Aerial View from Google Maps



Street View



VI. ANALYSIS

Sec. 54-101. - C-3 midtown commercial district.

(a) *Purpose.* The purpose of the C-3 midtown commercial district is to allow the development of commercial retail and service establishments with carefully integrated multiple-family residential, entertainment and public parking facilities in the "Midtown" area of the village. The district encourages development to take place in an intensive fashion to facilitate pedestrian circulation and to maximize the use of valuable locations and existing infrastructure and building stock. Merchandise which is offered for sale in the C-3 district may be displayed as follows:

(b) *Principal permitted uses.* Principal permitted uses in the C-3 district are as follows:

(13) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service

(Code 1985, § 10-4-10; Ord. No. 96-16, 11-26-96; Ord. No. 97-09, § 1, 7-29-97; Ord. No. 97-12, § 2, 7-29-97; Ord. No. 2000-07, 5-30-00; Ord. No. 2003-08, 10-14-03; Ord. No. 2011-02, §§ IV, V, 1-25-11; Ord. No. 2011-08, 3-29-11; Ord. No. 2011-11, 6-12-11; Ord. No. [2019-02](#), 3-12-19)

Sec. 54-150. - Approved structures.

(a) Use of property permitted by this article shall be conducted from or within a permanent structure conforming to the requirements in [section 22-31\(a\)](#) of the Ruidoso Code for the use or uses to be conducted in the respective zone district, unless approved as a mobile vending stand pursuant to subsection (b) of this section or unless approved under subsection [54-100\(c\)\(24\)](#) allowing use of fiber or membrane tent in a C-2 zone district.

(b) *Mobile vending stands are expressly prohibited except when licensed and approved in C-2 and C-3 zone districts as a conditional use or where use is temporary and operated in connection with special community and civic events which have been licensed and approved by the village under [section 26-69](#) and the operation is limited to the approved location and jurisdiction for such event.*

Sec. 54-68. – Conditional use permit approval.

(a) Generally. Certain uses, (as defined in section 54-91(c)), may, under certain circumstances, be acceptable. When such circumstances exist, a conditional use permit may be granted. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person.

(b) Application. The person applying for a conditional use permit shall fill out and submit to the planning administrator the appropriate form, together with the required fee. The request for a conditional use permit shall follow the procedures and applicable requirements of section 54-67 which pertain to site plan review.

(c) Notice of hearing. Notice of any public meeting at which the conditional use will be reviewed shall be accomplished as set forth in section 54-40.

(d) Review and decision by planning commission.

(1) No conditional use permit shall be given for a use which is not listed in this article as a conditional use in the particular district in which it is proposed to be located. The planning commission shall consider the effect of the proposed use upon the health, safety and general welfare of occupants

of surrounding lands, existing and anticipated traffic conditions, including parking facilities, on adjacent streets and land, the impact upon the natural environment, and the effect of the proposed use upon the comprehensive plan. The planning commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application. In reviewing conditional uses in residential areas, the planning commission shall consider particularly the response of adjoining property owners.

(2) Approval of conditional use permits shall require a two-thirds vote of the members of the planning commission present. If approved, the commission shall be required to make findings supporting its decision. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission.

The Planning Commission has the following options:

1. **Approval** of Conditional Use Request, with reasons stated in the motion, granting the requested conditional use.
2. **Require modifications** to Conditional Use Request, and have it returned for Planning Commission review at the next meeting.
3. **Deny** the request of Conditional Use Request with reasons and conditions.

Approval of a conditional use requires a **2/3 majority vote** of those members of the Planning Commission present. The reasons for either approval or rejection must be stated in the findings of fact and motion.

V. STAFF RECOMMENDATION

The determination of appropriateness for granting or denying a conditional use application rests only with the consistency with applicable statutes, codes and policies and with the Commission's analysis of the impacts to the surrounding properties and the community at-large.

Upon review of the application and existing conditions, staff finds that the proposed request for condition use appears to be consistent with the Village Code and hereby recommends the following conditions.

1. The Mobile Vending Stand is required to receive environmental health approval and/or potential fire code separation from the building.
2. The Mobile Vending Stand submit a Waste Water Plan to properly dispose of the waste water (the plan should be approved by the Village of Ruidoso Water Department or Building

Inspector) or installation of a grease trap and the grease trap must be inspected by the Village of Ruidoso Water Department or Building Inspector.

3. The Mobile Vending Stand is required to receive environmental health approval and/or potential fire code separation from the building.
4. The Mobile Vending operations are contingent with the operation of Tall Pines Beer and Wine Garden and will not operate on the property if Tall Pines Beer and Wine Garden is not in operations.
5. The applicant shall make no substantial changes in plans without the Planning Commission approval.
6. By accepting approval of this Conditional Use, Applicant agrees to comply in a timely manner with standards and conditions set. Failure to comply may lead to Court enforcement.

Suggested Motion:

“Based upon the foregoing findings of fact per §54-68 and § 54-101 of the Village Code, I move to **GRANT** the requested conditional use approval for Case #CU-2020-0550 with the conditions stated in the case report.”

Prepared & Submitted by:

Samantha J. Mendez
Community Development Director

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By signing below, the Owner/Applicant agrees to comply with all the conditions adopted by the Planning and Zoning Commission ("the Commission") at its hearing on this application. The Owner/Applicant further agrees that it will make no changes to the plans as presented to the Commission without prior approval from village staff or the Commission. Failure to comply with the application as approved by the Commission may result in Court action or revocation of approval.

Owner/ Applicant

Date